

Becker County Board of Adjustments
May 14th, 2009

Present: Members: Jim Bruflodt, Steve Spaeth, Jerry Schutz, Clifford (Kip) Moore, Merle Earley, Al Chirpich and Bill Sherlin.

Zoning Staff: Administrator Patty Swenson, Julene Hodgson.

Chairman Jim Bruflodt called the meeting to order. Julene Hodgson took minutes.

Minute approval: The April minutes were discussed. Spaeth made a motion to approve the minutes from the April 9, 2009 meeting. Chirpich second. All in favor. Motion carried.

Chairman Bruflodt explained the protocol for the meeting. Spaeth read the criteria for granting or denying a variance.

FIRST ORDER OF BUSINESS:

APPLICANT: Kale Construction: Attn Bruce Omang P.O. Box 1881 Detroit Lakes, MN 56502 **Project Location:** 25656 130th St Detroit Lakes, MN 56501 **LEGAL LAND DESCRIPTION:** Tax ID number: R190336004 West Twin Lake PT SW1/4 SE1/4 Comm SW cor of SE ¼ Sec 16 th E 997.11' 12.27 Acres Section 16, TWP 138, Range 41 Lake View Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request an after the fact Variance for a mobile home dwelling to remain 60 feet from the ordinary high water mark of a natural environment lake, due to topography issues. This locates the current structure in the shore impact area of the lake and deviates from a required 150' setback from a natural environment lake.

Owner Bruce Omang explained the application to the Board. The mobile home was placed on the property during purchase of the property from Sycks. Confusion of what body of water is on the property, did not think there was any setback from waterbody. Upon approval would make application for septic compliance. Previous owner (Sycks) told Omang body of water was not a lake, but a wetland and that it was not protected. Administrator Swenson stated there are setbacks from protected wetlands in the County. Omang stated his train of thought was if the previous owner gave permission to place the mobile home on the property and put in a holding tank, it did not require any permits. Spaeth asked Omang why the Board should approve the request, to which Omang replied the buried electric wires go to the mobile home and a well has been installed. Omang stated he will submit a septic application to whatever, wherever seems fit. Chirpich stated if the owner had applied for the proper permits, the County would have informed them of the required setbacks, to which Omang agreed. Omang said the County would have to help with placement to assure a 150' setback is met somewhere on the property. Kale Construction purchased the entire property as one, then Joyce purchased property and constructed dwelling on the property, then split off the 12.27 acres and quit claimed it to Kale Construction where the mobile home is. There is a shared well with a written agreement in place for both properties. The city placed the electrical power to the well and homes.

Joyce Omang spoke in favor of the application. Joyce stated Hodgson notified them the lake is a protected lake with a 150' setback at the time Joyce went through the dwelling application process. Spaeth asked what was the original acres purchased, to which she stated 35 acres. Spaeth wanted clarification that the mobile home was placed on the property during the process time of purchasing the property, to which Joyce stated yes. Earley asked when the 12 acres was split off for the mobile home, to which Joyce answered in 2008. No one spoke against the application. There were no letters of correspondence in the file. At this time, testimony was closed.

Further discussion was held. Brufloft stated all waters are protected in the County with each body of water having different classifications and setbacks from them. Schutz asked Hodgson to verify when the mobile home was placed on the property, to which Hodgson stated the owners said before the purchase of the property was final. Chirpich stated it didn't matter when Omang placed it onto the property, the mobile home and septic still required approved permits to do so. If they would have gone into Zoning and applied, the setbacks and regulations would have been explained, the thought of doing structural and septic work without permits is not OK, ignorance is no excuse of the laws. Sherlin stated the property is not meeting any hardships for granting such a request. Chirpich stated being there was a holding tank only for a septic, there is nothing too hard to move back to meet the 150' setback somewhere on the property. Brufloft stated the septic is not compliant where it is presently located and they will have to make application to relocate the system to an approved location. Schutz stated it was very bothersome to see the septic is failing at this time and there is a lot of rubbish that will have to be removed from the lakeshore area.

