

Becker County Board of Adjustments
June 12, 2014

Present: Harry Johnston, Lee Kessler, Roger Boatman, Al Chirpich, Jim Bruflodt and Debi Moltzan.

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

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

Chairman Bruflodt explained the protocol of the meeting and acting Vice Chair Chirpich read the criteria under which a variance could be granted.

FIRST ORDER OF BUSINESS: Helen Williams. Request a Variance to create twelve (12) substandard riparian lots. Each lot created would encompass the existing structures and existing long term lease. Legal Land Description: Tax ID number: 19.0582.000. Government Lot 3 less 0.60 acres in the Southeast Corner; Section 30, TWP 138, Range 41; Lake View Township. The property is located on Lake Melissa at 20359 Roosevelt Beach Lane.

The applicant tabled the application on 6/12/14 so the application will not be heard tonight.

SECOND ORDER OF BUSINESS: Joel Jaeger. Request a Variance to construct an addition onto an existing house due to the existing house not meeting the setback average plus twenty (20) feet. The current house is 50 ft. from the OHW and the addition will be 56 ft. from the OHW. Legal Land Description: Tax ID number: 17.1079.000. Lot 1 N & E of Line Desc as Beg at NE Cor Th S 28 degrees 2 minutes W 40.2 ft. Th W 178.6 ft. to Lk; Section 22, TWP 138, Range 42; Lake Eunice Township. The property is location on Maud Lake at 12464 Shorewood Beach Rd.

Garret Johnson, contractor, explained the application to the Board. The Jaeger's would like to place an addition on the side of the house, further from the lake than the existing house and the existing house is out of the shore impact zone.

Boatman questioned the deck and patio in front of the house and why it was not included on the drawing. Chirpich questioned what the practical difficulty was. Johnson stated that he did not include the deck and patio on the drawing and the practical difficulty was that the house did not meet the setback average plus twenty (20) feet, but it did meet the old stringline.

Boatman questioned if the applicants would be willing to remove the patio and deck out of the shore impact zone. Kessler felt that if the deck and patio would be removed, it would make a difference on the outcome. At this time Johnson asked to table the application until he could contact the applicants.

THIRD ORDER OF BUSINESS: Fred Brower. Request a Variance to add 10 to 15 RV sites to an existing resort that is at maximum density. Legal Land Description: Tax ID number: 20.0233.000. Lot 2 Less Platted part and Tracts Sold; Section 8, Township 142, Range 40; Maple Grove Township. The property is located on White Earth Lake at 29783 387th St.

At this time, Chirpich excused himself from the Board due to a potential conflict of interest.

Fred and Karen Brower explained their application to the Board. They have 40 acres and only are utilizing 15 acres of it for the resort. They have purchased an additional 200 feet of lakeshore that does not directly join the main resort property. They would like to add 10 to 15 more sites.

Brufloft questioned if they were already over density, why would you want more. Brower stated that 80% of the lakeshore is inhabitable. Boatman stated that they are currently allowed 66 units current conditional use permit, but current ordinance would only allow 40 units. Brufloft asked if they thought of a campground without lake access. Brower stated they have not.

Speaking in opposition to the application was Greg Leff, concerned about run off to the wetland. Speaking in favor of the application was Wayne Werner, supporting the existence of ma/pa resorts. Harlan Hoff and Eileen Hoff Dauer spoke in favor of the application but with great concerns about additional boat lifts, intensity and congestion in the small cove of the bay. Written correspondence was received from Steve Spaeth, absent Board Member, in opposition; John Ovrebo, in opposition; Anne-Marye Hoban, in opposition; Karen Kalin-Horge in opposition; and Gordon Olson, White Earth Lake Association in opposition.

At this time, testimony was closed and further discussion was held. Brufloft asked Brower to address some of the concerns heard. Brower stated that there would not be any more additional boat lifts or slips and that the site would be 500 feet from the wetland, and would not drain toward the wetland. Johnston questioned how many lifts/docks they had now. Brower stated that there are about 26. Kessler stated that with the request for additional units and the existing units, the density is almost double of what would be allowed by Ordinance at this time. Boatman and Johnston felt the same way.

Motion: Kessler made a motion to deny the variance to allow 10 to 15 additional sites based on the fact that the request extremely exceeds the density allowed by the Becker County Zoning

Ordinance. Boatman second. All in favor, except Chirpich, who abstained from voting. Motion carried. Variance denied.

FOURTH ORDER OF BUSINESS: Brian Hersch. Request a Variance to construct a garage sixty-five (65) feet from the ordinary high water mark of the lake and five (5) feet from the side lot line due to topography. Legal Land Description: Tax ID number: 10.0716.000. Lot 2 Sportsman Beach; Section 10, TWP 139, Range 40; Erie Township. The property is located on Pickerel Lake at 32616 205th St.

