

**Becker County Board of Adjustments
June 14th, 2007**

Present: Members: Bill Sherlin, Al Chirpich, Jim Bruflodt, Eugene Pavelko, Steve Spaeth and Jerry Schutz.
Zoning Staff: Administrator Patty Swenson and Julene Hodgson.

Chairman Jim Bruflodt called the meeting to order. Julene Hodgson took minutes.

Minute approval: The May minutes were discussed.

There was an error in the last sentence in the second order of business under the further discussion area. The sentence should have read: Option A could have been completed without a variance request.

An error was corrected in the fifth order of business motion. The sentence should have read: The 336 sq ft garage is to be removed or relocated on the property to make the 20 ft setback from the closest point to the Road right of way. Chirpich second. All in favor except Sherlin. Motion carried. Spaeth made the motion to approve the corrected minutes from the May 10th, 2007 meeting. Chirpich second. All in favor. Motion carried.

Chairman Bruflodt explained the protocol for the meeting. Spaeth read the criteria for granting or denying a variance.

FIRST ORDER OF BUSINESS: APPLICANT: Bruce Parmer PO Box 5761 Fargo, ND 58105 **Project Location:** 24058 & 24096 Co Hwy 22

LEGAL LAND DESCRIPTION: Tax ID number: R190407000 Lake Sallie
Aud Lot 20; Section 20, TWP 138, Range 41. Lake View Township

APPLICATION AND DESCRIPTION OF PROJECT:

Request an after-the-fact Variance to construct a 6x20 addition and repair the foundation of an existing cabin located 12 feet from the ordinary high water mark of the lake, due to a substandard lot of record. This deviates from the 100 feet setback from the ordinary high water mark of the lake.

Applicant Bruce Parmer explained the application to the Board. The present cabin was sloping inward and deteriorating. Mr. Parmer started the project last fall by removing the bathroom to add on a bigger addition area, jacking structure up to re-do blocking to sturdy the foundation and steps because he didn't know how long the structure would last without structural improvements. Mr. Parmer explained to the Board there are two dwellings on the same property to which himself and his wife's sister have joint ownership. Spaeth stated the Becker Co Ordinance states you are allowed one residential dwelling per parcel of land. As non-conforming, the cabins could only remain with maintenance. Structural changes are more than maintenance. Spaeth stated it looked like there had been previous foundation improvements done to the other dwelling on the property also. Chirpich asked Mr. Parmer if this was discussed with the applicant prior to the Variance request. Mr. Parmer stated he had been explained this when he was into the Zoning office to make application for the after the fact Variance procedure. Mr. Parmer stated the improvements started out as cosmetic but ended up being structural to add on

and level up existing. Sherlin stated the lake has a 75 feet setback with the shore impact area being at 37 ½ feet and both dwellings are located in the shore impact area. The stringline method could not be looked at because both dwellings are also ahead of stringline, so they could only remain with maintenance.

No one spoke in favor of the application. No one spoke against the application. There where no written correspondence in the file. At this time, testimony was closed.

Further discussion was held by the Board. Chirpich asked Swenson if the Board could allow Mr. Parmer to replace the structure back as it was with no improvements. Swenson stated a non-conforming structure can be used as such, once it is altered it has to meet the regulations of today. Therefore, Mr. Parmer cannot do anything further with the dwelling. Chirpich stated everything on the parcel goes against the regulations. Brufloedt stated again this is a single lot with two residents. He thought they could move the dwelling back until he found out the information regarding the two dwellings. Sherlin stated the property should now work on becoming compliant. Swenson stated Mr. Parmer can do maintenance and cannot reattach the bathroom. He can remove the structure, but because of the laws in place, you cannot always replace what is removed.

MOTION: Sherlin made the motion to deny a Variance because it is not in harmony with the general purposes and intent of the Becker County Zoning Ordinance in multiple areas of the regulations. Spaeth second. Motion carried.

SECOND ORDER OF BUSINESS: APPLICANT: Northern Resort Development, LLC 8605 NE River Rd Rice, MN 56367 **Project Location:** 56698 310th St
LEGAL LAND DESCRIPTION: Tax ID numbers: R340094000, R340215000, R340123001. Two Inlets Lake Lot 9; Outlot 1 of Weigel's subdivision; N 220' of Lot 1; Section 14, TWP 141, Range 36. Two Inlets Township

APPLICATION AND DESCRIPTION OF PROJECT:

Request a Variance to allow a 100 ft setback from the Ordinary High Water Mark (OHWM) of the lake for structures in a proposed Multi-Unit Residential Development (MURD) due to setback issues. This deviates from the 150 ft required setback from the OHW for the first tier structures in a MURD.

