

**Becker County Board of Adjustments
May 10, 2012**

Present: Members Bill Sherlin, Al Chirpich, Jerry Schutz, Steve Spaeth, Lee Kessler, Kip Moore, Jim Brufloft, and Debi Moltzan, Zoning Staff.

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

Minute approval. Sherlin made a motion to approve the minutes. Moore second. All in favor. Motion carried.

Brufloft explained the protocol of the meeting. Spaeth read the criteria in which a variance could be granted.

FIRST ORDER OF BUSINESS: Duane & Kay Hauck. Request a variance to construct an attached garage onto a non-conforming dwelling. The existing dwelling is 67' from the OHW instead of the required 100' from OHW. The request is for the property described as: Tax ID number: 170038000, PT LOT 2 BEG AT NLY COR L1 MPL RDG BCH 1ST TH NE 100' E TO LK SW AL LK 277.4' & NW 125' TO BEG: Sec 04, TWP 138, Range 42, Lake Eunice Township. The property is located on Little Cormorant Lake at 15875 Maple Ridge Road.

Hauk explained the application to the Board. The home was built in 1979 and they would like to add a garage to the west side of the home. The garage would go where the parking area is now. The garage would be about 90 feet from the lake.

Spaeth questioned if there was any place on the lot to fit the garage without an additional variance, since there was an existing variance for a detached storage structure. Hauk stated that they were aware of the 'old' variance, but would prefer to have the garage attached for fear of a wind and snow tunnel between the house and garage. Moore stated that nothing would be gained by detaching the garage.

Discussion was held regarding locations to place the garage and attaching or detaching the garage.

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 held.

Discussion included attaching versus detaching, if the criteria for granting a variance apply and if there is practical difficulty.

Motion: Schutz made a motion to deny the variance to construct an attached garage onto a nonconforming structure based on the fact that there was no practical difficulty meeting the criteria for granting a variance. Spaeth second. All in favor except Moore. Motion carried, variance denied.

SECOND ORDER OF BUSINESS: Randy & Dana Berggren II. Request a variance to construct a new dwelling 53' from the OHW instead of the required 100' from the OHW for the property described as: Tax ID number: 170634000, OUTLOT A LESS SLY 1/2 & 20' ROADWAY; BLUE WATER BAY; Sec 19, TWP 138, Range 42, Lake Eunice Township. The property is located on Big Cormorant Lake at 12906 S Blue Water Bay Lane.

Randy and Dana Berggren explained the application to the Board. The lot is a narrow lot and this is the only spot to build a house.

Discussion was held regarding the size of the lot, the existing variance for a recreational vehicle, what an out lot is and if there is a definition for an out lot.

No one spoke in favor of the application. Kay Fulp spoke in opposition of the application. Robert Myer had no objection to the building, but was concerned about the easement. There was no written correspondence either for or against the application. At this time, testimony was closed and further discussion held.

Discussion was held on the easement, who maintains, the size of the lot, the fact that there is no place on the lot meeting the setbacks, what reasonable use of this lot should be. Consensus of the Board that the most reasonable use of this lot is for a recreational vehicle.

Motion: Spaeth made a motion to deny the variance based on the fact that there is no practical difficulty meeting the criteria for granting a variance and that reasonable use is the use of a recreational vehicle on the property. Kessler second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Roger Brown. Request a variance to construct an addition onto a non-conforming cabin which is 39' from the OHW instead of the required 100' from the OHW, and 8' from the side lot line instead of the required 10' from the side lot line for the property described as: Tax ID Number: 200424000, S 100' OF N 140' E OF PRIVATE ROAD PT OF LOT 3 & KNOWN AS LOTS 18 & 19; Sec 35, TWP 142, Range 40, Maple Grove Township. The property is located on Strawberry Lake at 34435 Strawberry Lane.

Brown explained the application to the Board. The cabin is a seasonal cabin and they would like to change it to a year round home. The addition would be on the backside of the cabin and be about 74 feet from the lake. He would be willing to do water mitigation and remove the lower deck. There is no reasonable place to relocate the structure.

Schutz stated that there is a large amount of material too close to the lake. Schutz's first thought was to deny the variance but now has reconsidered because this could be a win-win situation by getting things removed in the shore impact zone and implement water management practices.

Much discussion was held regarding the material in the shore impact zone, if the structure should be added to, moved back, what should or should not be removed.

No one spoke in favor of the application. No one spoke in opposition to the application. Written correspondence was received in favor of the application from Robert Dittmer and Harvey Abraham. At this time, testimony was closed and further discussion was held.

Spaeth stated that there was a lot of structure in the shore impact zone and leaving it was wrong. Spaeth felt that everything in the shore impact zone should be removed and then mitigation. Further discussion was held regarding the structures in the shore impact zone.

Motion: Schutz made a motion to approve the variance to allow the addition onto a nonconforming structure with the stipulations that the new addition be 10 ft from the side lot line, the porch, lower deck and shed be removed from the property, water run off be contained with mitigation to include waters on the house, French drains and berms. Sherlin second.

Further discussion was held regarding if only the porch and lower deck be removed or if everything be removed in the shore impact zone.

