

Becker County Board of Adjustments
March 12, 2003

Jim Elletson, acting Chairman, called the meeting to order at 7:30 p.m. Present were Members Jerome Flottemesch, Terry Kalil, Tom Oakes, Harry Johnston and Zoning Administrator Patricia Johnson. Minutes were recorded by Debi Moltzan.

Oakes made a motion to approve the minutes from the February 12, 2003 meeting. Kalil second. All in favor. Motion carried.

FIRST ORDER OF OLD BUSINESS: Jane Nitz.

Johnson explained that this application was postponed at the last meeting to allow the applicant to come up with a new plan that would keep the house further from the lake.

Jay Weiher explained the application to the Board. Weiher stated that the house was moved out of the shore impact zone, which would still out of the wetland and far enough away from the well and holding tank.

Kalil questioned if there would be enough parking. Weiher stated that it would be tight, but there would be room near the holding tank area to park. Flottemesch questioned if there was a holding tank or a complete septic system. Weiher stated that it was just a holding tank.

Flottemesch stated that the new plan does keep the structure out of the shore impact zone, out of the wetland and does not encroach on any other setback. This is a lot of record with lots of shoreline but little depth.

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.

Flottemesch stated that he would be abstaining from the vote since he owns property in the vicinity of the Nitz's.

Kalil made a motion to approve a variance to allow a structure fifty (50) feet from the high water mark of the lake, as per plan submitted to the Zoning Office, based on the fact that the lot is a lot of record and the structure is located outside the shore impact zone. Johnston second. All in favor except Flottemesch, who abstained from voting. Motion carried.

FIRST ORDER OF NEW BUSINESS: Orpha Poehls. An application for a variance to construct an addition 52.5 feet from the centerline of the road and 40 feet from the ordinary high water mark of the lake has been filed by Orpha Poehls, owner of the property described as: Lots 3 & 4, Block 1, Langseth Beach, Section 27, TWP 138, Range 42, Lake Eunice Township.

Poehls explained the application to the Board. A 20 ft by 24 ft portion of the existing cabin would be removed and replaced with a new one story and loft. The old structure is deteriorating and the new structure would be placed on the same foundation.

Flottemesch questioned if the deck would be removed. Poehls stated that the deck would remain. Kalil questioned if the shed would remain. Poehls stated that the shed would remain and maybe one day have a garage.

Flottemesch stated that Highway 22 is in the process of being redone. Flottemesch suggested that Poehls plan for a driveway entrance that would not come directly off of #22.

Discussion was held regarding the right-of-way of Co. Hwy 22 and the setback of the current structure from the highway.

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.

Flottemesch stated that if the lot were vacant, the Board would be looking at another application similar to this. The current deck is 6 inches to 1.5 feet off the ground, with a bench around ½ of the deck.

Elletson stated that the dimensions taken at the site did not match the dimensions of the site plan. The site plans shows the house 50 feet from the lake and the deck 40 feet from the lake. Measurements taken show the house 41 feet from the lake and the deck 31 feet from the lake. Due to the shape and size of the lot, this may be the best location for a structure. Elletson suggested limiting the variance to the request and not set a footprint.

Oakes made a motion to approve a variance to allow a 20 ft by 24 ft one story with loft addition onto an existing foundation and allow the existing deck to be maintained or replaced with the stipulation that no more than one-half of the deck have seating around it and the deck be no more than 1.5 feet off the ground. Flottemesch second. All in favor. Motion carried.

SECOND ORDER OF NEW BUSINESS: Eric Johnson. An application for a variance to construct a dwelling twenty-six (26) feet from the rear lot line has been filed by Eric Johnson for the property described as: Pt Lot 1 104 ft E & W by 150 Ft N & S across road from Lots 10 & 11 Brolin Beach First Addition, Section 16, TWP 139, Range 41, Detroit Township.

Johnson explained the application to the Board. They would like to build a 30 ft by 40 ft barn-shaped structure with a garage on the bottom and an apartment on the top. It would be constructed for year-round habitation.

Flottemesch questioned if there would be a problem with this type of construction, garage on the bottom and living quarters on top. P. Johnson stated that this is a lot of record, in separate ownership. This lot would be allowed one residence. If the Johnson's would like to build this type of structure, then this would be the only dwelling structure allowed on the lot.

Flottemesch questioned if the rear lot line ended at the beginning of the cattails or went into the cattails. Johnson stated that the property line actually in about 10 feet into the cattails. Johnson also stated that he tried to turn the building, but there was still a conflict with the rear lot line. Flottemesch questioned if the existing garage would remain. Johnson stated that he would like the existing garage to remain.

Kalil questioned where the driveway would be constructed. Johnson stated that there was an existing grass trail on the West side of the property, where a permanent driveway would be constructed. Flottemesch questioned the setback from the road to the existing garage and where the measurement was taken. Johnson stated that he tried to determine the road right-of-way and measured from the right-of-way to the existing garage. Johnston questioned the 10 ft by 16 ft deck on the drawing that was not on the original request. Johnston questioned if the structure would be moved closer to the road to meet the 26 ft setback or if the deck would encroach into the 26 ft setback. Johnson stated that the deck was the idea of the contractor and that the way it is drawn, it would encroach into the 26 ft setback.

Speaking in favor of the application was Elizabeth Johnston. A phone call in support of the application was received from Herman Wagner. No one spoke in opposition to the application. At this time, testimony was closed.

Further discussion was held. Johnston stated that if this lot was in the same ownership as another lot this application would be treated differently. Flottemesch stated that the 40 ft rear lot line requirement is there to protect both property owners. In this case, there is a large wetland behind the property and there will definitely be no development behind this property. Flottemesch suggested that the deck also meet the 26 ft setback. Elletson stated that if the structure were moved closer to the cattails, no one would be able to drive behind the structure. Oakes stated that the lot is large enough to enter from both sides; there would be no need to drive behind the structure.

Flottemesch made a motion to approve a variance to allow a structure twenty-six (26) feet from the rear lot line and to allow a 10 ft by 15 ft upper story deck encroachment based on the fact that the lot is a lot of record, and the placement of the structure would maintain the required setback from the road and the property to the rear of the structure would not be able to be developed. Johnston second. All in favor. Motion carried.

THIRD ORDER OF NEW BUSINESS: Informational meeting. The tentative date for the next informational meeting is scheduled for April 3, 2003 at 8:30 a.m. at the Zoning Office.

FOURTH ORDER OF NEW BUSINESS: Election of Officers.

Discussion was held as to who would like to be an officer and who would make a good officer.

Flottesch nominated Naomi Champ for Chairperson. With no other nominations, nominations were closed. A vote was taken with all in favor. Champ will be the Chairperson for the remainder of 2003.

Oakes nominated Elletson for Vice-Chairperson. Elletson stated that he would like to decline the position because he has already been Chairman and would like to give someone else the opportunity to be an officer. Kalil nominated Johnston. With no other nominations, nominations were closed. A vote was taken with all in favor. Johnston will be the Vice-Chairperson for the remainder of 2003.

Since there was no further business to come before the Board, Elletson adjourned the meeting.

James Elletson, Acting Chairman

ATTEST

Patricia L. Johnson, Administrator