

HUBBARD COUNTY

Planning Commission/Board of Adjustment Meeting Minutes

6:00 p.m. on Monday, July 26, 2021

Vice Chairman Ken Grob opened the meeting with the following additional members present: Veronica Andres, Tim Johnson, and Mark Petersen. Also present were Environmental Services Director Eric Buitenwerf and ex-officio Planning Commission member and County Board Vice-Chair Ted Van Kempen.

Grob started the meeting by reading the procedure by which the meeting of the Planning Commission/Board of Adjustment will be conducted to the audience.

Planning Commission:

Approval of Minutes: None.

Old Business: None.

New Business:

[Conditional Use Application 2-CU-21 by Fred and Laurie McGregor](#): Lots 1 – 5, Block 4, Akeley Industrial Gardens, Section 28, Township 141, Range 32, Akeley City near 11th Crow Wing Lake, a recreational development lake. Parcel ID 29.39.00800. Applicants are requesting a conditional use permit per Section 401, Table 1 of the Shoreland Management Ordinance to operate a recreational vehicle camping area.

Fred and Laurie McGregor presented the application.

Fred McGregor stated we are requesting to build a campground with 21 sites. We are going to put city water and sewer in it and electricity. We will have a lot of open space.

Laurie McGregor added we live in the City of Akeley. We just got a letter from the engineer saying that they have the capacity to do the city water and septic.

Grob asked do you have a contract with the City to do that with costs and ground rules?

Fred McGregor replied we have everything for that.

Andres said we visited at the lot viewal about decks or any type of accessory structures at each of the sites. Have you thought any more about that?

Fred McGregor responded we thought some people would like to have little storage sheds if they are going to stay long-term. We would like to have decks. We are not planning on building anything else as of yet.

Andres asked what about an office? I know that you mentioned that you are going to do most things online, but what if you had a guest that needed to contact you right away? Is

all that information is going to be available to them when they pay? What if you had someone at 10:00 that needed to contact you?

Laurie McGregor answered we live right there. It would not be hard.

Andres clarified they would know exactly how to get to you?

Laurie McGregor replied yes.

Johnson stated that was my question too. How would they get ahold of anybody if they had a concern on the site? Are you were going to be there during the season while you are renting?

Fred McGregor answered we will be there most of the time.

Laurie McGregor explained we live right there, and we live in the City. We have our own police and fire department right there.

Grob added your application indicates that you are not intending to put any camper pads or a shower house as part of this application?

Fred McGregor agreed.

Grob asked Buitenwerf if in the future they wanted to put pads down, they would have to come back and amend the conditional use permit then?

Buitenwerf replied that is going to depend on the potential conditions that you might place on the permit. If you would have conditions that would prohibit those things, then yes, they would need to come back for an amendment to add them later. If you don't speak to those in any specific condition and assuming they meet setbacks, which all those parts of the property would be able to, then we would be able to process that with a standard permit.

Grob asked would it be appropriate for us to include a condition that they have to come back, or leave it silent since there is plenty of space? What is easiest for your staff?

Buitenwerf answered either works fine. It is entirely up to the Commission as to whether you think that is something that would warrant them coming back with an amendment. Personally, from a staff perspective, I don't see an issue if they wanted to have those items. Everything is going to be far from the lake. It is going to be able to meet setbacks. It is on a flat, sandy spot. It is not going to be an issue. There are trees on both the west and south borders that totally screen the area aside from the access road.

Grob asked as long as they maintain the 3,000 sq. ft. spacing?

Buitenwerf agreed.

Grob opened for public comment.

No oral public comment was given.

Written public comment was received from:

- Brooks and Susan Johnson, 590 Hill Street NW, Akeley, MN 56433
- Tom and Nancy Gruber, 201 Hillside Ave., Akeley, MN 56433

Grob closed public comment.

Grob stated I think there are some conditions that are proposed by staff and I would like to read them.

Grob reads the proposed conditions.

1. This conditional use permit (CUP) is for the operation of the entire premises as one recreational vehicle camping area venture. As such, any land, that through subdivision or addition to the property to which the CUP is granted, is added or subtracted, is/are not granted or allowed the right to operate in accordance with the CUP without first applying for and obtaining the necessary CUP from the County.
2. Twenty-one recreational vehicle camping sites are approved to be placed in Tier 2 in the locations shown in the application site plan sketch. Each site will be provided with electrical service and City of Akeley water and sewer service and be 45' wide x 70' long in a trapezoidal shape as shown on the site plan sketch.
3. This camping area shall only operate from May to September of each year.
4. Quiet hours of 10:00 p.m. to 8:00 a.m. are to be kept and enforced by the camping area owners.
5. The driveway/access road is to be constructed of Class V gravel or crushed rock/asphalt, 30' wide, and constructed in the area shown on the application site plan sketch.
6. The applicants will fully comply with the City of Akeley Water/Sewer Hook-up Contract, a copy of which was provided in the application, install the water/sewer lines for the campsites and properly connect them to the City's water/sewer systems, and obtain the Minnesota Department of Health's license and City of Akeley's approval prior to the operating permit being allowed to be issued.

Grob continued there are some additional items that we would want to consider.

Grob reads the additional items to consider.

1. *Potential for additional structures such as the shower/restroom and rain shelter structures mentioned in the application to be able to be added at a future date*

Grob stated we just talked about that. Since there will not be any setback issues, I don't think we have to specify any condition.

2. *Outdoor artificial lighting – the application proposes using low level solar powered lighting*

Grob asked would this be down lighting?

Fred McGregor agreed.

Grob stated I would like to add this as a condition.

3. *Vehicle access points onto public road ROWs*
4. *Signage – any specific restrictions beyond the Sign Ordinance regulations?*

Grob added the County Sign Ordinance would apply. I don't think we have to do anything.

5. *Aesthetic/sound screening/buffering*
6. *Vehicle and trailer parking area*

Grob asked when people come and have boats, would you park them up into Tier 3?

Fred McGregor replied we would probably have to do that.

Laurie McGregor stated we have a 40 acre field. They would park them up there somewhere.

Grob stated I would add the condition that the vehicle and trailer parking will be in Tier 3.

7. *Decks/platforms and accessory structures such as sheds allowed at campsites? If so, any limits on number and size?*

Grob asked what do we want to say about decks and platforms? Allow each site a deck and a shed?

Andres commented I am open to it if you would like to clarify that they are allowed one deck of a certain size and one accessory structure. They automatically can have one, but if you want to put any limitations like one per campsite. Some people might not want one at all, but this way it gives them the opportunity to have one at each campsite.

Grob asked should we specify the size of the decks?

Johnson stated I would just go with what the ordinance allows at the time when they come in for a permit.

Andres clarified they are authorized one deck and one accessory structure.

Grob added a deck or platform and one shed allowed per site. The maximum size on the shed I would say is 8' x 6'. We typically have done that size in the past.

8. *Which condition(s), if any, do you want to require be met before the operating permit can be issued?*

Grob stated I would add that all of the first six conditions have to be met before a permit can be issued for use.

Andres commented at this time all 21 of their recreational vehicle camping sites will be in Tier 2, but in the future if they want to expand into Tier 3 we are not allowing them with Condition 2.

Grob mentioned that is a good point.

Andres continued if, in the future, they want to build 5 more sites into Tier 3, right now we are restricting them from doing that.

Grob stated they would have to come back to amend the conditional use permit.

Andres explained they would since we don't have any site plans for Tier 3 yet. Since you submitted just the 21 sites to be in Tier 2 only, you don't have any sites planned for Tier 3?

Fred McGregor replied we don't have any plans for that yet, and I don't know if we ever will.

Andres stated if you do, you would have to come back and amend this and request it.

Grob said I would like to keep it that way, even though there are five spaces left that could be in Tier 3. If they want to expand it, there may be other things that come up. I would like to leave it at the 21 sites, and they would have to come back if they would like to change that.

Andres added I am just making sure it is understood that it is strictly Tier 2, nothing in Tier 3 at this time.

Fred McGregor mentioned we have a lot of other land further up. If we decide to add onto a different parcel, do we just go through the same process?

Andres asked is that land outside of shoreland?

Buitenwerf answered there is some property that is still in shoreland, and some of it is out. I will turn on that layer on the parcel map. The blue area would be in shoreland and the rest is outside.

Grob asked is that covered under Item 1?

Andres agreed. If you wanted to expand you would have to come back. Do you understand?

Fred McGregor responded I understand.

Petersen asked in addition to the first six conditions, are we including three of the potential items as part of our conditions? For instance, the outdoor artificial lighting, vehicle and

trailer parking, and decks/platforms and accessory structures. Those additional three will be added to the first six conditions?

Grob replied yes, the ones that we indicated.

Andres made a motion to recommend to the County Board approval of the application with the following conditions:

1. This conditional use permit (CUP) is for the operation of the entire premises as one recreational vehicle camping area venture. As such, any land, that through subdivision or addition to the property to which the CUP is granted, is added or subtracted, is/are not granted or allowed the right to operate in accordance with the CUP without first applying for and obtaining the necessary CUP from the County.
2. Twenty-one recreational vehicle camping sites are approved to be placed in Tier 2 in the locations shown in the application site plan sketch. Each site will be provided with electrical service and City of Akeley water and sewer service and be 45' wide x 70' long in a trapezoidal shape as shown on the site plan sketch.
3. This camping area shall only operate from May through September of each year.
4. Quiet hours of 10:00 p.m. to 8:00 a.m. are to be kept and enforced by the camping area owners.
5. The driveway/access road is to be constructed of Class V gravel or crushed rock/asphalt, 30' wide, and constructed in the area shown on the application site plan sketch.
6. The applicants will fully comply with the City of Akeley Water/Sewer Hook-up Contract, a copy of which was provided in the application, install the water/sewer lines for the campsites and properly connect them to the City's water/sewer systems, and obtain the Minnesota Department of Health's license and City of Akeley's approval prior to the operating permit being allowed to be issued.
7. Outdoor artificial lighting – Only low level solar powered down lighting.
8. Vehicle and parking areas are to be on the property only.
9. One deck or platform and one 6' x 8' shed is allowed on each campsite.
10. The first six conditions must be met before the operating permit will be issued.

Petersen seconded the motion.

Van Kempen commented if you are operating from May through September, that would eliminate Labor Day weekend.

Laurie McGregor answered we are right by the Akeley City campground, and I think that they go May through October 1st.

Grob stated I assumed that it meant through September.

Andres added maybe we need to just adjust the wording to say *through* instead of *to*.

Laurie McGregor asked how about the hours? I think the City campground is from 8 – 10.

Andres explained the condition is only restricting the quiet hours.

The motion passed unanimously 4 – 0.

The Commission adopted the staff report findings of fact.

Findings of Fact

1. Is the requested use consistent with public health, safety, and welfare?

YES (X) NO ()

Why or why not? This is about as ideal of a spot for a campground as exists. The property is level and open with upland grass cover and surrounded by mature forest buffers along the west and south property lines where the closest adjoining properties are located. City water/sewer will be provided to the campsites so septic systems will not be needed. The property abuts the Akeley City Campground and will use the same access road as the City Campground which has shown it able to stand up to a higher level of vehicle use than what is proposed on this property. The nearest property to the north is over 870' away. The nearest property to the east is over 1400' away. The nearest residential property to the south is over 590' away. There are residential lake lots to the southwest starting ~180' from the property, but they are closer to and used to the Akeley City Campground that contains more than twice the number of campsites proposed in this application.

2. Is the requested use consistent with the goal of preventing and controlling water pollution, including sedimentation and nutrient loading?

YES (X) NO ()

Why or why not? The campground will be over 270' from the lake. The property sits at least 40' in elevation above the lake and is separated from the lake by a dense mature tree covered bluff. The property has been in its current upland grass cover type for years and will remain in that cover type aside from the driveway/access road that will be constructed. The improvements to be made to the property will thus not include much for impervious surface area and therefore the stormwater generated on the property will be minimal.

3. Will the requested use not adversely affect the site's existing topography, drainage features, and vegetative cover?

YES (X) NO ()

Why or why not? The only grading to be done will be that done to the driveway/access road fill brought onto the property. The campsites will be kept in the current upland grass cover type. The soils are well drained with the water table being greater than 6' below the surface.

4. Is the requested use's site location reasonable in relation to any floodplain and/or floodway of rivers or tributaries?

