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**Becker County Board of Adjustments
October 11, 2012**

Present: Al Chirpich, Jerry Schutz, Roger Boatman, Steve Spaeth, Jim Bruflodt, Bill Sherlin and Debi Moltzan.

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

Sherlin made a motion to approve the minutes from the September 13, 2012 meeting with one correction, in the motion of the Becraft application, is should read 12 inch berm not 12 ft berm. Spaeth second. All in favor. Motion carried.

Bruflodt explained the protocol of the meeting and Vice Chairman Spaeth read the criteria for granting a variance.

FIRST ORDER OF BUSINESS: Daniel & Patsy Thompson. Property Location: 23505 Broadway Ave. Tax ID number: 160192002. This application had been tabled at the September 2012 meeting.

Thompson's have requested to withdraw their application.

SECOND ORDER OF BUSINESS: Jay Tweten. Request a Variance to construct a detached garage eighty (80) feet from the ordinary high water mark of the lake, five (5) ft from the side property line & on the ROW for the property described as: Tax ID number: 171200000, Lots 2 & 3, SUMMER ISLAND, Section 6, Township 138 Range 42, Lake Eunice TWP. The property is located on Leif Lake at 15361 Summer Island Road.

Tweten explained the application to the Board. The garage would be constructed with a four (4) ft high concrete wall for a storm shelter. The garage would be 32 x 36 ft in size (1152 sq ft) and would be eighty (80) feet from the lake, five (5) feet from the side lot line and on the road right of way.

Spaeth questioned why the structure needed to be so close to the lake, property line and road and if there were any existing structures on the property. Tweten stated that the old road is not vacated and that the fish house and carport would be removed and eventually the trailer would be removed and something different built.

Discussion included setback from the lake, whether the measurements were taken from the OHW or from the property pins, road right of way location and location of center line of the driving surface, and the size of the lot.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Lake Eunice Township in opposition

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to the application. At this time, testimony was closed and further discussion was held.

Further discussion was held regarding the setback from the lake. Some members felt that the proposed garage was in the shore impact zone due to the lack of knowledge as to where the true OHW was located. Tweten asked if he reduced the size of the garage if that would help approve the variance. Bruflo dt stated that the Board is not into designing and that there are three (3) requests for variances. Some members felt that more consideration should be given to replacing the dwelling before trying to obtain a variance for a garage.

Motion: Spaeth made a motion to deny a variance to construct a detached garage eighty (80) feet from the ordinary high water mark of the lake, five (5) ft from the side property line & on the ROW based on the fact that, by needing three (3) variance to construct a garage, the lot is too small to accommodate the garage. Chirpich second. All in favor. Motion carried. Variance denied.

THIRD ORDER OF BUSINESS: Kevin Kopperud. Request a Variance to construct an addition onto a nonconforming structure on the property described as: Tax ID number: 240297000. Lot 1, BUFFALO LAKE SHORES, Section 1, Township 140 Range 41, Richwood Township. The property is located on Buffalo Lake at 28311 S Buffalo Lake Road.

Kopperud explained the application to the Board. The house is currently nonconforming and they would like to construct a modest addition that would meet the required setback. The house is currently 850 sq ft and the addition would be 350 to 360 sq ft.

Spaeth questioned the age of the cabin, additions and deck. Kopperud stated that the cabin was constructed in the 1970's, the additions in 1999 and the deck, by variance, in 2003.

No one spoke in opposition to the application. Speaking in favor of the application was Gary Heitkamp, contractor. Heitkamp stated that the addition would meet the required setback, the slope has been well maintained and protected and that moving the whole cabin back would destroy the cabin because it is constructed on a slab. Written correspondence was received from DeWayne and Sharyl Gnadt, in favor of the application, and COLA, in favor with stipulations. At this time testimony was closed and further discussion was held.

