

**Becker County Board of Adjustments  
January 8, 2015**

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

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

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

Spaeth explained the protocol for the meeting and Chirpich read the criteria that must be met in order to grant a variance.

**FIRST ORDER OF BUSINESS: Ice Cracking LLC.** Request a Variance to deviate from Chapter 8 Section 7, N – Density Requirements for Conversion of an Existing Use (convert an existing resort to a planned unit development (conservation subdivision) according to the 2004 density regulations, as applicant previously began the conversion process in 2004, instead of the current resort density conversion regulations) for the property described as: Tax ID number: 250078000, PT GOVT LOTS 1 & 2: COMM SE COR GOVT LOT 1 TH W 290.21' TO POB; TH NW 11', NWLY 383.20' TO ICE CRACKING LK, TH SLY & SWLY AL LK 457', TH SE 358.14' TO WLY LN CSAH#35, TH E TO CTR LN 55.78', NE AL RD 545.61', TH W 54.05' TO POB AKA TRACT D-2A; Section 20, TWP 141, Range 38, Round Lake Township. The property is located at 30388 Co Hwy 35, on Ice Cracking Lake.

Scott Walz, Meadowland Surveying, and Dick Lesage explained the application. This process was started in 2004, but because of personal reasons was stopped and now wants to continue with the conversion of the resort to a CIC. They would like the opportunity to be able to finish the conversion process with the Planning Commission and County Board of Commissioners under the old ordinance regulations (what was in effect in 2004) rather than the current regulations. In 2004, it was the intent of the owners to update the resort and convert it to a CIC within a 5 – 7 year span, but the process has taken 15 years to get to that point.

Spaeth questioned the relationship of the RV Park and lodge to the resort. Lesage stated that the RV Park is its separate entity and the lodge is separate (sold off from the resort with 10 acres of land and moved across the road). Kessler questioned the amount of lakeshore that is with the resort. Walz stated that there was four hundred fifty seven (457) feet of lakeshore.

Walz continued to explain that the current zoning regulations allow conversion densities that would equal the traditional lot/block subdivision, require central sewer and central docking; in other words, no one would ever convert a resort under the new regulations because it would be simpler to do a lot/block subdivision. Walz further stated that the original plans were to move the lodge across the road (which was done) add two cabins (which the resort had enough area to add the cabins, but required a variance because they needed to be located in the first tier rather than the second tier due to distance from the road).

Spaeth questioned what the practical difficulty was. Walz stated that the ordinance changed during the process.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Mike Ell and Ken Franek, with concerns about the application. At this time, testimony was closed and further discussion was held.

Johnston questioned how the back three (3) cabins access the lake. Lesage stated they access the lake through the swimming and launching area. Lesage further stated that it is true that there is no public access on the lake, but the CIC Association will dictate what will happen with the common areas of the CIC and they generally tend to be more restrictive and they police themselves. Chirpich questioned how the ordinance changes came about and Moltzan explained the process and timeline of the ordinance changes. Johnston stated that he doesn't always agree with the ordinances, but they are there and need to be enforced.

Kessler stated that the application is to allow three (3) times the number of units that would be allowed by ordinance. Chirpich stated that if the process would have continued in 2004, there would be a thirteen (13) unit CIC and that the current regulations are too strict. Spaeth stated that conversion doesn't exist anymore; a conservation subdivision is a traditional lot/block subdivision. Spaeth further stated that there is a failure to apply practical difficulty and felt that this was purely for economic reasons. Kessler stated that a lot of thought and work went into the current regulations.

**Motion:** Kessler made a motion to deny a variance to deviate from Chapter 8 Section 7, N – Density Requirements for conversion of an Existing Use (convert an existing resort to a planned unit development (conservation subdivision) according to the 2004 density regulations instead of the current resort density conversion regulations based on the fact that the number of units would be far in excess of the current regulations and that no practical difficulty exists. Johnston second. All in favor except Chirpich. Majority in favor. Motion carried. Variance denied.

**SECOND ORDER OF BUSINESS: Timothy & Bonnie O'Keefe.** Request a Variance to construct a dwelling fifty-eight (58) feet from the ordinary high water mark of the lake. Legal

Land Description: Tax ID number: 160235000, PT LOT 7 BEG 854.6' NE OF SE COR OF LOT 7 TH N 75' AL LK W 213.8' S 76.6' & E 224' TO BEG; Section 34, TWP 140, Range 40, Holmesville Township. The property is located at 32567 W Cotton Lake Rd on Cotton Lake.

Dave Schiller, Realtor, and Judy Aasand, potential buyer explained the application to the Board. Schiller explained that this is a lot of record in which the road runs through the property, with a portion of the lot across the road. The home was removed from the property a few years ago. The home sat about 72 to 74 feet from the ordinary high water mark of the lake. The current septic system is obsolete and will have to be updated. The lot to the south is smaller and has a dwelling at 79 feet from the ordinary high water mark of the lake. The lot to the north is vacant and the house on the second lot to the north is at 33 feet from the ordinary high water mark of the lake. The practical difficulty is that with the current setbacks (or setback average plus 20 feet), the lot is not deep enough.

Speaking in favor of the application was John Colvin, listing agent. 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.

Johnston stated that if the old house was still there, they could rebuild in the same footprint, the same size; the setback average plus twenty (20) feet would be 109 feet, so the required setback of 100 feet would apply; and that the house at 33 feet could not be used in the equation because of the vacant lot in between. Kessler stated that the depth of the lot did pose a problem but felt that the new house could be set closer to 79 – 80 feet, that of the neighbor to the south rather than 58 – 60 feet. Spaeth felt that the depth of the lot did warrant a variance, but maybe not the variance requested and that if a variance was granted, the owners or buyers would have to work with what was granted. Chirpich stated that the side lot line and road setback could be met if a variance from the lake was granted.

**Motion:** Johnston made a motion to deny the original request for a variance for fifty-eight (58) feet from the ordinary high water mark of the lake as stated on the application and sixty (60) feet as stated on the site plan and narrative; but approve a variance to construct a dwelling seventy-nine (79) feet from the ordinary high water mark of the lake due to the size of the lot and the fact that the township road runs through the property further decreasing the size of the lot and that setback would be compatible with the structure (house and deck, being seventy-nine (79) feet to the deck) to the south.

**THIRD ORDER OF BUSINESS: Next Informational Meeting.**

Due to the winter conditions, the Board of Adjustments will not be meeting in February. March and April meetings will be determined closer to those dates.

Approved

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.

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Steve Spaeth, Vice Chairman

ATTEST

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Patricia Swenson, Acting Zoning Administrator