

**Draft**  
**MINUTES OF THE CARLTON COUNTY**  
**BOARD OF ADJUSTMENT MEETING**  
**August 21, 2018**

- (1) Chairman Ezell called the meeting to order at 7:00 p.m.
- (2) Members Present: Jack Ezell, John Manninen, Howard Eskuri, Thomas Skare (Alternate) and Recording Secretary Dave Hurst.
- (3) Motion by Eskuri, seconded by Manninen, and carried to approve the July 17, 2018, Board of Adjustment meeting minutes as presented.
- (4) Old business: None.
- (5) Chairman Ezell called the Public Hearing to order at 7:01 p.m.
- (6) Chairman Ezell read that the legal ad was sent to the Star Gazette on August 2, 2018, and published in the Star Gazette on August 9, 2018.
- (7) Chairman Ezell read the *Finality of Decisions* from Zoning Ordinance 27.
- (8) Chairman Ezell read the *Findings of Fact to Grant a Variance* from Zoning Ordinance 27.
- (9) Variances

a) **Variance Request #318009 – Kris Johnson**

Kris Johnson of 931 Lyndhurst Bay Drive, Cloquet, MN 55720, has requested a variance to construct an addition onto a nonconforming dwelling and construct a nonconforming garage on nonconforming lots. The lots are considered nonconforming as they do not meet the required lot width (Lot 8 and Outlot C) or lot area (Outlot C). The dwelling and garage are considered nonconforming as they will not meet the required setback to the road right-of-way. The request includes considering the two lots together buildable in the future as long as setback, lot coverage and septic requirements are met. The property is described as Lot 8 and Outlot C of the Lyndhurst Bay Plat in Section 28, Township 49 North, Range 18 West on Big Lake in Perch Lake Township. The property address is 931 Lyndhurst Bay Drive (92-150-0160 and 0340).

Kris Johnson was present to speak on his behalf. Mr. Johnson said the addition on the lake side of the house is for a master bedroom. The addition on the road side of the house will tie the attached garage into the house. He said currently you have to walk outside to enter the attached garage, the new addition would allow them to enter the attached garage through the house. Mr. Johnson said the third request is to build a detached garage across the road for more storage.

Ezell asked if the Board had any questions.

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

Ezell read Heather Cunningham's Development Review #318009 dated August 13, 2018.

Ezell read the six conditions and asked if the applicant understood and was okay with those six conditions. Mr. Johnson said yes.

Ezell asked if anyone in the audience was neutral or in support of this request. Brian Granholm of 6746 Highway 27, Sturgeon Lake, MN 55783, was in support of the request. Kenneth and Sarah Mattinen of 1544 Highway 210, Carlton, MN 55718, were in support of the request.

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

b) **Variance Request #318010 – Brian Granholm Jr.**

Brian Granholm, Jr. has requested a variance to replace an existing deck on a nonconforming dwelling with a screen porch. The dwelling is considered nonconforming as it does not meet the required setback from the ordinary high water level (OHWL) of the Split Rock River. The property is described as Part of the Southeast ¼ of the Southeast ¼ of Section 21, Township 46 North, Range 21 West on the Split Rock River in Split Rock Township. The property address is 6746 Highway 27 (PIN 75-010-3405).

Brian Granholm Jr. was present to speak on his behalf. Mr. Granholm said they need to replace the existing deck and would like to enlarge the new deck and put a screen house on it. He said the flood of 2012 eroded the bank of the river and reduced the setback from the existing deck to the Ordinary High Water Level of the Split Rock River. He said they would like to build the screen porch so they can enjoy the view of the river and their backyard.

Ezell asked if the Board had any questions.

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

Ezell read Heather Cunningham's Development Review #318010 dated August 13, 2018.

Ezell read the eight conditions and asked if the applicant understood those eight conditions. Mr. Granholm said yes.

Ezell asked if anyone in the audience was neutral or in support of this request. Kenneth and Sarah Mattinen of 1544 Highway 210, Carlton, MN 55718, were in support of the request.

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

c) **Variance Request #318011 – Kenneth and Sarah Mattinen**

Kenneth and Sarah Mattinen of 1544 Highway 210, Carlton, MN 55718, have requested a variance to construct a nonconforming detached garage. The garage is considered nonconforming as it will not meet the required setback from the centerline or road right-of-way. The property is described as Part of the Southeast ¼ of the Southeast ¼ of Section 2, Township 48 North, Range 17 West in Twin Lakes Township. The property address is 1544 Highway 210 (PIN 81-030-0580).

Kenneth and Sarah Mattinen were present to speak on their behalf. Mr. Mattinen said they would like to build a garage on an existing slab next to their house. They would like to enlarge the slab toward the road so the garage is more in line with the house to match their neighbors. Mr. Mattinen said enlarging the garage slab towards the road would require a lot less fill than if they added onto the slab on the opposite side.

