

Becker County Board of Adjustments
May 14, 2015

Present: Members Harry Johnston, Lee Kessler, Roger Boatman, Jim Bruflo dt, Steve Spaeth and Zoning Staff Debi Moltzan.

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

Bruflo dt explained the protocol for the meeting. Spaeth read the criteria in which a variance can be granted.

FIRST ORDER OF BUSINESS: Scott & Deanna Anderson. Request a Variance to construct an addition onto a nonconforming dwelling which is eighty-five (85) feet from the ordinary high water mark of the lake for the property described as: Tax ID Number: 17.1215.000. Lots 24, 25 and 26, Block 4, Summer Island; Section 06, TWP 138, Range 42, Lake Eunice Township. The property is located on Leif Lake at 17240 Co Hwy 6, Lake Park.

Deanna Anderson explained the application to the Board. The house is too close to the lake and they would like to add on a family room on the roadside of the house.

Kessler stated that the house is actually sixty-five (65) feet from the lake not the eighty-five (85) feet as in the application. Anderson stated that the addition would be going roadside, not lakeside.

Spaeth stated that there was a lot of stuff on the lakeside that was deteriorating or falling down. Anderson stated that they were going to fix up the boathouse and have been pulling out cement, but it is a slow process. Further discussion included how long they had lived there, what the building below grade was used for and how sound the gazebo was.

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.

This discussion included how much was located in the shore impact zone (boat house, gazebo, cement, iron steps, etc), whether the bank was a steep slope or a bluff; the site being a sensitive site, there was no practical difficulty other than the structure too small.

Motion: Spaeth made a motion to deny the application as presented due to a lack to demonstrate a practical difficulty. The motion died for lack of a second.

Further discussion was held. Johnston stated that the addition is beyond the required 100 ft. setback and the existing house is out of the shore impact zone. Boatman stated that the shore impact zone is sensitive and now is the chance to help clean up the shore impact zone as a condition of granting a variance. Johnston stated that the topography of the lot would allow them to keep the boathouse.

Kessler made a motion to approve the variance as presented (a roadside addition 22 ft. by 29 ft. in size) with the removal of the gazebo based on the fact that the addition meets all the required setbacks and that the removal of the gazebo reduces impervious material in the shore impact zone. Boatman second. All in favor except Spaeth. Majority in favor. Motion carried. Variance approved with conditions.

SECOND ORDER OF BUSINESS: Robert & Julie Powell. Request a Variance to construct an addition onto a nonconforming dwelling which is forty-four (44) feet from the ordinary high water mark of the lake for the property described as: Tax ID Number: 10.0729.000. Lot 5, Sportsman Beach First Addition; Section 10, TWP 139, Range 40, Erie Township. The property is located on Pickerel Lake at 2510 205th Street, Detroit Lakes, MN.

Robert and Julie Powell explained the application to the Board. They would like to place a 12 ft. by 18 ft. addition on the north side of the cabin. The structure is located in the shore impact zone.

Spaeth stated that if the structure was moved back sixteen (16) feet, the structure would be out of the shore impact zone. Spaeth stated that at first he thought a new structure could be placed on top of the hill, but there is no room and the hill prevents little movement on the bottom side. Boatman felt that the modest addition was reasonable but would like to see it out of the shore impact zone.

No one spoke in favor of the application. No one spoke against the application. A letter of support was received from Paul Balega. At this time, testimony was closed and further discussion was held.

Johnston stated that the practical difficulty is the hill behind the cabin. The one hundred (100) ft. setback can't be met, but the structure could be moved out of the shore impact zone. Spaeth stated that any building on this lot would require a variance. Boatman agreed.

Motion: Johnston made a motion to approve an addition onto the side of the structure with the stipulation that the structure (cabin and deck) be moved back sixteen (16) feet to be located outside the shore impact zone and the structure must be guttered to control water run off to the lake based on the facts that the request is in harmony with the general purposes and intent of the

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official control, the variance is consistent with the comprehensive plan, the property will be used in a reasonable manner, there are circumstances unique to the property not created by the landowner and it will not alter the essential character of the area. Spaeth second. All in favor. Motion carried. Variance approved with conditions.

THIRD ORDER OF BUSINESS: Rose Bjordahl. Request a Variance to separate a contiguous nonconforming lot from a contiguous conforming lot for the property described as: Tax ID Number: 18.0247.000 and 18.0191.005. Lots 2 & 3; & Lot 4 Ex N 27.5', Block 1 Bijou Heights; and Pt Govt Lot 8: Comm Angle Pt Lot 11 Blk 1 Bijou Hts, S Al W Ln Plat 360.40' To POB; Wly 366.86', S 353.02', E 22.42', Nely Al Rd 234.50', E 79.03', N 192.56' TO POB. Less .07 Ac Adj to Lot 1 Blk 1 Bijou Hts; Section 29, TWP 139, Range 43, Lake Park Township. The property is located on Bijou Lake at 17063 Alpine Lake, Lake Park, MN.

