

Becker County Board of Adjustments
August 13, 2015

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

The meeting was called to order at 7:00 pm by Vice Chairman Steve Spaeth. Debi Moltzan took minutes.

The Minutes were discussed and Spaeth stated that there was one typo on the bottom of the first page; the word 'mall' should be 'small'. Kovala made a motion to approve the minutes from the July 2015 meeting, as amended. Boatman second. All in favor. Motion carried.

Spaeth explained the protocol for the meeting and Kessler read the criteria under which a variance could be granted.

Moltzan stated that Item Number 4, application by Rhonda Dalve had been withdrawn by the applicant and would not be heard.

FIRST ORDER OF BUSINESS: Bridget Johnson. Request a Variance to construct a deck sixty-three (63) feet from the ordinary high water mark of the lake for the property described as: Tax ID number: 080782000, LOT 11, BROLIN BCH 1ST ADD; Section 16, TWP 139, Range 41, Detroit Township. The property is located on Floyd Lake at 25812 Brolin Beach Road.

Eric and Bridget Johnson explained the application to the Board. The old cabin would be removed and a new house constructed. The new house would meet all required setbacks. However, they would like a lakeside deck, which would be sixty-three (63) feet from the ordinary high water mark of the lake.

Discussion was held regarding the size of the lot, the size of the house, and which setbacks could be met. Further discussion was held regarding the size of the house and if the house size could be reduced. Kessler questioned if the storage shed would be removed. Johnson stated that the storage shed would be removed. Kovala questioned the septic system. Johnson stated that there is currently a holding tank. Across the road, there is a complete septic system in which they would tie into and eliminate the holding tank on the lake side.

Kessler stated that the application indicates the deck to be sixty-three (63) feet from the lake with the neighbors at seventy-two (72) and seventy (70) feet from the ordinary high water mark of the lake, but they appear to be in line. Johnson stated that was correct because of the curvature of

the lake. Kovala questioned what type of a deck would be constructed. Johnson stated that the deck would be pervious, constructed with gaps and fabric and rock underneath.

Discussion was also held regarding reducing the width of the house and garage but in order to construct an adequate width house, they would only gain eight (8) feet and a variance would still be required.

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 proposed structure does fit into the neighborhood and will be in line with the neighboring structures. Spaeth stated that the proposal shows rain gardens and rain barrels to control water runoff. Johnston stated that the required setbacks can't be met.

Motion: Kessler made a motion to approve a deck to be sixty-three (63) feet from the ordinary high water mark of the lake based on the fact that the dwelling will meet the required seventy-five (75) foot setback, the dwelling fits the neighborhood, the lot is a small lot and the structure would be even with the neighbors with the stipulations that the house be guttered and drained into rain gardens and rain barrels, the storage shed be removed from the property, and the septic be tied into the system across the road. Boatman second. All in favor. Motion carried. Variance approved with conditions.

SECOND ORDER OF BUSINESS: Jon and Janet Christianson. Request a Variance to construct an addition onto a nonconforming structure which is seventy-seven (77) feet from the ordinary high water mark of the lake for the property described as: Tax ID number: 25.0526.000, Lot 2 Block One Juggler Beach; Section 2, TWP 142, Range 38, Round Lake Township. The property is located on Juggler Lake at 39058 E Juggler Road.

Jon and Janet Christianson explained the application to the Board. The Christianson's would like to add a three (3) bedroom addition onto their home. There is a nine (9) foot rise behind the cabin which would require lots of excavation if the addition were to be placed behind the cabin. The addition to the rear of the cabin would also change the natural flow of water runoff; destroy native vegetation, including flowers like the pink lady slipper. At the proposed site, there would be minimal excavation and nearly invisible from the lake.

Spaeth questioned why they did not construct a detached sleeping area. Christianson stated that there is nearly a thirty (30) foot rise to the lot, the detached building would need to be placed near the road which would not be convenient for anyone using it, going up and down the hill, and it would alter the natural drainage flow and destroy native flowers.

Kovala questioned guttering the house. Christianson stated that he would if the Board felt it was necessary; however, the ground is sandy and there is a native buffer toward the lake that is seventy-five (75) feet wide, which filters the runoff.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Brad and Judith Wisted in opposition to the application and Peter and Debra Samuelson in favor of the application. At this time, testimony was closed and further discussion was held.

Johnston stated the Christianson's have done a great job leaving the natural vegetation but felt gutters and rain gardens would still be beneficial. Spaeth stated that gutters clog and that there may be another way to centralize the water. Spaeth also stated that there was still the issue of the septic system and the addition being too close to the system. Christianson stated that the flags were showing the general location of the building, but not the exact location and that a portion of the drainfield could be relocated to meet the twenty (20) foot setback.

Spaeth stated that the lot has a lot of slope to it and that a separate structure would have to be placed on top of the hill. This location is probably the best location. Further discussion was held regarding the topography of the lot, location of the current structure and proposed addition, drainage and setback from the septic system.

