

Becker County Planning Commission
September 16, 2003

The meeting was called to order by Jim Kovala, Chairman. Present were Members Larry Knutson, Jeff Moritz, Julia Miller, John McGovern, Harry Johnston, Jim Brufloft, Waldo Johnson, Ken Christianson, Don Skarie, and Ray Thorkildson and Planning and Zoning Staff Debi Moltzan and Lisa Tufts.

Kovala explained that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final decision.

Brufloft made a motion to approve the minutes from the August 19, 2003 meeting. McGovern second. All in favor. Motion carried. Minutes approved.

FIRST ORDER OF BUSINESS: Gordon Grabow. An application requesting approval of land subdivision – Certificate of Survey and Change of Zone, consisting of two parcels (one .61 acre in size to be attached by deed to an existing lot and one 1.9 acres in size) and change of zone from agricultural to residential has been filed on the property described as Detroit Township Pt Govt Lot 4; Section 16, TWP 139, Range 41.

Grabow explained the application to the Board. He explained that he would like to buy the .61 acre parcel and attach it to the deed of his home across the road. This is consistent with the land use in the neighborhood. Parcels one-half acre in size are not uncommon in the plat of Town & County Estates and the parcels to the north of his are used for backlot purpose. The parcel he would like to buy is irregular in shape so the 1.9 acre parcel is squared off for sale of the spec house being built on it. The Lake Association has written a letter in support of the proposal to the Becker County Planning and Zoning Department.

No one spoke in favor of the application. Curt Sittko spoke in opposition to the application. He stated that the property was in the 2 mile growth boundary of the City of Detroit Lakes and that they are not granting acceptance to this type of splint any longer because it is not the best use of land. It doesn't promote the potential value of property and storage sheds next to residences deflate the value of the house. The decision tonight will set a precedence and others will be asking for the same type of variance if this one is granted.

Moltzan read a letter from the Floyd Shores Lake Association in support of the request as long as the Tract A-1 is not allowed to stand alone as a residential lot.

Kovala confirmed that the parcel is outside the 2 mile growth boundary. Moltzan stated that according the GIS, the area is outside the boundary.

Christianson asked what the size of the lots to the north that are used as backlots. Moltzan stated approximately 100 ft by 200 ft or approximately 20,000 sq. ft in size.

Grabow stated that the lots have a covenants on them stating that the garages must be similar characteristics to the houses and conform to the neighborhood.

Moltzan explained to Christianson that Town & Country Estates was platted in the 1970's and would have followed the Zoning Ordinance in place at that time.

Sittko expressed concern on the lot size of the spec house being built and was informed that it was over one acre in size.

Christianson questioned the wall height of the proposed garage. Grabow stated that the wall height would be approximately 10 ft in height and the peak would not exceed the allowable 18 ½ feet in height. Christianson stated he thought the plan was acceptable.

Brufloft discussed the importance of the style of the garage conform to the neighborhood characteristics.

Motion: Knutson made motion to approve the certificate of survey and the change of zone from agricultural to residential based on the fact that it is compatible with the surrounding area. Brufloft second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Pam Horstmann. An application requesting a Conditional Use Permit to allow commercial use (Jewelry Store) in an Agricultural district has been filed on the property described as Burlington Township, Pt W ½ NW ¼ Beg 270.92 ft E; Section 34, TWP 138, Range 40.

The applicant was not present at the time the second order of business was called.

No one spoke in favor of the application. No one spoke in opposition to the application. Testimony was closed. There was no correspondence in the file.

The applicant and her representative, Mark Lindquist, appeared at the hearing at this time. Lindquist stated that he wants to run a home jewelry store.

Brufloft asked Lindquist about the plan for docks, lifts, and fishing equipment he mentioned in his business plan.

Christianson stated confusion regarding legal description and whether or not he was planning on selling jewelry on the entire 20 acres.

Kovala mentioned that the plan stated he would like to use his porch for the business according to the business plan, but he couldn't sell lifts out of the porch.

Christianson stated he thinks it is a good use of the property and that the Board should grant the request for the entire building site.

Johnston stated he also believes that the motion should include more than just the porch.

