

**Becker County Board of Adjustments**  
**June 13, 2013**

**Present:** Board Members Roger Boatman, Steve Spaeth, Jim Brufloft, Al Chirpich, Lee Kessler and Zoning Staff Debi Moltzan.

Chairman Brufloft called the meeting to order at 7:00 p.m. Debi Moltzan took minutes.

Chirpich made a motion to approve the minutes from the May 2013 meeting. Spaeth second. All in favor. Motion carried.

Brufloft explained the protocol for the meeting. Spaeth read the criteria for which a variance can be granted.

**FIRST ORDER OF BUSINESS: Jason and Joni McCrackin.** Request a Variance to construct a dwelling 109 ft. from the OHW on a NE Lake instead of the required 150 ft. from the OHW for the property described as: PIN 190720000, Lot 058 Block 001 ABBEY LAKE ESTATES, Sec 23- TWP 138-Range 41. Lake View TWP. The property is located on Abbey Lake at 12606 S. Abbey Lake Ln.

Jason McCrackin and Ron Muff explained the application to the Board. Due to the size of the property, a house is being proposed at 109 ft. instead of the required 150 ft.

Spaeth questioned why the conditions and stipulations of the previous variances have not been completed and why there was a cut made on the bank toward the lake. McCrackin stated that he did plant the hillside with grass and did not have a permit to make the cut. Spaeth questioned why the variance is needed. Muff stated that in order to put a drainfield on the property, the drainfield would have to be placed up to the road right of way and to maintain the separation between the drainfield and house and with the size of the house, the structure would be 109 ft. from the lake. There would be no way to meet both the lake and road setback and construct a dwelling.

Members of the Board questioned why the stipulations of the first variance were not followed, and if the Board considered a new variance, what assurance would they have that any new stipulations would be followed. McCrackin stated that he took things into his own hands without asking for guidance and it was not right and that he would do whatever it takes to make things right.

Ken Shroyer, Lake View Township, spoke with concern about the drainfield location, making sure it was not in the road right of way and that there needed to be assurances those conditions

were followed. Sherwood Peterson, neighbor, was concerned about the placement of the drainfield and how this variance would affect his property. Written correspondence was received from Lake View Township with the same concerns as addressed by Shroyer. At this time testimony was closed and further discussion was held.

Kessler stated he would like to see the variance approved contingent upon rip rap being placed to keep the shoreline from eroding. Chirpich stated that the actual request is not excessive and in harmony with the locale. Boatman felt the reclamation should be done before approval of anything else. Chirpich felt that, if approved, construction should be allowed to proceed and reclamation takes place at the same time.

Discussion was held on whether the Board should act on the application, table the application until the next month or request that the applicant table the application to allow him time to either reclaim the shoreline or have a concrete plan for reclamation.

At this time, McCrackin asked to table his application.

**SECOND ORDER OF BUSINESS: Paul and Barbara Haberman.** Request a Variance to construct a storage structure on commercial property to be 24 ft. from the side property line instead of the required 30 ft. , also 54 ft. from a State Hwy ROW instead of the required 85 ft. for the property described as: PIN 190225000. Beg 560' SE inter N LN Lot 1 & HWY Th NE 780' to Pt 330'SE of inter N LN Sec &RR Th SE 42.5' SW on HWY to PT 125' SE OF Beg & NW to Beg and that Pt of Lot 1 & NE1/4 NE1/4 Lying Bet Cooper & Leitheiser Tracts having 137.5' on RWY at rear of tracts to Church & Hudson REF: E 19.0017.000-2007. Sec 12-TWP 138-Range 41. Lake View TWP. The property is located at 28617 US Hwy 10 E.

Chad Miller and Paul Haberman explained the application to the Board. The proposal is for an 80 ft. by 30 ft. storage shed to be located 54 feet from the RWO instead of 85 ft. and closer to the side lot lines than 30 ft. due to the unique nature of the property, the natural springs and wetlands. The setback is in character with the neighborhood and the building would be screened from the road with the lilac bushes.

Spaeth stated that the proposal did not include screening or a driveway. Haberman stated that the existing driveway would be used and widened. Spaeth questioned why the structure could not be moved further back from the road. Haberman stated that the wetlands interfere with moving it back. Haberman stated that Ed Clem from SWCD came out to the property and flagged the edge of the wetlands.

Discussion was held regarding the fact that the Board or Zoning Office has not received any information about the flagged wetlands and have not seen the property since this has taken place.

Discussion was also held regarding the access from Hwy 10 and if the owner had been in contact with MN DOT.

Mike Sorum had concern as to whether or not the variance would affect the ability to sell his land in the future and that the property in the rear of the lot is low and has a creek running through it. Ken Shroyer, Lake View Township, stated that the proposed location is the only solid, high spot on the lot. A letter was received from Lake View Township stating the same concerns addressed by Shroyer. At this time, testimony was closed and further discussion was held.