Motion: Boatman made a motion to approve a variance to construct an addition onto a nonconforming structure, which is seventy-seven (77) feet from the ordinary high water mark of the lake based on the practical difficulty of the steep slope and topography of the lot limits the area of expansion with the stipulations that the addition not go any closer to the lake than the existing structure, the lakeside of the house be guttered and the downspouts directed into a rain garden, and the addition meets the twenty (20) feet from the drainfield. Kovala second. All in favor. Motion carried. Variance approved with conditions.

THIRD ORDER OF BUSINESS: Vernon and Mary Shasky. Request a Variance to construct an attached garage onto an existing dwelling sixty-five (65) feet from the ordinary high water mark of the lake instead of the required one hundred (100) feet from the ordinary high water mark of the lake for the property described as: Tax ID Number: 17.1049.108, Lot 8 Block 1 Pearl lake Estates, Section 12, TWP 138, Range 42, Lake Eunice Township. The property is located on Pearl Lake at 22267 Peterson Lane.

The application was explained by the Shasky's. They would like to retire at this location and need a garage with laundry and mechanical room. The house is only an 800 sq. ft. in size and the shape of the lot limits the location of any type of addition.

Johnston felt this was a good location. Spaeth stated that this lot is a peninsula with water on three sides of it. Kessler stated that he measured seventy (70) feet from the ordinary high water mark of the lake instead of sixty-five (65) feet. Kovala stated that there is a natural berm around the lot to aid in containing run off. Spaeth felt that the two fish houses should be moved out of the shore impact zone.

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 if this was going to be a year-round home, they were entitled to a garage and there was no place on that lot that the setbacks could be met because of the peninsula.

Motion: Kovala made a motion to approve a variance to construct an attached garage onto the existing dwelling seventy (70) feet from the ordinary high water mark of the lake due to the fact that there is no other reasonable location to place an addition meeting the setbacks due to the shape of the lot and water on three sides with the stipulation that the fish houses be moved out of the shore impact zone and water retention measures be implemented on the house and garage. Boatman second. All in favor. Motion carried. Variance approved with stipulations.

FOURTH ORDER OF BUSINESS: Alice Roepke, ET AL. Request a Variance to construct an addition onto an existing structure which is located thirty nine (39) feet from the ordinary high water mark of the lake instead of the required one hundred (100) feet from the ordinary high water mark of the lake for the property described as: Tax ID number: 28.0118.000, Comm at MC in NW Cor Lot 3, then E 200 ft., then S 125 ft., then W 200 ft. to the lake, then N along lake to beginning., Section 19, TWP 140, Range 38, Shell Lake Township. The property is located on Island Lake at 24224 E Island Lake Road.

The application was explained by Terry and Alice Roepke and Kelly Wegscheid, architect. The cabin was constructed in 1923 and has significant historic value to the family and Valhalla Resort. They would like to turn the cabin into a three-season cabin instead of a one-season cabin. The addition would only be 50% of the existing cabin. The roof and foundation would be replaced to make it more structurally sound. The land has been in the family for over 100 years and moving the cabin or constructing a new one would lose its historic value. The area has been left as natural as possible.

Johnston felt that if the structure had to be lifted to repair or replace the foundation, the cabin could be relocated. Boatman stated that the current structure is in the shore impact zone and should be moved out of the impact zone. Kessler stated that they could rebuild in the same

footprint. A Roepke stated that they wanted to enlarge the structure and Wegscheid stated that the addition is well out of the shore impact zone and by moving the structure it would lose its historic significance. Wegscheid felt that they were within the regulations by repairing the existing structure and add on an addition 50% of the existing structure. Kessler stated that the current structure is located in the shore impact zone, so any type of an addition still requires a variance. Boatman felt that if the structure was raised to repair the foundation, it could be moved further back.

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

Kessler felt that if the structure was moved back four (4) feet, it would be out of the shore impact zone because they measured forty-six (46) feet from the ordinary high water mark of the lake. Spaeth stated that, although there is significant historic value to the family, the structure should be further from the lake. Johnston felt that if the 100 ft. setback was achieved, there would be very few trees that would have to be removed. Further discussion was held including discussion on what was different from this request and the variance request applied for and denied in 1998.

Motion: Kessler made a motion to deny the variance as requested due to the fact that the existing structure is location in the shore impact zone, no practical difficulty exists and the 100 ft. setback could be met. Johnston second. All in favor. Motion carried. Variance denied.

FIFTH ORDER OF BUSINESS: James Zick. Request a Variance to construct a concrete pad between the two garages, forty-eight (48) feet from the Pelican River and forty (40) feet from the County Road instead of the required setback of one hundred (100) feet from the Pelican River and ninety-five (95) feet from the centerline of the County Road for the property described as: Tax ID number: 08.0464.000, Beg 354.6 ft. W & 1275 ft. S of NE Cor SW ¼ NE ¼ TH W 183 ft. N 464 ft. Al Ditch E 147 ft. & S, Section 26, TWP 139, Range 41, Detroit Township. The property is located on Pelican River at 27546 Co Rd 141.

Zick explained the application to the Board. He would like to pour concrete between the house and the detached garage.

