

**Becker County Board of Adjustments
December 12th, 2019**

Present: Members: Chairman Jim Brufloft, Lee Kessler, Michael Sharp, Harry Johnston, Delvaughn King, Zoning Administrator Kyle Vareberg and E911/Zoning Technician Rachel Bartee. Absent were Roger Boatman and James Kovala.

Chairman Brufloft called the meeting to order at 7:00 p.m. E911/Zoning Technician Rachel Bartee recorded the minutes.

Introductions were given.

Kessler made a motion to approve the minutes for the November 14th, 2019 minutes. **Johnston** seconded. The motion passed unanimously. Motion carried.

Brufloft explained the protocol for the meeting and **Kessler** read the criteria for which a variance could be granted.

NEW BUSINESS:

FIRST ORDER OF BUSINESS: APPLICANT: Richard Saba 40340 Little Toad Rd Frazee, MN **Project Location:** 40340 Little Toad Rd Frazee, MN 56544 **LEGAL LAND DESCRIPTION: Tax ID Number: 15.0232.000; Section 24 Township 139 Range 039 24-139-39 PT GOVT LOT 1, 2: COMM INT NLY LN RD & E LN RESTRICTED DRIVE IN GORANSON BCH, NWLY 234.9', NLY 425.42', W 232.99', NLY 62.95' TO POB; S 62.95', E 232.99', SLY 231.21', W 280', NLY 219.98', W 260.22' TO LIT TOAD LK, NLY AL LK 64.2', E 384.62' TO POB. APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a guest cottage to be located on a non-duplex size lot. Said lot has 64.2 ft of lake shore frontage deviating from the required 225 ft of lake shore frontage for a duplex size lot.

Vareberg presented the application.

Kevin LeFebvre and Anthony Boehm from Lighthouse Construction were present. Owner Richard Saba was also present. Saba explained the request to construct a guest cottage to be located on a non-duplex size lot. Saba explained the lot is large enough in size and area but not in lake frontage, due to its unique shape. Saba stated the family has owned the property for many years and there has always been a seasonal guest cottage on the property built in the late 1950's. Saba stated the current cottage is not habitable for all seasons and is not able to be renovated into a year round home. Saba stated they (him and his wife) moved to the property a few years back to help care for his elderly mother and would like to keep him out of assisted living if they can. Saba stated they currently live in the cottage in the warmer months and in the winter move into the main house with his mother. Saba stated it is very tight quarters for three adults.

44 Bruflodt asked what the size difference between the current and proposed structure is. Vareberg
45 replied the proposed is to be 218 sq. ft. larger.

46
47 Johnston stated the Board has not received a site sketch showing the proposed layout of the
48 property. Boehm presented sketches to the Board showing the new layout. Boehm stated the
49 proposed structure will be setback farther from the side lot line than the current structure is.
50 LeFebvre presented additional pictures to the Board showing they will be removing the garage and
51 cabin and rebuilding just the cabin, adding the impervious coverage is decreasing overall from
52 3.92% to 3.58%.

53
54 Kessler stated Saba was in last year for a deck variance request that was denied.

55
56 There was a letter in favor of the application from Steve and Julie Blaske, owners of 15.0420.000,
57 40332 Little Toad Rd. There was a letter opposed to the application submitted by Roger Kampff,
58 owner of 15.0418.000, 40334 Little Toad Rd. Letters were presented to the Board and are on file
59 in the Becker County Zoning Office.

60
61 Roger Anderson was present, owner of 15.0417.000, 40336 Little Toad Rd, spoke about the
62 application. Anderson asked how much earth will be moved. LeFebvre stated very little, the garage
63 will come down and the new house will be built further away from the property line. Anderson
64 asked where the new septic system will be located. Bruflodt stated it will have to be built to code.
65 Vareberg stated Saba would need a valid certificate of compliance or a new septic design. Vareberg
66 stated the County cannot grant a septic to be closer to the side property line without the neighbor's
67 permission. Vareberg stated Anderson is the only one who can grant a septic system to be located
68 closer to his property line than is allowed in the Ordinance. LeFebvre added the septic will be to
69 the east, opposite of Andersons property line.

70
71 Anderson asked if the property pins have been located, stating pins have gone missing. LeFebvre
72 stated they measured from the pins at the lakeside.

73
74 Anderson asked what the setback is from the restricted driveway. Vareberg stated it is a private
75 easement, with a setback to build up to, but not into the easement. Vareberg stated the west side is
76 a side lot line with a 10-foot setback. LeFebvre stated they will be 12 feet away.

77
78 Anderson asked where the well will be located. LeFebvre stated they will use the existing well.

79
80 Anderson asked what will happen with the retaining wall. LeFebvre stated it will be removed.

81
82 Anderson stated they do not have enough frontage to have a duplex size lot. Bruflodt stated it is a
83 very unusual lot that is very narrow at the lake but widens out to a standard lot in size. Bruflodt
84 noted the request is 200+ feet away from the lake.

85
86 No one spoke for the application. At this time, testimony was closed. Chairman Bruflodt opened
87 the matter for disussion by the Board.

88

89 Kessler stated he was in favor of the project. Kessler stated it is better location than the current
90 structure, it is an odd shaped lot, a shape that Saba did not create, the request is reasonable, and
91 does not change the character of the neighborhood.

92
93 Bruflodt asked what the hardship is, you are caring for your mother. Saba replied the cottage needs
94 to be updated to be habitable year-round and they would like to stay there until his mother moves
95 or passes away. After which they will move into the main house, which will be their retirement
96 home, with the guest cottage only used sporadically. Saba stated they currently stay in the
97 basement of the main house in the winter months.

98
99 Sharp stated he is in favor of the staff findings noting the proposal meets statutory requirements.

100
101 Johnston stated the proposal is further back from the lot line than the current structure and the
102 impervious surface is very low. Johnston stated if they were looking to build closer to the lake in
103 the narrower part of the lot he would not be in favor, however this request is far enough back in
104 the widest part of the lot.

105
106 King stated he was in favor of the project.

107
108 Bruflodt noted the proposed structure will be at the widest part of a large 2+ acre lot, over 200 feet
109 from the OHW. Bruflodt noted the hardship of the owner is that he is caring for his mother and the
110 unique shape of the lot.

111
112 **Motion: Kessler** made a motion to **approve** the application as proposed to construct a guest
113 cottage to be located on a non-duplex size lot. Said lot has 64.2 ft of lake shore frontage deviating
114 from the required 225 ft of lake shore frontage for a duplex size lot, due to the fact the plight of
115 the landowner is due to circumstances unique to the property not created by the landowner, the
116 request is in character with the rest of the neighborhood, the proposal is bringing the property into
117 compliance by meeting all setback requirements, the granting of the variance will not adversely
118 impact the neighborhood, the request exceeds the lot size requirement for a duplex size lot, and
119 they request has a very low impervious coverage.

120
121 **Johnston second.** All in favor. **Motion carried.** Variance **approved.**

122
123 **SECOND ORDER OF BUSINESS: Informational Meeting.** The next informational meeting
124 is scheduled for January 2nd, 2020 at 8:00 a.m. in the 3rd Floor Meeting Room of the Original
125 Courthouse.

126
127 As there was no further business to come before the Board, **Bruflodt** adjourned the meeting.

128
129 _____ ATTEST _____
130 Chairman Bruflodt Kyle Vareberg,
131 Planning and Zoning Administrator