

**“DRAFT”**  
**MINUTES OF THE CARLTON COUNTY BOARD**  
**OF ADJUSTMENT MEETING**  
**July 19, 2016**

- (1) Chair Ezell called the Board of Adjustment meeting to order at 7:00 p.m.
- (2) Members Present: Jack Ezell, Howard Eskuri, John Manninen, Zoning Office Representative/Recording Secretary Mike Torma and Zoning Office Staff Dave Hurst. Members Absent: Thomas Skare (alternate).
- (3) Motion by Eskuri, seconded by Ezell, and carried to approve the June 21, 2016, Board of Adjustment meeting minutes as presented. Motion carried.
- (4) Old business: None
- (5) Chair Ezell called the Public Hearing to order at 7:01 p.m.
- (6) Chair Ezell read that the legal ad was sent to the Star Gazette on June 30, 2016, and published in the Star Gazette on July 7, 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 #316015 Raymond Worgren**

Raymond Worgren of 3130 Magney Drive, Cloquet, MN 55720 has requested a variance to allow two nonconforming recreational vehicles (RVs) on a nonconforming lot. The camping trailers are considered nonconforming because they will not meet the setback from the ordinary high water level, side yard setback and setback from the centerline of Magney Drive. The lot is nonconforming as it does not meet lot width or lot area requirements. The request also includes exceeding density standards. The property is described as Part of Government Lot 4, Section 21, Township 49 North, Range 18 West on Big Lake in Perch Lake Township. The property address is 3158 Magney Drive (92-010-4080).

Raymond and Jeanette Worgren were present to speak on their own behalf. R. Worgren said the original request was to have the campers setback 50 feet from the lake and have a 50 foot buffer zone from Magney Drive.

Ezell asked if the request is for a setback of 50 feet for the campers from the lake.

R. Worgren said yes.

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

Ezell asked if the Board had any questions.

Manninen questioned if the lake was any higher with the recent rain.

R. Worgren said the lake is 10-12 inches higher due to the rain.

Ezell read Heather Cunningham's Development Review #316015 dated July 11, 2016.

Ezell asked R. Worgren if he understood those nine conditions listed in the development review.

R. Worgren said he did.

Ezell asked if there are two 25 foot lots.

R. Worgren said to make one lot.

Ezell indicated this would be one 50 foot wide lot.

Ezell asked how far the campers are from the lake.

R. Worgren said they are 90 feet from the centerline of Magney Drive.

R. Worgren said he has the license tabs for the unlicensed camper. He forgot to put them on the camper. Also, he said one camper is 59 feet from the lake.

Ezell said the County does not want two campers on the property.

J. Worgren said the second motor home comes and goes from the property. Also, she said both motor homes have self-contained sewage tanks.

R. Worgren asked if cars can be parked behind the trailer.

Torma said this would be allowed. They cannot be within 75 feet of the lake.

R. Worgren asked if people with campers could visit for the weekend.

Torma said they must talk to Heather Cunningham about weekend camper use.

Torma indicated the Zoning Office received a written formal complaint about having too many campers on the property.

Ezell asked if there was anyone neutral or in favor of the request. There was no comment.

Arlene Kelly, 3148 Magney Drive, Cloquet, MN 55720, spoke that she is opposed to the variance. There are two lots separating their property from Worgren's property. When they purchased their property they were told that they could not have a camper of any kind on that lot. This was one of the reasons they purchased it. They not only own the lot on the lake but they own the lot across the lake which allows them to have their view of the lake. When Mr. Worgren says they only have two campers there, the Kelly's have counted as many as four, and not just for a day or two but for a long period of time. Their other concern is that if the variance is granted, what is to keep the property thirty feet on each side of their property from being granted the same request for a camper. When the camper next door is mentioned, Mrs. Kelly said it has been on that property for the fifteen years that they have owned their property. She understands that that camper has been grandfathered in and she accepts that fact, however they, too, have added a camper. The Kelly's own a very nice home and she is not in favor of that area turning into a campground.

Paul Randolph, 808 Brower Drive, Cloquet, MN 55720, said he is opposed to the variance. This is their cabin. He said in his opinion this is not denying someone something, it is allowing everyone to do it. He does not want this idea to be expanded by other people if the variance is granted.

Ezell asked if there were any other comments against the request. There were none.