Representative Rand Schaper explained the application to the Board for Northern Resort Development LLC. He stated they see the hardship being characteristics of the land. The current cabins are within 100 feet of the OHW of the lake. The RVs on the site make the 100 feet setback. The Developers at first discussed expanding the current resort and leaving it zoned as commercial property. Currently they have 19 units and the cabins close to the shoreline could be left where they are or replaced in the same location. If left commercial they could also increase the number of cabins above 19. Mr. Schaper has read the letters of opposition that where in the file and agrees the environment should be protected. They stated the 150 feet setback devastates a huge part of the property. The Environmental Review Committee has been involved and recommended the three dock locations and noted most of the shoreline has been maintained as natural. The structures within the 100 feet would be removed with implementations of raingardens. The

Developers stated their plan would improve the property and the MURD would be the right approach to minimize impact of the property. The cluster homes would use a central septic system. Schutz asked if the Developers have purchased the property. Mr. Schaper stated they have a purchase agreement pending on the property. Mr. Schaper did not know if there were contingencies attached. Schutz stated the larger area of the property could make the 150 feet setback. Swenson stated the Counties were granted the authority from the State to allow the rebuilding of existing structures where they are presently located in a Commercially zoned Resort scenario. Spaeth asked the question to Swenson if the current resort was not up to their density, could they build more structures back further or within stringline to which Swenson answered yes. Swenson stated they allow major flexing in these cases to rebuild when the current resort is zoned commercial and there is a conditional use in place. With this proposal the Developers would have to comply to all the MURD regulations. Brufloft asked if the trail proposed will be paved and Mr. Schaper stated no. They are proposing a beach in a central location and walking paths with the surface to stay as natural as possible. Schutz asked if they are considering pervious material for the loop around the whole property. Mr. Schaper stated they would look at options to help with the dust. Sherlin discussed the new info handed out showing the measurements of the property. Swenson stated anything riparian to the lake would be considered the first tier. Mr. Schaper discussed phase 1-4 with best case scenario of a four year plan. Sherlin asked Mr. Schaper to state the hardship request of the property for reasonable use. Mr. Schaper stated the way the land exists, the character, the width that is useable. If the Variance is not allowed Mr. Schaper stated the 150 feet regulation would make it unusable in the peninsula area. He stated the hardship as being the land itself. Spaeth stated if this property was developed into a lot and block area for single family residences it could mean possibly 14 or 15 which is only 1 less than proposed. They could build large homes where the MURD would restrict size of structures and limitations to follow. Spaeth noted Mr. Schaper stated the lakeshore is to be kept natural, which was not proposed on the site plans. Chairman Brufloft reminded the Board the application being requested was to be looked at for the lake setback only, the PC addresses the other issues. Chirpich confirmed with Swenson that if the property was subdivided into lot and block parcels the structures could be approved to be located at the 100 feet setback being proposed.

No one spoke in favor of the application. Present and speaking against the application were: Teresa Goodrum, Jennifer Bateman, John Brady, Ruth Ann Brady, Linda Mager, Virginia Guptill, Dennis Wright from Two Inlets Township Board and David Mager. Some of the comments were: Concern regarding the Peninsula then having too much structural coverage if the 100 feet setback was granted. The property is located at a Channel area and the use of the area would be more populated. They request the 150 setback be maintained, law put into effect for a reason. Driveway and parking areas look to be proposed at 50 feet with the 100 feet setback request. The plans will make the property and area much busier. Not against development of the property, but support the 150 setback that is in place. Patty Swenson read several letters in the file. The Board had several letters sent to them prior to the hearing, including a signed petition, from the file.

Further discussion was held. Chairman Bruflodt again stated the setback was the only issue being addressed tonight. The present resort has not been kept up. At this point it could be left to deteriorate. They could develop the property into lot and block with 14 different owners. A Cluster or MURD would have more control, possibly what is best for the property. Swenson added the MURD law was implemented in 2005, but the Zoning Ordinance Review Committee is in the process to seek the public to amend the present rule. The proposal will be the request to recommend the lake setback back to the 100 feet setback. There are land hardships that are caused by the current regulation and the recommendation will be heard soon. Bruflodt stated to look at the accumulative effect on the property by proposing or denying this proposal. Chirpich stating the 100 ft setback doesn't give the particulars of what PC would require for density approved. This proposal would have Common use and ownership of the property. Spaeth again stated the proposed units would have control where a lot and block there would be no control. There would be better control to keep the shoreline natural. Swenson stated planning and zoning would calculate and decide the density. Sherlin stated the property was available for reasonable use in other ways. The 14 acres didn't mean there would be 14 lots available. There still would be less than 8 in the peninsula as apposed to the units proposed now. The granting of the Variance would allow for a greater amount of density because of less lake setback. The regulation is there for a reason and without more information regarding the proposal it is hard to see what the potential would be for the property in whole. The feature of the land is not peculiar but unique. Stated there is no hardship of the property. Schutz agreed there was a lot to what had been said and he also stands by the 150' setback. The Developers can cover 25% of the property with impervious coverage. Chirpich confirmed that with the MURD proposal there would be traffic reduction and they are implemented to be careful of the lake use. There are some plusses to these type of developments. The plan could be tweaked to put more or less on the peninsula. Pavelko was concerned for the road proposed so close to the lake and realizes the small space on the peninsula and would like to stick to the regulations.

MOTION: Schutz made the motion to deny a Variance due to an undemonstrated hardship of the property. Chirpich second. All in favor but Spaeth. Motion carried.

Informational Meeting. The next informational meeting is scheduled for Thursday, July 5th, 2007 at 7:00 a.m. at the Planning & Zoning Office.

At this time Sherlin addressed the Board. He stated he was going to be present at the PC meeting the following Tuesday as a Cola Representative to address the information proposed regarding this MURD application.

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

Jim Bruflodt, Chairman

ATTEST

Patricia Johnson, Zoning Administrator