

Becker County Board of Adjustments
December 13, 2007

Present: Members: Jim Bruflodt, Bill Sherlin, Al Chirpich, Steve Spaeth, Eugene Pavelko, and Clifford (Kip) Moore.
Zoning Staff: Julene Hodgson.

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

Minute approval: The October minutes were discussed. Sherlin requested corrections for the sentences under Old Business, Dale Geritz to read: Sherlin asked if all 72 permitted units were filled, to which Geritz answered yes, they were all seasonally rented with no short term rentals. Geritz gives permission for any structural improvements within the units and he stated he has never had any other agencies approvals or any permits. Chirpich made the motion to approve the minutes from the November 8th, 2007 meeting with corrections. Sherlin second. All in favor. Motion carried.

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

OLD BUSINESS:

- 1. FIRST ORDER OF BUSINESS: Kevin & Cynthia Hansen** 15888 7th Str SE Hillsboro, ND 58045 **Project Location:** 37079 Co Hwy 35 **LEGAL LAND DESCRIPTION:** Tax ID number: R090102000 Big Elbow Lake N 100' of S 450' of Lot 2 Section 13, TWP 142, Range 39 Eagle View Township. **APPLICATION AND DESCRIPTION OF PROJECT: Tabled from November 8, 2007 hearing.** Request a Variance to construct a deck onto an existing dwelling located in the bluff impact zone due to existing setback issues and the topography of the parcel. **The deck would be constructed even with the existing dwelling located 1' back from the bluff top and behind existing stringline.**

Kevin and Cynthia Hansen explained the application to the Board. The application was tabled from the November hearing. The previous proposal requested the deck to be constructed over/beyond the bluff area, the new proposal would construct the deck no closer to the bluff area than the existing dwelling. The larger part of the deck would go toward the back of the existing dwelling. The size of the deck was proposed to cover the eroded/traveled area on the bluff top and help with further erosion. Spaeth asked about the pitch of the roof of the existing dwelling and how gutters, spouts and a possible infiltration area would help with the runoff away from the bluff area.

No one spoke in favor of the application. No one spoke against the application. There was a letter of correspondence in favor read by Hodgson from neighbors Rick and Gretchen Kittelson for the file. At this time, Testimony was closed.

Further discussion was held. Spaeth stated if the Variance would be granted as proposed, there could be stipulations attached to gutter existing dwelling and for the deck to remain pervious. The Board stated the wording could include the deck to be free standing, not connected and if the cabin goes away for any reason, not necessarily replace the deck in the same place. Brufloodt stated the second plan submitted was a better plan for the property. Moore stated the new proposal was a better one and he had no concerns.

MOTION: Chirpich made the motion a Variance be granted to construct a deck no closer to the bluff than the existing structure as proposed on the site plan on file in the Zoning Office. The deck is to be constructed freestanding from the existing dwelling and is to remain pervious. Gutters are to be installed on the existing dwelling with down spouts directed away from the bluff area as best as possible. If the cabin is removed or destroyed, the deck is to be removed and the Variance for this deck becomes null and void. Sherlin second. All in favor. Motion carried.

NEW BUSINESS:

FIRST ORDER OF BUSINESS: Application by Rolland Saylor 217 28th Ave N Fargo, ND 58102 Project Location: 43443 218th St LEGAL LAND
DESCRIPTION: Tax ID number: R330026000 and R330031000 Toad Lake Part of Govt Lot 4 Section 04, TWP 139, Range 38 Toad Lake Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct a 28x36 detached accessory structure 15 feet from the rear property line. This deviates from the required 40 ft setback due to the substandard sized lot of record.

Rolland Saylor and Scott Walz from Meadowland Surveying explained the application to the Board. Meadowland prepared the survey for the property owner. The request is for a storage structure at the rear of the property be closer to the rear property line than allowed. The area has 3,000 extra square feet that was purchased and added to the existing property specifically for the structure proposal. The owner stated there is a power line at the rear of the property and the power company is not apposed to the structure proposal in this area as long as they have accessibility to the power line. Saylor and Walz questioned the existing storage shed structure placed toward the rear of the neighboring property looks to be closer than the 40 feet required. Hodgson stated the Zoning Office reviewed the file of the neighbors property and noted the structure was permitted to be located 46 feet from the rear property line and there was no Variance on file. Hodgson added the storage shed was constructed before the Zoning Office conducted pre and footing inspections and the owner placed the structure closer to the rear property line than was permitted, the shed is considered nonconforming on that property. Saylor wants to propose the structure to the rear as much as possible to tuck it back into the woods. Spaeth questioned Saylor as to what he would state the hardship of the property to be to which Walz stated the limited/substandard size of the combined lots and where the septic systems are located makes it difficult for placement of the size of storage structure Saylor is requesting. Spaeth reminded Saylor that the two properties are looked at as one buildable lot due to the substandard sized properties in same ownership. **The Board asked verification regarding two dwellings on one property to which Hodgson stated the Ordinance states only one dwelling unit per property and because the property does not meet the criteria for a guest cottage, the property is looked at as nonconforming due to the two existing dwellings.**

Spaeth stated if the Board was to approve the Variance as proposed, they could add the stipulation of a time frame the guest cottage would be required to be removed from the property. Hodgson suggested if the kitchen facilities were taken out of the guest cottage, it could remain as an existing bunkhouse not capable of providing independent human habitation in addition to the primary dwelling.

(FYI: Scott (from Meadowland) has read the previous bold area and would like this area stricken from the hard copy of the minutes. He does not feel this pertains to the Variance request and does not want it on record for the property.)

Sherlin noted the property has existing storage units, but wondered if the structure proposed could make the rear setback without a Variance on the other lot area. Brufloft asked the owner if he could propose to move the structure 5 feet more into the property making a 20 feet setback from the rear property line and the owner stated that would be possible. Brufloft stated the recommendation to change the setback regulation for a detached accessory structure to be located 20 feet from the rear property line is to be reviewed in front of the County Board possibly on Tuesday, December 18th. The owner could table the application to wait for the outcome. If the County Board approves the change as proposed, the owner could resubmit a site application for review to Zoning. If a site permit could be approved in Zoning with mitigation for the lot coverage, the owner would not have to come back in front of the Variance Board. **At this time, the property owner asked to table the Variance application until a later date to wait for the outcome of the new regulation proposal to the County Board Members.**

Informational Meeting. The next informational meeting is to be determined by the Planning & Zoning Office due to winter conditions.

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

Jim Brufloft,
Chairman

ATTEST

Patricia Swenson, Zoning Administrator