

## **HUBBARD COUNTY**

### **Planning Commission/Board of Adjustment meeting minutes**

6:00 p.m. on Monday, March 28, 2016

Chairman Ted Van Kempen opened the meeting with the following members present: Tom Krueger, Tim Johnson and Charlene Christenson. Also present was Environmental Services Officer Eric Buitenwerf.

Van Kempen 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:** No agenda at January 25, 2016 meeting.

**Old Business:** None

**New Business:** None

**Miscellaneous:** None

#### **Board of Adjustment:**

**Approval of Minutes:** January 25, 2016 meeting.

Krueger made a motion to approve the January 25, 2016 minutes as presented.

Christenson seconded the motion.

The motion carried unanimously 4 – 0.

**Old Business:** None

#### **New Business:**

**Variance Application 5-V-16 by Thomas Bower:** Lot 13, Block 1, Sandy Shores, Section 22, Township 141, Range 32, Akeley City on 11<sup>th</sup> Crow Wing Lake, a recreational development lake. Parcel 29.40.01300. Applicant is requesting a variance from Section 502.2 of the Shoreland Management Ordinance for a proposed attached garage to an existing nonconforming residence that will not comply with the 50' county road right-of-way setback.

Thomas Bower, 335 Pleasant Avenue, Akeley, MN, presented the application as a request for a 30' x 30' garage addition to the existing structure.

Johnson asked about the paver stones in the front of that structure.

Bower explained that he had gotten the permit for the paver patio and was in the process of bringing that into compliance. He also showed photos of the current structure and explained that if he pulled out the stone, it would be 9' 6" with the current stone. The deconstruction has begun and will end up with the 9' 6" platform that meets setback.

Van Kempen asked about the speed limit on this county road.

Bower replied that the speed limit is 30 miles per hour.

Van Kempen commented that the variance request is for a less than 50' setback from the road right-of-way.

Bower replied yes.

Van Kempen opened the discussion for public comment.

No public comment given.

No written correspondence received.

Van Kempen closed public comment.

Christenson commented that this addition is on the back side of the house so it is not going toward the lake.

Christenson made a motion to approve the variance application and adopt the staff report findings of fact.

Van Kempen seconded the motion.

Findings of fact:

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules?  
Yes (X) No ( )

Why or why not? The 50' ROW setback is intended for a 55 mph highway speed. Pleasant Avenue (a.k.a. County 23) has a 30 mph speed limit and thus does not require a 50' structure setback in order to provide a safe zone along the roadway for vehicles that accidentally leave the roadway. The township ROW setback is 20' and that includes township roads that are traveled around the 55 mph highway speed. Thus, for a 30 mph speed limit, the proposed 18' ROW setback for the attached garage will not endanger public health, safety, and welfare.

2. Without the variance, is the owner deprived of a reasonable use of the property?  
Yes (X) No ( )

Why or why not? There is no accessory structure on the property that is capable of housing a motor vehicle. Having a garage to store one's vehicle and having that garage attached to a residence is a very reasonable use of property – especially given the long, cold winters of this area.

3. Is the stated practical difficulty due to circumstances unique to this property?

Yes (X) No ( )

Why or why not? The lot is oddly shaped. It is ~115' deep on the north side and 151' on the south side, being trapezoidal in shape. The 100' OHW setback and 50' road ROW setbacks occupy so much of the lot that there is not usable space in which to site a structure and meet all setbacks. The residence to which the garage is to be attached currently sits at a 67' OHW setback. Placing the garage on the rear of the house maximizes the OHW setback. Putting the garage on the side of the house would increase the ROW setback, but do so at the expense of the garage meeting the OHW setback.

4. Were the circumstances causing the practical difficulty created by someone or something other than the landowner?

Yes (X) No ( )

Why or why not? The lot was created through a plat that was created decades before the shoreland ordinance was enacted. As mentioned in the answer to question 3 above, the lot is oddly shaped and lacks usable depth. On most of the lot, the OHW and ROW setbacks come so close to each other that there is no workable area in between them in which a structure could be placed by permit.

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

Yes (X) No ( )

Why or why not? The area consists of single family year-round and seasonal residences. Attached garages are a common feature in the area and an 18' ROW setback rather than a 50' ROW setback for a reasonably sized 30' x 30' garage attached garage will not harm the locality's residential character.

