

Draft
MINUTES OF THE CARLTON COUNTY BOARD
OF ADJUSTMENT MEETING
September 15, 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 (alternate), and Recording Secretary Bonita Peterson.

Member Absent: Zoning Representative Mike Torma.
- (3) Motion by Eskuri, seconded by Johnson, and carried to approve the August 18, 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 August 27, 2015, and published in the Star Gazette on September 3, 2015.
- (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 #315015 – Kim Maddox**

Kim Maddox of 2154 Moorhead Road, Cloquet, MN 55720 has requested a variance to construct a pole building on a nonconforming lot. The lot is considered nonconforming as it does not meet lot width requirements. The request also includes considering the lot buildable in the future as long as all applicable setbacks, lot coverage and sewage treatment requirements are met. The property is located in Part of the Northwest ¼ of the Northeast ¼ in Section 5, Township 48 North, Range 17 West in Twin Lakes Township. The property address is 2154 Moorhead Road (PIN 81-030-1065).

Kim Maddox and Bill Brown of 2154 Moorhead Road, Cloquet, MN 55720 were present to speak on their own behalf. They would like to build a barn for cold storage to keep the weather off their camper, boat, and other equipment. A building will make the property look better and deter theft. Their current equipment is stuffed into a two car garage. The small storage coop will come down and the barn will go beyond that shed. Two buildings total will be gone.

Brown said they would like to do metal roofs. They are taking out two chimneys on the house but the roof will be the same size. Peterson said if dimensions do not change, no permit is necessary for the roof. *(JLM: This may not be true in all cases. If replacing e.g: shingles, no permit is necessary. If trusses or part of exterior frame will be replaced a zoning permit is required).*

Maddox would like to build a deck on the house and has other improvements in mind.

Brown said a patio and steps on back is one improvement. The mound system is 20 feet beyond the old system which gives them more room.

Ezell said if the lot is deemed buildable they will be able to do more at a later date.

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

There were no questions from the Board.

Ezell read Heather Cunningham's Development Review #315015 dated September 2, 2015.

Ezell asked if they understood the six conditions.

Maddox said yes.

Ezell asked if there was anyone in the audience against the request. He then asked if there was anyone for the request.

There were no comments.

b) **Variance Request #315016 – Dustin Roe**

Dustin Roe of 1788 Olsonville Circle has requested a variance to construct a nonconforming garage and deck. The garage is considered nonconforming as it will not meet the side yard setback. The deck will be used as an entrance for the dwelling. The dwelling with deck is considered nonconforming as it will not meet the required setback from an accessory structure. The property is located in Lot 12 of First Addition to Olsonville Plat in Section 10, Township 48 North, Range 17 West in Twin Lakes Township. The property address is 1788 Olsonville Circle (PIN 81-350-0240).

Dustin Roe was present to speak on his own behalf. He explained that the lot width is 100' rather than the required 150'. He wants to park his vehicles in a garage. Pine trees are dipping sap on his cars and ruining them. Putting vehicles in the garage would give him space to clear the driveway in the winter, and it would secure his equipment. The deck will be between the house and garage and a higher deck is necessary to gain entry into the house. It would be about two feet high.

Ezell asked if there were questions from Board.

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

Roe said that there were no complaints from the nearest neighbor. She welcomed the idea of his things being stored indoors rather than leaving them out in the yard.

The old garage was relocated to the back yard this spring. Roe explained during the video how the deck would help him get into the house. The proposed deck would wrap around and meet up with the current deck in the back of the house.

Ezell asked if the Board had questions.

Ezell read Heather Cunningham's Development Review #315016 dated September 2, 2015.

Ezell asked if Roe understood the conditions.

Roe said he did.

Ezell asked if anyone in the audience was neutral or supportive to the request.

Penny Lauder of 2562 Olsonville Road, Carlton, MN 55718 spoke in support of the request.

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

c) **Variance Request #315017 – John Laveau**

John Laveau of 1243 Gault Road, Wrenshall, MN 55797 has requested a variance to construct a dwelling, covered porch and accessory structure on a nonconforming lot. The lot is considered nonconforming as it does not meet lot area requirements. The request also includes considering the lot buildable in the future as long as all applicable setbacks, lot coverage and sewage treatment requirements are met. The property is located in Part of the Northeast ¼ of the Northeast ¼ in Section 25, Township 48 North, Range 17 West in Twin Lakes Township. The property address is 2125 County Road 3 (PIN 81-060-4680).

John Laveau and Seth Laveau both of 1243 Gault Road, Wrenshall, MN 55797 were present to speak on their own behalf. J. Laveau said the pit was purchased from Grover about two years ago with the notion to build. They did not know it was a non-buildable lot.

Skare said that the variance indicated a home and septic on a non buildable lot. He asked if Laveau was also planning a garage.

J. Laveau said he is also asking for the garage and it will be completed within a year. The garage will be done next summer when the money is available.

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

J. Laveau explained the site where the old trailer house stood and commented that the new septic system has been designed (Septic Permit #215067 issued on 8-19-15). He showed on the video

where the garage site is planned. He said people go in the pit all the time even though there is a gate in place; they go around the gate. It would be nice to have a house there to deter this practice.

Ezell read Heather Cunningham's Development Review #315017 dated September 2, 2015.

Ezell asked if Laveau understood the six conditions.

Laveau said he did.

There were no questions from the Board.

There was no one in the audience in favor or neutral of the request.

