

"Draft"
MINUTES OF THE CARLTON COUNTY BOARD
OF ADJUSTMENT MEETING
May 17, 2016

- (1) Chair Ezell called the Board of Adjustment meeting to order at 7:00 p.m.
- (2) Members Present: Jack Ezell, Howard Eskuri, and Thomas Skare (alternate), and Zoning Office Representative/Recording Secretary Mike Torma. Philip Johnson resigned effective March 31, 2016.
- (3) Motion by Eskuri, seconded by Skare, and carried to approve the April 19, 2016, Board of Adjustment meeting minutes as presented. 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 28, 2016, and published in the Star Gazette on May 5, 2016.
- (7) Chair Ezell read the *Finality of Decisions* from Zoning Ordinance 27.
- (8) Chair Ezell read the *Findings of Fact to Grant a Variance* from Zoning Ordinance 27.
- (9) Variances

a) **Variance Request #316009 Rodney Ridgewell**

Rodney Ridgewell of P.O. Box 161271, Duluth, MN 55816 has requested a variance to construct an accessory structure on a nonconforming lot. The lot is considered nonconforming because it does not meet lot width or lot area requirements. The property is described as Lot 30 and the Northern ½ of Lot 31; Lot 55 and the Northern ½ of Lot 54 all in Block 2 of Torchlight Lake Cabin Sites in the Northwest ¼ of the Southeast ¼ in Section 8, Township 48 North, Range 18 West in Sawyer Township. The property is located on Loon Lane (98-220-0925 and 1147).

Rodney E. Ridgewell and his father Rodney H. Ridgewell were present to speak in their behalf. Rodney E. said they have two cabins on Torchlight Lake. He said they need the storage to store stuff such as rakes and lawnmowers, etc. In the summer of 2015 they removed a privy/storage building from the property. He stated that a wetland delineation was completed by Kelly Smith of the Soil and Water Conservation District. He said the proposed structure meets the building setback requirements.

Ezell asked the Board if they have any questions.

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

Ezell read Heather Cunningham's Development Review #316009 dated May 11, 2016.

Ezell asked if the Board had any more questions.

Ezell asked the Ridgewells if they understood the six conditions listed in the development review.

Ridgewells said they understand the conditions.

Ezell asked if anyone in the audience was neutral or in support of this request? He then asked if anyone was opposed to the request. There was no audience comment.

b) **Variance Request #316010 Kent Torell**

Kent Torell of 1570 Wexford Court, Eagan, MN 55122 has requested a variance to replace footings on a nonconforming dwelling. The dwelling is considered nonconforming because it does not meet the setback from the Ordinary High Water Level (OHWL) of Little Hanging Horn Lake. The property is located in Lots 1, 2 and 3 of Methodist Assembly Grounds in the Southern ½ of the Northwest ¼ in Section 7, Township 46 North, Range 18 West on Little Hanging Horn Lake in Barnum Township. The property address is 3650 Music Camp Road (39-180-0020, 0040 and 0060).

Kent Torell and his contractor Troy Persaud were present to speak in their behalf. Torell said the existing cabin is on blocks. The floor slopes toward the road and the windows will not shut properly.

Persaud said the structure will not be moved or relocated, only raised. Also, he explained the type of foundation which will be installed under the cabin.

Ezell asked if the existing cabin could be moved toward the road.

Persaud said it was discussed and they decided to install the foundation as proposed.

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

Ezell said the sewage holding tank and some trees may have to be removed if the cabin was relocated.

Ezell read Heather Cunningham's Development Review #316010 dated May 11, 2016.

Ezell asked Torell if he understood the six conditions listed in the development review.

Torell said he understands the conditions.

Eskuri said there was an error in the size of the cabin in the development review. The dimensions of 18.5 feet by 14 feet are not correct. The actual size of the cabin is L-shaped and much larger. (Staff note: These are the dimensions provided by applicant on page 2 of

application. The Assessor's records show the entire cabin structure, including the deck, is 26 feet by 36 feet).