Ezell asked if the Board had any questions.

Manninen asked if there was a garage previously located on that existing slab. Mr. Mattinen said yes.

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

Ezell read Heather Cunningham's Development Review #318011 dated August 13, 2018.

Ezell read the five conditions and asked if the applicants understood those five conditions. Mr. and Mrs. Mattinen said yes.

Ezell asked if anyone in the audience was neutral or in support of this request. Kris Johnson of 931 Lyndhurst Bay Drive, Cloquet, MN 55720 was in support of the request. Brian Granholm of 6746 Highway 27, Sturgeon Lake, MN 55783, was in support of the request.

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

(10) The public hearing closed at 7:36 p.m.

(11) The Board of Adjustment meeting re-opened at 7:39 p.m.

### **Variance Request #318009 – Kris Johnson**

A motion was made by Eskuri, seconded by Manninen, and carried to **Approve** the findings of fact, decision, and six conditions listed on Carlton County Findings of Fact Worksheet dated August 21, 2018, 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 construct a modest addition to a dwelling. The addition will not encroach further on the setback to the road right-of-way. The garage, while larger than what was previously approved under Variance #385029, does not encroach further on setbacks. It appears reasonable to allow the lots together to be considered buildable if setback, lot coverage and septic requirements can 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 and development of substandard lots in a plat that was established 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. There are several structures in this plat that do not meet the setback to the road right-of-way. Most of the lots in this plat are not buildable without a variance.

- 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 applicant would like to construct an addition and detached garage on a substandard lot that was developed prior to official controls. The practical difficulty appears to be the creation and development 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. A setback of 10 feet (garage) and 30 feet (dwelling) from the surveyed road right-of-way should not impede snow removal or emergency vehicles.

**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:* Construct an addition onto a nonconforming dwelling and construct a nonconforming garage on nonconforming lots.

*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 permit is invalid, or expires, if the holder does not have the work completed within two years of the granting of the permit.
3. 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.
4. Consider the two lots together buildable as long as setback, septic system and lot coverage standards can be met.
5. The proposed detached garage can be no closer than 10 feet from the road right-of-way and side yard line.
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 #318010 – Brian Granholm Jr.**

A motion was made by Manninen, seconded by Eskuri, and carried to **Approve** the findings of fact, decision, and eight conditions listed on Carlton County Findings of Fact Worksheet dated August 21, 2018, 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 would like to construct a screen porch to be able to enjoy the view of the river. Due to topography, river flooding and ice dams, a water-oriented accessory structure cannot be constructed. The applicant has 1,320 feet of shoreline and would be reducing the access corridor from 70 feet to 40 feet. It seems reasonable to allow a larger screen porch in exchange for a reduced footprint along the river.

- 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 erosion of the bank of the river, thus reducing the setback as well as the flooding and ice dams along the river prohibiting the construction of a water-oriented accessory structure.

- c. *If the variance is granted, it will not alter the essential character of the locality?*  
Yes  No  *Why or why not?*

If the variance is granted, it should not alter the character of the neighborhood. There are not many dwellings located along the river in this area. It should have little effect on the neighborhood.

- 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 the practical difficulty is erosion of the river bank, topography, river flooding and ice dams.

- 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 A-2 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 plan encourages preserving native vegetation along shorelines. The applicant will be reducing the access corridor from 70 feet to 40 feet.

**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 an existing deck on a nonconforming dwelling with a screen porch

*Denied:* NA

**CONDITIONS:**

1. The applicant must undertake the project according to the revised 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 applicant shall institute the mitigation practices by August 21, 2019.
6. Provide a current septic compliance for the septic system by October 1, 2018.
7. A water-oriented accessory structure is not permitted for this property in exchange for allowing a larger attached screen house.
8. 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 #318011 – Kenneth and Sarah Mattinen**

A motion was made by Eskuri, seconded by Manninen, and carried to **Approve** the findings of fact, decision, and five conditions listed on Carlton County Findings of Fact Worksheet dated August 21, 2018, 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 does not have a garage, just two small sheds. A garage was previously located in this location.

- 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 applicant has indicated the practical difficulty in meeting the required setback from the centerline and road right-of-way is the unique shape of the lot that was created 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. It appears that all of the structures in this neighborhood are located about the same distance from the centerline of Highway 210.

- 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 a substandard 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 and Ordinance. Setbacks from roadways are primarily a public safety and maintenance issue. The setback allows for clear zones for traffic, snow removal, and maintenance, as well as emergency vehicles (police, fire and ambulance) to be able to properly travel and provide service through the area. A reduced setback for this property should not cause any issues for snow removal or emergency vehicles.

### **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:* Construct a nonconforming detached garage.

*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 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.

(12) Other Business. There was 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 7:41 p.m.

Respectfully submitted,

Dave Hurst  
Recording Secretary