YES (X) NO ()

Why or why not? There are no Federal Emergency Management Agency designated floodplains in Hubbard County. The property is over 40' in elevation above 11th Crow Wing Lake.

5. Has the erosion potential of the site based upon the degree and direction of slope, soil type, and existing vegetative cover been adequately addressed for the requested use?

YES (X) NO ()

Why or why not? The property is relatively level and with the campsites intended to be kept in natural vegetation, the proposed driveway/access road will be the only new impervious surface area created. The underlying soil is a Debs-Akeley Complex that is a mix of silt loam and loamy sand and the Hubbard County Soil Survey lists as being well suited to a campground use. The existing vegetation in the campground is upland grass so no vegetative clearing will be needed and thus grading will be limited to the fill to be brought in to construct the driveway/access road.

6. Is the site in harmony with existing and proposed access roads?

YES (X) NO ()

Why or why not? The campground will access onto Hillside Avenue NW which is a city street and the access to the adjacent city campground. The street essentially dead-ends at the subject property and runs between mostly State land for the Heartland Trail before it goes through one row of residential lots before intersecting State Highway 34. The impact of vehicles entering/exiting the campground on neighboring property owners will be negligible.

7. Is the requested use compatible with adjacent land uses?

YES (X) NO ()

Why or why not? The adjacent property to the west that lies between this property and the lake is a city campground that has over double the number of campsites as is proposed in this application. The adjacent land to the south of this property for ~575' is owned by the State of Minnesota. The adjacent land to the north and south of this property is owned by the applicants. Thus, the nearest properties in different ownership to the north are around 870' from the north boundary of this property and over 1,400' east of the property's east boundary. This is about as ideal of a situation as is possible for a new campground use – especially when located within a municipality.

8. Does the requested use have a reasonable need to be in a shoreland location?

YES (X) NO ()

Why or why not? Recreational vehicle camping areas are allowed in shoreland locations as a conditional use. The property has no lake frontage or access, but does

provide a view of 11th Crow Wing Lake due to its proximity to the lake and being at least 40' in elevation above the lake.

9. Is the amount of liquid waste to be generated reasonable and the proposed sewage disposal system adequate to accommodate such?

YES (X) NO ()

Why or why not? The applicants have entered into an agreement with the City of Akeley to hook-up to City water/sewer which will service the proposed 21 campsites.

10. Will the visibility of structures and other facilities as viewed from public waters comply with Section 901 of the Ordinance?

YES (X) NO ()

Why or why not? The 21 RV sites will be placed in Tier 2 which is well behind the shore impact zone that is the area of concern with this question. The property also is at least 40' in elevation above the lake and screened from the lake by a densely wooded bluff that runs along the property's west boundary so the sites will not be visible from the lake.

11. Is the site adequate for water supply and on-site sewage treatment systems?

YES (X) NO ()

Why or why not? As mentioned in the answer to question 9 above, the campground will be connected to Akeley City water and sewer.

12. Are the affected public waters suited to and able to safely accommodate the types, uses, and numbers of watercraft that the use will generate?

YES (X) NO ()

Why or why not? As the property is non-riparian, there will be no watercraft accessing the lake directly from the property. There is the potential that guests of the campground could put watercraft on the lake via the public access like any other citizen, whether a landowner or not, has a right to do.

Board of Adjustment:

Approval of Minutes: June 28, 2021

Andres made a motion to approve the minutes with a correction to page 26. Number three needs a mark in the **NO** box.

Petersen seconded the motion that carried unanimously 4 – 0.

Old Business:

Variance Application 22-V-21 by Scot Moores: Part of Gov't Lot 1, Section 1, Township 140, Range 34, Henrietta Township on Boulder Lake, a recreational development lake. Parcel 13.01.02010. Applicant is requesting two variances: Part 1: Sections 502.2 and 704 of the Shoreland Management Ordinance (SMO) to develop a nonconforming lot with a house, detached garage, water-oriented accessory structure, well, and subsurface sewage treatment system where there are not two suitable drainfield sites meeting all setback requirements and the proposed house and garage will not meet the 100' ordinary high water setback and the garage will not meet the 50' road right-of-way setback. Part 2: Section 601 of the SMO for a proposed water-oriented accessory structure to exceed the 48 sq. ft. maximum allowed footprint.

Buitenwerf stated Mr. Moores has not provided the information the Board requested at last month's meeting. He is hoping to have that for us at the August meeting. This matter is still in a tabled status until the August meeting.

Grob stated for the record Variance Application 22-V-21 is going to be tabled until the August meeting, so we can move on.

Variance Application 29-V-21 by Todd Payne: Part of the SW ¼ of the SE ¼, Section 14, Township 140, Range 35, Todd Township near Fish Hook River, a tributary. Parcel 27.14.04100. Applicant is requesting a variance from Section 4 of the Subdivision Ordinance to further subdivide property by administrative subdivision within 5 years of a prior administrative subdivision. Also requesting that the two conditions placed on Variance 48-V-14 be removed.

No applicant was present.

Grob stated the applicant is asking for two things. One is that the conditions of the 2014 variance be removed. Those two conditions allowed 27.14.04110 to be created, but that it needed to be combined with the main lot, which is 32.14.02400, and they would both be annexed into the City of Park Rapids. Neither the applicant, nor the City of Park Rapids, have followed through with that, nor do they have any interest in doing that. The applicant is now proposing to buy an additional block, which is called Tract 1 here. He is proposing to buy that Tract 1 and combine it with 27.14.04100 and enlarge the easement off of Highway 71, which I understand that the County Highway Department is okay with. With that, everything seems in order, and there are no disconnects with the Shoreland Management Ordinance.

Grob opened for public comment.

No public comment was given.

Grob closed public comment.

Grob made a motion to approve the application to remove the two conditions placed on Variance 48-V-14 and allow Tract 1 to be purchased and combined with the existing parcel 27.14.04100.

Johnson seconded the motion that passed 4 – 0.

The Board adopted the staff report findings of fact.

Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official controls?

Yes (X) No ()

Why or why not? As the property has been largely subdivided in such a way that no new tracts are really possible in the future, it does not make sense to require this boundary line adjustment to wait five years or be done by a plat. Parcel 27.14.04110 will become more conforming in size while the parent lot (parcel 27.14.04100) will continue to be conforming after the adjustment. Neither Todd Township or the City of Park Rapids is interested in having the property annexed into the City any more and by providing easement access to the property, the prior need in 2014 to have the property combined with the applicant's adjacent property located within the City so that it is not land locked no longer exists.

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes (X) No ()

Why or why not? Adjusting the existing boundary between these two tracts is reasonable as it would follow the existing break in vegetative cover type and allow parcel 27.14.04110 to be enlarged while parcel 27.14.04100 remains conforming in size. Providing an easement access to the property in lieu of combining the property with the applicant's adjacent property within the city and annexing it into the City is reasonable.

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes (X) No ()

Why or why not? The variance is needed because of the ordinance's five year waiting period on administrative subdivisions and this lot line adjustment idea arising a year after the 2020 subdivision application was submitted and approved. Had this adjustment been a known item in 2020, it could have been included in and approved as part of the 2020 subdivision application. The 2014 variance conditions were created by the Board of Adjustment.

4. Will the issuance of the variance maintain the essential character of the locality?

Yes (X) No ()

Why or why not? The locality is a mix of residential, ag, shoreland, and commercial properties that lie along State Highway 71 on the north end of Park Rapids. The proposed boundary line adjustment would not create any noticeable change to the locality. Allowing the proposed new tract to remain outside of the City by removing the two conditions placed on Variance 48-V-14 will not harm the locality's character.

5. Does the stated practical difficulty involve more than just economic considerations?
Yes (X) No ()
Why or why not? Economics are not cited in the application as a practical difficulty.

New Business:

Variance Application 33-V-21 by Terry Seter: Part of Gov't Lot 1, Section 29, Township 140, Range 34, and Part of Outlots 3 – 5, Shady Point, Section 28, Township 140, Range 34, Henrietta Township on Long Lake, a recreational development lake. Parcel IDs 13.44.00600 and 13.29.00100. Applicant is requesting a variance from Section 701 of the Shoreland Management Ordinance to replace some existing structures devoted to a nonconforming use with some new, larger structures.

Terry Seter, 17976 Dayspring Drive, Park Rapids, MN, presented the application.

Seter stated I am replacing two older cabins with two new cabins on my resort.

Andres asked what are your intentions for Cabin 2 in the future?

Seter replied I am not certain.

Andres clarified at this time you are not going to do anything?

Seter answered it is not very pretty there with the new cabins. It probably needs to be removed.

Grob explained the main reason for having to do this is that you have a nonconforming use, but legal resort. Both of the two new cabins meet the 100' setback. Your drainfield is compliant, but your tank capacities need to be increased.

Seter disagreed. I don't think so, according to Backhoe Pete.

Grob stated I believe that was something that I saw in the staff report. The tank capacity needed to be increased. There was a plan showing that.

Seter explained I went from four bedrooms down to three bedrooms in those cabins, so that would be the same amount of bedrooms that I had before.

Buitenwerf said it shows a 1,500 gal regular tank and a 1,500 gal combo.

Seter asked between the two new cabins?

Buitenwerf replied to tie those into the existing system.

Grob clarified so you have to put in new tanks?

Seter replied I believe it is one tank.

Buitenwerf explained it is two, a 1,500 standard tank and then a 1,500 combo.

Setzer stated I don't know what Backhoe Pete is planning, whatever it takes.

Grob added it is part of the condition of any approval that the new tanks have to be installed. The density of the property is okay and would allow up to eight cabins.

Andres commented the two cabins are going to meet setbacks, and three structures are being removed in exchange for being able to construct these two new cabins. They will all meet setbacks, complying with the dwelling unit density standards, and they will have the properly sized septic systems.

Grob opened for public comment.

Russ Olson, 23166 Highview Drive, Nevis, MN, stated Section 705 of your ordinance says that you can't allow a variance or a permit until the septic is standard.

Andres replied if this application is approved, when he goes to pull the permit, he also has to pull the septic permit at the same time. The properly sized septic would be placed.

Olson stated I was just pointing out that it doesn't give any conditions, the wording is that no permit or variance can be approved until they are up to code.

Grob closed public comment.

Johnson stated nobody would have to increase the size of a system until they have been approved for a variance. They wouldn't spend the money for it. The design is included in the packet, and if it is approved then he will have to go through the permit process.

Andres added there are no violations currently on his septic.

Andres made a motion to approve the variance application as presented.

Johnson seconded the motion that passed 4 – 0.

The Board adopted the staff report findings of fact.

Findings of Fact:

1. Is the variance in harmony with the general purposes and intent of the official controls?

Yes (X) No ()

Why or why not? Three existing structures are being removed in exchange for being allowed to construct two new cabins that will meet all setbacks, comply with dwelling unit density standards, and have properly sized septic systems.

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes (X) No ()

Why or why not? Three structures are being removed in exchange for being able to construct two new cabins that will meet setbacks, comply with dwelling unit density standards, and have properly sized septic systems. Having updated, modern cabins to rent to resort guests is a reasonable request.

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes (X) No ()

Why or why not? The resort use of this property predates the Shoreland Management Ordinance and is thus a legal nonconforming use. The ordinance prohibits expansions of nonconforming uses or the addition of structures to such uses. Thus, the need for a variance is beyond the owners' control.

4. Will the issuance of the variance maintain the essential character of the locality?

Yes (X) No ()

Why or why not? The resort occupies a point that juts out into Long Lake so where there normally would be neighbors to either side, the shoreline wraps around the sides of this property. The locality is a mixture of seasonal and year-round residential use and another resort use two properties to the southeast of the subject property. The two proposed cabins will be in essentially the same locations as the existing cabins and a third structure is also being removed. While the new cabins will be larger than the existing cabins, the overall feel of the neighborhood will be unchanged and potentially improved by the newer structures replacing the old structures.

5. Does the stated practical difficulty involve more than just economic considerations?

Yes (X) No ()

Why or why not? Economics are not cited in the application as a practical difficulty.

Variance Application 34-V-21 by Richard Weinberger: E ½ of Lot 4, Birch Highlands, Section 2, Township 142, Range 32, Steamboat River Township on Benedict Lake, a recreational development lake. Parcel ID 24.42.00600. Applicant is requesting a variance from Sections 502.2 and 503 of the Shoreland Management Ordinance for a proposed lakeward addition to a conforming residence that would be located in a bluff impact zone.