Schutz questioned if there were gutters on the existing cabin. Kopperud stated that there was. Schutz felt that the run off should be contained so that it would not run toward the slope and lake. Spaeth stated that the entire slope was left natural

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Motion: Spaeth made a motion to approve a variance to allow an addition onto the existing cabin, meeting the one hundred (100) ft setback with the stipulation that gutters be placed on the entire house and be diverted to French drains or water retention areas. Schutz second.

Sherlin stated that a practical difficulty needed to be found. Sherlin felt that if the structure was legally permitted and allowed to expand in 1999, but now the Ordinance would not allow an addition and the addition meets the required setback, there is a practical difficulty and felt that should be included in the motion.

Spaeth made a motion to amend his motion to say: to approve a variance to allow an addition onto the existing cabin, meeting the one hundred (100) ft setback with the stipulation that gutters be placed on the entire house and be diverted to French drains or water retention areas based on the fact that the structure was a legally permitted structure, which was allowed to legally expand in 1999, but due to changes in the Ordinance, the Ordinance change created a practical difficulty. Schutz second. All in favor. Motion carried. Variance approved with stipulations.

FOURTH ORDER OF BUSINESS: Dennis & Debra Nerud. Request a Variance to construct an addition onto a nonconforming structure for the property described as: Tax ID Number: 33.0335.000. PT LOT 6-7: COMM NW COR LOT 11, ELY AL RD 217.05' TO POB; E 58.19', S 192.90' TO TOAD LK, WLY AL LK 53.11' N 189.01' TO POB. TRACT C., 2ND ADD TO THE PINES, Section 4, Township 139, Range 38, Toad Lake Township. The property is located on Toad Lake at 43561 218th Str.

Debra Nerud explained the application to the Board. After they purchased the property, they put a well on the property. Currently the well and plumbing are located outside and under a small roof. The addition would allow them to place the well and plumbing inside the house and give a little more room inside the home. The current structure is 526 sq ft in size.

Boatman questioned if the asphalt would be removed. Nerud stated that if it needed to, it could be removed. Chirpich questioned the road closure. Nerud stated that the road was closed and vacated only in the portion lying within their lot.

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

Motion: Boatman made a motion to approve a variance to construct an addition onto a nonconforming structure, as presented and which is 57 feet from the ordinary high water mark of the lake, based on the fact that it is a modest addition

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the would allow the plumbing and well serving the cabin to be out of the elements of nature with the stipulation that the asphalt and concrete patio be removed and restored back to grass. Sherlin second.

Discussion was held as to whether or not to mitigate the shoreline. Most felt that the removal of the patio and asphalt, returning that area to grass would be enough mitigation.

A vote was taken with all members voting in favor of the application. Motion carried. Variance approved with stipulations.

FIFTH ORDER OF BUSINESS: Gary Haaland. Request a Variance to construct a lakeside patio 26 ft from the OHW on the property described as: Tax ID Number 17.1105.000. Lot A, SHOREWOOD 1ST ADDITION Section 22, Township 138, Range 42, Lake Eunice Township. The property is located on Maud Lake at 12374 Shorewood Beach Road.

Haaland and his daughter Kathy explained the application to the Board. The existing concrete sidewalks would be removed and replaced with a brick paver patio and sidewalk. The patio would be 12 ft by 20 ft.

Discussion was held regarding the size of the lot, the location of the cabin, run off from the driveway, required setback and shore impact zone and the date when the cabin was repaired/replaced.

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

Motion: Boatman made a motion to deny the variance as requested based on the fact that the impervious structure would be located within the shore impact zone and that there was adequate use of the property without the patio. Spaeth second. All in favor except Schutz. Majority in favor. Motion carried. Variance denied.

SIXTH ORDER OF BUSINESS: Timothy F Corwin. Request a Variance to construct an addition onto a nonconforming structure for the property described as: Tax ID number: 191308000. Lots 26 & 27, FERN BEACH 3RD ADD Section 30 Township 138 Range 41, Lake View Township. The property is located on Lake Melissa at 11627 Fern Beach Blv.

