

**Becker County Board of Adjustments
December 11, 2014**

Present: Members Harry Johnston, Al Chirpich, Lee Kessler, Steve Spaeth and Zoning Staff Julene Hodgson.

Vice Chairman Spaeth called the meeting to order at 7:00 p.m. Julene Hodgson took minutes.

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

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

FIRST ORDER OF BUSINESS: John Crary. Request a Variance to construct a 3 season porch fifty (50) feet from the ordinary high water mark of the lake instead of the required 100 foot setback or the setback average plus twenty (20) feet which would be eighty-five (85) feet. LEGAL LAND DESCRIPTION: Tax ID number: 191591000 Fox Lake PEBBLE BEACH 1ST ADD, LOTS 11 TO 17 INCL & TR ADJ S SIDE; Section 18, TWP 138, Range 41, Lake View Township.

Crary explained the application to the Board. He stated the rules are to protect the lake, the shoreline and neighbors. They would like to construct a 3-season porch 50' from the waterline. The setback averaging rule would set them back to 85' Crary stated there are dense woods between his property and the other properties and with leaf on conditions they can't see each other so the request will not interfere with the neighbors vision. Crary stated if they constructed further back they would have to clear trees and build up the structure sight and they would not be able to enjoy the view of the lake as well. Crary stated they allow the shoreline to grow naturally and they do not want to remove any more trees then necessary. Crary stated if they move the structure back further and have to build up the site, it would become a health hardship in the future because they would have to have steps to access the structure. Crary stated the spirit of the law is to protect the water, shoreline and neighbors and he feels the request will not have a negative impact on anything or anyone.

Chirpich questioned if they had did the measuring for the setback averaging to get the 85' Crary said yes to which Chirpich noted if they construct the structure at 85' a variance would not be required.

Spaeth asked what they are planning on doing with the lakeside deck and asked if they inquired about enclosing that structure under the water oriented structure regulations. Crary stated they would be limited to the size of 120 sq ft and they want a 600 sq ft structure.

Kessler noted the owners main concerns are they can't see the lake as well and they would possibly have to build up the site and have steps to access the structure.

No one spoke in favor of the application. No one spoke against the application. Hodgson read written correspondence against the application from neighbor Lew Lewandowski, neighbor Kenneth Shroyer, Peter Mead on behalf of Soil and Water Conservation District and Emily Siira on behalf of the Minnesota DNR. Some of the remarks and concerns included: Lot is in excess of two acres and is deep enough not to create issues with normal setback rules. There are many options to consider to raise a building to a desired level. Need to try to stay within the 100 foot setback guidelines. There are restrictions regarding cutting trees within the shore-impact zone. The porch could be located 85ft and there is no hardship involved. Many lots on Fox lake have elevation and land features that might dictate location of structures, I don't believe this is the case on this lot. The site has significant area and suitable topography to accommodate the proposed structure without deviation from the Becker County Ordinance. The structure meets the definition of an accessory building or water oriented structure as described by Ordinance, as such the maximum allowable square footage would be 120 sq ft. Granting the Variance would be inconsistent with the goals, objectives and action items contained in the Becker County Comprehensive local water management plan. Variances should be rare and for reasons of exceptional circumstance. A limited amount of tree removal and grading is allowed by ordinance and/or permit and will not significantly diminish the character of the lot, while providing desired view. At this time, testimony was closed and further discussion was held. Discussion was held regarding the owners being good stewards of the land. Kessler stated nothing sticks out to create a hardship or practical difficulty of the property for the owner not to build back at the 85' allowed by averaging stringline. Chirpich agreed and stated the Board has denied previous requests of this nature. Johnston stated the owners are allowed to be closer than the 100' setback by using the current stringline averaging plus 20' rule without a Variance to build right now. But if they are not going to build right away and if that current regulation was ever to change, then the owners would submit an application for whatever the regulations are at that time.

Motion: Kessler made the motion to deny the request as submitted due to a lack of practical difficulty of the property. Chirpich second. At this time the property owners requested to table their application until a later date. Application tabled until owners contact the Zoning Office to be placed on a future agenda with any new information or request change for the Board of Adjustments to consider.