Richard Weinberger, 32107 Lake Benedict Road, Laporte, MN, presented the application.

Weinberger stated I would like to put a three-season porch on the lakeside of my property. I was not aware until they came out to do the measurement about the bluff rule. I understand that the bluff rule is to protect the bluff. Where I am placing it, the water would actually run back toward the house. I know most of you were out and saw the site. There is a tremendous amount of vegetation on the hill itself. I believe that it would be a reasonable thing to ask, and that I why I am here asking for that.

Andres asked what are your intentions in the future? I believe, at lot viewal, you mentioned changing the three-season porch to year-round use in the future.

Weinberger replied not year-round, it is a three-season porch. Initially what I am going to do would be to put up a frame and just have it screened. The design would be that I could

potentially put on windows at some point. I am not going to have heat out there, it is just a three-season porch.

Grob confirmed the application is for a three-season porch, even though you won't build it initially, it will give you the option in the future.

Weinberger replied that is the way that I put it in, but I would be fine if you wanted it to just be a screen porch now. If I chose to do a three-season I could come back and do a request for that. Initially it will just be screened, but I would like it to be approved for a three-season porch now so that I could just proceed with it when the time comes.

Grob clarified your existing trailer does meet the 30' setback from the bluff impact zone?

Weinberger responded correct.

Grob continued you currently have a deck that does stick out 16' into the bluff impact zone?

Weinberger replied correct.

Grob said you are proposing something that replaces part of the deck and extends 14' into the bluff impact zone?

Weinberger answered correct.

Grob opened for public comment.

No public comment was given.

Grob closed public comment.

Andres added I would have a condition for the applicant. If the dwelling was ever replaced, the screen porch and the dwelling must be moved so that the elements are located outside of the bluff impact zone. Do you understand that condition?

Weinberger agreed.

Andres stated if you ever wanted to build a new home, all of it would have to be outside of the bluff impact zone.

Weinberger replied absolutely.

Andres continued and the 14' x 14' screen porch shall never be enclosed and must remain a screen porch.

Weinberger agreed.

Andres made a motion to approve the application with the following conditions:

1. If the dwelling is ever replaced, the screen porch and dwelling must be moved back to be located outside of the bluff impact zone.

2. The 14' x 14' screen porch shall never be enclosed and shall remain a screen porch.

Petersen seconded the motion that passed 4 – 0.

The Board adopted the staff report findings of fact.

Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official controls?

Yes (X) No ()

Why or why not? The existing cabin was built by permit in 1986 at a conforming 100' OHW setback – five years before the bluff regulations were added to the ordinance. The structure's interior floor plan is such that placing the screen porch on the lakeside of the dwelling is the only logical place for it to go. The actual bluff slope is well vegetated. A condition is being placed on the variance that requires all parts of the structure to be moved outside of the bluff impact zone if/when the structure is ever replaced.

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes (X) No ()

Why or why not? Having a screen porch on the lakeside of a residence on a riparian lot is a reasonable request. Given the layout of the current dwelling's exterior doors and entry area, if the porch area is to be an extension of the entry area, this is the only logical place for it to be located.

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes (X) No ()

Why or why not? The variance is needed because the ordinance was amended five years after this structure was placed on the lot by permit to include bluff regulations. The existing dwelling's location relative to the bluff impact zone on the lot causes the proposed addition to require a variance because it would encroach into the current bluff impact zone.

4. Will the issuance of the variance maintain the essential character of the locality?

Yes (X) No ()

Why or why not? The locality consists of a mix of year-round and seasonal single family residences on lots that vary from being ~100 or ~200' wide. There are three non-riparian lots on the north side of the road in this quarter mile stretch. One has a residence on it, another has a pole building, and the third is undeveloped. The structures on neighboring lots sit at a similar OHW setback to the structure on the subject lot and are of a similar size. The requested 14' x 14' screen porch addition would not change the locality's residential character.

5. Does the stated practical difficulty involve more than just economic considerations?
Yes (X) No ()

Why or why not? Economics are not cited in the application as a practical difficulty. The difficulty is due to the dwelling having been placed on the property five years before the bluff setback regulations were added to the ordinance and now any lakeward addition to the structure would be located in the 30' bluff impact zone.

Variance Application 35-V-21 by Mark and Dawn Adelman: Part of Gov't Lot 2, Section 9, Township 143, Range 32, Lakeport Township on Garfield Lake, a recreational development lake. Parcel ID 19.09.00600. Applicants are requesting an after-the-fact variance from Section 703 of the Shoreland Management Ordinance (SMO) for a deck within 30' of the ordinary high water mark on a nonconforming structure that predates the SMO.

Mark and Dawn Adelman, 151 Juno Place, Rice, MN, presented the application.

Dawn Adelman stated we are the previous owners of the cabin. We replaced the platform/deck last June. We expanded it and raised it due to a medical condition that my husband has. At the time that we did it, we were planning on staying at the cabin. After further health decline, we did decide to sell the cabin. We sold the cabin this spring to Jay and Kathryn Hollenhorst. We are requesting the after-the-fact variance on behalf of Jay and Kathryn because we were the people that replaced the platform/deck.

Grob asked does it make a difference that the previous owners are asking for the variance and not the current owners?

Buitenwerf explained we have authorization from the current owners for them to act as agents, so all parties are consenting to the application.

Kathryn Hollenhorst stated I am the current owner. We are working together to fill this out.

Grob opened for public comment.

No public comment was given.

Grob closed public comment.

Grob stated my understanding is that there was a shed violation on the property. Did that get corrected?

Buitenwerf clarified that was resolved this afternoon.

Grob asked this is replacing an existing deck?

Mark Adelman replied correct.

Grob continued it is a foot higher and one foot closer to the lake, but the full width of the home?

Mark Adelman replied yes.

Grob stated it is a very minor change to what already existed.

Mark Adelman agreed.

Grob mentioned since it is so close to the lake, we might want to add mitigation of a buffer or a “no-mow” area between the deck and the lake.

Petersen added I am wondering what the applicant would feel about it if we would require a 10’ “no-mow” zone from the water up 10’ along your shoreline?

Hollenhorst answered that concerns me because we would be walking through very high weeds to get to our dock.

Petersen explained you can always have a path in there to get to the dock.

Grob added you are allowed a 6’ path and as much as a 20’ x 15’ recreation area by the lake. The rest of your shoreline would have to be “no-mow”.

Hollenhorst replied I would be fine with that then.

Petersen made a motion to approve the variance application with the condition that a 10’ deep “no-mow” zone be established and maintained along the shoreline with the exception of the allowed 20’ x 15’ shoreline recreation use area and 6’ wide access path.

Andres seconded the motion that passed 4 – 0.

The Board adopted the staff report findings of fact.

Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official controls?

Yes (X) No ()

Why or why not? A vegetative buffer along the shoreline is being made a condition of this approval to mitigate the aesthetic and impervious surface area impact caused by the deck being located within the 30’ OHW setback. Only a 5’ deep deck would be allowed otherwise which wouldn’t be able to function as a deck, but would be more of a sidewalk.

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes (X) No ()

Why or why not? An 11’ deep deck running the width of the cabin is a reasonable request for the lakeside of a cabin on a riparian lot – especially when the cabin’s lakeside exterior wall has a sliding glass access door.

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes (X) No ()

Why or why not? The cabin was built before the ordinance within the shore impact zone at a 34' OHW setback.

4. Will the issuance of the variance maintain the essential character of the locality?
Yes (X) No ()

Why or why not? The locality is made up of largely seasonal residences located on small nonconforming riparian lots with a very large nearly 60 ac. tract behind the road servicing the lake lots. Most of the residences are at a similar nonconforming ordinary high water mark setback and have some form of a lakeside deck or platform. The deck thus will not change the locality's residential character.

5. Does the stated practical difficulty involve more than just economic considerations?
Yes (X) No ()

Why or why not? Economics are not cited in the application as a practical difficulty. The difficulty is due to the structure being built prior to the ordinance within what is now the shore impact zone.

Variance Application 36-V-21 by Ramsey and Emily Miller: Lot 10, Block 1, Lakeview Heights, Section 9, Township 141, Range 34, Lake Emma Township on Pickerel Lake, a recreational development lake. Parcel ID 16.55.01000. Applicants are requesting a variance from Sections 502 and 511 of the Shoreland Management Ordinance for a proposed RV/camper to be located within the 100' ordinary high water mark setback.

Ramsey Miller, 17929 Ivy Drive, Park Rapids, MN, presented the application.

Ramsey Miller stated due to elevation changes, sites for a camper are a little difficult. We would like to place a camper at the 80' mark in order to be as close to the ordinance as possible, but still have a site with access to the lake.

Petersen asked do you have any problem, if we were to approve this with a condition that this application would be only for this trailer, not a permanent structure?

Miller replied absolutely.

Andres asked do you plan on moving the trailer out each time to dump the sewer?

Miller answered there is an outhouse on site, so we wouldn't be using that.

Andres continued what about gray water?

Miller responded all of that would be disposed of properly.

Andres questioned you don't plan for a holding tank at all in the future?

Miller answered not without coming back. At some point we would like to build, which would start a whole new process.

Grob added you mentioned in the application that you would dispose of any gray or black water from the camper, how are you going to do that?

Miller responded we would remove the camper and take it to a disposal site.

Grob clarified so you intend to take it off and on, not just permanently put it there?

Miller explained we will be up for a week at a time and remove it if necessary. We don't intend on using any of the water on-site.

Johnson asked if he was going to put in a holding tank, would he need to come back for a variance or would you be able to do that administratively?

Buitenwerf stated we could do the latter, unless there was a condition placed on the approval that would say it would require a subsequent variance to do that. So as long as you don't limit them in that way, they could come get a permit with a design.

Grob asked why didn't you consider putting it down by the road, right where the privy is? You would be closer to it. Your main use of the lake is down the hill a little bit. You have a natural platform there. I noticed that you have a fire pit and chairs. What is the advantage to putting it up there on the hill and not have it down closer to the privy?

Miller answered I think just the parking issue. With the elevation of the back side of the hill, there is a site where we can park currently, but that would be taken up by the camper then. The driveway runs through with the wetland on the back side. We could park way down the driveway, that would be an option, but that is why we tried the variance on the top of the hill.

Grob opened for public comment.

No public comment was given.

Grob closed public comment.

Grob questioned you are not asking for any decks or platforms of any kind, and you intend the RV to be basically mobile, not permanently put there?

Miller replied we would remove it at the end of the summer, if not in between.

Grob clarified so if those two conditions were added to it, that would be consistent with what you are asking for?

Miller stated that would be fine.

Grob made a motion to approve the variance application with the following conditions:

1. No deck, platform, or other attributes are allowed to be placed in addition to the camper within the 100' ordinary high water mark (OHW) structure setback.
2. The variance approval is to only allow an RV/camper to be placed within the 100' OHW structure setback and not a permanent structure.

Petersen seconded the motion that passed 4 – 0.

The Board adopted the staff report findings of fact.

Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official controls?

Yes (X) No ()

Why or why not? The proposed trailer site maximizes the OHW setback given the hill between the wetland and lake without causing the site to be placed too far on the back slope of the hill such that a lake view is impeded. The site will not drain stormwater toward the lake due to its location on the hill's back slope nor will it be very visible if at all from the lake due again to the hill and existing tree cover.

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes (X) No ()

Why or why not? The lot is relatively low for all but the far NW corner and the 125' nearest to the lake where a 24' hill exists – the peak of which is ~70' from the OHW. It is thus understandable that the applicants want to place the trailer in the proposed location as it affords a view of the lake that otherwise would not be possible if the trailer was placed behind the hill and 100' OHW setback.

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes (X) No ()

Why or why not? The property is very flat with an open water wetland occupying most of its middle. The far NW corner has some elevation, but is enough of a slope that it is not conducive to placing a trailer. The only real spot for a trailer site is on the hill located in the 125' between the shoreline and wetland. Putting the trailer at a reasonable place on the hill requires some deviation from the 100' OHW setback.

4. Will the issuance of the variance maintain the essential character of the locality?

Yes (X) No ()

Why or why not? The locality is made up of 2/3 seasonal residences and 1/3 year-round residences on riparian platted lots that are conforming in lot area but are mostly a bit shy of the minimum lot width. Most of the dwellings on the other lots comply with the 100' OHW setback, but they are all upland and do not have the topographic consideration of the large wetland located in the middle of this lot. The proposed RV site will not be very visible from the lake, other properties, or the road running behind the riparian lots. The area on the north side of the road is made up of a large expanse of forest and a large agricultural field.

