

HUBBARD COUNTY

Planning Commission/Board of Adjustment Meeting Minutes

6:00 p.m. on Monday, June 28, 2021

The Hubbard County Planning Commission/Board of Adjustment (PC/BOA) held its regular public hearing and meeting on Monday, June 28, 2021 at 6:00 p.m. remotely by electronic means with one or more PC/BOA members present in the Hubbard County Government Center – County Board Room # 324.

Chairman Mike Kovacovich opened the meeting with the following additional members present: Ken Grob, Veronica Andres, Tim Johnson, and Mark Petersen. Also present was Environmental Services Director Eric Buitenwerf.

Kovacovich 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: May 24, 2021

Andres made a motion to approve the minutes as presented.

Johnson seconded the motion that carried unanimously 5 – 0.

Old Business: None.

New Business: None.

Board of Adjustment:

Approval of Minutes: May 24, 2021

Andres made a motion to approve the minutes with a correction starting on page 21 for Variance Application 18-V-21 by Debra Bowers that the last name Ilies be corrected to read Illies.

Kovacovich seconded the motion that carried unanimously 5 – 0.

Old Business: None.

New Business:

[Variance Application 20-V-21 by Kenneth Thompson:](#) Lot 28, Block 1, North Oaks, Section 20, Township 140, Range 33, Nevis Township near Lake Belle Taine, a recreational development lake. Parcel 21.61.02800. Applicant is requesting a variance from

Section 502.2 of the Shoreland Management Ordinance for a proposed sign structure to be located within the 50' road right-of-way and 10' property line setbacks.

Ken Thompson, 23732 Elderberry Circle, Nevis, MN, presented the application along with Tyler Sumstad, 31399 190th Street, Akeley, MN, employee of the applicant.

Thompson stated I am requesting a variance for our sign. The 50' setback puts it far away from the road with the trees. It would not be seen. Our request is to put it up to the property line. It would, of course, meet all of the State requirement setbacks.

Johnson asked is the sign going to have lights?

Thompson replied yes, it will be a digital sign, similar to the Tru-Star sign at the bank in Nevis.

Johnson asked do you run any other businesses, other than your home improvement business, at that site?

Thompson answered I have put a small Trump store included in my business. It is all run under the same business.

Johnson clarified what business are you going to advertise on the sign?

Thompson asked why would it make a difference what I advertise on the sign? I am not sure what I would advertise on the sign. I am sure that it will be different every month.

Kovacovich asked are you currently in compliance with the Sign Ordinance, as far as number and square footage allowed?

Thompson replied yes.

Kovacovich continued how many signs do you currently have up and what is the square footage?

Thompson responded I am here with my foreman so I am referring to him. There are three signs, and it is under 200 sq. ft.

Kovacovich asked what are the current three signs that are under the 200 sq. ft.?

Tyler Sumstad explained there is one Budget Exteriors sign, one sign for the Trump store, and then there is also a Trump sign above that.

Grob asked when I was out there for lot viewal there was an automobile and two boat lifts sitting out by the road. I couldn't tell for sure, but they may have also been in the 50' setback zone. Why would you place those there and what is your intent long-term, besides the sign in that 50' setback?

Thompson answered I wasn't aware that it was within the 50' setback. Those are two of my personal boat lifts that I am selling. I have no intention of selling any additional ones. The car that you are referring to is a personal ATV that I am selling.

Grob continued I thought when we approved the conditional use permit that products and materials such as that were not to be displayed outside. They were supposed to be inside. In addition to that, as I did the viewal, there were boats, fish houses, and lots of trailers displayed outside. Why are you very obviously violating the condition that was placed on your conditional use permit?

Sumstad explained a lot of that stuff was going to go into the addition that was approved. The next variance that we will be talking about, that is where a lot of that stuff is going to go.

Kovacovich clarified so currently you have three signs up and what you are requesting would constitute a fourth sign? The Ordinance allows three, so are you removing one of the existing signs to put up the digital sign?

Sumstad replied yes.

Kovacovich opened for public comment.

No public comment was given.

Kovacovich closed public comment.

Grob stated I am a little concerned over the fact that this sign, which we would be allowing close to the road in a scenic byway, that there is no specific commitment as to what can be displayed or shown on that sign. To be that close to the road, it seems to me that some kind of condition should restrict it to business-related items of display.

Thompson interjected I don't believe that is a requirement of any sign.

Kovacovich stated you are out of order. Let Mr. Grob continue. You will have a chance to respond after he is done.

Grob continued I offer the thought that we might want to put a condition on placing this sign that close to the road, that it be restricted to business-related information.

Johnson asked Buitenwerf was this specifically a conditional use permit for a home improvement business?

Buitenwerf replied as to the conversation occurring regarding the content of the sign, for clarification the ordinance only concerns itself with whether a sign is on or off-premise. On-premise signs would be signs that are advertising the actual business use occurring on the property or other non-commercial content. Off-premise signs are those that advertise businesses not located on the property. Those are the two distinctions that are made by the ordinance and they have different regulations, but within the on-premise category that Mr. Thompson is seeking a variance to erect a sign for, you are not able to regulate what content within that category he might display on that sign. That said, I do have on the screen the first three conditions of the conditional use permit. Then I can advance the screen to the next page that has the remaining two.

Kovacovich clarified am I correct in saying that the conditional use permit was strictly for a home improvement business?

Buitenwerf replied correct.

Kovacovich stated it appears that the applicant is applying for a variance for a sign that is going to advertise for a home improvement business that is allowed, and another business that has not been allowed and should be brought back for an amendment or a change to the conditional use permit. Buitenwerf, am I correct?

Thompson said this is the same business. It is a lead generator for bringing customers in.

Kovacovich explained you are out of order at the moment, and if you continue to be out of order you will be removed from the meeting.

Kovacovich continued I thought that what I heard at the beginning of the presentation is that you operated a home improvement business and a second business as a Trump store.

Thompson replied you are wrong. The Trump store is so that people can come into my showroom. I gift them, and they can buy flags. I also generate leads for my home improvement company. We have done a lot of business with patriots throughout the area here. This has been better than putting a TV ad on. More customers come in here to see what we are doing and want to do business with people like us.

Grob said possibly this issue about what the business is can be picked up under Item 2. My biggest concern with the sign is that if we approve it as a business sign on-premise, he is free to do what he wants. I wonder if we shouldn't establish a condition that no structure, materials, equipment, vehicles, or item of any kind shall be located at any time in the 50' right-of-way setback area. It is a scenic byway.

Thompson interrupted what has that got to do with the sign?

Kovacovich stated if you continue to be out of order, I will ask that you not be included anymore in this meeting. Please wait until you are asked a question to respond.

Grob continued it has to do with the sign because we are potentially allowing a variance close to the road. It is a scenic byway and any other obstruction or materials that distract from that should not be allowed to be there. It is part of the ordinance. I am just saying that we should add the condition to make sure that it is adhered to.

Thompson asked are you referring to my flags?

Grob replied I am referring to the fact that you had a car and two boat lifts out there. I am sure that it was in the 50' setback.

Thompson said it is my personal ATV.

Kovacovich explained if it is within the 50' road right-of-way setback it is not allowed regardless of what it is.

Thompson interjected it has nothing to do with my variance on a sign.

Kovacovich stated you are out of order and this is the last warning that I will give you.

Johnson added I am not in favor of giving a variance from our ordinance for somebody to turn a commercial sign into a rental space to make money off another business. Without something saying that it is going to be for that specific conditional use, I am not in favor of it. That is where I stand.

Petersen stated my thought is to have a clarification of the items that Grob mentioned that seem to be located in that 50' right-of-way. Can anybody give me the clarification if that is a violation in and of itself, aside from anything else, just having those items out there?

Buitenwerf replied from my perspective, if there is a vehicle or a boat lift, I wouldn't consider those items to be structures and thus I would not require them to be compliant with that setback.

Andres commented I am in favor of Mr. Thompson having a sign to promote his business that we approved for the conditional use permit of his exterior products. There was a similar variance that was approved up the road with the same situation. In order to meet the setback, it would not be seen. It is a reasonable request for Mr. Thompson to want to have a sign to display his business. Again, what Mr. Thompson puts on his sign, we are unable to regulate. That is out of our control. I do believe that Mr. Thompson is entitled to a sign, it is a reasonable request. If he does have a second business, that is something that ESO can verify in the future. If there is a violation there, then that violation can be determined by ESO.

Petersen clarified you are saying that if there is a second business operating there, which would be in violation of the CUP, that is not for us to sort out. Is that what you said?

Andres replied yes. That is correct. If there is a second business going on, the conditional use permit that we approved was for his building supplies and exterior products, not the other store. If he does have a second business going on there, that would be determined by ESO, and he can apply for a second conditional use permit to operate a second business. Buitenwerf can clarify if needed.

Grob asked should we at least place a condition that the sign will be placed exactly as identified in the application and no place else on the property?

Kovacovich stated we certainly can put conditions on when we make the motion if that is the Board's desire.

Andres added that would be my desire if I was to make a motion it would be specific that the sign location would be as proposed in the site plan, in that location only.

Andres made a motion to approve a 14' x 14' on-premise sign to be placed in the specific location shown on the variance application site plan sketch and with the following condition:

1. The property must be in complete compliance with all conditions of conditional use permit 3-CU-17 and the Hubbard County Sign Ordinance before any permit to erect this sign can be issued.

Petersen seconded the motion that failed 2 – 3 with Johnson, Grob, and Kovacovich voting nay.

Grob made a motion to approve a 14' x 14' on-premise sign to be placed in the specific location shown on the variance application site plan sketch and with the following conditions:

1. The property must be in complete compliance with all conditions of Conditional Use Permit 3-CU-17 and the Hubbard County Sign Ordinance before any permit to erect this sign can be issued.
2. No products or equipment can be displayed or stored in the 50' road right-of-way setback from State Highway 34.

Petersen seconded the motion that passed 3 – 2 with Johnson and Kovacovich voting nay.

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 Highway 34 right-of-way is 150' wide along this property. Dense mature tree cover extends into the right-of-way on the adjacent properties to the southwest and northeast of this property on this south side of Highway 34 which make sight lines to the proposed sign difficult if the sign is setback 50' from the ROW boundary as required by the ordinance and it difficult for the sign to be visible to parties traveling the highway at 55 mph + speeds. A sign is technically a structure per the ordinance definition of such, but the setback is really meant to keep actual buildings far enough away from the road that sight lines are not affected and out of the way should a vehicle leave the traveled roadway either to avoid an accident or as part of an accident. The proposed sign location is far enough east of Elderberry Circle's intersection with Highway 34 that it should not pose a sight line obstruction for parties trying to turn onto Highway 34 from Elderberry Circle.

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? Given the 150' Highway 34 right-of-way width and the above-mentioned dense, mature tree cover on adjacent properties, placing the proposed sign along the property boundary instead of 50' away from it is a reasonable request that allows the sign to be visible to a level and in a manner that one would expect when placing a sign along a roadway.

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 dense, mature tree cover on the adjacent properties to the southwest and northeast of this property would make it very difficult for a party in a vehicle on Highway 34 to see the proposed sign if it was set back 50' from the edge of the right-of-way. While the property has pretty good Highway 34 frontage at ~635', when it is the only open area free of trees along the south side of the road on this stretch of the highway, a vehicle traveling at 55 mph spends 7.8 seconds traveling along this property. If the sign is in the middle of the property as proposed, then that only provides 3.9 seconds for a party in a vehicle to see and read the sign before the vehicle passes it.