MOTION: Schutz made a motion a Variance be denied due to an undemonstrated hardship of the property, lack of securing appropriate permits, location in the shore impact zone and application not in harmony with the intent of the Ordinance. Chirpich second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS

Robert Muhs 9698 171st St West Lakeville, MN 55044 **Project Location:** 40338 Little Toad Road Frazee, MN 56544 **LEGAL LAND DESCRIPTION:** Tax ID number: R150419000 Little Toad Lake Goranson Beach Lot 3 Section 24, TWP 139, Range 39 Height of Land Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct a water-oriented structure 18 feet from the side property line due to topography issues for best placement on the property. This deviates from the location of the structure to be placed within the center twenty-five feet (25') of the lot as measured along the setback from the ordinary high water level.

Becca Muhs explained the application to the Board. They won the shed and want to place it down by the shore as a water-oriented structure. Because of the topography of the parcel, the 25' regulation from the center of the property would not be a good place, it would require more ground disturbance and chance of erosion. The request over to the side would be best placement, would be on a level area and would require little ground disturbance. Schutz asked if any dirt work would be required or would they cut into the bank area, to which Becca stated the placement requested would be quite level area with cement blocks and pea gravel under it, there would be as minimal dirt movement as

possible with only one tree cut down. Chirpich stated the request would leave the natural shoreline in tact and the structure would not cause runoff to the lake. Brufloodt stated best placement would be back a little further into property, where the large rock is, with the door going sideways to face east and tuck it into the tree area. This would make it less visible for the neighbor next door and from the lake.

No one spoke in favor of the application. No one spoke against the application. Swenson read two letters on file from Cory and Theresa Saba and Dallas Saba. At this time testimony was closed.

Further discussion was held by the Board. Chirpich stated there is not another area that would be best placement of a structure on the shore due to the bluff area on the property. The water doesn't need to be controlled, the structure will be back far enough from the lake and there is a natural berm along the shore.

MOTION: Sherlin made a motion a Variance be approved for best placement of a water-oriented structure in the northwest area of the property due to the topography causing hardship. Chirpich second, with the request the County is to follow up with the structure placement. All in favor. Motion carried.

THIRD ORDER OF BUSINESS:

APPLICANT: Linda Foltz 10036 Johnson Ave S Bloomington, MN 55437 **Project Location:** 13267 W Lake Sallie Dr Detroit Lakes, MN 56501 **LEGAL LAND DESCRIPTION:** Tax ID number: R191463201 Lake Sallie Lot 1 Block 1 McDonough Beach Section 18, TWP 138, Range 41 Lake View Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct a 16x12 addition onto the lakeside of an existing dwelling located 54 feet from the ordinary high water mark of the lake with the rear of the existing dwelling located 64 feet from the center line of the road due to the substandard sized lot of record. The proposed addition will be constructed to the side of the existing deck and will not be going any closer to the lake.

Contractor Brian Adams explained the application to the Board as acting agent for Linda Foltz. There is an existing 12x20 deck on the existing mobile home to which the owners would like to propose an addition onto the side of the deck. It would not go any closer to the lake and would sit on pillars with posts. The skirting and siding would match the mobile home. A septic compliance was conducted and was OK, a copy on file at Zoning. There would be a patio door going into the addition replacing current windows on the side of the mobile home. There would be no sleeping quarters in the area and there would be a bridge to the deck with a door toward the deck, not the lake. Schutz asked if the owners have expressed the idea of replacing the mobile home in the near future, to which Adams stated no. Everything on the property was permitted when the mobile home was placed in its existing location.

Lakeview Township Supervisor Gail Hahn stated the Township had no objections to the application. No one spoke against the application. There where no written correspondence on file. At this time testimony was closed.

Further discussion was held by the Board. Schutz stated his main concern was a Variance of this nature that might lead to a permanent structure then being able to go 54 feet from the lake. Spaeth stated there should be some sort of stormwater management attached to the Variance for structure runoff. Sherlin stated they could specify the

Variance request to go just with the addition. If the owners wanted to do a different proposal someday, they would have to come back to the Board with a new request.

MOTION: Spaeth made a motion a Variance be approved to construct a 16x12 addition onto the lakeside of an existing structure due to a substandard lot of record. Stormwater management is to be implemented on the lakeside to include gutters, spouts and infiltration areas. When the existing mobile home is removed from the property, this Variance for a 16x12 addition located 54 feet from the OHW of the lake becomes null and void. Chirpich second. All in favor. Motion carried.

Informational Meeting. The next informational meeting is scheduled for Thursday, June 4, 2009 at 7:00 a.m. at the Courthouse 3rd floor meeting room.

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

Jim Brufloft, Chairman

ATTEST

Patricia Swenson, Zoning Administrator