

Draft
MINUTES OF THE CARLTON COUNTY BOARD
OF ADJUSTMENT MEETING
May 19, 2015

- (1) Chair Ezell called the Board of Adjustment meeting to order at 7:00 p.m.
- (2) Members Present: Howard Eskuri, Jack Ezell, Philip Johnson, Thomas Skare (alternate), and Recording Secretary Mike Torma
- (3) Motion by Eskuri, seconded by Johnson, and carried to approve the April 21, 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 30, 2015, and published in the Star Gazette on May 7, 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.
- (9) Variances

a) **Variance Request #315001 – Apache Land Company, LLC**

Apache Land Company, LLC, represented by Robert McDonald of 1302 Wilson Avenue, Cloquet, MN 55720 has requested a variance to exceed impervious surface maximum lot coverage standards for the C-2 Highway Commercial Zoning District for the construction of two mini storage units. The request includes allowing three years to complete the proposed project. The lot is described as the East 346.18 feet of the West 770.84 feet of the Northern ½ of the Northwest ¼ of the Northwest ¼ in Section 11, Township 48 North, Range 17 West in Twin Lakes Township. The property address is 1680 Highway 210 (PIN 81-030-2212).

Robert McDonald was present to speak for Apache Land Company, LLC. He said they started a mini storage business and found perhaps more demand for it than they originally anticipated. If they construct any more buildings, they will exceed the 50% impervious surface requirement. The Zoning Department suggested they come up with a storm water mitigation plan, which they did. They hired a licensed engineer to come up with that plan and McDonald said he would expect that the Board had that plan. The silt fence is in and they will complete the storm water plan before they build any of the buildings should they be granted the variance.

Ezell said they started out with four units, expanded to six, and then to eight units?

McDonald said they were permitted eight units. The eighth is now under construction. The site prep is done, the slab has been poured, and pre-blacktop work has been done.

Ezell asked if the Board had questions.

Johnson referred to one of the diagrams and said he assumed the area around them was bituminous.

McDonald said yes.

Johnson then asked if the area around the new buildings will be bituminous.

McDonald said yes.

Johnson then clarified that the collection pond will be in the southeast corner of the property and referred to it on the diagram.

McDonald responded exactly.

Eskuri said he saw in the engineer's report that the flow of the water is naturally to the southeast and it goes back to the railroad tracks.

McDonald said yes.

Ezell said the Zoning Office complemented Apache Land Company's stormwater management plan in the development review.

McDonald said thank you.

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

Ezell asked if there were questions from the Board.

Ezell read Heather Cunningham's Development Review #315001 dated May 14, 2015.

Ezell asked McDonald if he understood the listed conditions.

McDonald asked about condition 2. *The permit is invalid, or expires, if the holder does not have the work completed within three years of the granting of the variance.* What would be the work? Would it be the stormwater mitigation plan or completion of the last two buildings?

Torma said this would be the completion of the last two buildings.

McDonald clarified that this would require both the stormwater mitigation plan being completed and the last two buildings constructed.

Ezell said correct.

With this clarification, McDonald said he understood the conditions.

Ezell asked if there were any other questions from the Board.

Ezell asked if there was anyone in the audience supportive or neutral of this request. He then asked if there was anyone in the audience opposed to request.

Ezell stated that McDonald was supportive, and McDonald responded he should have said he was supportive, yes.

Ezell said that hearing no comments, this variance request was closed for now and they will move on to the second case.

b) **Variance Request #315002 – Stephen Linkert**

Stephen Linkert of 1572 South Finn Road, Tamarack, MN 55787 has requested a variance to construct an addition onto an existing nonconforming structure. The structure is considered nonconforming as it is less than 100 feet from the ordinary high water level (OHWL) of Cole Lake. The property is located in Part of Government Lot 7 or Part of the Southeast ¼ of the Northeast ¼ in Section 7, Township 48 North, Range 21 West in Lakeview Township on Cole Lake. The property address is 1572 South Finn Road (PIN 57-010-0900).

