

Becker County Board of Adjustments
April 14, 2016

Present: Members Harry Johnston, Jim Kovala, Lee Kessler, 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 December 2015 meeting. Kessler second. All in favor. Motion carried.

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

FIRST ORDER OF BUSINESS: Bruce and Ann Kindseth. Request a Variance to construct a dwelling fifty-two (52) feet from the ordinary high water mark of the lake. Amended Request: Request a Variance to construct a dwelling sixty-five (65) feet from the ordinary high water mark of the lake for the property described as: Tax ID number: 090060000, Lot 1 Less Plats, Section 12, TWP 142, Range 39, Eagle View Township. The property is located at 38743 S Elbow Lake Road on Elbow Lake.

Kindseth and Ron Muff, contractor, explained the application to the Board. Since the last meeting, Kindseth had the property surveyed to determine how much lakeshore frontage there was; moved the proposed structure back to sixty-five (65) feet rather than fifty-two (52) feet; and contacted the Buckley's regarding possible road vacation or relocating the road. Kindseth had also been working with Stenerson Lumber in regards to house plans that would work with what they want and yet fit the area. The existing cabin was found to be forty-five (45) feet from the ordinary high water mark of the lake instead of fifty (50) feet. This cabin would be removed when the new house is constructed.

Bruflodt questioned what the practical difficulty was. Kindseth stated that they wanted this home to be a permanent home. Bruflodt questioned what would happen to the existing home on the property. Kindseth stated that it would be used as a guest house for overflow company. Muff stated that the road is causing difficulty with placing a home meeting setbacks.

No one spoke in favor of the application. Speaking in opposition to the application was Gary Buckley, with concerns of the structure being so close to the road, their property does not abut Ada Beach Road, and so it would be very difficult to find another access to their property. There was no written correspondence either for or against the application. At this time, testimony was closed and further discussion was held.

Kessler stated that the proposed structure is too large for a guest house and there is already a home on the property, along with the cabin that is being removed. Spaeth stated that if the structure was downsized to meet the requirements of a guesthouse, no variance would be required. Spaeth felt that no practical difficulty has been proven. Johnston stated that Kindseth could replace the existing cabin in the present location, the same size with no expansion.

Motion: Spaeth made a motion to deny the variance to construct a dwelling less than one hundred (100) feet from the ordinary high water mark of the lake (denying both the original and amended request of fifty-two (52) and sixty-five (65) feet from the OHW) based on the fact that the applicant failed to demonstrate a practical difficulty to exceed the allowable seven hundred (700) square foot guest house as allowed by Ordinance. Kovala second. All in favor. Motion carried. Variance denied.

SECOND ORDER OF BUSINESS: David Gravdal. Request a Variance to construct an addition onto an existing dwelling forty-one (41) feet from the ordinary high water mark of the lake for the property described as: Tax ID number: 200459000, 182' E&W X 150' N&S IN SE COR LOT 1; Section 35, TWP 142, Range 40, Maple Grove Township. The property is located at 34703 Strawberry Lane on Strawberry Lake.

Gravdal explained the application to the Board. The addition would go on the back side of the house, where there is currently a roof covering a concrete slab. This would be enclosed and made part of the house, primarily the kitchen. A deck would be constructed on the lakeside of the house from the house to the concrete wall. The deck would not disturb any earth.

Spaeth stated that this lot is quite a large lot and questioned why the house could not be moved further from the lake and an addition be placed on the house. Gravdal stated that they have already resided the house and put in new windows. If the house was to be moved back, they would have to move or remove the garage and he would not be able to afford relocating the structures.

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 proposal is in the shore impact zone and that is enough to deny the application. Johnston stated that the kitchen addition is not in the shore impact zone. Spaeth stated that the kitchen addition may not be in the shore impact zone, but eleven (11) feet of the current home is in the shore impact zone and the deck addition would be going closer to the lake and further into the shore impact zone.

Motion: Spaeth made a motion to deny a variance to construct an addition onto an existing dwelling forty-one (41) feet from the ordinary high water mark of the lake based on the fact that there is no practical difficulty to allow more construction in the shore impact zone and the lot is adequate in size to move the structure out of the shore impact zone. Kessler second. All in favor. Motion carried. Variance denied.

