

HUBBARD COUNTY

Planning Commission/Board of Adjustment Meeting Minutes

6:00 p.m. on Monday, May 24, 2021

The Hubbard County Planning Commission/Board of Adjustment (PC/BOA) held its regular public hearing and meeting on Monday, May 24, 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 were Environmental Services Director Eric Buitenwerf and ex-officio Planning Commission member and County Board Vice-Chair Ted Van Kempen.

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: April 26, 2021 meeting.

Andres made a motion to approve the minutes as presented.

Petersen seconded the motion that carried unanimously 5 – 0.

Old Business: None.

New Business:

Minor Subdivision Application by Terry Nelson: The NW ¼ of the NE ¼ and the West Half of the NE ¼ of the NE ¼, Section 25, Township 140, Range 33, Nevis Township. Parcel ID 21.25.00100. Applicants are requesting to subdivide 60.76 acres into 7 tracts.

Terry Nelson, 27693 County 119, Nevis, MN, presented the application.

Nelson stated we are subdividing this to provide single-family plots for building purposes.

Kovacovich opened for public comment.

No public comment was given.

Kovacovich closed public comment.

Andres stated staff supports this subdivision application and states all proposed tracts are fully compliant with the Ordinance requirements. The County Highway Engineer commented on possible pavement of County 119 and additional road right-of-way will be likely acquired as part of the project. The Engineer does not have any concerns with the proposed subdivision.

Kovacovich made a motion to approve the application as presented.

Andres seconded the motion that carried unanimously 5 – 0.

Board of Adjustment:

Approval of Minutes: April 26, 2021 meeting.

Grob made a motion to approve the minutes as presented.

Petersen seconded the motion that carried unanimously 5 – 0.

Old Business:

Variance Application 9-V-21 by Joseph and Kristi Crawford: Lot 3 and part of Lot 2, Block 1, Lady Slipper Beach, Section 6 and 31, Township 141 and 142, Range 33, Mantrap Township and Thorpe Township on Big Mantrap Lake, a recreational development lake. Parcels 20.39.00300, 20.39.00400, and 26.37.00100. Applicants are requesting a variance from Section 502.2 of the Shoreland Management Ordinance for a proposed accessory structure to be located within the 10' property line and 20' road right-of-way structure setbacks.

Kristi Crawford, 4263 41st Ave. S., Fargo, ND, presented the application.

Crawford stated we went back to the drawing board after the meeting last month and receiving feedback. We scaled back to a one-story 30' x 30' detached garage. We are requesting a variance for the property line on the NE and SE corner. We do not need the 20' setback from the road because it was deemed a private road, so we are just asking for the setback from the property line.

Kovacovich asked I am curious why you are choosing to have the garage detached from the house with a narrow space between the house and the garage. If it was attached, it seems like we would be further away from those property lines and have a little bit more space.

Crawford replied we asked that question. We had three builders come on-site to look at the property. The feedback that we received from them was that attaching the garage to the existing house will create frost and freezing issues with the different movement of the structure due to the crawlspace underneath the house. Also, on one side where it would be attached is where all the utility lines run into the house. We didn't really want to lay concrete foundation over the utility lines. If they need to dig them up, they would be digging through our garage. That is why we are asking for it to be detached.

Crawford added the island of trees that were referenced in the application have now been removed. A few of you came after those trees were removed, but I just wanted to let you know that those are gone and the road grade is back to normal.

Kovacovich opened for public comment.

No public comment was given.

Kovacovich closed public comment.

Grob clarified you are asking for an 18' high garage. It would seem to me that if you were just using standard vehicles you would need 8' with a 6/12 pitch, you would be at about 16'. Why are you asking for 18' high?

Crawford explained it is a single-story garage with a little bit of attic space. We are hoping that we will be able to install a pull down ladder and throw totes up there for storage once we move out to the lake permanently. After talking to the builders and my husband with the pitch, we thought it would be within the 16' – 18' range. We figured that we should put 18' to be safe.

Grob continued why is it 30' x 30'? Why couldn't you make it 24' x 30'? That would give you adequate space with room on both sides for two vehicles and probably close to 10' in front of them. I don't understand why you need the full 30' x 30'. With that change you would be able to have more setback from your property line.

Crawford answered the smallest that we would be able to go would be about 26'. At our home in Fargo, we have a 24' depth to our garage and my husband's pickup is almost touching the walls. 24' is just not big enough for his truck.

Andres commented when I was doing my lot viewals, I asked the same question that you had asked about attaching the house to the garage. I received the same answer that the contractor said. Attaching it would cause some frost issues and, of course, the utility lines. I am really not sure that attaching it is an option at this time. Due to the unique shape of the lot, this is really about the only place that they could put a two-car garage. I like Grob's idea to shrink it a little bit. Would you be open to a smaller size?

Crawford responded after talking with my husband, the smallest depth he would like to go would be 26'. If we did that, we would be gaining another 4' of a setback. With parking his vehicle, that would be the smallest that we would want to go. That would put it 7 ½' from the property line.

Andres asked what about the height? What about reducing the height a little bit?

Crawford replied obviously at the end of the day we just want to be able to build a garage where we can park our vehicles. We will take the guidance of the Board. If we need to scale it back to 16', we can take a look at that.

Andres continued during my lot viewal the trees were gone. That was very helpful with the roadway.

Petersen asked I am just curious about Grob's feeling about the 26'?

Grob explained if you took 6' off of the left-hand side and made it 24' wide and 30' deep, you would give more space to the road as people drive around. You would probably be about 6' from the property line. I have a 24' x 30' garage. Two cars fit and there is plenty of room in front for all kinds of storage. You could have a pull-down ladder in the front. There is plenty of room on the sides for a work bench. It is a private road, and the other owners

don't have an issue. I am flexible, but I think 24' x 30' would be more attractive for the property.

Petersen stated I am a little more flexible. I could see 26'. It is a private road. I was only down there once, and it doesn't seem like there is a traffic or safety issue. For me, I am not concerned about the 26'.

Andres added the applicant stated that her husband is open to the 26' x 30' x 16' height. That reduction in size would be sufficient. I am okay with that.

Johnson stated I agree. You will be gaining more safety by removing the existing structures that are there, especially if they go down to 26' for the new garage.