Stephen Linkert was present to speak on his own behalf. He is proposing a living room addition on the north side of the cabin away from the water. They will be making this a year round home instead of spending time in Arizona and will need more room when the kids come up.

Ezell said the cabin is setback forty feet from the OHWL.

Linkert said yes, depending where you measure.

Ezell clarified that what he is proposing is on the other side.

Linkert said they are building away from the lake and on the back side.

Johnson commented that the drawing said thirty-six feet from the lake.

Linkert said again, depending on where you measure it.

Ezell said that this proposal was self-explanatory. It was easy to understand what Linkert was proposing to do.

Ezell asked if there were questions from the Board.

None.

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

Ezell read Heather Cunningham's Development Review #315002 dated May 11, 2015.

Ezell asked Linkert if he understood the six listed conditions.

Linkert said he did.

Ezell asked if there were any questions from the Board.

Ezell asked if anyone was in favor or neutral to this request. Pam Linkert was in favor. There was no opposition to the request.

c) **Variance Request #315003 – Peter Olsen**

Peter Olsen of 1640 Baypoint Drive, Carlton, MN 55718 has requested a variance to replace a deck on an existing nonconforming structure. The structure is considered nonconforming as it is less than 100 feet from the ordinary high water level (OHWL) of Chub Lake. It was discovered during the development review process that the lot is nonconforming as it does not meet lot width or lot area requirements. The applicant has requested that the lot be considered buildable in the future as long as setbacks are met. The property is located in Part of Lots 11, 12, 13, and 14 of the Oak Park Rearrangement of Lots 21-26 in Section 23, Township 48 North, Range 17 West in Twin Lakes Township on Chub Lake. The property address is 1640 Baypoint Drive (PIN 81-330-0220).

Peter Olsen was present to speak on his own behalf. He said there are two separate decks on the house. One is on the lake side and one is on the other side. They both need replacing. He would like to connect them to make them more useable. They are also only seven feet out from the house and he would like to expand the deck on the lake side ten feet out to create more useable room for tables, gatherings, or whatever.

Ezell asked how far out the decks are currently.

Olsen said they are both seven feet out from the house.

Ezell asked if the Board had questions.

Johnson asked if the deck on the side of the house would extend ten feet also.

Olsen said it would be six feet and extend toward the lake where they would be connected. There would be two access points. The deck would be a foot closer to the house than it is currently.

Johnson clarified that it would go from seven feet to six feet on the side.

Olsen said right.

Ezell said on the lake side it would go from seven feet to ten feet.
Ezell asked if there were any other questions.

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

Johnson asked if the decks are at the second floor level and if they will remain there.

Olsen said yes, the main floor, which is a walkout.

Johnson asked if the concrete area below will remain the same.

Olsen said outside the basement, yes.

Ezell asked if there were any other questions.

Ezell read Heather Cunningham's Development Review #315003 dated May 11, 2015.

Ezell asked if Olsen would be willing to build without encroaching on the OHWL as recommended in Cunningham's development review.

Olsen said they had thought of that. They are two separate decks and they are not useable much for other than a balcony. The access point from the driveway will be removed since it is in poor shape, there will only be the narrow access area on the side and access from the front, and there will be no stairways. Most of their ground is sloped so there is not a place for a patio, and this deck request would fit the size of the house for usage.

Ezell asked if anyone in the audience was neutral or supportive of the variance.

Olsen said he was in favor.

Ezell asked if anyone was opposed to the request.

There was no opposition to the request.

d) **Variance Request #315004 – Rodney Sanko**

Rodney Sanko of 3378 White Pine Lane, PO Box 165, Sawyer, MN 55780 has requested a variance to construct an addition onto an existing nonconforming structure on a nonconforming lot. The structure is considered nonconforming as it does not meet the setback from a platted road right-of-way. The lot is nonconforming as it does not meet lot width or lot area requirements. The request includes considering the nonconforming lot buildable as long as all applicable setbacks are met. The property is located in Lots 94, 95, 120, 121 and 122 of the Torchlight Lake Cabin Sites in Section 8, Township 48 North, Range 18 West in Sawyer Township. The property address is 3378 White Pine Lane (PIN 98-220-1540).