SECOND ORDER OF BUSINESS: Patrick & Mary Welle. Request a Variance to construct a Screen porch onto a nonconforming structure which is 60 feet from the ordinary high water mark of the lake instead of the required 100 foot setback. The proposed porch would be 98 feet from the ordinary high water mark of the lake. LEGAL LAND DESCRIPTION: Tax ID number:

100719000 Pickerel Lake SPORTSMAN BEACH, LOT 5; Section 10, TWP 139, Range 40, Erie Township.

Patrick and Mary Welle explained the application to the Board. The cabin was constructed in 1953 and they would like to extend the porch that is on the back of the cabin, away from the lake. There would be no grading or vegetation removal and the request would not be detrimental to the neighbors. Due to the existing location of the cabin there is no other feasible location to place an addition onto. The property is on a point so the porch will not obstruct anyone's view. Kessler asked when it rains which way does the rain go off the roofline of the existing cabin to which Welle answered they have gutters and spouts on the house and the water runs off the west and east side. Chirpich noted they should divert the rain into infiltration areas to filter it before it can get to the lake. Johnston recommended the downspouts go into French drains or a water garden area. Spaeth asked if the boathouse is being used and Patrick stated yes for storage.

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.

Chirpich stated the current owners didn't create the practical difficulty of where the dwelling is located and the lake would benefit if the Board placed stipulations on anything approved regarding diverting the water runoff before it reaches the lake. Johnston noted the existing dwelling cannot feasibly be located back any further into the property due to the slope of the property. Spaeth noted the shoreline had some natural vegetation and it would benefit the lake to state some sort of stipulation that it should remain natural, never to be removed.

Motion: Chirpich made the motion to approve a variance to allow the addition of a screen porch onto the rear of the existing dwelling with the porch located 98 feet from the ordinary high water mark of the lake due to the shape and topography of the lot and the fact that the existing dwelling 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 through gutters, spouts, French drains or possible rain gardens and the shoreline must remain natural with Minnesota native plants not to be mowed or weed-wacked. Kessler second. All in favor. Motion carried. Variance approved with stipulations.

THIRD ORDER OF BUSINESS: Jeffrey & Christine Thompson APPLICATION AND DESCRIPTION OF PROJECT: Request a Variance to construct an addition onto a nonconforming structure that is located forty-eight feet ten inches (48 ft 10 inches) from the ordinary high water mark of the lake instead of the required 100 foot setback. LEGAL LAND DESCRIPTION: Tax ID number: 171264000 Big Cormorant Lake TRADE WINDS BEACH, LOT 14; Section 07, TWP 138, Range 42, Lake Eunice Township.

Jim Herman explained the application to the Board on behalf of Jeffrey and Christine Thompson. The foundation is bad on the existing dwelling so the owners want to demolish the entire structure and construct a new dwelling that would be 2 stories in the same location. Herman stated there is a detached garage located behind the dwelling. Spaeth questioned why it couldn't be constructed back further and attached to the existing garage to which Herman stated the owners want to keep it in the same location with expansion. Johnston noted the existing dwelling is located ahead of neighboring structures. Chirpich asked if the contractor could speak on behalf of the owners if the Board contemplates moving the dwelling back further into the property to which Herman stated he would ask to table the application if there were any alterations to the original request to speak to the owners.

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.

Chirpich entertained the idea of approving a Variance without constructing the porch- then the result would be located out of the shore impact-zone area. Spaeth noted then there could never be a deck or anything going any closer to the lake. Johnston stated there is no practical difficulty of the property when they are doing all new construction they should be able to move it back further into the property, it should at least be out of the shore-impact zone. Spaeth noted the parcel is deep enough that there is room to move both the dwelling and the garage back- the owners could use the setback averaging regulation and a Variance would not be required.

****At this time Herman on behalf of the property owners requested to table their application until a later date. Application tabled until owners contact the Zoning Office to be placed on a future agenda with any new information or request change for the Board of Adjustments to consider.**

FOURTH ORDER OF BUSINESS: Informational Meeting.

The Zoning Office will advise the Board of the next informational meeting.

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

Steve Spaeth, Vice Chairman

ATTEST

Patricia Swenson, Administrator