**b) Variance #316017 Ben Deering**

Ben Deering of 4348 Nancy Street, Moose Lake, MN 55767 has requested a variance to replace a deck on nonconforming lots. The lots are considered nonconforming as together they do not meet lot width or lot area requirements for two dwelling units. The request also includes considering PIN 63-220-0260 and 0280 together buildable as long as all applicable setback and sewage treatment requirements are met. The properties are described as Lots 4 - 6, Block 3 of Martinsons East Side Addition, Section 21, Township 46 North, Range 19 West in Moose Lake Township. The property addresses are 4338, 4340 and 4348 Nancy Street and (63-220-0240, 0260 and 0280).

Ben Deering was present to speak on his own behalf. Deering would like to build a bigger deck on a lot that slopes away from the house. Recently he purchased neighboring lots and removed a dwelling from the property. The City of Moose Lake vacated the gravel road to his property which gave him a little more room, but he still does not have enough property to make a conforming lot.

Ezell questioned if the existing deck is 6 feet by 8 feet.

Deering indicated the proposed deck will wrap around the front of the house to the side door.

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

Ezell read Heather Cunningham's Development Review #316017 dated July 11, 2016.

Ezell asked if B. Deering understood those six conditions listed in the development review.

B. Deering said yes he did.

Ezell asked if there were any questions.

Ezell asked if anyone in the audience was neutral or in favor of the request. There was no response.

Ezell asked if anyone in the audience is opposed. There was no one opposed.

**c) Variance #316018 Holyoke Township**

Holyoke Township, represented by a township official, has requested a variance to construct a nonconforming recycling center on nonconforming lots. The recycling center is considered nonconforming because it will not meet the setback from the road right-of-way. The lots are considered nonconforming as together they do not meet lot width or lot area requirements. The request also includes considering the five lots together buildable as long as all applicable setback and sewage treatment requirements are met. The property is described as Lots 1 – 5, Block 4 of Holyoke Townsite Plat, Section 17, Township 46 North, Range 16 West in Holyoke Township. The property is located at the intersection of Maple Street and 2<sup>nd</sup> Avenue (48-230-0500, 0503, 0506, 0509 and 0512).

David Roper, Holyoke Town Board Chairperson, 181 County Road 8, Holyoke, MN 55749 was present to speak on the Township's behalf. The recycling shed and location ideas have been kicked around for about a year. He could not attend the Town Board Meeting which Heather Cunningham attended (*this statement is incorrect as Karola Dalen attended the Town Board Meeting and not Heather Cunningham*). They worked on determining the location of the proposed shed and other sites were rejected. The plan seemed okay, but now people don't want the shed in the proposed location.

Ezell asked where the recycling shed is located now.

Roper indicated it is next to the town garage.

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

Ezell read Heather Cunningham's Development Review #316018 dated July 11, 2016.

Manninen asked if it has been discussed where to put the shed so everyone is in agreement.

Roper said nobody comes to the town meetings so there was no one to argue against it. Also, he said the shop class at Wrenshall School is going to construct it for free.

Ezell asked if anyone in the audience was neutral or in favor of the request. No one was present to speak in favor of the request.

Ezell asked if anyone in the audience was opposed.

Ezell read 3 letters submitted during public hearing; all were opposed to the request:

1. Copy of undated letter from Wayne VanGuilder (no address)
2. Copy of undated/unsigned letter from Ryan and Misty Farrelly (no address)
3. Copy of letter dated July 13, 2016, from Rick Lazzari, 966 Maple St, Holyoke, MN 55749

Barb Samarzia, 4190 2<sup>nd</sup> Avenue, Holyoke, MN 55749, does not want the recycling building in the park area. They plan to set this up by the swing set. There could be broken glass and debris.

Dale Lamb, 955 Maple Street, Holyoke, MN 55749, said he looks out from his porch and he does not want to see the shed. He wants to look at the nice park. The building should be located off a paved road.

Jim Walher, 967 Maple Street, Holyoke, MN 55749, said the shed is extremely close to the pavilion and snow removal is going to be a problem. The swing set will have to be removed and maintenance will be a problem. Also, it will be a nuisance next to the pavilion.

Sheila Lamb, 955 Maple Street, Holyoke, MN 55749, questioned why access would have to be on 2<sup>nd</sup> Avenue. It is the center of Holyoke and a residential area. Also, it will start looking unsightly.

Bob McCuskey, 4365 Highway 23, Holyoke, MN 55749, indicated people from Wisconsin are disposing of their recyclables at the existing sheds. Also, there is glass and tin outside the existing shed doors.

