

Becker County Board of Adjustments
April 13th, 2017

Present: Chairman Jim Bruflodt, Members: Harry Johnston, Lee Kessler, Jim Kovala, Steve Spaeth, Brad Bender, Zoning Supervisor Dylan Ramstad Skoyles and E911/Zoning Technician Rachel Bartee. Absent was Roger Boatman.

Chairman Jim Bruflodt called the meeting to order at 7:00 p.m. E911/Zoning Technician Rachel Bartee recorded minutes.

Introductions were given.

Johnston made a motion to approve the minutes for the November 10th, 2016 meeting. Kovala seconded. The motion passed unanimously. Motion carried.

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

Old Business:

FIRST ORDER OF BUSINESS: APPLICANT: Bruce and Debra Meachum, 2141 Rinden Road, Grove, WI 53527. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct a dwelling 20 feet from crest of bluff instead of 30 feet due to a steep slope on the other side of the building site. **LEGAL LAND DESCRIPTION:** Tax ID number: 030323005 Lake Six, PT GOVT LOT 6: COMM S QTR COR SEC 32 TH W 953.76' AL S LN,TH NW 727.02' TO LK SIX RD, SWLY AL RD 660' TO POB; CONT WLY AL RD 153.54', TH SLY 265.63',TH SW 181.87' TO LAKE SIX, SELY 100.66' & SLY 245' AL LK TO S LN SEC 32, E 350.41', TH NLY 599.23' TO POB AKA TRACT C; Section 32, TWP 138, Range 40, Burlington Township. **Project Location:** 30151 Lake 6 Road, Frazee MN. This application was tabled by the applicant at the November 10th, 2016 hearing.

Meachum was not present at this time. Bruflodt noted that nothing has changed to the request since the November hearing. Spaeth moved to discuss it tonight. Dylan stated a decision must be made at the meeting due to time limitations.

SECOND ORDER OF BUSINESS: Applicant: Bryan Green 1203 4th Avenue NE Dilworth, MN 56554 **Project Location:** 17495 Bijou Circle, Lake Park MN **LEGAL LAND APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance for an addition onto an existing dwelling that is located 50 feet from the ordinary high water mark of the lake. **DESCRIPTION:** Tax ID number: 180298000 Bijou lake Lake Park Township BIJOU

40 HEIGHTS 139 43 Block 002 LOTS 9 & 10 & S1/2 OF LOT 11; Section 29, TWP 139, Range
41 43.

42
43 This application was tabled by the applicant at the November 10th, 2016 hearing.
44 Bryan Green, one of the owners, explained the application to the Board. Green's original request
45 was for a Variance for an addition onto an existing dwelling that is located 55 feet from the
46 ordinary high water mark of the lake on one side and 7 feet from the deck, 15 feet from dwelling
47 to crest of bluff on the other side due to setback issues of the existing dwelling.

48
49 Green stated that they are currently requesting a reduced size to north side, to add another level
50 and make the east side longer. Mrs. Green offered to reduce the decking by 5 feet. Green stated
51 that they will move the addition north and as far east as they could away from the lake side to
52 keep it attached to the house.

53
54 Spaeth noted that by removing 7 feet of deck in front of the west side of the existing addition,
55 they are now out of shore impact zone.

56
57 Michael Olson spoke in favor of the application. He is a neighbor who resides across the lake at:
58 17309 Bijou circle. No one spoke against the application. There were two letters, one from the
59 Lake Park Township Board and one from a neighbor. Letters were presented by Ramstad
60 Skolyes. Both spoke in favor of the application.

61
62 At this time, testimony was closed and discussion was held.

63
64 Chairman Brufloft opened the matter for disussion by the Board.

65
66 Spaeth stated that he approves of the new proposal. He noted that the non-permitted deck is gone
67 and that with the lay of the typography there are not a lot of options for what they can do. He
68 indicated he was in in favor of the application.

69
70 **Motion:** Spaeth made a motion to approve a Variance as presented, to construct an addition
71 onto an existing dwelling that is located 50 feet from the ordinary high water mark of the lake,
72 keeping all deck structures out of shore impact zone. Spaeth stated that there is a practical
73 difficulty as they cannot bring it back further than it already is due to the road right of way.
74 Spaeth adopted the staff findings into the motion.

75
76 Staff has reviewed the application and makes the following recommendations:

77
78 1) **In your opinion, is the Variance in harmony with the purposes and intent of the**
79 **ordinance?**

80 Yes.

81 Our existing structure was approved and built according to the string line theory
82 in 1995. The rule changed in 2013 taking in account the new bluff area and setbacks.
83 The bluff falls away as you go north on our property. The distance from the lake also
84 increases. The new addition would not be in the 2013 designated bluff area.

85 We would also remove 5 feet from our existing deck to meet the shore impact
86 zone specifications.

87
88 2) **In your opinion, is the Variance consistent with the Comprehensive Plan?**

89
90 Yes.

