

**Draft**  
**MINUTES OF THE CARLTON COUNTY BOARD**  
**OF ADJUSTMENT MEETING**  
**November 17, 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.
- (3) Motion by Johnson, seconded by Eskuri, and carried to approve the October 20, 2015, Board of Adjustment meeting minutes as presented. 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 October 30, 2015, and published in the Star Gazette on November 5, 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 #315023 Richard Hatanpaa**

Richard Hatanpaa of 2620 1<sup>st</sup> Avenue North, Great Fall, MT 59401, represented by Alexander and Kathy Hatanpaa, has requested an after-the-fact variance to allow a deck addition that does not meet the required side yard setback. The property is located in Lot 15 of Lake Park Plat in the Southeast ¼ of the Southeast ¼ of Section 31, Township 46 North, Range 19 West in Moose Lake Township. The property address is 4890 Mirror Way (63-190-0300).

Neither Richard Hatanpaa nor his representatives Alexander and Kathy Hatanpaa were present to speak.

Ezell read Heather Cunningham's Development Review #315023 dated November 12, 2015.

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

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

Andy Nygren of 9450 Sunny Beach Road, Moose Lake, MN 55767 spoke against the request. He said the rules for building are there for a purpose. He has done two projects on Sand Lake and zoning officials told him what he could and could not do. He was told he could apply for a

variance and that chances for granting one for his request would be slim. Hatanpaa built the deck on the side after he was told he could not build it.

The lot sizes on the lake are a concern. Nygren's brother-in-law, George Dragicevich, owns the two 50 foot lots next to Hatanpaa. The building in question is close to the property line. When 10 feet is reduced to 7 feet, the structure in question is a deck, and children are playing around the area, there is a problem. Nygren also said the property is not being used as a residence or a recreational property; it is used as rental property. The renters are not a problem, but this is not the intent of the property.

Johnson asked if Nygren owned property on the lake.

Both Nygren and his son own property in Pine County.

Johnson asked about Nygren building on his property.

Nygren said he built an addition on his property and added that he is not a contractor.

Ezell said that in a letter written by Cunningham back in August, operation of a vacation rental by owner requires a conditional use application. The property being used as a rental unit was found on a web site.

Ezell read a letter dated November 10, 2015, received from Moose Lake Windemere Sanitary Sewer District saying they were not opposed to the request as long as the structure does not encroach on their utility easement.

Skare recommended this request be tabled until later in the meeting.

b) **Variance Request #315024 – Bradley Camps**

Bradley Camps of 1460 Komoko Road, Carlton, MN 55718 has requested a variance to construct a nonconforming accessory structure. The proposed accessory structure, a garage, will not meet the required setback from the centerline of Komoko Road. The property is located in Part of the Southwest ¼ of the Southwest ¼ in Section 1, Township 48 North, Range 17 West in Twin Lakes Township. The property address is 1460 Komoko Road (81-030-0150).

Bradley Camps spoke to Cunningham regarding the 28 feet by 30 feet garage being 20 feet from the drainfield. The building could be moved 11 feet from the drainfield, but it would still not meet the road setbacks. Anything behind the proposed site drains into low area and wetland, there is horse pasture and access to the existing pole building on the other side of the house and his well is located back there, so the proposed site would be the logical place for the garage.

Bob Olean, Twin Lakes Township Road Foreman, viewed the site. Camps said Olean did not seem to have a problem with it.

Ezell asked about Cunningham's recommendation for the setback from the drainfield.

Camps said Cunningham was allowing 11 feet from drainfield and he is okay with that setback.

The Board had some confusion with the setback numbers. The original proposal was for a 57 feet setback. After discussion with Cunningham, she and Camps compromised with a measured 68 feet setback from the road centerline.

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

Ezell read Heather Cunningham's Development Review #315024 dated November 12, 2015.

Ezell asked if Camps understood the conditions.

Camps said he did.

