

**Becker County Board of Adjustments  
October 9, 2014**

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

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

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

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

**FIRST ORDER OF BUSINESS: David Aaland.** Request a Variance to construct an addition onto a nonconforming structure which is sixty-five (65) feet from the ordinary high water mark of the lake for the property described as: Tax ID number: 19.0102.000 and 19.0818.223; Pt Lot 7 & Pt L1 Wdland Bch; Beg 2308.25 ft. S & 313.95 ft. SW of NE Sec Cor; and Lot 4 Block 4 Barnes Shores; Section 7, TWP 138, Range 41; Lake View Township. The property is located on Lake Sallie at 14747 240<sup>th</sup> Street.

Aaland explained the application to the Board. The existing garage would be torn down and an addition would be constructed onto the existing dwelling. Storm water management practices consisting of French drains would be installed to control run off from the driveway and the structure. A portion of the neighbor's concrete would be removed and replaced in order to redirect and control water runoff.

Spaeth questioned why a variance is needed. Aaland stated that even though the house is 75 ft. from the lake, the deck is only 65 ft., making the structure a nonconforming structure.

Further discussion was held as to how portions of the concrete and driveway would be removed and reinstalled to control water runoff. Aaland stated that the concrete cannot be eliminated completely; it needs to be reconfigured to help direct and control runoff.

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.

Kessler stated that the plan would improve water drainage and control, keeping run off out of the lake, improving the overall situation. Johnston agreed.

**Motion:** Kessler made a motion to approve a variance to construct an addition onto a nonconforming structure, which is sixty-five (65) feet from the ordinary high water mark of the lake due to the fact that the actual dwelling and addition meet the required setback, that the deck is the only nonconforming portion of the structure, and that by implementing a storm water management plan approved by the Zoning Office, the overall storm water management of the lot will be improved. Boatman second. All in favor. Motion carried.

**SECOND ORDER OF BUSINESS: Larry Oswald.** Request a Variance to construct a dwelling one hundred (100) feet from the ordinary high water mark of a natural environment lake due to topography instead of the required one hundred fifty (150) feet for the property described as: Tax ID number: 37.0165.001, Lot 4 less NWLY 1.5 acres Block 1 Haywood Hills; Section 29, TWP 139, Range 37; Wolf Lake Township. The property is located on Co Hwy 38 on Wolf Lake.

Jon Anderson, Realtor, explained the application to the Board. Anderson stated that the lot is in the process of being sold and there is a contingency that a site permit must be able to be obtained before the sale can proceed. The proposal is to construct a dwelling with attached garage and storage shed on the only high ground on the property. The lot is 18 acres, but of which is mostly wetlands. The topography would allow most of storm water runoff to naturally run towards the wetlands. Bruce Johnson, purchaser, explained the proposed building project and stated that they want to utilize the higher ground for a walk-out basement, which would walk-out toward the wetland area and not the lake.

Speaking with concern about the project was Carolyn Perdue. There was no written correspondence either for or against the application. At this time, testimony was closed and further discussion was held.

Johnston stated that according to the site plan, the storage shed would also require a variance, but this request was not made in the original application. Boatman stated that the storage shed is too large for the allowed size within 200 feet of the lake. Spaeth stated that the size and shape of the buildable area does not allow for any room to build anything else. Kessler stated that there is a mention of the storage shed in the application but not a setback request and felt that there was enough intent to consider a variance for the storage shed. Consensus of the Board was that the proposed location was the only location for any type of structure and that there was no way to meet the lake setback and stay out of the wetland.

**Motion:** Chirpich made a motion to approve a variance to construct a dwelling one hundred (100) feet from the ordinary high water mark of a natural environment lake instead of the required one hundred fifty (150) feet and a 30 ft. by 48 ft. storage building one hundred thirty-eight (138) feet from the ordinary high water mark of a natural environment lake instead of the required one hundred fifty (150) feet based on the fact that the wetlands, topography and shape of the lot do not allow the structures to be located in any other location and that due to the limited buildable area, there is no room to construct another storage building with the stipulation that a second residence cannot be constructed on the property or inside the storage building. Johnston second. All in favor. Motion carried.

**THIRD ORDER OF BUSINESS: Gordon Smith.** Request a Variance to construct an addition onto a nonconforming structure which is located seventy (70) feet from the ordinary high water mark of the lake instead of the required one hundred (100) feet from the OHW for the property described as: Tax ID number: 15.0449.504, Lot 4, Block 1 Long Beach Retreat; Section 4, TWP 139, Range 39, Height of Land Township. The property is located on Height of Land Lake at 37114 SW HOL Drive.

Smith explained the application to the Board. They would like to make this structure a year round home and would like to put on a modest addition of 448 sq. ft., which would not go any closer to the lake than the existing structure. Spaeth questioned if that amount of work was to be put into the structure, why it could not be either moved further from the lake or a new structure built further from the lake. Smith stated that there were wetlands behind the cabin and he did not want to get to close to the wetlands.

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 was held regarding the need for a variance, the other cabin and the need to remove living facilities (kitchen) to convert the use to a bunkhouse.

**Motion:** Chirpich made a motion to approve a variance to construct an addition onto a nonconforming structure which is located seventy (70) feet from the ordinary high water mark of the lake instead of the required one hundred (100) feet based on the fact that the addition would not go closer to the lake than the existing structure and that one dwelling would be eliminated from the property by removing the kitchen facilities from the other cabin and converting the cabin to a bunkhouse, not a full dwelling. Boatman second. All in favor. Motion carried.

approved

**FOURTH ORDER OF BUSINESS: Informational Meeting.** The next informational meeting is scheduled for Thursday, November 6, 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, Chirpich made a motion to adjourn the meeting. Johnston second. All in favor. Motion carried. Meeting adjourned.

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Steve Spaeth, Vice Chairman

ATTEST

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Patricia L. Swenson, Zoning Administrator