

Draft
MINUTES OF THE CARLTON COUNTY BOARD
OF ADJUSTMENT MEETING
October 21, 2014

- (1) Chairman Hill called the Board of Adjustment meeting to order at 7:00 p.m.
- (2) Members Present: Tom Hill, Doug Suhonen, Jeff Vichorek, and Secretary Mike Torma
- (3) Motion by Suhonen, seconded by Vichorek, and supported by all yea votes to approve the September 16, 2014, Board of Adjustment meeting minutes.
- (4) Old business: None
- (5) Chairman Hill called the Public Hearing to order at 7:02 p.m.
- (6) Chairman Hill read that the legal ad was sent to the Star Gazette on October 2, 2014, and published in the Star Gazette on October 9, 2014.
- (7) Chairman Hill read the *Finality of Decisions*.
- (8) Chairman Hill read the *Findings of Fact to Grant a Variance* from Zoning Ordinance 27-F.
- (9) a) **Variance Request #314007 – Dennis and Michelle Schiltgen (request to table until Spring 2015)**

In a letter dated October 6, 2014, received by the Zoning Office on October 8, 2014, and read by Chairman Hill, Dennis and Michelle Schiltgen requested to table the above referenced variance until the spring of 2015. A draft plan was submitted, but after working with local builders they would like to finalize the plan over the fall/winter.

b) **Variance Request #314014 – Blackhoof Valley Coalition**

Blackhoof Valley Coalition was represented by Susan Karp of 2241 County Road 5, Carlton, MN 55718 and Stuart Swanson of 2231 County Road 5, Carlton, MN 55718. The request is to replace a covered porch on an existing nonconforming structure as it does not meet the required setback of County Road 5, and to request an amendment for a 18 feet by 28 feet concession stand which is 42 feet from the centerline of County Road 5. The property is described as Part of the Northeast ¼ of the Northwest ¼ in Section 7, Township 47 North, Range 17 West in Blackhoof Township. The property address is 2721 County Road 5.

Torma addressed the Board and handed out an updated site plan before the representatives were heard.

Karp said this is the Blackhoof Valley School, and next to the school is a softball field used by the community. The steps of the community center are used as bleachers. The community center was built in 1928 and Ms. Karp was in the last class that graduated from there when she

was in the eighth grade in 1961. The building closed that year. Since 1990 this has been used as a community center.

The building had a covered porch and steps that were crumbling and not safe. Volunteers got together, took it down and started to replace it. They did not realize a permit was needed because they were replacing the existing porch and making it safe. Then they found out they needed a variance.

Hill asked if the replacement will be the same size.

Karp said yes.

Suhonen commented that Karp said the building was built in 1923 and the written comments refer to it being built in 1928.

Swanson said the building was originally built in 1923, destroyed by fire, and rebuilt in 1928.

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

Chairman Hill read Development Review 314014.

The representatives had no problems with conditions.

Suhonen asked if the concession stand was part of the original variance as read in the development review and if it should be added as a condition.

Karp said that it is now part of the variance as the concession stand is existing, does not meet the road setback, and Cunningham added it to the request.

Torma said it was not part of the original variance but is an additional request that should be considered because it is too close to the road. Torma said the Board can add as an amendment in their motion rather than as a condition.

Torma also pointed out that Cunningham's measured size of the stairs is 10 feet by 14 feet and the covered porch will be 7 feet by 14 feet as stated in the development review.

There were no further comments from the Board.

There were no comments from the audience.

c) **Variance Request #314015 – Dan Stowell**

Dan Stowell of 8719 Carriage Hill Road, Savage, MN 55378 was represented by Lynn Stowell of the same address for property at 825 Lyndhurst Bay Drive, Cloquet, MN 55720. The request is to construct a nonconforming pole building on a nonconforming lot. The proposed structure is nonconforming as it will not meet the setback from a platted road right of way and setback from the centerline. The lot is nonconforming as it does not meet the required lot width or lot area.

