

**Becker County Planning Commission
September 21, 2004**

Present: John McGovern, Waldo Johnson, Larry Knutson, Jeff Moritz, Harry Johnston, Jim Kovala, Ray Thorkildson, Jim Bruflodt, Julia Miller, Don Skarie, Ken Christianson, Commissioner Dave Seaberg, Zoning Administrator Patricia Johnson and Zoning Staff Debi Moltzan.

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

Kovala stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final decision. The County Board of Commissioners will act on the recommendations on Tuesday, September 27, 2004.

Bruflodt made a motion to approve the minutes from the August 2004 meeting. Miller second. Christianson stated that he felt that the motion on the moratorium should be clarified. Christianson felt that the motion should include a statement that the moratorium does not apply to existing development or those, which already have been submitted for review and approval or the development of traditional lot/block lakeshore lot subdivisions. Bruflodt amended his motion to include this statement. Miller seconds the amended motion. All in favor of the motion. Motion carried.

FIRST ORDER OF BUSINESS: Michael Larson. Request a conditional use permit to allow a retaining wall within the shore impact zone for the property described as: Lot 1 Block 1 Sherbrooke Beach Third Addition; Section 34, TWP 138, Range 43; Cormorant Township. PID Number 06.1041.000. The property is located on Lake Ida.

Randy Brogren, Strata Corporation, explained the application to the Board. The existing retaining wall would be replaced, adding a paver patio and another retaining wall behind the patio.

Bruflodt questioned how far the wall was from the lake. Brogren stated that the wall was about 15 ft from the water. Bruflodt stated that the existing wall looked like it was in decent shape. Brogren stated that he did not know if it was properly reinforced. Bruflodt felt that the existing wall could be covered with riprap and the patio could be moved out of the shore impact zone. Johnston felt that the patio should be moved out of the shore impact zone. Brogren stated that the current wall is in decent shape; they just wanted to replace the wall to prevent future problems and make uniform steps for easier access. A new wall and step system would be more eye appealing. Skarie stated that the adjoining properties are natural and do not have retaining walls.

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.

Further discussion was held regarding the two-tiered wall system, the patio, the existing wall, the steps and the adjoining properties.

Motion: Knutson made a motion to replace the existing wall and stairway with a new wall and stairway, remove the existing wooden wall and decking system and replace with fill and sod and cover the wall with two (2) feet of rip rap, returning the area to a more natural look and correct erosion problems. Skarie second. All in favor except Moritz and McGovern. Majority in favor. Motion carried. Application approved with modifications.

SECOND ORDER OF BUSINESS: Barry Bowers. Request a conditional use permit to allow a two story detached garage on the property described as: Lot 6 & N 40 Ft of Lot 7, Bergquist Beach First Addition; Section 27, TWP 138, Range 42; Lake Eunice Township. PID Number 17.0446.000. The property is located on Lake Eunice.

Bowers explained the application to the Board. Bowers would like to construct a garage and due to the size of the lot and configuration of the cabin, the garage cannot be attached to the cabin. Bowers would like to construct the garage with a second story for additional storage.

Knutson questioned the height of the structure. Bowers stated that it would be 20 ft high. Skarie questioned the purpose of the second story. Bowers stated that it would be for storage. Kovala questioned what the pitch of the roof would be and if there was any way of changing the pitch. Bowers stated that there would be a 9 ft ceiling to accommodate an 8 ft door so that he could get vehicles and the pontoon in. Knutson stated that if one garage is allowed, then the Board has to allow them for everyone.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from: Don and Kay Driscoll, in favor of the application; Diane and Greg Hapka, in favor of the application; Mr. & Mrs. Harry Fuglie, in favor of the application; John & Catherine Cronin, in favor of the application; and Rick and Allison Newman, in favor of the application. At this time, testimony was closed.

Christianson stated that the Board must be consistent with their decisions. Bruflodt stated that the proposed garage is very good size, but could be constructed to meet the 18 ½ ft height requirement. Johnston referred to Section 11 of the Ordinance, which states that detached storage sheds/garages cannot exceed 18-½ ft in height and one story. Knutson questioned what constituted a second story. P. Johnson read the definition of a story from the Ordinance. Further discussion was held. Johnston stated that the Board had to be consistent and referred to the two-story garage on White Earth Lake that was ordered to be removed because of violations.

Further discussion was held regarding the size of the lot, attaching the garage to the house, the height of the proposed structure, the second story, the purpose of the Ordinance and consistency.

Motion: Brufloft made a motion to deny the request for a two story detached garage based on Section 11 of the Zoning Ordinance. Johnston second. All in favor except Thorkildson and Seaberg. Majority in favor. Motion carried. Application denied.

THIRD ORDER OF BUSINESS: Jerry Furst. Request a conditional use permit to allow the existing two story garage to remain and allow a dwelling to be constructed without attaching it to the garage on the property described as: Lot 5 Block 1 Schurman's Cove, Section 31, TWP 139, Range 42; Audubon Township. PID Number 02.0307.805. The property is located on Little Cormorant Lake.