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

Yes (X) No ()

Why or why not? The sign dimensions comply with the Sign Ordinance requirements. A similar setback variance for a similarly sized sign was granted on a property ~1/4 mile NE of this property on the same side of the road in 2009. The area is a mixture of residential and commercial uses along Highway 34 which is a principal arterial highway. A storage unit business ~ ¼ mile SE of the property has a similarly sized on-premises sign.

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 21-V-21 by Kenneth Thompson: Lot 28, Block 1, North Oaks, Section 20, Township 140, Range 33, Nevis Township near Lake Belle Taine, a recreational development lake. Parcel 21.61.02800. Applicant is requesting two variances: Part 1: Sections 502.2 and 801.2 of the Shoreland Management Ordinance (SMO) and Article V, Section 1.01 of the Subsurface Sewage Treatment System Ordinance for a variance from the 20' structure setback from a drainfield and Part 2: Section 904.6 of the SMO to further exceed the 25% impervious surface area threshold.

Kenneth Thompson, 23732 Elderberry Circle, Nevis, MN, presented the application along with Tyler Sumstad, 31399 190th Street Akeley, MN, employee of the applicant.

Thompson stated we had a previous variance request for an addition to the building. After we realized that there were some errors to the plan, we talked to the builder. To maximize building materials we stopped, and we are requesting a building that is a little bit larger than what was approved on both ends. It will include additional cement aprons on the building also. That is what the square footage numbers are. The intention is to put all of the items that we have in the back of the building inside of the building.

Kovacovich asked do the dimensions include the concrete aprons for the building?

Tyler Sumstad replied the additions are 60' x 54' each. The 3,516 square footage does include the aprons.

Kovacovich added it is my belief that the original application did, in fact, ask for the larger size that is now being asked for, but was reduced when it was found that it was too close to the septic system. That is when the size was reduced. That application was approved, but now we are coming back to the original size that was asked for and an additional variance for being too close to the drainfield.

Thompson stated that is incorrect. Buitenwerf, can you clear that up for him?

Buitenwerf explained the prior application did originally request a larger size, and that was scaled back when it was found that it would not allow the septic drainfield setback to be met from the east of the two proposed additions.

Grob said my understanding is that the main building today is 120' x 60' wide. The proposed additions shown here are supposed to be 60' x 54' wide. Why do they extend so far into the concrete apron that runs around? We approved that on the premise that they needed that for trucks or vehicles to get around the building. If, in fact, the red lines on this were in place, it would appear to me that a truck could not get by and we would be in for more concrete in the future so that they could get trucks to circle around the property. The dimensions seem to be way out of line with what is showing for the main building that is already there. What actually is the profile of the 54' x 60' addition on especially the west end?

Sumstad replied on the drawing it is not to scale. There is still enough room to drive a semi past that. That is why I included the dimensions.

Grob added when we approve these applications, these drawings are what become the official record of what you are allowed to do. If we approve this with this drawing, it would encourage you to build way out to that side. I am reluctant to do that. It gets us in trouble in the long-term. Why can't you produce a drawing that really shows how much space there is between that concrete pad and the side of the building to confirm to me that you can get around it?

Sumstad explained that is why I included the 60' measurement there. There is still enough room to get around there. There is still about 12' there.

Thompson added 12' is ample space to get by there.

Grob stated that is inconsistent with your prior application where you said that you needed all this space to get your trucks around.

Thompson responded no. They asked why we had so much cement space and we said it was to get our semi-trucks with material through there. We did not discuss that particular area.

Andres asked Buitenwerf, can you scroll down to the other pictures provided by the applicant that show the west side? Judging by this picture, the line is just a little bit off and it would

cover more of that asphalt. I think that Grob's concern is how much of that concrete back there are the vehicles still going to be able to utilize.

Grob commented when I was out there, there were some lines drawn on the pavement. I would guess 10' – 12' is probably what the space is, but I am questioning if that is adequate and we aren't going to have another situation where you are going to want to add more concrete.

Sumstad stated 12' would be more than adequate if you consider the roads. Your lane going down the road is roughly 8' 6" or 9'. It is a lot less than 12'.

Kovacovich opened for public comment.

No public comment was given.

Kovacovich closed public comment.

Andres added during my lot viewal I made sure to point out to Sumstad that the well is at most 3' from the proposed addition. It would be very tight if it was built at this 60' x 54'. I mentioned to Sumstad about maybe moving it over just to be sure that they leave that 3' setback from the well.

Sumstad responded we will make sure that it is more than 3'.

Andres continued I did notice that you have gutters on the north side of your building and the small addition on the front, but you don't have any gutters on the back. I know that they would go towards the cement, but are you looking into putting gutters on the entire building?

Thompson answered yes. We have our own gutter machine here. We have been holding off because our intentions are to have the whole building operate through solar panels. We are going to put the gutters up after we put our solar panels up in the back of the building. We are doing the building in stages. That will be one of our next steps.

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

1. A minimum of a 12' wide driving lane around the south side of the structure must stay as concrete to prevent future impervious surface area being requested.
2. The entire structure must be guttered within one year of construction of the additions.
3. The Environmental Services Department must approve the location of the additions to the structure prior to any construction beginning.

Grob seconded the motion that passed 5 – 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? Although the concrete does exceed the 25% impervious surface threshold, and probably could have been avoided, the circle path does provide easy access for the business and the impervious surface is not effected in regards to the lake. Therefore, I think it is in harmony with the intent of the aspect of 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? The owner is just trying to improve his property for his personal business growth.

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? This is a very unique situation in the sense that the structure is on 4 acres of land and the business is over 600' from the lake. The application of impervious surface is really not relevant in this case, so therefore I believe that unique aspect allows us to say yes on this item.

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

Yes (X) No ()

Why or why not? As the requested variance involves impervious surface area that is largely driveway, the paved surfaces do not harm the mixed residential/commercial character of the locality.

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 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.

Scot Moores, 4707 Highway 61 N, White Bear Lake, MN, presented the application along with Dave Hacker, 57125 County 40, Menahga, MN, SSTS contractor for the applicant.

Moores stated I applied for a variance to build my retirement home. I am disabled, and I spent a large amount of time trying to find the right property. I am applying to build 50' from the ordinary high water mark. It would be a 38' x 50' home that I would build because it is more likely than not that I will need to have wheelchair access, and a 32' x 26' detached garage. I am also requesting a variance for a little bit larger storage shed, a 10' x 12' storage shed, so that I don't have to haul stuff back and forth from the garage. I can store it in a way that I don't have to dig through stuff because I have very limited use of my arms and hands.

Johnson asked did you plan this out with a contractor?

Moores replied yes. I engaged Mr. Dave Hacker. He is a sewer specialist. We are working diligently with him and with Environmental Services at Hubbard County to determine what was feasible on the lot. What you see on my application, according to them, is the only way that we can make this thing work. There is only one sewer location that works. It is going to be a mound system.

Johnson clarified I was specifically referencing the building contractor.

Moores answered there is no building contractor engaged.

Johnson asked did you take into account the overhead service power line that goes to your neighbor?

Moores replied yes I did.

Johnson asked did you have a remedy for that?

Moores answered the remedy is to have the power line buried, or I will have to pay to have the power line disconnected and reconnected to my neighbor.

Johnson asked you would have to pay for that?

Moores replied yes, I believe so.

Grob asked what side of the garage had you intended your doors to be?

Moores responded if you look at the drawings and look at County Road 18, I am going to enter the garage from the right side. That would be to the east.

Grob continued and your garage is not attached to the house?

Moores answered that is correct.

Grob asked the mowed trail to the right side of your driveway where you come in, where does that mowed trail go to?

Moore's stated that goes to the neighbor to the east. It is a shared driveway.

Grob asked is that his driveway?

Moore's explained what we have is a common joint easement that was included in my application. We share that driveway.

Grob clarified so he uses that to get to the RV that is on the property next door?

Moore's answered I don't know, but I would imagine that he does.

Grob asked your drawing for your house seems to be out of perspective. I think that you indicated it would be 50' long and 30' wide, but your drawing would indicate that you have reversed it on this drawing.

Moore's responded if you look from north to south it is 30' and from east to west it is 50'.

Grob continued who measured the setback numbers that you got here?

Moore's replied Environmental Services measured them. I had them come out.

Grob clarified so the 64' is measured by Environmental Services?

Moore's explained they did not mark the 64'. They came out, and I asked them to determine the high water mark.

Grob asked is the ordinary high water mark the actual lake level right now?

Moore's answered I haven't been out there in three weeks. I really don't know. The gentleman that went out there put red flags where it was.

Grob explained here is my problem. You show 64' to the water. I paced it off and it is 85' – 90'. In addition, there are red flags down in the woods in front of the house that I believe are from a realtor. The lines that you have out there that identify where the garage and the house are supposed to be seem to be way off from your drawing. If we approve this application, this drawing will be the record of what you are allowed to do. That would tell me that you could move the line that you showed your garage is going to be, you could move those 30' to the lake and still be in compliance with this drawing. The point I am trying to make is that your drawing is very difficult for me to approve given the conditions. In addition, trying to line up what I think is your east property line to the lake, it would appear that the flags you have outlining your shed by the lake is not even on your property. I would have a hard time approving this without a much better certificate of survey and true setbacks from the ordinary high water mark. They just seem to be inconsistent and incorrect relative to what your outline for the house and garage are vs what the true dimensions are.

Moore's replied Dave Hacker can address those questions.

Dave Hacker stated the drawings that you are looking at and the measurements that you are seeing are where we measured from the red flags that we were told were the ordinary high water mark. We measured back 50' to the overhang and 54' to the corner of the house. Our 64' measurement for the garage is the same thing. There were orange flags there, and we were told those were the ordinary high water flags, and that is what we measured from.

Grob added I couldn't see any of those flags except for the ones over by the house. It seemed like where it demonstrated the house would be seemed to be a lot further back than what we approve could be built based on this drawing. Buitenwerf, did your staff mark the ordinary high water mark?

Buitenwerf replied I believe so, Grob. I have a photo on the screen now that is of the ordinary high water level as marked by staff in late April of this year.

Grob commented that looks to be almost at the water level.

Buitenwerf responded at that point, yes.

Grob stated if I look at the attachment to the application that says site inspection request form, it shows some drawings and it shows some red flags. It indicates that one of the flags is 41' to the ordinary high water mark and the other one is 33' to the ordinary high water mark.

Moore explained initially when I was working with a realtor, I went out there. Based upon what was there, I had looked at this place and felt that this would be a good spot for the cabin. I was completely ignorant of what the rules were then. Subsequently, I engaged Mr. Hacker, and he came out and advised me that in no way would such a building being placed there ever be approved. I was informed that we have to determine the septic system and based upon that, and all the other things needed, could determine what could possibly be approved. This was a first initial idea, but it does not reflect what was applied for.

Andres commented I think Dave Hacker explained that he took the measurements for the site plan from those flags that were already 33' and 41' from the OHW and then came back with the numbers on the site plan. That fits into what Grob was saying that there was actually 33' more when he said that it was 64' and Grob said it was about 90'. If I am understanding Mr. Hacker right, he took the setbacks from the flags that were already 33' and 41' from the OHW. Is that correct, Mr. Hacker?

Hacker replied that is not correct. I did not know that those 33' and 41' flags were still there. I thought we pulled those. I measured my setback from the Environmental Services orange flags that they put down at that time. The water line is out further now.

Kovacovich stated I also had difficulty when viewing the site of making everything fit with the numbers provided and what I viewed as the ordinary high water mark, the power line, the road right-of-way, the location for the house, garage, shed and property boundaries. It was all difficult. With that in mind, what we need before we can do our due diligence and act upon this request, we would need a survey to locate the ordinary high water mark, property lines, the road right-of-way, the power line transmission right-of-way, the center line of that transmission and where those extend to, and also the corner of all proposed

buildings and the septic mound. To me, without having that in front of me, I don't have confidence to approve this request because this becomes the official record, and I am not confident in it.

Kovacovich opened for public comment.

Ben Bohnsack, 19611 Edom Road, Cold Spring, MN, stated I and my two brothers are the owners of the property to the east of the parcel being applied for. There were questions earlier about the shared driveway. If the Board has questions for me about that I would be happy to answer them. My comments are really geared towards gaining more information because I, like some of you, don't fully understand exactly what this layout is going to be and where things are going to be situated. When I reviewed the site inspection request form, it did have distances for the building at 33' and 41' from the water. The variance application has distances of 50' and 64', and then I am familiar with the markings on the ground with strings or flagging tape where proposed structures are going to go. I don't know if those proposed structures are the 33' and 41' distances or the 50' and 64' as asked for in the variance application. I was not understanding what was requested, and the other issue of importance to us is the shed by the lake. I didn't see any survey markers of any kind. I am not an expert, but to me it looked like where the shed is currently marked off is probably over the property line. I don't know because there is a whole bunch of brush in there, and I also don't know where it relates to any side yard setbacks or property line setbacks. It may be completely within those boundaries. It does seem like a survey to lay out and show exactly where things were going to be would be very helpful to see what this is going to look like. We don't have a concern about what Mr. Moores is going to build, as long as we have a fair chance to see it before it gets built. I am just trying to avoid misunderstandings later on down the road and make sure it gets done right at the beginning.

Bruce Bohnsack, 21696 County 18, Nevis, MN, stated I own property that is less than 500 ft. from the proposed site in discussion, north and east. This is more for my own understanding. Is there anything about this application that does actually fall into compliance with your typical lot requirements? Being as there are not two sites available for the septic, what happens if/when the septic fails? Maybe that is not a question that you are expected to answer, but I am curious. I want to state that I do not want to make anything difficult for a potential neighbor, it is just hard to wrap around what is going.

Kovacovich stated since there is only one septic site, if it fails it would have to be dug out and then done as an experimental system. Is that right, Buitenwerf?

Buitenwerf replied that would be correct.

Kovacovich continued as far as what is in compliance, everything asked for is asking for a variance. The locations don't meet different setbacks.

Moores commented I want to clarify a couple of things. First of all, the lot was surveyed. All four corners of the property have been identified. The lot on the east side actually veers more to the northeast. There are stakes in the driveway that line up, and if you follow those lines it has become very difficult to see what is really there. When we put them out there

you could see them as clear as day, but all the trees grew. The survey line actually moves a little bit to the northeast. The issue of where that shed is located, it is on this property. I was going to go out there and take a line to it so that you can actually see where this goes. The second issue was that originally I thought I was going to have a house at the 33' and 41' setback. Once again, that was never applied for. We had the Environmental Services person come out and identify the ordinary high water mark. Based on the recommendation of Mr. Hacker, we applied for the 50' setback to the eaves of the house. The home is actually 54' and 68'. I am not a professional draftsman, but we double checked these measurements. What we put on here is correct. I am a meticulous person and I don't like mistakes. I know that the confusion out there diminishes my chance of getting my request granted. What happened out there is that the foliage grew and made it very difficult for people to see. Since I don't yet own the property, I can't brush it. I would have preferred to have it brushed so that everybody could see, but we did the best that we could. I can tell you that the measurements are 100% correct. We double and triple checked them.

Dave Hacker stated I am not sure where the confusion for these measurements are. We had the flags from the Environmental Services Office that we did all our measuring from. Also, on that east line there were survey laths that the surveyor put in all the way down to the lake that we did our measuring off of those too. I am not sure where the confusion is coming in on these measurements. We did measure from the center of the power line over for the easements. We measured this about three different times and we feel 100% spot on with our numbers here.

Kovacovich closed public comment.

Grob added I am reluctant to support approval of this application unless a cleaner, certified drawing for property lines and structure locations are clearly delineated. I was out at that property three times. The current flags for that garage are much farther back than the 64'. I didn't see any red high water mark flags between it and the lake. I am not supportive of approving this based on this drawing with the application.

Kovacovich said I am in agreement with Grob.

Petersen asked are you looking for a certificate of survey with all the buildings shown on there by a land surveyor?

Grob replied I would.

Kovacovich added that is also what I am thinking, plus a drawing that is to scale. It may be to scale, but to my eyes it is not.

Andres agreed. It is very difficult to read. We are having such discrepancies. When I was out there I did not even see the proposed shed location. I found the house and the garage. I walked all the way through the woods, through the septic system, and to the neighboring property's garden. I walked all the way to the other neighbor's property that had a trail to the fish house, and I still could not located the 10' x 12' shed. I am open to tabling the application.

Grob stated if you look at that shed, it is supposed to be 10' x 12'. It is way out of scale and it had to have a 10' setback. It is going to be much closer to the garage and much further away from the lake than what it is showing.

Petersen clarified are we asking for a certificate of survey? I would also direct a question to the applicant if he is willing to provide that if we table this until such a document could be produced for us?

Kovacovich answered I think that is what we are looking for. The applicant will have to answer if he is willing to do that.

Moore replied I don't really have any choice. I can tell you that the measurements are going to come back exactly as you see. It was not requested that I get a drawing that was to scale in the application. I would like the Board to know that if that was requested I would most certainly would have provided that in my application.

Kovacovich explained what the application requests is an accurate depiction of what you are applying for. I think what the Board is struggling with is just that.

Grob made a motion to table the variance application to allow the applicant time to submit a certificate of survey of the property showing all the corners of the proposed structures, the proposed septic system location, the location of the shared easement for the driveway, and the electric overhead power line easement boundaries and have the locations of all these items accurately marked/staked on the property by a licensed surveyor.

Petersen seconded the motion that passed 5 – 0.

Variance Application 23-V-21 by David and Carole Carlson: Part of Gov't Lot 3, Section 14, Township 141, Range 33, Mantrap Township on East Crooked Lake, a natural environment lake. Parcel 20.14.00200. Applicants are requesting a variance from Section 502.1 of the Shoreland Management Ordinance for a proposed lakeward addition to a conforming residential structure that would make the structure nonconforming in terms of it not meeting the 150' ordinary high water mark setback.

David and Carole Carlson, 6199 Cascade Pass, Chanhassen, MN, presented the application.

Carole Carlson stated we are requesting a variance to remove a 38' x 18' deck that encroaches on the 150' setback to the lake and replace the deck with a 14' x 16' screen porch.

Grob asked as part of your application you intend to remove the 8' x 38' deck that is there and you intend to remove the 20' x 8' deck on the roadside of your structure?

Carole Carlson replied that is correct.

Grob continued is it also true that you have an 8' x 12' platform down by the lake that is potentially inconsistent with the Shoreland Management Ordinance?

Carole Carlson answered the previous owner in 1995 put that deck on. Yes, it is a noncompliant structure.

Kovacovich opened for public comment.

No public comment was given.

Kovacovich closed public comment.

Grob asked what is the layout of the house that would prevent you from putting the deck on either the left or right side instead?

Carole Carlson replied on one side of the house, the right side of the house, there are bedrooms. The master bedroom is on the lakeside, and a second bedroom is on the roadside. On the other side of the house is the living room and the outside has a fireplace, tanks for gas, and the heating system for the cabin.

Andres stated I had the same questions. During my lot viewal I had asked the applicants what was on each side of the layout and it appears that the fireplace and heating element on the one side and the two bedrooms on the other would make it difficult to put the porch on either of those sides.

Grob clarified there was a deck permitted, back some number of years ago, that was 8' x 30'. A 240 sq. ft. deck was permitted on the front of this structure at one point in time, is that correct?

Carole Carlson responded I am not aware of what was permitted. I only know what is currently there. The one in the front is 15' x 38', and then there is a structure on the back that is 28' x 20' or 28' x 8'.

Grob explained the 240 sq. ft., one was permitted in May of 2000, is that correct, Buitenwerf?

Buitenwerf answered correct.

Grob continued it was 136' from the lake. When did you purchase this property?

Carole Carlson replied October of 2015.

Grob stated I realize that approving a porch lakeward, closer than the 150' setback for this natural environment lake is not something that we normally would want to do. However, there was a permitted 240 sq. ft. structure already allowed, and they are only asking for a porch of about the same size within 10 or 12 square feet. Would it make sense to exchange those two on the basis that the porch is only a screen porch, not a three season porch? Would it seem reasonable for us to make that trade, rather than deny something that we might normally do?

Kovacovich added I am thinking along those lines as far as impervious surface and reducing it by removing the deck in the front and the deck in the back and also the nonconforming structure down by the lake. My thoughts were just what you stated. It seems

like it is a win for the lake. It might not be what we normally do, but it is an improvement in my mind from what is there.

Andres said I feel the same way. The impervious surface is already there. The distance to the lake is not going to change, and we are actually having less impervious surface by taking down the rest of the deck and the deck that is on the non-lakeside.

Petersen added I am on board with that.

Johnson agreed.

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

1. The existing lakeside 18' x 38' and non-lakeside 8' x 20' decks must be removed.
2. The 14' x 16' screen porch shall never be enclosed. It must always be a screened-in porch.

Petersen seconded the motion that passed 5 – 0.

The Board provided the answers for the findings of fact questions 1 – 4 and adopted the staff report answer for question 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? Despite the fact that this is approving construction lakeward that encroaches into the setback zone, this construction of about 250 sq. ft. replaces what is already permitted. The removal of close to 350 sq. ft. of impervious surface is in harmony with our 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? A small screen porch lakeside, when there is not a reasonable alternative, 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 unapproved deck was not created by the current owner and it is unique in the sense that the home has existed since 1995.

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

Yes (X) No ()

Why or why not? This is a level lot and the owners have done a lot to be good stewards to prevent the runoff to the lake. I think it is reasonable and consistent with the other lots.

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. There does not appear to be a practical difficulty in that there is room on the north, west, and south sides of the residence to add a screen porch by permit.

Variance Application 24-V-21 by Ronald and Shelley Johnson: Outlot A, Basswood Bay Estates, Section 25, Township 141, Range 34, Lake Emma Township on Little Sand Lake, a recreational development lake. Parcel 16.78.01400. Applicants are requesting a variance from Sections 502 and 704 of the Shoreland Management Ordinance to improve an unimproved lot on which two suitable drainfield sites meeting all setback requirements do not exist nor does the proposed residential dwelling comply with the 100' ordinary high water mark setback.

Kovacovich stated before we go on, I believe it has been discovered that there was an approval of this plot in 1987. A variance was granted in October of 1987 that declared the lot buildable with the stipulation that whoever might purchase the lot would be required to seek variances from setbacks because of the lots lack of depth. Based on that, since the 1987 variance has been found during our staff search, the Section 502 request is what is now in play. The Section 704 request is not needed because of the 1987 variance. Buitenwerf, do I have that correct? We are strictly dealing with the setbacks at this time?

Buitenwerf replied I believe that is correct without looking back at my notes to confirm that.

Ron Johnson, 2700 S. Glendale Ave., Souix Falls, SD, presented the application.

Johnson clarified the drainfield is no longer on the table? We are just talking about the house and garage setbacks, is that true?

Kovacovich explained there was a variance granted in October of 1987 that declared the lot buildable with the stipulation that whoever might purchase the lot was required to seek a variance for the setbacks because of the lack of depth. Because of that variance in place, it is a buildable lot and we don't have to deal with the two drainfield sites.

Johnson stated we were planning on building a year-round home that we would retire in. Our daughter and son-in-law have moved here from Colorado. Our current plan is to sell our home in Sioux Falls and move up here permanently. The issues that we have with the lot is that it is pretty shallow. To build the house that we would like, we would want to put it on one level because we will be here until we are in our old age and don't want to be going up and down stairs. The footprint would be around 1,200 sq. ft. We are proposing to be just a little bit closer to the lake. I think the eaves are at about 91' from the ordinary high water mark. The eaves of the garage would be about 99'. The reasoning behind that is because if we get too close to the road we have the transformer that is between us and the road at this point. We are trying to stay as far away as we can from that. I called Itasca Mantrap

and they said they like 50', but that is not going to happen. I think we settled on about 15' from the pad. The other reason is because we would like to have the driveway long enough so that if we have our cars in the garage and we have someone come to visit us they can actually park without hanging in the road or being right up to the garage door.

Kovacovich said from my review of the lot and the documents, they did a very good job of trying to live up to the intent of the ordinance based on the restraints of what this lot is. To me, it looks like a good proposal that I could support.

Kovacovich opened for public comment.

No public comment was given.

Kovacovich closed public comment.

Andres commented I agree. The proposed home is reasonably sized at 1,200 sq. ft. and the attached garage is also very reasonable. The applicants have done a good job with the proposed layout. I agree and I am supportive of the application as well.

Petersen stated I noticed a pile of boulders when I was out there. I am curious what you intend to use those for.

Johnson answered that is for rip-rap. We are in the process of putting rip-rap down on the shore. We got that permit last year. I talked to Environmental Services to see how long that permit lasted. He said we have until July 6th of this year. We are getting that done as we speak.

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

Petersen seconded the motion that passed 5 – 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 1987 variance declared the lot to be buildable. The applicants have done a good job with the proposal in being able to fit a reasonably sized home and garage on the lot where all setbacks aside from the OHW setback can be met and then only a 9' deviation is needed. The proposed setback will place the house much further from the OHW than most of the structures in this neighborhood that are located within the shore impact zone. Because the lot is only ~130' deep, with a 100' OHW setback and a 20' road ROW setback, a variance of some sort from one or the other setbacks is needed to be able to put any reasonably sized structure on the lot. This lot was allowed to be created and declared buildable by a 1987 variance that was granted as part of the platting process for this lot and the others in the plat.

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 proposed home is reasonably sized at ~1,200 sq. ft. and the attached garage is also very reasonably sized at 24' square. The applicants have done a good job with this small lot of laying things out to meet all setbacks except the OHW setback and then only requesting a 9' deviation from it.

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 a variance is due to the lot being only ~130' in depth. With a 100' OHW structure setback and 20' road right-of-way structure setback, a variance from one or both setbacks is required in order to place more than a very tiny structure on the lot.

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

Yes (X) No ()

Why or why not? The adjacent lot to the east is a year-round residence. The balance of the neighboring lots are seasonal residences. The lots on the other side of the road were platted in 1918 and are of similar depth to the subject lot, but 50' wide or increments thereof and thus much smaller in width. Most of the lots were developed prior to the ordinance so the residences on them generally are located within the shore impact zone. While these residences are smaller in footprint than the house proposed for this lot, there are a couple larger, newer homes immediately east and southeast of the subject lot. This all said, the proposed house and attached garage will thus fit into the neighborhood and not disrupt 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. The difficulty is caused by the lot's lack of depth.

Variance Application 25-V-21 by James and June Van Valkenburg: Lot 4, Block 2, Spider Island, Section 27, Township 141, Range 33, Mantrap Township on Spider Lake, a recreational development lake. Parcel 20.45.00900. Applicants are requesting two after-the-fact variances from Section 502 of the Shoreland Management Ordinance for: Part 1: a platform and hot tub to be located within the 100' ordinary high water mark structure setback and Part 2: an accessory structure to be located within the 10' side lot line structure setback.

James and June Van Valkenburg, 14931 Wellington Road, Wayzata, MN, presented the application.

Van Valkenburg stated we are requesting an after-the-fact variance for two existing structures that were on the property when we bought the property in 2012. One is a hot tub

on a deck that extends about 7' from the house towards the lake. The second is an open sided wood shed that is within the 10' side setback. We discovered these were not permitted when we called the County to ask if we needed a permit for our roof that needs to be redone. They said no. We then asked if we needed a permit to replace the deck underneath the hot tub with cement pavers, and they said a permit was required. We submitted an application for a permit. The County came out and determined that the hot tub deck was within the 100' setback. They also determined that the woodshed had never been permitted. When we tried to figure out where it was on the property line we estimate it is about 3' or 4' away from the property line. These were put in place more than 10 years ago. We bought the property in 2012 and had no idea that a permit was either required or not obtained. We were not aware that they were within the setback requirements from the lake or the side lot line.

Johnson asked the hot tub is a stand-alone hot tub? You have to fill it with a garden hose, it is not connected to any hard plumbing? Then you would just drain it or leave it heated all winter?

Van Valkenburg replied correct. It is not connected to the water supply from the house. You have to fill it with a hose from inside the house and bring it out through the door. When it comes time to replace it, you just replace the water. It is used year round.

Johnson asked are we going to do these separate or all at once?

Kovacovich answered we can do them together and vote separately if we want to ask questions on either one at this time.

Johnson stated I didn't see anything marked where that property line was near the woodshed. I looked for flags and I didn't see any there. Did you have those in there at one time, or how did you come by it being 3' away?

Van Valkenburg responded from an aerial photo. From the aerial photo you can determine there is a shed on our property line. There is a space between our shed and the property line. We estimated based on the drawing that it was about 4'.

Johnson asked have you heard anything from your neighbor of where that property line is?

Kovacovich questioned is it your intent at this time to replace the decking underneath that hot tub?

Van Valkenburg replied that is the plan because it is starting to tilt.

Kovacovich stated that would require you to move that hot tub and then construct some type of new platform, correct?

Van Valkenburg answered correct, if we chose to do that. That was our plan, but we don't have to.

Andres asked have you considered moving the hot tub to a location that you can get it done by permit? There seems to be some fairly level ground on the other side of the house where the deck comes down.

Van Valkenburg responded it would be further away from the lake, and it would also be within view of our neighbor's cabin. Right now, no one can see the hot tub. Neighbors cannot see it, you cannot see it from the road, and you really can't see it from the lake because of the trees. If you move it to the north side, it would be in the middle of the lawn space. It would be within view of the neighbor as well as people walking on the road. It would also be further away from the access to the house. Right now in the winter, when it is well below zero, we can go out that door, walk to the hot tub, and walk back. If it was on the north side of the house it would be much further to walk, less comfortable, and more dangerous to walk outside during the winter.

Grob asked have you thought about placing it in that area where it looks like you have a wood deck and a shower? It seemed like it would fit in there. Have you thought about placing it there instead?

Van Valkenburg replied no, we have not. We use the shower. It is nice to be able to look up at the stars and you see satellites going by. Putting it underneath something would be less desirable.

Kovacovich opened for public comment.

No public comment was given.

Kovacovich closed public comment.

Andres added if you are going to be building a new platform anyhow, it looks like the hot tub would be able to fit right beside that area and be able to be level or even with the house. If it is even with the house, it is still on the same side of the lake.

Van Valkenburg replied it is not flat. We would have to do more excavation to make it flat. There are trees over there, and we would likely have to remove some trees.

Johnson commented I looked at this spot on the opposite end where the stairways come down from the upper part. There is a flat spot way to the left there. There is a flat spot over there where there are no trees and it does meet setback. I think that is where that can be moved. Since I don't know where the property lines are, I am not in favor of the woodshed being near anybody's line either. I think that should be 10' away to meet the setback. I am in favor of denying the whole thing.

Andres added that is the first location that I asked the applicants about was off of that landing there where the stairs come down off the deck. In that flat area between that landing and the wood porch there is an open area.

Grob said my observation is that the area that Andres and Johnson are talking about looks like there is a reasonable flat spot there that it could be placed. I am personally not hung up on the woodshed. If the neighbor does not have a problem with it, I am not particularly worried about it having to be moved or changed.

Johnson stated I am speaking for a silent neighbor that doesn't want to make an enemy and is just being nice. I am saying that they should move the woodshed.

Kovacovich added I would be in agreement with Johnson. It is a relatively small woodshed. There are ample areas to build by permit away from the boundary. Also, I think there are ample places to put this hot tub by permit if they desire to keep this hot tub.

Van Valkenburg mentioned this was put in place by a prior owner more than ten years ago. When we bought the house, the hot tub and deck were there. When we discovered a permit was required to make some changes, we asked the County and were told that a permit was required. We have done everything that we could. There is not a better place for the hot tub. We need to be close to the door in the middle of the winter to go to and from the hot tub because we are walking on snow and ice. To put it on the other side we would have to go down the stairs or walk much further. It is on a level surface. It cannot be seen by anyone and has no negative impact on the lake, which is the purpose of the Ordinance. It has been there for over 10 years and the lake has not been affected. We are just asking to retain it in its place as it has been.

Kovacovich explained what is before us here is a case where this is a large County with many lakes and many parcels on these lakes. Not everything that happens is done according to the rules. It is also not discovered necessarily until something like this comes forward. There are remedies to this that would be able to be done by permit rather than by variance. It has normally been this Board's current and past stance that whenever there are viable alternatives for building by permit rather than a variance, that is what we lean towards.

Andres commented granting a variance to allow a platform and a hot tub at an 86.5' ordinary high water mark setback, when there is room to meet setbacks by permit, is not in harmony with the ordinance's intent. We have findings of fact to answer affirmatively, and we cannot answer affirmatively when we all have seen other locations that it could be moved to and permitted.

Van Valkenburg added I would repeat that putting the hot tub on the north side of the house would be visible to neighbors, would be visible to the road, and would be more dangerous to walk to from the house in the winter. We would also have to remove some trees.

Johnson made a motion to deny the variance application.

Kovacovich seconded the motion that passed 5 – 0.

The Board adopted the staff report findings of fact for Part 1 and created the findings of fact for Part 2 questions 1 – 4 and adopted the staff report findings for question 5.

Findings of Fact

Part 1

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

Yes () No (X)

Why or why not? The lot is ~240' deep x ~184' wide and 43,341 sq. ft. in size. There are places where the hot tub could be placed that meet setback requirements. The

house has several decks on it on which the hot tub could be placed. Granting a variance to allow a platform and hot tub to be at an 86.5' OHW setback when there is room to meet setbacks and place the platform by permit would not be in harmony with the ordinance's intent of meeting setbacks whenever possible.

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 hot tub on a ground level wooden platform is a reasonable and not uncommon accessory feature request for a riparian residential lot.

