

**DRAFT**  
**MINUTES OF THE CARLTON COUNTY BOARD**  
**OF ADJUSTMENT MEETING**  
**September 16, 2014**

- (1) Chairman Hill called the Board of Adjustment meeting to order at 7:00 p.m.
- (2) Members Present: Tom Hill, Doug Suhonen, and Acting Recording Secretary Jody Meyer.  
Members Absent: Jeff Vichorek.
- (3) Motion by Suhonen, seconded by Hill, and supported by all yeas votes to approve the August 19, 2014, Board of Adjustment meeting minutes.
- (4) Old business: None
- (5) Chairman Hill called the Public Hearing to order at 7:01 p.m.
- (6) Chairman Hill read that the legal ad was sent to the Star Gazette on August 28, 2014, and published in the Star Gazette on September 4, 2014.
- (7) Chairman Hill read the *Finality of Decisions*.
- (8) Chairman Hill read the *Findings of Fact to Grant a Variance* from Zoning Ordinance 27-F.

(9) a) **Variance Request #314011 James Paul Vernon**

James Paul Vernon "Paul" of 1621 Loon Lane, Sawyer, MN 55780, was present to speak on his own behalf. He has requested a variance to create two lots, one lot with less than 250 feet of lot width along a public road in an A-2 Zoning District. The property is located in Part of the Northeast ¼ of the Southeast ¼ in Section 16, Township 47 North, Range 17 West in Blackhoof Township. The property address is 3007 County Road 104 (PIN 45-036-2812).

Vernon indicated his original intent was to create five parcels, but decided to create two parcels and was approved under Minor Subdivision #805023. He did not record the deeds to create the subdivision and Auditor Paul Gassert said approval letter did not indicate an expiration date, so it was fine. However, the Zoning Office said #805023 expired since deeds were not recorded within 6 months. Even though it was not a condition listed on the approval letter, the ordinance indicates a 6 month deadline.

This new request on the same property is to create two parcels but a different configuration. Variance is needed because one of the two proposed parcels will only have 220 feet width instead of the required 250 feet. Access put in 2009-2010 on bottom parcel that county approved with a sewer site and is ready to build. Both parcels have significantly more acreage than minimum required. He sold the home on the topside property on a Contract for Deed in 2012, and ended up getting it back. Parcel A is the property with the house.

Hill asked if there is access to both parcels.

Vernon stated that was correct. The driveway is a shared access to both parcels and parcel A was granted approval for 33 feet and is shared driveway. The house sits back about 600 feet back off the road.

Suhonen asked if the 33 feet easement was developed under the 2005 subdivision.

Vernon responded that it wasn't needed because it was already there. He just needed a driveway permit. Two driveways were consolidated from two into one.

Suhonen inquired about the easement maintenance.

Vernon stated that only 10 feet of the easement is shared. He does the maintenance. The road is solid and both property owners share snow removal responsibility. He's had the property for 10 years and only has had to have it graded 1 time.

Suhonen asked about the access to the larger lot on south end. That is the issue because it doesn't have minimum lot width.

Vernon said the existing property is short 30 feet from the minimum required width.

Suhonen asked if there are two Type I septic site availability and for Vernon to explain more about the easements shown on map dated August 6, 2014.

Vernon responded yes. In 2010 one septic system was installed and an alternate site determined. When he was thinking about the five parcel possibility, he had septic designer Matt DeCaigny do borings and ten suitable sites were located. If he could he would still like to subdivide creating 5 parcels, but it's a pain in the butt and he doesn't have the time, will power or energy to fight it to get it done. He just wants to sell it and move on.

Zoning and Environmental Services Administrator Cunningham's video of the property was viewed.

Hill read Development Review 314011.

Hill asked if Vernon had any issues with conditions listed on Development Review.

Vernon responded that he didn't have much choice.

Suhonen asked Meyer if the variance was granted would the applicant have to apply for a Minor Subdivision.

Meyer said not a Minor Subdivision, but he would have to make application for an Administrative Subdivision which is indicated in Development Review.

Jeff Vichorek arrived at 7:21 p.m.

Suhonen referred to the video shown and asked if where Zoning Administrator's vehicle was parked is the legal entrance.

Vernon responded that it was not. That access and culvert was put in by Carlton County when the road was put in around 2008. Whoever was haying field at the time asked the county to do that so he could access by tractor.

There were no other comments from the audience or board.

b) **Variance Request #314012 United Power Association/Great River Energy**

Michelle Lommel of 12300 Elm Creek Blvd, Maple Grove, MN 55369, was present to represent United Power Association/Great River Energy. The applicant has requested a variance to construct an addition onto a nonconforming structure (control building for the existing substation). The control building is nonconforming as it does not meet the required setback of 85 feet from the centerline of County Road 129. The property is located in the Southeast ¼ of the Northeast ¼ in

Section 5, Township 47 North, Range 20 West in Kalevala Township. The property address is 5731 County Road 129.