There was no one in the audience neutral, in support of, or opposed to the request.

c) **Variance Request #315025 – Dan Follett**

Daniel Follett of 501 Brookston Road, Cloquet, MN 55720 has requested a variance to install a septic tank that does not meet the required side yard setback. The property is described as Lots 27, 28, 29, 56, 57 and 58, Block 2 of Torchlight Lake Cabin Sites in the Northwest ¼ of the Southeast ¼ in Section 8, Township 48 North, Range 18 West in Sawyer Township. The property address is 1616 South Loon Lane (98-220-0860 and 98-220-1135).

Dan Follett said he wants to construct a box mound on site. He excavates for a living and wants to situate the tank as close to the box mound as he can to make the delivery line as short as possible. He needs the fall back from the box mound to the tank to prevent freezing. This proposal will also make the system less intrusive on the property. With this proposed site he will not have to cut trees and he can stay away from wetlands.

The system meets the road setback and the west property line setback. It will meet the setbacks from neighboring wells. Follett spoke to neighbor Rod Ridgewell who told Follett he does not have a problem with the request.

Johnson asked if it was community property across the road.

Follett said it is like a community park for the cabin sites and everyone is allowed to use it.

Follett said he plans to put the tank on Lot 29.

Johnson asked what lot the cabin is on.

Follett said it is on Lot 27.

Johnson asked if Loon Lane is a private road?

Follett said yes, it is an association road for the cabin sites.

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

Ezell read Heather Cunningham's Development Review #315025 dated November 12, 2015.

Ezell asked if Follett understood the seven conditions listed in the development review.

Follett said yes.

There was no one in the audience neutral, in support of, or opposed to the request.

Public hearing closed at 7:50 p.m.

Skare noted for the minutes that Variance 315023 was tabled earlier in the meeting. It has now been almost fifty-five minutes past the start time and there has been no representation.

**Variance Request #315023 – Richard Hatanpaa** Motion by Eskuri, seconded by Johnson and carried by all yeas votes to **DENY** Variance #315023 because there was no representation for the case even after one hour.

**Variance Request #315024 – Bradley Camps** Motion by Johnson, seconded by Eskuri and carried to **GRANT** Variance #315024 and include those six conditions listed in Administrator Cunningham's Development Review dated November 12, 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 28 x 30 feet garage. The applicant currently has a barn, animal coop and two sheds. The garage will be constructed for vehicle storage.*
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 wetlands which limits locations for the proposed garage, pasture and septic system on the subject property.*
3. If the variance is granted, it will not alter the essential character of the locality? *Yes. The request should not change the character of the neighborhood or result in a substantial detriment to neighboring properties. Granting the variance should not alter the character of the locality if the request is amended to meet setback from the road right-of-way.*
4. Does the practical difficulty involve more than economic considerations? *Yes. The applicant would like to construct a garage and the location of wetlands, septic system and pasture prohibit constructing it 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. Single family dwellings 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. The Plan discourages wetland impacts when they can be avoided.*

**\*Conditions\***

1. The applicant must undertake the project according to the plans and specifications submitted to the County with the application and as amended 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 garage shall be constructed to meet a setback of 68 feet from the centerline of Komoko Road.

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 #315024 – Daniel Follett** Motion by Eskuri, seconded by Johnson and carried by all yeas votes to **GRANT** Variance #315024.

**\*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 setback from the side yard line in order to accommodate a septic tank and drainfield.*

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 wetland on the property.*

3. If the variance is granted, it will not alter the essential character of the locality? *Yes. Many properties along Loon Lane do not meet the side yard line setback for structures.*

4. Does the practical difficulty involve more than economic considerations? *Yes. The applicant would like to install a septic tank and drainfield which is affected by the location of the wetland 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. Single family residences 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. The proposed use is consistent with the Comprehensive Plan. The Plan discourages wetland impacts when they can be avoided.*

**\*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 subject parcels together shall be considered one buildable lot in the future as long as all applicable setbacks, lot coverage and sewage treatment requirements are met.

7. 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 Johnson, seconded by Eskuri, and supported by all yeas to close the Board of Adjustment meeting at 8:03 p.m.

Respectfully submitted,

Bonita L. Peterson  
Recording Secretary