

Draft
MINUTES OF THE CARLTON COUNTY BOARD
OF ADJUSTMENT MEETING
April 21, 2015

- (1) Chair Ezell called the Board of Adjustment meeting to order at 7:01 p.m.
- (2) Members Present: Howard Eskuri, Jack Ezell, Philip Johnson, Thomas Skare, and Recording Secretary Mike Torma
- (3) Motion by Johnson, seconded by Eskuri and supported by all yeas votes to approve the January 20, 2015, Board of Adjustment meeting minutes as amended. Motion carried.
- (4) Old Business: None
- (5) Chair Ezell called the Public Hearing to order at 7:02 p.m.
- (6) Chair Ezell read that the legal ad was sent to the Star Gazette on April 2, 2015, and published in the Star Gazette on April 9, 2015.
- (7) Chair Ezell read the *Finality of Decisions*.
- (8) Chair Ezell read the *Findings of Fact to Grant a Variance* from Zoning Ordinance 27-F.
- (9) a) **Variance Request #314007 – Dennis and Michelle Schiltgen**

Dennis and Michelle Schiltgen of 1837 Graham Avenue, St. Paul, MN 55116 were present to speak on their own behalf and have amended their variance request. The Schiltgen's original request was tabled at the August 19, 2014 Board of Adjustment meeting. The Schiltgens amended their request and submitted for the October 21, 2014 Board of Adjustment meeting. Prior to the meeting, they withdrew their request and asked for an extension to discuss the proposed project with local builders. They requested to finalize the plan over the fall/winter. The current proposal request (dated April 8, 2015) includes constructing an attached garage, dwelling addition and two screen porches onto an existing nonconforming dwelling. The dwelling is nonconforming as it does not meet the required setback from a bluff. The applicants are requesting two years to start the proposed project. The property is located in Lot 3, Block 4 of Bayview on Little Hanging Horn Plat in Section 12, Township 46 North, Range 19 West on Little Hanging Horn Lake in Barnum Township. The property address is 3748 Bayview Drive (PIN 39-045-0250 and 39-045-0260).

Chair Ezell indicated the Zoning Office had provided the Board with meeting minutes from the previous meeting and information from the August 21, 2014, meeting to the present time.

Ezell asked the applicants to introduce themselves including their address. He then asked them to explain their proposal and give a history of the property.

Dennis Schiltgen explained they built a small log cabin with a wraparound deck on the property in May of 1991 and met the lake setback requirement. They are nearing retirement and would like more room for themselves and visitors. They were not aware of the required 30 feet setback from

the bluff. He explained the Zoning Office visited their property to verify the bluff location. At the August 19, 2014, Board of Adjustment meeting, they realized that the bluff setback will be enforced and requested the proposal to be tabled. On September 23, 2014, they submitted a revised request. He felt that Zoning and Environmental Services Administrator Cunningham had come to an agreement that was acceptable, although Cunningham was concerned with slope failure. They requested to finalize the plan over the fall and winter. On April 8, 2015, the revised request was submitted. They felt their proposal met the required bluff setback for the proposed screen porch. They asked Torma if the video of the property was new.

Torma said it was new and that he and Cunningham took the bluff measurements while they were at the property.

Michelle Schiltgen said that the bluff location has now changed.

Ezell reviewed the four items of the request.

Johnson asked if they met with the Zoning Office on September 23, 2014.

Dennis Schiltgen said they submitted a revised site plan on September 23, 2014.

Johnson asked if he met with Cunningham at that property.

Dennis Schiltgen said no, he did not meet at the property with Cunningham.

Dennis Schiltgen commented that the County was at the property several times.

Dennis Schiltgen could not figure out how the bluff could change six feet in a short distance and requested Torma to shed some light on how this happened.

Ezell questioned if the existing structure is the closest to the bluff in relation to the proposed additions.

Dennis Schiltgen said the existing structure is the closest to the bluff and he discussed the cabin setback from the bluff. He questioned how the bluff setback had changed six feet.

Skare questioned how the bluff setback had changed over the past year and asked if it had ever been marked.

Dennis Schiltgen said no, and that he was relying on what he heard from the Zoning Office as to the location of the bluff. He asked Torma how we came up with the bluff setback from the proposed screen porch.

Torma explained that Cunningham and he measured the four proposed structures and that the proposed screen porch did not meet the required setback to the bluff.

Johnson asked what the foundation for the new construction will be.