91 We are planning on moving and living on our property full time. Without the
92 variance, we could not reside there in the winter months. Without the variance, we would
93 be unable to reside their full time. With both of us planning for retirement in the near
94 future, we would be deprived of the opportunity to retire on Lake Bijou.

95
96 3) **In your opinion, does the proposal put property to use in a reasonable manner?**

97
98 Yes.

99 When constructing our current cabin back in 1995, following the guidelines at
100 that time, we purposefully left room to the north of our cabin in hope of adding on, and
101 retiring at Lake Bijou. Lake Bijou is classified as a recreational lake; therefore our
102 addition would need to be built 100 feet back from the shoreline. If we set back our
103 addition in accordance to this ruling, our addition would not be connected to our existing
104 house.

105
106 4) **In your opinion, are there circumstances unique to the property?**

107
108 Yes.

109 Our property is extremely unique with a hilly terrain. We feel our options are
110 very limited. The lot line to the south is too close to our neighbor's property. To the
111 west, our cabin faces the lake. An addition to the east would not allow room for an
112 attached garage, and meet road setback guidelines.

113
114 5) **In your opinion, will the variance maintain the essential character of the locality?**

115
116 Yes.

117 Issuance of the variance will maintain the essential character of the locality. Our
118 neighbors to the south have built a new house and garage where they live permanently.
119 We have visited with our neighbors to the north, and they have been supportive of our

120 plans. Lake Bijou has many well established year-round homes. It is our hope to retire on
121 Lake Bijou.

122
123

124 **Spaeth made a motion to Kovala second. All in favor. Motion carried. Variance approved**

125 **New Business:**

126 **THIRD ORDER OF BUSINESS: Applicant: Chris Gruhl 1543 22nd Avenue S Fargo, ND**
127 **58703 Project Location: 43088 county Hwy 56 LEGAL LAND DESCRIPTION: Section 21**
128 **Township 139 Range 038 PT GOVT LOT 1: COMM SWLY COR TRACT A8 1967 SURVEY**
129 **TH E 30' TO POB; CONT E 105', N 184.60' TO TOAD LK, TH WLY AL LK 90', TH S 180'**
130 **TO POB. APPLICATION AND DESCRIPTION OF PROJECT: Request a Variance to**
131 **replace an existing dwelling by removing the basement and replacing with a two floor dwelling**
132 **that is 60X68.**

133

134 Ramstad Skoyles presented the application.

135

136 Owner advised that the application should be for a request for 60 feet from the house. Ramstad
137 Skoyles stated that the application said 48 feet. It was noted that the deck is at 48 feet and the
138 house measures at 60 feet.

139

140 Brufloft stated he understands the issue presented with the basement flooding. He requested to
141 clarify the dimensions of the replacement to be 60' x 68' including 2 stories. Spaeth also wanted
142 to verify how may square feet do they want to have on one level. He indicated the house to be
143 1390 sq. ft., the garage to be 534 sq. ft., for a total of 1924 sq. ft., indicating that this would lead
144 to an increasing to 4800 total sq. ft.

145

146 Kessler asked if they considered lifting the house up on the same footprints and filling basement.
147 Gruhl responded that he was informed by the contractor that the logs on the current structure are
148 too soft to lift up, making it not feasible. Gruhl also noted that a new basement would be
149 hydraulic so water would end up on top again. Lee requested an explanation. Gruhl stated that
150 the concrete person he consulted informed him the original basement was dug a foot too deep;
151 therefore water will just keep coming to the top. He stated that he waited 3 years after he
152 purchased the property. Gruhl also stated that and they run 4 sump pumps all winter long and
153 that they continually freeze and back up all winter.

154

155 No one spoke in favor of the application. No one spoke against the application. There was no
156 written correspondence either for or against the application. At this time, testimony was closed
157 and further discussion was held.

158 Spaeth referred to the staff findings stating he disagrees that the owner is not deprived of
159 reasonable use. Spaeth stated that practical use is unique to this property only to how it was built.
160 If it did not have a basement, it would not be unique. In addition he believes there are other
161 alternatives to remedy the situation other than replacing with a structure that is almost 3 times
162 larger than what is currently there. Spaeth stated that Gruhl could build in the foot print without
163 expansion.

164 Kessler added that the property is a substandard size lot, the requested structure would be more
165 than twice the current size, and the requested house would not fit in the area.

166
167 Brufloft asked Gruhl if he wants the lower portion to be storage for boats and four-wheelers and
168 the second floor to be living space. Gruhl stated that is the reason it will be so big. Bender asked
169 if the lower level will be a garage. Gruhl responded yes it would but it will have the appearance
170 of a house. Bender questioned if all of the 60 x 68 would be storage. Gruhl replied that a 20x24
171 portion would likely have a t.v. and possibly a kitchen.