The request also includes exceeding the maximum lot coverage of impervious surface. The property is described as Part of Government Lot 4 in Section 21, Township 49 North, Range 18 West in Perch Lake Township on Big Lake.

Stowell said they are requesting a 32 feet by 60 feet pole barn to house trailers, boats, an RV and similar things on their very narrow, very deep lake lot on Big Lake. Their neighbor owns the entire lot behind them on Brower Drive so the building will not be blocking anybody. That lot consists of trees and the neighbor's big mound system. Stowell pointed out other lot uses surrounding their parcel and how their building request will not be blocking anyone's view. The shed will not be seen from lake nor is their current one and one half stall garage. A sliver of their 10 feet by 10 feet shed on the back side of garage might be seen from lake. The garage houses one boat.

Stowell said their adjacent neighbor with the mound system has a 32 feet by 40 feet garage that is wood, not metal. Within four to ten cabins there are other pole barns bigger than what they are requesting. Some of these buildings can be seen from the lake. She also mentioned snow removal not being a problem since there is eleven feet on the side that allows for snow on the 150 feet of road.

Stowell also noted that there are many short driveways along Brower Drive. Their building would be 66' back from Brower Drive. She feels it is better to look at a pole barn that matches the cabin rather than looking at trailers, boats, and an RV parked all over the lot.

Vichorek questioned asked if the 11 feet setback is to the centerline or to the right of way.

Stowell thought it was 18 feet to the centerline according to Cunningham's report.

Stowell said they are willing to plant trees or do anything else that would help. The land is currently just green space. They have had vehicles cut through their yard on occasion.

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

Vichorek questioned the height of the side walls?

Stowell said they will be 14 feet to make room for the RV.

Chairman Hill read Development Review 314015.

There were no comments from the Board.

There were no comments from the audience.

d) **Variance Request #314016 – Steve Jankowski**

Steve Jankowski of 326 7th Street, Cloquet, MN 55720 was present to speak in his own behalf for property at 3141 Pine Grove Drive, Cloquet, MN 55720. His request is to consider a nonconforming lot buildable as long as all applicable setbacks, sewage treatment system

requirements and lot coverage are met. The lot is considered nonconforming as it does not meet lot width or area requirements. The property is described as Lot 14, Block 1 of Pine Grove Addition Plat in Section 33, Township 49 North, Range 18 West in Perch Lake Township on Big Lake.

Jankowski said he is requesting a variance to build a storage building on Lot 14 in Pine Grove Addition. A variance granting a cottage and storage shed on this lot was granted on August 12, 1971, and filed on April 8, 1980, under Document 226901. The Edwin J. and Jane L. Jankowski Family Trust currently own Lots 12, 13, and 14 in Pine Grove Addition with each child owning twenty-five percent of the lake lots. Along with lots 12 and 13, a storage building was made available to all children with a share and share alike understanding. The possible sale of Lots 12 and 13 will make the current storage building unavailable to each sibling. Jankowski plans to purchase the seventy-five percent of Lot 14 from his siblings. He will need a new storage building to replace the one currently being sold on Lots 12 and 13 thus the reason for this variance request.

Hill asked if this was the only building on the lot or if something is already on the lot.

Jankowski said the lot sits vacant except for a 10 feet by 10 feet water oriented structure.

Hill asked what determines the location of the building.

Jankowski said the application indicates where it is proposed. He said Cunningham recommended this be reduced in size to accommodate a future dwelling. The 40 feet by 60 feet building being requested will probably change to 40 feet by 40 feet.

Hill said for the purpose of voting they have to know the exact dimensions.

Jankowski amended his request to ask for a 40 feet by 40 feet building.

Jankowski said that when Cunningham came to measure the western side of the property, she moved further west. He measured from the wrong point. This shortened his measurement by fifteen feet. At this point Cunningham recommended he consider downsizing.

Vichorek asked how Jankowski proposed to shorten the structure.

