

Becker County Board of Adjustments
June 11, 2015

Present: Members Lee Kessler, Al Chirpich, Jim Bruflodt and Zoning Staff Debi Moltzan.

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

Kessler made a motion to approve the minutes from the May 2015 meeting. Chirpich second. All in favor. Motion carried.

Bruflodt explained the protocol for the meeting and Chirpich read the criteria in which a variance can be granted. Moltzan apologized to the applicants regarding the wrong tour date put on the owner's letters. The date on the letter was the original tour date, but due to scheduling conflicts, the tour was rescheduled to Tuesday, June 2 instead of Thursday, June 4.

FIRST ORDER OF BUSINESS: Patrick and Mary Welle. Request a Variance to construct an addition onto an existing deck sixty (60) feet from the ordinary high water mark of the lake for the property described as: Tax ID number: 100719000 Lots 5, 6, 7, Sportsman Beach; Section 10, TWP 139, Range 40, Erie Township. The property is located on Pickerel Lake at 32594 205th Street.

Mary Welle and her son, Steven Welle, explained the application to the Board. They replaced the front deck and while replacing it, extended the deck forty-two (42) inches, extending the deck to the corner of the house rather than stopping the deck in the current location of the middle of the window.

Chirpich questioned if the remainder of the deck was constructed the same size and in the same location. Welle stated that it was, just that the deck was forty-two (42) inches longer, not going any closer to the lake than the existing deck. Kessler questioned if gutters and downspouts had been placed on the new addition. Welle stated that they had been and that the downspouts were not directed toward the lake. Welle stated that she blames herself for the misunderstanding, but also blames her contractor, which she felt should have known better and should have informed her of the permit requirements.

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

Bruflodt stated that the question here is 'would the Board have allowed the expansion if permission had been asked for prior to construction'. The structure is out of the shore impact

zone but does not meet the required setback. Chirpich stated that the additional forty-two (42) inches does not impact the lake. Chirpich also questioned if the deck was roofed. Welle stated that it was not.

Motion: Chirpich made a motion to approve the forty-two (42) inch addition onto the existing deck based on the fact that the addition does not go closer to the lake than the existing deck, the deck addition does not have a negative impact on the lake and it better accommodated the window application. Kessler second. All in favor. Motion carried. Variance approved.

SECOND ORDER OF BUSINESS: Rebecca Brandt. Request a Variance to construct a garage eight (8) feet from the side property line for the property described as: Tax ID number: 200435000 Pt Gov't Lot 4; Section 35, TWP 142, Range 40, Maple Grove Township. The property is located on Strawberry Lake at 34291 323rd Avenue.

Keith Brandt explained the application to the Board. They would like to build an attached garage eight (8) feet from the side lot line instead of the required ten (10) feet.

Brufloft asked if Brandt was aware that the side patio is only three (3) feet from the side lot line. Brandt stated that some of that was there prior to their purchase. Brufloft questioned if the front patio had been constructed by them. Brandt stated that it had been constructed by them. Brufloft questioned Brandt if he knew the proposed addition would be closer to the septic system than allowed. Brandt stated that the drainfield would be about eighteen (18) feet from the garage instead of twenty (20). Brufloft stated that the garage would be about three (3) feet from the tank. Brandt stated that the tank was ten (10) feet. Discussion was held regarding the distance from the tank. The risers are in the middle of the tank, so the way that the tank is sitting in the ground, the tank would be about three (3) feet from the proposed garage.

Brufloft explained that the property has the sidewalk and patio infractions, along with the proposed addition being too close to the side lot, the septic tank and the drainfield. Brufloft explained that the Board must act on the application within sixty (60) days from the date of application acceptance unless the applicant tables the application.

Brufloft felt that mitigation could be done on this property, the patio was not permitted and felt that the Board could not force removal; however, mitigation could be done to offset the impact of the structures and that the garage may have to be reduced in size. The rest of the Board members agreed.

At this time, Brandt asked to table the application.

THIRD ORDER OF BUSINESS: Kenneth Dalstad. Request a Variance to construct a garage thirty-eight and one-half (38.5) feet from the ordinary high water mark of the lake for the property described as: Tax ID number: 150113000, PT LOT 1 BEG 604.08' W & 828.47' S OF NE COR TH W 200'; Section 11, TWP 139, Range 39, Height of Land Township. The property is located on North Twin Lake at 39805 State Hwy 34.

Ann Dalstad explained the application to the Board. They would like to construct a detached garage for storage. Chirpich questioned what the required setback was from the easement. Moltzan explained that since the easement was a driveway easement, they could build up to but not into the easement. Discussion was held regarding the size of the lot (approximately 200 feet of shoreline and 67 -69 feet of depth), size of structure if it could be placed outside of the shore impact zone, mitigation, drainage, and the lot being a lot of record.