THIRD ORDER OF BUSINESS: Darian and Karrie Hanson. Request a Variance to construct an attached garage and skyline eighty (80) feet from the ordinary high water mark of the lake. The existing structure is sixty-three (63) feet from the ordinary high water mark of the lake for the property described as: Tax ID number: 180324000, BIJOU HEIGHTS, Block 004, LOTS 18 AND 19; Section 29, TWP 139, Range 43, Lake Park Township. The property is located at 17347 W. Alpine Lane on Bijou Lake.

Hanson explained the application to the Board. A previous variance had been obtained to place a second story addition onto the small modest cabin. Since then, his family has grown and both he and his wife work from home. The addition would be a two story garage attached to the house by an enclosed skywalk.

Spaeth questioned what the practical difficulty was. Hanson stated that the way the lot is shaped, where the existing house, well and septic system is located and the fact that there needs to be access to the well for maintenance, this is the only logical place to put the addition.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Lake Park Township in favor of the application. At this time, testimony was closed and further discussion was held.

Kessler stated that the proposal gives reasonable use of the property and the structure is located outside the shore impact zone. Kovala stated that the addition would be going further from the lake than the existing structure. Spaeth stated that the structure is out of the shore impact zone and that it has not been determined whether or not the 'hill' is a bluff or not, but mitigation should be done to keep water from running toward the lake.

Motion: Spaeth made a motion to approve a variance to allow an attached garage and skyline to be constructed eighty (80) feet from the ordinary high water mark of the lake, which will be attached to a nonconforming house sixty-three (63) feet from the ordinary high water mark of the lake based on the size of the lot; the location of the existing structure, well and septic system; the fact that the structure is out of the shore impact zone and the variance gives reasonable use of the property with the stipulation that all storm water runoff from the structures be directed away from the lake. Kovala second. All in favor. Motion carried. Variance approved with stipulations.

FOURTH ORDER OF BUSINESS: Soo Pass Ranch, Inc. Request a Variance to construct a digital sign board, which exceeds size regulations of signs in an agricultural zone for the property described as: Tax ID number: 190315000, LOT 2 SW OF RWY LESS N 32 RDS W OF HWY; & 3.78 AC & LOTS 1 & 3 EX R/W, 1 AC W OF HWY & NE 10 AC OF LOT 1; & NE1/4 OF NW1/4; Section 16, TWP 138, Range 41, Lake View Township. The property is located at 25526 Co Hwy 22.

Mark Bjerke and Mark Fossaa explained the application to the Board. The property is zoned agricultural but has always been used commercially and is taxed commercially. The sign would be on a permanent post along Highway 59 fifty (50) weeks during the year and the other two (92) week would be relocated to the concert bowl area to be used for advertising and emergency messages.

Discussion was held regarding the size of the structure and how that size compares to other signs in the area; regulations concerning different signs in different zoning districts; and the zoning of this property and how it is being and has been used.

Kessler questioned how many seconds messages will appear. Bjerke stated each message will appear for six (6) to seven (7) seconds; this is regulated by MN DOT.

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.

Kessler questioned if MN DOT had been contacted by the applicant. Bjerke stated that they had not contacted MN DOT because MN DOT does not require permits for on premise business signs and he felt that if they were advertising the sponsors of WE FEST, it was a business sign.

Spaeth stated that this property has always been used commercially and has a conditional use permit for commercial use.

Motion: Spaeth made a motion to approve a variance for a digital sign board, which exceeds size regulations of signs in an agricultural zone based on the fact that the property is used and always has been used commercially and operated under a conditional use permit for commercial use. Kovala second. All in favor. Motion carried. Variance approved.

FIFTH ORDER OF BUSINESS: Informational Meeting. The tentative date for the next informational meeting is Thursday, May 5, 2016 at 7:00 am in the 3rd Floor Meeting Room of the Original Courthouse.

SIXTH ORDER OF BUSINESS: Election of Officers. Spaeth made a motion to nominate Brufloft as Chairman. Johnston second. Brufloft made a motion to nominate Spaeth as Vice-Chairman. Johnston second. Kovala made a motion to close nominations. Johnston second. All voted in favor of Brufloft for Chairman and Spaeth for Vice-Chairman. Motion carried.

Brufloft stated that he would accept being Chairman for one more term, but then would be stepping down from the Chairman position.

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

Jim Brufloft, Chairman

ATTEST

Jack Ingstad, Acting Zoning Supervisor