

**DRAFT**  
**MINUTES OF THE CARLTON COUNTY**  
**BOARD OF ADJUSTMENT MEETING**  
**June 21, 2011**

The Board of Adjustment meeting was called to order at 7:04 p.m. by Chairman DeMenge.

Members Present: Marcus Bruning, Tom Hill, Doug Suhonen (Alternate), Stan DeMenge, and Steve Bassa (Recording Secretary)

Absent: None.

Motion by Suhonen, seconded by Hill, and supported by all yea votes to approve the May 17, 2011 Board of Adjustment meeting minutes as written and submitted.

Other Business: The July Board of Adjustment Meeting (if held) will be on July 26<sup>th</sup> and not July 19<sup>th</sup>.

Chairman DeMenge called the Public Hearing to order at 7:05 p.m.

Chairman DeMenge read that the legal ad was sent to the Arrowhead Leader on June 2, 2011 and published in the Arrowhead Leader on June 9, 2011.

Chairman DeMenge read Article 3, Section 6 of the Carlton County Zoning Ordinance, Ordinance #27.

**Variance #311005 Jason and Lynnel Brinkman**

Arin Olson dba A & T Excavation of 727 Seboe Road, Wrenshall, MN (the applicants' sewer installer) was present to speak on the Brinkman's behalf.

Chairman DeMenge read a detailed letter from the applicants' septic system designer, Gregory Dinneen, explaining the reasons for the request as well as the applicants' separate 5/1/11 "Justification for Request".

Mr. Olson re-iterated that very little use (maybe only a weekend a month during the winter) is probably the main reason for a holding tank at this time – a tank with a drainfield would be very susceptible to freezing with intermittent use during the winter months. Mr. Olson also noted the cost factor would be very high in relation to the owner's intended use of the property at this time.

Bruning asked Mr. Olson how long the applicants have had the property.

Olson stated the he didn't know.

Bruning asked Olson what the applicants have been using for sewage disposal up to this point.

Olson responded the he didn't know, but didn't believe that there was a well on the property.

Hill asked when running water may be installed – Mr. Olson stated that he didn't know that either.

According to Mr. Olson, a 1,500 gallon septic tank/500 gallon pump chamber would be installed so a drainfield could be added at a later date when increased use of the property would justify this.

Bruning asked if the applicants were alright with the conditions noted in Zoning Administrator Benson's Development Review.

Mr. Olson stated that he believed the applicants received the Development Review, but didn't know for sure. He has not received any comments either way from the Brinkmans concerning the Development Review (and conditions).

Mr. Olson suggested that the applicants should have a service contract with a licensed maintainer – perhaps have it pumped out at least once or twice a year.

Chairman DeMenge read Development Review #31005.

Zoning Administrator Benson's video of the property was then viewed.

After the video was viewed, Steve Bassa stated that the applicants had purchased the property since he was there in November of 2011 for a new log cabin and privy Zoning Permit inspection for Lands and Cabins.

Mr. Olson stated that the cost of a full-sized system was not the main reason the applicants were requesting this variance. When first contacted by the Brinkmans, Olson said their first concern was having a mound system with intermittent winter use and freezing. The Brinkmans have a mound system at their home property and have had some past problems during cold and minimal snow cover winters.

No one in the audience spoke for or against the request.

**Variance #311006 Darwin J. Chester**

Darwin Chester was present to speak in his own behalf that he would like to construct an 8' x 10' (most likely) or 8' x 12' enclosed entryway to the road side of his existing house. The fully-enclosed entryway would replace a smaller (7' x 9') open-frame porch. The 10' or 12' entryway size would depend on the size that would match or fit in with two upper windows on the north end of the house.

The entryway size was then amended by the applicants from 8' x 10' to 8' x 12'.

Hill asked how far the applicant moved his dwelling away from the water when he did in 1989.

Mr. