

Draft
MINUTES OF THE CARLTON COUNTY BOARD
OF ADJUSTMENT MEETING
January 20, 2015

- (1) Acting Secretary Bonnie Peterson called the Board of Adjustment meeting to order at 7:00 p.m.
- (2) Members Present: Howard Eskuri, Jack Ezell, Philip Johnson, Thomas Skare, and Recording Secretary Bonnie Peterson
- (3) Acting Secretary Bonnie Peterson asked for nominations for chair. Motion by Johnson and seconded by Eskuri to nominate Ezell as chair. Motion carried supported by all yeas votes.
- (4) The meeting was turned over to Chair Ezell.
- (5) Chair Ezell asked for nominations for vice-chair. Motion by Eskuri and seconded by Ezell to nominate Johnson as vice-chair. Motion carried supported by all yeas votes. Chair Ezell asked for nominations for secretary. Motion by Johnson and seconded by Ezell to nominate Eskuri as secretary. Motion carried and supported by all yeas votes.
- (6) Motion by Johnson, seconded by Eskuri and supported by all yeas votes to approve the November 18, 2014, 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 7:04 p.m.
- (9) Chair Ezell read that the legal ad was sent to the Star Gazette on December 31, 2014, and published in the Star Gazette on January 8, 2015.
- (10) Chair Ezell read the *Finality of Decisions*.
- (11) Chair Ezell read the *Findings of Fact to Grant a Variance* from Zoning Ordinance 27-F.
- (12) a) **Variance Request #314020 – Patrick Bailey**
Patrick Bailey of 1595 Bass Bay Road, Carlton, MN 55718 and his representative, Eric Palkie, of 5905 Little Cloquet Road, Cromwell, MN 55726 were present to speak. The request is to construct a second story addition onto an existing nonconforming dwelling. The dwelling is nonconforming as it does not meet the required setback from the ordinary high water level of Chub Lake. It is also to construct an addition onto a nonconforming accessory structure that will exceed the maximum height standards.

The property is described as Tract A of Registered Land Survey #2, located in Part of the SW1/4 of SE1/4, Section 23, Township 48N, Range 17W and Part of the NW1/4 of NE1/4, Section 26, Township 48N, Range 17W in Twin Lakes Township on Chub Lake. The property address is 1595 Bass Bay Road.

Bailey said their plan is to increase living space in their existing home without increasing the footprint. One tiny downstairs bedroom will become an entry and mud room; the other existing bedroom will become a back entry and dog room and will house the stairway to the second level. A covered porch will be added.

The upstairs addition will have a master suite and bathroom. Two bedrooms with a shared bathroom will be added for the kids. A deck will run the length of the house coming out about eight feet. More storage area and a workout room will be above the garage. The stairs will be inside. The new porch will not encroach on any side lot line.

As mentioned, they will add two full baths. The first floor bathroom will be turned into a half bath. The basement will have a half bath with a shower.

Ezell asked about the finished height.

Bailey said the finished height will be 32' from the walkout. The garage will match that elevation and will not exceed the house.

Johnson asked about the size of the original property that had been reduced.

Bailey said four residents divided the land.

Bass Bay Road is a private road. Bailey has an easement through his property so the neighbor can access his house. Bailey said his residence is at the very end of the road.

Skare commented that the covered porch encroaches on the road setback.

Bailey said it is hard to tell where the driveway lines are because the driveway fades away.

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

Chair Ezell summarized the key points as read from Heather Cunningham's Development Review #314020 dated January 12, 2015.

Chair Ezell asked Bailey if he agreed with and understood the conditions.

Bailey said yes.

There was no audience present to speak and there were no further questions from the Board.

(13) The public hearing closed at 7:32 p.m.

(14) The Board of Adjustment meeting was re-opened at 7:45 p.m.

Variance Request #314020 – Patrick Bailey

Motion by Johnson, seconded by Eskuri and carried by all yeas votes to **GRANT** Variance #314020, and include those ten conditions listed in Administrator Cunningham's Development Review dated January 12, 2015.

Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official control? *Yes. Zoning controls did not exist when the lot was created. The proposed construction does not increase the footprint (with exception of the porch). The request does not reduce the setback to the ordinary high water level or side yard.*
2. Is the variance consistent with the comprehensive plan? *Yes. The property is in an R-1 zoning district. It does not alter the essential character of the area.*
3. Is the owner proposing to use the property in a reasonable manner not permitted by the official control? *Yes. The practical difficulty appears to be the lot width which was created prior to official controls.*
4. Is the practical difficulty due to circumstances unique to this property? *Yes. The practical difficulty is due to the lot width and lot area as created when subdivided.*
5. Is the need for the variance created by actions other than the landowner or prior landowners? *Yes. The lot was created prior to zoning controls.*
6. Will granting the variance (NOT) alter the essential character of the locality? *Yes. Neighboring homes and garages are of like character and size.*
7. Does the practical difficulty involve more than economic considerations? *Yes. The applicant has need for space for family and there are no other alternatives for expansion due to the lot size and shape.*

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 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. The shoreland mitigation plan submitted with Variance # 310004 will need to be reviewed on site. If it does not meet the required standards, a new shoreland mitigation plan will need to be submitted and approved by June 1, 2015. The applicant shall institute the mitigation practices by June 1, 2016.

6. The additions shall be finished in earthtone colors (subdued shades of grays, browns, yellows, reds, tans, and greens).

7. The accessory structure shall not be used for habitation.

8. A compliance inspection on the SSTS shall be completed by June 1, 2015. The bedroom addition cannot be occupied until the SSTS is in compliance with SSTS Ordinance #30.

9. The subject property shall be considered buildable without a variance as long as all applicable setbacks, impervious surface coverage and subsurface sewage treatment system standards are met. The lot cannot be subdivided further.

10. If the applicant fails to meet the conditions set forth by the Board of Adjustment, the Board of Adjustment may revoke the variance.

(15) Johnson moved, Eskuri seconded and the motion carried by all yea votes to elect Ezell as the Board of Adjustment member to the Planning Commission.

(16) Motion by Eskuri, seconded by Johnson and carried by all yea votes to adjourn the Board of Adjustment meeting at 7:50 p.m.

Respectfully submitted,

Bonita L. Peterson
Acting Secretary