Paula Siltberg, 781 McCuskey Drive, Holyoke, MN, MN 55749, said there is not a lot of area for kids to play except for the park. The 2<sup>nd</sup> Avenue entrance is bad and too close to the pavilion. Also, there will be garbage dumped there and this would be the worst possible site.

Ezell asked if there were any questions.

Ezell asked if the applicant wants to table the proposal so they can determine what they want to do, or do they wish to withdraw the application?

Roper requested the variance application be withdrawn.

(10) The public hearing closed at 8:20 p.m.

(11) The Board of Adjustment meeting re-opened at 8:27 p.m.

a) **Variance #316015 Raymond Worgren**

Motion by Eskuri, seconded by Manninen and carried by all yeas votes to **GRANT** Variance #316015 and include those nine conditions listed in Administrator Cunningham's Development Review dated July 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. This is considered reasonable to place one RV at 75 feet from the OHWL on the subject property. This will result in a setback of 84 feet from the centerline of Magney Drive. The subject property is very nonconforming; not only does it not meet lot width or lot area requirements, there is nowhere on the property where a structure can be placed to both meet the setback from Big Lake and setback from the centerline of Magney Drive. The property has zero conforming buildable area and is also encumbered by wetlands.*

2. Is the practical difficulty unique to the subject property and not created by the property owner or prior property owner? *Yes. The applicants have not indicated a practical difficulty. The lots were created prior to 1968, likely as a way of gaining access to Big Lake for non-riparian properties and not intended for permanent structures.*

3. If the variance is granted, it will not alter the essential character of the locality? *Yes. It could be argued that the granting of the variance could alter the essential character of the locality. As stated above, the lots are very nonconforming and do not support two RVs. This office is not aware of any other properties this nonconforming with two RVs. The property immediately to the south is permitted to have one RV and is nearly the same lot width and lot area.*

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 of this property. The applicant would like to have two camping trailers on the property.*

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 R-1 Zoning District. The applicant is proposing to use the property seasonally.*

6. Are the terms of the variance consistent with the Carlton County Community-Based Comprehensive Plan? *Yes. The terms of the variance may be in conflict with the Carlton County Community-Based Comprehensive Plan. The plan encourages the protection and preservation*

*of wetlands and shorelands. Limiting the subject property to one RV and a setback of 75 feet should rectify this conflict with the Plan.*

**\*Conditions\***

1. The applicant must undertake the project according to the plans and specifications described in the application and 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 variance is to allow one recreational vehicle on the subject property at a setback of 75 feet from the ordinary high water level of Big Lake and 84 feet from the centerline of Magney Drive.
6. The applicant shall institute the mitigation practices by July 19, 2017.
7. No parking of any vehicle or recreational vehicle shall be allowed between Big Lake and a setback of 75 feet from the ordinary high water level of Big Lake.
8. The two riparian lots shall remain with the non-riparian lot as depicted on Figure 1.
9. 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 #316017 Ben Deering**

Motion by Manninen, seconded by Eskuri and carried by all ye a votes to GRANT Variance #316017 and include those six conditions listed in Administrator Cunningham's Development Review dated July 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 proposing a reasonable use of the property. The lots have been developed individually since before official zoning controls. The applicant has removed one of the dwellings and obtained additional land in order to become more conforming. The applicant has not decided what his intent is for the second dwelling.*

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 the lots were developed individually prior to 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. The lots have been developed individually since before official controls.*

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 applicant has removed one of the dwellings and obtained additional land in order to become more conforming.*

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 in an R-1 Zoning District. Single-family residences 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 appear to be in harmony with the Carlton County Community-Based Comprehensive Plan. The applicant is proposing to meet all applicable setbacks.*

**\*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. Lots 4 and 5, Block 3 of Martinsons East Side Addition will be considered buildable as long as all applicable setback and sewage treatment requirements are met.

6. If the applicants fail to meet the conditions set forth by the Board of Adjustment, the Board of Adjustment may revoke the variance.

c) **Variance #316018 Holyoke Township**

Motion by Eskuri, seconded by Manninen and carried by all yea votes approve applicant's request to withdraw Variance #316018.

(12) Other Business: If a second August meeting is needed, are members available for August 30, 2016? Members present indicated they are available.

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

Respectfully submitted,

Mike Torma  
Recording Secretary