172
173 Johnston stated that the proposed size will not meet with the rest of the neighborhood.
174 Kovala agreed that the proposed 60x 68 structure is too large for the area. Kovala also noted that
175 the impervious coverage will be higher than normal. He stated if Gruhl wants to build higher and
176 add more stories he should build in same footprint and go up.

177
178 Brufloft asked the applicant if he would like to table his application.

179
180 At this time, Gruhl asked to **table** the application to reconsider to the proposed size of the
181 replacement structure.

182
183 **FOURTH ORDER OF BUSINESS: Applicant: Alan Olson 3805 20th Street S Fargo, ND**
184 **58104 Project Location: 37120 Jamco Lane Waubun LEGAL LAND DESCRIPTION:**
185 **Section 13 Township 142 Range 041SECLUDED ACRES 142 41 Block 001 LOT 2**
186 **APPLICATION AND DESCRIPTION OF PROJECT: Request a Variance to place a garage**
187 **partially in the road right of way and from the Ordinary High Water Mark.**

188
189 Chairman Brufloft stated that Olson had submitted a request in writing recanting his variance
190 request at this time and requested to be removed from the agenda.

191
192 **FIFTH ORDER OF BUSINESS: Applicant: Jerry Radermacker P.O. Box 10417 Fargo,**
193 **ND 58106 Project Location: 11938 Ravenswood beach rd LEGAL LAND DESCRIPTION:**
194 **Section 28 Township 138 Range 041RAVENSWOOD 1ST ADD LOTS 9, 10; PT LOT 16 HD**
195 **BLANDING 1ST: COMM SW COR LOT 16, N 232.17' TO POB, N 46.85', NWLY 200.17', E**
196 **32.22', SELY 234.96', S 20.54', WLY 94.26' TO POB. TRACT A (.35AC) APPLICATION**
197 **AND DESCRIPTION OF PROJECT: Request a Variance to place a garage partially in the**
198 **road right of way.**

199
200 Ramstad Skoyles presented the application.

201
202 Radermacker explained the application to the Board. He requested a 26x30 storage building
203 across the road from the lake. It was requested to be 32 feet from the center of the road. He stated
204 he is currently working with Lake View Township to obtain a lease for the road right of way.
205 Radermacker stated that the Township Board is potentially willing to offer a 25 year lease on the
206 land.

207
208 Spaeth questioned a 25 year lease? Radermacker replied a renewable 25 year lease. Kessler
209 asked when he would obtain the lease. Radermacker replied it would be obtained after talking to
210 the township he went to an attorney to draft the lease requested Lake View Township. Spaeth
211 stated that the board needs him to present the lease to the county attorney to see if the lease is
212 acceptable. Spaeth stated he thought the application stated that they were intending to vacate the
213 road right of way. Spaeth stated that the board will not give a variance for a garage on a road
214 right of way at all and noted that until the lease is approved or vacated they will not approve a
215 variance. Spaeth asked if 50 years down the road where are you going to put or move the garage
216 when the township board choose not to renew the lease. Radermacker stated that he would move
217 it off of the road right of way. Radermacker asked who wouldn't want to renew. Spaeth stated
218 the township board, by then they could have new members who may not like the idea of this
219 lease. Brufloft stated that our boss is the county attorney and we have to have him approve of the
220 potential lease. Brufloft noted that this is a ROW that is used constantly, adding that the
221 township won't vacate the ROW unless it is not being used. Brufloft stated that the board was
222 not able to table the matter; he offered Radermacker to table the matter.

223
224 Radermacker asked what he had to do. Brufloft stated that he needed to bring the completed
225 lease to the county attorney for review. The Board needs confirmation from the county attorney.
226 Ramstad Skoyles stated that he could bring the lease to the county attorney.
227 Brufloft stated that a 25 year lease is risky.

228
229 Brufloft advised Radermacker if he didn't want to wait they would make a decision tonight and
230 it would be denied.

231
232 At this time, Radermacker asked to **table** his application.

233
234 Present was Bill Jordan, Lake View Supervisor to speak in favor of the application. Jordan stated
235 that this was a win-win situation for the township. Jordan explained that this is a dead-end road,
236 with no turnaround. Jordan described the issues they have had with plow drivers who drive in
237 and have to back all the way out. Jordan stated that approving the lease will assist with this
238 problem, as part of the lease consists of a trade. The trade allows the plow trucks to use a portion
239 of Radermacker's property to turn around. Jordan stated that the township leases land frequently
240 on ROW. He stated that there are many septic systems on the row and that the township board

241 has been doing it for years and this is the best option for the township from a practical
242 standpoint. Jordan noted that the township board will be approving the lease at their next
243 meeting. Jordan noted it is the wishes of the town board to proceed with the proposed request.
244

245 Brufloft asked Jordan if the Lake View Township Board approves leases frequently for
246 buildings in the ROW. Jordan replied no, that the majority are for septic. Brufloft stated that
247 there is minimal financial investment to the homeowner with septic compared to a
248 structure/building.

