

**Becker County Board of Adjustments
September 11, 2014**

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

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

Chirpich made a motion to approve the minutes from the August 2014 meeting. Kessler second. All in favor. Motion carried.

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

FIRST ORDER OF BUSINESS: Linda Osland. Request a Variance to construct a covered deck 45 feet from the ordinary high water mark of the lake for the property described as: Tax ID Number: 200276000, PT LOT 2 BEG 342.5' W OF NW COR SW1/4 OF NE1/4 TH S TO LK TH SW W & NW AL LK TO MC #73 & E 369.8' TO BEG; Section 15, TWP 142, Range 40, Maple Grove Township. The property is located at 31601 377th St, on White Earth Lake.

Linda Osland and Darrell Kvasager explained the application to the Board. Osland handed out a narrative to the Board that she requested be included by reference in the record (a copy of which was placed in the file). Osland then read the narrative to the Board. The narrative included how long she has been a resident of the lake; explained the nonconformity of her lot; the nominal impact this would make on the lake; the impact that the township road runoff has on her property and the lake; and why she felt the application meets the criteria for a variance.

Chirpich questioned if the sauna was a water-oriented structure and why it could be replaced. Moltzan explained that, under today's regulations, the structure would not be allowed because the lot does not have the topography for a water-oriented structure. However, since the structure existed prior to current zoning regulations, it could be replaced in the same location, the exact same size as the previous structure.

No one spoke in favor of the application. No one spoke against the application. Written letters in favor of the application were received from: Eugene Tibbetts, Rosella Fairbanks, Chuck Sots, Marvin Degerness, Mike Clark, Anton Hastad, Kay Mjolsness, Doreen Clark, Betty Johnson, Dan Clark and Janet Clark. At this time, testimony was closed and further discussion was held.

Spaeth stated that the previous variance that was rescinded had the stipulations, some of which included: all structures needed to be moved out of the shore impact zone and the deck could not

be covered or enclosed. Spaeth stated that Osland chose to obtain a permit to rebuild in the shore impact zone. The property is unique and already has a covered porch and that the decks could legally be connected by a 48 sq. ft. landing and 4 ft. walkway. Chirpich questioned if the new deck would be the same distance from the lake than the existing deck. Kvasager stated that the new deck would be closer to the lake than the existing deck.

Further discussion was held regarding the location of the existing structure and covered deck, the replacement of the sauna structure, covered decks becoming enclosed structures, the proposed structure going closer to the lake than the existing, the proposed structure would be in the shore impact zone and the current deck is at or outside the shore impact zone, and storm water mitigation. Kessler felt that covering a deck is not a practical difficulty,

Motion: Spaeth made a motion to approve a variance to construct the size deck requested in the application (10 ft. by 17 ft. per application) forty-five (45) feet from the ordinary high water mark of the lake with no cover (roof) due to the topography of the lot with the stipulation that all water from all structures be controlled to prevent further erosion. Chirpich second. All in favor. Motion carried. Variance approved with stipulations.

SECOND ORDER OF BUSINESS: Doug and Sheri Leitheiser. Request a Variance to construct a 3 season porch 47 feet from the ordinary high water mark of the lake, the current deck is 45 feet from the ordinary high water mark of the lake for the property described as: Tax ID Number: 100717000. LOT 3, SPORTSMAN BEACH; Section 10, TWP 139, Range 40, Erie Township. The project is located at 32612 205th Street on Pickerel Lake.

Sheri Leitheiser explained the application to the Board. The existing cabin and addition were constructed in the only suitable location on the lot. The original deck was even closer to the lake than the existing deck. When a portion of the cabin was removed and a new addition constructed, the deck was cut back in aide and rocks were added to filter run off before entering the lake. The 10 ft. by 20 ft. three-season porch would be constructed on an existing deck and would actually be two (2) feet further from the lake than the existing deck. The porch would be guttered and the water put into French drains which would be filtered through the terraced garden. The north end of the house is not guttered but the run off is filtered by rocks.

Spaeth questioned how the water from the north side is filtered. Leitheiser stated that there is a series of rocks that the water flows through until it reaches the various flower gardens. Kessler reiterated that the deck already exists and the porch would be placed on the existing deck. Leitheiser stated that the porch would go on the existing deck and stairway and the stairway from the deck would be eliminated.

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.

Chirpich stated that the deck already exists and the only hard surface being added is the roof, which if guttered and placed into the drainage system would not be a great impact on the lake. Brufloft stated that the stairway would be eliminated, reducing run off and erosion. Johnston stated that the lake is a closed lake and the level fluctuates so the true OHW is hard to determine. Spaeth stated that a very reliable person helped the Leitheiser's determine where the OHW is and that location would be very close to the true OHW. Spaeth stated that the house is constructed in the only location that it could be placed on the lot and that all the structures were constructed with proper permits. Chirpich and Johnston questioned if an enclosed porch is necessary.

Motion: Kessler made a motion to approve a variance to construct a three season porch on an existing deck forty-seven (47) feet from the ordinary high water mark of the lake based on the fact that there is limited building area, the topography, the steps from the deck would be eliminated, the porch is further from the lake than the existing deck and it is being constructed on an existing deck with the stipulation that the porch must be guttered and the water diverted into the existing drainage system. Johnston second. All in favor. Motion carried. Variance approved with stipulations.

THIRD ORDER OF BUSINESS: Chris and Margie Heib. Request an after the fact Variance to allow a water oriented structure to remain 20 feet from the ordinary high water mark of the lake for the property described as: Tax ID Number: 190788000. AUD PLAT, THAT PT OF LOT 14 & W 65 FT OF LOT 15 S OF PUBLIC ROAD; Section 08, TWP 138, Range 41, Lake View Township. The project is located at 24453 Woodland Lane on Lake Sallie.

Chris Heib explained the application to the Board. This request is after the fact; he removed an 8 ft. by 8 ft. sauna and replaced it with a new structure 8 ft. by 12 ft. in size, in the same location. The structure will have a sod roof so there will be no run off to the lake. The structure would have no plumbing or electricity. The majority of the lakeshore has been left in its natural state. The purpose of the sauna is to heat up and then run into the lake.

Chirpich questioned if the structure was in the same location as the existing structure. Heib stated that it was but the existing structure was 8 ft. by 8 ft. and this one was 8 ft. by 12 ft. Kessler questioned the construction of the building. Heib stated that it is located on concrete footings and the structure is notched and spiked together; it would be difficult to move or take apart.

approved

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Hans and MB Gilsdorf with reservations of the project; Peter and Joan Shockman, in favor of the application and Tom Ableidinger, in favor of the application. At this time testimony was closed and further discussion was held.

Johnston stated that the structure was only 24 feet from the lake and felt that it could be moved further from the lake without removing too many trees. Kessler agreed. Spaeth stated that he agreed with everything Heib said; however, if the structure would have been the same size and in the same location, a variance would not be required. Brufloft reminded the Board that the request is after the fact and that the Board needs to look at the application as if it was presented before the work was done and if they would have allowed it then.

Motion: Spaeth made a motion to deny the request for an after –the-fact variance to allow a water oriented structure to remain twenty (20) feet from the ordinary high water mark of the lake based on the fact that there is adequate room to relocate the structure meeting the setbacks or the structure could have been replaced in the same location the exact same size. Chirpich second. All in favor. Variance denied.

FOURTH ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, October 2, 2014 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, Spaeth made a motion to adjourn the meeting. Chirpich second. All in favor. Motion carried. Meeting adjourned.

Jim Brufloft, Chairman

ATTEST

Patricia Swenson, Zoning Administrator