

**Draft**  
**MINUTES OF THE CARLTON COUNTY BOARD**  
**OF ADJUSTMENT MEETING**  
**February 19, 2019**

- (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.  
Members Absent: Thomas Skare (Alternate).  
  
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 2019 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 2019 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 2019 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 2019 Planning Commission Alternate Representative.
- (8) Motion by Eskuri, seconded by Manninen, and supported by all yea votes to approve the December 18, 2018, 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 31, 2019, and published in the Star Gazette on February 7, 2019.
- (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 #318023 – Kyle Young**  
Kyle Young of 1444 22<sup>nd</sup> Street, Cloquet, MN 55720, represented by Heather Young of the same address, has requested a variance to consider his lot buildable and consider a structure setback of 75 feet from the ordinary high water level (OHWL) for a nonconforming lot. The lot is considered nonconforming as it does not meet lot width or lot area requirements. The property is described as Lot 10 and an undivided 1/60 interested in Lot 11 of Pine Grove Addition in Section 33, Township 49 North, Range 18 West on Big Lake in Perch Lake Township. The property address is XXXX Pine Grove Drive (92-230-0200).

Mr. Young was present to speak on his behalf. He said he purchased the property a few years ago and wasn't sure if he would ever build on it. He said once the sewer project got closer to starting he was more interested in building on this lot. He is requesting the seventy five foot setback because that would be the setback if the property had municipal sewer, and this would also give him room to put in a septic system in the event that the Big Lake Area Sanitary District falls through. Mr. Young said he met with Zoning Administrator Cunningham and he can meet all other setbacks. He said he has met with septic designer Matt DeCaigny and he has room for a septic system on the property.

Ezell asked Mr. Young if he knew the status of the sewer project. Mr. Young said the sanitary district has all the funding for the project but they are having a hard time getting a joint powers agreement with Fond du Lac which is holding up the project.

Ezell read Heather Cunningham's Development Review #318023 dated February 14, 2019.

Ezell asked if the board had any questions.

Hurst asked Mr. Young if he knew the location of the neighbor's well to the north. Mr. Young said it was near the cabin and shouldn't affect the location of a potential septic system on his property.

Mr. Young asked if he was to install a holding tank at first for his septic does he still need to designate a drainfield location. Hurst said yes the zoning office wants to see an area for a drainfield marked in the event that the municipal sewer project is not completed.

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

Ezell read a written correspondence from Steve and Linda Jankowski of 326 7<sup>th</sup> Street, Cloquet, MN 55720, in support of the request. Ezell also read a written correspondence from Dave and Cheryl Donahue of 3121 Pine Grove Drive, Cloquet, MN 55720, in support of the request.

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

Ezell read a written correspondence from Perch Lake Town Clerk Lora Eames, on behalf of Gary Harms, Perch Lake Town Chair, in opposition of the request. Mr. Harms lives at 3149 Pine Grove Drive, Cloquet, MN 55720.

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

(15) The public hearing closed at 7:24 p.m.

(16) The Board of Adjustment meeting re-opened at 7:26 p.m.

**Variance Request #318023 – Kyle Young**

A motion was made by Eskuri, seconded by Manninen, and carried by all yeas votes to **Approve** the findings of fact, decision, and six conditions listed on Carlton County Findings of Fact Worksheet dated February 19, 2019, 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 proposing a reasonable use of the property. The applicant is requesting to allow the lot to be considered buildable as long as setback, lot coverage and septic requirements can be met. The applicant would also like a reduced setback of 75 feet from the OHWL of Big Lake. If the lot is connected to municipal sewer it would make the lot conforming for lot area and lot width at the lake. This would also reduce the setback to 75 feet from the OHWL. The applicant has indicated all other applicable setbacks and lot coverage standards will be met.

- 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?*

The practical difficulty appears to be the creation of substandard lots in a plat that was established in 1955, prior to any 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. Attached is a summary of the setbacks to the OHWL, lot widths and lot areas for the riparian lots of Block 1 Pine Grove Addition. This request for this lot is within the averages for this "neighborhood." This summary is included as Attachment 1 of the Development Review.

- 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. The practical difficulty appears to be the creation of the plat prior to any 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 applicant should be aware of vegetation removal standards.

### **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:* Consider subject lot buildable and consider a structure setback of 75 feet from the ordinary high water level (OHWL) for 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 or as amended by the Board of Adjustment.
2. 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.
3. The lot will be considered buildable as long as setback, septic system and lot coverage standards can be met. The structure setback shall be 75 feet from the ordinary high water level (OHWL), excluding one water-oriented accessory structure.
4. The dwelling shall be connected to the Big Lake Area Sanitary District sewer connection when available. If the sewer project does not come to fruition, the property must be connected to a permitted septic treatment system.
5. A licensed designer shall be contracted to define a location for a Type I septic system and documentation submitted to this office prior to issuance of any zoning permit. This area should be marked for no disturbance in case the Big Lake Area Sanitary District project is not constructed.
6. If the applicant fails to meet the conditions set forth by the Board of Adjustment, the Board of Adjustment may revoke the variance.

(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 7:32 p.m.

Respectfully submitted,

Dave Hurst  
Recording Secretary

Attachment: Summary of the setbacks to the OHWL