249
250 Spaeth stated that he does not approve of the proposed lease. He stated that alternatively they
251 could vacate part of a section to Radermacker and Radermacker could release a portion of his
252 property to Lake View Township. Jordan stated the township Board came up with the lease, and
253 determined it was the best fit for all involved. Jordan stated that if the plow truck gets stuck on
254 this street, it would prevent the rest of the public from getting plowed out until he gets pulled out.
255

256 At this time, Radermacker asked to **table** his application awaiting review and approval from the
257 county attorney of the lease with the Township Board.

258
259 Brufloft verified that the matter was tabled until next meeting.
260

261 **SIXTH ORDER OF BUSINESS: Applicant: Maxwell Knoll 17259 Co Hwy 39 Project**
262 **Location:** 17259 Co Hwy 39 Frazze **LEGAL LAND DESCRIPTION:** Section 28 Township
263 139 Range 038 PT NE1/4 OF SE1/4 BEG 470.65' W OF NE COR NE1/4 SE1/4; TH W 183.10',
264 S 81.88, SE 99.15,S 99.96',E 145.19,& N 275.77' TO BEG **APPLICATION AND**
265 **DESCRIPTION OF PROJECT:** Request a Variance from the road right of way for
266 construction of a covered walkway.

267
268 Ramstad Skoyles presented the application.

269
270 Knoll and his representative Joyce Holm were present. Holm explained the application to the
271 Board. Knoll explained he was required to repair the boardwalk in front of business, by the State
272 of MN to get his license.

273
274 Brufloft asked what the State Board of Health exactly requested him to do. Did they want him to
275 do maintenance because of crumbling concrete or did they also request him to cover the area
276 with an awning. Knoll stated that no, they did not require him to add the awning in their request.
277 Spaeth asked if the variance request was for the awning. Ramstad Skoyles clarified that Knoll
278 was allowed per the ordinance to replace/maintain the boardwalk, however once he chose to
279 cover it, it changed it, which required the variance.

280
281 Kessler noted that Knoll has changed the structure by covering it. Kessler asked if the Board
282 could stipulate, if approved, that the boardwalk never be enclosed or added on to. Kessler noted

283 that the awning is currently protecting the boardwalk. Spaeth stated that if there is a fire and it
284 burns down they will only have a variance for an awning hanging there. Brufloft asked if the
285 Board could stipulate that not at any point can you add on to the structure. Ramstad Skoyles
286 clarified that if it burns, Knoll or the current owner of the property, could rebuild the business in
287 the same footprint, and if the awning burns with it in the fire, the owner could rebuild the awning
288 if the variance is approved.

289

290 Kovala noted that covering the structure is a benefit to the safety of the boardwalk, preventing
291 ice and snow build up, but he noted that it is not totally covered. Spaeth asked how the
292 application got placed in front of the Board. Ramstad Skoyles stated that it was presented to the
293 Zoning office as a complaint, and much conversation was made. Bender asked what the
294 reasoning behind the awning was. Knoll replied that he wanted to keep the wood walkway
295 protected and keep rain and snow off, making it resembling a handicap walkway. Brufloft asked
296 if there were any other questions/statements.

297

298 No one spoke in favor of the application. No one spoke against the application. There was no
299 written correspondence either for or against the application. At this time, testimony was closed
300 and further discussion was held.

301

302 Spaeth stated he was in favor of the variance. He stated that it looked great, there did not appear
303 to be any highway safety issues, there was not expanded safety issues, and noted the awning
304 makes the walkway safer. Spaeth asked that a stipulation be put in place that if something
305 happened to the primary structure that the variance goes away. Ramstad Skoyles advised that
306 they could not do that, as it would violate the ordinance.

307

308 **Kessler made a motion to** approve the variance request variance to be 35' from the center line
309 of the road for construction of a covered walkway with the stipulation that the area under the
310 awning is not expanded, enclosed, or replaced in event of a fire or natural disaster.

311

312 Staff findings were included in the motion with the alteration, that Ramstad Skoyles update Staff
313 findings item 5, is not a true statement, the state did not state it should be covered.

314

315 **SUMMARY OF CONCERNS:**

316

317 The owner is looking to place a covered sidewalk 35 feet from the centerline.

318

319 **1. Is the variance request in harmony with the general purposes and intent of the**
320 **above citation? (yes) (no)**

321 **Explanation:** Yes, this project is on the ROW boundary out of the right of way and our
322 ordinance allows for the public access to the structure.

