

**Becker County Board of Adjustments
June 11th, 2009**

Present: Members: Jim Bruflodt, 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 May minutes were discussed. Chirpich made a motion to approve the minutes from the May 14, 2009 meeting. Sherlin second. All in favor. Motion carried.

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

FIRST ORDER OF BUSINESS:

APPLICANT: Brian Martin 6307 14th St N Fargo, ND 58102 Project Location: 14614 Tradewinds Rd Audubon, MN 56511 **LEGAL LAND DESCRIPTION:** Tax ID number: R171289000 Big Cormorant Lake Lot 43 Trade Winds Beach Section 07, TWP 138, Range 42 Lake Eunice Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to replace a non-conforming screen porch with a sunroom addition located in the shore impact zone at 40 feet from the ordinary high water mark of the lake, due to the substandard sized lot of record. This deviates from a required 100' setback and structures not permitted in the shore impact zone area.

Brian Martin and Attorney Carl Malmstrom explained the application to the Board. The current owner purchased the property in April 2009. The existing dwelling had a partially constructed front screen porch area that Martin would like to replace with a sunroom that would be part of the dwelling. He would expand the walls in height and change to roof area of the entire dwelling making it more useable. The project would not increase the size of the structure and would not be going any closer to the lake. The owner decreased the lot coverage by removing a back deck/storage area and is replacing the non-conforming septic system. Malmstrom stated he felt the nonconformity of the structure was due to the current location of the structure, not the conversion of the room, the Ordinance doesn't generally govern interior use. Malmstrom asked the Board to review the MN Stat 394.36 stating Martin is proposing to improve the existing dwelling, not increase or expand the structure. Malmstrom stated the standards for granting a variance does look at the hardship of the property to which this property is a substandard lot of record.

No one spoke in favor of the application. No one spoke against the application. Swenson read two letters of correspondence on file in favor of the application from Todd and Marsha Weber and Darrell Ohman. At this time, testimony was closed.

Further discussion was held. The previous owner constructed a deck, and part of the lakeside area was made into a screened area. Then the previous owner constructed walls, enclosing the screened area and added windows, without proper Zoning permits. Sherlin stated this was a non-permitted use with the proposed sunroom with expansion of height creating additional use/area for the dwelling. Moore stated numerous dwellings in that area are located in the shore impact area but this one is behind stringline of most of them. Moore read the Statute area that discussed nonconformities and the discontinuance of use or destruction by fire or peril, stating the Board can convey that any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. Chirpich stated the property has reasonable use, if the Board were to grant the Variance, they could place stipulations on the outcome. Brufloft reminded the Board that Variances do not come lightly and they have the exclusive power to order the issuance of variances from the terms of any official control including restrictions placed on nonconformities. Earley reminded the Board the structure is behind the stringline and actually further back than a couple of the neighboring dwellings.

MOTION: Moore made a motion to approve a Variance to replace a screen porch with a sunroom onto the existing nonconforming dwelling due to setback issues on a substandard lot of record. If the structure is destroyed by fire or other peril to the extent of 50 percent of its market value, any application for a dwelling by the current property owner must meet the property setbacks according to the current Zoning regulations. Chirpich second. Chirpich, Earley and Moore in favor, Sherlin opposed. Motion carried to grant the Variance. Motion carried.

SECOND ORDER OF BUSINESS

APPLICANT: William Martodam P.O. Box 649 Hawley, MN 56549 Project Location: 11385 W Lake Eunice Rd LEGAL LAND DESCRIPTION: Tax ID number: R170438000 Lake Eunice Bergquist Beach Lot 12 Section 27, TWP 138, Range 42 Lake Eunice Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct an attached garage 22 feet from the road right of way and request the lot coverage to exceed 25% due to the substandard sized lot of record. This deviates from an attached garage requiring a 45 feet setback from the road right of way and a parcel not to exceed 25% lot coverage.

William explained the application to the Board. The proposal would be for a smaller entryway than first proposed with an attached garage being approximately 28 feet from the ROW instead of the 22 feet initially proposed and the removal would include the shoreline blocks, walkways, the smaller shed and parking area. The house was previously permitted, then later added front patio area, would like to keep the patio area in the total impervious on the property. Brufloft asked where the lot coverage was at after the tour inspection to which the measurements show the owner is currently at 31%. Swenson clarified the patio deck was not permitted as it was constructed in 1998 because it exceeded 6 inches in height and is considered impervious. William asked what could be approved in front of the dwelling that would meet the regulations. Swenson stated regarding the point of replacing- it would be mute to recommend what might occur or what might be approved in front of the house due to the fact the existing patio was not permitted, Zoning will follow up on the patio issue. Sherlin stated Martodam could deal

with Zoning pertaining to the lot coverage but the Board has to look at the proposal in front of them. The request was for 22 feet from the ROW and to exceed 25% lot coverage. Sherlin was unsure what percentage exceeding 25% the owner is requesting. When the Board was on the tour, it measured approximately 25 feet from the ROW- with 2 feet taken off the entryway proposal- the request would then be 27 feet not the 28 feet shown on the drawing handed out to the Board. Without knowing where the lot coverage would be at with what is to be removed and what would be allowed to remain, it is hard for the Board to act on the request. Brufloft reminded the owner he can table the application and come back at a later date with the correct information he is requesting.

At this time, the property owner asked to table the Variance application until a later date to bring back the information regarding the measurement requested from the property pins/road right of way and the proposed lot coverage, after removal, to the Board.

Informational Meeting. As to no applications submitted by the June 8th deadline for the July 9th hearing, the next informational meeting is scheduled for Thursday, August 6th, 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. Moore second. All in favor. Motion carried.

Jim Brufloft, Chairman

ATTEST

Patricia Swenson, Zoning Administrator