Sanko was present to speak on his own behalf. Their cabin is located too close to the road. The existing two story cabin is 12 feet x 20 feet. The upper story has a barn roof and he would like to

make the upper story walls straight. The 4:12 pitch will not change; the walls will be extended up. Next year he would like to add a 16 feet x 24 feet addition. He talked to Tory Johnson about doing a septic system. Johnson did a test a couple of years ago, and he said it would be acceptable to put in a leaching field. If the variance is approved, Sanko will continue with his plans to put in a septic system.

Sanko asked if the dimensions to the lot got changed. In the development review it was mentioned that the lot width along White Pine Lane is 100 feet and the lot width is 96.5 feet along the unnamed platted road. 96.5 feet should be 126.5 feet. This includes two lots; one is 76.5 feet and the other is 50 feet along the unnamed platted road.

Ezell said he was seeing 75 feet and 50 feet dimensions.

Torma said this was brought to the attention of the office and the correction was noted. It would be the same as the other side of the lot. Correct?

Sanko said correct.

Sanko said he had the property surveyed last year by Bill Hayden and he had 76.5 feet on the survey.

Torma said the measurement error was from the GIS program and showed Ezell the mistake.

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

Ezell read Heather Cunningham's Development Review #315004 dated May 13, 2015.

Ezell asked Sanko if he understood the eight conditions listed in the development review.

Sanko said yes.

Ezell asked for questions or comments from the Board.

Skare said that Sanko planned do the walls on the second story this year and the addition next year.

Sanko said yes.

Skare said that the development review limited the project to one year. He asked if Sanko would be done on time.

Sanko said pardon?

Skare asked when Sanko would be done with the whole project.

Sanko said it would actually take him two years to finish the whole project.

Janet Sanko asked if the term permit applies to the variance or to the building permit they would apply for.

Ezell said the term permit says invalid or expired so the permit would reference the building permit.

Torma said the wording specifically says “must be completed within one year” so this refers to the zoning permit.

Sanko said that if they get the variance to make the lot buildable, could they get a permit now and then get a permit a year from now to put the addition on?

Skare said they would have to go through the variance process again.

Ezell said they could change the condition to reflect two years to complete. The Board did not have a problem with that change. Sanko then would not have to come back.

Ezell asked if anyone in the audience was neutral or supportive of the proposal. Rodney and Janet Sanko were in favor.

There was no one in the audience opposed.

There were no questions from the Board.

(10) The public hearing closed at 7:59 p.m.

(11) The Board of Adjustment meeting re-opened at 8:30 p.m.

Variance Request #315001 – Apache Land Company

Motion by Johnson, seconded by Eskuri and carried by all yeas votes to **GRANT** Variance #315001 and include those seven conditions listed in Administrator Cunningham’s Development Review dated May 4, 2015.

Findings of Fact

1. Is the property owner proposing to use the property in a reasonable manner not permitted by this Ordinance? *Yes. The use of the property as a mini storage building is listed in the ordinance as a permitted use in the C-2 Zoning District.*
2. Is the practical difficulty unique to the subject property and not created by the property owner or prior property owner? *Yes. The business requires multiple, long mini storage units.*
3. If the variance is granted, it will not alter the essential character of the locality? *Yes. The character of the neighborhood has multiple lots that likely exceed the lot coverage standard when including gravel surfaces.*

4. Does the practical difficulty involve more than economic considerations? *Yes. The practical difficulty is the nature of the buildings needed to run a mini storage business.*
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 use is permitted in the C-2 Zoning District.*
6. Are the terms of the variance consistent with the Carlton County Community-Based Comprehensive Plan? *Yes. The comprehensive plan outlines this area along Hwy 210 for commercial growth.*

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 three years of the granting of the variance.
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 Stormwater Management Plan completed by Michael Mayer, P.E. shall be implemented within three years of granting of the variance.
6. No additional stormwater shall be directed to Highway 210.
7. 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 #315002 – Stephen Linkert

Motion by Eskuri, seconded by Johnson and carried by all yeas votes to **GRANT** Variance #315002 and include those six conditions listed in Administrator Cunningham's Development Review dated May 11, 2015.

