

Becker County Planning Commission
November 16, 2010

Present: Jim Kovala, John McGovern, Harry Johnston, John Lien, Jeff Moritz, Dan Schlauderaff, Mary Seaberg, Ray Thorkildson, Jim Brufloft, Commissioner Larry Knutson and Zoning Staff Debi Moltzan.

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

Kovala made a motion to approve the minutes from the October 19, 2010 meeting. Lien second. All in favor. Motion carried.

Brufloft explained the protocol for the meeting and stated that the Planning Commission was a recommending board and that their recommendation would be forwarded to the County Board of Commissioners for final action on Tuesday, November 23, 2010.

FIRST ORDER OF BUSINESS: Darwin Lindsay. Request a conditional use permit to operate a beauty shop on the property described as: Pt Lot 5, Beg 330 ft E of SW Cor Th N 425 ft E 375 ft SW Al Rd to S Ln & W 65 ft to Beg, Section 12, TWP 139, Range 40, Erie Township. The shop will be located in a separate building and the property owner will be the only employee with hours of operation being Monday – Saturday between 9 am and 6 pm. PID Number 10.0218.001. The property is located at 20244 Co Hwy 29.

Lindsay explained the application to the Board. His wife has a shop in Perham, which is up for sale. She would like to begin a shop at their home. The shop would be located in the garage, which is to be constructed. The proposed shed will be 30 ft by 30 ft, with half being garage and half being the beauty shop.

Kovala questioned how many employees there would be. Lindsay stated that his wife would be the only employee. McGovern questioned if the septic system was up to date and how far the shop would be from the septic system. Lindsay stated that the system was up to date, was large enough to accommodate the beauty shop and would be several feet from the system. The shop would have its own sewer line to the septic system. Seaberg questioned if the Lindsay property abutted the gravel road to the rear of the property. Lindsay stated that his property did not abut the gravel road. Knutson questioned a second approach and asked Lindsay if he had been in touch with the County Engineer because there may be a possibility that a second approach is not possible and the shop would have to share the existing driveway with the house. Lindsay stated that he had not talked to the County Engineer and if need be, the driveway could be shared.

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 discussion was held.

Lien stated that he has concerns with a second approach, but has no concerns about the application. Lien stated that he had talked to several people in this neighborhood and no one had a concern with the application. Knutson stated that these types of applications have been typically allowed, the only concern is the second driveway, but if the second driveway is not allowed, the existing driveway could be utilized.

Motion: Kovala made a motion to approve a conditional use permit to allow a beauty shop on the property based on the fact that it would not be detrimental to the surrounding area with the stipulation that if a second approach is constructed, the Becker County Highway Engineer must approve the location. Seaberg second. All in favor. Motion carried. Application approved with stipulation.

SECOND ORDER OF BUSINESS: Deanna Wirth. Request an after the fact conditional use permit to have a second dwelling on the property described as: Pt NW ¼; Comm SE Cor TH W 1540 ft, Th N 567 ft, Th E 1540 ft, Th S 567 ft to SE Cor NW ¼ & POB AKA Tract B, Section 4, TWP 138, Range 39, Silver Leaf Township. PID Number 29.0023.001. The property is located at 37446 Hungry Lake Lane.

Wirth explained the application to the Board. Both homes have been on the property since before the 80's. Her father had allowed this elderly gentleman to stay on the property when he owned the property. The gentleman has nowhere to go and is disabled. Recently, her father gave the land to the kids.

Lien asked if each home had a separate driveway. Wirth stated that each mobile home had a separate driveway. Knutson questioned if the gentleman required extra care. Wirth stated that he did not require extra care. Kovala questioned if the gentleman was a relative. Wirth stated that he was not a relative, but a long time friend of the family. Lien stated that this piece of property was quite large and it may be possible to subdivide the property. Lien further stated that these requests have been approved in the past; however, it was for family members that required additional care. Brufloft stated that he admired Wirth's commitment to some one that was not a relative; however, the applications that have been approved were for elderly care of relatives. Knutson asked what would happen to the mobile home once this gentleman was no longer living there. Wirth stated that it would be removed or torn down.

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 discussion was held.

Discussion involved subdividing the property, relative versus non-relative, setting a precedent and what stipulations could be placed on the conditional use permit. Lien stated that this situation has been there for a long time; it did not just happen. Each place has their own driveway and 911 number. Knutson stated that the property could be split and then brought back together again when the second home is no longer there. Knutson further stated that the County Board does have the final decision. Johnston stated that he

could go along with the application as long as the second home is removed once this gentleman is no longer living there.

Motion: Lien made a motion to approve an after the fact conditional use permit to have a second dwelling on the property for the purpose of elder care based on the fact that the use has been there for several years, the property is quite large, and that it is not detrimental to the surrounding area with the stipulation that the second home be removed from the property within 90 days from the time the current occupant is no longer living in that home. Johnston second. All in favor except McGovern. Majority in favor. Motion carried. Application approved with stipulation.

