

Becker County Board of Adjustments
April 13, 2006

Present: Members Harry Johnston, Steve Spaeth, Al Chirpich, Jim Brufloft and Zoning Staff Debi Moltzan.

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

Spaeth made a motion to approve the minutes from the March 2006 meeting. Chirpich second. All in favor. Motion carried.

Johnston and Brufloft explained the protocol for the evening's meeting and the criteria followed in granting or denying a variance.

FIRST ORDER OF BUSINESS: Sheila Johnson. Request a variance to construct a dwelling and deck 80 feet from the ordinary high water mark of the lake for the property described as: Lots 65 & 66, Block 5, Abbey Lake Estates; Section 23, TWP 138, Range 41; Lake View Township.

This application was postponed from the September 2005 meeting, at the request of the applicant, to allow the DNR time to establish an ordinary high water mark for the lake. The DNR has established an OHW and Ms Johnson has adjusted her plan to make the structure fit on the high ground. The new request would be 77 feet from the OHW.

Ms Johnson, Dennis Craswell and Paul Belega explained the application to the Board. Craswell stated that the structure size has been reduced and the deck eliminated in order for the structure to be located on the high ground. The wetland area has been marked by Soil & Water. Craswell also stated that he has been working with an engineer to come up with a foundation plan that would work with the soil conditions.

Spaeth questioned if there was a driveway easement already in place. Craswell stated that an easement would be drafted and recorded for the driveway.

Belega stated that the structure being built would not have a negative affect on the wetland or the lake.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from the DNR, regarding the establishment of the ordinary high water mark. At this time, testimony was closed.

Further discussion was held regarding the location of the ordinary high water mark, the location of the wetlands, mitigation of nonconforming lots, driveway easement and access to the lake. Johnston questioned how the lake would be accessed. Ms Johnson stated she would build a boardwalk or some type of a path to the lake.

Motion: Spaeth made a motion to approve a variance to allow a dwelling 77 feet from the ordinary high water mark of the lake based on the topography of the lot with the following stipulations: 1) the entire shoreline and shore impact zone must remain in its natural state, with the exception of a 5 ft access path to the lake; and 2) there be a legally recorded perpetual easement for ingress and egress and a triangular parking area, with the triangular parking area having measurements on the longest sides being 50 ft by 33 ft and must be granted across Parcel Number 19.0726.000. Chirpich second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Kevin Soberg ETAL. Request a variance to construct a primitive hunting cabin on a tract of land that does not have public road frontage on the property described as: N ½ of S ½ of SE ¼ of NW ¼; Section 15, TWP 142, Range 39; Eagle View Township. PID Number 09.0133.000.

Soberg explained the application to the Board. They would like to construct a primitive hunting cabin on the property. Soberg stated that they are familiar with the stipulations placed on previous variances similar to this.

Chirpich questioned how many acres they owned. Soberg stated that there were 10 acres.

No one spoke in favor of the application. No one spoke in favor of the application. Written correspondence was received from Eagle View Township in opposition to the application and Mark (Chip) Lohmeier explaining the use of South Tulaby Road. At this time, testimony was closed.

Further discussion was held regarding the road status, location of the property and past variances.

Motion: Spaeth made a motion to approve a variance to allow a primitive hunting cabin on property that does not have public road frontages based on the fact that it would give the property reasonable use with the following stipulations: 1) construction of the cabin does not mean that the Board has conveyed access to the property nor guarantees access to the property in the future; 2) the structure must remain primitive, no septic system, no electricity, and no indoor plumbing; 3) the structure can not be more than 700 sq ft in size; 4) the owner must provide a statement of access from the County Natural Resources Department; 5) from December 1 to April 1, all unauthorized motor vehicle traffic, except snowmobiles, during this period is strictly forbidden; 6) owners shall understand that there will be no guarantee for emergency response in an area with no public road access, which includes fire department, emergency response teams and ambulance service. Bruflo second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Kevin Byer. Request a variance to construct a dwelling 80 feet from the ordinary high water mark of Straight River for the property described as: Pt SE ¼ lying N & E of Straight River Less N 820.61 ft; Section 29, TWP 140, Range 36; Osage Township. PID Number 21.0279.000.

Byer explained the application to the Board. The existing double wide home would be removed and a new home constructed in the same location. This is the only high ground on the property. If the structure were moved further from the river, the house would be placed on the lowest ground, which receives the run off from the high ground and floodwater of the wetlands due to the beaver.

Chirpich questioned if there would be a basement. Byer stated that there would be footings and a crawl space. Johnston questioned the size of the deck. Byer stated that the deck would be 12 ft by 12 ft. Brufloft questioned if the demolition site had been cleaned up. Byer stated that he has been working on it and removing what he can without the use of his bobcat, which is currently broke down. Further discussion was held regarding the topography of the lot.

No one spoke in favor of the application. Speaking in opposition to the application was Doug Kingsley, DNR. Written correspondence was received from Edie Evarts, DNR. At this time, testimony was closed.

Further discussion was held regarding the current location of the structure, location of the proposed structure, clean up of the demolition site, restoration of the riverbank, the location of the low ground and the DNR easement.

Motion: Brufloft made a motion to approve a variance to allow a dwelling, with a 10 ft wide deck, 95 feet from the ordinary high water mark of the river based on the topography of the lot with the following stipulations: 1) all debris must be cleaned up by December 31, 2006; 2) a rain gutter system must be installed on the westerly side of the structure (river side of the structure) with all run off water being directed to the east, not toward the river; 3) natural vegetation must be re-established from the top of the river bank 10 feet landward and once established, the buffer strip cannot be mowed; 4) a walking path will be allowed in the most appropriate location to minimize erosion; 5) the deck will be placed in the northwest corner of the north wing of the house and must be pervious, which would allow for construction of boards no wider than eight inches and spacing of the boards no less than one fourth (1/4) inches apart; AND a variance to allow a garage 100 feet from the ordinary high water mark of the river based on the topography of the lot. Chirpich second. All in favor. Motion carried.

FORUTH ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, May 4, 2006 at 7:00 a.m. at the Planning & Zoning Office.

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

Harry Johnston, Chairman

ATTEST

Patricia L. Johnson, Administrator