Dennis Schiltgen said the two porches will be on piers, the dwelling addition will have a full basement, and the garage would be a slab on grade.

Skare questioned how there could be a difference of six feet from the bluff at one screen porch to the other proposed porch.

Johnson indicated the shoreline and the bluff may not run in a straight line. This may be why there is a six feet difference.

Zoning and Environmental Services Administrator Cunningham's video of the property was viewed. Cunningham's video shows the proposed screen porch to be only twenty-four feet from the bluff. The Schiltgens explained why they thought the twenty-four feet measurement was not accurate.

Ezell asked the Board if they had any more questions.

Dennis Schiltgen drew a sketch of the bluff and could not understand how there was only twenty-four feet from the bluff to the proposed screen porch.

Ezell indicated that Cunningham, with her background, made the setback determination.

Dennis Schiltgen again questioned Cunningham's setback determination from the bluff to the proposed screen porch which was determined to be twenty-four feet.

Ezell read Development Review 314007.

Ezell asked if there were any more questions. He also questioned if there was an issue with the screen porch being reduced to eight feet in depth.

Dennis Schiltgen said he may like to install a cantilever under the proposed screen porch. He also explained another technique to prevent slope failure which would require dirt work on the bluff.

Ezell indicated that now is not the time for a dirt work proposal.

Johnson said they would likely require an engineer to evaluate the site.

Dennis Schiltgen again explained why dirt work in the bluff area could be done to prevent slope failure, and the cantilever proposal for under the proposed screen porch was discussed.

Ezell explained cantilever construction done to get around the ordinance setback requirements should not be allowed.

Ezell indicated there is substantial increase to the number of structures in the bluff area.

Dennis Schiltgen questioned Condition #5 of Cunningham's Development Review which indicates the utilization of gutters on all roof lines. He asked if it would include the gable ends.

Ezell said this would not include the gable ends of the proposed structures. This could be written as exclusive of gable ends.

Ezell asked if there were any questions from the Board.

Johnson asked if they would have known about the screen porch not meeting the setback requirement of the bluff, would they have liked more time to evaluate their options.

Dennis Schiltgen said they may have looked at other options.

The Board discussed the options pertaining to the proposed screen porch.

Skare said they could get a survey done and get a person who deals with this kind of issues and have them explain where the bluff is located. This would be an option for them.

Dennis Schiltgen said he still cannot figure out how Cunningham came up with the setback from the bluff to the proposed screen porch.

Ezell explained Cunningham is a trained geologist and they rely on her observations.

(10) The public hearing closed at 8:12 p.m.

(11) The Board of Adjustment meeting was re-opened at 8:26 p.m.

Variance Request #314007 – Dennis and Michelle Schiltgen

Motion by Johnson, seconded by Eskuri and carried by all yea votes to **GRANT** the amended Variance request #314027, and include those seven conditions listed in Administrator Cunningham's Development Review dated April 16, 2015.

Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official control? *Yes. This property will be used for continual residential use.*
2. Is the variance consistent with the comprehensive plan? *Yes. No bluff line requirement existed in 1991 when the original structure was built. The bluff location limits alternate building locations.*
3. Is the owner proposing to use the property in a reasonable manner not permitted by the official control? *Yes. Several properties on Little Hanging Horn Lake already do not meet bluff setbacks. The area is zoned R-1, Recreation Residential District.*
4. Is the practical difficulty due to circumstances unique to this property? *Yes. The topography and bluff locations on the property limit expansion opportunities. The potential for slope failure with additional buildings is a consideration in the approval.*
5. Is the need for the variance created by actions other than the landowner or prior landowners? *Yes. The property would continue to be consistent with R-1 zoning allowing for single family residential.*
6. Will granting the variance (NOT) alter the essential character of the locality? *Yes. The plan does not address development on bluffs.*

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 two years 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 applicants shall divert all water runoff from impervious surfaces away from the bluff and Little Hanging Horn Lake into subsurface drains, vegetated swales, etc. This shall include the utilization of gutters on all roof lines. Diversion of all water runoff away from the bluff and the lake shall be completed within two years of the granting of the variance.
6. The screen porch is reduced to 8 feet by 16 feet to meet the setback of the bluff or not included for variance approval.
7. 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 Eskuri, seconded by Johnson and carried by all yeas votes to adjourn the Board of Adjustment meeting at 8:27 p.m.

Respectfully submitted,

Mike Torma
Secretary