No one spoke in favor of the application. No one spoke against the application. One letter of opposition was received. At this time, testimony was closed and further discussion was held. Consensus of the Board was that all structures should be kept out of the shore impact zone, but with this lot, there is no way of keeping anything out of the shore impact zone.

Motion: Kessler made a motion to approve garage thirty-eight and one-half (38 ½) feet from the ordinary high water mark of the lake based on the fact that the depth of the lot does not allow any structure to meet the required setback nor any structure out of the shore impact zone, the variance would allow reasonable use of the property, the plight of the landowner is due to circumstances beyond the control of the landowner with the stipulation that the structure be guttered and the downspouts going into French drains and a berm be placed along the entire shoreline to prevent run off from entering the lake. Chirpich second. All in favor. Motion carried. Variance approved with stipulations.

FOURTH ORDER OF BUSINESS: Kelly Jones. Request a Variance to construct a deck forty-five (45) feet from the ordinary high water mark of the lake for the property described as: Tax ID number: 080778000 LOT 7; & LOT 6 EX PT BEG SELY COR LOT 5 TH W 94.50', NWLY 144.16' TO BIG FLOYD LK, NELY 84.49' AL LK, SELY 161.52' TO BEG; BROLIN BCH 1ST ADD; Section 16, TWP 139, Range 41, Detroit Township. The property is located on Floyd Lake at 25838 Brolin Beach Rd.

Jones, along with her contractor Darrel McKenzie, explained the application to the Board. She would like to remove the steps outside her bedroom door and replace the steps with an 8 ft. by 12 ft. deck. The deck would be a porous deck and would not go closer to the lake than the existing neighboring structures.

approved

Chirpich questioned how the deck would line up with the old stringline. McKenzie stated it would be in line with the old stringline. Brufloft questioned what the practical difficulty was. Jones stated that it was for enjoyment, to drink coffee off the deck, giving privacy from the neighbors to the easterly side. Chirpich questioned what size deck could be constructed it did not protrude past the front of the house. McKenzie stated that the deck would be 4 ft. by 12 ft.

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 stated that he was having a hard time finding a practical difficulty in order to grant a variance. Brufloft stated that he could answer 'yes' to two (2) of the criteria, but not all of the criteria.

Motion: Kessler made a motion to deny the variance request to construct an 8 ft. by 12 ft. deck onto the existing structure based on the fact that no practical difficulty could be proven. Chirpich second. All in favor. Motion carried. Variance denied.

FIFTH ORDER OF BUSINESS: Blain Anderson. Request a Variance to construct a dwelling seventy-five (75) feet from the ordinary high water mark of the lake due to the location of an existing power line for the property described as: Tax ID number: 340063004, .72 AC PT OF LOT 5 BEG 937' E & 1066.43' NE OF SW COR LOT 5 TH N 150' SE TO LK SW AL LK 150' & NW 208.13' TO BEG; Section 11, TWP 141, Range 36, Two Inlets Township. The property is located on Two Inlets Lake at 32179 Two Inlets Drive.

Anderson explained the application to the Board. He would like to build a cabin but the location of the power line interferes with meeting the setbacks. Anderson stated that the power company stated that he needed to be ten (10) feet away from the power line.

Chirpich stated that most power companies require a twenty (20) foot setback. Moltzan stated that the website for Itasca-Mantrap stated a twenty-five (25) foot setback. Discussion was held on what weight utility setbacks play on the Board's decision.

Further discussion was held on getting written verification on the setback from the power line before a setback from the lake was determined; should a variance be granted then place a contingency on the variance; tabling the variance; denying the variance or requiring the power line to be relocated.

Anderson stated that the cost of relocation would be astronomical. Chirpich stated that his past experience was that it cost \$500.00 per pole to relocate.

Written correspondence was received in opposition from Dave and Mary Keller and Bill Affeldt. Written correspondence included a statement that the road had been relocated and after the road relocation, the utilities were not relocated and follow the old road bed. At this time, testimony was closed and further discussion was held.

Consensus of the Board was that they would like to have written verification as to what the setback from the high line would be.

At this time, Anderson requested to table his application.

SIXTH ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, July 2, 2015. Since this is right before the July 4th Holiday, discussion was held as to whether or not the tour should be held that date or another day. Consensus of the Board was to hold the tour on Monday, July 6, 2015.

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

Jim Brufloft, Chairman

ATTEST

Eric Evenson-Marden, Zoning Supervisor