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

Yes (X) No ( )

Why or why not? Economics were not cited in the application as the sole difficulty. The difficulty involves the lot's unique shape and the OHW and ROW setbacks that come so close to one another that no workable area exists between them.

The motion passed unanimously 4 – 0.

**Variance Application 6-V-16 by Richard and Susan Anderson:** Gov. Lot 4, Section 25, Township 141, Range 34, Lake Emma Township on Little Sand Lake, a recreational development lake. Parcel 16.25.01300. Applicants are requesting a variance from: Part 1. Section 507.2 of the Shoreland Management Ordinance (SMO) for a proposed 2<sup>nd</sup> lake access path that will exceed 4' in width; Part 2. Section 901 of the SMO to remove existing live vegetation in the Shore Impact Zone (SIZ); and Part 3. Section 902 of the SMO to exceed the permissible threshold of earthen material grading/filling within the SIZ and on a steep slope.

Richard Anderson, 509 Shaefer Road, Edina, MN 55436, explained the variance application is to repair the stone wall that has eroded by tearing it all out to avoid further erosion and to put it back into a natural slope. Will need a pathway down to the lake to get equipment down to and also to make it more accessible.

Cory Boushee with Karvacko Engineering, 2300 Bemidji Avenue N, Bemidji, MN 56601, was also in attendance representing Mr. Anderson. Boushee said we put together a landscape plan that is not going to fail. This will be signed and designed by a registered landscape architect. The conditions of these walls are to the point where we are looking at an unsafe situation or a situation where we can see erosion in the lake if one of these walls fails. This is a preventative maintenance thing that Mr. Anderson would like to do. We understand we are putting it back to a steep slope so we have taken the time to address it by putting in a few dry creeks on each side to mitigate the stormwater by slowing it down. Where anything will be disturbed we will be putting erosion control blankets with a straw coconut mixture which will last longer. We are asking for a wider path than you would like to see and the width of the path is for safety. The way that the boulder wall is coming in, anything that is being disturbed is going to have the gravel path on top of it and adding granite dust which gets rock hard. The wall will be built to withstand the slope above the trail. Everything that we are doing for disturbing we are cutting out. We will not be bringing in fill, which will cause more erosion.

Krueger asked if there were a heavy rain, would that path become the channel for water.

Boushee replied that they will be keeping at 2% slope downward, it will be designed to slowly sheet water off of it.

Johnson commented that on the plan there is a trail cross section, is that 2 ½' high cut in on the high side of the trail.

Boushee replied correct, that is how high the boulder wall will be in order to make a solid wall.

Johnson asked if the path would be cut 8' wide to use equipment.

Boushee commented that this project will take a pretty good size mini excavator to get down and do this construction. We are hoping once we put that rock in, the path will be only six feet wide from the edge of the boulder wall to the edge of the slope.

Van Kempen noted that looking at the plans and the photos, these two trees that you see on each side of the dock and boardwalk are the two trees you think will have to be eliminated. My concern is that there is an evergreen tree on the left hand side where the wall is going will also have to be removed.

Boushee responded they will do the best that they can, but the way the dry creek runs in there they will be sloping so we can try to save that tree.

Van Kempen asked if there were any plans to plant new trees.

Boushee replied yes, on sheet three of the plans that were submitted. We have not verified the style of tree, but have some suggestions. We do plan to plant trees.

Van Kempen commented that the way the ordinance is written now they do not want to have you be able to see so much of this house from the lake. With the elimination of the two trees and the potential of the third, this leaves the view wide open.

Boushee explained that there will be new trees but will not be in the exact same spot, we are moving them with one tree at the top of the steps and as that tree grows it should provide some view mitigation from the lake where you will see trees not just house. We also have two on the south side and one up on the slope to provide slope stabilization.

Christenson asked what size trees would be used.

Boushee stated that the size had not be determined as of yet.

Anderson noted that the new trees would be as big as possible.

Van Kempen opened the discussion for public comment.

No public comment given.

No written correspondence received.

Van Kempen closed public comment.

Christenson asked about the six foot wide path or can you go back down to four feet.

Johnson explained that he is struggling with the findings of fact with the path.

Johnson asked about the shed on the project labeled "EX", is that leaving?

Boushee replied the shed is existing and is staying.

Christenson commented that this plan is in the right direction, we looked at the lots around the area and being in the natural state would be good.

Van Kempen commented on the path, the ordinance allows for one four foot wide path per 150' lot width and this lot is 400'. So there is some consideration for a second path, the issue is six foot wide. Questions that have to be answered as to why we are allowing it and it is hard to justify being six feet wide.

