

Becker County Board of Adjustments
July 14, 2016

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

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

Kovala made a motion to approve the minutes from the June 2016 meeting. Kessler second. All in favor. Motion carried.

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

FIRST ORDER OF BUSINESS: Emmy & Timothy Amble. Request a Variance to construct a dwelling ten (10) feet from the road right of way and fifty-three (53) feet from the ordinary high water mark of the lake for the property described as: Tax ID number: 191312000, Lots 31 and 32, FERN BEACH 3RD ADD, Section 30, TWP 138, Range 41, Lake View Township. The property is located at 11649 Fern Bch Rd on Lake Melissa. This application had been tabled from the June 2016 meeting by the applicant.

Brant Beeson and Tim Amble explained the application to the Board. The house has been reconfigured and is actually being moved back to fifty-six (56) feet from the ordinary high water mark of the lake instead of the original request of fifty-three (53) feet. The current structure is at forty-six (46) feet. There is a berm and ice ridge along the lake shore to protect the lake. The new structure would match up with the existing string line but not the current setback average plus 20 feet or required setback. Gutters will be placed on the lake side of the house with run off going into French drains and rock around the remaining property.

Spaeth questioned what the practical difficulty of the property was that would require a variance. Amble stated a variance was needed due to the septic system. Bruflodt stated that the practical difficulty had to be of the property. Amble stated that the lot is small but the run off can be mitigated. Johnston questioned if the house could go closer to the lake with mitigation. Moltzan stated that the house could not go closer to the lake than the required setback or the setback average plus twenty (20) feet unless a variance was granted, even with a variance. Spaeth questioned the lot size. Moltzan stated that the lot size was figured at 16,800 sq. ft., which was reported on Amble's permit, now Amble's are reporting 18,425 sq. ft. of lot area. Amble stated that he got the 18,425 from the survey.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Brian Brasch, Andrew McGregor, Laurie Thielman, Bryan and Diane Nordhogen, all in favor of the application and a letter from Lake View Township granting permission to be up to five (5) feet from the road right of way with the septic system. At this time, testimony was closed and further discussion was held.

Boatman questioned the setback from the drainfield and if the house could be moved back two (2) feet to get further from the lake. Spaeth stated that the lot is almost a standard size lot and felt that the house could be reconfigured to meet the required setbacks. Johnston questioned if the sewer could be placed in the front yard and then move the house further from the lake. Further discussion was held which included relocating the septic, reconfiguring the house, moving the house further from the lake, moving the house further from the right of way and well locations.

Motion: Kessler made a motion to approve a dwelling fifty-six (56) feet from the ordinary high water mark of the lake and ten (10) feet from the road right of way of Resort Road based on the fact that there is not enough land to install a septic system and meet all the required setbacks without putting the drainfield closer to the lake. Johnston second.

Spaeth stated that he still feels that the applicant has failed to prove a practical difficulty.

A vote was taken with Kovala, Kessler and Johnston voting in favor of the motion and Spaeth and Boatman voting in opposition to the application. Motion carried. Variance approved with stipulations.

SECOND ORDER OF BUSINESS: David and Jamie Swenson. Request a Variance to construct an attached garage onto a nonconforming dwelling, which is forty-seven (47) feet from the ordinary high water mark of the lake. The addition would be eighty-four (84) feet from the road, seven and one-half (7.5) feet from the side property line, and ninety-one (91) feet from the ordinary high water mark of the lake for the property described as: Tax ID number: 170356000, PT GOVT LOT 4: COMM CTR SEC 30 S 290.90', NWLY AL RD 249.66' TO POB; NWLY AL RD 78.71', N 210' TO COMORANT LK, SELY AL LK 75.62', S 225' TO POB.; Section 30, TWP 138, Range 42, Lake Eunice Township. The property is located on Big Cormorant Lake at 17174 S. Big Cormorant Road.

Swenson explained the application to the Board. The addition would be a garage with living quarters above the garage. Due to the location of the well and septic system, this is the only location the addition could be placed.

Spaeth stated that the existing deck is in the shore impact zone by approximately three (3) feet. Kovala questioned storm water mitigation and what measures would be taken. Swenson stated that he was planning on French drains and berms.

Kessler stated that rarely does the Board approve any additions to structures that are in the shore impact zone and asked if they would be willing to remove three (3) feet of the deck. Swenson stated that if that was the only way to get the project approved, he will remove a portion of the deck. Brufloft stated that something also needs to be done to slow the water down before entering the lake.

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.

Spaeth stated that if the deck was out of the shore impact zone and all water was controlled from the site, they had a good plan. Kessler agreed that the water must be held back and the mitigation plan must be approved by the County.

Motion: Spaeth make a motion to approve a variance to construct an addition onto a nonconforming dwelling with the stipulation that the deck is reduced in size to be located outside the shore impact zone (deck must be a minimum of fifty (50) feet from the ordinary high water mark of the lake) and with the stipulation that all water runoff from the roofs be directed into retention areas and the water from the slope be bermed and mitigated. Boatman second. All in favor. Motion carried. Variance approved with stipulations.

THIRD ORDER OF BUSINESS: Scott and Andrea Sonstegard. Request a Variance to construct a dwelling seventy (70) feet from the ordinary high water mark of the lake and relocate a garage eighty-five (85) feet from the ordinary high water mark of the lake and ten (10) feet from rear property line for the property described as: Tax ID Number: 280216000, PT GOVT LOT 2: COMM NE COR SEC 30, W 931.48', W 375.86', W 66.29', SLY 59.85', SWLY 278.50', SW 179.92', SW 162.44 NW 120.43' TO POB; SWLY 73.05', NLY 122' TO ISLAND LK, NE AL LK 184.41' TO E LN GOVT LOT 2, S 242', NW 17.67' TO POB.; Section 30, TWP 140, Range 38, Shell Lake Township. The property is located on Island Lake at 23558 Warbler Way.