Lisa and Calvin Stoffel explained the application to the Board. L Stoffel is the daughter of Rose Bjordahl. They would like to sell the lake home and keep the back lot, but found out that they were considered contiguous due to the road status. The road is an easement road, not a dedicated public road.

Spaeth stated that the practical difficulty is the road status. Further discussion included how and why this portion of the road was not dedicated, if dedicating the road would separate the lots, if the back lot is a standard lot. Moltzan explained the lot size requirements and how they are different now than when the back lot was created and the difference between the types of roads.

Johnston stated that nothing would change on the lakeside of the property. The lot would still be the same size and used the same way as it is now. The road separates the lots.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Lake Park Township in favor of the application. At this time, testimony was closed and further discussion was held.

Motion: Spaeth made a motion to approve a variance to allow the lake lot to be sold independently from the back lot and be treated as individual buildable lots based on the fact that the practical difficulty is the road, this portion of the road was not dedicated when the rest of the road was dedicated and had the road been dedicated this would not have been before the Board. Boatman second. All in favor. Motion carried. Variance approved.

The Stoffel's thanked the Board for consideration.

FOURTH ORDER OF BUSINESS: Chris Pederson. Request a Variance to relocate an existing garage eighty-six (86) feet from the ordinary high water mark of the lake due to setback

issues for the property described as: Tax ID Number: 17.0070.002. Pt Govt Lot 8: Comm MC 46, W 167.27', SE 39.47' to Ctr Hwy, E 370.06', NE 39.1', E 285.08', N 200.86' to POB; S 200.86', E 82.64', N 337.35', NW 156.77' to Leaf Lk; Section 06, TWP 138, Range 47, Lake Eunice Township. The property is located on Leif Lake at 17732 County Hwy 6, Lake Park MN.

Pederson explained the application to the Board. They would like to move to the lake permanently. They would remove the double wide home and construct a new home with attached garage. The present garage is in the way to do this, so the garage would have to be relocated. Due to the water table, they would need more storage and need to keep the garage.

Kessler stated that the driveway is not where the dedicated driveway easement was described. Pederson stated that they had considered moving the driveway but felt it was not feasible. Discussion was held on the location of the present driveway and access and the legally described easement location. Kessler explained that if a new access of the county road was put in and a new driveway constructed on the property line between tracts D & E, the garage could be placed on what is now the driveway and the new driveway could jog around the building, thus meeting the required setbacks and not requiring a variance.

Spaeth stated that this is a conforming lot that was recently created and approved as a conforming buildable lot. Spaeth felt that everyone living in this part of the country is entitled to one garage due to the weather elements, but this site may not allow two (2) garages unless all the required setbacks can be met.

Kessler reiterated the relocation of the driveway to allow the garage meeting the required setbacks. Pederson stated that he would have to talk to the affected neighbors before moving the driveway.

At this time, Pederson asked to table the application.

FIFTH ORDER OF BUSINESS: Reed Svare. Request a Variance to construct an addition onto a nonconforming dwelling which is thirty-eight (38) feet from the ordinary high water mark of the lake for the property described as: Tax ID Number: 09.0463.000. Lots 2 & 3, Ada Shores; Section 03, TWP 142, Range 39, Eagle View Township. The property is located on Tulaby Lake at 37798 S. Tulaby Lake Drive, Waubun, MN.

Ron Muff explained the application to the Board. The lot is not deep enough to meet the required setbacks. Muff stated that the drawing was not clear, so he explained that a portion of the existing cabin would be removed, a crawl space added and a larger addition constructed in its place, plus the roadside addition.

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Boatman asked if Muff had talked to the owners about moving the cabin back twelve (12) feet back to be outside the shore impact zone. Muff stated that they had not discussed that. Boatman then stated that if a portion of the cabin is going to be removed and a crawl space constructed, now is the time to move that cabin back and get it out of the shore impact zone. Muff questioned if the cabin could be tore down and a new house constructed. Spaeth stated that the new house would also require a variance due to the depth of the lot.

At this time, Muff asked to table the application in order to talk to the property owners and come back with another plan.

SIXTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting will be held on Tuesday, June 2, 2015 at 7:00 am in the Third Floor Meeting Room.

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

Jim Brufloft, Chairman

ATTEST

Eric Evenson-Marden, Zoning Supervisor