

**\*DRAFT\***

**MINUTES OF THE CARLTON COUNTY BOARD  
OF ADJUSTMENT MEETING  
January 19, 2016**

- (1) Secretary Mike Torma called the Board of Adjustment meeting to order at 7:00 p.m.
- (2) Members Present: Jack Ezell, Howard Eskuri, and Recording Secretary Mike Torma. Members Absent: Philip Johnson and Thomas Skare.
- (3) Secretary Mike Torma asked for nominations for chairperson. Motion by Eskuri to nominate Ezell as chairperson. Motion carried supported by all yea votes.
- (4) The meeting was turned over to Chair Ezell.
- (5) Chair Ezell asked for nominations for vice-chairperson. Motion by Eskuri to nominate Johnson as vice-chairperson. Motion carried supported by all yea votes.
- (6) Motion by Eskuri, seconded by Ezell and supported by all yea votes to approve the December 15, 2015, Board of Adjustment meeting minutes as written and submitted. Motion carried.
- (7) Old business: None
- (8) Chair Ezell called the Public Hearing to order at 7:02 p.m.
- (9) Chair Ezell read that the legal ad was sent to the Star Gazette on December 31, 2015, and published in the Star Gazette on January 7, 2016.
- (10) Chair Ezell read the *Finality of Decisions*.
- (11) Chair Ezell read the *Findings of Fact to Grant a Variance* from Zoning Ordinance 27.
- (12) a) **Variance Request #315026 David M. Olson (Tabled from December 15, 2015)**  
David Olson of 3634 Oak Lane, Barnum, MN 55707 was present to speak on his own behalf, and has amended his variance request. The original proposal was tabled at the December 15, 2015, Board of Adjustment meeting. The new proposal includes constructing an addition, a carport, onto a nonconforming dwelling. The dwelling is considered nonconforming as it does not meet the required setback from a platted road right-of-way. The property is located in Lot 15 of Bear Lake Homesites in Part of the Southeast ¼ of the Northwest ¼ in Section 6, Township 46 North, Range 18 West in Barnum Township. The property address is 3634 Oak Lane (PIN 39-050-0300).

Olson began by stating the proposed garage could not meet the 11 feet setback from the road right-of-way. He then contacted a builder and the most feasible thing to do was request to construct a car port addition to the existing dwelling. The support post will be set back to meet the required setback from the road right-of-way.

Ezell indicated it would meet the setback requirements.

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

Ezell read Development Review #315026 dated January 12, 2016.

Ezell asked Olson if he understood the Development Review.

Olson indicated yes.

There was no one in the audience neutral, in support of, or opposed to the request. There were no further questions from the Board.

(12) b) **Variance Request #315027 Stephen R. Yanda**

Stephen Yanda of 6008 Leslee Lane, Edina, MN 55436, was present to speak on his own behalf and has requested a variance to replace an existing nonconforming dwelling with a new nonconforming dwelling. The dwelling is considered nonconforming because it does not meet the required setback from the ordinary high water level (OHWL) of Big Lake. There is another existing dwelling on the lot, therefore the request includes exceeding the density standard for a riparian lot. The property is located in Lot 18 and Part of Lot 19 of Reliable Investment Company Addition to Lyndhurst Bay in Section 21, Township 49 North, Range 18 West in Perch Lake Township. The property address is 873 Lyndhurst Bay Drive (PIN 92-260-0380).

Yanda began by saying his wife Debbie Yanda and his contractor Troy Berg were present at the meeting. He gave a history of the two cabins on the property which were built around 1920. One cabin is unsafe and would be removed. He provided the Board with 7 pictures showing the unsafe condition of the cabin (these were placed with the original variance request file). He would like to keep the second cabin which is handicap accessible for his brother-in-law.

Ezell stated the lake setback of 70 feet is proposed and 100 feet is required. The proposed foot print of the cabin will increase in size. Why are they trying to retain one of the cabins?

Yanda indicated that one cabin is handicap accessible for his brother-in-law and the cabin is in good condition.

Ezell asked if there were any alternatives to their proposal.

Yanda said he preferred not to remove the cabin that is in good condition.

Zoning and Environmental Services Administrator Heather Cunningham's video was viewed.

Ezell asked about the septic system for the proposed cabin.