Sonstegard explained the application to the Board. The mobile home has been removed from the property and will be replaced by a dwelling seventy (70) feet from the ordinary high water mark of the lake. The garage would be relocated eighty-five (85) feet from the ordinary high water mark of the lake to allow the new cabin to be constructed in the present location of the garage.

The shoreline is left natural and the impervious coverage would be around 12%. The lot is only a 20,000 sq. ft. lot with 184 feet of lake shore frontage.

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.

Spaeth stated that although there was 184 feet of shoreline, there is only 20,000 sq. ft. of lot area with the sidelines being 212 feet and 105 feet. There is also a wetland and steep slope on the property preventing the required setbacks to be met. There is a berm along the shoreline to protect the lake and it is consistent with the comprehensive plan.

Motion: Spaeth made a motion to approve the variance to allow a dwelling seventy (70) feet from the ordinary high water mark of the lake and relocate the garage eighty-five (85) feet from the ordinary high water mark of the lake and ten (10) feet from the rear lot line based on the fact that this is a very irregular shape lot in which the setbacks from the lake or the road are not able to be met; the property is located on the end of a dead end easement road where it will not be a bother by other traffic; there is a slope on the east line of the property; there is a wetland with open water and cattails on the back side of the property; the structure will be located outside the shore impact zone; the variance is in harmony with the general purpose and consistent with the Becker County plan and without a variance, the owner would be deprived of reasonable use with the stipulation that the water runoff is controlled from the buildings to prevent water from running into the wetland or into the lake. Kovala second. All in favor. Motion carried. Variance approved with stipulations.

FOURTH ORDER OF BUSINESS: Lynne Hanson. Request a Variance to construct a detached garage fifty-one (51) feet from the State road right of way instead of the required eighty-five (85) feet from the State road right of way for the property described as: Tax ID number: 190419000, PT NW1/4 NW1/4 BEG 172.46' E & 951.65' S OF NW SEC COR TH S 142.55' W TO CSAH17 N TO PT W OF BEG & E TO HWY 59 & BEG; Section 21, TWP 138, Range 41, Lake View Township. The project is located at 12817 Co Hwy 17.

Hanson explained the application to the Board. She would like to construct a modest detached garage in her back yard. The property is on a hill between a state road and a county road. If the structure were moved to meet the state road setback, there would be no access to the back yard for maintenance of the propane tank, well or septic system.

Brufloft questioned if the garage could be placed in the front yard. Hanson stated that with the slope of the land, it would take a lot of fill and would not be cosmetically viable. Spaeth questioned what the practical difficulty was and why the garage could not be attached to the front

of the attached garage. Again, Hanson stated that with the slope of the land, it would take a lot of fill and would not be cosmetically viable. Brufloft questioned if the brush would be removed between the proposed garage and the state highway. Hanson stated that she had no plans of removing the brush.

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.

Spaeth stated that the owner has reasonable use of the property; however, the primary access of the property is from the county highway and not the state highway; the topography of the state highway right of way protects this property and those traveling on the state highway; the property is located between two (2) roads; and there is limited service vehicle access to the back yard. Kovala felt there was no problem with the application.

Motion: Kovala made a motion to approve a variance to allow a detached garage fifty-one (51) feet from the state road right of way based on the fact that the primary access of the property is from the county highway and not the state highway; the topography of the state highway right of way protects this property and those traveling on the state highway; the property is located between two (2) roads; and there is limited service vehicle access to the back yard. Spaeth second. All in favor. Motion carried. Variance approved.

FIFTH ORDER OF BUSINESS: Jan Morin. Request a Variance to construct a dwelling sixteen (16) and fifteen (15) feet from the road right of way and one hundred nine (109) feet from the ordinary high water mark of the lake for the property described as: Tax ID Number 170633000. BLUE WATER BAY Block 003, LOT 12; Section 19, TWP 138, Range 42, Lake Eunice Township. The property is located on East Arrow Lake Road on Arrow Lake.

Carl Malmstrom and Jan Morin explained the application to the Board. The property has been surveyed and the right of way located. The DNR has determined the ordinary high water mark and the proposed house is 109 feet from this mark. The lot is an unusually configured lot that was platted in 1970, which became a nonconforming lot when Arrow Lake was classified as a natural environment lake. The classification of the lake, the size and shape of the lot presents practical difficulties. The size of the structure has been reduced and now the garage is a tuck-under garage. The closest setback to the road right of way is fifteen (15) feet and the elevation of the lot makes it difficult to move closer to the road. The existing access from East Arrow Lake Road will be used. There is a natural buffer to the lake.

Johnston felt the 20 ft. setbacks from both road right of ways should be adhered to and allow the structure to go closer to the lake due to the natural buffer. Spaeth agreed that, with the natural

approved

buffer, the road setback should be prioritized. Malmstrom stated that both roads are dead end roads. Brufloft stated that both roads are dead end, but Blue Water Bay Road is much busier and the structure should be a safe distance from the road.

Further discussion was held regarding the road setback, how much the house would have to be shifted to meet the 20 ft. setback, what the estimated lake setback would be, if the soils would be stable enough to support the house if it were moved further from the road, and it would be better to table the application to make sure the 20 ft. setback could be met rather than approve the 20 ft. setback and find out it would not work.

At this time, Malmstrom asked to table the application to revisit the site and make sure the structure could be moved 20 ft. from the right of way and determine what the lake setback would be at that point.

SIXTH ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, August 4, 2016 in the Third Floor Meeting Room of the Original Courthouse at 7:00 am.

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

Jim Brufloft, Chairman

ATTEST

Steven L. Skoog, Land Use Director