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? The variance need was created by the prior owner placing the platform and hot tub within the 100' OHW setback instead of placing them elsewhere on the property in a location that meets the setback. There are several options where the hot tub could be placed that meet setbacks.

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 mostly seasonal residences with a few year-round residences located on lots of similar size and shape to the subject lot. The property and neighboring properties are covered by relatively dense, mature tree cover so the hot tub and platform are not very visible from the lake or neighboring properties. These two small items placed right in front of the structure would not harm the area's rural 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.

Part 2

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

Yes () No (X)

Why or why not? There are permissible locations for the woodshed and it would not be in harmony with our ordinance to leave it there. The owner of the adjoining property is not here in agreement with this to be encroaching on that property line.

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 to be too close to the property line.

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? It might be because a prior owner put it in the wrong spot.

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

Yes () No (X)

Why or why not? Woodsheds that could be too close to the lot line are not maintaining the essential character of the locality.

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 26-V-21 by Hendrikus and Debora DeBeer: Lot 9 and part of Lot 8, Ojibway Beach, Section 1, Township 140, Range 35, Todd Township on Fish Hook Lake, a recreational development lake. Parcel 27.42.00600. Applicants are requesting an after-the-fact variance from Section 507.2 of the Shoreland Management Ordinance to have both a stairway and lift access up and down the bluff rather than the required single means of accessing up and down the bluff.

Hendrikus and Deb DeBeer, 7040 Meridian Ave. S, Montrose, MN, presented the variance application.

DeBeer stated we bought the property in 2019. We realized that it had a steep slope, and we bought the property because it does have the mechanical lift. We realized that the retaining walls and the stairs leading down to the lake would need work at some point. We contacted a couple landscapers to take a look at it. We contacted the County to see what kind of permitting requirements there were. We did not realize that there was a violation of the existing permit to put the lift in. We would like to keep both accesses. We want to keep the lift for sure. We would like to replace the stairs in the same footprint with treated timbers. To fill in and vegetate the steep slope would be challenging. We think it would be simpler to just fit it into the same footprint. We are getting this lift maintained and inspected every year. We have multiple families using the property. We have had instances where the lift gets locked up and you can't get it up or down. In those cases we would need stair access. That is really our request is to keep the stairs and to replace them.

Grob asked Buitenwerf what is the background to why there can only be one access for people who need a lift? My experience has been that the ones I have seen usually have both a set of steps and a lift. Can you help me out a little?

Buitenwerf replied the intent was to minimize both the aesthetic impact of clearing vegetation for two means of getting to and from the lake and then, secondly, just the erosion aspect of protecting from erosion as much as possible. When you get a lift in place, having the prior set of stair rehabilitated was in keeping with the ordinance's intent. That was the general direction of how that language was developed back in the day.

Kovacovich stated when I looked at this and walked down, I just thought it would be extremely problematic to try to remove all of those existing timbers, reshape the ground, and try to revegetate with the slope what it is. To me, I think it would be a lot less disturbance to replace what is there in the exact same footprint. That would be far less harmful and far less likely to have any erosion going down towards the lake. I would be inclined to go along with this including some conditions that it should be replaced in the exact footprint with no further disturbance.

Andres added I agree with you. The stairway is definitely in need of repair, but removing it would definitely cause some erosion issues. It is not reasonable to only have the lift because not all parties utilize the lift, and occasionally if there is a malfunction and they only have a lift, getting down to the lake would be difficult. I am in favor of approving the application.

Grob said there is a shore recreational use area that is outlined. There is a picture of it also in disrepair. As long as there is already a storage shed or a platform, is it possible that we can attach a condition that an additional shoreland recreational use area would not be allowed since there already is one with the storage shed and platform?

DeBeer responded in the recreation area what we are proposing is to remove the shrubs. We can't get our boat lifts onto the shore. There are a number of trees that we have identified, the small birch and the ironwood. If we remove those in that space, then I can get my boat lifts on the property in the fall. That is all we are going to use it for. We will vegetate it with something. That is what it is for.

Grob asked why would you remove those trees?

DeBeer answered just the birch trees that were in the picture and the ironwood to make room so that I can get my boat lifts up onto the shore in the fall. Right now I can't.

Grob clarified you don't intend to develop that into an area with a platform or anything?

DeBeer replied nothing like that, just removing those small trees and we should be good. That is actually how this whole thing started. We asked Environmental Services to come out and see what we could do. They came back and said I could not get my permit to cut down the trees because there is a violation with the stairs. We want to comply and get this violation taken care of, and we would like to be able to take the next step so we can take those trees down and we can get our lift up.

Kovacovich opened for public comment.

No oral public comment was given.

Kovacovich closed public comment.

Written public comment was received in favor of the request.

Andres asked Kovacovich could you reiterate the possible condition that you thought of?

Kovacovich restated my condition was that the existing stairway landings be redone in the exact location and size that they currently are with no expansion of the existing footprint of that stairway.

Kovacovich made a motion to approve the variance application with the condition that the stairway must be replaced in the exact footprint as the existing stairway.

Grob seconded the motion that passed 5 – 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 lot has a significant bluff on it. Because the stairs are dug into the bluff, it would be a significant project to remove them and protect the area sufficiently to ensure its long-term restoration and keep erosion from occurring. The lift's makeup does not make it very visible from the lake. Allowing the two means of access as safety backups to one another on a lot with this scale of bluff on it is reasonable as a means of safeguarding the public safety of those persons living on and using this property to come and go from its shoreline.

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 application makes a good case for wanting to retain the stairs and lift as options for traversing the slope that serve different purposes depending on the parties involved. If the lift was to have issues and not be operable, it makes sense to have the stairs as an alternate means of traversing the bluff.

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 has a significant bluff on it. Being able to retain the stairs while also having a mechanized lift as an alternate means of traversing the slope depending on the need and parties involved makes sense.

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 mixture of seasonal and year-round single family residences that lie on lots of varying sizes that are combinations of the neighborhood's original nonconforming lots originally platted in 1921. The bluff on this property runs for over a ½ mile and covers the 3-4 lots to the east of the subject lot and many of the lots to the west. The lift does not have a significant visual presence as it consists of some metal rails and framing and with the stairway being

dug into the slope and made of timbers, it also blends in well with the surrounding landscape.

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.

Add On for an After-The-Fact Variance

If the Board of Adjustment answers yes to all 5 questions for a variance in the first instance, thereby finding that all of the criteria set forth in Section 1103, Item 1, parts 1 through 5, are met, then the following additional criteria may be considered and weighed by the Board of Adjustment in determining whether to grant or deny a request for the after-the-fact variance:

1. Why did the applicant fail to obtain the required permit or comply with the applicable official control before commencing work? Was there any attempt to comply with the applicable official controls?

Yes (X) No ()

Why or why not? The work was performed by a prior owner. The current owners and applicants took timely steps to address the violation shortly after being made aware of it by submitting this variance application.

2. Did the applicant make a substantial investment in the property before learning of the failure to comply with the applicable official controls?

Yes (X) No ()

Why or why not? The applicants purchased the property based on the two means of access. The application states that had they known only one of the two accesses was permitted, they might have taken a different course of action.

3. Did the applicant complete the work before being informed of the violation of applicable official controls?

Yes () No (X)

Why or why not? The applicants did not perform the work. The prior owners did not comply with the condition placed on the land use permit that was issued to allow the lift to be installed – which was that the stairway be removed and the area restored within a year of the permit's issuance.

4. Are there structures, circumstances, or conditions in the area similar to those that are the subject of the variance request?

Yes (X) No ()

Why or why not? The bluff that exists on this property runs over a ½ mile along this northern shoreline of the lake.

5. Based on all of the facts, does it appear to the Board of Adjustment that the applicant acted in good faith?

Yes (X) No ()

Why or why not? The applicant made quick work of applying for this variance within a month of receiving the Department's notice of violation letter.

6. Would the benefit to the county appear to be outweighed by the detriment the applicant would suffer if forced to remove the structure?

Yes (X) No ()

Why or why not? Removing the stairs runs significant risk of the area not being properly restored and becoming a source of ongoing erosion issues. There also would be significant cost involved in removing the stairs and restoring the area. This risk and cost outweighs the benefit to the County of having technical compliance with the ordinance by having only one means of access through the bluff.

Variance Application 27-V-21 by Chris and Amy Sorensen: Part of Lots 1-5, Block 3 and part of Lot 1, Block 2, Sabin's Park, Section 36, Township 141, Range 34, Lake Emma Township on Little Sand Lake, a recreational development lake. Parcel 16.39.01700. Applicants are requesting to modify a condition of Variance 46-V-14 to allow a second dwelling on the lot and from Section 506 of the Shoreland Management Ordinance for a nonconforming dwelling that does not meet the 100' ordinary high water mark structure setback to be allowed to be used as a guest cottage.

Chris and Amy Sorensen, 17161 Cedar Crest Drive, Eden Prairie, MN, presented the application.

Amy Sorensen stated first I will address the variance that is existing right now. It was put into place with the previous owners. They had two nonconforming cabins on our lot. When we purchased the property we did remove one of those cabins as requested in our purchase agreement. We kept the one small cabin, which is about 500 sq. ft. It is only about 50' from the shoreline. We remodeled that thinking all along that we could build our year-round home also on that lot. We just recently found out that we needed a variance to be able to build our year-round, permanent home in Park Rapids.

Kovacovich asked when did you purchase the property?

Amy Sorensen replied 2015.

Petersen clarified there is a deck on the lakeside of the current structure there. How long has that been there?

Chris Sorensen answered I built that last summer. We did get a permit for that. Based on the requirements for 50' to the lake, I went 15% of that, which is 7' 6". I was told that I could go as far north as I wanted, but for going towards the lakeside it is 7' 6".

Johnson asked Buitenwerf there was a condition that only one single-family residence be located on this property back when they created this lot. I measured from the water to the front of that cabin. I had 54' right to the water and to the ordinary high water mark was 50'. Would they fall under the rule that they would be able to add onto the back of that cabin by permit since that other cabin has been removed?

Buitenwerf explained assuming that the measurements are correct, and that it would be outside of the shore impact zone, that would be correct. Then, if they wanted a second structure, that second structure would then need to comply with the guest cottage sizing criteria.

Johnson asked had you thought about that?

Chris Sorensen clarified about adding onto the existing cabin? I think to make it a year-round structure would take a lot of work. Considering that I really want something that is energy efficient and we would be comfortable in all year round, I think my best option is to build something from scratch.

Amy Sorensen added we also don't want to move any of the pines that are around the cabin.

Grob said back here a few years ago we changed to be less restrictive when it came to having guest cabins. We changed the lot size requirements, and along with that I think the ordinance is pretty clear that the guest cabin cannot be within the setback. We are concerned about this very situation with people have existing cabins and want to build and convert. This is a classic situation that we wanted to avoid. Therefore, to be consistent with previous decisions, it would be very appropriate for us to deny this application. It doesn't mean that they couldn't proceed forward by building onto it and then doing a guest cabin 100' back. To agree with this variance would be very inconsistent with our previous actions and the clear intent of the Shoreland Management Ordinance.

Kovacovich opened for public comment.

