

**Becker County Board of Adjustments
November 14, 2013**

Present: Members Roger Boatman, Harry Johnston, Lee Kessler, Al Chirpich, Jim Bruflodt, Steve Spaeth and Zoning Staff Debi Moltzan.

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

Minutes: Chirpich made a motion to approve the minutes from the October 10, 2013 meeting. Boatman second. All in favor. Motion carried.

Bruflodt explained the protocol of the meeting and Spaeth read the criteria for which a variance can be granted.

FIRST ORDER OF BUSINESS: Roger Aronson. Request a variance to construct a dwelling fifty (50) feet from the ordinary high water mark of the lake for the property described as: Lot 2 Maple Lodge, Section 30, TWP 138, Range 42, Lake Eunice Township. The property is located on Big Cormorant Lake at 17627 Maple Lodge Road.

Aronson and Jay Carlson explained the application to the Board. The existing cabin is very small with a flat roof, located in the shore impact zone. The new cabin would be moved back and built outside the shore impact zone and the old cabin and storage shed would be removed. The adjoining structures were rebuilt according to the 'old string line', with anticipation that this structure would be reconstructed someday at the 'string line'.

Spaeth questioned why the structure could not be moved further back. Aronson stated that with the shape of the lot, moving the structure back encroaches on the side lot line. After further discussion, it was found that the Board viewed the correct property, but the site plan was not accurate and depicted the wrong lot.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Cormorant Lake Association, Jay Carlson and Joanne Carlson in favor of the application and the DNR requesting tabling the application. At this time, testimony was closed and further discussion was held.

Discussion included the size and shape of the lot; the 'old sting line'; setback average plus twenty (20) feet; removal of the existing structures within the shore impact zone and contiguous lots in same ownership, when they need to be combined and when they are allowed to remain separate.

Motion: Spaeth made a motion to approve a variance to construct a dwelling fifty (50) feet from the ordinary high water mark of the lake based on the size and shape of the lot warrants a variance and due to the shape of the lot, the structure cannot be moved further back from the lake and the proposed structure will be out of the shore impact zone. Chirpich second. All in favor. Motion carried. Variance approved.

SECOND ORDER OF BUSINESS: Brian Southwell. Request a variance to construct a dwelling seventy (70) feet from the ordinary high water mark of the lake for the property described as: Pt of Sly 170 ft of N ½ of Govt Lot 4; Section 11, TWP 142, Range 38; Round Lake Township. The property is located on Juggler Lake at 38502 E Juggler Lake Road.

Southwell explained the application to the Board. Southwell would like to remove the old cabin and construct a new cabin 70 ft from the OHW, on top of the higher hill, utilizing the hill to gain elevation for a basement. The lake does not have an outlet and has been rising in elevation over the years. By building on top of the hill, he would be gaining more elevation to keep water out of the basement. There would be a swale behind the proposed house to catch the water and direct the run off toward a low spot instead of toward the lake.

Discussion was held regarding the contours of the lot, the fact that part of the lot has already been regarded due to the tree stumps being removed, the fact that there is ample room to meet setbacks without elevations interfering with construction, drainage and amount of fill to be hauled in. Boatman questioned what the practical difficulty was. Southwell stated that the rising water is the practical difficulty and that he needs to optimize the highest point of the lot.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Rick Ruckdashel in favor of the application and Peter Mead, Becker County Soil and Water Conservation District, with concerns and stipulations for the variance. At this time, testimony was closed and further discussion was held.

Discussion included the amount of land to locate a structure meeting all required setbacks, elevation of the lot and the fact that no practical difficulty could be found.

Motion: Spaeth made a motion to deny a variance to construct a dwelling seventy (70) feet from the ordinary high water mark of the lake based on the fact that there is adequate land area to meet all the required setbacks. All in favor. Motion carried. Variance denied.

THIRD ORDER OF BUSINESS: Gary Domier/Dan Redig. Request a variance to construct a detached garage seventeen (17) feet from the county road right of way for the property described as: Lots 9 & 10 Oakridge, Section 10, TWP 139, Range 41; Detroit Township. The property is located on Floyd Lake at 20416 Co Rd 131.