Johnson stated that if the whole site is granted commercial use, it should be rezoned. Moritz agreed that the motion should include more than the porch because there is the need for parking.

Board discussion as to the best way to state the motion. Johnston asked how far the house was from the road. Kovala stated that it was approximately 110 ft. Johnson asked when facing the house, what is to the left? Lindquist stated open land. Johnson stated that would be the logical place for lifts and docks.

Motion: Christianson made a motion to approve a conditional use permit for a jewelry store within the farmstead in an agricultural zone. Moritz second. Brufloft asked about the lifts and docks. Christianson stated that his motion is strictly for a jewelry store based on the fact that it is a reasonable use of the property. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Richard Hamlin. An application requesting approval of land subdivision – Certificate of Survey and Change of Zone, consisting of 3 parcels and a change of zone from agricultural to residential has been filed on the property described as Lake View Township, Lots 1, 2, and 3 Melissa Beach & Pt Lot 14 Eddy Lodge Addition & Pt Gov't Lots 2 & 3; Section 21, TWP 138, Range 41.

Brant Beeson, attorney representing Hamlin's, explained the application to the Board. The Hamlin's have been operating a resort business for a number of years and would not like to sell the property in a manner that is beneficial to the lake and neighbors by the year 2005. He went on to explain that all buildings that are currently in the shore impact zone would be removed and that the remaining structures would be behind the established string line. Currently 14 families could be served by the resort and that there is an active marina on the site. The proposal would leave 3 single family sites with 3 docks. Although the buildable area is substandard size using the 75 foot general development lake setback, using the string line method of determining setback would allow buildable area of 3775 sq ft on Tract A, 2695 sq. ft on Tract B, and 3500 sq. ft on Tract C. The string line method of determining setback is frequently used in the Lake Melissa area. All the lake frontage requirements have been met. Currently, there is 34% impervious surface lot coverage and with the proposed structure removal, the impervious surface coverage would be less than 25%. The proposal is in harmony with the comprehensive plan.

Thorkildson asked how the lots would be accessed. Beeson stated that there are existing driveways, one to the north site and a shared one for the other two sites.

Rick Hamlin spoke next to stated that they have operated the resort for 9 years and would like to leave the lake better when they got there. They will do this by removing the building out of the shore impact zone and discontinuing the marina. The marina currently has a large amount of water traffic and discontinuing the water front gasoline service would diminish the water traffic in the area substantially, which is preferential to the neighbors. Hamlin stated that there would be 3 families with the proposal whereas they can currently accommodate up to 80 visitors.

Johnston questioned the reduction in use. Hamlin stated that there are currently 15 units and that it would be reduced to 3 units.

Speaking in favor of the request was Bill Jordan, area resident and realtor, he believes that the proposal would be good for the lake and the neighbors are happy with the plans.

No one spoke in opposition to the application. Testimony was closed.

There were three letters in the file. Lake View Township stating that the Township Board had no objections to the proposal; City of Detroit Lakes wrote that buildable area would be larger if the string line was used; Pelican River Watershed District stating that they would like the lot sizes confirmed and that the lots may not exceed 25% impervious surface coverage.

McGovern stated that there are living quarters above the garage on one of the buildings that is remaining, it this in conformance with the Zoning Ordinance. Moltzan stated that it would be allowed to remain since it is currently existing.

Motion: Thorkildson made a motion to approve the Certificate of Survey and change of zone from agricultural to residential based on the fact that the density on the lake would decrease and be compatible with the surrounding area. Johnson second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: Frank & Beverly Holzer. An application requesting approval of land subdivision – Certificate of Survey and Change of Zone, consisting of 2 parcels and a change of zone from agricultural to residential has been filed on the property described as Burlington Township; Pt NW ¼ SE ¼ Beg 320 Ft E & 272 Ft N of Inter W Ln & TWP Rd Th W TO W Ln N 250 Ft Ely 320 Ft & S 300 Ft to Beg and PT NW ¼ of SE ¼; Beg At Inter W Ln of NW ¼ SE ¼ & Twp Rd, Th E 320 Ft, N 272 Ft, W 320 Ft & S 272 Ft to Beg; Section 33, TWP 138, Range 40.