THIRD ORDER OF BUSINESS: Scott Goodhart. Request a conditional use permit to allow fixing, repairing and scrapping out vehicles on the property described as: Pt NW ¼ NW ¼; Beg 1055.57 ft W & 74.55 ft S of NE Cor TH S 500.10 ft, W 435.51 ft, N 500.34 ft to Hwy & E Al Hwy 435.51 ft to Beg, Section 28, TWP 139, Range 40, Erie Township. PID Number 10.0455.001. The property is located at 31193 St Hwy 34.

Scott and Becky Goodhart explained the application to the Board. The Goodharts stated the their family does almost anything to make a dollar, that is why they are asking for this conditional use permit. They also foster teenagers and the teenagers are learning how to fix and repair vehicles. All the vehicles that they drive were once scrap vehicles.

Brufloft questioned how many foster children they have at one time. B Goodhart stated that there is usually two (2) to three (3), but they have had up to eight (8) if they are a family unit. Kovala stated that the property is a junkyard and he would be appalled if he were one of the neighbors. Kovala questioned how often the junk is taken away. B Goodhart stated that a couple of the vehicles have been there for a long time, and two have been fixed and are waiting for titles, which can take 8 to 10 weeks. Once the vehicles have been fixed up, they are sold. B Goodhart stated that they would be happy to put up a fence because they do not want to be offensive to their neighbors, it just gets messy when the vehicles are being scrapped out. McGovern asked what is done with the fluids. S Goodhart stated that the fluids are placed in containers and taken to Rodewalds. Brufloft stated that the westerly side of the property is not offensive, but the easterly side is the biggest concern. S Goodhart stated that the appearance of the property has drastically improved by him taking down all the old turkey barns. Brufloft questioned how many cars were actually on the property. B Goodhart stated that twelve (12) of the vehicles were their own personal vehicles, four (4) to five (5) scrap vehicles and three (3) to four (4) ready to be sold. Knutson asked how the fluids are contained when the vehicle is tipped over to be scrapped. S Goodhart stated that the fluids are drained from the vehicle before tipping it over. Kovala questioned why they had so many personal vehicles and if they are all currently licensed. B Goodhart stated that all but two are currently licensed and their tabs just ran out, there are four (4) to five (5) service vehicles for the appliance business and the rest are their personal vehicles. Goodhart also stated that since they were scrap vehicles at one time, they have a couple of extra vehicles around in case of a break down.

Speaking in opposition to the application were:

Paul Bakken – Goodharts have proven irresponsibility in the past, if this is turned into a junkyard, the kids will be unsupervised. The Goodharts already have a rental house and appliance business on this property and now want a third. The sheriff has been called several times for noise complaints on the people in the rental home and the junkyard would compound the problem.

Mark Blacknik – concerned that it would become a ‘Denny’s’ junkyard. If approved, a fence should be required. He sold his last property at a loss due to the neighbor’s junk devaluing his property; he does not want that to happen again.

Larry Lehman – concerned about the wetlands and handling of the fluids. Hwy 34 is a scenic highway and he does not want to look at a junkyard.

Char Bakken – prior to last Thursday, there had been some clean up. There had been a trailer of appliances that sat there for one (1) to two (2) weeks. She is concerned about the wetlands, fluids, close proximity to the road, debris flying into neighboring yards and the fact that the Goodharts do not live there and do not have to look at it all the time.

Dennis Sever – concerned about the handling of oils and fluids.

Dave Graham – it is appalling to look at, this is not a well-kept property and does the County want another blight property on their hands. They have to look at the property all the time and the Goodharts can leave to go to their home.

Written correspondence was received in opposition to the application from Larry Lehman, Jim Utecht, MN DOT and Heidi Graham. At this time, testimony was closed and further discussion held.

Lien questioned the zoning of the property. Moltzan stated that the property was zoned commercial. Lien stated that there are two (2) separate issues – the screening and what is reasonable. Lien felt that it was good for the kids to have a project and learn a trade, however, it should be contained. Brufloft stated that it was a positive for the kids, but a detriment to the neighborhood. Moritz stated that this is more of a business than a family activity. Moritz felt there should be a business plan with more information before he could make a sound decision. McGovern stated that the property is very messy and would like to have the application denied; property cleaned up and then come back with a plan. Lien stated that one of the conditions for approving a conditional use permit was that it would not adversely affect the neighbors. Knutson stated that as a commercial piece of property, they can repair and sell vehicles but they cannot scrap them out, and that was clearly not conducive to the neighborhood. Seaberg questioned if some of the operable vehicles could be taken to their home. B Goodhart stated that four (4) to five (5) of the vehicles were service vehicles and needed to remain at the business.

Motion: Kovala made a motion to deny the application as submitted based on the fact that it is a detriment and not compatible to the neighborhood. McGovern second. All in favor. Motion carried. Application denied.

FOURTH ORDER OF BUSINESS: Informational meeting and per diems.

The next informational meeting is scheduled for Thursday, December 16, 2010; weather permitting, at 8:00 am in the Third Floor Meeting Room, Original Courthouse.

Per Diem vouchers are due by the end of the year.

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

Jim Brufloft, Chairman

Jeff Moritz, Secretary

ATTEST

Patricia L. Swenson, Administrator