

**DRAFT**  
**MINUTES OF THE CARLTON COUNTY BOARD**  
**OF ADJUSTMENT MEETING**  
**February 18, 2020**

- (1) Zoning Office Representative Dave Hurst called the meeting to order at 7:00 p.m.
- (2) Members Present: Jack Ezell, John Manninen, Howard Eskuri, Thomas Skare (Alternate).  
Members Absent: None.  
  
Ex Officio Members Present: Zoning Office Representative Dave Hurst.  
Ex Officio Members Absent: None.
- (3) Election of Chair: Motion by Eskuri, seconded by Manninen, and supported by all yea votes to nominate Ezell as 2020 Board of Adjustment Chair.
- (4) Chair Ezell took control of meeting.
- (5) Election of Vice-Chair: Motion by Manninen, seconded by Ezell and supported by all yea votes to nominate Eskuri as 2020 Vice-Chair.
- (6) Appointment of Board of Adjustment member as Representative to Planning Commission: Motion by Eskuri, seconded by Manninen and supported by all yea votes to nominate Ezell as 2020 Planning Commission Representative.
- (7) Appointment of Board of Adjustment member as Alternate Representative to Planning Commission: Motion by Eskuri, seconded by Ezell and supported by all yea votes to nominate Manninen as 2020 Planning Commission Alternate Representative.
- (8) Motion by Eskuri, seconded by Manninen, and supported by all yea votes to approve the December 17, 2019, Board of Adjustment meeting minutes as presented.
- (9) Old business: None
- (10) Chair Ezell called the Public Hearing to order at 7:03 p.m.
- (11) Chair Ezell read that the legal ad was sent to the Star Gazette on January 30, 2020, and published on February 6, 2020. The legal ad was also sent to the Pine Knot on January 30, 2020, and published on February 7, 2020.
- (12) Chair Ezell read the *Finality of Decisions* from Zoning Ordinance 27.
- (13) Chair Ezell read the *Findings of Fact to Grant a Variance* from Zoning Ordinance 27.
- (14) Variances
  - a) **Variance Request #320001 – Chris LeBrasseur**  
Chris LeBrasseur of PO Box 57, Sawyer, MN 55780 has requested a variance to replace a nonconforming dwelling with a conforming dwelling on a nonconforming lot. The lot is considered nonconforming as it does not meet lot width or lot area requirements. The request also includes considering the lot buildable in the future as long as setback, septic and lot coverage requirements are met. The property is described as Part of Government Lot 4 or Part of the Northwest ¼ of the Southeast ¼ in Section 21, Township 49

North, Range 18 West in Perch Lake Township. The property address is 818 Brower Drive (PIN 92-010-3990).

Mr. LeBrasseur was present to speak on his behalf. He said he inherited his father's cabin which is across the street from this property. He said he bought this property last summer; it was a foreclosure. The existing cabin is pretty dilapidated. He said he originally wanted to fix up the cabin, but there is no foundation so the best option would be to tear it down. He said he already owns a shed that his kids used as a playhouse. He plans on moving that shed onto the property as a guest cabin. It is smaller than the existing cabin that is there now. His future plans with the property might include a garage for storage, and that is the reason for requesting the lot be buildable.

Ezell read Heather Cunningham's Development Review #320001 dated February 13, 2020.

Ezell asked if the board had any questions.

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

Ezell read a written running record of a phone conversation between Cunningham and Tim Krohn, Land Information Manager from Fond du Lac Reservation dated February 10, 2020.

Ezell asked if anyone in the audience was in opposition of this request. There was no response.

Ezell read the six conditions listed on the Development Review and asked if the applicant understood those conditions. Mr. LeBrasseur said yes.

(15) The public hearing closed at 7:14 p.m.

(16) The Board of Adjustment meeting re-opened at 7:17 p.m.

#### **Variance Request #320001 – Chris LeBrasseur**

A motion was made by Eskuri, seconded by Manninen, and carried by all yeas to **Approve** the findings of fact, decision, and six conditions listed on Carlton County Findings of Fact Worksheet dated February 18, 2020, and signed by Board Chair Ezell.

#### **FINDINGS OF FACT:**

a. *Is the property owner proposing to use the property in a reasonable manner not permitted by this Ordinance?*

Yes  No  *Why or why not?*

The applicant is requesting a reasonable use of the property. The applicant would like to replace a nonconforming dwelling with a smaller, conforming dwelling. The lot was created and developed prior to official controls adopted in 1968. It seems reasonable to allow the lot to be buildable in the future as long as setback, septic and lot coverage requirements are met. The lot coverage standard for this lot is 25% impervious surface.

b. *Is the practical difficulty unique to the subject property and not created by the property owner or prior property owner?*

Yes  No  *Why or why not?*

It appears the practical difficulty in meeting the ordinance requirements is the creation and development of the lot prior to official controls.

c. *If the variance is granted, it will not alter the essential character of the locality?*

Yes  No  Why or why not?

The granting of the variance should not alter the essential character of the locality. The dwelling has been in this location since prior to official controls.

d. Does the practical difficulty involve more than economic considerations?  
Yes  No  Why or why not?

It does not appear that economic considerations constitute the practical difficulty for reasonable use for this property. It appears that a practical difficulty is the creation and development of this lot prior to official controls.

e. 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  No  Why or why not?

The variance will not be granting a use that is not allowed within the R-1 Zoning District. Single family residences are a permitted use.

f. Are the terms of the variance consistent with the Carlton County Community-Based Comprehensive Plan?  
Yes  No  Why or why not?

The terms of the variance do not appear to be in conflict with the Carlton County Community-Based Comprehensive Plan. The proposed dwelling will be replaced at a location that meets all applicable setbacks.

**DECISION:**

*If ALL answers are YES by a majority of the Board of Adjustment, the criteria for granting of the Variance have been met and the Variance is approved. Please confirm with the applicant that the following conditions are acceptable.*

*Granted:* Replace a nonconforming dwelling with a conforming dwelling on a nonconforming lot.

*Denied:* NA

**CONDITIONS:**

1. The applicant must undertake the project according to the plans and specifications submitted to the County with the application.
2. The applicant must have an approved zoning permit within one year. All work must begin within one year of issuance of the zoning permit. This means that there is enough of the structure(s) in place to determine that it meets the dimensions depicted on the zoning permit. If this condition is not met, the request shall be deemed null and void. The Zoning Administrator is authorized to extend that period of time for good cause shown.
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.
6. The lot shall be buildable in the future as long as setback, septic and lot coverage requirements are met. The lot coverage standard for this lot is 25% impervious surface.

(17) Other Business: None.

(18) A motion was made by Eskuri, seconded by Manninen, and supported by all yea votes to close the Board of Adjustment meeting at 7:18 p.m.

Respectfully submitted,

Dave Hurst  
Recording Secretary