323

- 324 **2. Is the variance consistent with the Becker County Comprehensive Plan? (yes) (no)**
325 **Explanation:** Yes
326
- 327 **3. Without a variance, is the owner deprived of reasonable use of the property? (yes)**
328 **(no)**
329 **Explanation:** Yes, the sidewalk allows for access to the property and covering it makes
330 it better comply with the state.
331
- 332 **4. Is the alleged practical difficulty due to circumstances unique to this property? (yes)**
333 **(no)**
334 **Explanation:** Yes the structure and the former sidewalk are located very close to the
335 road.
336
- 337 **5. Were the circumstances causing the practical difficulty created by someone or**
338 **something other than the landowner or previous landowner? (yes) (no)**
339 **Explanation:** No.
340
- 341 **6. Will the issuance of the variance maintain the essential character of the locality?**
342 **(yes) (no)**
343 **Explanation:** Yes the area is predominantly used for agriculture and this operation has
344 been there for years.
345
- 346 **7. Does the alleged practical difficulty involve more than economic considerations?**
347 **(yes) (no)**
348 **Explanation:** Yes
349

350 **Spaeth second. All in favor. Motion carried. Variance approved with stipulations.**
351

352 **SEVENTH ORDER OF BUSINESS: Applicant: Carrie Wirth 12615 South Abby Lake N**
353 **Project Location:** 12615 South Abby Lake Road **LEGAL LAND DESCRIPTION:** Section 23
354 Township 138 Range 041 ABBEY LAKE ESTATES Lot 052 Block 001 **APPLICATION AND**
355 **DESCRIPTION OF PROJECT:** Request a Variance from the Ordinary High Water Mark to
356 replace an existing structure with a larger one.
357

358 Dylan Ramstad Skoyles introduced the application.
359

360 Carrie Wirth explained the application. Wirth acquired the property from her mother. Her
361 intention is to make the structure her full-time residence. Wirth's plans are to replace the existing
362 structure by increasing the square footage slightly. The purpose is to bring it back from the sides.
363 Wirth explained that the proposed structures' location was determined to prevent issues with two
364 large evergreen trees near the dwelling. She stated she does not want to be close to them to avoid

365 damage to the trees and the structure. She stated that the contractor measured the distance from
366 the OHW at 120ft however the site visit by zoning measured 96 ft. Bender stated 96 feet was the
367 shortest/closest distance from the water to the structure.
368

369 Dennis Craswell spoke in favor of the application. Craswell stated that he lives next door to
370 Wirth and has no vested interest. He stated the OHW on Abbey Lake has fluctuated over time.
371 Craswell stated he built around the corner and used a bench mark, which is higher than the
372 average 100 year mark. Craswell stated he supports the project and anyone who will respect the
373 impact zone and do improvements to the lake. He noted that Wirth's improvements are going to
374 be a great improvement to the lake. He noted most lots on this lake are small legal lots of record.
375 Craswell also noted that the lake is shallow, in most places only 4ft deep, making it not a popular
376 location comparatively to the area.
377

378 Spaeth stated that the measurements from the contractor must have been straight out from the
379 dock. Spaeth stated that the measurements for the OHW must come from the closest point of the
380 building to the water. Craswell stated if you measure from the closest point, the beavers are
381 blocking the output to that lake and it is higher than it has ever been.
382

383 Sheila Johnson, owner of parcel 19.0727.000, 12575 Abbey Lake Rd, spoke in favor of the
384 application. Johnson stated she has lived at this location for 10 years. Johnson noted that a real
385 home makes a big difference to the Lake Abbey community. She mentioned she would like to
386 see campers and mobile homes taken off.
387

388 Craswell had also submitted a letter in favor of the application, which was not read, but is
389 included in the file along with pictures of neighborhood he submitted. Ramstad Skoyles stated
390 Craswell summarized the letter in his speech.
391

392 Paul Hasson, owner of parcel 19.0718.000, 12603 S Abbey Lake Rd, wrote a letter spoke in
393 favor of the application. He stated that the changes were a great idea and promoted positive
394 improvements. The letter was read by Ramstad Skoyles.
395

396 No one spoke against the application. There was no written correspondence either for or against
397 the application. At this time, testimony was closed and further discussion was held.
398
399

400 Spaeth stated that this was good proposal which would straighten out the primary structure and
401 not making it closer than 100ft to lake. He stated the existing structure is 960 square feet and the
402 proposed size will be 1029 square feet, which is not excessive. Spaeth also mentioned that the
403 20x40 garage has no room to move further from lake while still keeping it out of road ROW He
404 stated this is the best place for it.

405

406 Johnston stated the lot is 142 feet from the front of the lot to the water. Johnston also mentioned
407 that this is twice as far as before, the plan shows good filtration, and it is the best thing that could
408 happen for this lot.

409

410 Kessler and Bender stated they are in favor of the application.

411

412 Spaeth proposed motion to approve the variance and accept the owners findings that there is no
413 other place to place the structure, it is a substandard lot of record and proposal meets county
414 guidelines. Findings:

415 **1. Is the variance request in harmony with the general purposes and intent of the above**
416 **citation? (yes) (no)**

417 **Explanation:** No, the ordinance is attempting to protect the lake by requiring that the
418 owner be further way from the lake.