Beverly Holzer and Scott Walz, surveyor, presented the survey to the Board. Ms Holzer explained that she had the property resurveyed because she wants to move the lot lines. Walz stated that there were two parcels of land and the back parcel has no legal road access to it, so the lot lines were reconfigured and an easement to Tract A described. It needs to be rezoned to bring the lots into conformance with the Zoning Ordinance.

Johnston questioned if the lots had rights to the lake across Eagle Lake Road. Walz stated that there are no riparian rights on either lot.

No one spoke in favor of the application. No one spoke in opposition to the application. Testimony was closed. There was no correspondence in the file.

Motion: Johnson made a motion to approve the certificate of survey and change of zone from agricultural to residential based on the fact that the use is compatible with the surrounding area. Seaberg second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: David & Leslie Hegge. An application requesting approval of land subdivision – Certificate of Survey and Change of Zone, consisting of 2 parcels in the shoreland district and a change of zone from agricultural to residential has been filed on the property described as Burlington Township, 6.8 Ac In Lot 6 Bet Lk & Rd In SW Part; Section 32, TWP 138, Range 40.

David Hegge and Scott Walz, surveyor, explained the application to the Board. Hegge stated that the property has been in the family for 50 years. His father past away five years ago and left the property to himself and two sisters. There is more than one dwelling on the property currently and Hegge would like to remove the mobile home and rebuild; and in order to come into conformance with the ordinance, the property must be split so there is only one dwelling per parcel of land. Walz explains that due to the wetlands on the property, the buildable area has reduced the size of a residential lot and thus the zone must be changed.

Christianson asked Hegge if the recreational vehicle would also be removed. Hegge stated yes.

No one spoke in favor of the application. No one spoke in opposition to the application. Testimony was closed. There was no correspondence in the file.

Motion: Thorkildson made a motion to approve the certificate of survey and the change of zone from agricultural to residential based on the fact that it does meet the criteria of the subdivision ordinance. Skarie second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: Don & Sandra Tollefson. An application requesting approval of land subdivision – Preliminary Plat, consisting of 7 lots has been filed on the property described as Audubon Township, Pt SE ¼ NW ¼ & Pt SW ¼ NE ¼; Section 24, TWP 139, Range 42.

Don and Sandra Tollefson and Scott Walz, surveyor, presented the application to the Board. Walz stated that the Tollefson's own All Pro Auto Repair, which is located on Lot 6 and would like to create a small business park on the remainder of the property, since it is currently zoned commercial.

No one spoke in favor of the application. No one spoke in opposition to the application. Testimony was closed. There is no correspondence in the file.

Motion: Moritz made a motion to approve the preliminary plat consisting of seven (7) lots based on the fact that it is compatible with the surrounding area. Johnston second. All in favor. Motion carried.

SEVENTH ORDER OF BUSINESS: Scott & Marlys Ailie. An application requesting approval of land subdivision – Certificate of Survey, consisting of 2 parcels in the shoreland district has been filed on the property described as Lake Eunice Township, Part of the SW ¼ SE ¼; Section 2, TWP 138, Range 42.

Scott Ailie presented the application to the Board. He owns 49 acres and would like to split off a parcel to give to his son to build a home on.

No one spoke in favor of the application. No one spoke in opposition of the application. Testimony was closed. There was no correspondence in the file.

Seaberg removed himself from the consideration of the application, as the Ailie's are his relatives. Kovala accepted his removal.

Motion: Christianson made a motion to approve the certificate of survey based on the fact that it does meet the criteria of the ordinance. McGovern second. All in favor, except Seaberg, who abstained. Motion carried.

EIGHTH ORDER OF BUSINESS: Kim Sundlee. An application requesting approval of land subdivision – Certificate of Survey, consisting of 2 parcels in the shoreland district has been filed on the property described as Cormorant Township, Lot 2, Block 1, Lakeside Pines; Section 17, TWP 138, Range 43.

Scott Walz, surveyor, and Jim Kaiser, realtor, presented the application to the Board. Walz explained that the certificate of survey contains two parcels, which meet all the criteria of the zoning ordinance. There is a boathouse in disrepair that will be removed and an access to the lake will be put in that meets the requirements of the zoning ordinance and watershed district.

