

**Becker County Board of Adjustments
December 8, 2011**

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

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

Spaeth made a motion to approve the minutes from the November 10, 2011 meeting. Sherlin second. All in favor. Motion carried.

Bruflodt explained the protocol for the meeting. Spaeth read the criteria in which a variance could be granted.

FIRST ORDER OF BUSINESS: George and Jeanette Carlson. Request a variance to allow an existing building to remain one (1) foot from the side property line on the property described as: Lots 1, 2, 3, 4, and 5, Block 4, Townsite of Richwood, Section 02, TWP 140, Range 40, Richwood Township. The property is located at 27710 Co Rd 21.

The Carlson's explained the application to the Board. The structure was already there when they bought the property. Without the variance, the Burger Barn would have to be torn down.

Spaeth questioned what the practical difficulty was. Carlson stated that they had borrowed money to his son and McCaslin's to build the Burger Barn. The structure was built where the old garage was. From the beginning Carlson's son and the Chilton's were not in agreement as to where the lot line was. The Carlson's bought the Burger Barn from the son and McCaslin's and found out about the property line dispute. Carlson stated that they had bought the adjoining property on a contract for deed, but when it was due, he could not get a bank loan for the property and the Chilton's would not redo the contract, therefore, they gave the property back to Chilton. Since then, they have tried to buy ten (10) feet from Chilton with no success. At first Carlson thought that the Burger Barn structure was over the property line, but when the survey was done, it was found that the structure was on the Carlson property, but only 1 ft away from the property line.

Bruflodt questioned what would happen if the lean-to was taken off the building. Carlson stated that the lean-to was the seating area and if the seating area was removed, there would be no indoor seating for customers and the structure would be worthless. Further discussion was held regarding relocation of the lean-to, either to the front or to the south and adequate parking area.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Michael Gullard, in opposition to the application. At this time testimony was closed and further discussion was held.

Spaeth felt that there are alternatives with the building that do not require a variance and could not find a practical difficulty other than economics. Chirpich stated that there was no need to diminish the north property by reducing the setback on this property. Kessler agreed with Spaeth.

Motion: Spaeth made a motion to deny the variance based on the lack of a practical difficulty. Kessler second. All in favor except Sherlin. Majority in favor. Motion carried. Variance denied.

Spaeth suggested that the Carlson's have a survey done before tearing down the structure (should they choose that option) because the survey provided by Chilton's may not be correct.

SECOND ORDER OF BUSINESS: Thomas and Susan Boettcher. Request a variance to construct an addition onto a nonconforming structure, which is located fifty-five (55) feet from the ordinary high water mark of the lake for the property described as: Lot 11 and Vacated Road, Pike Bay Shores, Section 30, Township 138, Range 42, Lake Eunice Township, PID Number 17.1060.000. The property is located on Big Cormorant Lake at 11490 Co Rd 11.

Thomas and Susan Boettcher explained the application to the Board. The cabin has been in the family for over 40 years. Two years ago S Boettcher was diagnosed with two diseases that, in time, will require a larger bathroom. They want to spend more time at the lake, so the larger bathroom and closet space in the kitchen would be needed.

Spaeth questioned the Boettcher's as to what they felt the practical difficulty was that would require a variance. S Boettcher stated that she has movement problems, which eventually would require her to use a walker and her physical needs would require more space. Kessler questioned if there was a way to accommodate the physical needs without adding onto the structure. Boettcher stated that they could not make the bathroom bigger without diminishing the size of the existing kitchen or bedroom.

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.

Discussion was held regarding the setback of the existing structure from the ordinary high water mark, the existing structure measuring 41' from the current water level, whether it was in the shore impact zone or out of the shore impact zone; the structure being ahead of the setback averaging line; moving the structure back from the OHW; and what the practical difficulty was to grant the variance. The Board explained the shore impact zone and the setback averaging line to the Boettcher's further explaining why the variance is required and why the Board was having difficulty finding a practical difficulty.

Motion: Spaeth made a motion to deny the variance based on the lack of a practical difficulty. Schutz second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Next Informational Meeting.

There will be no meetings during January and February 2012. Depending upon weather conditions and applications, meetings will begin in Spring 2012.

Since there was no further business to come before the Board, Schutz made a motion to adjourn the meeting. Kessler second. All in favor. Motion carried. Meeting adjourned at 7:45 p.m.

Jim Bruflo dt, Chairman

ATTEST Patricia Swenson, Zoning Administrator