Krueger mentioned that safety with a vehicle but this is not the only lot in the County that is steep. There are lots in the County that are steeper and only have a four foot path.

Boushee explained that without this path we cannot do this project to get equipment down to the lake. We will have to make the path without taking out more trees. We will have to have a six foot to eight foot wide path so when we go to build that wall, we will have to dig in and put that retaining wall up and stabilize behind it, reseed it and put the erosion control blanket on top of the wall. When construction is done, the path will be right around that eight foot wide. From a construction standpoint and safety standpoint, we feel this is the best solution. Mr. Anderson is trying to use a golf cart to get people down to the lake.

Van Kempen mentioned that for the construction, there is no issue with a wider path at that point, but after construction is complete, this pathway should only be four feet wide.

Johnson noted that there would be a need for a wider path during construction, but to put it back to the four foot path after is not unreasonable.

Boushee reviewed that it would be a four foot path from the edge of the retaining wall to the top of the slope. He asked could that path be wider if there is four foot of aggregate wide and grass buffer to provide safety. You would allow a four foot path with one foot on each side of grass. Anything that is disturbed would be seeded with native seed and an erosion control blanket on it. It will serve as a safety issue, but the path will be four feet wide.

Anderson commented that would be sufficient.

Christenson asked Buitenwerf if that would fulfill the requirement of the four foot path. If there is grass on each side is that considered part of the path.

Buitenwerf responded the Ordinance would look at what is the improved surface, so as long as they were not driving on that grass buffer alongside the graveled path, they would be in compliance.

Krueger commented that he could go along with that change.

Christenson asked if there would be a buffer where the wall was going in or would you put the path right up to the wall.

Boushee responded that they would want to put a buffer there too to keep the improved surface in the center of the path which is better for erosion and everything. If we get some grass growing next to that retaining wall at a one foot buffer, that will help stabilize that as well. It will catch that first water that is running off that retaining wall. We can make a four foot path work with a one foot buffer on each side.

Krueger made a motion to approve Part 1 with the condition that it be only a four foot aggregate path with a one foot buffer on both sides and be maintained in grass and not driven on regularly.

Buitenwerf asked for a second on the motion.

Van Kempen seconded the motion.

Findings of fact:

### **Part 1**

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules?

Yes ( X ) No ( )

Why or why not? It will be maintaining a four foot wide path for travel.

2. Without the variance, is the owner deprived of a reasonable use of the property?

Yes ( X ) No ( )

Why or why not? Without the second path it would be hard to traverse the hill for some people.

3. Is the stated practical difficulty due to circumstances unique to this property?

Yes ( X ) No ( )

Why or why not? In order to make that cut in there and get that rock wall out of there and restore it to a natural state.

Buitenwerf addressed the Board and explained that the variance was to exceed the four foot width, and so now that the plan has been modified to comply with the four foot width, there is no need for a variance. If they are willing to amend their plans, this can be done without a variance.

Van Kempen made a motion to approve Parts 2 and 3 with the condition that a current SSTS compliance inspection be submitted before the shoreland alteration permit for the project can be issued and if the SSTS is found to be noncompliant, it must be upgraded with a new SSTS before the shoreland alteration permit for the project can be issued and adopt the staff report findings of fact..

Christenson seconded the motion.

Findings of fact Parts 2 and 3:

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules?

Yes ( X ) No ( )

Why or why not? The project will restore a natural slope that used to exist between the house and shoreline on this lot and that had been altered into a set of rock retaining walls in years past. Native vegetation will be planted on the slope once it is established. All of these steps are in harmony with the ordinance's intent to have as natural a shore impact zone as possible for its environmental and aesthetic benefits.

2. Without the variance, is the owner deprived of a reasonable use of the property?

Yes ( X ) No ( )

Why or why not? The retaining walls proposed to be removed are in disrepair. Removing these rock walls and reestablishing the original natural contour/grade of the slope is a reasonable request. It will preserve the slope as well as the structural integrity of the residence located at the top of the slope. It will also make the slope safer for pedestrian use of the yard.

3. Is the stated practical difficulty due to circumstances unique to this property?

Yes (X) No ( )

Why or why not? There are two old rock retaining walls on this slope that were installed years ago that are in need of either replacement or removal and slope reestablishment.

4. Were the circumstances causing the practical difficulty created by someone or something other than the landowner?

Yes (X) No ( )

Why or why not? The difficulty is caused by the presence of the two retaining walls that were apparently constructed by a previous landowner. The degree of alteration to the slope caused by these walls' construction requires a volume of material that greatly exceeds the permissible volume of material allowed in the shore impact zone.

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

Yes (X) No ( )

Why or why not? The area consists of single family year-round and seasonal residences. Restoring this slope to its original contour and placing native vegetation on it will improve the locality's character.

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

Yes (X) No ( )

Why or why not? Economics were not cited in the application as a difficulty. The difficulty involves the severity of the slope's alteration by the installation of the retaining walls years ago and the amount of material needed to be brought in to restore the slope.

The motion passed unanimously 4 – 0.

Krueger asked if there needs to be action on Part 1 of this variance request.

Buitenwerf responded that Mr. Anderson can submit something in writing that states Part 1 of the variance request is being withdrawn or the Board should take action to deny the request and they would be able to proceed with the amended plan as discussed.

Van Kempen made a motion to deny Part 1 of the variance request and adopt the staff report findings of fact.

Krueger seconded the motion.



Findings of Fact Part 1:

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules?

Yes ( ) No ( X )

Why or why not? There is an existing lake access path consisting of a set of stairs on the property. The application does not provide any information stating why the proposed second path must be 6' wide instead of 4'.

2. Without the variance, is the owner deprived of a reasonable use of the property?

Yes ( ) No ( X )

Why or why not? The lot is wide enough to be allowed two 4' wide access paths which provides for a very reasonable use of the property. The application does not provide any evidence to support a practical difficulty in needing the second access path to be 6' wide.

3. Is the stated practical difficulty due to circumstances unique to this property?

Yes ( ) No ( X )

Why or why not? While there is a steep slope between the house and shoreline on this property, this condition is not unique to this property. It is a common topographical feature on a number of lake lots. The application contains no information showing why two 4' wide access paths are insufficient.

4. Were the circumstances causing the practical difficulty created by someone or something other than the landowner?

Yes ( ) No ( X )

Why or why not? The landowner created the alleged difficulty by wanting a second access that exceeds the 4' allowable width. The application contains no evidence showing the existence of a practical difficulty and why a 6' wide second path is needed.

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

Yes ( X ) No ( )

Why or why not? The area consists of single family year-round and seasonal residences. A second access path between the house and lake that is 6' wide would doubtfully harm or negatively change the locality's character.

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

Yes ( X ) No ( )

Why or why not? Economics were not cited in the application as a difficulty. The application cites no alleged practical difficulty.

The motion passed unanimously 4 – 0.

**Variance Application 7-V-16 by Keith and Patty Jo Viere:** Lots 5 and 6, Block 1, Renee Beach, Section 24, Township 140, Range 34, Henrietta Township on Lake Belletaine, a recreational development lake. Parcel 13.38.00500. Applicants are requesting a variance from: Part 1. Section 702 of the Shoreland Management Ordinance (SMO) for a proposed addition to a nonconforming residence located in the Shore Impact Zone (SIZ) and Part 2. Section 801.2 of the SMO and Article I, Section 1.01 of the Subsurface Sewage Treatment System Ordinance (SSTSO) for a subsurface sewage treatment system (SSTS) tank to be located within the 10' setback and the SSTS drainfield to be located within the 20' setback from the addition in proposed.

Brent Nicklason, 25275 State Hwy 34, Nevis, MN 56467 represented Keith and Patty Viere for the application. The request is for an alteration to a nonconforming structure of an attached garage and the site is tight and has an existing variance from 1983. The garage was never built, but the variance allows a 50' setback for that garage. We are proposing to attach this new garage to this structure with the same 50' setback. There is also a septic and drainfield that was installed last year and so we can situate the new structure without altering that new system.

Krueger commented that the drainfield is real close to the driveway and in need of rocks or some kind of barrier.

Nicklason replied yes the homeowners are aware and they agree that this is needed.

Johnson commented that it would be to their advantage to put something there but not sure what.

Krueger mentioned that the failure of the system by driving on it would be an issue for the lake.

Johnson replied that the failure would likely be from freezing not from hydraulics because of driving on it.

Christenson asked if the existing shed would be torn down.

Nicklason replied yes it would be removed.

Johnson noted that after you redid the plan, the septic tank would be how far from the house.

Nicklason noted that it would be two feet.

Johnson asked if the edge of it would be outside the foundation by two feet.

Nicklason replied yes, the footings will be shallow so as not to be excavating down alongside that tank. The footing height will be around the top of that tank or maybe slightly below so there will be minimal ground disturbance around that tank.

Van Kempen opened the discussion for public comment.

No public comment given.

No written correspondence received.

Van Kempen closed public comment.

Christenson noted that the lot is very tight and there does not seem to be an alternative for the septic and understands after seeing the cabin why they would want to add on and there is an existing variance already for the garage. In viewing the lot and the high water mark, it does appear that if the lake would come up when it is at its highest, the house would not be under water.

Van Kempen explained that where the garage and the addition are being proposed, it looked like this spot would not be a ideal spot for a drainfield. There is not room anywhere else for a garage.

Nicklason explained that there is a spot in the rear of the lot, but probably could not meet the side lot line and would also be a variance situation. There is a similar 15' x 25' space for an alternate drainfield potentially.

Christenson made a motion to approve the amended plan of Part 1 of the variance application and adopt the staff report findings of fact for questions 3-6.

Johnson seconded the motion.

#### Findings of Fact Part 1:

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules?

Yes ( X ) No ( )

Why or why not? There is an existing variance that they could add on a garage and by giving up that variance for this one, they are in keeping with the setback of the original variance.

2. Without the variance, is the owner deprived of a reasonable use of the property?

Yes ( X ) No ( )

Why or why not? It is not unreasonable to add square footage due to the size of the cabin and it is not unreasonable to want a garage with the weather that we have.

3. Is the stated practical difficulty due to circumstances unique to this property?

Yes ( X ) No ( )

Why or why not? The lot is very small and flat and located on the point of a peninsula. It is a reverse pie shape with ~90' of depth on the west side and 130' on the east side with no actual rear lot line. There is insufficient depth to meet all setbacks.

4. Were the circumstances causing the practical difficulty created by someone or something other than the landowner?

Yes ( X ) No ( )

Why or why not? The difficulty is caused by the lot size and topography as stated in the answer to question 3 above.

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

Yes (X) No ( )

Why or why not? The area consists of single family year-round and seasonal residences.

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

Yes (X) No ( )

Why or why not? Economics were not cited in the application as a difficulty. The difficulty involves the lot's lack of depth and width and its being located on the point of a peninsula.

The motion passed unanimously 4 – 0.

Johnson made a motion to approve Part 2 of the variance application.

Van Kempen seconded the motion.

Findings of Fact Part 2:

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules?

Yes (X) No ( )

Why or why not? The septic is new last year and meets all lake and all setbacks. The proposed tank to the house and drainfield to the garage will not harm the septic or the structure.

2. Without the variance, is the owner deprived of a reasonable use of the property?

Yes (X) No ( )

Why or why not? With the limited size lot, the septic needs to remain in the current location.

3. Is the stated practical difficulty due to circumstances unique to this property?

Yes (X) No ( )

Why or why not? The lot is small and challenging to all depth setbacks.

4. Were the circumstances causing the practical difficulty created by someone or something other than the landowner?

Yes (X) No ( )

Why or why not? The difficulty is caused by the lot size.

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

Yes (X) No ( )

Why or why not? The area will remain a single family residence as the locality is.

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

Yes (X) No ( )

Why or why not? Economics were not cited in the application as a difficulty. The difficulty involves the lot's lack of depth and width.

The motion passed unanimously 4 – 0.

**Variance Application 8-V-16 by Martha Preus:** E 100' of Lot 4, Zion Park, Section 4, Township 142, Range 32, Steamboat River Township on Kabekona Lake, a recreational development lake. Parcel 24.39.00800. Applicant is requesting a variance from Section 506 of the Shoreland Management Ordinance to allow a structure located in the shore impact zone to be used as a guest cottage on a nonconforming lot that does not meet the minimum lot width requirement.

Tom Barthelemy, 23229 Boreal Road NW, Pinewood, MN 56676 and David Preus, 29910 Hwy 37, Laporte, MN presented the application.

Barthelemy presented the application as a cabin which is the only structure on the property and classified as a primary structure. We are proposing to build a new home on the property and meet all the requirements of the Ordinance. We would like to reclassify the existing cabin as a guest cabin. We do not intend to alter the cabin and we are not seeking to alter the use. We are solely looking for a reclassification of the building.