419

420 **2. Is the variance consistent with the Becker County Comprehensive Plan? (yes) (no)**

421 **Explanation:** Yes

422

423 **3. Without a variance, is the owner deprived of reasonable use of the property? (yes)**
424 **(no)**

425 **Explanation:** No the owner could rebuild the existing structure.

426

427 **4. Is the alleged practical difficulty due to circumstances unique to this property? (yes)**
428 **(no)**

429 **Explanation:** Yes, the lot is narrow near the lake and shallow.

430

431 **5. Were the circumstances causing the practical difficulty created by someone or**
432 **something other than the landowner or previous landowner? (yes) (no)**

433 **Explanation:** Yes, the shape of the lot makes building anything on it difficult.

434

435 **6. Will the issuance of the variance maintain the essential character of the locality?**
436 **(yes) (no)**

437 **Explanation:** Yes the area is a residential area and the proposed use is residential.

438

439 **7. Does the alleged practical difficulty involve more than economic considerations?**
440 **(yes) (no)**

441 **Explanation:** Yes

442

443 **Bender second. All in favor. Motion carried. Variance approved** to replace an existing
444 structure with a larger one 96 feet from the Ordinary High Water Mark.

445

446 **EIGHTH ORDER OF BUSINESS: Applicant: Robert Schmidt 5427 E River Rd Project**
447 **Location:** 16157 Saign Ln Audubon **LEGAL LAND DESCRIPTION:** Section 32 Township
448 139 Range 042 BLACKHAWK MNT BCH 1ST Block 002 LOTS 4 & 5 **APPLICATION AND**
449 **DESCRIPTION OF PROJECT:** Request a Variance from the Ordinary High Water Mark to
450 replace an existing structure with a larger one.

451

452 Dylan Ramstad Skoyles introduced the application.

453

454 Owners Tammy and Robert Schmidt explained the application. In June 2016 they purchased
455 property. Prior to purchase they attempted to thoroughly investigate their options to improve the
456 property. They stated they met with Debbie, a Planning and Zoning staff member, before they
457 bought, to explore their options. They purchased 5 lots but essentially 2 properties, with one
458 cabin on one set and a trailer with an addition, and a deck that matched addition on the other.
459 They found out much later that this deck was not permitted. The property was in disarray when it
460 was acquired stating they spent much time and resources cleaning it up. He stated that there was
461 a boat house submerged in the water, with many items floating around, which they removed.
462 Schmidt stated that there was no point in attempting to replace this structure even though it still
463 has slab and they could replace in the footprint as the structure is grandfathered in.

464

465 Schmidt stated even with all the research they did, it was not until after they removed the original
466 structure were they made aware that the deck portion was not permitted. Schmidt stated that
467 when they went to put a new structure back up they were told they can only do a trailer and
468 addition. Schmidt stated that Kyle Vareberg, a Planning and Zoning Technician, came out to the
469 property to verify the replacement of the new structure in the old footprint. Schmidt stated Kyle
470 measured the distance from the OHW to the footprint at 50 feet. Schmidt stated that the house
471 they moved on to the property is cribbed out, stating they did not want to proceed until the
472 application was approved.

473

474 Kessler stated when the Board went out on the tour, they measured from house on the crib to the
475 OHW and the distances were 50ft to the west side and 33ft to the OHW.

476 Spaeth asked where did Schmidt measure. Schmidt replied that it was winter and the lake was
477 frozen. He stated that the measurement was out a foot or so off the shoreline, stating that he
478 disagreed with the 33 foot measurement. Bender added that the Board measured from south end.
479 Schmidt stated that Vareberg measured from all ends and 50feet was the closest measurement.
480 Brufloft asked how did Vareberg measure? Schmidt replied with a 20 ft. tape. Bender stated that
481 they measured 33ft on the west side and 53ft on the east side with the structure at 28ft from the
482 OHW. Schmidt questioned the structure location at 28 ft. Spaeth stated you have 32ft on the
483 application. Schmidt agreed that is with the 2 ft. overhangs.

484

485 Ramstad Skoyles stated that the existing variance is for 41ft from the OWH.

486 Bender asked 41ft is from where? Spaeth replied 41ft from all sides. Spaeth asked why the
487 application is in front of the Board if there is already a variance. Ramstad Skoyles explained that
488 the variance is specific to the addition. Ramstad Skoyles stated that he presented the previous
489 variance to Bryan McDonald, the Assistant County Attorney for Becker County, for review, to
490 determine if it was applicable to the new building request. McDonald informed him that the
491 variance only works for a 10 x18ft addition to the mobile home not an enlargement of the entire
492 structure. Brufloft clarified the previous variance was for the addition not the entire structure.
493 Ramstad Skoyles explained that the previous variance was for a very specific structure, he could
494 add a mobile in the exact the same footprint as the old and an addition of the exact size.
495

496 Spaeth asked what the size of the old structure was. Schmidt replied 12x66, with the deck that
497 was installed after, stating that they assumed that the deck was a part of the variance and then
498 they realized that it was not permitted. Ramstad Skoyles stated that the department reviewed this
499 request thoroughly to determine if the old variance would be usable for the new request at a 41ft
500 setback, but determined that it was specific to the addition. Spaeth agreed that sometimes old
501 variances are vague, or Boards may choose not to put a variance on the whole structure at that
502 time.