Kovacovich clarified we are talking a length of 30', a depth from the front towards the house of 26', and a height of 16'? Is that correct?

Crawford replied I think Grob was wanting to shrink the front of it so that the length of the garage would be 26', but the depth would still be 30'. Did I hear that right, Grob?

Grob answered I would propose that you slice off 4' on the left-hand side. You would have 26' facing the road where the cars drive in and 30' depth to the house.

Crawford stated I think that would be fine.

Grob continued I think that 16' makes sense. If you narrow it and still keep your 6/12 pitch, you are probably going to be close to the 16' for height.

Petersen added I am not able to calculate that height off of a 6/12 pitch.

Grob stated I think it is about 14 ½'.

Kovacovich said that sounds correct. Leaving it at 16' gives a little room if the calculation is not exact.

Grob made a motion to approve a 26' wide (i.e. parallel to the house width) x 30' deep (i.e. perpendicular to the house width) x 16' high detached garage per the drawing submitted in the application located at a 5' distance from the existing house.

Kovacovich seconded the motion that passed 5 – 0.

The Board adopted the staff report findings of fact for questions 1-3 and question 5, while providing the answer for question 4.

Findings of Fact

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

Yes (X) No ()

Why or why not? The lot is wide, but not deep and has a unique rear lot line shape that makes meeting all structure setbacks difficult. The proposed garage will comply

with the 100' ordinary high water mark setback. The road running behind the lot is a private road and this property is located near the end of said road. Thus, vehicle speeds along the rear lot line from which the setback relief is requested will be slow and thus there is less concern with the proposed garage being located within the 10' lot line setback. There is insufficient room to place a reasonably sized garage on the lot without some degree of variance from one or more setbacks.

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? Removing the existing single vehicle garage and single vehicle carport that extend over the property lines and replacing them with a new detached garage is a reasonable request as this would be the sole garage/storage structure on the 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 (X) No ()

Why or why not? Due to the lot's lack of depth and unique rear lot line, some form of a setback variance is needed in order to place a detached garage on the lot that meets the 100' 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 reduced size of 26' width x 30' depth and 16' height is more consistent with the other year-round residents located in this 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 lot's unique shape and lack of depth.

Variance Application 11-V-21 by Martin and Suellen Brown: Part of Gov't Lot 8, Section 9, Township 140, Range 33, Nevis Township on Lake Belle Taine, a recreational development lake. Parcel 21.09.03210. Applicants are requesting a variance from Sections 501.2, 1001, 1003, and 1005 of the Shoreland Management Ordinance and Section 4, Subdivision A.c.2 and Section 4, Subdivision A.c.5 of the Subdivision Ordinance to create a lot that does not comply with the 150' minimum lot width or the four lot limit on the number of lots within a government lot allowed to front a given side of a public road.

Andrew Burton, authorized agent for the applicants, presented the application along with Martin Brown, 24098 200th Street, Nevis, MN, applicant.

Burton stated we applied to subdivide the lot which was short about 6". We have had our surveyor redraw to provide setback off of the existing house and an easement on the driveway to share the driveway so that we do not have to increase the number of approaches on a government lot.

Grob added it appears to me that the last stake that sits by the corner of the house closest to the lake was only about 3' from the deck. With a 10' setback requirement, why did the property line get redrawn 3' from the existing home? Did anyone else observe that when they were out there? If you look where the well is, there is a stake there. I thought the line would go straight down and connect with the one that runs to the lake, but then I turned and realized that the corner stake was only 3' from the corner of the deck. The second point is, why do you want to draw the property line right in the middle of the road that runs by the house? I don't quite understand why, from the garage, you don't draw a straight line to that stake right next to the well and then slant down to the one going down to the lake? That would keep your 10' separation from the house. I don't know if families will have both tracts or not, but with future owners that is going to be problematic that they split the lot right in the middle of the driveway to the house and the middle of the driveway on the south side of the garage.

Johnson stated there is a dimension of 10' on the garage there and it follows all the way down to the house on the survey.

Grob continued they have the 10'. Then when they come to where they change the angle of the property line, but the ownership goes right to the middle of the driveway. It comes past the house to the well. You can't really drive out around to the well to do anything at all because that parking area belongs to the neighbor. I do make the point that the current property point is only 3' from the deck on the house, which is not consistent with the 10' that we require.

Kovacovich added I believe the stake that you saw marked the 10' from the property line, which is about 3' from the corner of the house. If the surveyor could comment on that, if I am seeing that correctly. That is what I saw when I visited.

Grob said I don't think that is what it said on the stake. Why would they do that? You are saying that the dotted line is where the stake was? That would be inconsistent to me because then the round stake is a property line stake right in the middle of the road. There is a property line stake there. Why wouldn't that be a property line stake that is there because it lines up with the one that runs all the way to the lake?

Burton explained we had the surveyor apply the proper setbacks from the building. I also wanted to state that adjacent piece of property to the west of that house is a dirt pad. The front of the garage is accessible off the front of the house there. We did that jot around the property line there to include that well so that we didn't have to do another well for that property.

Grob asked is the surveyor here?

Burton answered no, he is not here. He just supplied the certificates for us here.

Grob continued the round circles here, if they represent the stakes, the stake by the house is not 10' from the edge of the deck.

Brown stated we hired him to come back out and resurvey it to be in compliance with what needs to be done. I don't know where the stakes are exactly, but it is supposed to be to Hubbard County specs.

Grob asked did he measure from the house, or did he include the deck?

Brown responded is the problem with the steps? Or a problem with the house?

Grob asked do we have an actual picture that we could look at?

Brown commented that well is about 30' from the house or more. You will see it in the picture right now.

Grob asked do you have any drawing or a picture that shows what is to the left here?

Buitenwerf answered I don't believe we do in our records. All I have are the photos and the application.

Burton stated the surveyor did it wrong when we paid him to do it twice.

Johnson asked could we consider a condition to approve with the staff's findings and also make sure that the line is 10' from the house with a condition?

Grob said somehow with a condition we need to put on that it is at least 10' from any structure connected to the house.

Kovacovich opened for public comment.

No public comment was given.

Kovacovich closed public comment.

