

Becker County Board of Adjustments
September 11, 2008

Present: Members: Bill Sherlin, Al Chirpich, Merle Earley, Jim Brufloft and Clifford (Kip) Moore.

Zoning Staff: Administrator Patty Swenson and Julene Hodgson.

Chairman Jim Brufloft called the meeting to order. Julene Hodgson took minutes.

Minute approval: The August minutes were discussed. A correction was made in the second Motion: Moore seconded the motion. Sherlin made the motion to approve the corrected minutes from the August 14th, 2008 meeting. Chirpich second. All in favor. Motion carried.

Chairman Brufloft explained the protocol for the meeting. Chirpich read the criteria for granting or denying a variance.

OLD BUSINESS:

1. **TABLED APPLICANT** David Nelson 914 Pembina Trl Detroit Lakes, MN 56501
Project Location: 23282 Resort Rd **LEGAL LAND DESCRIPTION:** Tax ID number: R191326001 Melissa Lake Fern Beach 5th Add Lots 5 and 6 Section 30, TWP 138, Range 41 Lake View Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Previously tabled application with a new proposal to request a Variance to construct a 24x28 detached accessory structure to be located 16 ft from the minimal use public access road right of way that goes down to the lake due to a substandard lot of record. This deviates from a 20 foot setback from a Township road right of way for a detached accessory structure. The owner will drive into the structure from the main road and the structure will make the required setback from the main road.

David Nelson explained the application to the Board. Dwelling constructed on property much smaller than previously proposed. Proposed detached garage would be standard sized. Property has two roadway setbacks. The main road would meet the required 20 feet setback and the request for the secondary road would be 16 feet. The smaller access road is rarely used. The well is shared by other lots, so Nelson doesn't want to relocate the pump house or well. Structure would be too close to the dwelling on the other side of the lot. The driveway entrance would be from the main road and there will be an interior entrance to the upper half story.

No one spoke in favor of the application. No one spoke against the application. There were no letters of correspondence in the file. At this time, testimony was closed.

Further discussion was held by the Board. The previous request was for a dwelling to be 14 feet from the secondary road. If the structure was placed on the other side of the property, the structure might not meet the 20 feet setback from the main road. Sherlin stated it seemed reasonable and an adequate setback for this particular road right of way. The access has little traffic and there is no sign indicating to the public it is a public access. It seems a better choice to maintain the required setback off of the main roadway. Chirpich stated it won't diminish the aesthetics and will maintain the essential character of the neighborhood. It seems reasonable use for a year around property.

MOTION: Chirpich made the motion a Variance be granted as proposed for a detached accessory structure to be located 16 feet from the road right of way of a minimum use public access road due to a substandard sized lot of record. Sherlin second. All in favor. Motion carried.

2. **TABLED APPLICANT:** James Shaw 11492 Ravenswood Beach Rd Detroit Lakes, MN 56501 **Project Location:** 11468 Co Hwy 17 Detroit Lakes, MN 56501 **LEGAL LAND DESCRIPTION:** Tax ID number: R190533000 Melissa Lake PT Govt Lots 2 and 3 Beg 288.05 NW and 69.21 NE of most Ely cor lot 2 Charmony Beach...Section 28, TWP 138, Range 41 Lake View Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct a single storage shed up to but not into a dedicated public road right of way due to setback issues. This storage shed would be the only unit that would not make the required property setback of a total of 14 units proposed for a community interest storage condos proposal. This deviates from a 45 feet setback for a primary structure from the township road right of way.

Jim Shaw explained the application to the Board. Shaw stated if the Planning Commission does not approve the Conditional Use request for the property, he would like the Variance rescinded. Swenson stated the PC has the ability to restrict the number of condo storage units that would be allowed on the property as part of the density calculation. The Board of Adjustment is only required to process the Variance request for the one proposed structure that does not meet the required roadway setbacks on the property, not the property use request. Shaw explained the structure request does not meet the required setbacks due to wetlands. Another structure is proposed around the side of the wetland area, this area is higher and dryer and that structure will meet the setback from the road. Sherlin stated the entire driveway up to the structure would be located in the road right of way, which would require cars to park in the road right of way area. Shaw stated many properties in this area are already doing this because the lay of the land is conducive to it. Brufloft asked Shaw if by eliminating unit #14, would he be denied reasonable use of the property. Shaw explained he would like what is requested and this unit may be spoken for through the neighbor across the road from where it will be constructed. The Board asked the size requested and thought if the request was for a smaller structure, access could possibly be from the north roadway. Moore asked what the request was regarding the application to the Planning Commission and Swenson explained the application.

Neighbor Jim Bromander spoke in favor of the application. He has seen Shaws developments and his work looks nice. He has seen property used for parking and personal items in the past, and thought it would look better to have these items inside a structure. No one spoke against the application. Swenson read correspondences to the Board that were not received in their packets previously, and all letters are in the property file. At this time, testimony was closed.