503
504 Brufloft stated that this information causes us to look at this differently. Bender clarified the
505 original structure was 12x 56ft? Ramstad Skoyles replied that the deck made the building square;
506 it was roughly the length of mobile home. Schmidt added it was an 18x10ft addition and
507 an18x56ft deck. The addition was on one end and the covered screened in deck was not
508 permitted. Brufloft requested the owner to come to Board to show location of old structure on
509 the map. Schmidt went to the Board to indicate the location.

510
511 Kessler asked who owns the other house. Schmidt replied they own all of the structures adding
512 that they took down 14-15 buildings since their purchase. Spaeth asked wasn't this road under
513 water? Larry Ibach, owner of 020288000 located at 16052 Saign Lane, stated that he has owned
514 his property for 20 years and that the road was under water in mid 1990s.

515
516 Kessler stated that there is a 17ft difference in OWH measurements between the Board and
517 Schmidt. Bender asked if they measured when the old mobile was still there. Schmidt replied no
518 it was not, he removed the mobile last fall. Spaeth added that 17ft is only 3 paces out.
519 Schmidt said that there are railroad ties on the shoreline and the OWH is about 2ft from railroad
520 ties. He said Vareberg measured about 2ft back from ties. Spaeth asked does the alleged practical
521 difficulty involve more than economic conditions, "Yes" was put on application. He asked what
522 they are. Ramstad Skoyles stated that yes was his answer in the findings, there is no explanation
523 stating that we cannot answer no, as it is not a measure of a practical difficulty.
524

525 Brufloft noted that we are talking about measurements that are very different. Ramstad Skoyles
526 added if Schmidt wants to verify, we can re-measure, if he wants to table the application.
527 Brufloft stated the Board is not prepared to make a decision because we are not confident on the
528 measurements. Brufloft noted an option to the owner is to table the application, to allow for the
529 county staff to re-measure, as the board cannot table at this time table. Spaeth stated Schmidt can
530 table or the Board will deny the application, based on incomplete measurements.

531
532 Kovala asked what will happen to other house. Bender replied that they are on different
533 properties. Schmidt added that it is for his in-laws adding that the structures are on different
534 properties. Bender asked when was the house moved on to the property. Schmidt replied that he
535 bought the house in June and did clean up. He stated the neighbors assisted him and were happy
536 to see the cleanup. At that time he was too busy to start on their cabin. He was told by zoning
537 staff that he had 6 months to request a building permit after he took down the previous structure.
538 He stated he removed the structure and staked out the footprint in the fall. Schmidt stated he is a
539 house mover and realized when the weather warmed up he had a short window to move the
540 house as he was moving it over the lake. He stated he had 27inches of ice when he took it across
541 lake. Schmidt added he applied for a site permit at that time but didn't realize needed a variance.

542
543 Brufloft asked Schmidt he plans on doing with railroad ties. Schmidt stated they plan on pulling
544 them out, adding they should not have been there to begin with.

545
546 Brufloft asked Schmidt if he was willing to table. Schmidt replied yes.

547
548 Audubon Township Chairman, Rick Ellsworth, was present to speak. Ellsworth stated that the
549 minimum 12ft driveway was not added on the application in the total impervious calculation.
550 Ellsworth also Ellsworth stated people were calling him about the application as people were
551 claiming that Schmidt brought the house in before there was a permit approved. Ellsworth stated
552 his setback measurements from the structure were: 32ft, 52ft, and 86ft, noting his measurements
553 were the same as the Board. Ellsworth added if Schmidt owns all of the property then there is
554 room to move farther back to the south. Tammy Schmidt stated that if they moved back it would
555 place the house on a different parcel. Schmidt stated that the original plan did not need a
556 variance. He was aiming for a replacement in the footprint. He stated he could have moved back
557 some, but was told he needed to put it in the exact same footprint.

558
559 Ellsworth stated in the application out of the 5 questions asked to the applicant, 3 Audubon
560 Township Board members felt that questions were not answered in the affirmative. Brufloft
561 replied that they are not cut and dry and the Board takes them as a consideration. Ellsworth asked
562 if the DNR was called. Ramstad Skoyles stated, yes DNR was sent a notification letter, and that
563 they had not voiced any concern at this time.

