"Draft"
MINUTES OF THE CARLTON COUNTY BOARD
OF ADJUSTMENT MEETING
October 18, 2016

(1) Chair Ezell called the Board of Adjustment meeting to order at 7:00 p.m.

(2) Members Present: Howard Eskuri, Jack Ezell, John Manninen, Thomas Skare (Alternate), Zoning Office Representative Dave Hurst, and Recording Secretary Bonita Peterson.

(3) Motion by Eskuri, seconded by Manninen, and carried to approve the September 20, 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 September 29, 2016, and published in the Star Gazette on October 6, 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 #316025 – Joshua Pangerl**
Joshua Pangerl of 4313 Soldier Road, Moose Lake, MN 55767 has requested a variance to construct an addition onto a nonconforming dwelling. The dwelling is considered nonconforming as it does not meet the required setback from the centerline of Soldier Road. The property is described as Part of the Northeast ¼ of the Northeast ¼, Section 16, Township 46 North, Range 19 West in Moose Lake Township. The property address is 4313 Solider Road (PIN 63-022-0920).

Richard Honkonen of 7617 Woodlawn Drive, Eveleth, MN 55734 was present to speak in Joshua Pangerl's behalf. He said the house has been in existence for fifty years and was built prior to zoning controls. The house is 75 feet from the road centerline. The applicant wants to add a 20 feet by 24 feet living room addition on the east side of the house for extra space. This addition will not change the road setback.

The Board had no questions.

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

Ezell read Heather Cunningham's Development Review #316025 dated October 10, 2016.

Ezell asked if Honkonen understood and was okay with those seven conditions listed in the development review.

Honkonen said he did and he was.

b) **Variance Request #316026 – Peter Franklin**

Peter Franklin of 1587 East Circle Drive, Carlton, MN 55718 has requested a variance to construct an addition, front entrance and deck on a nonconforming dwelling on a nonconforming lot. The dwelling is considered nonconforming as it does not meet the required setback from the road right-of-way, side yard line or ordinary high water level (OHWL) of Chub Lake. The two lots separate and together are nonconforming as they do not meet the minimum lot width and lot area requirements. The property is described as Part of Lot 8 of Old Point Comfort Plat and Part of Park Place B of Watkins Addition to Old Point Comfort Plat, all in Part of the SE1/4 of SE1/4, Section 23, Township 48 North, Range 17 West on Chub Lake in Twin Lakes Township. The property address is 1587 Circle Drive (PIN 81-340-0240 and 81-450-0485).

Peter Franklin was present to speak on his own behalf. He said that after talking to Heather Cunningham of the Zoning Office, he was hoping to table the request. He wants to approach the variance using the best options for the property. Ms. Cunningham was willing to come out to the site and talk things over with Mr. Franklin. He formally asked if the Board would table this request.

(10) The public hearing closed at 7:15 p.m.

(11) The Board of Adjustment meeting re-opened at 7:18 p.m.

Variance Request #316025 – Joshua Pangerl Motion by Eskuri, seconded by Manninen and carried to **GRANT** Variance #316025 and include those seven conditions listed in Administrator Cunningham's Development Review dated October 10, 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 applicant is requesting to add 480 square feet of living space onto a 1,288 square feet dwelling. A setback of 75 feet is reasonable for this location.*

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 fact that the house was constructed prior to official zoning 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. Other variances have been granted along Soldier Road for the setback to the centerline.*

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 property owner would like to add a small amount of living space to a dwelling constructed 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 will not be granting a use that is not allowed within the A-2 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 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 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 setback from the proposed addition to the private well must comply with Minnesota State Statute.

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. The existing living room that will be converted to an office must not be used as a bedroom unless septic system meets Minnesota State Statute and Carlton County Subsurface Sewage Treatment System Ordinance #30 requirements. The existing septic for permit #284101 is designed for a total of 3 bedrooms.

Variance Request #316026 – Peter Franklin

A motion was made by Eskuri, seconded by Manninen, and supported by all yea votes to table Variance #316026.

(12) Other Business - none

(13) A motion was made by Eskuri, seconded by Manninen, and supported by all yea votes to close the Board of Adjustment meeting at 7:20 p.m.

Respectfully submitted,

Bonita L. Peterson
Recording Secretary