

Becker County Board of Adjustments
November 13, 2014

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

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

Kessler made a motion to approve the minutes from the October 2014 meeting. Johnston second. All in favor. Motion carried.

Chairman Brufloft explained the protocol of the meeting. Spaeth read the criteria for which a variance can be granted.

FIRST ORDER OF BUSINESS: Jamey & Mariah Jessen. Request a Variance to construct an addition onto a nonconforming dwelling which is eighty-five (85) feet from the ordinary high water mark of a recreational lake instead of the required 100 foot setback for the property described as: Tax ID number: 10.0731.000, Sunny Cove Block 1 Lot 2; Section 12, TWP 139, Range 40, Erie Township. Project Location: The property is located at 21010 Co Hwy 29 on Cotton Lake.

Jamey and Mariah Jessen explained the application to the Board. They would like to place an 8 ft. addition along the back side of the present home, away from the lake and a second story on a portion of the dwelling, nothing going closer to the lake than the existing structure. The addition is necessary to accommodate their family and make the home a year round home.

Kessler questioned if the garage would be reconstructed. Jessen stated that the garage would remain the same, just new siding. Johnston questioned the drainage to the lake and if the run off could be slowed down. Jessen stated that they were open to ideas.

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 was held regarding the enlargement of the existing berm to slow down the water. Spaeth stated that there was merit to grant a variance.

Motion: Spaeth made a motion to grant a variance to allow an addition onto a nonconforming dwelling which is located eighty-five (85) feet from the ordinary high water mark of the lake instead of the required one hundred (100) foot setback due to the shape and size of the lot and it would be difficult to make any type of addition onto the dwelling without a variance and the addition would be going further away from the lake than the existing structure with the

stipulation that the dwelling be guttered and the runoff be diverted away from the lake. Boatman second. All in favor. Motion carried. Variance approved with stipulations.

SECOND ORDER OF BUSINESS: Robert & Heather Carlson. Request a Variance to construct a dwelling fifty (50) feet from the ordinary high water mark of a recreational lake instead of the required 100 foot setback due to the size of the lot for the property described as: Tax ID number: 02.0325.000, Lot Five (5) SUGAR ISLAND; Section 32, TWP 139, Range 42, Audubon Township. Project Location: The property is located at 16237 Sugar Island Rd on Little Cormorant Lake.

Carlson explained the application to the Board. The existing mobile home and decks would be removed and replaced with a small two story dwelling, which would be in the same place as the existing and take up about the same footprint.

Kessler questioned if Carlson has considered moving the structure further back to allow for a future deck. Carlson stated that if they moved further back, there would be no room to park vehicles and since the structure would be ground level, there would be no need for a patio.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received in opposition to the application from Emily Siira, MN DNR; Peter Mead, Becker County SWCD; and an anonymous letter of opposition. At this time testimony was closed and further discussion was held.

Spaeth stated that even though the application doesn't directly state the reasons for requesting a variance, there are practical difficulties for this lot. This lot is a lot of record and is substandard in size; the variance is consistent with the comprehensive plan; the size of the lot of record is the unique circumstances that warrant a variance; the variance will not alter the character of the locality because all the lots are just like this and have variances; and the variance gives reasonable use to the property.

Motion: Spaeth made a motion to approve a variance to construct a dwelling fifty (50) feet from the ordinary high water mark of the lake instead of the required one hundred (100) foot setback based on the fact that this is a lot of record, which the required setbacks cannot be met, and without a variance, the property cannot be put to reasonable use with the stipulation that the structure be guttered and the runoff be placed in French drains and there be no patios with the exception of 4 ft. by 6 ft. landings by the entrances to the structure. Kessler second. All in favor. Motion carried. Variance approved with stipulations.