Lommel explained the request and the need to increase the size of the existing substation for a necessary conversion and upgrade of transmission line. The 16 feet by 16 feet proposed addition to existing 17 feet by 16 feet control building would extend easterly to County Road 129. This will allow the technicians to access safely without actually having to enter through the critical substation. It will reduce the setback from the centerline from the required 85 feet to 68 feet from the road centerline, and 35 feet from road right of way.

Zoning and Environmental Services Administrator Cunningham's video of the property was viewed.

Suhonen asked what the 2 sets of stakes are shown on video.

Lommel responded that the two closer to the existing structure is the location where the proposed addition will be. The fence attaches to the existing structure and will also be attached to new proposed addition for security and safety of workers. This is the preferred design.

Hill asked if this was the only place they could expand, and if they anticipate any more future additions or expansions.

Lommel said this is really the best place to expand other than moving the entire structure. Even though they have 40 acres, the existing substation is located in the northeast corner of site. There are no plans for future additions or expansions for this building. The new line goes out north of the substation. The existing structure was constructed in the late 1960s and this project should extend the electrical reliability service for another 50 years.

Suhonen asked if this expansion is tied into the work that was just done in Cromwell.

Lommel indicated yes. This is the very southern substation on the project. The project is 37 miles and goes north of Floodwood to the Cedar Valley Substation that Lake Country Power owns, and then work is underway to the MN Power by substation near Floodwood called Savanna, then bypasses a couple other substations that Lake Country Power owns, to this site owned by Great River Energy.

Hill read Development Review 314012.

Hill asked if Lommel had any concerns with the conditions listed on Development Review.

Lommel had none.

There were no more questions or comments from the audience or the board.

c) **Variance Request #314013, Jeanette M. Cousins Hink and Dennis Hink; Richard Higbee**

Attorney Keith Carlson of 807 Cloquet Avenue, Cloquet, MN 55720, and Richard Higbee of 1458 Lammi Road, Cloquet, MN 55720, were present to speak on behalf of all applicants. Jeanette M. Cousins Hink and Dennis Hink of 1454 Lammi Road, Cloquet, MN 55720 (PIN 98-010-0430) and Richard Higbee of 1458 Lammi Road, Cloquet, MN 55720 (PIN 98-010-0436) have requested a variance to allow a lot line adjustment which will result in one parcel (Hink 98-010-0430) being less than the minimum lot size required in an A-2 Zoning District. The property is located in part of the Western ½ of the Southeast ¼ in Section 2, Township 48 North, Range 18 West in Sawyer Township. The property addresses are 1454 and 1458 Lammi Road, respectively. The authorized representative is Keith Carlson, Attorney of applicant, of 807 Cloquet Avenue, Cloquet, MN 55720.

Carlson stated the property was surveyed two years ago. When Mr. Higbee got the survey results from Kenneth Martin, the house and garage were found to be located on Hink's property. Mr. Higbee came to see Mr. Carlson regarding this and contacted Hink's who have agreed to a lot line adjustment to convey a portion of their property so that Higbee's house and garage would be on his land. They had Kenneth Martin go to property again and Martin indicated if they shift the Hink property line 150 feet east it would cover everything. They have drafted a deed and also did a first option of purchase agreement upon death. The Hink property will be a proposed 1.94 acres, and the Higbee property will be a proposed 3.06 acres. The variance request is to allow Hink's property to be reduced in lot area and still be considered buildable.

Hill asked to see Carlson's larger copy of survey which was shown to the board.

Zoning and Environmental Services Administrator Cunningham's video of the property was viewed.

Higbee narrated the video and explained that there are two separate driveways. Higbee's driveway is where the zoning vehicle was parked. His grandparents owned the entire 20 acres back in the 1920-30's. The house was built in 1980 by Reinhart homes. When it was built his Dad had the boundary lines mixed up and thought the width was the depth. Richard Higbee now owns 15 acres. His Mom sold the 5 acre homestead when his Dad passed.

Hill read Development Review 314013.

Suhonen noted an error on page 3 of the Development Review in the second paragraph, which should indicate the relocation of the eastern lot line of the Hink property shift 150 feet west.

(10) As there were no further questions or comments from the audience or board, the public hearing was closed at 7:48 p.m.

(11) Hill re-opened the Board of Adjustment meeting at 8:35 p.m.

#### **Variance Request #314011 James Paul Vernon**

Motion by Suhonen, seconded by Vichorek and carried by all yea votes to **GRANT** Variance #314011 including those six conditions listed in Administrator Cunningham's Development Review dated September 8, 2014.