Paul Isakson, 3233 42nd Ave. S, Fargo, ND, stated we recently purchased a home immediately south of the applicants at 22933 Glider Trail. I support Chris and Amy's application. I will guarantee that no one is more concerned about the quality of life on Little Sand. We are hoping to make our home a permanent home, and we hope to have more permanent neighbors that support the economy of Park Rapids. Chris and Amy certainly have that intent. Part of being able to have a permanent home is being able to have enough space to have your family come and spend the weekends with you. They currently don't. They have two choices. They can build onto the cabin that they currently have, which would destroy a lot of trees. They could create a bigger footprint with the house that they build and tear down the cabin. Either one ends up in destruction of 100 year old trees. As a neighbor, it makes no sense to me to watch them destroy large trees and create more openness for erosion to the lake, just to satisfy positions that have been taken in the past. I am asking you to look at it logically. Does it make sense for them to tear down a bunch of trees just to create that permanent home? They came over to us out of respect to us as neighbors to explain the situation that they are in. They have chosen a smaller home to minimize the destruction of the trees. You are going to force them either way to destroy 100 year old trees when it is clear from my perspective that the most logical option is the one that they are proposing. And that is the one that I would fully support as a neighbor.

Johnson mentioned I did look at that with the applicant and showed him the little White Pine that is about 8" around. That could be cut down to move the cabin back for less than \$8,000. It wouldn't be a bunch of 100 year old trees, but it could be moved back.

Kovacovich closed public comment.

Chris Sorensen stated I agree with Johnson. You could take down one pine and turn the cabin and move it back. In my mind, I don't know what we are gaining by doing that in the overall scheme of things. That cabin has been there for 70 years. It is pretty minimal impact on the lakeshore. I don't think that you would gain a lot by spending a little bit to move it back other than to satisfy the ordinance.

Petersen asked Johnson you feel pretty confident that the cabin could be moved with just the elimination of one tree?

Johnson responded it could, but I also agree with him that I can't see the harm or what we are gaining by moving it back there.

Petersen said I know what the ordinance says, but the way that I am leaning is that if we call it a cabin and add onto it, all of a sudden it is okay to be there, but if it is labeled a guest cabin it is not okay to be there. I know that is the language as it is officially written. Sometimes, to me, that is what a variance is for. In my mind it makes more sense to take a look at what the applicants are asking for here. I think there is some common sense in what they are asking for. I personally don't see the harm in it being there. I would be on board with going forward with their application.

Johnson agreed.

Andres added I understand where you are coming from, Petersen. I have similar feelings. It is a 540 sq. ft. seasonal cabin. I don't believe they are living in it in the winter.

Amy Sorensen explained we go in the winter just to plow the driveway. We might spend a weekend there, but there is no running water. It is just a seasonal cabin.

Andres continued I do understand the variance needed in order to have both structures. I do understand the ordinance's intent. Having them build a house at the 100' setback seems more reasonable than moving the 540 sq. ft. cabin. I do have one question. During my lot viewals we talked about if you were ever going to do a deck on the lakeside of the proposed residential structure. I just wanted to make it clear to you that if you are at the 100' setback, the deck is only going to fit in that 8' section of the house there.

Chris Sorensen stated that is correct. I have kicked myself a few times for not putting a proposed deck on that site plan. It would be an 8' x 26' area and would not go beyond the 100' setback.

Grob commented the owners have had this for six or seven years. They have built a new deck, they have remodeled it inside. In some ways that investment is driving this decision.

If those improvements had not been made, it would be an easier decision to just tear it down and not have it there. In some ways, they have created the situation.

Chris Sorensen explained we bought this property almost six years ago. We really didn't have plans on what we were going to do or how we were going to use it. You grow to love a certain area and you love your neighbors and the lake. Things just happen. It was not in our long-term plan six years ago to be what we are doing today. As things move forward you try to make it happen because this is where we want to be. We never spent time in Park Rapids until six years ago, but we have grown to love the area. We could sell it as-is. That is one option but we don't want to. We like where we are at. That is why we are pursuing this project.

Kovacovich stated I can see both points of view here. I am inclined to be more on Grob's side. I think this is a dangerous precedent based on the intent of the ordinance and past practices. To now suddenly allow this, you certainly could add on by permit or move it. That is a choice that they would have to make. I have difficulty approving an additional year-round home and keeping this footprint where it is when I believe there are alternatives that are, in fact, better.

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

Andres seconded the motion that passed 3 – 2 with Grob and Kovacovich voting nay.

The Board provided answers for the findings of fact questions 1 – 4 and adopted the staff report findings of fact for question 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 surpasses minimum size requirements and the proposed new structure would meet the setbacks. The purposes and intent of the controls have been met.

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? Since the new proposed structure would meet setbacks, it is reasonable to want a more usable home on the property.

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 difficulty with this proposed variance is that the current structure was built long before our current ordinance existed and nothing to do with current or prior owners.

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

Why or why not? Since many properties in the area have a main dwelling and a guest cabin, the application would not be out of keeping with many other properties in the area.

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 28-V-21 by Aaron and Laura Dubbe: Lot 8, Block 1, Midge Lake Pines, Section 10, Township 145, Range 32, Farden Township on Midge Lake, a recreational development lake. Parcel 07.48.00800. Applicants are requesting an after-the-fact variance from Section 703 of the Shoreland Management Ordinance to have more than one deck or platform for the dwelling unit and a platform located within 30' of the ordinary high water mark.

Aaron Dubbe, 46719 Selby Drive, Laporte, MN, along with Jeremy Klinger, 502 24th Street NW, Bemidji, MN, attorney for the applicant, presented the application.

Dubbe stated the reason for the variance application is to keep the deck that was there when we purchased the property two years ago.

Klinger clarified it is a variance from the setback from the ordinary high water mark for a deck that was in existence that Mr. Dubbe made some alterations to as a nonconforming deck, and also for alterations to a wood structure that was there when he bought the property as well. In the interest of time, there are various pages in the application as an exhibit which sets forth reasons for the application and various factors for why the application should be granted.

Grob asked is there a permit in place for you to do a rip-rap buffer on the edge of your shoreline?

Dubbe replied I had applied for one, but it got send back because the variance for the deck needed to be taken care of.

Grob continued is it your intent then to try to get a permit to rip-rap the shoreline?

Dubbe answered yes, that is my intent.

Grob added I think there is a document that has been signed that you have agreed to restore the vegetation along the shoreline?

Dubbe agreed.

Grob mentioned it does not specify in that restoration what the size of that restoration area is. It talks about some shrubs and trees. I don't know if there is any drawing that goes with it. What do you believe is the intent of your agreement to revegetate the vegetation that you removed?

Dubbe replied we have planted trees already in there. There are some birch trees, some maples, and some shrubs in front of the cabin towards the lake. We have planted more trees there than what was there when we purchased it. Half of those there when we purchased it were dead or soon-to-be dead.

Grob commented the prior pictures show a lot of green vegetation. When I was there it was pretty bare. Do you intend to try to replace some of the black dirt and actually turn it into ground level vegetation at all?

Dubbe responded I would like to have it more natural.

Grob asked over what distance do you plan to do that? What I am trying to get at is that our ordinance requires that there is a path to the lake and a 20' x 15' recreation area at the lake. It would seem to me that if you were to do proper restoration you would have to have a "no-mow" buffer across the whole front area of your house between the bank and back, at least about 10'.

Dubbe clarified are you talking about the whole area from the cabin to the lake?

Grob explained probably about 10' from the edge of the bank would be appropriate. That would become a "no-mow", more vegetated area. I realize the trees are there, but it is not going to do any good to have that completely bare.

Dubbe stated I want to get this taken care of, but I would like to apply for a rip-rap wall. That would prevent erosion on there. So much of the lakeshore around the whole lake, the east side, has a lot of rip-rap around that. That side holds up really well. In the future I would like to apply for it to keep anything from eroding away and keep the trees and shrubs alive that we are planting there.

Andres commented during my lot viewal I noticed similar things as well. The ground in between the cabin and the lake was very sparse. It has obviously been mowed as well. I would have a similar suggestion of a possible condition of a vegetative buffer the length of the house and the deck, which is about 50' and approximately 23'. Definitely some ground cover vegetation. If the applicant would consider putting gutters on the house, since the house slopes the direction of the lake and is only 23' setback, I think gutters would be sufficient to direct the stormwater away from the lake. Would you be open to guttering?

Dubbe clarified on the lake side?

Andres replied that is correct.

Dubbe answered I am open to that.

Kovacovich stated I am in agreement with both of those things. I understand what you are saying about the rip-rap protecting your lot from erosion from the lake from ice movement. What we are concerned with is what is coming from the lot and the house towards the lake eroding into the lake. That is why we are suggesting that there be a "no-mow" zone and some type of vegetation, preferably native vegetation, a number of feet back to cover that so that we prevent the erosion coming from the house side of the lot into the lake.

Dubbe clarified it doesn't slope towards the lake from the cabin side. It actually kind of swales uphill so the water wouldn't run out that way. I am not opposed to putting a gutter on there either.

Kovacovich opened for public comment.

No oral public comment was given.

Kovacovich closed public comment.

Grob said this picture that Buitenwerf has up reinforces the point that I was trying to make. It is apparent to me that the owner has stripped bare the entire buffer area from the cabin to the lake. There were some trees there that were obviously taken down. If we are going to approve this I want to be explicit about the fact that the area between the cabin and the lake gets restored with vegetation.

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

1. The existing vegetation plan from February 2021 is in effect.
2. The owner must rip-rap the shoreline for 60' starting parallel to the east edge of the deck and running to the west.
3. A "no-mow" vegetation buffer zone must be established and maintained along the shoreline that is 10' deep (perpendicular to the shoreline) x 60' long starting parallel to the east edge of the deck and running to the west.
4. Gutters must be installed on the lakeside of the house.

Andres seconded the motion that passed 5 – 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 two new platforms are essentially the same dimensions of the prior platforms that were in the same locations. Had the applicants applied for permits prior to commencing the work, the two platforms would have been allowed to be replaced by permit – albeit to slightly smaller dimensions. The additional size of the platforms is being mitigated through the placement of a condition on the variance requiring a vegetative buffer to be installed between the platforms and lake.

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 platforms were essentially replacements of two prior platforms that were in generally the same locations. Having a lakeside platform on a riparian dwelling is a reasonable use. The most lakeside platform provides safe

egress from/into the cabin via a sliding door that would otherwise have an unsafe drop-off.

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 is due to the structure being built prior to the ordinance at a nonconforming ordinary high water mark setback.

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 an even mix of seasonal residences and year-round residences located on similarly shaped and sized lots. Prior iterations of the two platforms were in the same location for many years prior to these new platforms being built without apparent harm to the locality's character so it is doubtful these new platforms will have any different effect. Platforms are a common lakeside accessory feature on riparian dwellings such as those that make up this neighborhood.

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 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.

No applicant was present for the application.

Grob asked Buitenwerf have you had any more feedback beyond what you provided us the other day from Mr. Payne.

Buitenwerf replied I received an email from him today and exchanged another round of emails with him throughout the day. I didn't get much back from him. I need to keep trying to work to get him to fully understand what the issues are. He knows the conditions of the 2014 variance still aren't satisfied, but it sounds that between him, the Township, and the City that there is an interest in the annexation that was proposed back then. The best way to clear that up is then to amend the current application to ask for those conditions to be removed and then supply an easement access to the property instead. He has indicated that he is working towards that easement with a surveyor. We have discussed that if he were to amend the application in that manner, it would then require us to renotice, which would table this until the July meeting. I don't know if he is of the understanding that that is what is going to happen, and that is why he did not appear this evening. I think that is his general direction that he appears to want to go as towards not annexing and supplying an

easement access to the property instead. Then it is just a matter of getting that amendment to his application made to ask for those 2014 variance conditions to be waived.