Andres commented I did contact Environmental Services today as there was a possible addition. Even though the survey shows the two tracts sharing an existing driveway, it would still be wise for us to put that condition on this variance application. The two tracts must share the existing driveway approach onto 200th Street and continue the necessary easements to accomplish that. That condition is still necessary.

Kovacovich stated I agree. I think we should state that as a condition.

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

1. The parcels must share the existing driveway coming off of 210th Street via the proposed driveway easement shown on the application's certificate of survey.
2. The house and attached improvements must meet the 10' lot line setback requirement.

Johnson 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 west tract is only .45' feet shy of the required 150' minimum lot width and both proposed tracts greatly exceed the minimum lot area and residential lot suitable area (RLSA) requirements. The ordinance's access management provision can be effectively addressed by the condition placed on this approval requiring the two tracts to share the existing driveway approach onto 200th Street.

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? As stated in the response to question 1 above, both proposed tracts amply meet the minimum lot area and RLSA requirements. The east tract meets the 150' minimum lot width and the west tract is only .45' shy of this minimum width. The access management provision can be effectively addressed by requiring the two tracts to share the existing driveway approach onto 200th Street. Thus, as the lot width deviation is minimal and the access management provision can be addressed through the aforementioned condition, the proposed property use is reasonable.

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

Yes (X) No ()

Why or why not? The lot width variance is due to the current tract's being found to not fully be 300' wide for its full width once it was surveyed. The access management ordinance provision is not something created by the current or prior property owners. Also, the number of tracts fronting this north side of 200th Street is not something created by current or prior owners of this property.

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

Yes (X) No ()

Why or why not? Many of the tracts in the locality are substandard in area and lot width so the proposed two tracts will not harm the character as they will still be much larger than surrounding properties. Both tracts will be used for residential dwelling purposes which will also fit the locality's residential use feel that consists of a mixture of seasonal and year-round residential uses.

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 lies in the fact that the property is not fully 300' wide for its full depth as identified through recent survey work and that there are more than four tracts in this government lot fronting the north side of 200th Street.

New Business:

Variance Application 13-V-21 by Graeme and Marcia Wilson: Lot 1, Block 1, Timber Bay, Section 22, Township 141, Range 35, Arago Township on Eagle Lake, a recreational development lake. Parcel 02.49.00100. Applicants are requesting a variance from Section 702 of the Shoreland Management Ordinance for a proposed lakeward addition to a nonconforming deck located within the 100' ordinary high water mark setback.

Kovacovich stated this application has been withdrawn. Upon investigation, it was found that they could accomplish this by permit.

Variance Application 14-V-21 by Katy and Timothy Leach: Lot 4, Block 1, Sweitzer Land, Section 17, Township 140, Range 34, Henrietta Township on Sweitzer Lake, a natural environment lake. Parcel 13.70.00400. Applicants are requesting a variance from Section 511.4 of the Shoreland Management Ordinance for a proposed second recreational vehicle site on a lot.

Tim and Katy Leach, 2021 6th Ave SE, Willmar, MN, presented the application.

Katy Leach stated we recently bought a piece of land on Sweitzer Lake. We are re-establishing ourselves in Park Rapids. My grandfather had a spot on 3rd Crow Wing for a long time. He is gone now, but my mom and I miss it a lot. Our dream was to get a spot up there where we could spend summers together. My husband and I are both teachers, so we have the summers off. Our hope was to have two trailers up there. We are requesting a second trailer for my parents to be placed year-round so that they can be with us there.

Grob asked do you expect the second trailer to be permanent, or at some point in time to be removed?

Tim Leach replied we would like to eventually build a more permanent cabin on there. We would look at that trailer being removed. Once there isn't a use for them to be up there, we don't really have a use for a trailer on that property. We don't look at it as an ongoing permanent structure.

Katy Leach stated maybe 3-5 years while we are taking on some of the financial investments with the land. Electric, well, and septic. We would sell them when we plan on building.

Grob asked when you place it there, will you build a porch or platform off of it? What additional things will you do once you park it?

Tim Leach answered we would just be building a pad to put it on. We are not looking to build any type of deck or structures off of the trailer. We would just be parking it there.

Grob clarified you are having a holding tank for your current septic use? Where would the long-term holding tank and/or drainfield be for the septic system?

Katy Leach responded it hasn't been placed yet. We were waiting for this process. It is going to be behind the proposed site, on the left side of the photo there where you see the two trees. It could be right behind there. We are working with Thelen's to do it. We picked

that spot because we thought it would be a good place. If we were to place a cabin there sometime, we would probably center it on the property. He thought that would be a good place to have it. He said the drainfield could go out towards the road. We are not doing the drainfield yet. We are starting with just a holding tank, and he said that he can add that when we are ready for that next step.

Kovacovich opened for public comment.

Jane Sherack stated I am the owner of Lot 6, two lots down from the lot in question. I have a question. It was my understanding that the covenants did not allow trailers at all except for 18 months while the building was in construction. I am wondering what type of trailers these are and how big?

Katy Leach replied we are under the understanding that one is allowed permanently, and we had to go through the variance process to ask for the second. One of them we have already gotten the permit for, and it is 42' long. It is brand new. That is the one that is already in place. This one, the proposed one, is smaller. I think it is 29', but it is just for my mom and dad.

Sherack asked the duration of this second trailer on the property would be for how long?

Tim Leach explained it is there for our parents. We will have it there for the amount of time that they are able to come and enjoy that land. So, we are hoping to have them up there for the next 3-5 years while they are still able to physically make the trip and enjoy the land with us.

Sherack asked is a house going to be permanently built on that property at some point?

Tim Leach replied we definitely hope to. That is our long-term plan, yes.

Sherack asked approximately how long-term?

Tim Leach answered that is very difficult to answer for us. We are very early on in the process right now.

Katy Leach added we are committed to Park Rapids and creating some roots there with our family. As soon as the finances work out for it. It is only a matter of time, but we don't have an estimated time right now.

Grob asked maybe Buitenwerf can clarify her question about trailers, the requirement about not having two, and how this fits into the guest cabin requirements?

Buitenwerf explained covenants are a private document. That is not something that is administered by the County. That would be up to other parties within ownership of lots in the plat. I did find what appears to be the covenants for the plat of Sweitzer Land. Condition 6 is the one that appears to speak to the issue of trailers. It is hard to say that is in terms of a travel trailer or if it is in reference to something more akin to a mobile home that is also referenced in Number 6 condition of the covenants.