Jankowski said it would be the depth of the building.

Jankowski recanted and said his actual variance request was for a buildable lot. The building size would be determined at the time he went for a zoning permit.

Vichorek asked for clarification on moving the 60 feet building back toward the edge of Pine Grove Drive to make his setback to the lake.

Jankowski said he did not have to shorten the building to meet the setback because it is already met. He is moving it back another twenty feet to allow for a home if built.

Suhonen asked if Jankowski knew what the dimensions of the home would be.

Jankowski said he did not know.

Suhonen said then that it would be determined by the lot square footage once he has completed the storage building.

Jankowski said that practically speaking in twenty years he will be eighty years old. He does not think he will be building a new home. What he does now will make a difference in making this a marketable, buildable lot in the future.

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

Jankowski said his father was a forester and he is hesitant to take down a tree without replacing it. He was not disappointed that Cunningham suggested he downsize.

Chairman Hill read Development Review 314016.

Jankowski asked what SSTS stood for and was told it was subsurface sewage treatment systems.

Jankowski asked what lot of record meant, and Torma explained the definition.

Suhonen asked Torma if this relates to a parcel identification number for tax purposes. If it has a parcel number, would this then be a lot of record?

Torma explained that a lot of record from years ago may not meet today's zoning standards. This is one reason people may request a variance.

Hill read a letter from Joyce MacConnachie Kirk, June MacConnachie Sims, Cheryl MacConnachie Donahue, and Cheryl Donahue, owners of Lots 9 and 10 in Pine Grove Addition, who feel this lot is too small to contain a building and a sewer. They are not in favor of this variance request.

Hill read a letter from Gary D. Harms of 3149 Pine Grove Drive, Cloquet, MN 55720 who opposes this request. He feels there is no sewer treatment system on the lot, there is no site plan for any proposed building construction, and there is no statement as to the intended use of the lot.

Hill read a letter from Kurt and Dorothy Besser of 3114 Pine Grove Drive, Cloquet, MN 55720 basically asking questions and voicing concerns about the property. Any proposed use other than that mentioned in the letter did not have their support.

Hill read a final, unsigned letter from 3157 Pine Grove Drive, Cloquet, MN 55720 stating that they are not in favor of the variance.

The floor was open to comments from the audience.

Dave Otterson of 3101 Pine Grove Drive, Cloquet, MN 55720 said that this property is part of the Pine Grove Addition. Back on September 15, 1954, the property was offered for sale and the successful bid was given to William MacConnachie, Ervin Nelson, Edwin Jankowski, and Rudolph Kajander. They set aside certain things of how they wanted Pine Grove to look like. All lots should be for family living, for residential purposes only, and no lot should be subdivided for any other use.

Jankowski addressed this comment by saying there were thirty year covenants made by Jankowski's father and the other partners. It was a bad decision according to his dad because he thought the covenants should be perpetual, but at the time they made them for thirty years. These covenants have technically expired.

Otterson said that the principal, idea and precedence are still there for Pine Grove Addition. They were set many years ago, and that is why they still live there.

Jankowski said he also is a member of Pine Grove Addition currently. It is not a we/they issue.

Gary Harms of 3149 Pine Grove Drive, Cloquet, MN 55720 said he is opposed to what Jankowski is saying and supports Otterson's comments. He strongly opposes this request. It is the wrong use for the property, and there is no guarantee of what else will happen after Jankowski puts up a storage building.

Kurt Besser of 3114 Pine Grove Drive, Cloquet, MN 55720 said that until the supposed sewer comes around the lake, what happens to sewer treatment on this property such as in the event of structures or perhaps camping? He also noted that when he applied for a variance, he was given a variance packet and in there it said he was not allowed to subdivide properties making one portion substandard or unbuildable. They have had Lots 12, 13 and 14 in the same trust group for a number of years and now they are breaking one loose. He does not know why this is happening.