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 a 1,708 sq. ft. two bedroom dwelling.*

2. Is the practical difficulty unique to the subject property and not created by the property owner or prior property owner? *Yes. The cabin was constructed before official zoning controls were in existence.*
3. If the variance is granted, it will not alter the essential character of the locality? *Yes. Development on this side of the lake is sparse. A few older cabins were constructed before official controls were in existence and do not meet setback to the ordinary high water level. It does not diminish current setbacks to the ordinary high water level.*
4. Does the practical difficulty involve more than economic considerations? *Yes. The applicants would like to add a living room. (living space)*
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. It will not be granting a use not allowed in an R-1 Zoning District.*
6. Are the terms of the variance consistent with the Carlton County Community-Based Comprehensive Plan? *Yes. It is not in conflict other than the plan encourages preserving and restoring native vegetation along shorelines.*

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 will need to be submitted and approved by July 1, 2015. The applicant shall institute the mitigation practices by July 1, 2016.
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 #315003 – Peter Olsen

Motion by Johnson, seconded by Eskuri and carried by all yeas votes to **GRANT** Variance #315003 and include those seven conditions listed in Administrator Cunningham's Development Review dated May 11, 2015.

Findings of Fact

1. Is the property owner proposing to use the property in a reasonable manner not permitted by this Ordinance? *Yes. This is a reasonable use by replacing an existing deck and expanding its size. The applicant is proposing to remove three deck sections.*
2. Is the practical difficulty unique to the subject property and not created by the property owner or prior property owner? *Yes. Construction of the cabin was before official zoning controls. The property is located in a small bay making the structure closer to the ordinary high water level.*
3. If the variance is granted, it will not alter the essential character of the locality? *Yes. Development on this side of Chub Lake includes several dwellings that do not meet the setback to the lake.*
4. Does the practical difficulty involve more than economic considerations? *Yes. The applicants would like to replace the deck.*
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. It will not be granting a use that is not allowed in an R-1 Zoning District.*
6. Are the terms of the variance consistent with the Carlton County Community-Based Comprehensive Plan? *Yes. The plan encourages preserving and restoring native vegetation along the shoreline.*

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 applicant shall institute the shoreland mitigation practices by July 1, 2016.
6. The lot shall be considered buildable in the future as long as all applicable setbacks, lot coverage and septic requirements are met.

7. 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 #315004 – Rodney Sanko

Motion by Eskuri, seconded by Johnson and carried by all yeas votes to **GRANT** Variance #315004, and include those eight conditions listed in Administrator Cunningham’s Development Review dated May 13, 2015, with a change in Condition #2 to allow the permit holder to have the work completed within two years of the granting of the permit.

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 not further expanding into the road right of way. The applicant has purchased additional lots to increase the lot area for this parcel.*
2. Is the practical difficulty unique to the subject property and not created by the property owner or prior property owner? *Yes. Creation of the plat and construction of the cabin was before official zoning controls were in existence.*
3. If the variance is granted, it will not alter the essential character of the locality? *Yes. Development in the plat is typically conducted on non-conforming lots and within the setback of the road right of way.*
4. Does the practical difficulty involve more than economic considerations? *Yes. The applicant would like to add living space.*
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 proposed use is allowed in an R-1 Zoning District.*
6. Are the terms of the variance consistent with the Carlton County Community-Based Comprehensive Plan? *Yes. The terms of the variance do no conflict with the comprehensive plan.*

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 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 lot shall be considered buildable in the future as long as all applicable setback, lot coverage and septic requirements are met.

6. The camping trailer must have the decking removed from it, be road ready, have current licensing and be temporary or on the property less than six months. The recreational vehicle must be road ready and have current licensing.

7. As the privy failed the compliance inspection, it must be abandoned by July 1, 2015.

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) A motion was made by Eskuri, seconded by Johnson, and supported by all yea votes to close the Board of Adjustment meeting at 8:35 p.m.

Respectfully submitted,

Bonita L. Peterson
Acting Secretary