Kovacovich clarified basically the covenant is a private matter. It is not in front of the Board here. What is before the Board is the County Ordinance and the variance application for the second trailer, which falls under the guest cabin.

Kovacovich closed public comment.

Grob asked are these covenants in effect for this lot? Would that imply that the owners are not allowed to park even the first trailer?

Kovacovich explained this Board does not deal with covenants. Does that Number 6 refer to a camper, travel trailer, or a mobile home? It is very unclear, but that is not what is in front of us. What is before the Board is the Shoreland Management Ordinance. The covenants are a private matter, and it is not the business before this Board for any kind of judgement. We are here just to address the Shoreland Management Ordinance and whether we would allow a second camper underneath the guest cabin criteria.

Buitenwerf added the covenants are a private matter and not something that the County deals with. If I were the applicants, I would certainly want to be aware of it. They can take that into consideration as to whether they want to proceed with putting both trailers on the property, but it is not something that the County has any jurisdiction over. The neighbor with the public comment with that concern, that would be something for her and any other concerned owners within the plat to address that for the way the covenants are written.

Andres commented the lot meets the minimum lot size requirements for the guest cottage. Both travel trailers meet all setback requirements. The need for the variance is due to the Section 511.3 of the Shoreland Management Ordinance that limits the number of RV sites allowed on a lot to one. I would suggest placing a condition as the applicants mentioned looking into the future and they might want to build a cabin. I believe placing a condition that if a residential stick built structure is ever constructed, only one travel trailer can remain as a guest cottage.

Katy Leach responded we are in support of that. We plan on selling them at that point.

Andres made a motion to approve the variance application as presented with the condition that if a stick built home is ever constructed on the property, only one recreational vehicle site will be allowed to remain and function as a guest cottage.

Petersen seconded the motion that passed 4 – 1 with Grob 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 lot meets minimum lot size requirements in order to have a guest cottage and the proposed second travel trailer (that would essentially function

as a guest cottage) only requires a variance because of Section 511.3's requirement that there can only be one RV site per lot. If the primary residence was a stick built structure instead of a travel trailer, the second proposed travel trailer that is the subject of this variance could be permitted without need of a variance. All existing and proposed structures will comply with all setbacks and other pertinent ordinance requirements.

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

Yes (X) No ()

Why or why not? The lot exceeds the required minimum guest cottage lot size by 42,496 sq. ft. which would allow the proposed second travel trailer to be placed on the lot by permit if the primary residence was a stick built structure instead of the existing travel trailer. The two trailers meet all setback requirements.

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

Yes (X) No ()

Why or why not? The need for the variance is due to Section 511.3 of the Shoreland Management Ordinance that limits the number of RV sites allowed on a lot to one. If the primary residence was not a travel trailer, but a stick built structure, the proposed second travel trailer could be allowed with just a land use permit.

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

Yes (X) No ()

Why or why not? The neighborhood consists of seasonal and year-round residential use lots that are all part of the same plat and meet minimum lot size requirements. The two adjoining lots to the north of this property are undeveloped while the two lots to the south are owned by one party that uses them as a combined single lot with one residence on it. The two proposed travel trailers will not harm the locality's mixed residential character.

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

Yes (X) No ()

Why or why not? Economics are not cited in the application as a practical difficulty. The difficulty on the lot is caused by Section 511.3 of the Shoreland Management Ordinance that limits the number of RV sites allowed on a lot to one.

Variance Application 15-V-21 by Anthony and Angela Rosing: Lot 2, Block 1, Belle Taine Shores, Section 7, Township 140, Range 33, Nevis Township on Lake Belle Taine, a recreational development lake. Parcel 21.60.00200. Applicants are requesting an after-the-fact variance from Section 901 of the Shoreland Management Ordinance for a shoreline recreation use area that exceeds the 20' maximum width and lacks the required permanent vegetative ground cover.

Tony Rosing, 766 264th Street S, Hawley, MN, presented the application.

Rosing stated this application is an after-the-fact variance to protect the shoreline for recreational use. It is a sand blanket. We removed the vegetation from the lake. Heavy foot traffic down to the dock, as a result of us not being able to establish ground cover, is causing some lakeshore erosion. The sand blanket has really prevented that from happening.

Grob said it would appear, from the information in the packet we received, that this area was, at one point, excavated. What would have been reasonable soil to grow vegetation was removed; therefore, the issue with not being able to grow vegetation is the result of previous action, not a result of the natural environment.

Rosing answered I have not done any excavating along the shoreline. I have only removed vegetation from the lakeshore. Cattails were removed for the recreational use area. I did not do any excavating along the shoreline. There was a lot of movement back and forth when we were dragging all those cattails out, but we did not do any excavating.

Grob asked how long have you owned the property?

Rosing replied since 2017. You can see from that picture that we did a lot of work removing those cattails.

Kovacovich opened for public comment.

No public comment was given.

Kovacovich closed public comment.

Andres added looking at these photos, when you had the vegetation removed in 2018 from the water, did you do any attempt to put grass seed back and get vegetation growing in there? Did you plant any grass?

Rosing responded it was all reseeded. If you can go back to some of the pictures taken this spring, there was a lot of grass regrowth to the north and to the south, but this is the area that we use with the dock and the pontoon. Because of the heavy traffic going in and out, the vegetation never reestablished.

Andres continued during my lot viewal I noticed that a lot of your sand that you had in there is already washed down into the lake. I could see that the sand is already washed in about 6' in by your dock. Part of your black tarp blanket is exposed.

Rosing replied yes, we want to rake that back up and get that back on the shoreline where it is supposed to be.

Petersen added I also would note that with every hard rain that sand will continue to wash back into the lake. I think it would be much easier and less maintenance to establish some ground cover there instead of the sugar sand. I don't see any way that it can't wash into the lake with hard rains. It would be a continual maintenance problem to try to keep that sand out of the lake.

Andres stated I would see the same ongoing problem. I think vegetation would be much more beneficial for that area.

Kovacovich added I have had quite a bit of experience with trying to establish ground cover in high traffic areas. To do that, you are going to have to keep traffic off of it until it is well established. If you don't it will never establish, but it is possible to establish a ground cover in those situations if the right steps are taken.

