

Becker County Board of Adjustments
June 9, 2011

Present: Members Kip Moore, Jerry Schutz, Bill Sherlin, Steve Spaeth, Jim Brufloft, Al Chirpich and Zoning Staff Debi Moltzan. Member Lee Kessler was absent.

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

Schutz made a motion to approve the minutes from the May 2011 meeting. Spaeth second. All in favor. Motion carried.

Brufloft explained the protocol of the meeting and Spaeth read the criteria that must be met in order for a variance to be approved.

FIRST ORDER OF BUSINESS: Mike Vandal. Request a variance to construct a second story addition to an attached garage being 38' from the OHW & 34' from the ROW instead of 100' from the OHW and 45' from the ROW due to Topography & Setback issues on the property described as: LOTS 10 AND 11 TANGLEWOOD ESTATES, Section 19, Twp 138, Range 042, Lake Eunice Twp. PID Number 171239000. The property is located on Big Cormorant Lake at 12672 Tanglewood Rd.

Vandal and Kevin Lefebvre explained the application to the Board. A second story would be placed over the existing attached garage for a master bedroom and bath and the garage would be turned into a living room. Spaeth questioned if there are future plans to add a garage. Vandal stated that he would like to have a garage. Chirpich stated that there is limited area to build and this structure is located within the shore impact zone.

Discussion was held on previous variance requests, location of structure, how measurements were taken when the house was constructed, location of right of way, if one variance has been granted on the property, could another variance be granted. Chirpich stated that the property pins needed to be located in order to determine what the correct setbacks are and what type of variance would be required.

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 and further discussion was held.

Brufloft stated that there is a history of variance requests on this property with each variance getting closer to the water. Spaeth felt the structure should be kept out of the shore impact zone, but buildable area is limited. Sherlin stated that he is not in favor of expansion within the shore impact zone. Consensus of the Board was that the original owners measured and obtained a variance from the current water level rather than the ordinary high water mark, but that was an assumption and now the measurements were taken from the ordinary high water mark, creating the discrepancy in measurements. Spaeth and Brufloft felt that the property had reasonable use with the current structure and no expansion should be done. Brufloft also explained that the applicant could table

the request in order to locate the property pins to determine what the actual setbacks of the structure are and if there would be an alternate plan that would better fit the property.

At this time, Vandal asked to table his application to a future date.

SECOND ORDER OF BUSINESS: Steve and Candi Christman. Request a Variance to replace a dwelling 110 ft from the OHW and 20 ft from the ROW instead of the required 150 ft from the OHW and 45 ft from the ROW due to the Setback issues & Lot size for the property described as: LOTS 2-5, PEYTON PLACE; Section 33 Twp 138 Range 040 Burlington Twp. PID Number 030588000. The property is located on Boot Lake at 10530 Boot Lake Road.

The Christman's explained the application to the Board. They would like to replace the existing doublewide mobile home with a new one. The new one would be four (4) feet wider than the existing one. The new home would be located in the same location with the exception of turning more square to the lake, thus being ten (10) feet further from the road and closer to the lake. They would like to construct a six (6) ft wide walkway from the deck to the lakeside door of the home for handicap accessibility.

Sherlin stated that the Board had measured 85 to 90 feet from the ordinary high water mark of the lake to the proposed deck and their request was for 110 ft. Christman stated that the 110 ft was incorrect because he measured at an angle and not in a straight line at the shortest point and wanted to change the request to 90 feet.

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 and further discussion was held.

Discussion included: the home could be replaced in the same location the same size, which would be closer to the road or allow a variance to be closer to the lake and get the structure further from the road; the lot is large enough that impervious coverage would not be exceeded and the structure would be out of the shore impact zone; that the lots are not buildable under today's standards and that reasonable use must be allowed.

Motion: Spaeth made a motion to approve a variance to allow a dwelling twenty (20) feet from the road right of way and ninety (90) feet from the ordinary high water mark of the lake based on the fact that the lot is a substandard lot of record. Sherlin second.

