

**Becker County Board of Adjustments
September 8th, 2016**

Present: Chairman Jim Bruflodt, Harry Johnston, Lee Kessler, Jim Kovala, Steve Spaeth, Roger Boatman, Zoning Supervisor Dylan Ramstad Skoyles and Zoning Technician Julene Hodgson.

Chairman Jim Bruflodt called the meeting to order at 7:00 p.m. Julene Hodgson took minutes. Intros were given.

Bruflodt explained the protocol of the meeting and Spaeth read the criteria for which a variance could be granted.

Kovala made a motion to approve the minutes for August 11th, 2016. Boatman seconded. The motion passed unanimously.

FIRST ORDER OF BUSINESS: Ryan Thorpe, 4414 Timberline Dr. S., Fargo, ND 58104. **Application and Description of Project:** Request a Variance to construct a water oriented structure seventy (70) feet from the ordinary high water mark of the lake. This is an after the fact permit. **Legal Description:** Tax ID number: 170234000, PT LOTS 4 & 5 BEG 258' SE OF MOST WLY COR LOT 1 MORTONS OK LN BCH 3RD TH NW 258' NE 408.6' SW 1064.8' E 340' TO LK N AL LK TO PT E OF BEG & W 100' TO BEG; Section 21, TWP 138, Range 42, Lake Eunice Township. **Project Location:** The project is located at 19745 Morton Oaks Road on Maud Lake.

Owner Ryan Thorpe explained the application to the Board. Thorpe is requesting a Variance from the required 100' setback for a patio with handicap accessible ramp to remain at 70' from the lake. They placed the structure there not realizing a permit was required before doing so. Boatman asked if they had checked with Zoning to what was required before the patio and sidewalk were placed on the property to which Thorpe stated no they had not. Spaeth asked Thorpe that if the request would have come in front of the Board before the construction began, what practical difficulty of the property existed to allow a larger water oriented structure to which Thorpe stated there was a hill/slope that was too steep to go straight down and that was why the walking path was laid out the way it was. Kovala asked again if Thorpe called the Zoning department to see what size could be permitted to which Thorpe answered no. Kovala stated the size that could be permitted/allowed would be the walkway plus a 10x12 patio area. Jim Bruflodt noted the existing patio is 24x24 and although the property is steep the pad is excessive in size. Thorpe stated he has been a good steward of the property by adding over 250 trees, has a swale area that collects water runoff and has only 6.6% lot coverage.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the proposal. At this time, testimony was closed.

Chairman Brufloft opened the matter for discussion by the Board.

Brufloft noted that if this application came before the Board for a larger patio before the cement pad was constructed, the Board would probably not approve the pad stating it was too excessive and the size allowed would be reasonable use. Kovala stated the Ordinance allows 120 sq ft not 576 sq ft. Kessler stated there is no problem with the path going down to the lake but agreed the pad was too big and should be cut down to meet current regulations. Johnston read Chapter 6 stating facilities such as ramps, lifts, or paths for physically handicapped persons are allowed for access to shore areas- so he agreed the sidewalk is fine. Johnston questioned if the patio were cut back would it meet the rest of the criteria regarding setbacks and location for a water oriented structure to which Brufloft stated the location is OK it was the size that was the problem.

Motion: Spaeth made a motion to deny the after the fact request for a 24x24 cement patio located seventy (70) feet from the ordinary high water mark of the lake based on the fact there was no demonstrated practical difficulty of the property to warrant a Variance to allow the larger size patio to remain. The Ordinance can allow the walkway path to the pad but the pad must be reduced to meet the current size regulations of 10x12. Kovala second. All in favor. Motion carried to deny. Variance denied with stipulations of reduction to 10x12.

SECOND ORDER OF BUSINESS: Wetli Properties, LLC, 16998 Seclusion Point Road, Audubon, MN 56511. **Application and Description of Project:** Request a Variance to construct a dwelling forty (40) feet from the centerline of the county road and fifty (50) feet from the ordinary high water mark of the lake. **Legal Land Description:** Tax ID number: 171219000, SUMMER ISLAND 138 42 Block 005; Section 06, TWP 138, Range 42, Lake Eunice Township. **Project Location:** The project is located at 17197 Co Hwy 6 on Big Cormorant Lake.

Kevin Lefebvre and Bryan Wetli explained the application to the Board. They changed the proposal of the house to 69' from the centerline which would be 19' from the right of way. By doing this, the house would be approximately sixty-seven (67') feet from the ordinary high water mark of the lake at the closest point. The proposal includes a turn-around drive area so cars won't have to pull out into traffic. The existing garage will be reconstructed and also have the doors facing into the property so cars will not pull out into traffic. Downspouts will be added to control stormwater runoff from all structures and part of the existing dwelling will be removed out of the shore impact zone. The proposal includes lot coverage of 23%. The plans are to fit the property as best as possible considering the shape and slope.

Spaeth questioned the house measurements and stated the proposal is not by any means a large home, but the small size that will fit the property. Boatman questioned the existing retaining wall and what the thought was regarding that area to which Lefebvre stated they are going to remove the retaining wall and work to restore the area along with the area of the old dwelling that will be

removed. Spaeth stated it would be an improvement to get the dwelling back further from the lake and it is actually smaller than the existing dwelling.