Jim Kaiser explained the application to the Board. The structure was built in 2000 without permits. The structure is a garage with living quarters on the second story. To correct the situation, Furst obtained an after the fact site permit, calling the structure a cabin with garage since it was the only structure on the property. Now the owner wants to construct a house and leave this structure as a garage/shop.

Discussion was held on the construction of the garage, how it could be built without anyone obtaining a permit, the size of the lot, how the living facilities could be removed, consistency, the size of the garage and the height of the garage. P. Johnson explained that when the violation was corrected, the Ordinance stated that the first structure on the property had to be a principal dwelling. Therefore, this structure was permitted as a cabin with an attached garage, being their principal dwelling unit. Kaiser stated that fill could be placed around the structure, which would lower the height and could possibly bring the height into compliance.

No one spoke in favor of the application. Bob Bristlin stated that Becker County does not issue building permits only site permits and that average height means average of the ground so that structures don't stick out. Written correspondence was received from Rob Jordahl, in favor of the application and James and Amy Jech, in favor of the application. At this time, testimony was closed.

Christianson stated that the Board just denied a two-story garage that has not been built yet and here is an application to leave a two-story garage that was originally constructed without permits. Kovala stated that the roof could be removed to bring it into the height requirements. Brufloft stated that the Ordinance may change in the future, but the Board must follow the current Ordinance. Moritz felt that the Board must be consistent and look at what would have been allowed if the applicant had followed all proper procedures. Knutson stated that it does not matter if the correct terminology for the permit is a site permit or a building permit; the fact is that the Ordinance does not allow two stories, over height garages. Further discussion was held regarding the height of the structure, what constitutes a story; and removal of the second story.

Motion: Brufloft made a motion to deny the application to allow this structure to remain as a two story garage so that a new house could be constructed on the lot based on Section 11 of the Ordinance and that only one dwelling is allowed per parcel of land.

Johnston second. All in favor except Seaberg, W. Johnson and Thorkildson. Majority in favor. Motion carried. Application denied.

FOURTH ORDER OF BUSINESS: Tammy Quade. Request a conditional use permit to allow a commercial use consisting of a restaurant and bar in an agricultural zone has been filed for the property described as West 31 Rods & North 2 Rods of SE ¼ of NE ¼; Section 28, TWP 139, Range 38; Toad Lake Township. PID Number 33.0227.001.

No one was present to explain the application. Chairman Kovala explained that there is an existing structure that the applicant would like to use to start up a restaurant and bar.

Gladwin Walker, former TWP Supervisor, explained that part of the existing structure may be in the county road right of way and that there is no parking, other than on the road way. Someone will be killed if something is not done before hand. Walker further stated that the TWP is opposed to the opening of a business on the North side of the road. There is an existing business on the South side of the road.

P. Johnson stated that, according to the information she had in the file, that the lot is 13 ft by 330 ft and is partially located within the road right of way, but it is not known how much of the existing structure is in the right of way.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Gordon and Beverly Johnson, in opposition to the application. At this time, testimony was closed.

Further discussion was held regarding the Board's options. P. Johnson stated that the Board could deny or table to obtain more information.

Motion: W. Johnson made a motion to table the application and request the following information from the applicant: detailed site plan showing the size of the lot, location of the structure with distances from the right of way and property lines; septic system design, and number of seats in the structure. Christianson second. All in favor. Motion carried. Application tabled.

FIFTH ORDER OF BUSINESS: Michael Johnson. Request a conditional use permit to allow commercial use of two storage shed for boats in an agricultural district for the property described as: North 235 Ft of South 535 Ft of Lot 2; Section 5, TWP 141, Range 36; Two Inlets Township. PID Number 34.0029.000. The property is located on Boot Lake.

Johnson explained the application to the Board. He would like to use the existing storage structure for commercial storage and construct an additional building to use for commercial storage. The second structure would be located across the township road from the existing structure.

Kovala stated that he visited the property. Johnson has a water service business, putting in docks and taking them out; storage of watercraft, etc. The shed are screened from the road.

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.

Further discussion was held regarding the size of the lot, the distance the sheds are from the lake and road, and the screening of the structures.

Motion: Christianson made a motion to approve a conditional use permit to allow commercial storage in an agricultural district based on the fact that the use would not be detrimental to the surrounding area and the structures are screened from the road and lake. Seaberg second. All in favor. Motion carried. Application approved.

SIXTH ORDER OF BUSINESS: Randy Gravelle. Request a change of zone from agricultural to residential for the property described as: 1.84 acres in the NW ¼ of SE ¼; Section 16, TWP 139, Range 41; Detroit Township. PID Number split from 08.0292.000.

Gravelle explained the application to the Board. He would like to sell off 1.84 acres for a building site. The property is currently zoned agricultural, but residential in character. The property is located within two miles of the City of Detroit Lakes.

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.

