

**Becker County Board of Adjustments
July 8, 2010**

Present: Members: Jim Bruflodt, Al Chirpich, Steve Spaeth, Kip Moore, Bill Sherlin and Lee Kessler.
Zoning Staff: Julene Hodgson

Chairman Bruflodt called the meeting to order. Julene Hodgson took minutes.

Minute approval: The June minutes were discussed. Chirpich made a motion to approve the minutes from the June 10th, 2010 meeting. Moore second. All in favor. Motion carried.

Chairman Bruflodt explained the protocol for the meeting. Spaeth read the criteria for granting or denying a variance.

OLD BUSINESS:

None.

NEW BUSINESS:

1. APPLICANT: Bruce and Janet Meyer 7705 Victoria Circle St Louis Park, MN 55426
Project Location: 11633 Fern Beach Dr **LEGAL LAND DESCRIPTION:** Tax ID number: R191302000
Melissa Lake N 25 ft of Lot 18 and 19 Section 30, TWP 138, Range 41 LakeView Township.
APPLICATION AND DESCRIPTION OF PROJECT: Request a Variance to construct an addition onto the rear of an existing dwelling located 29.8 feet from the ordinary high water mark of the lake and ahead of the neighboring structural stringline due to the substandard sized lot of record and setback issues of the existing dwelling.

Bruce Meyer and contractor Dave Harrison explained the application to the Board. Harrison stated the owner wanted more storage, larger eating area and an entry area that would be for 4-season use. It would enclose in the old post construction area with plastic windows. Meyer stated it would be reasonable use to have a closet, pantry and larger kitchen area if he were to live there year around. Spaeth noted the additions to the old part of the cabin were allowed on the lakeside, which caused the existing dwelling to be closer to the lake and was wondering how this happened. Hodgson stated the permitted paperwork on file showed a measurement of 53 ft to the water and site visits were not conducted that long ago, so the owner was responsible to make the setbacks with what was proposed. Harrison stated the properties have lost shoreline over the years due to erosion and push up from ice ridges making existing structures closer to the current water level. Spaeth stated the closest corner of the cabin could be out of the shore impact zone if the true ordinary high water mark was located for the lake. Meyer stated he and two other neighbors have established an aeration system that runs during winter to keep the lake open in front of their cabins to protect the shoreline from further damage/loss. Sherlin asked if the deck was on the cabin when it was purchased to which Meyer answered yes. Sherlin asked if the owner would consider giving up part of the deck to make the structure more conforming and located out of the shore impact area. Spaeth reminded the Board that the existing deck cannot be used for any stringline of neighboring properties proposals because of it being located in the first 37.5 ft shore impact zone area, so that is not an issue.

Gail Hahn spoke in favor of the application. She agreed that many feet of lakeshore has been lost in that area due to the erosion caused by ice ridges. A short discussion took place regarding the DNR regulations concerning ice ridges, permits, the acceptance of damage- cannot reclaim, and the aeration systems. Spaeth noted the property has a natural berm that controls water runoff away from the lake. No one spoke against the application. There were no further letters of correspondence on file for or against the application. At this time, testimony was closed.

Further discussion was held by the Board. Chirpich stated he had no problem with a stipulation regarding the deck to be located out of the shore impact area, but stated they should address mitigation regarding roof

runoff to go away from the lake. Spaeth stated they could repair the deck that is there, but anything new they must obtain a permit to reflect the construction out of the shore impact zone area. Sherlin stated the deck should entirely be removed as a tradeoff for the rear addition to make the structure more conforming. The idea is not to let construction of any kind keep creeping closer to the lakes and ahead of stringline, the requested addition to the rear is not the problem. Moore re-read the guidelines for granting a Variance and he stated he could answer yes to each one to stand behind why this should be granted. Brufloft agreed it would be a good tradeoff to note stipulations that Spaeth was conveying and to take into consideration a way to get the structure back further with the deck being removed as Bill stated. Brufloft reminded the Board to stay as consistent as possible to try to get all structures further back from the water. Spaeth stated by granting a Variance with stipulations the owner is aware and agrees to the outcome to be able to proceed with what they want to construct. Sherlin agreed he would like to see all structures moved back further for water quality purposes, each one moved back changes the adjacent properties stringline they then have to use. Brufloft noted the addition itself is further back, and the rest of the existing cabin is not going to be altered anywhere, including the roof area. The property is not at the maximum lot coverage and it seems a good trade off for a small area of addition versus a limited life span on the deck.

MOTION:

Spaeth made a motion a Variance be granted to construct a 7.5x16 addition onto the rear of the existing dwelling due to a substandard sized lot of record and setback issues of the existing dwelling. Stipulations: If the existing dwelling is destroyed by fire or other peril, the Variance becomes null and void with any subsequent dwelling construction coming into conformity with current regulations. Mitigation to control water runoff to include gutters with spouts to go away from the lake and neighbors. The natural berm along the shoreline is to remain intact. The lakeside deck can remain with repair only, when or if application is made for new construction, the lakeside deck cannot be located in shore impact zone of the lake. Moore Second. All in Favor except Sherlin. Motion carried.

ELECTION OF OFFICERS:

1. Chairman: Spaeth made the motion for nomination for Brufloft to continue as the Board of Adjustment Chairman. Moore second. There where no further nominations. Spaeth made the motion to cease any further nominations and to elect Brufloft as the Board of Adjustment Chairman. Sherlin second. All in favor. Motion carried.

2. Vice-Chairman: Brufloft made the motion for the nomination for Spaeth to continue as the Board of Adjusment Vice-Chairman. Moore second. There where no further nominations. Sherlin made the motion to cease any further nominations and to elect Spaeth as the Board of Adjustment Vice-Chairman. Kessler second. All in favor. Motion carried.

FINAL ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, August 5, 2010 at 7:00 a.m. at the Courthouse 3rd floor meeting room.

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

Jim Brufloft Chairman

ATTEST

Patricia Swenson, Zoning Administrator