5. Does the stated practical difficulty involve more than just economic considerations?

Yes (X) No ()

Why or why not? Economics are not cited in the application as a practical difficulty.

[Variance Application 37-V-21 by David and Connie Anderson:](#) Part of Gov't Lot 4, Section 24, Township 141, Range 35, Arago Township on Potato Lake, a recreational development lake. Parcel ID 02.24.01000. Applicants are requesting a variance from Section 704 of the Shoreland Management Ordinance to convert an unimproved lot to an improved lot when the lot doesn't comply with the requirement that there be two standard septic system drainfield sites meeting all setbacks.

Dave Anderson, P.O. Box 843, Park Rapids, MN, presented the application.

Anderson stated we have sold our house, and we are looking to build this house on the lake. The biggest issue here is the 75' State Rules setback for the septic system versus the 150' by the County. At the site meeting, you asked about the east/west orientation. After, I remembered that part of the reason for that is that he felt that it was disturbed soil that would not qualify for a type I system to run it east/west.

Grob clarified so the two conditions that force the variance here are that the prime site is not 150' from the lake, and that the second one is likely not to be a type I. There is room for a second one across the road, but it is not a type I.

Grob opened for public comment.

No public comment was given.

Grob closed public comment.

Grob commented the area across the road where the alternate site is, where you have put it is about the only buildable area across the lake. I think that we would like to consider a condition that no accessory structures in the future are allowed to be built on that side of your lot.

Anderson clarified across the road?

Grob explained because you would then potentially eliminate the alternate site, and the house plan that you proposed in the specific sketch has to be built as you show and in that location. I would propose those two conditions.

Anderson stated I would be opposed to not being able to build a secondary structure across the street at some point.

Grob added where you have your alternate site is about the only place that is buildable. We would not want that disturbed or else you disable any alternative for that alternate site. That is why we would put that restriction.

Anderson clarified so there would always be a second site possible in case something happened to the primary?

Grob stated that is what the intent is. I guess that doesn't mean that if you come up with something better in the future that it could not be considered, but at this time we would like to put that restriction on it.

Andres asked does your current proposed structure have an attached garage?

Anderson replied yes.

Andres continued so an accessory structure would house boats or other equipment that you could do off-site at a storage building?

Anderson agreed.

Andres commented the proposed house is able to meet the setbacks and the primary drainfield site will be 112' from the ordinary high water mark, which exceeds the State Rules. An alternate site exists, but will need to be a type III system due to the area being disturbed. That is why the condition is placed that prevents any structures being over there, because it is already going to be a type III.

Anderson clarified if we put the septic across the street?

Andres agreed. That is the type III, the other is the type I.

Anderson continued so if we went with the type III system on the lake side, we would still have to have the alternate site available?

Andres explained you are actually supposed to have two type I, but we are giving you the variance for the type III as the secondary.

Anderson stated regardless, if we put the septic across the street with a type III system, we still couldn't have an additional shed on the lakeside?

Andres replied with your proposed design, those are your only options with this size house for that drainfield and the alternate site across the road. You are limited on space.

Grob added it comes down to the disturbed soil issue.

Johnson stated you may be able to change something if your designer would consider seeing if he could change the design of that primary to go the other way.

Anderson asked that could maybe give us two sites?

Johnson agreed. It might give you two sites, but you would still not meet the setback. What we might gain is to be back beyond the 100' with a small shed possibly. The lot is pretty full, so I would stick with not messing with anything across the road. I would see if you could gain some by manipulating that design where it is in the front by the lake.

Johnson made a motion to approve the variance application with the following conditions:

1. No accessory structures can be built on the portion of the lot lying north of the road.
2. Only the house plan shown on the application site plan sketch can be built.

Petersen seconded the motion that passed 4 – 0.

The Board adopted the staff report findings of fact.

Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official controls?

Yes (X) No ()

Why or why not? The proposed house is able to meet all setbacks and the primary drainfield site will be 112' from the OHW which exceeds the State Rules minimum of 75'. An alternate site exists, but will need to be a type III system due to the area having disturbed soil. A condition placed on the variance that prevents additional structures from being placed on the lot will mitigate the limited septic options and preserve as much space as possible for future drainfield needs.

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes (X) No ()

Why or why not? The proposal allows for a residence to be constructed at a conforming location and its scale is reasonable and appropriately sized for the lot. A condition is being placed on the variance that no additional structures can be placed on the lot to ensure that as many drainfield options for the future as possible are preserved.

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes (X) No ()

Why or why not? The road easement that bisects the lot and separates it into a northern 1/3 and southern 2/3 cuts into the available drainfield area as does the slope dropping off to a wetland in the NW corner of the lot and the disturbed soil area in the NE corner of the lot where the alternate site is proposed.

4. Will the issuance of the variance maintain the essential character of the locality?

Yes (X) No ()

Why or why not? The locality is made up of an even mix of year-round and seasonal single family residences on riparian lots that range from being slightly larger to slightly smaller than this lot. Most of the residences comply with the OHW setback. The drainfield limitations on this lot will not harm its character.

5. Does the stated practical difficulty involve more than just economic considerations?
Yes (X) No ()

Why or why not? Economics are not cited in the application as a practical difficulty.

Variance Application 38-V-21 by Todd and DeAnna Clennon: Unit 9, Beachwood Estates, Section 9, Township 141, Range 35, Arago Township on Island Lake, a recreational development lake. Parcel ID 02.51.40900. Applicants are requesting a variance from Section 702 of the Shoreland Management Ordinance to enlarge a nonconforming residence located in the shore impact zone.

Todd Clennon, 1807 9th Street SW, Austin, MN, presented the application.

Clennon stated we would like to tear down the existing cabin on Island Lake and replace it with a new structure to the extent of the footprint that we own.

Grob added this is part of a planned unit development, Beachwood Estates.

Clennon agreed.

Grob asked are you planning on a two-story cabin in the footprint that you are allowed per the covenants?

Clennon agreed.

Grob continued you want to add a limited common element deck?

Clennon agreed.

Andres asked can you tell me exactly what size deck you are wanting?

Clennon replied 10' x 12'.

Andres stated the application states 8' x 10', your email from Beachwood Estates says 8' x 12', and then there was another that said 8' x 15'. Your application states 8' x 10'. I just wanted to clarify that is what you are requesting.

Clennon clarified I am asking for a 10' x 12' deck, of which 8' x 12' would be in the common element.

Grob added we have written notice and approval from the Association.

Clennon agreed.

Grob opened for public comment.

No public comment was given.

Grob closed public comment.

Andres commented because of how the plat was approved, there is no alternate site for this unit meeting setbacks. The applicant has no alternative but to rebuild in that 26' x 32' unit

footprint that lies within the shore impact zone, that is the practical difficulty that he is having. Since this existing cabin has a lakeside deck, and even though the applicant is wanting to move the deck off to the side, I suggest that we still place a condition that no lakeside decks can be placed in the future. Most likely you wouldn't put a deck on the front, since you are asking for one on the side, but it is a condition for future owners.

Grob clarified the current lakeside deck in the common element would be removed when you add this new one.

Clennon stated I would oppose that because it has no bearing on me. I am not putting a deck off to the front. I don't want to set an example for the next owner. I have no interest in ever putting a deck out front.

Andres asked would you be open to the condition that it can't be?

Grob commented you will remove that one that is there. I thought that is what the application indicated.

Clennon explained I am moving it from the lakeside to the non-lakeside.

Grob added that would remove the front deck that is there now.

Clennon stated you are asking me to accept a condition to never be able to put on a lakeside deck, and I am opposing that. If I did want to have one down the road, I would have to apply for another variance and could be told no.

Andres mentioned you would have to apply for a variance regardless.

Clennon replied I understand that, and I don't plan on adding a deck to the lakeside. I am only going to have a door lakeside.

Grob stated I want it clear that you are going to remove the one that is there.

Clennon responded it will be gone.

Andres made a motion to approve the variance application with an 8' x 10' deck allowed as a limited common element with the condition that the existing lakeside deck must be removed and not replaced.

Johnson seconded the motion that passed 4 – 0.

The Board adopted the staff report findings of fact.

Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official controls?

Yes (X) No ()

Why or why not? Because of how the plat was approved, no alternate site for this unit meeting setbacks was provided. The applicant thus has no alternative but to

rebuild in the 26' x 32' unit footprint that lies within the shore impact zone. There is a definite practical difficulty for this unit in complying with the ordinance.

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes (X) No ()

Why or why not? The unit footprint is not large at 26' x 32' so having a second story makes sense to maximize space if a new structure is going to be constructed.

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes (X) No ()

Why or why not? The unit footprint is located in the shore impact zone and there is no alternate site provided that would meet setbacks.

4. Will the issuance of the variance maintain the essential character of the locality?

Yes (X) No ()

Why or why not? This PUD is large enough that it functions as its own locality. Most of the units in the PUD have been rebuilt since the development was approved ~16 yrs ago and are all different iterations of two story structures that also utilize all the unit footprint.

5. Does the stated practical difficulty involve more than just economic considerations?

Yes (X) No ()

Why or why not? Economics are not cited in the application as a practical difficulty. The difficulty is the unit footprint is located within the shore impact zone and there is no alternate site provided for it that meets setbacks.

Variance Application 39-V-21 by Ryan and Robin Wall: Part of Gov't Lot 9, Section 1, Township 145, Range 32, Farden Township between Wolf Lake, a recreational development lake and Mud Lake, a natural environment lake. Parcel ID 07.01.02200. Applicants are requesting a variance from Sections 507.1, 704, 902, and 904.6 of the Shoreland Management Ordinance to replace a nonconforming residence with a new, larger structure that will not comply with the 3' vertical separation between the highest known water level and the structure's lowest floor and further exceed the 25% impervious surface area threshold. Also requesting a variance to place fill on the lot in excess of the permissible threshold in order to allow the structure to comply with Section 507.1.

Ryan Wall, 32304 Wolf Lake Road, Cass Lake, MN, presented the application.

Wall stated basically we are going to demolish all of the existing structures including the waterfront shed, the boathouse, the mobile home, and all the concrete. Then we will bring in fill to raise up the elevation and make drainage possible to the existing septic system. The existing structures do not fall within any of the required setbacks, but we are going to try to match the existing footprint as best as possible.

Grob asked the lakeward addition that was approved in a variance back in 2009, how large was that approved for? It was never built.

Wall replied I don't recall. I believe it was to match the 24' x 14' area to the lakeside.

Grob continued I am asking in the context of how much square footage that would have added to your current level. It is 32' x 8', right?

Wall agreed.

Grob opened for public comment.

No public comment was given.

Grob closed public comment.

Andres asked what is the purpose of the 32' height?

Wall responded the 32' height is just to get a gable peak on the lakeside with some nice views.

Andres continued would you be willing to reduce the height? That is quite excessive when the maximum height for the ordinance is 35'.

Wall asked what would you propose?

Andres replied something smaller. Your lot is a bit small for such a large structure.

Wall answered I understand. There is a structure that was constructed down the road and they are at a 31' height.

Andres asked were they able to do that by permit?

Wall stated it was within the last 5 years, it could have been an after-the-fact.

Andres asked are you open to reducing the height because it is large for your size of lot? I appreciate that you are going to be removing a lot of other structures to include this. It is not so much the square footage as it is the height.

Grob mentioned there was no floor plan in your application. Is there a second floor?

Wall replied yes, it is a story and a half. The first 16' – 18' of the inside is open to the first floor, it is a vaulted ceiling. Then the second story would be the other half of the house, which is just a living area, bedroom, and bathroom.

Grob clarified so there is a loft with a bedroom?

Wall answered there is a master bedroom on the main floor and a second bedroom upstairs with a small family area and a bathroom.

Andres asked would you be able to create that vaulted look that you are wanting and still reduce the height?

Wall replied I could. My only objection to that is that I have already went back to my designer once, and that already cost me \$800.00. I would rather not spend that again to change the

truss design for the build. That is my main objection to not lowering it. Could it be done, absolutely it could be done. If it is going to be a requirement for approval, I will obviously do it.

Grob added this is a lot of house for that lot, and it is very high. Isn't there some design where you could get your two bedrooms, if that is what you are building, and a layout that is a lot less house in terms of height and space that it takes up?