Grob asked Buitenwerf have you received any feedback from the DNR as to whether the current vegetation removal in the water exceeds what the permit was for?

Buitenwerf replied I have not yet. I do know that they are aware of it and will be looking at it when they are able. Based on my initial measurements with aerial imagery, it did appear the dimensions exceeded what were allowed in the permit.

Andres commented I am not supportive of this recreational use area. Allowing a shoreline recreational use area to be 75 sq. ft. larger than the maximum allowed and to be covered in sand instead of perennial vegetation is not in harmony with the ordinance's intent. The lot is very level and there are no topographic characteristics that prevent easy access to the lake. I am currently opposed to the application and support the staff's recommendation to deny.

Kovacovich made a motion to deny the variance application.

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 () No (X)

Why or why not? Allowing a shoreline recreation use area to be 75 sq. ft. larger than the maximum allowed and to be covered in sand instead of perennial vegetation is not in harmony with the ordinance's intent of having a shore impact zone be as naturally vegetated as possible and a recreation area to be vegetated to guard against erosion right at the shoreline.

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? No justification is provided in the application for needing to have a recreation area that exceeds the maximum footprint allowed by the ordinance. Having this larger area covered in sand instead of permanent vegetation because it allegedly provides greater erosion protection is not reasonable and runs contrary to common knowledge that dense healthy vegetation is the best way to protect soil from erosion.

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? Site visits by department staff document that the sand-covered recreation area was created by the applicants. The lot is very level and there are no topographic characteristics that prevent easy access to the lake. Evidence of viable permanent vegetative ground cover exists throughout the other portions of the property.

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

Yes () No (X)

Why or why not? Most of the shoreline along this portion of Belletaine that connects to Shallow Lake has natural, untouched shoreline. Allowing a large sand blanket along the shore on this lot would stand out and detract from the locality's natural shoreline character.

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

Yes (X) No ()

Why or why not? Economic considerations are not cited in the application as a difficulty.

Variance Application 16-V-21 by Loren Pellett: Part of Gov't Lot 2, Section 35, Township 142, Range 34, Clay Township on Big Mantrap Lake, a recreational development lake. Parcel 04.35.00810. Applicant is requesting two variances: Part 1: Sections 502.2 and 503 of the Shoreland Management Ordinance (SMO) for a proposed deck to be located in a bluff impact zone (BIZ), and Part 2: Section 902 of the SMO for excavation and filling in a BIZ to install a septic tank and stabilize a cut slope.

Loren Pellett, 2930 Highland Court, Mound, MN, presented the application.

Pellett stated the variance is needed because the current building that I purchased was used for many years as an art studio. It looks like a cabin, but it was used as an art studio with no septic. I am looking to add septic and a deck. Many years ago, the former owners had requested a variance to be within 85' of the shoreline. That variance in the past was granted. Over the years some of the bluff language changed. What I am looking at is a pretty reasonable request for a deck. The current building has a retaining wall near it which contains creosote. I will remove that. I am not able to do that right now because I can't dig within the bluff impact zone. That is one of the requests along with the deck.

Andres asked it shows on the picture of the cabin that there is concrete about 10 ½ feet in depth. Is there a basement in this cabin, or something underground?

Pellett replied no. It was built with very substantial concrete, but there is no basement. I am not sure why originally it had that many courses of block.

Andres continued you are proposing the deck to be on this side of the picture shown, what would be the access to the deck?

Pellett responded the access would be right between those two windows. Some siding would be taken out, and a sliding glass door would be put in there.

Grob stated considering there is already an access door to the right side, why couldn't you build the deck off to the right-hand side? You would still have a view of the lake. You would already have an access, and you wouldn't be encroaching any more into the bluff impact zone.

Pellett answered I would still be encroaching in the bluff impact zone, but not within the bluff. The back of the cabin is where the bluff impact zone starts. Without a variance, I couldn't put a deck there either.

Grob explained I meant to the actual bluff, I understand you are in the bluff impact zone no matter what.

Pellett replied the plan is to have the septic on that side. I wouldn't really have room for the deck there.

Grob asked Buitenwerf can you show the profile drawing that shows where the deck would be? If you move that around parallel to the front of the cabin, is there not room for the holding tank? Your drainfield is further to the left. The only possible conflict would be with the holding tank.

Pellett stated that is certainly a thought. I never really visited that. I would have to familiarize myself with the distance between the holding tank and any structure.

Buitenwerf added it is a 10' setback that is required from the garage/studio. That would not be a requirement from the potential platform.

Pellett asked so I would be okay if I moved that? From the holding tank to a deck there is no setback?

Buitenwerf clarified obviously you wouldn't want to put the deck right over it because you run the risk of having to remove part of the deck to do maintenance to the septic tank, but there is not setback.

Pellett said I would be okay with that too. As far as going out that door. I didn't know when I requested the variance that it would be viewed as more positive, but I am certainly willing to entertain that if it that is more positive to everybody.

Kovacovich stated it certainly would be more palatable to me to have the deck on that side of the house.

Kovacovich opened for public comment.

No public comment was given.

Kovacovich closed public comment.

Andres added I am supportive of relocating the deck to the other side, which is one of the reasons why I asked the question on how he would access the deck. Since that doorway is already there, it seems a more feasible option.

Johnson commented if it went on that side, I don't see the reason for it being 24'. The reason I think it is 24' is because it adjoins the cabin in its proposal, but it doesn't when you put it off the end.

Pellett explained the 24' came about because of the sliding glass door and fitting it in there properly. I didn't have a lot of thought into going to the side. 8' x 20' or 8' x 16' is fine by me if that is something that would be palatable for the County.

Kovacovich asked what is the dimension of that side of the cabin, or studio?

Pellett answered the cabin is 36' x 24'.

Grob said I don't know what the appropriate size would be, but I do think that 8' is probably a little bit narrow for a deck. Maybe 10' or 12', but not a full 24'. Maybe 12' x 16' would be an appropriate deck. That still leaves you 12' to put in your holding tank and access it. A long, narrow deck is not as usable as a wider deck.

Pellett stated the original 8' was because it was going to be put on the front of the house, but now going to the side changes that. A 12' x 16' makes more sense to me as well.

Petersen asked the applicant if he would accept a 12' x 16'?