Christenson asked what year the cabin was built.

Preus replied in the early 60s.

Christenson commented that in viewing the cabin there was no sign of erosion near this cabin.

Van Kempen asked if the cabin had any running water or septic system.

Preus replied no.

Van Kempen commented that there was no kitchen; it seemed to be more like a bunk house.

Johnson noted that the site did not look like there was a dock there.

Preus explained that they have not used the site in three years. When we moved to the location where we are now, the dock went with us and we have not used this site since.

Van Kempen noted that the shoreline looked undeveloped.

Van Kempen opened the discussion for public comment.

No public comment given.

Written correspondence received from John Bjorlie, 63 Middle Street, Gloucester, Massachusetts 01930 in support of the variance request.

Van Kempen closed public comment.

Krueger commented that this cabin is very close to the lake and tends to take a different view on this request. The lot is only 100' wide, there is a bluff, the current cabin is in the shore impact zone and find it difficult to approve within the intent of the Ordinance. Allowing this to become a guest cottage and stay seems unnecessary.

Preus expressed that it would be a sad day to see that treasure of a cabin taken down.

Johnson stated that it is in the intent of the shoreland rules because they are building a new structure that does meet all the Ordinance requirements.

Krueger asked to reclassify it as a guest cabin, would they be able to use it as sleeping quarters.

Van Kempen stated they would not be able to alter the structure without a variance.

Barthelemy explained that the difference is between classified as a guest cabin or being classified as an accessory structure is the presence of a bed. This is how the building has been used for 50 years and we are not seeking to alter it or any other additional use.

Krueger expressed that this classification will stay with the property for generations.

Barthelemy stated that the building is there and has been for 50 years. If we put in a request to build the cabin at the present time, the answer would be no. The building is there and we are not seeking to expand the uses of it. We are seeking to use it as it has been used which is seasonal.

Christenson asked if this variance request is approved, can we put a condition on there that they could not put in a septic or running water.

Buitenwerf responded that it would be a reasonable condition.

Barthelemy noted that the size of the house is presently 1600 square feet and is two bedrooms. That will not lessen the impact on the shoreland.

Johnson responded that this structure is part of the topography. With it gone, there would be a hole in the bank. The trees have grown around it and it is not a eye sore from the lake. This structure has done no damage to the lake for 50 years.

Christenson made a motion to approve the variance application with the conditions that: 1. no sewer or water can be added to the guest cabin, and 2. at no time can this lot be subdivided. Christenson's motion included adopting the staff report findings of fact.

Van Kempen seconded the motion.

Finding of Fact:

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules?

Yes (X) No ( )

Why or why not? This structure predates the Ordinance and even though the lot is narrow it has more than double the minimum lot size needed. Use of this cabin over the years has not caused erosion to the lake.

2. Without the variance, is the owner deprived of a reasonable use of the property?

Yes (X) No ( )

Why or why not? This is a seasonal sleeping quarters and there is no harm to the lake.

3. Is the stated practical difficulty due to circumstances unique to this property?

Yes (X) No ( )

Why or why not? The lot is uniquely shaped (100' wide x ~930' deep) so while it doesn't meet the required 150' minimum width, it is more than double the required 40,000 sq. ft. minimum lot size. The existing residential structure was constructed prior to the shoreland ordinance's enactment.

4. Were the circumstances causing the practical difficulty created by someone or something other than the landowner?

Yes (X) No ( )

Why or why not? The difficulty is created by the lot's shape of being 2/3 of the required 150' lot width, but offsetting this by being 2.17 acres in size and 930' deep when the minimum required lot size is 40,000 sq. ft. The existing residential structure predates the shoreland ordinance and was constructed by a previous owner. The lot was not created by the owner.

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

Yes (X) No ( )

Why or why not? The area consists of single family year-round and seasonal residences.

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

Yes (X) No ( )

Why or why not? Economics were not cited in the application as a difficulty. The difficulty is the lot's odd shape of being 100' wide, but ~930' deep and the existing nonconforming residential structure's being right on the shoreline.

The motion passed 3 – 1 with Krueger voting nay.

**Miscellaneous: None**

**Communications: None**

**Adjournment:**

Christenson made a motion to adjourn the meeting.

Van Kempen seconded the motion.

The motion passed unanimously 4 – 0. The meeting was adjourned at ~7:15 p.m.

Respectfully submitted,

Barbara Barth  
Recording Secretary