Wall responded if it is a height issue, I will go back and lower it to 30' or 29', whatever makes sense. I do know that down the way there are several houses that are in exceedance of 30' on that same shoreline. In two cases, my lot is not smaller than theirs. I will do it if it is a requirement.

Johnson stated I am not so much in favor of reducing his height because there is nothing behind him. When we were out there I did look at where the neighbors were, as far as lakeward, and he is further back than both sides. It will look big on that lot, but everything looks big on all those lots. I think the height is reasonable.

Grob asked do you think the Mississippi Headwater Board will approve this design? They have to approve it, I think you understand that.

Wall answered I do understand that, and I don't know. I would defer to Buitenwerf with that.

Buitenwerf replied I have not had enough experience with them with recent applications to have any idea.

Grob asked do you intend to keep the current garage?

Wall explained it will be demolished, and the same footprint garage put back up.

Grob clarified the garage will be in the same location with the breezeway.

Wall agreed.

Grob asked you will get rid of the bunkhouse?

Wall stated the water front shed and the boathouse will both be removed.

Andres asked do you have a deck proposed on the lakeside?

Wall answered it will be a porch, a platform.

Andres clarified is it covered?

Wall replied it will be covered.

Andres continued is it the 9' x 26'?

Wall explained it is an 8' x 26', the 9' dimension is incorrect.

Andres questioned you have one on the opposite side too?

Wall responded a smaller one, correct.

Andres asked what is the distance from the overhang of that covered porch to the water's edge?

Wall answered that is the 59.45'. The overhang on the porch will not exceed the edge of the porch.

Petersen asked Buitenwerf I see in the report a suggestion about a stormwater management plan, who would typically provide that if we were to ask the applicant to get it?

Buitenwerf answered a civil engineer would be a typical source to have one certified for the amount of impervious area and what that would generate for stormwater relative to the lot area as well as soil conditions and topography. That is your best source. The Soil and Water Conservation District staff would be able to do the same calculations.

Grob commented when I was looking at the impervious surface, there is a fairly deep swale between the road and the house. I can't tell from the drawing how far you encroach into that, but I think that would be a collection area.

Wall added the swale that you are talking about, we would not be encroaching on. That is past those trees.

Grob continued everything on the right is fairly low in terms of runoff. We were in the back where the mound was. It is uphill to the lake on the other side. You could direct your water with gutters towards the road. I would think that should be sufficient.

Petersen asked do we have roof lines that would accommodate that on the lakeside?

Grob stated there is a lot of runoff to the front. Does the land towards the lake slope uphill, level, or down?

Wall replied it is fairly level. This elevation is going to go up a foot. The existing slope is probably 2' across that 60' mark that you have on the setback.

Grob stated the water is pretty low now, right? There would be room for a "no-mow" zone as a buffer there.

Johnson added to the right it was vegetated.

Andres asked Petersen were you considering having the applicant supply us with a stormwater management plan if we were to table this?

Petersen replied it had crossed my mind. I am looking at this elevation, and that is the one thing that I see. How are we handling this water? I am not so concerned on this roadside of the property, but I am on this side. It occurred to me that I don't think we can do anything with gutters for collecting that runoff. Grob's idea helps a bit with the "no-mow" zone. I don't know how you feel about that?

Wall stated I don't think that is an option for me. I don't like the "no-mow" zone. When it comes to the handling of the stormwater management plan, which I am familiar with, is that

just because it is above the 25% impervious? If it was below the 25% impervious would we not be talking about that?

Grob explained no, we always worry about runoff to the lake.

Johnson added a stormwater management plan might go a long way with the Mississippi Headwaters Board. They would probably want a stormwater plan.

Andres asked Buitenwerf is he currently in violation mowing all the way to the shore's edge?

Buitenwerf stated no, that has been maintained as far as I know over the years.

Grob asked Petersen are you thinking we should require a stormwater management plan over a "no-mow" zone?

Petersen asked Buitenwerf would it be more appropriate to table this and get that plan or to just make it a condition?

Buitenwerf replied I think if it were me and that was an important factor, I would want that information in hand before I made a decision.

Grob asked can he get that done in a month?

Wall replied no, I won't be able to.

Grob added then we need to do the paperwork that allows us to exceed the 60-day limit on having to act on it.

Buitenwerf stated we could safely target the September meeting within the 60-day allowance because the County can extend its review to a maximum of 120 days from the application date. I would have to do the calculations. The October meeting would be pushing it. We could safely do September.

Grob asked do you think you can get it in by September?

Wall replied I can try to get it done by August.

Discussion ensued about upcoming meeting dates and the possibility of this tabled variance application being heard at them.

Grob made a motion to table the application to allow the applicant time to submit a stormwater management plan from a licensed civil engineer for a 1" – 2" rainfall event.

Petersen seconded the motion that passed 4 – 0.

Variance Application 40-V-21 by Michael and Gayleen Asleson: Lot 5, Block 1, Frie's Lakeview Addition, Section 4, Township 140, Range 33, Nevis Township on Deer Lake, a recreational development lake. Parcel ID 21.55.00500. Applicants are requesting a variance from Sections 502.2 and 704 of the Shoreland Management Ordinance to convert an unimproved lot into an improved lot on which the applicable setback requirements are not met and there are not two suitable standard septic system sites.

Mike and Gayleen Asleson, 111 Hidden Meadow Road, Apple Valley, MN, presented the application.

Asleson stated we have owned the property being discussed this evening for about 16 years. When we purchased the lot, it was declared by the Board back then as buildable. That is an important point. The other important point is that when we bought it, it came with a septic variance that was approved by this Board. That variance referred to a two bedroom cabin. A little over a year after we bought it, as you are no doubt aware, the high water mark on that lake rose 1.5'. In order to put a cabin and a garage on that property, we don't meet the setback of 100'. We are requesting setbacks for a garage and setbacks for a cabin. I have the distances if you want me to verbalize those. The proposed footprints that we would like to use are as far back to the road as we can legally put them. We have tried to use every available foot to minimize the amount of setback that we are requesting. I think the request is reasonable and modest. We would like to have a bigger cabin with a deck on the front, but we also knew that there are rules and we have to fit within those. We tried to keep our request reasonable. This lot, while its depth is limited, it is very wide. It is 200' wide. The sides of the lot are fully wooded. We intend to keep those as they are. We also realize about water mitigation. My wife has developed a rain garden that would go down along the shoreline, and we have no objection to having that treated as a "no-mow" zone. We love this area and plan to retire here. We have been coming here for over 50 years and have family here.

Grob asked are there any comments on the one septic drainfield that they have?

Johnson stated I looked at that, and for the proposal I think I am good with that.

Asleson added I didn't know that you couldn't pass things out at the meeting. Andres pointed out that we needed 2' from the Township property line because of the overhang, whereas the original proposal only asked for 1'. That would be a difference. I think the other setbacks are identified in the packet.

Grob asked for clarification.

Asleson stated when you were out doing the site visit, there was a question about the overhang. There is a 2' overhang there and I didn't factor that in. So, that setback would just be an additional 1'. 2' from the property line would be what we are asking for there.

Grob clarified from the overhang or from the footprint?

Asleson replied from the footprint. The overhang would be 0' from the property line.

Grob asked that line is about 50' from the middle of the road, right?

Asleson responded it would be 51'. The portion of the right-of-way between the roadway edge and the property line is fairly large, it is 40'. The roadway is 22'. I should also add that section, if you saw when you were out there, that is also wooded on that Township property. That would remain wooded. The garage is likely not going to be visible from the lake, certainly not the traveled and used portion of the lake. It is all wooded between the garage and the lakeshore. We have no desire to change that.

Grob asked your drainfield is 10' from the property line? Is that a pretty hard requirement because there is a lot of space to the road?

Asleson explained Buitenwerf and I had some follow-up on that. I thought that we would be asking for a 1' distance from the property line. When Mr. Umthum did the septic design, that is what we talked about. When it arrived and it was 10' from the property line I asked him about it. Then he went back and remarked it. It didn't gain us an additional 9', but it did gain us an additional 3'. I don't think the original marking was 10', but ideally there would be a 1' setback from that property line.

Grob commented if it was, you don't gain that much for your house then, I think 3'.

Asleson agreed, about 3'. I thought it would be 9', just doing the math. He has the 10' x 39' drainfield plotted now, one foot away from the property line. If you take 20' from the corner of that to the cabin footprint, it is about 3'. The cabin could theoretically go back that 3' of extra room.

Grob opened for public comment.

David Hunter, 21046 Fries Drive, Nevis, MN, stated I own the lot adjacent to the applicants. I have no problem with them going within 2' of the property line. At one time this was my lot.

Grob asked are you on the septic system side, or the garage side?

Hunter replied on the garage side. I do not have any problem with them going that close to the property line.

Written public comment was received from:

- Erik Cox and Jeannie Anderson, 21182 Fries Drive, Nevis, MN 56467

Grob closed public comment.

Asleson added Mr. Hunter has been a great neighbor and a friend, and we really don't need any privilege from that property line. The 10' is sufficient. The garage footprint stays in that wooded area, but he is very gracious to express his support.

Andres stated I understand the need for the variance. The applicants purchased it in 2005. In 2006 the DNR established the new ordinary high water mark for Deer Lake, which greatly affected the setback distance for them. I think the applicants are doing their best with a reasonably sized, two bedroom cabin of 1,200 sq. ft. They are not asking for anything too excessive. The garage is going to be well screened. They are making the best of what they can with the lot. They are missing out on 40' – 50' that they can't do anything with because of the road right-of-way.

Grob added that and the very unique curve of the lake penalizes a great deal. With all the weeds and bulrushes, runoff is probably not an issue.

Andres said I am in favor of the request. I understand the applicants know that if the septic is to fail, they have to dig it out and replace it in that same spot with an experimental system. You have that option if it were to fail in the future.

Grob commented they are very penalized by the way the shoreline is. If you went straight perpendicular to where they are proposing the house, I paced off almost 110' to the weed structure. Where you ended up mowing is about where the higher water was this spring. Any house would reasonably need a deck. After being out there and seeing the constraints that they are under, I would consider saying that the 30' x 40' house that they are planning could be the footprint, overhangs could go beyond that, and that an 8' x 12' deck could be allowed to make it reasonable. I think in the long haul we would find that they were penalized by some of the other circumstances that they didn't create.

Johnson stated the septic is a pressure bed. The soil borings show that it is a sandy soil, so it is probably a good candidate to be an experimental system should it ever have to happen.

Grob asked it is rebuildable if it fails?

Johnson agreed.

Andres added due to the depth of this lot they are going to need a variance regardless.

Johnson made a motion to allow a 30' x 40' dwelling unit footprint with additional 2' eaves and an 8' lakeward x 12' wide lakeside deck to be attached to the proposed dwelling unit.

Petersen seconded the motion that passed 4 – 0.

The Board provided the findings of fact answers for questions 1, 2, and 4 while adopting the staff report answers for questions 3 and 5.

Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official controls?

Yes (X) No ()

Why or why not? The lot is over 40,000 sq. ft. and the proposed structures are at the greatest setback possible with right-of-way giving them a lot more buffer from the road.

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes (X) No ()

Why or why not? The sizes of what he is proposing are reasonable and in a reasonable place. Due to the new ordinary high water mark established in 2006, setbacks cannot be met and a variance of some sort would be needed.

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes (X) No ()

Why or why not? The lot is 39,989 sq. ft. in area, but lacks lot depth such that only the NW corner of the lot contains a small area where the OHW and road right-of-way setbacks can be met. This area is not large enough to be able to fit much in it – certainly not a house and septic system.

4. Will the issuance of the variance maintain the essential character of the locality?
Yes (X) No ()

Why or why not? It will be a residential structure on a riparian lot.

5. Does the stated practical difficulty involve more than just economic considerations?
Yes (X) No ()

Why or why not? Economics are not cited in the application as a practical difficulty. The difficulty is caused by the lot's lack of depth and resulting difficulty in placing improvements on the lot that meet both the OHW and road right-of-way setbacks.

Variance Application 41-V-21 by Keith Lendt: Part of Gov't Lots 5 and 6, Section 15, Township 141, Range 35, Arago Township on Eagle Lake, a recreational development lake. Parcel 02.15.00310. Applicant is requesting a variance from Section 701 of the Shoreland Management Ordinance for proposed enlargement of a structure devoted to a nonconforming use.

