

**Becker County Board of Adjustments
November 10, 2011**

Present: Board Members Kip Moore, Jerry Schutz, Al Chirpich, Lee Kessler, Jim Bruflodt and Zoning Staff Debi Moltzan. Board Member Steve Spaeth was absent.

Chairman Bruflodt called the meeting to order at 7:00 p.m. Debi Moltzan took the minutes.

Minute Approval: Sherlin stated that he felt that there were two errors in the October 2011 minutes. The first error is in the Fifth Order of Business. Sherlin stated that he did not state that the building was decrepit because he did not know the condition of the existing structure; therefore he wanted the phrase 'and the building was decrepit' removed. The second error was in the Seventh Order of Business. Sherlin stated that when the vote was taken on the motion, he and Chirpich voted against the motion and the minutes should be changed to reflect that.

Chirpich made a motion to approve the amended October 2011 minutes. Schutz second. All in favor. Motion carried.

Bruflodt explained the protocol of the meeting. Chirpich read the criteria under which a variance can be granted.

FIRST ORDER OF BUSINESS: Ronald and Janet Mack. Request a variance to construct a 10'x27' addition onto a non-conforming dwelling being 75 ft from the OHW and 4 ft side property line setback for the property described as: Lot 6 SHOREWOOD 1ST ADDITION, Section 22, TWP 138, Range 42, Lake Eunice Township. PID Number 17.1093.000. The property is located at 12334 Shorewood Beach Rd, on Maud Lake.

The Mack's explained the application to the Board. They want to remove the 8 ft by 27 ft deck and replace it with a 10 ft by 27 ft addition, which would be 75 feet from the lake and 4 ft to the side lot line. Mack stated that he could move the addition over to meet the 7 ft side yard setback if needed.

Schutz questioned if the addition would be a deck or an enclosed addition. Mack stated that it would be an enclosed addition. Chirpich questioned how the roof runoff is being handled. Mack stated that there currently are gutters and down spouts on the house. Chirpich asked Mack to give the Board their best reason/hardship as to why they need the addition in this location. Mack stated that they want to turn this home into a retirement home and need more room. Sherlin stated that there is a lot area discrepancy between Mack's measurements and the Zoning Office's measurements. Sherlin stated that the Zoning Office used the measurements used in the original plat. Mack stated that he found what he thought was one property pin and measured from that, which is located just off the edge of the plat. Sherlin stated that they usually go by the platted measurements or a survey.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed and further discussion was held.

Brufloft questioned the size of the addition if it were slid over to meet the side yard setback. Mack stated that the addition would be more like 10 ft by 24 ft. Discussion was held regarding whether or not the deck in question was ever permitted, if the deck could be permitted today, the 'old string line' and the new setback averaging. Schutz stated that the current structure is approximately 20 feet from being compliant, the addition would increase the side of the structure and go closer to the lake than the existing, the addition may be a convenience, but there is no practical difficulty to grant a variance. Moore stated that he could not agree to the 4 ft side lot line setback, but did not have a problem with the lake setback if mitigation was done. Brufloft stated that the fire pit in the shore impact zone could be removed as a condition of approval. Chirpich stated that this is expansion of a nonconforming structure.

Motion: Schutz made a motion to deny the variance based on the fact that the addition would be going closer to the lake than the existing structure and that it would be enlarging a nonconforming structure and increasing the nonconformity. Chirpich second. All in favor except Moore. Majority in favor. Motion carried. Variance denied.

SECOND ORDER OF BUSINESS: WK Toad Enterprises LLC. Request a variance to construct a deck on a non-conforming structure being 54 ft from the OHW instead of the required 100 ft from the OHW for the property described as: Lot 10 FIRST ADD TO THE PINES, Sec 04, TWP 139, Range 38, Toad Lake Township. PID Number: 33.0319.000. The property is located at 21606 Co Rd #117, Big Toad Lake.

Wayne Stephenson explained the application to the Board. The existing structure had one entry door. Another door was added to get in and out of the structure. He is proposing to construct a landing/deck outside the newly installed door, which would not go closer to the lake than the existing structure.

Brufloft questioned why he wanted the deck when he could construct a 4 ft by 6 ft landing without a variance. Stephenson stated that he wanted a little bit more room. Discussion was held as to how Stephenson would construct the deck, landing and stairway. Schutz questioned if there was an existing concrete patio on the property. Stephenson stated that there was. Schutz stated that if the variance were to be denied, the Board would not be denying Stephenson of a patio, because one already exists and that ingress/egress to the new door could be accessible with a 4 ft by 6 ft landing and steps.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed and further discussion was held.