At this time, Brown requested to table his application until the next meeting. Brufloft rescinded the call for the vote, Schutz and Sherlin rescinded the motion and second.

FOURTH ORDER OF BUSINESS: Allen Reiners. Request a variance to construct a dwelling 58' from the OHW instead of the required 100' from the OHW for the property described as: Tax ID Numbers: 180302000, 180303000, 180304000, 180292000, Lots 14, 15, 16, Block 2 and Lot 61, Block 1, Bijou Heights, Sec 29, TWP 139, Range 43, Lake Park Township. The property is located on Bijou Lake at 17455 Bijou Circle.

Zenas Baer explained the application to the Board. The lot has plenty of width but is not deep and there is a steep slope toward the lake. The existing cabin would be removed and a new cabin would be constructed further from the lake than the existing one and slightly further from the lake than the garage. If the setbacks allowed by ordinance were followed, a 14 ft structure would be allowed, thus requiring a variance. Mitigation would be done and impervious material removed from the shore impact zone. Baer then referred to the Stansvold case and further criteria for granting a variance, which this application meets.

Spaeth stated that if the cabin were moved further from the lake, then a variance would be required from the road. Discussion was held regarding the desire to have a lakeside deck now or in the future.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received in favor of the application from: Bryan and Ellen Green, Jeffery Kluck, Scott and Janelle Rieger, Nathan Derby and Charles and Joann Radermacher. At this time, testimony was closed and further discussion held.

Discussion was held regarding the placement of the home, centering the structure on the lot, lake variance, road variance and what the minimum variance would need to be in order to allow a structure. Consensus of the Board was that Reiners entertained the idea of moving the structure further from the lake. Baer stated that he is not authorized to act on anything but the 58 ft lake setback.

Motion: Kessler made a motion to deny the variance. Schutz second.

Further discussion was held. At this time, Baer requested that the application be tabled until the June meeting to allow him time to speak to the applicant. Kessler and Schutz withdrew their motion and second.

FIFTH ORDER OF BUSINESS: Kenneth Huesman. Request a variance to construct a dwelling 53' from the OHW instead of the required 100' from the OHW, & 20' from the ROW instead of the required 45' from the ROW for the property described as: Tax ID Number: 171006000, Lot 2, MORTON OAK LN BCH 3RD, Sec 21, TWP 138, Range 42, Lake Eunice Township. The property is located on Maud Lake at 19746 Morton Oaks Road.

Huesman explained the application to the Board. The mobile home would be removed and a new structure built. The garage would be placed in the location of the existing parking area, attached to a split entry home. The structure would be 12 ft closer to the lake. Moore questioned if all other structures would be removed. Huesman stated that the two storage sheds would remain. Chirpich questioned if one of the storage sheds had living quarters. Huesman stated that one could stay in the one shed, but it is used mainly for storage.

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

Discussion was held regarding the site plan being cluttered and confusing; the measurements did not add up; the measurements on the site plan were different than the measurements in the field; how the variance could be worded so that there could be a deck in front of the home, without allowing someone in the future building closer to the lake; and whether there should be firm numbers or grant a variance using measurements from the right of way.

Motion: Sherlin made a motion to grant a variance to allow a dwelling 74 ft from the OHW. Moore second.

Further discussion was held regarding if the motion should include a deck; the need for firm and accurate measurements; an uncluttered site plan and locating the property pins and ordinary high water mark.

At this time, Huesman asked to table his application until the June meeting. Sherlin and Moore withdrew the motion and second.

SIXTH ORDER OF BUSINESS: Scott Grani. Request a variance to construct an addition onto a non-conforming structure that is 39' from the OHW. The proposed addition would be 36' from the ROW instead of the required 45' from the ROW for the property described as: Lot 4, Block 001, ISTHMUS BEACH 1ST, Sec 27, TWP 138, Range 42, Lake Eunice Township. The property is located on Lake Eunice at 20681 Co Hwy 22.

Grani explained the application to the Board. The addition would be 26 ft by 26 ft, which would be a two-stall garage with a second story. The proposal would be under 25% impervious and the entrance to the garage would be from the side.

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

Moore stated that the addition does fall within the guidelines and mitigation should be done.

Motion: Spaeth made a motion to approve the variance, as requested, to construct an addition onto a non-conforming structure that is 39' from the OHW. The proposed addition would be 36' from the ROW instead of the required 45' from the ROW based on the fact that it meets the criteria for granting a variance and with the stipulation that mitigation, acceptable by the Zoning Office, is done to control run off. Moore second. All in favor. Motion carried.

SEVENTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting is scheduled for Thursday, June 7, 2012 at 7:00 am in the 3rd Floor Meeting Room of the Original Courthouse.

Discussion was held regarding the need for taking pictures on the property tours and everyone making notes of what measurements were taken on the site to help with the decision making the night of the meeting.

Since there was no further business to come before the Board, Chirpich made a motion to adjourn the meeting. Kessler second. All in favor. Motion carried. Meeting adjourned at 9:20 p.m.

Jim Bruflo dt, Chairman

ATTEST _____
Patricia Swenson, Zoning Administrator