Ezell asked if anyone in the audience was neutral or in support of this request? He then asked if anyone was opposed to the request. There was no audience comment.

(10) The public hearing closed at 7:24 p.m.

(11) The Board of Adjustment meeting re-opened at 7:30 p.m.

a) **Variance Request #316009 Rodney Ridgewell**

Motion by Skare, seconded by Eskuri and carried by all yeas votes to **GRANT** Variance #316009 request and include those six conditions listed in Administrator Cunningham's Development Review dated May 11, 2016.

Findings of Fact

1. Is the property owner proposing to use the property in a reasonable manner not permitted by this Ordinance? *Yes. The property owner is proposing to use the property in a reasonable manner not permitted by ordinance. The applicant would like to construct a storage shed. The applicant has indicated there is no space to place the shed on the riparian property. This location across Lone Lane is also more in conformance with the intent of the ordinance by limiting development on the riparian property.*

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 that it is a substandard lot which was platted before official controls.*

3. If the variance is granted, it will not alter the essential character of the locality? *Yes. The granting of the variance should not alter the essential character of the locality. This side of Loon Lane consists of all nonconforming lots.*

4. Does the practical difficulty involve more than economic considerations? *Yes. It does not appear that economic considerations alone constitute the practical difficulty for the property. The practical difficulties for this property appear to be that it is a substandard lot that was platted before official controls.*

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. The variance request is not for a use that is not permitted in an R-1 Zoning District. Single family residences and accessory structures are a permitted use.*

6. Are the terms of the variance consistent with the Carlton County Community-Based Comprehensive Plan? *Yes. The terms of the variance do not appear to be in conflict with the Carlton County Community-Based Comprehensive Plan.*

Conditions

1. The applicant must undertake the project according to the plans and specifications detailed in the application or as modified 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. The accessory structure shall meet all applicable setbacks.
6. If the applicant fails to meet the conditions set forth by the Board of Adjustment, the Board of Adjustment may revoke the variance.

b) Variance Request #316010 Kent Torell

Motion by Eskuri, seconded by Skare and carried by all yeas to GRANT Variance #316010 and include those six conditions listed in Administrator Cunningham's Development Review dated May 11, 2016.

Findings of Fact

1. Is the property owner proposing to use the property in a reasonable manner not permitted by this Ordinance? *Yes. The applicant is requesting a reasonable use of the property. The use of the property as a cabin predates official zoning controls. The applicant would like to repair a foundation.*
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 construction of the dwelling before official zoning controls were in existence.*
3. If the variance is granted, it will not alter the essential character of the locality? *Yes. The granting of the variance should not alter the essential character of the locality. Development in this plat is typically conducted on nonconforming lots with structures not meeting the setback to the OHWL.*
4. Does the practical difficulty involve more than economic considerations? *Yes. It does not appear that economic considerations constitute the practical difficulty for reasonable use for this property. The applicants would like to repair a foundation.*
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. The variance will not be granting a use*

that is not allowed within the C-2 Zoning District. I am not sure on the origin of the C-2 Zoning District for these properties in this plat. The C-1 Zoning District would make more sense or conversion to R-1. Nonetheless, a historic precedence has been set by this office in this plat to allow residential units to continue to exist as long as alternations do not increase the number of units.

6. Are the terms of the variance consistent with the Carlton County Community-Based Comprehensive Plan? *Yes. The terms of the variance do not appear to be in conflict with the Carlton County Community-Based Comprehensive Plan other than the plan encourages preserving and restoring native vegetation along shorelines. The shoreland mitigation plan should address this issue.*

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. The applicant shall institute the mitigation practices by June 1, 2017.
6. 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) A motion was made Skare, seconded by Ezel, and supported by all yea votes to close the Board of Adjustment meeting at 7:32 p.m.

Respectfully submitted,

Mike Torma
Recording Secretary