Suhonen asked Jankowski if their three lots had three tax statements or rather if they are three separate parcels.

Jankowski said yes.

Suhonen then said that Jankowski is not proposing structures or sewer right now, correct?

Jankowski that is correct.

Vichorek said if they have Lots 12, 13 and 14, they must be recorded as such.

Jankowski said this is correct.

Suhonen said that Jankowski is not proposing a subdivision. Lot 14 has been Lot 14 since the beginning.

Jankowski clarified that the variance application has been modified to make Lot 14 a buildable lot.

A comment from the audience was that hopefully things will be placed correctly on this parcel. It was asked who will monitor and keep an eye on this?

Hill said the Zoning Office will obviously make sure the setbacks are met for the building.

Otterson was concerned that this would set precedent for other non-conforming lots in their area which he knows exist that can be used for buildable lots. He said there are already areas with campers. He questioned if they are buildable lots and if they deal with sewer and water. He is concerned this will happen on Pine Grove Drive in the future.

Jankowski said years ago his father and Paul Fostrom wanted to form a Pine Grove Addition group. A boat canal was implemented as Pine Grove Addition. Some members wanted to have this dredged and were met with a stone wall. His point is that Pine Grove Addition is not a recognized association. It is a group of people who happen to own lots known as Pine Grove Addition. An association was never formed.

Jane Christenson of 3131 Maple Drive, Cloquet, MN 55720 commented that she can concur with these gentlemen as there are lakeshore pockets on Big Lake where trees are being removed and four to six to eight campers are parked on spots without meeting setbacks. There is concern about sewer because they know not all campers are hooked to a septic system. There are no porta potties and a lot of the campers are pop-up campers without sewer facilities.

Vichorek said that as lake owners, this may not be what they want to see. Are these people in violation? This is not our issue here. Zoning would be the people to oversee these concerns.

Harms said that this was a very valid point. Zoning, throughout the years, has done nothing for the sewers on Big Lake. That is a fact of record.

Jankowski said years ago a group of concerned people took a pontoon ride around the lake and identified septic systems that they felt were in violation. They felt dye should be allowed in systems to confirm the system was failing. It was also determined that this is not possible. The water quality on Big Lake has been an issue for years. With the new sanitary sewer district, something is finally being done about the water quality.

Harms said he wanted to get back to the original proposal. They are not one hundred percent sure what this variance request will be used for at this time. There has been confusion about distance and setback. They are against it because it is still very foggy about the use.

Linda Jankowski of 326 7th Street, Cloquet, MN 55720, said that after listening to all the discourse, she said they are requesting a variance to make this lot a buildable lot. There is about 300 feet from the lakeshore to the end of the property, 86 to 87 feet wide, all setbacks will be met, and the sewer was already addressed in the proposal by Ms. Cunningham and Steve and

Linda Jankowski. They are not thinking of putting up a building that would have sewer concerns. They are looking at the scale to build it back for a home and garage in addition to the proposed building. This would add to the Carlton County tax base which is desperately needed.

Glenn Renne of 1115 Cary Road, Cloquet, MN 55720 is not against this variance if it was for building a littler home, but to build a storage building, he is opposed to the request. He said Ms. Stowell wants a building on a parcel she lives on and can keep an eye on, but this storage building is not for that kind of use. This would be like putting in a mini-storage unit.

Hill said that if this variance is granted and it is determined this is a buildable lot, Jankowski would not be allowed to come back for any other variances on that lot. He would have to meet all setbacks and sewer requirements.

A question was asked about the height of the side wall on the building.

Jankowski reminded those present that this hearing was for a buildable lot with a building to be determined that would meet zoning restrictions and setbacks.

There were no other comments from audience.

(10) The public hearing closed at 8:07 p.m.

(11) The Board of Adjustment meeting was opened at 8:58 p.m.

Variance Request #314007 – Dennis and Michelle Schiltgen

Motion by Suhonen, seconded by Vichorek, and carried by all yea votes to **TABLE** Variance #214007 until spring 2015 as requested by the applicants.