Brufloft stated that Schutz had brought out a good point about the existing patio. Chirpich stated that a practical difficulty could not be found. Sherlin stated that there is

reasonable use of the property. Discussion was also held regarding the request being reasonable and, but does not meet the guidelines for granting a variance.

Motion: Chirpich made a motion to deny the variance based on the fact that the property has reasonable use and that a practical difficulty could not be found in order to grant the variance. Kessler second. All in favor except Moore. Majority in favor. Motion carried. Variance denied.

THIRD ORDER OF BUSINESS: Michael Bishop. Request a variance to construct a 6 ft addition of overhang on a non-conforming lot for the property described as: Lots 3 & 4, BUFFALO LAKE BEACH, Section 05, TWP 140, Range 40, Holmesville Township. PID Number 16.0297.000. The property is located at 30312 Buffalo Access Rd, on Buffalo Lake.

Bishop explained that application to the Board. He is putting a new roof on the existing structure to improve heat efficiency. The new roof would make the rooflines of the old cabin and the new (1998) addition match. By matching the rooflines, the overhang on the older portion of the cabin would be 6 ft instead of the allowed 4 ft 6 inches.

Discussion was held as to how the run off would be handled. Bishop stated that once the roof is done, new siding, gutters and down spouts would be placed on the house. Chirpich stated that the down spouts would have to be directed in a way to divert the run off away from the lake. Schutz reiterated that an eave 4 ft 6 inches could be constructed without a variance.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Tom Bresnahan in favor of the application. At this time testimony was closed and further discussion was held.

Discussion held included continuity of the roofline, an oversized overhang, storm water management, the fact that the overhang does not increase the livability of the structure, that the additional overhang was on the roadside of the structure, not lakeside and the fact that the benefits of the additional overhang out weighs the removal of the additional overhang.

Motion: Sherlin made a motion to approve a variance to allow a 6 ft overhang on the roadside of the original cabin based on the fact that due to the construction of the rafters, that the benefits of the additional 1 ½ ft overhang out weighs the removal of the additional overhang and that the overhang does not increase the livable area of the structure. Chirpich second. All in favor. Motion carried. Variance approved.

FOURTH ORDER OF BUSINESS: Mike Vandal. Request a variance to construct an addition 20 ft from the ROW for the property described as: Lots 10 & 11, TANGLEWOOD ESTATES, Section 19, TWP 138, Range 42, Lake Eunice Township. PID Number: 171239000. The property is located at 12672 Tanglewood Road, Big Cormorant Lake.

Vandal and Lisa Tufts, attorney, explained the application to the Board. The request is to add an attached garage onto the existing structure, which would be 20 ft from the road right of way. There are about one half dozen homes along this road that are closer to the road than the required 45 ft setback. The addition would be placed on existing asphalt, so lot coverage would not change. Tufts felt that the Planning Commission and County Board of Commissioners created the hardship of the property in 1978 when the plat was created. The property is located at the end of the road, on the cul-de-sac, so it would not create sight issues for traffic. The structure would be 20 ft from the right of way, but 25 feet from the actual driving surface.

Chirpich questioned if the Vandal's had looked into vacating a portion of the cul-de-sac or moving the cul-de-sac. Tufts stated that the cul-de-sac is used for a storage area of the snow from the township road and topography does not allow for a better turn around. Kessler stated that there may be a way to move the cul-de-sac to gain the footage needed to comply with the setback. Chirpich stated that most townships are open to ideas to improve roadways, especially if the petitioners foot the bill. Schutz questioned if all of the old garage was going to be a family room or if a portion of it would be garage. Vandal stated that a portion of the old garage would be part of the new garage, allowing room to park the vehicles.

Discussion was held regarding the 60-day rule, the applicant tabling the request, when the next meeting would be held due to pending winter conditions and the applicant meeting with the township.

At this time, Vandal asked to table the application.

Since there was no further business to come before the Board, Schutz made a motion to adjourn the meeting. Chirpich second. All in favor. Motion carried. Meeting adjourned at 8:10 p.m.

Jim Bruflo, Chairman

ATTEST Patricia L. Swenson, Zoning Administrator