

**Becker County Board of Adjustments
June 10, 2010**

Present: Members: Jim Bruflodt, Al Chirpich, Jerry Schutz, Kip Moore, and Bill Sherlin.
Zoning Staff: Julene Hodgson

Chairman Bruflodt called the meeting to order. Julene Hodgson took minutes.

Minute approval: The May minutes were discussed. Schutz made a motion to approve the minutes from the May 13th, 2010 meeting. Chirpich second. All in favor. Motion carried.

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

OLD BUSINESS:

None.

NEW BUSINESS:

1. **FIRST ORDER OF BUSINESS: William Martodam** PO Box 649 Hawley, MN 56549 **Project Location:** 11385 West Lake Eunice **LEGAL LAND DESCRIPTION:** Tax ID number: R170438000 Lot 12 Bergquist Beach Lake Eunice Section 27, TWP 138, Range 42, Lake Eunice Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct an attached garage with entryway 28 feet from the road and a pervious deck approximately 30' from the ordinary high water mark of the lake, due to the substandard sized lot of record and setback issues of the existing dwelling.

William (Bill) explained the application to the Board. He wants to construct a 12' deck on lakeside and an attached garage with entry onto the roadside of the existing dwelling. Sherlin wanted clarification of the request due to when the Board went on the tour of the property, the dwelling is located ahead of the neighboring stringline also and this was not indicated. Bill had measured the stringline from the closest structures to his patio and dwelling, with the structure to the north actually being two properties over from his, not the adjacent property as the regulations state it must be. They agreed the request would be asking to be ahead of stringline and in the shore impact zone. The Board measured apprx. 42.5 from closest point of dwelling to the lake- so a 12' deck would be apprx 30.5 from the waters edge. Martodam stated the property had the survey pins located. The Board stated that from a rebar stake they found to the closest corner of the garage request was apprx 24 ft. Martodam stated he will take out all impervious on the property to include the front patio, the back steps, walkway and parking area with pervious pavers proposed for the drive into a garage. The Board asked if applications have come into the office for the pervious pavers and septic to which Hodgson stated there is the soil test results on file, but no-one has made application for the actual pervious pavers proposed and Grant Ohm called regarding there would be ample room for the holding tank, but an application has not come in. Hodgson stated a site permit would not be released from the office until all proper applications have come into the office and the property removal has taken place.

No one spoke in favor of the application. No one spoke against the application. A letter of correspondence from the Lake Eunice Township against the application was read by Hodgson. At this time, testimony was closed.

Further discussion was held by the Board. The Board agreed the request should be looked at as two different areas/requests and each should be acted on individually. Chirpich stated most people want a garage in Minnesota, but it is the size and location that is the question. Chirpich didn't have a problem with it if it is 24' from the ROW pins, because they have approved this kind of deviation for an attached garage in the past. The Board has concerns regarding the pervious pavers, if they are not properly maintained, they become impervious which would bring the property over lot coverage. Sherlin stated the garage request is

for a large garage and the garage could be constructed smaller and still be of reasonable use to keep the lot coverage down, but the Board is to look at the request in front of them and it does state the property will be at 25% coverage with proposal. Sherlin further stated the hardship of the property is the small size of the parcel but he is opposed to the request for a larger deck in front of the dwelling due to the location and against having structures placed in the shore impact area. Moore stated this could open the doors to everyone applying for the entire lot to be constructed with structures up to the 25% lot coverage and not count in a drive surface area. Hodgson explained the Zoning office is calculating a drive area on all applications that now come into the Zoning office to go against the overall lot coverage of the property. Brufflodt asked the Board to entertain a motion to act on the deck request.

MOTION:

FIRST: Sherlin made a motion to deny this portion of the Variance request to construct a 12' deck on lakeside due to the request is not in accordance of the current regulations. Schutz Second. All in Favor. Motion carried to deny.

Further discussion was held by the Board regarding the garage request. Chirpich stated he thought the Board should approve a garage no closer than 24' to the closest point of the owners property pins- this would mean whatever dimensions of a garage that can be placed in the area, but not any closer. The owner would have to make the garage smaller, if need be, to meet the setback approved. Schutz stated he is still reluctant to approve the larger garage, but when the owner measures from the pins and has to meet the setback set forth, the garage may end up being smaller anyway- so maybe this is a good way to go about the request because of all of the different measurements thrown out there. Sherlin agreed that smaller structures are a way of trying to control and correct the impact of what is happening on lakeshore property in the County along with lot coverage. Brufflodt stated to the Board that Zoning does document when a property is up to their maximum of the 25% coverage and the Board has to look at the submitted request only, with the thought the applicant will abide and the County back up any decisions and stipulations. Sherlin stated he would like to make a possible condition/stipulation that if the Variance were granted any structure in front of the existing dwelling would be brought into compliance with today's regulations, regardless of the earlier permit issued in 1989 for a 9x16 in-ground deck. The current regulations would allow a 4x6 landing in front of each door for access purpose only and nothing further.