564 Ellsworth stated that the water is not high right now, its 30ft away now, but may be higher later.
565 Schmidt stated 20 years ago was the last time it was higher as far as he knows. He stated the
566 seller did not reveal to him that the property was ever under water. Ramstad Skoyles stated, it is
567 legally a lot of record, and there are a lot of records under water, it's a moral issue
568

569 There was no written correspondence either for or against the appeal. At this time, testimony
570 was closed.

571 At this time, Schmidt asked to **table** his application in order to include all desired structures to
572 the application.

573

574 **NINETH ORDER OF BUSINESS:** Bruce and Debra Meachum, 2141 Rinden Road, Cottage
575 Grove, WI 53527 **Project Location:** 30151 Lake 6 Road, Frazee MN **Application and**
576 **Description of Project:** Request a Variance to construct a dwelling 20 feet from crest of bluff
577 instead of 30 feet due to a steep slope on the other side of the building site. **Legal Description:**
578 Tax ID number: 030323005 Lake Six, PT GOVT LOT 6: COMM S QTR COR SEC 32 TH W
579 953.76' AL S LN, TH NW 727.02' TO LK SIX RD, SWLY AL RD 660' TO POB; CONT WLY
580 AL RD 153.54', TH SLY 265.63', TH SW 181.87' TO LAKE SIX, SELY 100.66' & SLY 245'
581 AL LK TO S LN SEC 32, E 350.41', TH NLY 599.23' TO POB AKA TRACT C; Section 32,
582 TWP 138, Range 40, Burlington Township.

583

584 Neither Meachum nor Winter were present for the meeting.

585 Ramstad Skoyles explained the application and stated that nothing has changed since the
586 previous meeting, no new information was available.

587

588 No one spoke in favor of the application. No one spoke against the application. There was no
589 written correspondence either for or against the proposal. At this time, testimony was closed.

590

591 Brufloft opened the matter for disussion by the Board. Brufloft stated that a bluff is a much
592 more sensitive area and is not in favor of granting the application. Spaeth added he does not
593 believe that the owners need the variance. He noted that as requested at the previous hearing they
594 were to provide evidence of fill needed. He noted that he is not in favor, due to lack of difficulty,
595 and recommended to adopt the staff findings provided. Ramstad Skoyles read the staff findings
596 to the Board.

597

598 Johnston noted that the 20ft mark was it pretty flat.

599

600 Spaeth stated from the lake side back 20ft it stays level, noting all that would be needed is
601 concrete pilings and iron stilts, adding the owners could put lattice up for ascetics. Spaeth noted
602 that it is possible to construct their project in another way without needing a variance.
603

604 **Motion:** Spaeth made a motion to **deny** the after the fact request for a Variance to construct a
605 dwelling 20 feet from crest of bluff instead of 30 feet due to a steep slope on the other side of the
606 building site. Spaeth adopted the staff findings into the motion. Kessler second.
607 Chairman Bruflo and members Johnston, Kessler, Spaeth, and Bender voted against the
608 Variance. Kovala was in favor of application. Variance was denied.

609

610 Staff Findings:

611 1. **Is the variance request in harmony with the general purposes and intent of the above**
612 **citation? (yes) (no)**

613 **Explanation:** Yes, the lot is oddly shaped and has several geological features that make
614 building on the lot difficult.

615

616 2. **Is the variance consistent with the Becker County Comprehensive Plan? (yes) (no)**

617 **Explanation:** Yes

618

619 3. **Without a variance, is the owner deprived of reasonable use of the property? (yes)**
620 **(no)**

621 **Explanation:** No, while building at the proposed location is easier for the owner it is
622 possible to build meeting all the setbacks.

623

624 4. **Is the alleged practical difficulty due to circumstances unique to this property? (yes)**
625 **(no)**

626 **Explanation:** Yes, the property has both a steep slope and a bluff making finding any
627 buildable area difficult.

628

629 5. **Were the circumstances causing the practical difficulty created by someone or**
630 **something other than the landowner or previous landowner? (yes) (no)**

631 **Explanation:** Yes, the lot has geographical features that make meeting the setbacks
632 difficult.

633

634 6. **Will the issuance of the variance maintain the essential character of the locality?**
635 **(yes) (no)**

636 **Explanation:** Yes it is in a residential area and the owner is proposing a modest home.

637

638 7. **Does the alleged practical difficulty involve more than economic considerations?**
639 **(yes) (no)**

640 **Explanation:** No, the main reason for the application is to not have to move as much
641 dirt.

642

643 **TENTH ORDER OF BUSINESS: Informational Meeting.** The next informational meeting
644 is scheduled for Thursday, May 4th, 2017 at 7:00 am in the 3rd Floor Meeting Room of the
645 Original Courthouse.

646
647 As there was no further business to come before the Board, Kovala made a motion to adjourn the
648 meeting. Spaeth seconded. All in favor. Motion carried. Meeting adjourned.

649
650 _____ ATTEST _____
651 Jim Brufloft, Chairman Patricia Swenson,
652 Acting Planning and Zoning Supervisor