At this time, Sherlin recused himself from the Board due to a potential conflict.

Fritz Zirbel explained the application to the Board. In the past, a permit was issued to construct an addition onto the structure by string line, but now an addition is not allowed except by variance. The current structure is thirty eight

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(38) ft from the lake and the addition would be fifty (50) feet from the lake. There is a berm that will not allow any run off to the lake.

Spaeth questioned if the yard area that is fenced in and the guesthouse were on this lot. Zirbel stated that they are on an adjoining lot, which is owned by Corwin, but registered, in a different name.

No one spoke in favor of the application. No one spoke in opposition to the application. Written correspondence was received from COLA and Lake View Township. At this time, testimony was closed and further discussion was held.

Spaeth stated that a variance of similar nature had been previously denied on the property and questioned why a variance was needed because the house is already 1448 sq ft in size and the property has reasonable use. Bruflodt stated that not all property will allow expansions.

Motion: Schutz made a motion to deny a variance to construct an addition onto a nonconforming structure based on the fact that a practical difficulty could not be proven. Chirpich second. All in favor except Sherlin, who abstained from voting.

SEVENTH ORDER OF BUSINESS: Trevor Lund. Request a Variance to construct a dwelling 70 ft from the OHW for the property described as: Tax ID number: 020324000. Lot 4, SUGAR ISLAND, Section 32, Township 139, Range 42, Audubon Township. The property is located on Little Cormorant Lake at 16227 Sugar Island Rd.

Lund explained the application to the Board. The existing structure would be removed and a 28 ft by 44 ft cabin and garage would be constructed on the property. Boatman questioned if the existing deck would also be removed. Lund stated it would. Spaeth questioned if there would be a deck on the structure. Lund stated that structure would be on a slab and no deck would be built. Spaeth questioned why the application stated a detached garage with living quarters instead of a cabin with attached garage. Lund stated he didn't know why he worded it that way, but it would be a cabin with attached 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 was held.

Spaeth stated that this is a substandard size lot; a lot of record, and that needed a variance to allow anything. Chirpich stated that this is the best location on the lot to place a structure. Sherlin stated, that if the Ordinance had not changed, a variance would not have been needed.

Motion: Spaeth made a motion to approve a variance to construct a dwelling seventy (70) feet from the ordinary high water mark of the lake based on the fact

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that the practical difficulty is that it is a substandard size lot of record with the stipulation that shoreline mitigation be done in accordance with the Zoning Office's regulations and that storm water be managed by gutters, down spouts and retention areas. Chirpich second. All in favor. Motion carried. Variance approved with stipulations.

EIGHTH ORDER OF BUSINESS: Dona & Bernard Brand. Request a Variance to construct an addition onto an attached garage 7 ft from side property line on the property described as: Tax ID number: 191816514. Lot 014 Block 001, SUNSET HILLS, Section 5, Township 138, Range 41, Lake View Township. The property is located at 15211 E Munson Drive.

Brand explained the application to the Board. They need extra space and would like to put a twelve (12) ft addition onto the north side of the garage. The addition would be seven (7) feet from the side lot line. Putting the addition to the east would interfere with the enlargement of the garden. Rain barrels will be placed on three sides of the house and a French drain would be placed on the other side, draining into the garden area.

Discussion was held regarding the topography of the property adjoining the Brand's property, the possibility of acquiring a few feet from the neighbor, construction of the new addition and the construction of the existing structure.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Lake View Township in support of the application and Paul and Karen Sakariassen, in favor of the application. At this time, testimony was closed and further discussion was held.

Chirpich stated that there are alternatives that would not require a variance. Sherlin stated that the addition made sense, but is not a practical difficulty. Schutz felt that a non-heated addition onto a floor heat slab could be a practical difficulty. Spaeth felt that was only an economical burden and felt that there was reasonable use of the property.

Motion: Spaeth made a motion to deny the variance to construct a garage addition seven (7) feet from the side property line based on the fact that a practical difficulty could not be proven. Chirpich second. All in favor except Schutz and Boatman. Majority in favor. Motion carried. Variance denied.

