

**Becker County Board of Adjustments
July 11, 2013**

Present: Harry Johnston, Al Chirpich, Steve Spaeth, Jim Bruflodt and Zoning Staff Debi Moltzan.

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

Spaeth made a motion to approve the minutes from the June 2013 meeting. Chirpich second. All in favor. Motion carried.

Bruflodt explained the protocol of the meeting. Spaeth read the criteria under which a variance could be granted.

FIRST ORDER OF BUSINESS: Jason and Joni McCrackin. Request a Variance to construct a dwelling 109 ft. from the OHW on a NE Lake instead of the required 150 ft. from the OHW on the property described as: PIN 190720000, Lot 58 Block 1, Abbey Lake Estates, Section 23- TWP 138-Range 41, Lake View Township. The property is located on Abbey Lake at 12606 S. Abbey Lake Lane.

The McCrackin's explained the application to the Board. McCrackin's had tabled the application at the last meeting in order to meet with Soil and Water Conservation to come up with a plan to restore their lakeshore, which was a stipulation of the last variance granted on the property. The plan is complete and ready to implement.

Chirpich stated that the Board is not here to approve the plan, but the plan can be part of the stipulation of granting the variance.

Ken Shroyer, Lake View Township, recommended including a stipulation that the plan be implemented and enforcement of implementation. There was no written correspondence either for or against the application. At this time, testimony was closed and further discussion was held.

Chirpich questioned what assurance there was that the plan would be implemented because nothing happened after the last variance. Bruflodt stated that the McCrackin's are showing a good faith effort and by working with the SWCD, the SWCD will help with the implementation. Bruflodt also stated that a stipulation could be placed on the variance that if the restoration is not done by a certain time, the variance could become null and void. Spaeth felt that McCrackin's had a good plan.

Motion: Spaeth made a motion to approve a variance to allow a dwelling to be one hundred nine (109) feet from the ordinary high water mark of the lake based on the fact that the lot is a substandard size lot in which the required setbacks cannot be met with the stipulation that the restoration plan prepared by Becker County Soil and Water Conservation Office be implemented and all water runoff from the building must be contained on the property. Johnston second. All in favor. Motion carried. Variance approved with stipulations.

SECOND ORDER OF BUSINESS: Paul and Barbara Haberman. Request a Variance to construct a storage structure on commercial property to be 24 ft. from the side property line instead of the required 30 ft. also 54 ft. from a State Hwy ROW instead of the required 85 ft. for the property described as: PIN 190225000, Beg 560' SE Inter N LN Lot 1 & Hwy TH NE 780' to PT 330'SE of Inter N LN Sec & RR TH SE 42.5' SW on Hwy to PT 125' SE of Beg & NW to Beg and That PT of Lot 1 & NE1/4 NE1/4 Lying Bet Cooper & Leitheiser Tracts Having 137.5' on RWY at Rear of Tracts to Church & Hudson Ref: E 19.0017.000-2007, Section 12-TWP 138-Range 41, Lake View Township. The property is located at 28617 US Hwy 10 E.

Paul and Barbara Haberman explained the application to the Board. The Haberman's tabled the application at the last meeting to verify the driveway access, have the wetlands flagged and reconfigure their building. Since then, the driveway access was verified. The access is sixty (60) feet wide, with thirty (30) feet on their property and thirty (30) feet on the neighboring property. The wetlands were flagged and the building was pushed back so it is nineteen (19) feet from the spring and wetland. The building size was reduced to meet the side yard setbacks, so a variance would not be required from the side lot lines.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from MN Dot, with no objections; SWCD, stating the edge of the wetlands had been flagged; and Egge Construction with their opinion as to how far the building should be away from the spring/wetland and the reason why. At this time, testimony was closed and further discussion was held.

At this time, Member Lee Kessler joined the meeting (7:30 p.m.).

Spaeth stated that with the changes, only one variance would be required, not three and the revised location would be compatible with the other buildings in the area. Johnston felt that this was the best location possible.

Motion: Johnston made a motion to approve the revised request to construct a building sixty-seven and one half feet (67.5) from the road right of way due to the location of the wetlands. The original variance request is denied. Spaeth second. All in favor. Motion carried. Variance approved.

THIRD ORDER OF BUSINESS: Kevin and Becky Camas. : Request a Variance to construct a dwelling 37.5 ft. from the OHW instead of the required 75 ft. also 44 ft. from the centerline of the Twp road instead of the required 53 ft. for the property described as: PIN 190589000, PT Govt Lot 7: Beg 936.8' N & 658.3' W of SE Cor Lot 7, TH W 50',N 96' to LK, E 50' & S 93' to Beg; & A Tri Trct Adj Being 42.70' on RD, Section 31-TWP 138-Range 41, Lake View Township. The property is located on Lake Melissa at 23878 S Melissa Drive.

Al Hochhalter and Kevin Camas explained the application to the Board. The first application contained misinformation, which has been corrected and the house was moved five (5) feet further from the lake. The new request would be for 42.5 feet from the OHW and 15 ft. from the ROW. Their proposal is to have the house just over six (6) feet from the side lot line, but would like to have the flexibility to shift the house up to five and one half (5.5) feet from the side lot line.

Spaeth stated that the side lot line setback is not part of the variance application and that due to the width of the lot, five and one half (5.5) feet would be the required side yard setback. Spaeth also questioned where the vehicles would be parked and how the storm water would be managed. Hochhalter stated that the storm water would be managed by swales along the side property lines and a berm near the lake. Camas stated that they would park in the 15 ft. and road ROW. Brufloft stated that the only change he sees is that the structure was moved back five (5) feet. Hochhalter stated that the Camas' wanted as much front yard as they could have and have a reasonably sized home. Brufloft stated that the Board's main concerns are getting structures out of the shore impact zone and keeping vehicles off the road right of way with a minimum of a twenty (20) ft. setback.