MOTION:

SECOND: Chirpich made a motion to approve this portion of the Variance request to construct an attached garage with entryway 24 ft from the property pins into the property with the stipulation that the size of the structure cannot exceed what is allowed within this setback approved and the Zoning Office is to verify the 24 ft from the footings or slab of the structure to the property pins before the structure continues to be constructed. Schutz second. Chirpich and Schutz in favor, Moore and Sherlin against. Chairman Brufflodt voted, due to the tie, and voted in favor. Motion carried to approve.

2. **SECOND ORDER OF BUSINESS: Daniel and Theresa Gable** 35802 Hastings St NE Cambridge, MN 55008 **Project Location:** Pike Lake Forest Trail **LEGAL LAND DESCRIPTION:** Tax ID number: R250248000 Pike Lake Lot 1 and NE 1/4 of NE 1/4; Section 17, TWP 142, Range 38 Round Lake Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct an 1120 sq ft 1 ½ story 18' rustic cabin w/deck on property with no public road frontage due to road issues. This deviates from Section 4 Chapter 8 of the ordinance and past precedent requests have followed the criteria for cabins not to exceed more than 700 sq ft of land surface coverage, not to exceed one story and 15' in height.

Daniel and Theresa explained the application to the Board. The cabin requested would be 640 sq ft with the rest of the sq ft requested being porches for a total of the 1120 sq ft. They wanted a 12/12 pitch, which would accommodate a loft area and bring the height to 18 ft. Sherlin reminded the owners that the request was to be able to construct a structure onto the property due to the property not having public road frontage,

because right now nothing can be permitted to be constructed on the property, no matter the size or height requested. Daniel and Theresa understood and stated this would be a rustic cabin with no running water, electricity or treatable septic on the property. Daniel stated he understood this was in no way conveying them legal access and there would be no promise of emergency response for the property. Brufflodt stated in the past the Board has approved such requests, but the structures allowed have met the criteria of the guest cottage regulations of the Ordinance. The Board asked Hodgson of the size and regulation to which Hodgson stated the structures cannot exceed 700 sq ft of land surface coverage and 15 ft in height. The structures are a primitive structure for temporary habitation usually not intended for year around use. Brufflodt reminded the owners of the 60day rule that the Board must follow and that it would be their privilege to table the application to think about the size they are requesting. Daniel and Theresa stated they preferred not to table the application and if approved they would follow the footprint of the 700 sq ft surface area and 15 ft in height.

No one spoke in favor of the application. No one spoke against the application. There where letters of correspondence on file from Mark "Chip" Lohmeier and Bruce Bergeron read by Hodgson. The Natural Resources Management Office had no objection to their intent to construct a primitive cabin, but reminded the owners the Pike Lake Forest Trail in not considered a "public" road and does not provide legal access to the property. County forest trails are not designed for normal vehicular traffic and should be considered a "minimum maintenance" road at best. Bergeron had concerns of noise from a generator, possible clearing of trees and the gated driveway in case of fire. Daniel was allowed to comment and he stated they would not use a generator after the construction, minimal trees and brush would be removed, and the gate is not locked. At this time, testimony was closed.

Further discussion was held by the Board. Sherlin stated this does not allow legal access for the property but would allow a primitive structure to be constructed for reasonable use of the property. Chirpich reminded the owners the fire departments are not required to cover these parcels that are in the forest trails and the owners where aware of this.

MOTION: Chirpich made motion to approve a Variance to allow a primitive cabin on the above property based on the fact that this would give reasonable use of the property. Construction of the structure does not convey legal access to the property nor guarantees access to the property in the future. The structure/property must remain primitive with no water supply/indoor plumbing and/or sanitary disposal facility and no electricity. The structure cannot cover more than 700 sq ft of land surface and shall not exceed 15 feet in height. Sherlin second. All in favor. Motion carried to approve.

FINAL ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, July 1, 2010 at 7:00 a.m. at the Courthouse 3rd floor meeting room.

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

Jim Brufflodt Chairman

ATTEST

Patricia Swenson, Zoning Administrator