NINTH ORDER OF BUSINESS: David Grund. Request a Variance to construct a detached garage ten (10) ft from the right of way for the property described as: Tax ID number: 180289000. Lot 57, BIJOU HEIGHTS, Section 29, Township 139, Range 43, Lake Park Township. The property is located on Bijou Lake at 17438 Bijou Circle.

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Grund explained the application to the Board. He would like to construct a detached garage. If he meets the 20 ft setback from the road right of way, there would only be about five (5) feet between the house and garage. The road right of way is actually that of a dedicate driveway easement and not of the actual driving surface of the township road. The proposal would allow fifteen (15) feet between the house and garage.

Discussion was held regarding the location of the township road and driveway easement, the actual driving surface and dedicated area.

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

Members felt that if the Township was not opposed to the application, their concern for the right of way setback was lessened. Sherlin stated that this is a substandard size lot in which the house meets the required one hundred (100) ft setback, which leaves no room for a garage without a variance. Spaeth stated that this is an unusual situation in which there is a township road right of way and dedicated driveway easement hindering the setback.

Motion: Chirpich made a motion to approve a variance to construct a garage ten (10) feet from the road right of way based on the fact that the lot is a substandard size lot of record, the existing dwelling meets the required one hundred (100) ft lake setback, and the actual driving surface of the township road is more than sixty (60) feet from the proposed garage, with the stipulation that the existing shed located in the road right of way be removed. Boatman second. All in favor. Motion carried. Variance approved.

TENTH ORDER OF BUSINESS: Nicholas Novak. Request a Variance for a RV pad to be 53 ft from the centerline of a township road for the property described as: Tax ID number: 330366000 & 330367000. Lot 4 & Lot 5 SYLVAN SHORES, Section 8, Township 139, Range 38, Toad Lake Township. The property is located on Toad Lake on West Toad Lake Drive.

Novak explained the application to the Board and outlined the sequence of events and conversations that led up to his purchase of the lot. Novak new there was a wetland on the property and that he could fill up to but not into the wetland. After the purchase, he found out that the wetland is actually a bay of the lake.

Spaeth questioned what Novak wanted to do. Novak stated he wanted to place an RV pad so he could put his RV on the lot. Further discussion was held regarding the timeline of events, amount of fill required to get an approach into the property, where the RV could possibly be located, setbacks from the road and from the bay.

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Spaeth stated that the Board took some measurements on the day of the tour and found the stakes to be approximately 27 feet from the bay, and 74 feet from the centerline of the road, leaving only 68 feet total between the road and the bay. Chirpich stated that there would be no location in which the RV could be out of the shore impact zone. Further discussion was held regarding the miscommunication and misunderstandings between government agencies, property owner, and realtor.

Speaking in opposition to the application was Al Bekkerus. Written correspondence was received from Fred Tuominen, COLA and Diane Arnold, all in opposition to the application. At this time, testimony was closed and further discussion was held.

Sherlin and Schutz felt that there is no buildable area on the lot and that miscommunication was not a practical difficulty. Chirpich stated that he had empathy for the application but when buying property, it is buyer beware.

Motion: Sherlin made a motion to deny the variance to allow a RV pad fifty three (53) feet from the centerline of the road based on the fact, that even though the lot is a lot of record, the amount of useable area renders the lot an unbuildable lot. Schutz second. All in favor. Motion carried. Variance denied.

ELEVENTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting is scheduled for Thursday, November 1, 2012 at 7:00 am in the Third Floor Meeting Room of the Original Courthouse.

There is a training session for Board of Adjustments on Tuesday, October 30, 2012 at the Courthouse for anyone wishing to attend.

Since there was no further business to come before the Board, adjourned the meeting. Second. All in favor. Motion carried. Meeting adjourned.

Jim Brufloft, Chairman

ATTEST

Patricia Swenson, Administrator