Brufloft questioned what would be done with the boat ramp; currently it is acting as a flume for the water. Spaeth questioned if the boat ramp had been counted in the impervious lot coverage. Camas stated that he could remove the ramp; he does not launch anything there and did not realize it had to be counted in the impervious calculation.

Ken Shroyer, Lake View Township, was concerned with the location of the driveway and parking and felt that the deck should be a ground level patio and not a raised deck. There was no written correspondence either for or against the application. At this time, testimony was closed and further discussion was held.

Chirpich questioned if the existing drainfield would be utilized. Camas stated that they would be using the same septic system. Spaeth questioned what would happen if the system fails. Moltzan stated that either they would have to find another suitable location or be confined to a

holding tank. Further discussion was held regarding the storm water management plan and whether or not it should be engineered.

Motion: Spaeth made a motion to approve a variance to allow a dwelling forty-two and one-half (42.5) feet from the ordinary high water mark of the lake and twenty (20) feet from the road right of way based on the fact that the lot is a substandard size lot which the required setbacks cannot be met with the stipulation that the boat ramp be removed, swales and berms be installed to contain run off and the home be guttered and the down spouts be directed into the swale and berm areas. The original request has been denied. Chirpich second. All in favor. Motion carried. Variance approved with stipulations.

FOURTH ORDER OF BUSINESS: Gordon and Cynthia Johnson. Request a Variance to construct an addition onto a deck to be 58' from the OHW instead of the required 100 ft. for the property described as: PIN: 150473000 & 150474000, Lot 18 & 19; Meadow Bay Point 1ST, Section 24, TWP 139, Range 39, Height of Land Township. The property is located on Little Toad Lake at 40199 Meadow Bay.

Gordon and Cynthia Johnson explained the application. They would like to add four (4) feet in width to the deck to make it more useable for the handicap mother.

Spaeth questioned if the four (4) ft. would be removed once the handicap mother is no longer living with them. Johnson's stated that once she is no longer living with them, they do not intend to remove the four (4) ft. Spaeth stated that the word handicap should be removed from the application. Chirpich questioned when the retaining wall was constructed. Johnson stated that the wall was installed in 2006, which replaced railroad ties.

Speaking in favor of the application were James and Jean Navara and Nancy and Les Brennan. Written correspondence was received from Sharon Scholler and Mike and Mindy Halvorson, all in favor of the application. At this time, testimony was closed and further discussion was held.

Spaeth restated that he wanted the word 'handicap' removed from the application or the deck addition would have to be removed once the mother is not living with the Johnson's and felt that the deck addition must be restricted to the second level deck only. Kessler felt that this was a good proposal but with the sloping lawn, gutters and down spouts should be placed on the house and water directed away from the lake. Johnson stated that they are remodeling the home and gutters were in the plan already. Chirpich suggested putting a rain garden or French drain behind the existing retaining wall. Johnston felt that the downspouts should be directed into French drains.

Motion: Chirpich made a motion to allow a four (4) ft. lake ward addition to the existing second level deck fifty-eight (58) feet from the ordinary high water mark of the lake based on the fact that the addition is out of the shore impact zone and will not hinder neighboring views with the stipulation that the addition is only for the upper level deck, the house is guttered and swales, berms or French drains be installed to control the run off from the dwelling and upper portion of the lot. Kessler second. All in favor. Motion carried. Variance approved.

FIFTH ORDER OF BUSINESS: Linda Maher. Request a Variance to construct a second level onto a nonconforming dwelling and a ground floor addition which will be 5'6" from the side property line for the property described as: PIN 170449000, Lot 2, Bergquist Beach 2ND, Section 27, TWP 138, Range 42, Lake Eunice Twp. The property is located on Lake Eunice at 11261 W Lake Eunice Road.

Maher explained the application to the Board. She bought the property in 2007 and now wants to make it her year round home. The two main floor bedrooms will be turned into one large bedroom, thus the need to add a second story to add another bedroom. The corner of the house would be squared off to enlarge the bathroom.

Chirpich questioned if the cross hatched area on the plan indicated removal of impervious surface. Maher stated that she is willing to remove all that was indicated on the plan, bringing the property to less than 25% impervious coverage. In return, she will be planting grass and trees and is willing to gutter the house and direct the run off into French drains.

Discussion was held on the lake setback and if that is part of the request. Moltzan explained that the house is nonconforming due to the lake setback and that the patio is twenty-seven (27) feet from the OHW and the house is thirty-seven (37) feet from the OHW. Further discussion was held regarding the setback of the structure, the fact that the house is partially in the shore impact zone, the amount of impervious being removed and replacing the lakeside patio with a pervious patio.

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.

Motion: Spaeth made a motion to approve a variance to allow a second story addition onto a nonconforming house, which the house is thirty-seven (37) feet from the ordinary high water mark of the lake, and a ground level addition which would be five and one-half (5.5) feet from the side lot line based on the fact that the proposed project will reduce the amount of impervious material from forty-two percent (42%) to under twenty-five percent (25%) with the stipulation that all impervious material cross hatched in the plan submitted to the Zoning Office be

removed; the 45 ft. by 10 ft. impervious lakeside patio must be removed, but can be replaced with a pervious patio no wider than ten (10) feet and no greater than two hundred (200) square feet in size; the house must be guttered and water directed into French drains or retention areas; and all run off is to be retained on the property. Chirpich second. All in favor. Motion carried. Variance approved.

SIXTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting will be held on Thursday, August 1, 2013 at 7:00 am in the Third Floor Meeting Room of the Original Courthouse.

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

Jim Bruflo dt, Chairman

ATTEST

Patricia L. Swenson, Zoning Administrator