THIRD ORDER OF BUSINESS: James Johnson. Request a Variance to construct a dwelling eighty (80) feet from the ordinary high water mark of a natural lake instead of the

required 150 foot setback due to setback and topography issues. Legal Land Description: Tax ID number: 24.0202.000, LOT 8 IN SW1/4; Section 27, TWP 140, Range 41, Richwood Township. Project Location: The property is located at 26480 230th St on Sands Lake.

Johnson explained the application to the Board. The structure would be about six hundred (600) sq. ft. in size and be located about eighty (80) ft. from the ordinary high water mark of the lake.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received in opposition from Emily Siira, MN DNR; Peter Mead, Becker County SWCD; and Ed and LaVonne Nordgulen. At this time testimony was closed and further discussion was held.

Johnston stated that the configuration of the lot does not allow any structure to meet the setback from the lake; this is the best location on the lot. Chirpich stated that a structure may be placed a little further from the lake on top of the hill, but more clearing and earth movement would have to be done which would cause more damage. Since this location is already cleared, it would be the best location; however, stipulations should be placed on the side of the building. Further discussion was held regarding the size, shape and topography of the lot. Spaeth, Johnston and Brufloft agreed that by looking at an aerial map, it appears that the setbacks could be met; however when walking the property, it is very clear that there are setback and topography issues that warrant a variance and the structure would be located out of the shore impact zone.

Motion: Chirpich made a motion to approve a variance to allow a 520 sq. ft. cabin eighty (80) feet from the ordinary high water mark of the lake based on the size, shape and topography of the lot and the fact that the structure is located outside the shore impact zone with the stipulations that all run off from the structure be controlled and diverted away from the lake and that the structure can never exceed 520 sq. ft. in size. Johnston second. All in favor. Motion carried. Variance approved with stipulations.

FOURTH ORDER OF BUSINESS: Dave & Vicki Piepkorn. Request a Variance to exceed the allowable 25% impervious lot coverage allowing 29.7% impervious coverage to allow for a handicap accessible walkway to the house, walkway to the lake; and a lakeside patio. Legal Land Description: Tax ID number: 191296000, FERN BEACH 3RD ADD: LOT 9; Section 30, TWP 138, Range 41, Lake View Township. Project Location: The project is located at 11545 Fern Beach Dr on Lake Melissa.

Piepkorn stated that they have a 19 year old son in a wheelchair and currently it is very hard to get him from the vehicle to the house, yet alone the lake.

Chirpich questioned if the son motivates the wheelchair on his own. Piepkorn stated that he does not. Chirpich questioned if other types of material have been looked at such as grass paves or wooden decking. Piepkorn stated that concrete (hard surface) was preferred due to the lawn being spongy most of the year and the narrowness of the wheelchair tires.

Discussion was held regarding types of pervious material that could be used, how pervious material could be stabilized, reducing impervious coverage, maintenance of the different materials, the fact that handicap accessibility is allowed by ordinance, what types of material hinder wheelchair operation and what types of material compliment wheelchair operations.

Consensus of the Board was that either nothing could be done and the property remains at 35% lot coverage, or a variance could be given for hard surfaces to reduce the lot coverage by 5% and there is an ice ridge that prevents run off from entering the lake.

Motion: Chirpich made a motion to approve a variance to exceed the allowable 25% impervious lot coverage, allowing 29.7% impervious coverage to allow for a handicap accessible walkway to the house, walkway to the lake; and a lakeside patio based on the fact that the proposal would reduce the current lot coverage from 35% down to 29.7% and allow handicap accessibility to a family member to utilize and enjoy the property with the stipulation that in the event of a change of ownership or when the handicap family member is no longer occupying the property, the impervious material must be removed to bring the property into compliance with the 25% impervious regulation (removal of impervious walkway to house, walkway to lake and lakeside patio). Spaeth second. All in favor. Motion carried. Variance approved with stipulations.

FIFTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting is scheduled for Thursday, December 4, 2014 at 7:00 am in the Third Floor Meeting Room of the Original Courthouse.

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

Jim Brufloft, Chairman

ATTEST

Patricia Swenson, Administrator