No one spoke in favor of the application. No one spoke against the application. There was written correspondence from neighbor Jeff Baer read to the Board. Baer had attached a map he had previously received from the County Hwy Dept. regarding the 50' right of way in that area and he suggested a 75' setback from the lake. Jim Kaiser spoke to the Board regarding the road right of way area. He stated they helped sell the property to the current owner and they were not aware of the 50' right of way from centerline and thought that corridor area was 33' from centerline. The discovery made the plans of any structure smaller to assure nothing would be constructed in the right of way area. At this time, testimony was closed and further discussion was held.

Johnston disagreed with the lakeshore setback proposed and stated if the applicant made the attached garage smaller and pushed it more toward the west it could be further from the lake-like 80' versus the 67' proposed. Kessler agreed they could remove more of the garage and move it more to one side. Spaeth stated he didn't think that would help much by moving the structure here and there, the property is just a small one to contend with. Kovala stated the proposal would get the new dwelling further back from the lake and remove the existing dwelling out of the shore impact zone. Johnston stated again the garage could be reduced to move further away from the lake. Boatman asked if the owners would compromise regarding the attached garage size to which the owners stated maybe they could. Spaeth reminded the Board that if the owners chose the state law they could rebuild the same size dwelling in the shore impact zone on the same footprint. Spaeth further stated that the owner has made every effort to get reasonable use of the substandard property and the proposal would be an improvement with the removal from the shore impact zone, the finding of the road width is a practical difficulty, the Board can stipulate that they implement measures to control stormwater runoff and the driveways will be such that they do not back onto the County road. Brufloft agreed that this compromise would be an improvement for the property.

Motion: Spaeth made a motion to approve a variance to allow the construction of a dwelling as submitted to be sixty-seven (67) feet from the ordinary high water mark of the lake, sixty-nine (69') from the centerline of the road, the detached garage fifty-eight (58') from the centerline of the road, with the doors of the garages facing east and west and owner must control stormwater runoff. The Variance has been granted based on the fact that the lot is a substandard lot of record and without the variance the owner is deprived of reasonable use. Boatman second. All in favor. Motion carried. Variance approved with stipulations.

THIRD ORDER OF BUSINESS: Lakeshore Development, LLC, 17574 County Hwy 6, Lake Park, MN 56554. Application and Description of Project: Request a Variance to construct a deck sixty-six (66) feet from the centerline of the road and eighty-two (82) feet from

the ordinary high water mark of the lake. **Legal Land Description:** Tax ID number: 170071000, PT LOT 7 BEG 167.27' W OF MNDR COR #46, TH CONT W APPX 358', N 181.95', NW 147', E AL MNDR SHORE LIEF LK TO PT 92.12' NE OF POB, SW TO POB; Section 06, TWP 138, Range 42, Lake Eunice Township. **Project Location:** The property is located at 17574 County Hwy 6 on Leif Lake.

Robert Klinger and Gary Schander explained the application to the Board as owners under Lakeshore Development, LLC. The request was due to the substandard lot size between the road and the lake and where the existing structure is located. There is a previous Variance on the property that allowed for the small existing porch going toward the road. The proposal would construct the deck south toward the road and wrap around to the east parallel to the parking lot. The deck would not go any closer to the road than the existing porch and it would not go any closer to the lake where it ends on the east side. Spaeth questioned the practical difficulty to which Schander stated that there is no access from upstairs to the exterior of the building and this would allow for another emergency exit for safety aspect. It could also be used for those that care to smoke to have access from upstairs to outside and away from the door which requires twenty (20'). The construction would have the steps down and then turn (as in an L shape) for the stairs to go down and under the deck to the parking lot area. The underside/ground is already concrete but the deck and stairs will be pervious to allow water to run through- so it will not add to the existing impervious coverage.

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.

Boatman noted a 4x6 landing and stairs could be allowed without Variance for fire escape but that size would not be adequate for exit/escape due to volume of people. Brufloft asked if the doors were already existing or if current owners put them in to which they stated they had added them. Kessler asked about the state law and reconstructing things in the same location, same size to which Hodgson noted the Board could stipulate that the deck cannot be enclosed or covered therefore not enlarging the inside useable area/footprint of the structure.

Motion: Boatman made a motion to approve a Variance to construct a deck onto the existing structure as proposed going no closer to the road than the existing structure and no closer to the lake than the existing structure with the stipulation the deck remain pervious and can never be enclosed or covered due to the practical difficulty of a substandard lot, where the existing structure is already located and the provision in the Ordinance for a 4x6 landing with stairs is not large enough for an emergency exit for large crowds. Johnston second. All in favor. Motion carried. Variance approved.

FOURTH ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, October 6, 2016 at 7:00 am in the 3rd Floor Meeting Room of the Original Courthouse.

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

_____ ATTEST _____
Jim Brufloft, Chairman Dylan Ramstad Skoyles,
Planning and Zoning Supervisor