Kaiser explained that there is a drainfield to the existing house that must be moved off of Tract 2B. The current owner had plans of building a guesthouse but when he found that a guesthouse could be no larger than 700 sq ft, he decided to split the lot into two separate buildable lots. The owner has now decided to sell both of the lots if approved. The property owner and potential buyers of the property may move the driveway easement but will continue to share the driveway as well and well and suitable lake access.

Christianson asked why the surveyor didn't replat the lots rather than do a certificate of survey. Walz explained that it is allowable by ordinance to use a certificate of survey for 3 or fewer lots and platting costs approximately \$2,000 more than a certificate of survey.

Johnston clarified that if the drainfield were moved off one parcel that there would still be enough room for both proposed parcels to have their own septic system.

Speaking in favor of the application was Kim Sundlee. Speaking in opposition to the application was Benneth Braseth, neighbor – he thinks the property is beautifully

landscaped at the present time and is concerned that if the driveway is moved several large trees would be removed and possible erosion.

Christianson confirmed that there would be an easement in the title to each lot. Kaiser stated that if the driveway were to be moved, it would be in accordance with all regulations and legal easement would be in the title. Christianson spoke of concern regarding the grades of the current driveway.

Jody Beaudine, Cormorant Watershed District, spoke of concern regarding the septic system, boathouse and the proposed improvement of the lake access in the shore impact zone, and moving the driveway, which may lead to erosion issues.

There was one letter in the file from Timothy and Valerie DeJong, neighbors, in objection to the proposal. Their concern is with erosion due to the topography of the lot. They also stated that the current driveway is subject to erosion during rainfall and spring thaws. The DeJong state they worked with a landscape architect to develop their lot and would suggest the same for Lot 2.

Johnston questioned whether this proposal with an easement would have allowed by ordinance had it been proposed with the original plat. Moltzan stated that each lot must have access via 66 foot of road frontage or through an easement.

Christianson stated that the certificate of survey in front of them was not accurate due to the potential movement of the easement, as it does not legally reflect the situation. He went on to state that the watershed district has concerns over the steepness of the lots.

Kaiser stated that if they built a new driveway, the road would be engineered and designed to meet the watershed district's requirements.

Sundlee stated that the proposed road would be better than the current one.

Walz stated that the Board should consider the current proposal with legal access via an easement. Any information regarding a future road or easement was speculative.

Christianson asked what the current driveway grade is and what the grade of the potential driveway would be. Walz stated that the current road was at approximately 20 – 25% and the possible new driveway might be 12 – 13%.

Kovala asked Moltzan what the time frame for the application was. Moltzan stated that the 60-day rule would affect this application, if it was not tabled by the applicant it would have to be acted upon by the Board tonight. Sundlee would like the Board to act upon the application.

Motion: Seaberg made a motion to approve the Certificate of Survey as present, stating that any future changes would be dealt with at the proper time by the proper agencies based on the fact that the subdivision meets the criteria of the subdivision ordinance.

Johnson second. Moritz states that the would like to see the final proposal due to the uniqueness of the slope on this parcel. Kovala asked for a vote on the motion. Thorkildson, Johnson, Seaberg, Miller, Bruflodt and Johnston voted in favor of the motion. Skarie, Christianson, McGovern, Knutson and Moritz voted in opposition of the motion. Motion carried.

NINTH ORDER OF BUSINESS: Final Plat of Meadows of Becker County.

Moltzan introduced the ninth order of business stating that the Cormorant Watershed District had requested a change in the covenants and was unsure if the changes had been made. She stated that the Zoning Ordinance has no legal authority over covenants.

Moritz, speaking on behalf of the Cormorant Watershed District, stated that the required changes had been made.

Motion: Skarie made a motion to approve the Final Plat of Meadows of Becker County based on the fact that it meets the criteria of the subdivision ordinance. Bruflodt second. All in favor. Motion carried.

TENTH ORDER OF BUSINESS: Tentative Date for Informational Meeting scheduled for Thursday, October 16, 2003 at 8:30 a.m.

Moltzan mentioned to the Board that Per Diem Expense reports were due.

As there was no other business to come before the Board, Bruflodt made a motion to adjourn. Seaberg second. All in favor. Motion carried.