Tim Yliniemi, contractor and authorized agent for the applicant, presented the application.

Yliniemi stated the applicants are trying to get rid of their wet basement and get some footings underneath their cabin. What they want to do is to put a complete basement underneath the structure, including the garage, turning that into an additional bedroom, laundry room, and storage. As it is now, anytime there is a 1" or 2" rain they do get a wet basement, and the footings are eroding from underneath the cabin. They want to protect their structure.

Grob asked what is pushing them to want to make it a five bedroom instead of a three bedroom, by converting the garage?

Yliniemi replied they want to have an additional master bedroom for her parents. It is like a separate area for them to get away.

Grob asked do they own this building, or do they rent it seasonally?

Yliniemi answered they are owners. They own everything in the footprint of the building.

Grob questioned do they rent it out?

Yliniemi responded it is rented out 6 – 8 weeks a year.

Grob asked through the resort?

Yliniemi answered through Eagle Bay Lodge.

Grob opened for public comment.

No public comment was given.

Grob closed public comment.

Andres commented Mr. Yliniemi did show us where the water is actually coming in at the foundation level by the basement door. There is 12” of erosion where the water is running in. I think that the proposed elevation addition will help them.

Petersen stated as far as I am concerned I am in favor of this.

Petersen made a motion to approve the variance application as presented.

Andres seconded the motion that passed 4 – 0.

The Board adopted the staff report findings of fact.

1. Is the variance in harmony with the general purposes and intent of the official controls?

Yes (X) No ()

Why or why not? The property is quite large at 21.8 ac. and over 2000’ in width along the shoreline. The cabin proposed to be enlarged sits over 200’ from the ordinary high water mark. Most of the additional living space will be created by converting the existing garage space. Improving the structure’s safety relative to stormwater issues and related moisture health considerations fits the ordinance’s intent of looking out for the public health, safety, and welfare.

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes (X) No ()

Why or why not? Raising the structure to mitigate the stormwater issues caused by the property’s slope and access road is reasonable. The proposed additions are not excessive in terms of square footage when compared to a typical house size today.

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes (X) No ()

Why or why not? A variance is needed due to the use predating the ordinance and now being a legal nonconforming use for which a variance is now required in order to alter a structure partially or wholly devoted to such a use.

4. Will the issuance of the variance maintain the essential character of the locality?

Yes (X) No ()

Why or why not? The property is a bit of an island unto itself as it is over 2000’ wide along the shore and a golf course occupies the land behind it out to Highway 71. There is a large RV campground to the north of this property and the golf course. Lots south of this property and the golf course are fairly large residential lots. There is no nearby neighbor that will be affected by the proposed cabin additions. Thus, the enlargement of the structure will not harm the locality’s character.

5. Does the stated practical difficulty involve more than just economic considerations?
Yes (X) No ()

Why or why not? Economics are not cited in the application as a practical difficulty.

Variance Application 42-V-21 by Robert Jackson: Part of the NW ¼ of the NW ¼ and part of the NE ¼ of the NW ¼, Section 8, Township 145, Range 33, Helga Township. Parcel 11.08.00550. Applicant is requesting a variance from Section 5 of the Subdivision Ordinance to further subdivide this property within the five year period from a prior minor subdivision of the property and be allowed to do the next subdivision as an administrative subdivision.

No applicant was present at the meeting.

Grob stated what the individual is asking for is pretty straight forward. Normally he would have to wait five years after the prior minor subdivision, which would be a year and a half away. He is converting three tracts to two tracts. There are no issues or changes in regards to the SSTS. Everything is pretty straight forward, and your staff is supportive of the changes that he wants to make?

Buitenwerf agreed.

Grob opened for public comment.

No public comment was given.

Grob closed public comment.

Grob made a motion to approve the variance application as presented.

Andres seconded the motion that passed 4 – 0.

Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official controls?

Yes (X) No ()

Why or why not? Whenever the number of tracts being created is reduced and the resulting tract size is increased, it fits the ordinance's intent. There is no benefit to having the applicant wait another year to submit a new subdivision application as the current proposal reduces the impact of the development on the nearby lake and the neighboring landowners.

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes (X) No ()

Why or why not? The two proposed tracts are ~6 ac. and 18+ ac. in size that both exceed minimum lot size standards. The application proposes to reduce the number of tracts being created from the three approved in the 2017 subdivision application to two.

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes (X) No ()

Why or why not? The need for the variance is due to the ordinance having a 5 year waiting period between subdivision applications. The proposal will be better for the area in that it will reduce the number of tracts being created by one.

4. Will the issuance of the variance maintain the essential character of the locality?

Yes (X) No ()

Why or why not? The current subdivision proposed will result in one fewer tract than the subdivision application that was approved in 2017 and larger tracts as a result.

5. Does the stated practical difficulty involve more than just economic considerations?

Yes (X) No ()

Why or why not? Economics are not cited in the application as a practical difficulty.

Variance Application 43-V-21 by Crooked Pines, LLC: Part of Gov't Lot 9, Section 17, Township 141, Range 33, Mantrap Township, Parcel 20.17.00110. Applicant is requesting after-the-fact variances from Sections 502.1 and 701 of the Shoreland Management Ordinance for accessory structures, decks, and platforms placed within the 150' ordinary high water mark structure setback and for structural alterations and enlargements to existing structures and the addition of new structures where none previously existed that are devoted to a nonconforming use.

Grob commented this is a very complicated and complex situation. I think I would like to start the discussion by outlining what I think are facts, and then make a proposal about how we handle this. Going back to 2018 when we did a previous variance, Crooked Pines is operated as a legal, nonconforming use resort. It was purchased in June of 2018 by the current owners. There were six transient rental cabins that existed, which were not to be used as residences. Variance 37-V-18 in 2018 allowed a garage and personal storage structure without living quarters, which was permitted. A new owner's residence to replace the existing residence has not been acted on. There were two conditions: 1. that RV site 21 be discontinued, and 2. that the house, when built, must meet all setbacks. In addition, the SSTS on the property has three different parts that are noncompliant. These have not been upgraded and are still noncompliant. A 20 unit campground exists. There is no record of a variance to construct this campground. What existed when the Shoreland Management Ordinance was adopted was not documented, and there have obviously been changes recently. When I look at all of the information, there are several noncompliances. The three SSTS are noncompliant. There were decks added, replaced, or upgraded on Cabins 1, 2, 4, 5, and 6 without permit. Storage lockers were added to Cabins 2, 3, 4, 5, and 6 without permit. A platform 17' from the lake on the campground was constructed without permit. Black dirt was placed in the shore impact zone without permit. Lockers and decks were constructed in the campground without permit. The shower house was reconstructed without permit, a 2nd floor was placed on the shower house without permit, and a stop work order was ignored. A fish cleaning structure was added to the shower house without permit. A 4' x 8' storage shed setback 81' from the lake was redone without permit. A platform and playground equipment were constructed within the setback zone by Cabin 4. There are 11

noncompliances, and in addition in the campground there is a whole list. Sites 11 and 20 had a 10' x 10' platform, Sites 12, 13, 14, and 19 had 8' x 8' platforms, Sites 2, 4, 8, 15, and 18 had plastic storage sheds, Site 16 had an 8' x 16' platform, Site 17 had an 8' x 20' platform, Sites 1 – 4, 6 – 10, and 17 had concrete pads and there appeared to be an unnumbered site near Site 11, all not permitted in any way. My point here is that there are a lot of noncompliances, and a lot of them on the campground. The application indicates after-the-fact items focusing basically only on the cabins and the shower house. Just to make things a lot easier for us to deal with, and deal with what the actual application is, I am going to propose that we not discuss any of the campground noncompliances, and that a separate after-the-fact variance be brought before the Board sometime in the future to deal with all of the noncompliances on the campground. Tonight we will deal with the cabins, associated decks, storage lockers, and also the shower house.

Buitenwerf added there are items that have been identified and communicated to the applicants that are not part of the application.

Tom and Jan Siwek, 2810 Grand Street NE, Minneapolis, MN, presented the application.

Tom Siwek stated thank you for separating these issues. We didn't really understand these further violations until after we applied for this variance. We applied for a variance in 2018 for our future retirement home, which we have five years to submit an application for. We are very excited about that. This variance is asking for an addition of a second floor on top of the shower house. The shower house has existed for a long time and we are just adding the top of it. We are asking for the addition of these decks that we actually started rebuilding because they were falling down when we got there. We thought we were going to put up screen porches. After we applied for the variance and talked to Environmental Services they said that is not allowable. We stopped that progress and cancelled things.

Andres asked when did you receive a notification letter that your septic was noncompliant?

Tom Siwek said during the variance process is the only time that we found out about that.

Andres stated three years have passed and the violation is still occurring with the septic.

Tom Siwek responded I think Environmental Services is very aware of that. Al Winterberger is designing the septic. He submitted a plan when we did the variance. We want the new septic more than anybody. We have been needing Bemidji to come out for about a year or two. It has been very wet these last few summers. They couldn't get in to do that work. Then Covid came. They finally did the testing. Al Winterberger has the design in progress, and he told me today that he was going to submit the plan to the County.

Buitenwerf said I believe he did.

Tom Siwek continued I have been pushing. That septic system is noncompliant, and we have to pump it at our expense. We don't believe the expense of the new septic is ours. It is the previous owners who sold the property without compliance. We have a written agreement with them through our realtor that they have to pay for it.

Andres commented at the time of sale, compliance inspection is not required. It is the buyer's responsibility to have something done.

Tom Siwek stated I don't believe that is correct. There are multiple septic systems, five or six. We closed on the basis that we had the compliance. After we found out that it wasn't done for this side, our realtor went back to the previous owner. They are paying for it.

Andres explained in Hubbard County a compliance inspection is not required at the time of sale.

Tom Siwek said it was required in our paperwork.

Grob asked when do you expect the compliances to be corrected on the septic system?

Tom Siwek replied we have the design in to Hubbard County. I don't know the process there. I guess I need a time line from Buitenwerf. Do you have a general sense of that?

Buitenwerf answered the design gets approved, and then a permit application should be submitted. I don't know if they submitted a permit application with that design.

Tom Siwek asked would Winterberger or Dave Hacker do that?

Buitenwerf replied it is between the contractor and the landowner to determine.

Tom Siwek stated we just got that turned in.

Grob clarified so it should be done this year?

Tom Siwek replied yes, as long as the contractor is available.

Grob asked the second story on the shower house, what is your expectation of the use of that?

Tom Siwek answered we would love for it to be a craft room or a play room for the kids and grandkids. If we could have a possible occasional use as a guest room, that would be wonderful. Other than that, we would just use it for general storage.

Andres asked the picture on the screen, is that at the stage where the stop work order was issued?

Tom Siwek replied yes.

Andres continued when we viewed it, it had walls and a roof. So, why was there construction still going on?

Tom Siwek answered it is an active use for the campground. They use it for a shower house, and they use the bathrooms. When it was stopped with just a floor and walls, it was rickety and unsafe. When I was applying for the variance I asked if I could make it structurally safe and cover the top so that the rain wouldn't leak through. We had to disconnect the electricity. I got a verbal agreement to make it a little more structurally safe, cover the top so that it wouldn't ruin the building, and they could possibly use the downstairs

for showers and bathroom. I understood that as agreeable, and I had my contractor team do it. I was not there. It was during the week. They came in and they did the work as they understood it to be, which was to put something on the roof so that they could cover it up and put some plywood on the sides so that it would be a safe structure.

Andres clarified you are saying that in this photo showing on the screen, that rain and water was getting into the inside where the showers and bathrooms are, so it was inoperable like that.

Grob asked why did you go ahead and do this without a permit to begin with?

Tom Siwek replied when we applied for the permits for the 2018 variance, we talked at length about things that we wanted to do. We wanted to take a garage down and put a cabin there. We talked about fixing up another structure. My understanding, through our discussion with the County, was that we weren't getting building permits, we were getting land use permits. It is land use and outside of the 150' zone from the shoreline. If we had a roof issue, we were just going to take the roof off and go up. I wasn't adding any more square footage to the property outside of the 150' shoreline zone. I clearly did not think there was any reason to get a permit because we weren't using any more land use. There was also a question about the addition of the fish house on the back side. Our fish house is tipping over, the roof is leaking, and there are holes in it. It needs replaced. It is 10' x 12', and to make it fit on the back side we made it 11' 6" x 10' 6". The square footage is technically one square foot less, again, not changing any more land use. We were just swapping one thing for another. I thought it was perfectly within our understanding that it was okay.