Brian and Julie Hersch explained the application to the Board. The request is for a garage, which is necessary in this climate. The garage would be 65 feet from the lake to line up with neighboring structures and this is the only logical place to put a two stall garage. The garage is going to be 'dressed up' to look appealing. Hersch stated that he is willing to reduce the size of the deck on the upper floor.

Boatman stated that the garage could be moved closer to the house so that a side lot line variance would not be required. Brufloft questioned why the stairway could not be located inside the garage to eliminate the outside stairway and deck. Hersch stated that they want the maximum amount of room in the garage and a stairway would take up this room. Discussion was held regarding storm water mitigation, the need for it, types available and the need for it.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Board Member Spaeth, in favor of the lake setback but not the side yard setback; and John Given, President of Pickerel Lake Association, in opposition to the variance.

At this time, testimony was closed and further discussion was held, including discussion about the topography of the lot, mitigation, setback from the side lot line and setback from the lake.

Motion: Boatman made a motion to approve a variance to allow a garage sixty-five (65) feet from the lake based on the topography of the lot with the stipulation that the garage and house be guttered and storm water runoff diverted into appropriate water retention devices and made a motion to deny the side lot line variance based on the fact that the side lot setback could be met without a variance. Johnston second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: Jordyn Steffes. Request a Variance to construct a garage two (2) feet from the side lot line due to setback issued. Legal Land Description: Tax ID number: 08.0171.000. SW Cor Lot Hermanson Beach NE 17.70 ft. to POB; S 110.82 ft. NE 417.08 ft. to Little Floyd Lake, NW Al LK 101.72 ft. SW 352.28 ft. to POB; Section 10, TWP

139 Range 41; Detroit Township. The property is located on Little Floyd Lake at 20717 Co Hwy 21.

Jordyn Steffes explained the application to the Board. They would like to remove the existing garage and replace with a larger garage. The existing garage is two (2) feet from the side lot line.

Chirpich questioned why they could not move the garage ten (10) feet from the side lot line. Steffes stated that it would be too close to the house and they would not be able to access the property toward the lake. Kessler questioned why they could not move it to another location. Steffes stated that the septic system is located directly in front of the house, there is a large tree behind the existing garage and they want to keep the look of the neighborhood. Brufloft stated that there was plenty of room to move the garage back and ten (10) feet from the side lot line. Steffes stated that they did not want to sit on the deck and look at the garage. Further discussion was held.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Board Member Spaeth, in opposition to the application.

At this time, testimony was closed and further discussion was held. The Board discussed possible options which include relocating the garage to meet all setbacks, attaching the garage to the house, rebuilding the garage the same size in the same location, along with other options. Chirpich stated that he cannot find a practical difficulty. Johnston and Brufloft stated that there are options.

Motion: Chirpich made a motion to deny the variance to construct a garage two (2) feet from the side lot line based on the fact that no practical difficulty could be found and there are other options. Kessler second. All in favor. Motion carried. Variance denied.

At this time, Garret Johnson addressed the Board that he was able to get ahold of the Jaeger's to discuss the application with them. The Jaeger's are willing to remove the lakeside deck and patio if they would be allowed a deck or patio on the side of the home. Johnson further stated that he would not prefer to table the application because the Jaeger's would like to get started with the project.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Board Member Spaeth, in opposition to the application.

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At this time, testimony was closed and further discussion was held. Discussion was held regarding storm water mitigation, removal of the deck and patio, restoring the present deck and patio location back to grass, size of a side deck, walkways and landings.

Motion: Chirpich made a motion to approve a variance to allow an addition onto an existing house fifty-six (56) feet from the ordinary high water mark of the lake based on the fact that the addition would not go closer to the lake than the existing structure with the following stipulations: the existing lakeside deck and patio be removed and restored to grass; a 12 ft. by 16 ft. pervious deck may be constructed on the north side of the home to replace the lakeside deck being removed; allow a 4 ft. by 6 ft. landing in front of the lakeside door and allow a 4 ft. pervious walkway to connect the landing to the new deck, and storm water runoff must be diverted away from the lake. Boatman second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting is scheduled for Thursday, July 3, 2014 at 7:00 am. Discussion was held regarding that day being the day before a holiday. Consensus of the Board was to move the informational meeting to Wednesday, July 2, 2014 at 7:00 am.

SEVENTH ORDER OF BUSINESS: Election of Officers.

Kessler made a motion to nominate Brufloft as chairman and Spaeth as vice chairman. Chirpich second. All in favor. Motion carried.

Since there was no further business to come before the Board, Brufloft adjourned the meeting.

Jim Brufloft, Chairman

ATTEST

Patricia Swenson, Zoning Administrator