Yanda said he discussed the issue with Dave Hurst of the Zoning Office and a temporary holding tank may be installed.

Ezell asked what they can do to down size the cabin or any other alternatives.

Yanda said the cabin in good condition may eventually be removed, but not at this time.

Ezell asked Eskuri what he thought about the proposal.

Eskuri said the proposed construction may be too large for the size of the lot.

Ezell read Heather Cunningham's Development Review #315027 dated January 12, 2016.

Ezell read email correspondence from Helen and Catherine Medich.

Ezell asked if there is anyone in the audience in support of the proposal.

Stuart Nelson of 909 Lyndhurst Bay Drive, Cloquet, MN 55720, stated he supports the proposal.

Willard Nelson of 853 Lyndhurst Bay Drive, Cloquet, MN 55720, stated he supports the proposal.

Troy Berg of 395 Nelson Road, Cloquet, MN 55720, supported the proposal.

Ezell asked if there is anyone opposed to the request.

Christ Medich of 47 – 6<sup>th</sup> Street, Cloquet MN 55720 is opposed to the request. His family owns the neighboring property and indicated the Yandas are good neighbors. He was concerned about the cabins height and runoff or flooding on their property due to the large size of the cabin. Also he indicated another property could be purchased.

Yanda said the proposed home would be 1.5 stories and have 2,000 square feet on the main floor.

Ezell suggested they may want to table the proposal and try to work something out with the Zoning Office.

Yanda requested that the variance be tabled.

Torma indicated a waiver form must be completed and submitted by the Yandas.

(13) The public hearing closed at 7:55 p.m.

(14) The Board of Adjustment meeting was re-opened at 7:58 p.m.

**Variance Request #315026 David M. Olson (Tabled from December 15, 2015)**

Motion by Eskuri, seconded by Ezell and carried to **GRANT** Variance #315026, and include those nine conditions listed in Administrator Cunningham's Development Review dated January 12, 2016.

**\*Findings of Fact\***

1. Is the property owner proposing to use the property in a reasonable manner not permitted by this Ordinance? *Yes. It is not unreasonable to have storage for a vehicle and the property currently does not have a garage or shed. The carport will be constructed for vehicle storage.*
2. Is the practical difficulty unique to the subject property and not created by the property owner or prior property owner? *Yes. The practical difficulty appears to be the steep slope, which limits locations for the proposed garage.*
3. If the variance is granted, it will not alter the essential character of the locality? *Yes. Variance #300025 was granted for the adjacent lot with the condition that the setback to the road right-of-way for the garage shall not be less than 11 feet. The new proposal meets this setback.*
4. Does the practical difficulty involve more than economic considerations? *Yes. The applicant would like to construct a carport and the steep slope prohibits meeting the required setback.*
5. If the variance is granted, it will not be granting a use that is not allowed in the zoning district in which the subject property is located? *Yes. Single family dwellings are a permitted use in an R-1 Zoning District.*
6. Are the terms of the variance consistent with the Carlton County Community-Based Comprehensive Plan? *Yes. The amended proposal should not prohibit maintenance of the road, snow removal and emergency services.*

**\*Conditions\***

1. The applicant must undertake the project according to the plans and specifications submitted to the County with the application and as amended 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. Vegetation shall be maintained on the lot in compliance with Article 4, Subdivision H, 10, A of Carlton County Zoning Ordinance #27.
6. Erosion control measures shall be in place before any soil disturbance begins. This shall include a silt fence. Alterations must be designed and conducted in a manner that ensures only the smallest area of soil is exposed for the shortest time possible.
7. The carport shall not be constructed closer than 11 feet to the road right-of-way or 9 feet to the holding tank.
8. No materials, including vehicles or recreational equipment, shall be stored between the carport and road right-of-way.
9. 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 #315027 Stephen Yanda**

Motion by Eskuri, seconded by Ezell and carried to **TABLE** Variance #315027.

(15) Motion by Eskuri, seconded by Ezell and carried to elect Ezell as the Board of Adjustment member to the Planning Commission (3<sup>rd</sup> Term 01/2015 to 12/2017).

(16) Motion by Eskuri, seconded by Ezell and carried to adjourn the Board of Adjustment meeting at 8:01 p.m.

Respectfully submitted,

Mike Torma  
Recording Secretary