Grob asked we should table this then?

Buitenwerf answered that is the direction that it is looking like it ought to go.

Kovacovich made a motion to table the variance application to allow the applicant time to submit an amended application.

Petersen seconded the motion that passed 5 – 0.

Variance Application 30-V-21 by Mark Peterson: Lot 9, Idle Acres, Section 16, Township 139, Range 33, Crow Wing Township on 3rd Crow Wing Lake, a recreational development lake. Parcel 06.39.01000. Applicant is requesting a variance from Section 702 of the Shoreland Management Ordinance for proposed expansion of a nonconforming residential structure located in a bluff impact zone.

Mark Peterson, 632 Monroe Street, Minneapolis, MN, authorized agent for the applicant, presented the application.

Peterson stated I am applying for the owner, my brother James Peterson who is residing in California. We are requesting a variance from Section 502.2 and 702 of the Shoreland Management Ordinance for the following: Phase 1 (immediate): adding a 12' x 12' wood framed deck/screen porch to the existing 8' x 12' screen porch. Phase 2 (future): adding a 10' x 20' vestibule that would include a bathroom, sauna, utility room attached to a 21' x 44' garage/shop/studio space with a second level storage space. The main goals of this project are to have a restrained layout with no detached structure. The addition will complement the building architecture forms and maintain the integrity of the site, especially the wooded section adjacent to the main roadway, Blackberry Drive.

Grob clarified you talk about a vestibule and a garage. Is the vestibule one level, or one full open height that has bathrooms, or is the vestibule where the storage area is for the garage?

Peterson replied let's say the grade line is 100 at the north elevation. The vestibule finish would be 106'. That is the same elevation that the shop/studio would be. When you go east and enter into where the utility room and bathroom, you are still at 106. There is a vestibule within that state, and then you step up two risers to the bathroom level that matches the existing floor level. The existing floor level is approximately 1' 4" above grade level. The elevation change from the north edge of the garage to the grade line is approximately 22". So, the garage proper would be approximately two risers. After reviewing the grading, I can probably get that lower when it is excavated. I can level that grading elevation down even more. I don't see a problem with that. The garage level would be approximately 7" riser height and about 2 risers, about 14" above the vestibule floor level.

Grob asked what is the height of the garage?

Peterson answered the garage will match the simple forms of the existing cabin. That elevation from floor level is approximately 13' 2" and I will maintain that elevation. You can see the dashed line running to the left, that is going to match that same elevation line, the highest point of the shed roof. It is a simple shed roof. The garage is a standard two car garage. You can see the image, very subtle and low key.

Grob asked what is the size of the storage area up above the garage?

Peterson responded that is about 15' x 15'. They are moving from California and he is retiring. They wanted a room above to look out over the lake. They both have hobbies. My brother is a musician, and he is interested in creating instruments. His wife is a photographer, and they want to pursue their hobbies.

Grob clarified this is going to be living space then instead of just storage space?

Peterson answered presently it is going to be storage. They have a lot of stuff that they want to store.

Grob continued when you talk about looking out over the lake and doing other things.

Peterson explained that is where the shop end of the garage is. On the south end of that structure. Then of course you have the screen porch. We are just adding on to the existing 8' x 12' screen porch extending it to the east. This is similar to the residence east of us. They added onto their lake home about 10 years ago. They have an existing screen porch that is about the same size that I am putting on. That was part of their existing cabin. Then they added on, from my estimate, about 1,300 sq. ft. of a double garage and other functions to the existing. That was done about 10 years ago. We are trying to keep the structure close to the existing structure. We didn't want outbuildings. I noticed along Blackberry Drive there are a lot of large scale pole buildings. We didn't want that. We wanted it from the roadway to be a subtle look to the building. The functionality works out really well for my brother. They are seniors. They plan on residing here approximately 7-8 months out of the year.

Andres asked when I was doing my lot viewal, the markings for the garage side of the house and the property lines seem like it is very tight, and the 10' side setback is going to be very close.

Peterson stated we had that surveyed back in the late 90's. It was my parent's property. I was going to talk to my neighbor on the west. His property would not meet the setback requirement. His northeast corner is approximately 7' off that property line.

Andres agreed.

Peterson said I took careful measurements. I struck lines along those stakes. I think we are about 11'. The northwest corner of that garage is approximately 11' off that property line. I am going to have a surveyor come out and verify that. I discussed that with the owner. They are well aware of what we are doing.

Andres stated that is the clarification that I needed. I noticed that it was very tight 10' setback and that the neighbor's corner of the house is 7' from that property line.

Peterson added the dimensions of what you are seeing, we were just applying to add on the screen porch area. I asked Environmental Services if that is a separate variance if we have another layout for an attached garage, so we went ahead. The other reason that we are putting that addition is that we are going to expand. There are two bedrooms on the upper level on the north, two bedrooms and a bath. We are going to take that bath and move it into the addition to expand the bedroom east. The bedroom that is going to move east about 3' – 4' so we have a larger bedroom and the bath is enlarged. It will work really well for a laundry/utility room. Everything functions really well.

Kovacovich opened for public comment.

No oral public comment was given.

Kovacovich closed public comment.

Grob stated we haven't talked much about the screen porch to the front. I would have to say that there is already a nice porch area there and a screened-in area. I am not in favor of doing any more building lakeward. I am okay with the garage in the back, but I am not in favor of any addition to the front.

Kovacovich added I am in agreement that any more encroachment into that bluff zone doesn't sit with me. The other parts of it I think we can work with.

Petersen said I am in agreement. I don't see any sense in enlarging that area that is already encroaching into that impact zone. I would not be in favor of granting an approval to do that.

Johnson commented I agree also. It is quite obvious that the slope and doing anything there is going to create erosion. I am not in favor of any porch on the front side of that.

Andres agreed. There is an existing deck and screen porch there.

Kovacovich stated I think we should probably deal with this in two parts. The first being the addition on the bluff side.

Peterson added there are ways to direct the water off that sloped roof. With guttering you can draw that water into a cistern buried to one side of that. The main point of using this lake home is being down at the lake, on the deck, and in the screen porch area. For most of the summer everyone wanted to be out in the screen porch, on the existing deck, or down at the lake. The cabin is only when you headed in at night to go to bed. We wanted some nice deck furniture in the addition. I have ideas how to restrain the water shed off of it. I have done that on other projects. That whole deck area is where everyone wants to be. We have short summers and severe winters. If you are concerned about water shedding off that roof, there are ways of dealing with that.

Kovacovich made a motion to deny the requested lakeside screen porch addition portion of the application.

Grob seconded the motion that passed 5 – 0.

Kovacovich adopted the Part 1 staff report finding of fact for questions 1 – 3 and question 5, while providing the answer for question 4.

Andres mentioned the staff report suggesting gutters. If the applicant would be open to gutters, that is a possible condition to be placed.

Peterson replied that would be fine.

Andres made a motion to approve the requested addition to the rear (i.e. non-lakeside) of the structure with the condition that gutters must be placed on the structure and that the 10' side lot line setback must be confirmed by Environmental Services Department staff before a permit can be issued for the addition.

Johnson seconded the motion that passed 5 – 0.

Andres adopted the staff report findings of fact for Part 2.

Findings of Fact for Part 1

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

Yes () No (X)

Why or why not? The cabin already has a lakeside screen porch and deck that provides a very reasonable 247 sq. ft. of outdoor living space. Adding another 143 sq. ft. of screen porch in the bluff proper would not be in keeping with the ordinance's intent.

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? The proposed lakeside screen porch addition as it would be right in the middle of the bluff and there already is a nice size screen porch and adjoining deck on the lakeside of the dwelling.

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 Department's file on the property contains documentation stating the original cabin was constructed in 1966 which predates the ordinance's July 12, 1971 enactment date and the 1991 addition of the bluff regulations. The structure sits entirely in the bluff impact zone and thus requires a variance in order to add onto it.

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

Yes () No (X)

Why or why not? It would be considerable further encroachment into the bluff area.

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 structure being built prior to the ordinance and located in a bluff impact zone.

Findings of Fact for Part 2

1. Is the variance in harmony with the general purposes and intent of the official controls?
Yes (X) No ()
- Why or why not? Yes – in regard to the proposed garage and other rooms addition to the rear of the structure away from the bluff impact zone as this fits the ordinance’s intent.
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? Yes - in regard to the proposed garage and other rooms addition to the rear of the cabin in order to have more space as the existing cabin is rather small and because the addition will be to the rear of the structure and moving away from the bluff impact zone.
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 Department’s file on the property contains documentation stating the original cabin was constructed in 1966 which predates the ordinance’s July 12, 1971 enactment date and the 1991 addition of the bluff regulations. The structure sits entirely in the bluff impact zone and thus requires a variance in order to add onto it.
4. Will the issuance of the variance maintain the essential character of the locality?
Yes (X) No ()
- Why or why not? With the proposed lakeside screen porch addition being denied and the proposed garage and other rooms addition to the rear of the structure being approved, the enlarged structure will maintain the locality’s mixed seasonal and year-round single family dwelling residential character. The bluff on this property continued on to the west and east onto multiple other properties and a number of the residences on these neighboring properties were built at a similar OHW setback and point in the bluff as this structure. The residence on the adjacent lot to the east is much larger than the existing dwelling on the subject lot. So with the addition, this dwelling will be similar in size to the neighboring dwelling.
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 structure being built prior to the ordinance and located in a bluff impact zone.

Variance Application 31-V-21 by Phil Scott: 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 in part or whole to a nonconforming use.

Phil Scott, 1336 50th Street NW, Rochester, MN, presented the application.

Scott stated we are looking to expand the roof surface area of our cabin by including coverage to the front door of our entrance and a screen porch.

Grob asked when you go into this resort, it is pretty clear what the applicant is asking for is very much consistent with most of the other dwellings that are in the resort.

Kovacovich added the proposal is in line with the rest of the cabins. I would certainly be in agreement with that.

Grob continued what the individual is requesting is very consistent with the other structures in this resort. The only thing I would say with the new roof and the new deck is that the new roof in front be guttered such that the water runs along the property behind that stone wall. That is the only concern that I have.

Kovacovich agreed.

Andres stated I agree and I would also want to comment that the property is over 21 acres and that this sits over 217' from the lake. I agree that it fits within the general purposes and intend of the controls. I am in favor or approving this and I agree with the condition as well. I believe that guttering would be beneficial.

Kovacovich opened for public comment.

Scott commented Tim Yliniemi is doing the construction on this, he is the main contractor. We have a serious carpenter ant problem and he suggested that we raise the cabin up, so we intend to jack the cabin up and put a new foundation under it. I have heard much discussion tonight about the guttering, and I understand the concept of all that, but is that going to create a secondary concern? I have no problems putting gutters on it. Many of the other cabins at the resort have gutters. Water flow is obviously very directional. If we put a concrete foundation under this and put gutters on it, is that okay?

Kovacovich replied I personally don't see any problem with that. I think the gutters just help in making sure that the water is running away from the road and potential erosion issues going towards the lake. I don't see a conflict with a new foundation underneath that cabin.

Kovacovich closed public comment.

Grob asked does the fact that they want to change the foundation in any way alter what the application should say? Is there any reason to have to adjust it?