Johnston explained the two-mile extra-territorial procedure to the Board and stated that this area is residential in character. Skarie agreed.

Motion: Johnston made a motion to approve a change of zone from agricultural to residential for a 1.84-acre parcel based on the fact that the area is residential in nature. Knutson second. All in favor. Motion carried. Application approved.

SEVENTH ORDER OF BUSINESS: Johnson, Hopkins & Canfield. Requests approval of a change of zone from agricultural to residential and approval of a preliminary plat consisting of four parcels for the property described as: Pt of Govt Lots 6 & 7; Section 6, TWP 140, Range 40; Holmesville Township. PID Number 16.0029.000. The property is located on Buffalo Lake.

Scott Walz, surveyor, explained the application to the Board. The lots would be 2 to 2.5 acres in size. There are bluffs on the property and the lakeshore is marginal. There would be a need for a boardwalk to access the lake.

W. Johnson questioned where the building site would be. Walz stated that the dwelling location would be on top, but there could be room for a water oriented structure below the bluff. Christianson questioned if this was a further subdivision of the Killian property. Walz stated that it was. Kovala questioned if common docking had been discussed with the developer. Walz stated that the developers would prefer not to do that because of the legalities with ownership.

No one spoke in favor of the application. Speaking in opposition to the application were:

- Margaret Anderson – concerned about the small bay
- Robin Turnwall – concerns about the sensitive area
- Maynard Anderson – opposed to structures by the lake

Written correspondence was received from:

- Dave Barsness, DNR – concerned about the aquatic vegetation along shoreline
- Roger Levos – in opposition
- Anthony Averbeck – in opposition

At this time, testimony was closed. P. Johnson stated that Averbeck's letter was not accurate in his statements.

Further discussion was held regarding the steep slope, bluff, aquatic vegetation, common docking and land suitability. Christianson stated that this application was similar to the Little Toad Lake project that was just denied; maybe the shoreline should be put into a conservation easement. Moritz stated that there is implied lake access and it would be difficult to access that lake. Moritz further stated that land suitability needs to be addressed. Moritz suggested common docking and conservation easements. Knutson agreed. Johnston stated that this lakeshore is similar to the one on Little Floyd Lake where there was common access and docking for the lots involved and the bluff and lakeshore were put into a conservation easement. P. Johnson suggested a meeting between the DNR, surveyors, developers and Zoning to discuss options and bring a new plan back to the Planning Commission.

Motion: W. Johnson made a motion to table the application for more information, which should include common docking and lake access area; protection of the steep slope and bluff; protection of the aquatic vegetation and address erosion. Thorkildson second. All in favor. Motion carried. Application tabled.

EIGHTH ORDER OF BUSINESS: Cormorant Park Place Estates.

Johnson explained that in May 2004, the change of zone from agricultural to high density residential was approved along with a conditional use permit for a planned unit development for 28 units.

Brant Beeson stated that the final plat is merely identical to the preliminary with the exception that the land on the west side of the road has been included in the final plat for possible future storage. There is one common docking area and all units are a minimum of 150 feet from the lake.

Moritz questioned why there was no signature block for the Watershed. P. Johnson stated that the Ordinance does not require this signature block.

Motion: Christianson made a motion to approve the final plat of Cormorant Park Place Estates consisting of a planned unit development of 28 units based on the fact that the plat meets the criteria of the Zoning Ordinance. Brufloft second. All in favor. Motion carried. Plat approved.

NINTH ORDER OF BUSINESS: Final Plat of Sandy Beach Estates.

P. Johnson explained that in July 2004, the change of zone from agricultural to residential was approved, along with the preliminary plat with the stipulation that the plat would need to be amended to reflect the OHW once set by the DNR. The OHW was set by the DNR and the plat has been amended to reflect those OHW's.

Chris Heyer explained that Outlot E would be attached to the adjoining lot and the rest of the Outlots would be deeded to the Watershed.

Motion: Thorkildson made a motion to approve the final plat of Sandy Beach Estates based on the fact that it does meet the criteria of the Zoning Ordinance and Subdivision Ordinance. Skarie second. All in favor. Motion carried. Plat approved.

TENTH ORDER OF BUSINESS: Final Plat of Sherman Shores Third Addition.

P. Johnson explained that the change of zone from agricultural to residential and preliminary plat of six lots was approved in December 2003 with the stipulation that the cul-de-sac has a 200 ft radius. This has been done.

Motion: Moritz made a motion to approve the final plat of Sherman Shores Third Addition based on the fact that it does meet the criteria of the Zoning Ordinance and Subdivision Ordinance. W. Johnson second. All in favor. Motion carried. Plat approved.

ELEVENTH ORDER OF BUSINESS: Informational Meeting.

The tentative date for the next informational meeting is scheduled for Thursday, October 14, 2004 at 8:30 a.m. at the Zoning Office.

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

Jim Kovala, Chairman

ATTEST

Jeff Moritz, Secretary

Patricia Johnson, Administrator