Grob stated I am surprised by that since it is pretty clear that nonconforming use structures always require a permit.

Tom Siwek stated the whole thing is confusing to me. I am learning, I understand it now.

Grob explained you have to be more explicit as to what you intend to do with that second floor. If you are applying for an after-the-fact variance for that second floor, you have to tell us what we are approving.

Tom Siwek answered we just want to use it for storage with the option of using it for a craft room.

Grob asked is this for the campground people to use, or your family?

Jan Siwek replied family.

Tom Siwek clarified the cabin renters.

Grob asked what is going to be in the fish cleaning house?

Tom Siwek responded the design is going to be an "L-shaped" counter with water supply, wash basins, a freezer, and buckets to collect the extra water.

Grob continued how will you access the second floor?

Tom Siwek replied we are going to have a small deck, 4' x 8', on the outside with a stairway going down.

Grob clarified external access to up above.

Tom Siwek stated it is a 4' x 8' platform with a stairway going along the building under the windows.

Grob commented I don't know much about fire code. Is that legal to have a non-storage area that would be inhabited with only one access? Does anybody know?

Andres questioned do you have an additional entrance or exit from inside?

Tom Siwek answered no. I am familiar with general state code for rental properties in general. There only has to be one exit for a rental property. It would have egress windows in it if that would solve everything.

Grob asked was the roof that was previously on the shower a gabled roof?

Tom Siwek replied yes.

Grob stated the garage you built looks fancy for just storage. If I were to be able to see inside of your garage, what would I see on the right side where the two gables are on top? Are there two floors in there?

Tom Siwek answered we like to build quality, and we want them to look nice in our neighborhood. What we permitted there says it is for personal use, entertaining, and storage. That is what our application said, and that is what we were approved for. We have a little kitchen and use it for a gathering space and cooking. We all have very tiny cabins and the kitchens are small. We go in there to cook meals, we share meals. We bring it outside, we barbeque. We have a loft so that it is a partial second floor.

Grob asked sleeping quarters?

Tom Siwek responded we don't have sleeping quarters up there. We do have storage of beds, dressers, and frames that we have collected and we are storing up there. We don't have any railing system up there. We are working on doing that for safety purposes, but there is no use of the upstairs.

Grob asked Buitenwerf when the permit was granted in 2018, I seemed to remember it said storage. Does that include kitchen stoves and an area for entertaining? Is this an overextension of what was approved in 2018? A detached garage with a 24' bumpout?

Tom Siwek asked don't you have the rest of the package that we applied with?

Buitenwerf explained that is not part of the permit package?

Tom Siwek stated it is received by you. That was part of the whole application that I had. On the front page it says see attached. There is nothing written about what our request is, it is written right here.

Grob asked when the letter of approval went out, what did it say about what the structure was to be for?

Tom Siwek asked is there a separate letter of approval?

Discussion ensued on the exact wording of the previous variance approval.

Grob opened for public comment.

Russell Olson, 23166 Highview Drive, Nevis, MN, stated the land use permit stated a one-story building. I know that Siwek gave the dimensions, but it did state it was a one-story building on the permit application.

Buitenwerf asked what application are you referring to?

Olson clarified for the garage it says one-story, that is one thing. The other thing is that a two-story fish cleaning house doesn't really sound like a legitimate thing. We are concerned about the density issue at the resort and on the lake. It is a natural environment lake. There are certain qualities that are supposed to be maintained there, and there are several issued within this application that don't meet that. I don't have an issue other than the personal use and the excessive density that it might create.

Grob added it just says garage and gives a footprint. The application was for a single story structure on slab. The actual permit that was issued, what are the dimensions on that?

Tom Siwek stated of my understanding of building construction, I applied one story as one wall height. A two-story structure would have a wall with a floor system throughout and a second set of walls that depend on the floor to hold it up. The entire structure is one-story all the way through because it has one set of walls all the way through. Inside is just a loft, which is just added on the inside and, to me, does not constitute a story.

Grob asked are those the dimensions of what is now constructed, 16' x 20'?

Tom Siwek stated I believe so. The floor plan is the same as far as I can understand.

Written public comment was received from 11 local property owners on West Crooked Lake.

Grob closed public comment.

Grob continued your after-the-fact application is to redo the shower room, adding a second story for storage and craft activities for family.

Tom Siwek interrupted we are going to say for cabin renters, and, in this case, is all family.

Grob asked the fish cleaning addition would involve removing the old fish cleaning house?

Tom Siwek replied correct.

Grob questioned are we thinking about allowing that second floor for the use that they intend?

Petersen asked Buitenwerf it occurred to me that we have quite a few violations here. Would it be a proper way to proceed to decide which of those, if any, we are going to accept and which we aren't, and perhaps think about tabling this with the idea that the ones we are not accepting get corrected? Then we could address the ones that we are going to accept.

Grob stated I want to come back to the cabins. There are a bunch of them there that we may want to accept and not accept.

Petersen agreed. I am thinking of those too. I am thinking of everything but the campground.

Grob said what I am directing is that we are doing the shower room as a separate after-the-fact, and then we are going to come back to all the cabins.

Petersen clarified we are just going to address the shower room right now.

Grob agreed. Their application is to redo the shower room area. Is it the same footprint or a little bit larger?

Tom Siwek replied it is the same except for the exchange of the fish house.

Grob explained basically they have improved the shower house. It is very nice inside. They have added the second story, and they want to dedicate it to general storage and crafts. We could adjust that it could only be storage, that the fish cleaning addition is allowed at the dimensions that they have, and that they have to remove the old fish cleaning station. Basically, they have already built what they are asking for an after-the-fact variance for. They haven't finished it, but they have built the footprint. The questions is if we want to approve that after-the-fact request.

Discussion ensued about which requests were being considered at this time.

Grob clarified what we have in front of us is an after-the-fact request for redoing the shower house with a second floor for general storage and craftwork, and then an addition of a fish house to that shower house and removing the old one. That is the after-the-fact request that we are talking about right now.

Andres asked is there a second story above the fish cleaning part?

Tom Siwek answered there is.

Andres stated so you have expanded the fish cleaning house and the upper level?

Tom Siwek agreed.

Grob asked that is connected with a floor over that?

Tom Siwek agreed.

Andres added a possibility of a condition for that second floor would be no living quarters.

Grob clarified no living quarters, no water, no sewer, or kitchen equipment. Nothing on the second floor.

Johnson asked Buitenwerf is there anything else that can be done if I don't believe him when he said that he had to put that roof on there. I believe that it could have been held up by braces and a tarp over it. Now I have look at it without being arbitrary and capricious of whether I am going to allow that upper level over top of that garage. Is there anything else being done? Do you charge him double for a permit since we have an after-the-fact situation?

Buitenwerf replied the ordinance would require 4x the normal permit fee for after-the-fact permits if the variance is granted, and staff did instruct him to only put sufficient bracing to allow a tarp over the roof, not an entire buildout of the finished roof system.

Grob stated one of the options is to say no to the second storage and have him remove it. That is an option for us. It was built against the stop work order and should not have been allowed. The question is, when you are all done, is it reasonable to have more storage room and a craft area when you have six rentable cabins? A lot of resorts have rec rooms. Is it unreasonable to have them? I wish they would have asked ahead of time.

Petersen clarified are we going to make a motion and vote on this item, is that what I am understanding?

Grob asked is the Board satisfied and accepting of a second story storage for the purpose he has defined, tearing down an old fish house, and building another one attached to this? Are those reasonable uses and reasonable things to do? If they are, we should make a motion to accept.

Andres added I understand that you are going to remove the one fish house and replace it with a new one, and you happen to be hooking it up to the shower house. I am okay with that, and the water is right there. I have concerns that the stop work order was issued and you did not follow through. I do believe you stated that you have plenty of storage in the garage, and the loft has storage, so you have indicated that you have a lot of storage. The need for more storage above is kind of questionable in my eyes. I am against the living quarters. I am not necessarily supporting of the after-the-fact request for the second story.

Johnson stated I am in the same position. If it was brand new I would probably be in favor of it, but now we have to answer these questions.

Grob made a motion to approve the after-the-fact variance for the reconstruction of the shower house with its second story addition limited to storage and a craft area with no living quarters allowed. No water or sewer are allowed in the structure's second story. The fish cleaning addition to the shower house is allowed with the condition that the old fish house structure must be removed.

Petersen seconded the motion that passed 4 – 0.

Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official controls?

Yes (X) No ()

Why or why not? A shower room, small play area, and fish cleaning facilities are all consistent with the needs of a resort. They meet all setbacks and the sizes are not unreasonable.

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes (X) No ()

Why or why not? In the case of the shower room, play area, and fish cleaning structure those are all reasonable things for a resort.

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes (X) No ()

Why or why not? It is a resort and resorts are unique. The uses proposed are reasonable.

4. Will the issuance of the variance maintain the essential character of the locality?

Yes (X) No ()

Why or why not? This is a resort with no other close residential facilities.

5. Does the stated practical difficulty involve more than just economic considerations?

Yes (X) No ()

Why or why not? Economic considerations were not identified as the reason.

Grob continued the second part of this are decks and storage lockers on the cabins that were added, a 4' x 8' shed by the beach, and playground equipment by Cabin 4.

Petersen asked were all of these decks rebuilt? In other words, old ones existed on every one of them?

Tom Siwek answered yes.

Petersen clarified you simply rebuilt them.

Buitenwerf shows the old and new deck photos for Cabin 5 and 6.

Grob stated these cabins are transient rental units, not residential.

Tom Siwek clarified we rent them by the summer. They are seasonal.

Grob said based on the information provided and outlined in the Shoreland Management violation letter of July 8, 2021, and some input from the staff report, these cabins predate the ordinance. What is generally allowed is one's ability to build 15% lakeward and less than 30' from the shore. If you apply that principal, the decks on Cabins 1, 2, 3, and 4 are sufficiently back from the shoreline to meet those requirements. The decks on Cabins 5 and 6 don't come anywhere close. Therefore, one proposal would be to make sure that those decks are scaled back to about 7' on Cabin 5 and 6' on Cabin 6 to meet that 15% requirement. The second aspect is that storage lockers are not typically used for transient

rentals, therefore they are probably not needed in this particular case. Tell me about the 4' x 8' storage shed down by the beach, was that rebuilt?

Tom Siwek responded I don't know anything about that. That is the way it came. We didn't touch it.

Grob asked is there another storage shed somewhere because that is the only one that I can find in the drawing?

Tom Siwek replied there is no other storage shed. There is a little tiny utility shed right down there too, but they were both there when we got there.

Grob opened for public comment.

Denise Jorgenson, 26241 Inwood Trail, Park Rapids, MN, stated in question to whether the cabins are transient or not, I was actually a resident and had an RV there for about 25 years until last year when we were able to purchase property on the lake. Once they purchased the said property, only the family stays in those cabins. Last year, when Covid happened, no one else on the RV side was allowed past the shower house. So, is there a conditional use permit? I don't know. All I know was that once the lockdown happened several of us, including myself, were stopped and we could not go past the shower house because the family had some underlying health conditions.

Grob asked you were on the campground?

Jorgenson replied I was there for about 25 years. In fact, I was involved with the former owner for a number of years. He is correct about the sheds down by the lake. One was existing going back about four years, and the other one is a softener house. That septic has been bad since 2008. There were campers that were pulled from spots because that septic was bad and was backing up in the campers. That owner passed away, and new owners came on board. We told them the septic didn't work and not to put people down there. My brother was in one of those spots. When there was a lot of rain they couldn't empty their sewer. It is a low lying area and this has failed since 2018. Who hasn't told the State? They have been allowed to continue to contaminate ground water where they can still get a permit every year. How is that happening? He can build anything that he wants in there as long as you guys are okay with it. What I have a problem with is the ground water, and we keep going over it and looking at all these other things. How are they getting permits for this? That ground water is a problem for me, and I would think it should be a problem for you guys. We are to be good stewards of our lakes.

Grob asked all the campsites that are currently filled, are those lower campsites?

Jorgenson replied there are people in those two campsites for sure. The two that have been vacant since 2008, because of the septic. That is when it was believed that maybe trees had grown through the septic line. Until it became Crooked Pines, there was no one down there for those two sites in particular because of the low lying area.

Grob clarified what are those, Sites 19 and 20?