#### **\*Findings of Fact\***

1. Is the variance in harmony with the general purposes and intent of the official control? *Yes. The request appears to be in harmony with the purpose and intent of the Carlton County Subdivision Ordinance, Carlton Zoning Ordinance, and the Carlton County Community-Based Comprehensive Plan.*
2. Is the variance consistent with the comprehensive plan? *Yes.*
3. Is the owner proposing to use the property in a reasonable manner not permitted by the official control? *Yes. Both parcels will exceed lot area requirements.*
4. Is the practical difficulty due to circumstances unique to this property? *Yes. The property is an irregular 40.*
5. Is the need for the variance created by actions other than the landowner or prior landowners? *Yes. The owner did try to purchase an additional 30 feet of frontage, but was unsuccessful.*

6. Will granting the variance (NOT) alter the essential character of the locality? *Yes.*
7. Does the practical difficulty involve more than economic considerations? *Yes.*

**\*Conditions\***

1. The applicant must undertake the project according to the plans and specifications submitted to the County with the application.
2. The permit is invalid, or expires, if the holder has not submitted a complete application for Administrative Subdivision within one (1) year of granting this variance. The deeds must be recorded within six (6) months of the approval of the Administrative Subdivision Application.
3. The permit will be periodically reviewed by the County to assure compliance with the permit and permit conditions.
4. The County may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
5. No future variances shall be granted for the development or use for the subject property.
6. If the applicant fails to meet the conditions set forth by the Board of Adjustment, the Board of Adjustment may revoke the variance.

**Variance Request #314012 United Power Association/Great River Energy**

Motion by Suhonen, seconded by Vichorek and carried by all yea votes to **GRANT** Variance #314012 including those five conditions listed in Administrator Cunningham's Development Review dated September 8, 2014.

**\*Findings of Fact\***

1. Is the variance in harmony with the general purposes and intent of the official control? *Yes.*
2. Is the variance consistent with the comprehensive plan? *Yes. The terms of the variance are consistent with the Carlton County Community-Based Comprehensive Plan.*
3. Is the owner proposing to use the property in a reasonable manner not permitted by the official control? *Yes. The variance will not be granting a use that is not allowed in an A-2 District.*
4. Is the practical difficulty due to circumstances unique to this property? *Yes. It appears the expansion of the control building is necessary for the conversion of the substation and cannot be added onto the north or south. The practical difficulty is that the substation predates the county ordinance.*
5. Is the need for the variance created by actions other than the landowner or prior landowners? *Yes.*
6. Will granting the variance (NOT) alter the essential character of the locality? *Yes. The substation has been in existence prior to 1968 and provides a community service.*
7. Does the practical difficulty involve more than economic considerations? *Yes.*

**\*Conditions\***

1. The applicant must undertake the project according to the plans and specifications as determined by the Board of Adjustment.
2. The permit is invalid, or expires, if the holder does not have the work completed within one year of the granting of the permit.
3. The permit will be periodically reviewed by the County to assure compliance with the permit and permit conditions.
4. The County may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
5. If the applicant fails to meet the conditions set forth by the Board of Adjustment, the Board of Adjustment may revoke the variance.

**Variance Request #314013 Jeanette M. Cousins Hink and Dennis Hink; Richard Higbee**

Motion by Suhonen, seconded by Vichorek and carried by all yeas votes to **GRANT** Variance #314013 including those eight conditions listed in Administrator Cunningham's Development Review dated September 8, 2014.

**\*Findings of Fact\***

1. Is the variance in harmony with the general purposes and intent of the official control? *Yes. As long as the setbacks are met in the future and there is suitable replacement site for a Type I Subsurface Sewage Treatment System for the Hink property, it appears to be in harmony with the purpose and intent of the Carlton County Subdivision Ordinance, Carlton County Zoning Ordinance, and the Carlton County Community-Based Comprehensive Plan.*
2. Is the variance consistent with the comprehensive plan? *Yes.*
3. Is the owner proposing to use the property in a reasonable manner not permitted by the official control? *Yes. Both residences have been in existence for more than 30 years.*
4. Is the practical difficulty due to circumstances unique to this property? *Yes. While the practical difficulty was likely created by the prior owner not knowing where the property lines were located, it is not realistic to move two structures and a sewer.*
5. Is the need for the variance created by actions other than the landowner or prior landowners? *Yes.*
6. Will granting the variance (NOT) alter the essential character of the locality? *Yes. It should not alter the essential character of the locality so long as setbacks are met and the Hink property has a subsurface sewage treatment system replacement site.*
7. Does the practical difficulty involve more than economic considerations? *Yes.*

**\*Conditions\***

1. The applicant must undertake the project according to the plans and specifications submitted to the County with the application.

2. The permit is invalid, or expires, if the holder has not submitted a complete application for Administrative Subdivision for a Lot Line Adjustment within one (1) year of granting this variance. The deeds and Declaration for Lot Line Adjustment Agreement must be recorded within six (6) months of the approval of the Lot Line Adjustment Application.
3. The permit will be periodically reviewed by the County to assure compliance with the permit and permit conditions.
4. The County may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
5. No future variances shall be granted for the development or use for the subject properties.
6. Proof of a Type I subsurface sewage treatment system replacement site must be submitted with the Administrative Subdivision - Lot Line Adjustment application for the Hink (98-010-0430) property.
7. The Hink (98-010-0430) property shall be considered buildable without a variance so long as setbacks and subsurface sewage treatment system requirements are met.
8. If the applicant fails to meet the conditions set forth by the Board of Adjustment, the Board of Adjustment may revoke the variance.

(12) Other Business: None.

(13) Motion by Suhonen, seconded by Vichorek and carried by all yea votes to adjourn the Board of Adjustment meeting at 8:40 p.m.

Respectfully submitted,

Jody Meyer  
Acting Recording Secretary