Schutz stated that he would like to see a berm placed along the area where the gully is to slow down the run off and would like to see gutters and down spouts on the home diverting the run off into some type of rain collection site.

Spaeth amended his motion to read: approve a variance to allow a dwelling twenty (20) feet from the road right of way and ninety (90) feet from the ordinary high water mark of the lake based on the fact that the lot is a substandard lot of record with the stipulation that gutters and down spouts be placed on the house with the run off being diverted into

some type of rain collection system and that a berm be placed along the gully to slow down water run off before entering the lake. Sherlin second the amended motion. All in favor. Motion carried. Variance approved.

THIRD ORDER OF BUSINESS: Tim and Jeanine Teiken. Request a Variance to construct a dwelling 27' from the ROW & 94' from the OHW instead of required 45' from ROW & 100' from the OHW due to substandard size lot for the property described as: Lots 6 & 7, Peyton Place, Section 33, TWP 138, Range 40, Burlington Township. PID Number 03.0589.000. The property is located on Boot Lake at 10524 Boot Lake Rd.

The Teiken's explained the application to the Board. They would like to place a structure on the property that would be 27 feet from the right of way and 94 feet from the lake. Sherlin questioned that discrepancy in the site plan showing 94 ft to a line and then another 20 ft to the water. Teiken stated that he used the measurements off the plat to come up with the setbacks. Spaeth questioned if there would be a deck constructed on the lakeside of the home. Teiken stated that there would be no deck on the lakeside. Moltzan explained that at the time of the application, the lake setback was to be string line and a distance from the lake was not requested. Since then, granting a variance to the adjoining property changed the string line. Therefore, a variance would have to be granted from the lake.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Lloyd and Mary Ellen Jensen with concern as to why someone could build on such a small lot. At this time, testimony was closed and further discussion was held.

Sherlin felt that the same variance should be given to this property as the adjoining property. Brufloft felt that a more restrictive variance should be granted.

Motion: Schutz made a motion to approve a variance to construct a dwelling twenty-seven (27) feet from the road right of way and one hundred fourteen (114) feet from the ordinary high water mark of the lake based on the fact that the lot is a substandard lot of record with the stipulation that gutters and down spouts be placed on the house with the run off being diverted into some type of rain collection system and that the shoreline be left natural to prevent run off to the lake. Spaeth second. All in favor except Chirpich. Majority in favor. Motion carried. Variance approved.

FOURTH ORDER OF BUSINESS: Craig Ellingson.

Moltzan explained that Ellingson tabled his application at the May 2011 meeting. The structure for which Ellingson was asking for the variance is a violation. The shed was placed on the property a year ago with no permit in an unpermitted location. After consultation with the County Attorney's Office, the Assistant County Attorney stated that the violation needed to be corrected and that Ellingson should be sent a letter stating that application would be placed on the June 9, 2011 agenda and if the violation was not

corrected by June 9, 2011, the Board of Adjustments would act on the application. To date, no effort has been made to correct the violation.

Discussion was held regarding the shed. Consensus of the Board was that Ellingson could have replaced the existing shed in the same location the exact same size without a variance and would have had reasonable use of the property. The current shed is larger, has been placed closer to the property line and closer to the lake than the previous shed.

Motion: Spaeth made a motion to deny the variance to allow a 8 ft by 12 ft storage shed to remain four (4) feet from the side property lien and thirty (30) feet from the ordinary high water mark of the lake based on the fact that the existing shed could have been replaced in the same location with the same size, which would not have required a variance, and that the denial of the variance still allows reasonable or practical use of the property. Schutz second. All in favor except Sherlin. Majority in favor. Motion carried. Variance denied.

FIFTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting is scheduled for Thursday, July 7, 2011 at 7:00 am in the Third Floor Meeting Room, Original Courthouse.

Since there was no further business to come before the Board, Chirpich made a motion to adjourn the meeting. Sherlin second. All in favor. Motion carried. Meeting adjourned at 8:15 p.m.

Jim Bruflo, Chairman

ATTEST

Patricia L. Swenson, Administrator