Further discussion was held by the Board. Chirpich stated if this was a small lot across the road, but attached to the lakeshore property, he might have a different perspective. But the request was for the entire property in whole. The size of structure requested located at an intersection of two public roads will deter sight from both ways. The need for a line of site is for public safety. A driveway on either side of this size of a proposed structure would cause vehicles to park into the road right of ways. With the property looked at in whole, there is no hardship to grant this request. Brufloft stated there is a lot of non-compliant properties in the County, but they must have some control. Earley stated constructing a building on two right of ways makes no sense. Brufloft explained to Shaw he has the right to table the proposal.

At this time, the property owner requested to table the Variance application until a later date.

NEW BUSINESS:

1. **APPLICANT:** Dennis and Debra Bounds 18511 NE 25th St Redmond, WA 98052
Project Location: 11648 Ravenswood Beach **LEGAL LAND DESCRIPTION:** Tax ID number: R191689000 Melissa Lake Ravenswood Plat Lot 14 & S 25' of Lot 15 Section 28, TWP 138, Range 41 Lake View Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to replace existing carport with a larger detached accessory structure 5 feet from the rear property line and 17 feet from the road right of way due to a substandard lot of record. This deviates from a required 20 feet from the rear property line and 20 feet from the road right of way for a detached accessory structure.

Debbie Bounds and Contractor Perry Nodsle explained the application to the Board. Zoning clarified the original request was published in the paper before the contractor had the opportunity to locate property pins and now the setback request is different. Bounds stated a survey has been completed on the property. The request would be 2 feet from the right of way and they would then make the 20 feet rear property setback requirement. The back area of the property encroaches toward a wetland area. The existing carport is smaller than the proposal. The MN Stat for replacement would not allow expansion in the same location as the nonconforming carport. Lake View Township Supervisor Gail Hahn stated the recommendation from the township would be for the driving access to go into the north side of the structure . Other garages along the roadway are too close for road maintenance and cars tend to park in the right of way. Brufloft stated the Board likes to see a 20 feet lead-way from the road right of way for safety and parking from the road.

No one spoke in favor of the application. No one spoke against the application. Swenson read a letter to the Board in favor of the application, which is in the property file. At this time, testimony was closed.

Further discussion was held by the Board. Brufloft stated the applicant could propose a smaller size and move the structure back to gain more footage toward the setbacks. Chirpich stated they could move away from the road right of way, drive into the structure from the north, but the Board is not here to decide how to fit the structure to the property, the owners need to know what measurement amounts they are requesting to deviate away from. The Board has been trying to approve these structures back further into the properties for public safety and snow plowing. Moore stated maybe the applicant should take another look at where they want to place the structure, because they did not know exactly where the property pins where located at the time of the Board tour. Brufloft stated it would be to the best interest of the applicant to have precise information for the Board pertaining to the request. **At this time, the property owner requested to table the Variance application until a later date to bring back the property pins information and measurements to the Board.**

2. **APPLICANT:** David & Cheryl Johnson 2310 Victoria Rose Drive Fargo, ND 58104
Project Location: 15543 Maple Ridge Rd **LEGAL LAND DESCRIPTION:** Tax ID number: R170934000 Little Cormorant Lake Maple Ridge Beach Block 002 Lot 3 Section 05, TWP 138, Range 42 Lake Eunice Township. **APPLICATION AND**

DESCRIPTION OF PROJECT: Request a Variance for a detached garage to be constructed 5 feet from the side property line, 8 feet from the road right of way and 4 feet from the septic tank due to a substandard lot of record.

This deviates from a 6 feet 9 inch side property setback, 20 feet road right of way setback and 10 feet from the septic tank.

David Johnson explained the application to the Board. The structure would make the setback from the centerline and behind stringline, but the measurement from the property pins (ROW) would be 8 feet to the closest point of measurement. Chirpich asked the owner why he couldn't relocate the sewer line and move the structure back toward the existing cabin to make the 20 feet setback. Johnson stated he wanted to keep the green space between the garage and the cabin. Johnson stated to Sherlin that there is a shared well on the neighbors property to the East. This neighbor has an old Variance in place that permitted him to construct his garage where it currently is located.

No one spoke in favor of the application. No one spoke against the application. Swenson read a letter of correspondence from a neighbor in favor of the application, which in the property file. At this time, testimony was closed.

Further discussion was held by the Board. The request for the 5 feet from the side property line would locate the garage in line with the existing dwelling. The request for the setback from the septic tank would be 4 feet no matter where the garage was located. The roadway is a 66 feet corridor with the required setback of 20 feet from the property pins into the property. Moore stated maybe there could be a compromise regarding the setback if the owner could meet the 20 feet setback on the NE corner of the structure, then the NW corner would be less than the 20 feet required but more than the 8 feet requested. **At this time, the property owner requested to table the Variance application until a later date to bring back the property pins information and measurements to the Board.**

Informational Meeting. The next informational meeting is scheduled for Thursday, October 2nd, 2008 at 7:00 a.m. at the Planning & Zoning Office.

Since there was no further business to come before the Board, Chirpich made a motion to adjourn the meeting. Sherlin second. All in favor. Motion carried.

Jim Bruflo,dt,
Chairman

ATTEST

Patricia Swenson, Zoning Administrator