Discussion included where the wetlands are actually located, size of the building, side yard setback, road setback, who designed the building, if a contractor has evaluated the site as to what can and cannot be excavated, cut and filled and how the building would be accessed.

At this time, Haberman requested to table the application until next month.

**THIRD ORDER OF BUSINESS: Kevin and Becky Camas.** Request a Variance to construct a dwelling 37.5 ft. from the OHW instead of the required 75 ft., also 44 ft. from the centerline of the Twp road instead of the required 53 ft. for the property described as: PIN 190589000. Pt Govt Lot 7: BEG 936.8' N & 658.3' W OF SE Cor Lot 7, TH W 50',N 96' TO LK, E 50' & S 93' to beg; & A Tri Trct adj being 42.70' ON RD, Sec 31-TWP 138-Range 41. Lake View TWP. The property is located on Lake Melissa at 23878 S Melissa Dr.

Alan Hochhalter and Becky Camas explained the application to the Board. The family is out growing the cabin and would like tear down this cabin and build a new cabin. The existing drainfield is located in the road right of way and the existing tank would have to be relocated. The storage shed would be located 5 ft. from the side lot line instead of the 7 ft.

Discussion was held regarding the application and the discrepancies in the application and site plan. These items included: application has setback from road right of way and the site plan shows the setback from the centerline of the road; the impervious was calculated on the entire lot area instead of the buildable lot area (lot area minus the road right of way), making the application at 37% lot coverage instead of 25%; and the variance request did not include a request for the storage shed to be located less than 10% of the lot width from the lot line. Camas stated that they are here because they have such a small lot and would be willing to remove the drainfield in order to move further back from the lake. Moltzan explained that the conforming septic system needs to remain. A holding tank is only an alternative measure if there is no room for a drainfield and since the drainfield exists and is conforming, it needs to remain.

At this time, Camas asked to table the application.

**FOURTH ORDER OF BUSINESS: Busker Family Limited Partnership.** Request a Variance to allow accessory lots more than 200 ft. from the riparian lots for the property described as: PIN 170035000. N1/2 of Govt Lots 2 & 3 Less S 2.15 ac in NE Cor for Plat & Ex Ded Rd & Ex 30 AC in Govt Lot 3 & EX 5.88 ac Plat Sherman Shrs 2ND & EX 11.12 AC Sherman Shrs 3rd & EX .92 AC AKA 17.0035.001, Sec 04-TWP 138-Range 42, Lake Eunice TWP. The property is located on Maple Ridge Road and Sherman Shores Road.

Scott Walz, Meadowland Surveying, explained the application to the Board. The concept of smaller back lots is fairly new. This is a unique situation because the lots within 200 ft. of the property are larger lots and the lots that would benefit from the back lots are located more than 200 ft. from the property. Walz further stated that when a one acre tract was carved out of this tract earlier, there was concern by some County Board Members that they did not want to see the rest of this property as a residential subdivision.

Discussion was held regarding the size of the proposed back lots, who would buy these lots, how to monitor that they get attached to a riparian lot and never sold separately; traffic of storage sheds versus traffic of a residential subdivision; how many lots would be created in a residential subdivision; maintenance of the lots if the owners are ¼ to ½ mile away; and a conceptual plan showing the number of proposed lots. Brufloft questioned how many residential lots could be created on this parcel. Walz stated that approximately 9 lots could be created. Brufloft questioned which would cause more traffic issues – 9 residential lots or 20 storage buildings.

Speaking with concern about the project were Owen Olson and Keith Kaldor, both with concerns about the increase in traffic, depreciation of their land, who to control who owns the lots and if they are not sold to Sugar Island residents can it be opened up to anyone. Written correspondence was received from Elaine Burtell, in opposition to the application. At this time, testimony was closed and further discussion was held.

Some of the discussion included having a definitive distance as to how far away the other lot/owner could be from these back lots; defining the area of who can own the lots (example Sugar Island, Maple Ridge and Sherman Shore property owners); the owner exploring the idea of a residential subdivision; how many lots would be created; and the possibility of a storage condo.

At this time, Walz asked to table the application for the applicant.

**FIFTH ORDER OF BUSINESS: Informational Meeting.**

The next informational meeting will be held on Monday, July 8, 2013 at 7:00 am in the Third Floor Meeting Room of the Original Courthouse due to the 4<sup>th</sup> of July holiday.

approved

Since there was no further business to come before the Board, Spaeth made a motion to adjourn the meeting. Boatman second. All in favor. Motion carried. Meeting adjourned at 9:00 p.m.

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Jim Brufloft, Chairman

ATTEST

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Patricia Swenson, Zoning Administrator