Pellett agreed.

Petersen clarified is the existing door the east door of the cabin?

Pellett replied it is the south side.

Petersen made a motion to approve Part 1 of the variance application with a condition that the proposed deck cannot be larger than 12' x 16' in footprint dimensions and must be placed on the south side of the cabin.

Kovacovich seconded the motion that passed 5 – 0.

The Board adopted the staff report findings of fact for Part 1 questions 2-5 while providing the answer for question 1 and with a change to the dimensions on question 2.

Andres made a motion to approve Part 2 of the variance application as presented.

Petersen seconded the motion that passed 5 – 0.

The Board adopted the staff report findings of fact for Part 2.

Findings of Fact Part 1

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

Yes (X) No ()

 Why or why not? Allowing a 12' x 16' deck to be built on the south side of the property would keep it as much out of the bluff impact zone as 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? The structure currently lacks a deck or platform to afford an outdoor recreation space for viewing the lake. The proposed 12' x 16' deck is reasonable in size.

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 structure is located in a bluff impact zone and was constructed before the bluff regulations were added to the ordinance.

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

Yes (X) No ()

 Why or why not? The neighborhood consists almost entirely of seasonal residences on conforming lots – some of which are several acres in size. The bluff located on this property runs along this entire west side of this portion of Big Mantrap Lake. The area is very low-density residential development. Many of the dwellings on neighboring properties have some form of a deck or platform.

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

Yes (X) No ()

 Why or why not? Economics are not cited in the application as a practical difficulty. The difficulty is the fact that the structure is located in a bluff impact zone and was constructed prior to the bluff regulations being added to the ordinance.

Findings of Fact 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? There is no physical location where the proposed septic tank can be located outside of the bluff impact zone (BIZ). Regrading the area where the failing retaining wall is located to a safe, earthen slope that stabilizes the slope and gets it vegetated is in keeping with the ordinance's intent of preventing soil erosion and safeguarding the BIZ's integrity.

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? Being able to have a septic system for a dwelling is reasonable as is repairing a failing retaining wall by replacing it with a safe natural grade to the currently cut slope.

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 structure is located in a bluff impact zone and was constructed before the bluff regulations were added to the ordinance. There is no room to put a septic tank other than in the bluff impact zone (BIZ). The retaining wall is located in the BIZ and thus there is no way to create a safer grade and more stable slope without granting a variance to regrade the area.

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

Yes (X) No ()

Why or why not? The neighborhood consists almost entirely of seasonal residences on conforming lots – some of which are several acres in size. The bluff located on this property runs along this entire west side of this portion of Big Mantrap Lake. The area is very low-density residential development. The installation of a septic tank and regrading of the area behind the retaining wall will not harm the locality's character and will not be visible from the lake or neighboring properties.

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

Yes (X) No ()

Why or why not? Economics are not cited in the application as a practical difficulty. The difficulty is the fact that the structure is located in a bluff impact zone and was constructed prior to the bluff regulations being added to the ordinance.

Variance Application 17-V-21 by Mark and Beverly Wisch: Part of Gov't Lot 5, Section 11, Township 141, Range 34, Lake Emma Township between Lower Bottle Lake, a recreational development lake, and Stocking Lake, a natural environment lake. Parcel 16.11.01100. Applicants are requesting a variance from Section 702 of the Shoreland Management Ordinance for a proposed lakeward addition to a nonconforming accessory structure that does not comply with the ordinary high water mark structure setback.

Mark Wisch, 19747 Intrepid Road, Park Rapids, MN, presented the application.

Wisch stated we want to add 17' to the end of a storage building that is unattached. The width would stay the same. We just want to add 17' towards the lakeshore. The structure, after it is added onto, would not protrude beyond the end of the house.

Grob asked I think there is another drawing, Buitenwerf, that shows the shoreline structure a little bit better. Adding to this structure is very complicated because of Stocking Lake and Lower Bottle Lake. It makes it impossible not to do something without infringing on the setback requirements, but if you look at the garage where it is, there is a point that sticks out to where there is plenty of setback. We try to do setbacks from the lake. The

nonconformance issue here is that fringe wetland. If you looked at it when you were out there, it is very much wetland with heavy cattails. There is still a considerable distance out to the lake. The fringe wetland complicates this one. If you look at the elevation of the property and the garage, the potential implications for runoff or any implications to the lake are minimal, even though it is only 50 feet from the lake, because that wetland basically buffers it from the lake. By the numbers it is problematic, but in terms of lake protection, it is every bit as good as a 100' setback on a normal piece of property.

Andres commented the lot is limited on any usable space due to the overlapping ordinary high water mark setbacks from both lakes. I agree with Grob, as far as the addition goes. During my lot viewals, the applicant said that with the 16' x 17' addition, it will still be in line with the residential structure itself. In the picture on the screen now, the applicant owns that steep slope there, and there is no way to build that direction. With that steep slope, this addition is not very visible from the lake either.

Kovacovich opened for public comment.

No public comment was given.

Kovacovich closed public comment.

Grob added if you look at what is being asked, the current structure is a little problematic in being able to store a boat and other equipment. Enlarging it seems reasonable to me. There is no visibility impact to the lake. There is no impact to the lake whatsoever. I am supportive of this.

Kovacovich stated I am in agreement with Grob and Andres. My concern here is more about the retaining wall and the steep slope. Do you know how long that retaining wall has been in place?

Wisch answered it was a little over a year ago. It kept washing out, so we scooped it out and put the wall up to hold it back.

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

Andres seconded the motion that passed 5 – 0.

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

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 addition meets the setback from the natural environment lake and stays out of the shore impact zone of the recreational development side. It will have no impact on the 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? Increased storage space is reasonable to keep items inside and out of the weather. The location is a reasonable spot.

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

Yes (X) No ()

Why or why not? The lot is situated between two lakes whose ordinary high water mark setbacks overlap on the property. A variance of some sort from one or more setbacks is required to place any 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 neighborhood consists of a mixture of seasonal and year-round single-family homes, a residential planned unit development, and a resort/campground. Many of the structures on these neighboring properties also do not meet setbacks due to the narrowness of this area that sits between two lakes. While a 17' lakeward addition is not desirable, the size of the addition would not harm the locality's mixed residential/commercial 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 the lot's location between Lower Bottle and Stocking Lakes and that fact that the two lakes' OHW setbacks overlap or touch on the property.