Variance Request #314014 – Blackhoof Valley Coalition

Motion by Suhonen, seconded by Vichorek and carried by all yea votes to **GRANT** Variance #314014, include the 18 feet by 28 feet concession stand, and include those five conditions listed in Administrator Cunningham’s Development Review dated October 13, 2014.

Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official control? *Yes.*
2. Is the variance consistent with the comprehensive plan? *Yes.*
3. Is the owner proposing to use the property in a reasonable manner not permitted by the official control? *Yes. This is to replace the structure that has been in existence since 1923.*
4. Is the practical difficulty due to circumstances unique to this property? *Yes. The structure predates the ordinance.*
5. Is the need for the variance created by actions other than the landowner or prior landowners? *Yes. The actions were created prior to zoning.*

6. Will granting the variance (NOT) alter the essential character of the locality? *Yes. It has been in existence and has provided community service since 1923.*

7. Does the practical difficulty involve more than economic considerations? *Yes.*

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 #314015 – Dan Stowell

Moved by Suhonen, seconded by Vichorek, and carried by all yea votes to **DENY** Variance #314015 including the five conditions listed in Cunningham's Development Review dated October 13, 2014.

Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official control? *No. The lot size and setbacks do not meet the standard of the comprehensive plan.*
2. Is the variance consistent with the comprehensive plan? *No. As presented in Heather Cunningham's development review dated October 13, 2014, the variance does not meet width and area requirements of the comprehensive plan. The setbacks cannot be met.*
3. Is the owner proposing to use the property in a reasonable manner not permitted by the official control? *Yes. A use will not be granted that is not permitted in an R-1.*
4. Is the practical difficulty due to circumstances unique to this property? *Yes. The uniqueness is due to the lot size.*
5. Is the need for the variance created by actions other than the landowner or prior landowners? *Yes. The lot was created in 1923 prior to zoning.*

6. Will granting the variance (NOT) alter the essential character of the locality? *Yes. There are other pole buildings in the area.*

7. Does the practical difficulty involve more than economic considerations? *Yes. The lot was created prior to 1923 and prior to zoning.*

Variance Request #314016 – Steve Jankowski

Moved by Suhonen, seconded by Vichorek, and carried by all yea votes to **GRANT** Variance #314016 including those four conditions listed in Administrator Cunningham's Development Review dated October 13, 2014, and with the amendment to reduce the building size to 40 feet by 40 feet.

Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official control? *Yes. This is in harmony as long as setbacks can be met.*

2. Is the variance consistent with the comprehensive plan? *Yes. This request appears in harmony with the comprehensive plan as stated in Administrator Cunningham's development review.*

3. Is the owner proposing to use the property in a reasonable manner not permitted by the official control? *Yes. Over 50 percent area and lot width are met.*

4. Is the practical difficulty due to circumstances unique to this property? *Yes. The lot was created prior to official controls. The applicant states the trust has sold Lots 12 and 13.*

5. Is the need for the variance created by actions other than the landowner or prior landowners? *The lot was established prior to official controls.*

6. Will granting the variance (NOT) alter the essential character of the locality? *Yes. There are several single lots in the area. The probability of the sanitary expansion would make Lot 14 conforming if constructed as it has been funded.*

7. Does the practical difficulty involve more than economic considerations? *Yes.*

Conditions

1. 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.

2. The property shall be considered buildable without the granting of a variance so long as all applicable setbacks, lot coverage and SSTS requirements are met.

3. No variances shall be granted for the future development or use for the subject property.

4. If the applicant fails to meet the conditions set forth by the Board of Adjustment, the Board of Adjustment may revoke the variance.

(12) There was no other business

(13) Motion by Suhonen, seconded by Vichorek and carried by all yea votes to adjourn the Board of Adjustment meeting at 9:41 p.m.

Respectfully submitted,

Bonita L. Peterson