Jorgenson agreed. I don't know if the plastic sheds make it non-transient. It is for family. Nephews, sons, and mother-in-laws. It is just an RV lot now. If there is a conditional use permit, how did they get it with this failing septic system? And how did we, as Hubbard County, fail our lake by allowing that and not getting that to a State level?

Grob asked when was the campground put in?

Jorgenson answered it has been there since 1940. That is when the cabins were built. The campground goes back as far as I can remember, the whole 25 years that I have been there. There were septic issues about 24 years ago. Those were addressed, tested, and passed. That is when it moved from Emery Norquist to Jim Strendin. The septic was tested, failed, and was upgraded. When there was an issue again in 2008, that is when those campers were no longer allowed to be there. For the garage, there is central air, and I watched a shower stall get delivered. That is not a storage room.

Russell Olson, 23166 Highview Drive, Nevis, MN, stated I want to make note that Section 705 of the Shoreland Management Ordinance states that a sewage treatment system that does not meet the requirements specified in Article VIII of this Ordinance must be upgraded, at a minimum, at any time that a permit or variance of any type is required for any improvement on, or use of, the property. We don't oppose Thomas running a clean resort. We appreciate fixing it up like he wants to do, but we just think that first things have to be first. This sewage system was supposed to have been checked back in 1993 or 1994 by a survey on our lake. All of them were surveyed that weren't current, and it has fallen through the cracks for that whole time.

Grob mentioned should we put a hold on the shower room until the septic system is completed? You are going to have to give him permits to finish off that shower building, right?

Buitenwerf stated that has already been acted on, so you can't return to it now.

Shirley Olson, 23166 Highview Drive, Nevis, MN, stated I would think, given what is in your own Shoreland Management Ordinance, you are not allowed to grant a variance as long as that septic system is out of compliance. Am I reading this correctly?

Grob explained we can issue a variance, but we would put a condition on it. He wouldn't issue the permit until all violations are corrected.

Olson continued this reads permit and variances. Under Section 705 about failing sewage treatment systems, it clearly states both permits and variances. I could be misunderstanding how that is supposed to be interpreted, but to me that says you can't do it.

Buitenwerf stated a variance is an available remedy for correcting a violation of the ordinance, so we need to allow people to have the ability to apply and have their due process. We can't withhold that, but what we would do in this case is to not issue permits for new items until violations are resolved. The issue with the shower house is that it also is a violation, so issuing a permit for that would bring that into compliance, so there would be reason that the County would issue that permit and not hold it up until the septic was taken

care of. Whenever a permit it sought to bring any noncompliant items into compliance, we will issue it.

Johnson asked could you put a condition on mandatory maintenance before it is repaired, like annual pumping every week?

Buitenwerf replied potentially, but then we run into enforcement issues. It hasn't been done up to date, so how would we get that type of maintenance to be done either?

Olson asked whose responsibility is it to notify the State that licenses campgrounds when a septic system has open bottom tanks like this? Where does the responsibility lie? How does the State learn of that?

Buitenwerf explained it is something that the State delegates to the Counties to administer through the Septic Ordinance and the State Septic Rules. That is something that is handled at the County level and would not be forwarded to the State Department of Health. They certainly have access to our records. If that was something that they monitored and required to be shown to be in compliance in order to issue their license, they would certainly contact us and solicit that information, but to my knowledge they have not done that.

Olson stated the reason that I am asking is because we did ask. We have known since 2018 when we got the first variance letter that these were open bottom tanks in the entire campground and the shower house. The State said that unless they are notified, there has to be sewage sitting on top of the ground before they would withhold the permit. I am wondering, whose responsibility is it then? It would always fall through the cracks if that were the case. If we have permitted a 20 person campground to operate fully since 2018 when we knew this thing was out of compliance, how do we correct that kind of action now and in the future?

Grob asked in 2018 we didn't do anything that permitted the campground. We did not deal with the campground at all except one site that didn't have set up. That is still open ended as far as I am concerned.

Olson added that report was attached to the 2018 variance request, which is how we learned of it. We got the letter. Then I am wondering, since that is there, the next logical step is that you shouldn't put someone in that campground until you get it not draining into the lake. I am just asking what would be the process and how would that happen?

Grob explained on the issue of noncompliance, Siwek explained why it didn't get done. It should have been done sooner. Weather and Covid prevented it. It is now being done. We can argue why it hasn't been done, but it was found during the inspection for the previous variance. It was identified and needed to be corrected. Three years is maybe not fair.

Olson questioned is there a process then to let the State, who actually licenses the campgrounds, know? What happens next?

Grob asked Buitenwerf would your office let them know right away, or not?

Buitenwerf stated I already spoke to that. That is not a standard process.

Olson continued it looked like there was supposed to be one year to get it done. We are past 2019, and it is 2021 now. My point is that this is a very serious violation. The other things, I agree. It is up to you to determine what can be done at that resort. I am not against them fixing it up and running it well. I am really concerned about the ground water, and I think since 2018 is too long. We can talk about rainy weather and Covid, but if I, as an owner, knowingly knew that I was contaminating ground water since 2018, should I be applying for a permit to run 20 campsites, and should it be allowed if I do?

Grob closed public comment.

Grob stated the staff report recommends that the decks on Cabins 1, 2, 3, and 4 be allowed based on the 15% principal, but the decks on Cabin 5 and 6 have to be scaled back to the 15% level, which would amount to 7' on Cabin 5 and 6' on Cabin 6. Are we prepared to make that a condition? Should we require that all storage lockers be removed from the cabins since the cabins are transient, not residential?

Johnson agreed.

Tom Siwek asked what is the 15% rule? The deck cannot exceed 15% of the square footage of the building?

Grob explained it is 15% of the structure setback. If it is less than the required setback, 150' in this case, it is a nonconforming structure. You take the measurement to the lake, if it predates the ordinance, and what has been allowed in the past is 15%. Let's say it is 100' back, 15% is 15'. You could have a deck that is 15' if you were 100' back. It cannot get any closer than 30' to the lake. Cabins 1, 2, 3, and 4 meet that requirement. Cabins 5 and 6 are much closer to the lake. At 50' you are allowed 15% and that is 7 1/2'.

Discussion ensued about the distance that would be allowed on Cabins 5 and 6.

Grob stated this proposal would require that you modify those decks to meet those requirements and remove storage lockers.

Tom Siwek added I understand transient use of the cabins and not needing a storage locker, but the renters at the RV Park rent seasonally, and the cabins are rented seasonally. That is a big difference than a weekly renter. I don't think that would apply in my situation. If you are renting something by the season, it is very fair that you should have a storage locker for personal things that would normally be scattered around.

Grob asked Buitenwerf is a three month seasonal resident still transient, or is that considered residential?

Buitenwerf answered with a campground, you can have a seasonal rental. The key is going to be their documentation that there is money being exchanged, and would that be an amount similar to what you would have paid by another party. Once that information would be gathered, that would be something that we would review with our Counsel to see whether they feel it is residential or commercial in nature. That hasn't been fully vetted yet. The issue is that if it is residential, then you have residential use occurring on the same property as commercial. They are both using the same area then to determine the allowed density for

those two uses. It is essentially double dipping on the property. If it is all commercial, that is allowed, but if it is viewed as residential, that is where the issue would lie.

Grob asked what are those cabins? Are they rental units, or are they family, residential units? How are they used now?

Tom Siwek replied it is my understanding with the license that we have that the cabins, we have to rent them out. We rent them to different family members. Our money is our business on how we handle that, I don't think we have to answer that question. It is the fact that I am just asking for storage lockers. If we can't have storage lockers, then we can't have them. It just seems like such a reasonable thing to ask for.

Grob continued the approved use for Crooked Pines is that those cabins are rental units, without distinguishing how long someone rents them for. That is the trouble with not having conditional use permits for these nonconforming uses. Nothing is spelled out very clearly, but it has been a resort, therefore that is still the use?

Buitenwerf explained the cabins are not available on the website for rental. So, that would be one reason for a flag being raised. Typically, if you have a resort you have all of your units available for anyone to rent. Here it sounds like the cabins are being predominantly used, if not solely used, by family members. They aren't available to the public to rent.

Grob stated that is a separate issue from what we can deal with here tonight. That is not our issue for this after-the-fact variance. That is a compliance issue. The question to the Board is if you think storage lockers are a reasonable amenity to be placed by a cabin if they are rented in any way.

Andres added I think the applicants need to decide if they need a conditional use permit.

Tom Siwek said it is not worth the discussion, it is a little 2' x 2 1/2' storage shed.

Andres commented they all need after-the-fact permits. I don't have any problems with the storage units staying. They are quite small. My concern, obviously, is getting that septic taken care of.

Grob made a motion to approve the after-the-fact variances for the decks that were added to cabins 1 – 4 and requiring the decks on cabins 5 and 6 must be brought into compliance with the 15% waterward allowance located in Section 703, Deck and Platform Additions, of the Shoreland Management Ordinance. The after-the-fact storage lockers are allowed, one storage locker for each of the cabins.

Petersen seconded the motion that passed 4 – 0.

Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official controls?

Yes (X) No ()

Why or why not? Decks are a reasonable item to have on a cabin in a resort. With the reduction in the size on Cabins 5 and 6 to meet the general criteria of 15% for cabins that predate the Shoreland Management Ordinance.

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes (X) No ()

Why or why not? Decks and storage lockers are reasonable uses.

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes (X) No ()

Why or why not? Resorts are unique. The decks that existed were very dilapidated and new decks are a reasonable thing to construct.

4. Will the issuance of the variance maintain the essential character of the locality?

Yes (X) No ()

Why or why not? It is a resort, so there is no change.

5. Does the stated practical difficulty involve more than just economic considerations?

Yes (X) No ()

Why or why not? Economic considerations were not mentioned in the after-the-fact request.

Discussion ensued about remaining items to be heard.

Grob stated the next item is a 12' x 12' platform/deck 17' from the lake on the campground.

Tom Siwek said I believe there was a couple of dock sections laying there when we got there. People had used them, and they had a bench put on them. It is a spot that is completely on the other side, on the far west side of the property where all the RV resort docks are and the Site 21 camping site. It is an open area, kind of a public area of shared space that overlooks the lake very nicely. We just decided to replace what was there and put a platform up. We were concerned about the safety of it so we placed a hog wire railing around it. It is near the stairway that goes down to the docks. The RV renters love it, and they use it very often.

Grob opened for public comment.

No public comment was given.

Grob closed public comment.

Andres asked you said that there were a couple of dock sections in that area? It appeared to be relatively flat in that whole area. If you removed this, they could still put lawn chairs out there.

Tom Siwek agreed.

Andres questioned have you thought about just removing the structure or relocating it?

Tom Siwek stated I am not against it. I just think it is a very nice thing to have.

Jan Siwek added our renters asked if we could try to keep it.

Johnson commented I think it should be removed.

Petersen asked would a permit have been required for this?

Grob answered I think a variance would have been required because it is in the shore impact zone, not even back to the 75'.

Petersen clarified in addition to a variance, a permit would have been required.

Petersen made a motion to deny the after-the-fact request for the 12' x 12' deck placed at a 17' ordinary high water mark setback.

Andres seconded the motion that passed 4 – 0.

Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official controls?

Yes () No (X)

Why or why not? Since a variance would have been required to construct it, along with a permit, it would not be in harmony with the intent of the ordinance.

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes () No (X)

Why or why not? It is not reasonable being 17' from the ordinary high water mark.

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes () No (X)

Why or why not? There is nothing unique about that section there, it is a level piece of land.

4. Will the issuance of the variance maintain the essential character of the locality?

Yes () No (X)

Why or why not? It would have suited itself to using it for overview without the structure being built.

5. Does the stated practical difficulty involve more than just economic considerations?

Yes (X) No ()

Why or why not? Economic considerations were not mentioned.

Miscellaneous: Buitenwerf stated an update for the Board in regard to the Shoreland Management Ordinance and the amendments that have been worked on through this last year, the County Board has set August 17th as a date at which they will plan to take action on that amendment. That is where that process is at. As far as the August agenda, it is looking like it is probably going to be similar in size, maybe a few applications less than what you saw this month. Things continue to be busy.

Communications:

Adjournment:

Andres made the motion to adjourn.

Johnson seconded the motion.

The motion carried unanimously 4 – 0.

The meeting adjourned at 9:56 p.m.

Respectfully submitted,

Staci Lee

Recording Secretary