Domier and Redig explained the application to the Board. The purpose for locating the garage at the proposed location is that eventually, the house will be removed and rebuilt. The new house would be more centered on the lot and further from the lake, allowing for a larger front yard. The septic system would be eliminated and a new holding tank installed.

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 included the proposal for moving the house further from the lake; road location in relation to right of way location; entrance to the garage; and optional locations and sizes for a garage.

Motion: Chirpich made a motion to approve a variance to construct a detached garage seventeen (17) feet from the County Road Right of Way based on the fact that with the size of the lot, the size of the proposed building, and future building plans, the required setbacks cannot be met with the stipulation that the structure needs to be guttered and downspouts directed into water retention devices. Johnston second. All in favor except Spaeth. Majority in favor. Motion carried. Variance approved.

FOURTH ORDER OF BUSINESS: Katherine Kuehl Living Revocable Trust. Request a variance to construct a ground floor addition and second story addition onto a nonconforming structure that is eighteen and one half (18 ½) feet from the ordinary high water mark of the lake for the property described as: Lot Four (4) and Vacated Road, Pike Bay Shores; Section 30, TWP 138, Range 42; Lake Eunice Township.

Wayne Kuehl explained the application to the Board. They would like to make the structure a year round structure. They would like to remove the shed and add onto the house in that corner, which would be smaller than the existing shed and then put a second story onto the cabin.

Chirpich questioned if any thought had been given about removing the concrete sidewalk going toward the lake. Kuehl stated that they had not thought about removing it. Kessler questioned why the house would not be picked up and moved further from the lake. Kuehl stated that it would cost too much to move it back.

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

Brufloft stated that most of the structure is located in the shore impact zone and lot coverage is at 25%. Spaeth stated that there is room to move the structure back to be out of the shore impact zone.

Motion: Spaeth made a motion to deny a variance to construct a ground floor addition and second story addition onto a nonconforming structure that is eighteen and one half (18 ½) feet from the ordinary high water mark of the lake based on the fact that most of the structure is located within the shore impact zone and there is room to move the structure out of the shore impact zone. Kessler second. All in favor. Motion carried. Variance denied.

FIFTH ORDER OF BUSINESS: Frank Gokey/ Gary Kilbane. Request a variance to construct an addition onto a nonconforming structure which is fifty-nine (59) feet from the ordinary high water mark of the lake for the property described as Pts Lots 5, 6 & 7, Block 8 Shoreham, Section 19, TWP 138, Range 41, Lake View Township.

Peggy and Gary Kilbane explained the application to the Board. The addition onto the cabin would make a full size bathroom and enlarge an existing bedroom to make the house more useable as a year round home, not a cabin. The addition would not go any closer to the lake than the existing structure. The structure is out of the shore impact zone and impervious lot coverage is under 15%. The existing cabin is in line with the neighboring structures. The structure would stay in harmony with the surrounding structures.

Speaking in favor of the application was Ken Shroyer, Lake View Township. Letters in favor of the application were received from the Pelican River Watershed District and Elizabeth Dodd. At this time, testimony was closed and discussion was held.

Discussion included the fact that there was a berm along the lake front to prevent run off into the lake, the cabin is out of the shore impact zone, the addition it minimal to make a cabin into a hear round home, the addition would not be closer to the lake than the existing structure and the impervious lot coverage is under 15%.

Motion: Spaeth made a motion to approve a variance to construct an addition onto a nonconforming structure which is fifty-nine (59) feet from the ordinary high water mark of the lake based on the fact that the addition is a modest addition to make the dwelling adequate for year round living, the addition will not be going closer to the lake than the existing structure, the structure is located outside the shore impact zone with the stipulations that the ice berm remain intact to protect the lake and the downspout to directed away from the lake. Chirpich second. All in favor. Motion carried. Variance approved.

approved

SIXTH ORDER OF BUSINESS: Information and Informational Meeting.

Brufloft stated that the Zoning Advisory Committee will be looking at previously approved ordinance amendments to see what issues have been arising from them. One in particular is the setback average plus twenty (20) feet.

The next informational meeting is scheduled for Thursday, December 5, 2013 at 7:00 am in the Third Floor Conference Room of the Original Courthouse.

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

Jim Brufloft, Chairman

ATTEST

Patricia L Swenson, Zoning Administrator