

Draft
MINUTES OF THE CARLTON COUNTY BOARD
OF ADJUSTMENT MEETING
June 16, 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, and Recording Secretary Mike Torma
Member Absent: Thomas Skare (alternate)
- (3) Motion by Eskuri, seconded by Johnson, and carried to approve the May 19, 2015, Board of Adjustment meeting minutes as written and submitted. 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 May 28, 2015, and published in the Star Gazette on June 4, 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 #315005 – Mark Grinager**

Mark Grinager of 25725 Zachary Avenue, Elko, MN 55020 has requested a variance to construct a nonconforming garage and attached porch. The proposed structure is considered nonconforming as it is less than 35 feet from a platted road right-of-way. The property is located in Lots 10 and 11, Block 1 of Sunset View Plat in Section 29, Township 48 North, Range 18 West in Atkinson Township on Park Lake. The property address is 2165 Park Lake Lane (33-220-0200).

Mark Grinager was present to speak on his own behalf. He recently purchased a cabin on Park Lake. There is an existing shed on the property. They would like to remove the shed and construct a new garage. The proposed garage would encroach on some wetland. He spoke with Karola Dalen and Heather Cunningham about the wetland issue.

Ezell questioned if the wetland impact would be less than 500 square feet.

Grinager said this is correct.

Grinager informed the Board that he cannot meet the required 35 feet setback from the road right-of-way and that the existing shed is 27 feet from the road centerline.

Johnson asked if the road is a township road.

Grinager said the road is private and maintained by the property owners. The property owners have been discussing with the township about the township taking over the road.

Ezell asked why there is a porch proposed for the garage.

Grinager said they want a porch for when there is inclement weather.

Ezell asked where the garage door will be located.

Grinager said the garage door will be toward the road.

Johnson questioned what the right-of-way width is for the existing road.

Grinager said the road is 20 feet in width.

The Board and Grinager discussed the setbacks from the road right-of-way and road centerline for the proposed garage with and without the proposed porch.

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

Ezell asked if there were questions from the Board.

Johnson said that a township road would probably have a 33 feet road right-of-way.

Ezell read Heather Cunningham's Development Review #315005 dated June 4, 2015.

Ezell asked Grinager if he understood the listed conditions.

Grinager said yes he does understand the conditions and questioned Torma about the porch setback from the right-of-way. He said he then understood the setback.

Ezell said that Condition 1 will be modified to indicate the porch cannot be constructed.

Ezell asked if there were comments from the audience in approval of the proposed garage.

Robert Asproth of 3117 County Road 144, Mahtowa, MN 55707, owns adjacent property behind Granager's property. Asproth is on the Park Lake Board and is a supervisor for Atkinson Township. He indicated that Atkinson Township has no interest in taking over the road. Asproth gave a history of the existing road. The road would have to be brought to township standards before the township would consider taking over the road. He said that he supports Heather Cunningham's recommendations.

Ezell again asked if there was anyone from the audience in approval of the proposed garage.

Diane Kauppi of 2149 Park Lake Lane, Mahtowa, MN 55707, indicated she may be in the same situation some day with the setbacks and does not feel the variance request is unreasonable.

Ezell asked if anyone else in the audience was opposed to the request.

Ezell said that hearing no comments, this variance request is closed and the Board will move on to the second case.

b) **Variance Request #315006 – Gregory J. VanHeest**

Gregory J. VanHeest of 4930 Markay Ridge, Golden Valley, MN 55422 has requested a variance to construct an addition onto a nonconforming dwelling on a nonconforming lot. The proposed addition is considered nonconforming as it is less than 100 feet from the ordinary high water level (OHWL) of Eagle Lake. The lot is considered nonconforming as it does not meet lot width or lot area requirements for a recreational development lake. The property is located in Lot 16 of Eagle Wood Plat in Section 18, Township 48 North, Range 20 West in Eagle Township on Eagle Lake. The property address is 5947 Little Cloquet Road (90-080-0320).

Gregory VanHeest was present to speak on his own behalf. He said they have a seasonal cabin with running water and no toilet. They have an outhouse at this time for their sewage. He would like to add a 6 feet x 14 feet cabin addition which would include a step up entryway and bathroom. The bathroom would have a sink, toilet and a standup shower.

Johnson asked if there will be a new deck.

VanHeest said there will not be a new deck and stated they have an existing deck.

Ezell asked if the proposed addition will encroach farther on the lake setback.

VanHeest said no, the addition would be on the side of the cabin which is set back farther from the lake than the front of the cabin.

Ezell asked if there were any questions from the Board.

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

Ezell read Heather Cunningham's Development Review #315006 dated June 4, 2015.

Ezell asked if VanHeest understands the conditions.

VanHeest said he does.

Ezell again asked if there were questions from the Board.

Ezell read an email from Glenn and Marlys Fuller of 5951 Little Cloquet Road, Cromwell, MN 55726. The Fullers are in favor of the variance.

Ezell asked if there was anyone in the audience in approval of the cabin addition.

Ezell asked if there was anyone in the audience opposed to the request.

(10) The public hearing closed at 7:45 p.m.

(11) The Board of Adjustment meeting re-opened at 8:01 p.m.

Variance Request #315005 – Mark Grinager

Motion by Johnson, seconded by Eskuri and carried by all yeas votes to **GRANT** Variance #315005 with the denial of the porch and to include those eight conditions listed in Administrator Cunningham’s Development Review dated June 10, 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 30 feet x 36 feet garage. The garage cannot be used for habitation. An attached porch seems excessive thus the porch will not be included in the variance.*
2. Is the practical difficulty unique to the subject property and not created by the property owner or prior property owner? *Yes. There is wetland located on the subject property.*
3. If the variance is granted, it will not alter the essential character of the locality? *Yes. Several properties exist along Park Lake Lane that do not meet the setback. The 8 foot porch as proposed would be out of character.*
4. Does the practical difficulty involve more than economic considerations? *Yes. Impacts to wetlands within shoreland areas are discouraged. The applicant would like to construct a garage and the location of the wetland prohibits constructing to meet the 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. The R-1 Zoning District allows a garage.*
6. Are the terms of the variance consistent with the Carlton County Community-Based Comprehensive Plan? *Yes. The comprehensive plan discourages wetland impacts when they can be avoided.*

Conditions

1. The applicant must undertake the project according to the plans and specifications as approved by the Board of Adjustment. An attached garage porch will not be allowed.

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. Per Carlton County Zoning Ordinance #27, the garage cannot be used for habitation.
6. The applicant must remove the brush from the wetland. The applicant must submit application and have approval for the wetland impacts before construction of the garage can begin.
7. The garage door shall be located on the west side of the proposed accessory structure.
8. 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 #315006 – Gregory J. VanHeest

Motion by Eskuri, seconded by Johnson and carried by all yeas votes to **GRANT** Variance #315006 and include those six conditions listed in Administrator Cunningham's Development Review dated June 10, 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 proposal is for a modest 6 feet by 14 feet entry and bathroom addition.*
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 in 1927 prior to the time 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 Eagle Lake includes several dwellings that do not meet the required setback from the ordinary high water level.*
4. Does the practical difficulty involve more than economic considerations? *Yes. The applicants would like to add a bathroom.*
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. Indoor plumbing 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 comprehensive plan encourages preserving and restoring native vegetation along shorelines. The mitigation plan will address this issue.*

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. 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,

Mike Torma
Recording Secretary