Spaeth stated that this would be creating a funnel for the water to go directly into the river. The water would need to be detoured or cut back on the amount of concrete. Kessler stated that the drawing is out of proportion that the west end of the new garage is even with the east end of the existing house/garage. Kessler felt that if the concrete was kept out of the shore impact zone of the river and had an approved drainage plan implemented, it could actually benefit the river from what the existing conditions are.

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.

Motion: Kessler made a motion to approve a concrete driveway fifty (50) feet from the ordinary high water mark of the Pelican River and forty (40) feet from the County Road based on the fact that the installation of concrete would better contain the storm water from entering the river with the stipulation that an approved drainage plan must be obtained from the Pelican River Watershed District. Boatman second. All in favor. Motion carried. Variance approved with stipulations.

SIXTH ORDER OF BUSINESS: Michael Walz. Request a Variance to construct a cabin eighty-eight (88) feet from the ordinary high water mark of the lake instead of the required one hundred fifty (150) feet from the ordinary high water. The new cabin would replace an existing cabin, in the same location, but have a slightly increased footprint for the property described as: Tax ID number: 20.0349.001 NE1/4 OF NE1/4 LESS W 20 RODS & LESS 4.13 AC; & GOVT LOT 4, Section 22 Township 142 Range 040, Maple Grove Township. The property is located on Black Earth Lake at 36958 Co Hwy 34.

Walz explained the application to the Board. There was an existing cabin that was eighty-eight (88) feet from the ordinary high water mark of the lake. He moved the cabin off the foundation to repair the foundation and enlarge the cabin. When he was ready to move the cabin back on the foundation, he found that the cabin was not sound enough to move back on the foundation. He would like to build a new cabin on the foundation, enlarging the structure by twelve (12) feet. He is not able to move the structure back because the hill will interfere with seeing the lake and this area is shaded.

Kessler stated that the location where the Board parked the pickup met the required setback and was a beautiful location with a great view. Kovala agreed and felt that the floor of the structure is set on pillars and would not be difficult to move.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence was either for or against the application. At this time, testimony was closed and further discussion was held.

Spaeth stated that he measured one hundred fifty (150) feet back from the lake, sixty-two (62) feet straight behind the existing cabin foundation. Spaeth stated that, standing on the ground, he could see the lake, so if a cabin was placed on a foundation, it would be higher and there would be no problem seeing the lake. Johnston stated that this lake is a natural environment lake and

due to the amount of lake shore on the property and the type of lake, only one dwelling would be allowed on the property, so they would not have to be concerned with the possibility of the property being subdivided. Spaeth further stated that with the lake being a natural environment lake, it is much more sensitive than a recreational development lake.

Motion: Johnston made a motion to deny a variance to construct a dwelling eighty-eight (88) feet from the ordinary high water mark of the lake based on the fact that no practical difficulty could be proven and the required one hundred fifty (150) foot setback can be met. Kovala second. All in favor. Motion carried. Variance denied.

SEVENTH ORDER OF BUSINESS: Donna Richards. Request a Variance to construct a detached garage six (6) feet from the rear lot line and six (6) feet from the side lot line instead of the required twenty (20) feet from the rear lot line and ten (10) feet from the side lot line due to the size of the lot for the property described as: Tax ID Number: 19.1680.000, Lot 2 Less S 25 ft. & Lots 3 and 4, Ravenswood; Section 28, TWP 138, Range 41; Lake View Township. The property is located on Lake Melissa at 11540 Ravenswood Beach Rd.

Richards explained the application to the Board. They would like to build a garage on the back lot and the lot is not large enough to meet the setbacks.

Spaeth stated that the request is for the side lot line and the rear lot line. Spaeth further stated that he could see the need for a variance from the rear lot line but felt that the side lot line setback could be met.

Speaking in opposition to the variance was Richard Johnston, who felt there was a need for the rear property line variance but felt the side yard setback could be met. Written correspondence was received from Richard and Helena Johnston and Lake View Township, both in opposition to the variance. At this time, testimony was closed and further discussion was held.

Spaeth stated that the road setback is being met and felt that the opposition from the Lake View Township was for the side lot line, not the back. Johnston stated that the garage is minimal in width, being only twenty-four (24) feet wide and is meeting the required setback from the road right of way. The lot is not deep enough to meet the required setbacks and there is a wetland to the rear of the property so there would not be any close development behind the garage.

Motion: Johnston made a motion to deny the variance to be six (6) feet from the side lot line based on the fact that no practical difficulty could be proven and that the required side yard setback can be met. Johnston then made a motion to approve a variance to be six (6) feet from the rear lot line due to the depth of the lot, the structure is meeting the road setback and the

property to the rear is a wetland and undevelopable. Kessler second. All in favor. Motion carried. Variance for the side lot line denied. Variance for the rear lot line approved.

EIGHTH ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, September 3, 2015 at 7:00 a.m. in the Third Floor Meeting Room of the Original Courthouse.

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

Steve Spaeth, Vice Chairman

ATTEST

Eric Evenson-Marden, Zoning Supervisor