Buitenwerf replied I don't believe that it should require any re-noticing. I would just ask Mr. Scott with the foundation upgrade, if that would cause the structure overall height to change any, or if he is looking to keep the current foundation height above ground the same?

Scott clarified it will increase by 2' the height that was on the application. Tim Yliniemi has said that we are not going to get rid of this ant problem until we do that. There are no other cabins behind us to create an obstructed view. It also would not change the entrance, the 6' x 12' that we asked for on the front entrance because we would use paver steps to go up that extra height. I see his logic in it.

Kovacovich asked Buitenwerf, does that change things?

Buitenwerf responded no, as long as it is documented before the Board that the additional 2' in height is being proposed now. If you act on it with that in mind, I don't see an issue with how it has been noticed for tonight's meeting.

Scott asked how do the gutters effect the eave? We said that we were going to do a 1' and some has 8". Do the gutters deduct from the eave?

Kovacovich stated I believe the answer is no.

Buitenwerf added you are correct, Kovacovich.

Scott said I was just concerned about aerial surface area of the roofline.

Kovacovich made a motion to approve the variance application with the condition that the structure must be guttered while noting that the application also allows a 2' structure height increase to allow for a new foundation to be constructed.

Grob seconded the motion that passed 5 – 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 271' from the ordinary high water mark and is only 21' x 31' in footprint currently. The proposed additions are reasonably scaled relative to the cabin's size and the additional stormwater generated by the extra roof area will be mitigated through the conditions placed on the variance.

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 proposed additions are reasonable in scale relative to the existing cabin which is only 21' x 31' in dimension. Raising the roof pitch over the existing front porch is a reasonable proposal as is having a roof over the exterior door and more storage space in the cabin's rear.

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 additions 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 32-V-21 by Jason and Dawn Danford: Lots 4-7, Minneago Beach, Section 1, Township 140, Range 33, Nevis Township on 8th Crow Wing Lake, a recreational development lake. Parcel 21.45.00500. Applicants are requesting: Part 1: an after-the-fact (ATF) variance from Section 801.2 of the Shoreland Management Ordinance (SMO) and Article V, Section 1.01 of the Subsurface Sewage Treatment System Ordinance for a structure to be located on top of a septic system drainfield; Part 2: an ATF variance from Section 502.2 of the SMO for an accessory structure located within the 100' ordinary high water mark structure setback; and Part 3: a variance from Section 702 of the SMO for a proposed addition to a nonconforming residential structure located in a shore impact zone.

Jason and Dawn Danford, 27799 Far North Drive, Nevis, MN, presented the application.

Jason Danford stated we want to get a variance. We had a 12' x 20' prebuilt shed placed and it happens to be on a little part of our drainfield. We did some research and found that it is on ours, because we share a drainfield with our neighbors. We were wanting to build a 12' x 12' addition on the non-lakeside of our cabin that would be a bathroom and a laundry room since the cabin does not have a full bathroom, it has a $\frac{3}{4}$. The reason we decided we wanted to do that is because last year we had my mother up here on hospice and we tried to take care of her in the little bathroom and we found out that is almost impossible. We are going to make this our full-time residence. I am an owner at Delaney's and I am up here just about all year because we need the help. Within another year or two we will be up here full time. We are trying to get everything in order.

Grob asked when I was out there, and we were looking at the shed and the septic systems, it did not appear to me that you were confident as to which of those drainfield sections belonged to your septic system and which belonged to your neighbor, and if any of your drainfield was underneath the shed. Is there any way to establish for sure if there was or was not part of your drainfield under you shed, and is it only your drainfield that is affected?

Jason Danford replied on the County website there is a document that shows where both drainfields are. It does appear that a piece of the drainfield that is ours is under the shed. It is ours according to the County website document.

Kovacovich asked when did you purchase the property?

Jason Danford answered in 2011.

Kovacovich continued in 2014 there was a variance for a garage to be built that was never built. What is your intent as far as that garage?

Jason Danford responded we thought it was a good idea to get that shed because that can hold quite a bit of our other items, and we will most likely not build a garage since we have that shed.

Dawn Danford added we were worried about the bluff impact, so we tried to find a different way of not going into the bluff. We thought a prebuilt shed would accommodate that.

Andres clarified the sunset clause has expired for that previous variance.

Dawn Danford replied we realize that has expired.

Johnson asked the map that you have up right there is the way it looks to me. The shed looks like it would be on the bottom lateral of their drainfield. Also, the land to the left of both of those drainfields on that hillside is very usable for an alternate site. If that land up that hill from you is your land, you definitely have plenty of room for an alternate septic site. I don't know about the neighbor, but you do.

Jason Danford explained if there are problems in the future, we would move that shed and we would relocate to that spot. That would not be a problem.

Grob asked relocate the drainfield or the shed?

Jason Danford replied the drainfield.

Johnson stated that was my concern on-site. I did not see this map, but that is what I saw when I lifted the manhole, looked at the drop boxes, and the end of the laterals. That is what makes sense to me is the map that is up right now.

Kovacovich clarified what you are saying is that the shed is currently on that last lateral, and the second part is that there is room for an alternate site adjacent to the existing drainfield.

Johnson agreed.

Grob asked there is no problem with that shed being on top of one of those laterals, other than you can't get access to it? If it fails you can do a new drainfield, but as long as it is working there is no reason to remove the shed from it?

Johnson explained from several workshops that I have attended, there are several reasons not to put that shed on top of the lateral. Groundhogs, squirrels, and gophers like to live there and plug up systems underneath of it. You want to have oxygen percolation from the top down so deep into the soil. Access alone, but I have seen houses on top of drainfields that have been working for over 20 years. It depends on the type of soil. This is a sandier soil and an in-ground system. I don't see it having as much of a negative impact as a pressure bed or a mound system.

Grob continued you are okay with the septic. The remaining issue is the fact that the shed is within the 100' setback from the lake?

Johnson replied correct.

Grob asked how far is it from the lake?

Jason Danford answered it is 80'.

Johnson added I believe it was us that had allowed a previous variance to allow them to cut into the bank for a garage there at one time. We approved them to cut right into the bluff.

Jason Danford replied it was in 2014.

Dawn Danford explained we realize that drainage off the roof is a problem, or might be considered a problem. We would be more than happy to put gutters onto that and direct it elsewhere to make sure that we are not having runoff going into the lake. Even though there is a lot of vegetation lakeside, we realize that is a concern and we would be more than happy to take suggestions to make sure that it is not a problem.

Johnson asked was that 2014 request denied?

Buitenwerf stated the original request was denied, and then you will see in the second paragraph there was a motion allowing a garage at an 86' ordinary high water mark setback.

Kovacovich explained that has since expired, the ability to use that.

Buitenwerf agreed.

Kovacovich opened for public comment.

No oral public comment was given.

Kovacovich closed public comment.

Johnson asked are we going to do this in two parts?

Kovacovich replied I think so, if you want to pick a part, and we will address the other part next. Let's address the shed on the drainfield first.

Johnson made a motion to approve Parts 1 and 2 of the variance application allowing the shed to remain in the current location at an 80' setback from the ordinary high water mark.

Kovacovich seconded the motion that passed 5 – 0.

The Board answered questions 1 – 4 of the findings of fact questions for Part 1 and 2 and adopted the staff report answer for question 5. The Board also provided answers for the after-the-fact findings of fact questions 1 – 6.

Johnson made a motion to approve Part 3 of the variance application as presented.

Andres seconded the motion that passed 5 – 0.

The Board answered questions 1, 2, and 4 of the findings of fact questions for Part 3 and adopted the staff report answers for questions 3 and 5.

Findings of Fact for Part 1 and Part 2

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

Yes (X) No ()

Why or why not? We are not trying to figure out a way to have it in the hillside.

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? It is in a reasonable manner, just too close to the lake. Because of the topography, it needs to be where it is at.

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? There is no room to store anything. This is a user friendly space to put it.

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

Yes (X) No ()

Why or why not? Most residences have a shed or garage to store their belongings.

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.

Add On for an After-The-Fact Variance

If the Board of Adjustment answers yes to all 5 questions for a variance in the first instance, thereby finding that all of the criteria set forth in Section 1103, Item 1, parts 1 through 5, are met, then the following additional criteria may be considered and weighed by the Board of Adjustment in determining whether to grant or deny a request for the after-the-fact variance:

1. Why did the applicant fail to obtain the required permit or comply with the applicable official control before commencing work? Was there any attempt to comply with the applicable official controls?

Yes (X) No ()

Why or why not? The applicant did not think that a permit was needed. The shed is on skids and they thought it was the same as a fish house and that they could just pull it up there. They did not know they needed a permit.

2. Did the applicant make a substantial investment in the property before learning of the failure to comply with the applicable official controls?

Yes () No (X)

Why or why not? I am sure that it is a \$3,000 - \$5,000.

3. Did the applicant complete the work before being informed of the violation of applicable official controls?

Yes (X) No ()

Why or why not? Because it is on skids it is easily moveable.

4. Are there structures, circumstances, or conditions in the area similar to those that are the subject of the variance request?

Yes (X) No ()

Why or why not? The topography is very steep and there is very limited, usable, level space.

5. Based on all of the facts, does it appear to the Board of Adjustment that the applicant acted in good faith?

Yes (X) No ()

Why or why not? After talking to the applicants it is believed that they acted in good faith.

6. Would the benefit to the county appear to be outweighed by the detriment the applicant would suffer if forced to remove the structure?

Yes (X) No ()

Why or why not? The spot that they have is usable and they are not encroaching into the bluff to create a new spot.

Findings of Fact for Part 3

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

- Yes (X) No ()
- Why or why not? They are adding onto the non-lakeside of the house.
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? They are adding on a bathroom that is very much needed in the house. Going anywhere else is going to cut into a bluff.
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 constructed prior to the ordinance in the shore impact zone which causes the ordinance to require a variance for any additions to it. There is a large bluff that occupies all of the lot landward of roughly 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? It is a residential use along the shoreline there.
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.

Miscellaneous: Kovacovich stated I will not be available for the July meeting. I will be somewhere that has neither cell or Internet coverage. I am available for site visits if the Board desires that I go to that even though I won't be able to attend or chair the meeting. Grob, that is going to be up to you.

Grob asked what does the agenda look like, Buitenwerf.

Buitenwerf answered it will be similar in scale. We have a conditional use permit for an RV campground just next to the Akeley City campground. There are four variances that are to the point of being on the agenda, and then we have another five or six that may still be added once we get through processing them.

Grob asked we will be doing a group lot viewal this month?

Buitenwerf replied yes. We will be resuming pre-Covid lot viewals with scheduled times. The meeting will be in-person in the new boardroom.

Kovacovich asked do you want me to come along?

Grob replied yes, it would be good.

Communications: Buitenwerf stated the only other item that I have would be just an update on where the County Board is at with the Shoreland Management Ordinance amendments.

After the May public hearing they asked me to draft up some possible language that would incorporate some of the feedback that they received through public comment, which I have done. The Board plans on taking up that topic again at their July work session on the 13th, I believe. Then we will see where the discussion takes them from that point. Whatever they would discuss then at a subsequent official Board meeting, that is the place where they would make edits officially or they can also take action to adopt the draft as it existed at the May hearing. We will find out in a few weeks where that is all going to go.

Adjournment:

Grob made the motion to adjourn.

Andres seconded the motion.

The motion carried unanimously 5 – 0.

The meeting adjourned at 10:16 p.m.

Respectfully submitted,

Staci Lee

Recording Secretary