Variance Application 18-V-21 by Debra Bowers: Part of Gov't Lot 5, Section 26, Township 141, Range 34, Lake Emma Township on Big Sand Lake, a recreational development lake. Parcel 16.26.01010 and 16.26.00810. Applicant is requesting a variance from Section 502.2 of the Shoreland Management Ordinance for a proposed accessory structure to be located within the 100' ordinary high water mark structure setback.

Debra Bowers, 19450 Grouse Road, Park Rapids, MN, presented the application along with her daughter Tracy Bowers Illies, 19450 Grouse Road, Park Rapids, MN.

Bowers Illies stated the intent of this variance is to build an 8' x 10' structure that would be a sauna for our property that we have owned since 1994.

Andres asked have you considered placing the sauna anywhere else on your property? Do you have any other ideas or locations that you have considered for it to be?

Bowers Illies replied we have. We are working with a local builder. Unfortunately, the 100' setback brings us to a hill that goes up and near the septic. In the proposed site we wouldn't have to take out any trees, vegetation, or disrupt any landscape. Having to go further up and away from the lake would require leveling off land, cutting trees, and also it would be

very close to the septic system. That is what the builder recommended, the flatter area tucked in between some trees.

Andres added I am not sure where the septic is located, but it appears there was some fairly level places on the land between the house and the garage. There is a little pump station and a black fence that I believe belongs to the neighbors, but there is a lot of level area on that side as well.

Bowers Illies responded we felt that out in the middle of the yard, it is a manicured yard. We find it nestled in and more natural looking, nothing that is going to be an eyesore. We felt on the level yard area, having another structure in between the houses wouldn't be aesthetically pleasing to us or our neighbors.

Kovacovich opened for public comment.

No public comment was given.

Kovacovich closed public comment.

Johnson commented I stepped it off, and as you can see on the plan there, there was plenty of room to bring it up the hill. The only problem that I saw was that when you get out of it, you want to get to the lake. There would be no walkway around the edge of the house to get to the deck. But, you could bring that up even if it was on a level area. I would sure think that it could be put on posts with a deck and going over along the edge of the house. I think it could meet the setbacks.

Petersen agreed. It seemed like if you backed it up that hill, you get to an area that I thought was relatively flat. It might have to be modified a little bit, but I didn't think it was too bad. That would get it out of the setback. I thought that would be preferable myself.

Bowers Illies asked you mentioned the deck? There is a deck on the lakeside, but also a deck on the south side of the house. Are you referring to moving it up so that it is more adjacent to where the deck is on the lakeside of the house?

Johnson answered I thought more for the lakeside deck so that you could leave it and go around that way to get to the lake after getting out of the sauna.

Bowers Illies clarified when you say in the vicinity, maybe 10' back, so that it is more adjacent to the house? Is that what you were thinking?

Johnson replied no. I was talking about meeting the setback. You could easily meet the setback.

Bowers Illies continued so you are referring to up the hill, on that more flat area?

Johnson responded correct.

Kovacovich stated I am in agreement. I believe that it could be built within the setbacks and could be done by permit without a variance application.

Andres added during my lot viewals, I did see that there were several options for other areas that met setback. I understand the applicants desire to have it tucked away and nestled in the trees, but when permittable options exist, it would not be keeping in harmony with the ordinance and the shoreland rules intent to grant a variance from the ordinary high water mark structure setback. Allowing the sauna and the platform to be closer to the ordinary high water mark than the house would not be in harmony as well. I agree with the staff report in denying the application as permittable options exist.

Bower Illies asked if we brought it up the hill to the flatter area, still on the east side, and it was 80', would we have to go through this process all over again? What do you recommend, because we are going to build this.

Kovacovich explained what seems to be the consensus of the Board is that we feel that it could be built meeting the setbacks, so no variance would be required. It could be built by applying for a permit.

Bower Illies clarified using the 100' setback.

Kovacovich agreed.

Bower Illies continued even though the structure is not huge, it is 8' x 10'? Something a little bit smaller was built by a nearby neighbor that was right on the water. It is not a huge structure.

Kovacovich stated I can't address things that have happened on a neighboring property. I am not aware of that. What we are addressing today is the application for a variance for this particular structure.

Bower Illies asked what is the square footage requirement?

Kovacovich said Buitenwerf do you want to answer that?

Buitenwerf explained Section 601 Accessory Structures would allow a 48 sq. ft. shed to be placed as close as 20' from the ordinary high water mark. But it would need to be used for storage purposes.

Johnson made a motion to deny the variance application.

Grob seconded the motion that carried unanimously 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 () No (X)

Why or why not? The lot is ~180' wide x ~518' deep. There are no wetlands on the property or other obstructions that would prevent the proposed structure and platform from being placed in a conforming location on the lot by permit. When a permittable

alternative exists, it would not be in keeping with the ordinance's and State Shoreland Rule's intent to grant a variance from the ordinary high water mark structure setback.

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? While an 8' x 10' sauna is a reasonable accessory structure to have on a residential lot, placing it at a 58' OHW setback with an accompanying platform at a 55' OHW setback on a very large and deep lot that affords room to meet setbacks is not 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 () No (X)

Why or why not? The property is ~180' wide x ~518' deep and devoid of wetlands or other obstructions that would prevent the proposed sauna from being placed in a conforming location on the property by permit.

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

Yes () No (X)

Why or why not? The neighborhood consists of seasonal single-family dwellings on similarly sized conforming lots. The residences on the adjoining lots to the east and west of this property comply with the OHW setback. The house on this lot is quite large and located within the 100' OHW setback. Allowing a sauna and platform to be located closer to the OHW than the house would not maintain the locality's character of the neighboring structures complying with the OHW setback.

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 19-V-21 by Paul Follmann: Lot 10, Duck Lake Second Addition, Section 31, Township 139, Range 32, Crow Wing Township on Duck Lake, a recreational development lake. Parcel 06.38.40900. Applicant is requesting a variance from Section 702 of the Shoreland Management Ordinance for a proposed waterward addition to a nonconforming structure located within the 100' ordinary high water mark setback.