There was no one in the audience opposed to the request.

d) **Variance Request #315018 – Sheldon and Marion Larsen**

Sheldon and Marion Larsen of 1664 Tamarack Lake Road, Wright, MN 55798, represented by Calvin Jacobson, d.b.a Northstar Design and Build, 6747 Pacific Avenue, Wright, MN 55798, requested a variance to construct a detached garage that will not meet the setback from the centerline of Tamarack Lake Road. The property is located in Part of Government Lot 1 in Section 9, Township 48 North, Range 21 West on Tamarack Lake in Lakeview Township. The property address is 1664 Tamarack Lake Road (PIN 57-010-1383).

Sheldon and Marion Larsen and their representative, Cal Jacobson of Northstar Design and Build, were present to speak. They want to rebuild their garage which was destroyed by fire. They are in the process of rebuilding the house.

Jacobson said they are planning the garage using the same footprint. A variance was granted for that garage in 2002. He spoke to Heather Cunningham about building the garage. She said because they want to add storage space above they must go through the variance process.

Ezell asked if there were questions from the Board.

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

Their closest neighbor is about 100 feet from them. The existing garage was about 15 feet from the house and the new one will abut the blacktop driveway.

Ezell read Heather Cunningham's Development Review #315018 dated September 2, 2015.

Ezell asked Larsens if they understood the conditions.

Larsens and Jacobson said they did.

There were no questions from the Board.

Ezell asked if anyone in the audience was neutral or in favor of the request.

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

Ezell read a letter read from Richard Gresczyk, Sr., 1672 Tamarack Lake Road, Wright, MN 55798 saying he was in full of support of project.

(10) The public hearing closed at 7:51 p.m.

(11) The Board of Adjustment meeting re-opened at 7:56 p.m.

Variance Request #315015 – Kim Maddox Motion by Johnson, seconded by Eskuri and carried by all yea votes to **GRANT** Variance #315015 and to include those six conditions listed in Administrator Cunningham's Development Review dated September 2, 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 applicant would like a pole building for storage. The applicant was not aware the lot was not buildable when she purchased it.*

2. Is the practical difficulty unique to the subject property and not created by the property owner or prior property owner? *Yes. Subdivision of the property occurred before official controls, resulting in a parcel that does not meet lot width requirements.*

3. If the variance is granted, it will not alter the essential character of the locality? *Yes. The parcel to the west is approximately 165 feet in width, the parcel to the east is approximately 208 feet in width.*

4. Does the practical difficulty involve more than economic considerations? *Yes. The applicant would like to construct a pole building and have the lot considered buildable.*

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 applicant is proposing to use the property as a single family dwelling.*

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 lot shall be considered buildable in the future as long as all applicable setbacks, lot coverage and septic requirements are met.
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 #315016 – Dustin Roe Motion by Eskuri, seconded by Johnson and carried to **GRANT** Variance #315016 and include those five conditions listed in Administrator Cunningham's Development Review dated September 2, 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 reasonable to have a two-stall garage. The previous garage that was relocated to the rear yard was a single stall.*
2. Is the practical difficulty unique to the subject property and not created by the property owner or prior property owner? *Yes. Recording of the plat occurred before official zoning controls were in existence. If the lot met the 150 feet width dimensional standard, a variance would not be necessary.*
3. If the variance is granted, it will not alter the essential character of the locality? *Yes. Several lots within the subdivision have accessory structures that do not meet side yard setback.*
4. Does the practical difficulty involve more than economic considerations? *Yes. The applicant would like a double-stall garage.*
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. Single family dwellings are a permitted use in an R-1 Zoning District.*
6. Are the terms of the variance consistent with the Carlton County Community-Based Comprehensive Plan? *Yes. Terms of the variance do not appear to be in conflict with the 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 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. 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 #315017 – John Laveau Motion by Johnson, seconded by Eskuri and carried by all yeas votes to **GRANT** Variance #315017 and include those six conditions listed in Administrator Cunningham's Development Review dated September 2, 2015, plus one additional condition to allow a 24 feet x 26 feet garage to be completed within one year for a total of seven conditions.

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 has been established as a dwelling site since 1978. The applicant indicated he was not aware the lot was not buildable when he purchased it.*
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 is related to the established use of the property as a residence and its rezoning in 1978.*
3. If the variance is granted, it will not alter the essential character of the locality? *Yes. The properties to the east and further south are all zoned A-2.*
4. Does the practical difficulty involve more than economic considerations? *Yes. The applicant would like to retain the status of the use of this property as a single family residence.*
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 applicant is proposing to use the property as a single family residence.*

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 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 lot shall be considered buildable in the future as long as all applicable setbacks, lot coverage and septic requirements are met.
6. If the applicant fails to meet the conditions set forth by the Board of Adjustment, the Board of Adjustment may revoke the variance.
7. A 24 feet x 26 feet garage will be allowed on the property. This shall be completed within one year.

Variance Request #315018 – Sheldon and Marion Larsen Motion by Eskuri, seconded by Johnson and carried by all yeas votes to **GRANT** Variance #315018 and include those five conditions listed in Administrator Cunningham's Development Review dated September 2, 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 applicants had a garage with an addition in this location since 2002 with no issues.*
2. Is the practical difficulty unique to the subject property and not created by the property owner or prior property owner? *Yes. The location of the mound and driveway prohibit a location that would meet setback requirements.*
3. If the variance is granted, it will not alter the essential character of the locality? *Yes. The dwelling immediately east of this lot does not meet the setback from the centerline.*

4. Does the practical difficulty involve more than economic considerations? *Yes. The applicant would like to replace a garage that was destroyed by fire.*

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. Single family swellings with an accessory structure are a permitted use.*

6. Are the terms of the variance consistent with the Carlton County Community-Based Comprehensive Plan? *Yes. Terms of the variance do not appear to be in conflict with the 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. 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 8:00 p.m.

Respectfully submitted,

Bonita L. Peterson
Recording Secretary