

Becker County Board of Adjustments
February 12, 2003

Vice Chairperson Naomi Champ called the meeting to order at 7:30 p.m. Present were Members Harry Johnston, Charles Rew, Jim Elletson, Tom Oakes, Jerome Flottesmesch, Terry Kalil and Zoning Administrator Patricia Johnson. Minutes were recorded by Debi Moltzan.

Oakes made a motion to approve the Minutes from the January 8, 2003 meeting. Kalil second. All in favor. Motion carried. Minutes approved.

FIRST ORDER OF NEW BUSINESS: Paul Larson. An application for a variance to construct a second story addition eighty-five (85) feet from the ordinary high water mark of the lake, due to a lot of record, has been filed by Paul Larson for the property described as pt Lot 5, Beg 108.92 ft NW of NE Cor Lot 12 Cha-Chee-A Bch th E 566.50 ft N 33 ft W 418 ft N 117 ft W 368 ft to Lk S al Lk 152 ft & E 247.50 ft to Beg; Section 29, TWP 141, Range 40, Sugar Bush Township.

Larson explained that they would like to construct another story over the existing garage and remodel the existing floor on the existing basement. They need a variance is needed because the existing structure is less than the required 100 ft. Larson also explained that the request did not include replacing the existing deck.

Elletson questioned if the existing floor would be remodeled or removed and replaced. Larson stated that the existing floor would be removed and replaced and a second story added to the attached garage. Flottesmesch questioned what size the deck was now and how far it was from the OHW. Larson stated that the deck is approximately 12 ft x 12 ft and approximately 73-75 ft from the lake. Flottesmesch questioned the size of the structure to be constructed. Larson stated that it would be 28 ft x 40 ft with a 6/12 pitch. Kalil rephrased the questioned and asked Larson if the new structure, when completed, would look similar to the existing structure. Larson stated that it would look very similar to what is there now.

The Board held further discussion on whether the current structure, one story with a walkout basement is actually a one story structure or a two story structure. It was determined that the slope of the ground does meet the criteria of Section 11, Subdivision 2 of the Ordinance, therefore this is a one story structure with a walk-out basement.

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.

Oakes questioned how long the existing house has been there. Larson stated that the house was constructed in the early 70's. Flottesmesch stated that the house was constructed prior to the current setbacks. The foundation is in good shape, but they want to update the house. Flottesmesch suggested that if a variance is granted, the variance

should be worded to construct on the existing foundation. Then, if something major was to happen to the foundation, the next structure could be moved back to meet the required 100 ft setback. The hardship here is that there is a good foundation with a poor structure. There is room to move the structure back. Flottemesch also stated that since the structure is existing, the deck could be allowed under the 15% rule rather than a variance.

Oakes made a motion to approve a variance to construct a new addition onto the existing foundation based on the fact that this would replace an existing structure and that the existing foundation is in good repair and would remain. Johnston second. All in favor. Motion carried. Variance approved.

SECOND ORDER OF NEW BUSINESS: Jane Nitz. An application to construct a dwelling twenty-seven (27) feet from the high water mark of the lake, due to a wetland, has been filed by Jane Nitz for the property described as Lots 1 to 5 inclusive, Calico Beach First Addition, Section 35, TWP 140, Range 40, Holmesville Township.

Flottemesch stated that he owned property near this application. Flottemesch stated that he would partake in the discussion but would be abstaining from the vote.

The application was explained by Jay Weiher, Whispering Pine Log Homes. Weiher stated that the existing structure would be removed and replaced with a log home. The lot does not allow much buildable area and there is a drilled well directly behind the existing home.

Champ questioned if all of the old structure would be removed. Weiher stated that the entire old structure would be removed. Oakes questioned if the DNR had responded to this application. Johnson stated that the DNR was notified but did not respond. Johnston questioned if the existing foundation would be used. Weiher stated that it would not be used. Johnston questioned the size of the structure. Wieher stated that the house would be 24 ft x 40 ft with two wings, 12 ft x 14 ft and 6 ft x 16 ft. Flottemesch questioned if they had thought about turning the house. This would get the structure further from the lake. Weiher stated that he did not think of it because of the lay of the land, funneling up to the house. There is a need for parking and turning a vehicle around.

Flottemesch stated that if the house was turned, the house could be 20 ft further from the lake. Flottemesch also explained the difference between a patio and a deck and that if there was a lakeside deck, the house would have to be further back from the lake because the deck is part of the structure. Flottemesch stated that the lot is a lot of record and that the Board does have to find a building location, but the Board also has to try to keep the structure as far back from the lake as possible. Weiher stated that a patio would not be good for the log home, there needs to be approximately 2.5 ft separation from the ground to the bottom log.

Elletson questioned when they wanted to begin the project. Weiher stated that they would like to begin in the spring. Elletson stated that this structure is a nonconforming structure. If the structure is removed, it needs to be moved to meet current regulations.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Brad Kasson, in favor of the application. At this time, testimony was closed.

With this lot, this would require a variance to get the most desirable location out of the shore impact zone. Elletson felt that there was room to move the house out of the shore impact zone that would not interfere with the wetland. Elletson stated that the Board would have two options, either to set the parameters and the owner would have to worry on how he would fit the structure into the parameters or the application could be postponed until the applicant came up with a new plan.

Oakes stated that if Weiher could not act for the owners, the application should be postponed. Johnson explained that if the Board did make a decision tonight and the applicant's did not agree with it, they would have to apply for a new hearing and pay the fees over again. If the application were postponed, it would just be a continuation of this meeting. Discussion was held regarding the 60-day rule.

Weiher questioned if he could get more details and to what the Board would consider for building boundaries. It was explained that the Board could give him suggestions, but it is not a final decision. Johnston stated that his idea would be to move the house out of the shore impact zone (50ft from the OHW), 10 ft from the side lot line and the structure could go up to the wetland, but not into the wetland. Elletson agreed. Flottesmesch stated that the Board does not need a floor plan or design; the Board approves a footprint, not a design.

Weiher asked the Board to postpone the application until the time he has time to meet with the applicant's and come up with a new design.

Elletson made a motion to accept the applicant's agent's request to postpone the application. Oakes second. All in favor except Flottesmesch, who abstained from voting.

THIRD ORDER OF NEW BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, March 6, 2003 at 8:30 a.m. at the Planning and Zoning Office.

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

Naomi Champ, Vice Chairperson

ATTEST _____
Patricia Johnson, Zoning Administrator