Paul Follman, 2021 6th Ave. SE, Willmar, MN, presented the application.

Follman stated our application is that we have bought the property back in November of 2020. It had not been used in a few years. We would like to replace the 12' x 24' existing deck, as it had been rotting out. We would like to put a screened porch on top of that and not change the structure that is 12' x 24' deck at all.

Grob said since this is encroaching closer to the lake, beyond the 85' that was allowed for the house when the previous variance, and you already have a deck there that you want to replace, did you consider placing the porch to the right-hand side where the steps come out? Did you consider that in order to try to stay within the current variance?

Follmann replied we did. We looked at the deck, sliding doors, and the windows, and we thought we would be wanting to put it on the front side and come straight out with the roof structure. It would make it easier for the carpenter to come out that way and not change the roofline at all on the cabin.

Kovacovich opened for public comment.

No public comment was given.

Kovacovich closed public comment.

Kovacovich added when I looked at it, and seeing what was done in the past by variance, obviously the deck needs to be replaced, but it seemed to me that you could build a porch by permit coming off that other side. To change what was done in the past with the variance by this Board is not something I am very interested in. I think the previous variance that was allowed had good, sound reasoning.

Grob stated when there is an alternative that can be done that is more in line with the harmony of our Shoreland Management Ordinance, and there is no other topographical constraints, it would be inconsistent for us to approve a lakeward expansion beyond the 85'.

Follmann replied even if the variance was already previously approved for that deck at 73'?

Grob continued the deck is okay, but not a porch.

Andres commented I am in line with Grob and Kovacovich. Allowing a 12' lakeward addition to the cabin, when there is ample room on the northeast side to place the porch by permit, would definitely not be in harmony. Keeping in harmony with the ordinance's intent, or the prior Board of Adjustment that granted the previous variance with a specific reasoning, maintaining the characteristic.

Follmann stated it is going to increase the cost because of the way that the roofline is.

Kovacovich added that may be, but what this Board is concerned with is the Shoreland Management Ordinance and the impacts on the bodies of water.

Grob made a motion to deny the variance application.

Petersen seconded the motion that carried unanimously 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 () No (X)

Why or why not? The existing cabin was allowed to be built at an 85' ordinary high water mark setback per a prior variance as this setback was in-line with the cabin

setbacks on the adjacent lots. Allowing a 12' lakeward addition to this cabin when there is ample room on its northeast side to place the porch by permit would not be in keeping with the ordinance's intent or that of the prior Board of Adjustment that granted the prior variance with specific reasoning for doing so in order to maintain the neighborhood's character by having the cabin be in-line with adjoining cabins.

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? While having a screened-in porch from which to enjoy a view of the lake is a reasonable request, placing it on the lakeside of a cabin that already does not meet the 100' ordinary high water mark setback and that was allowed to be placed at this setback because it thus is in-line with the cabins on adjoining lots would not be reasonable. This is especially true because there is ample room on the northeast side of the cabin to construct the desired porch by permit and still have a good view of the lake.

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 cabin was allowed to be constructed at an 85' ordinary high water mark structure setback by a prior variance. There is 55' of width to the northeast of the cabin that meets setback such that the proposed porch could be added to the side of the cabin by permit and still provide a view of the lake. The existing deck is in a state of disrepair and is proposed to be rebuilt in order to place the proposed porch on it. So if new construction is proposed, that can just as easily occur on the side of the cabin.

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

Yes (X) No ()

Why or why not? The neighborhood consists of mostly seasonal single-family dwellings with a few year-round residences. The riparian lots are all part of the same plat and nonconforming in width and area. This house was allowed to be placed at an 85' OHW setback per a variance. This setback was established by the Board of Adjustment to ensure this cabin was in-line with the adjacent cabins on the neighboring lots so that views were not obstructed. Allowing a 12' lakeward addition to the cabin would thus not be in keeping with the prior variance and would make this cabin stand out in terms of its ordinary high water mark setback.

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:

Communications: Buitenwerf stated I have some updates for the PC/BOA relative to the ordinance amendments that we were working on through the winter. The Sign and Septic Ordinance amendments were adopted by the County Board. Those took effect last

Saturday. Then the Board also held a hearing and took action on the amendments to the Subdivision Ordinance, which were adopted on the 18th. Those will take effect upon publication in the legal newspaper following the June meeting. I would imagine it would be the first Saturday in June as the effective date for that amendment. Then, this week, on Wednesday evening at 6:00 there is a public hearing scheduled to consider the amendments to the Shoreland Management Ordinance. If necessary, that will be continued on Thursday evening at the same time of 6:00 p.m. to hear additional comments if/as needed. Those are the ordinance items that you have been working on. Thus far, for the June meeting, we have 3 or 4 variance applications that have been submitted. The application deadline would be next Tuesday, so, as is typical, people usually submit the application as we get closer to the application deadline. I would imagine we will have an increased agenda size, but how much remains to be seen.

Grob asked did the Commissioner's accept our recommended changes to the Green Pine Villas CUP?

Buitenwerf replied yes. They went with the Planning Commission's recommendation and made a couple adjustments. Part of that was based on feedback that you as a Commission provided after your hearing, which was namely to require that the natural vegetation of the shore impact zone has to be restored prior to permits being issued for the new sheds, and they need the area that was graded for the proposed second storage building that was denied, that area has to be restored and placed back into natural vegetation to protect from anything being done to it to jeopardize its ability to be used for an experimental drainfield site in the future. Those were the two slight tweaks that were made to your recommendation. They did adopt your recommendation with those edits and your findings of fact.

Andres stated I am looking forward to in-person meetings and lot viewals together.

Kovacovich asked Commissioner Van Kempen is there any news on that for when the County may be addressing that.

Van Kempen replied I think the Governor signed an order that starting July 1st more commissions can meet in-person. There is going to be some restrictions as far as how you can meet virtually. I don't know if it is going to be our first meeting in June or if it is going to be our work session where we are going to be discussing those things that came up in the law whether we can still use this type of a platform or if we are going to be streaming our meetings. I am guessing by July we could be back in-person.

Adjournment:

Andres made the motion to adjourn.

Grob seconded the motion.

The motion carried unanimously 5 – 0.

The meeting adjourned at 8:16 p.m.

Respectfully submitted,

Staci Lee

Recording Secretary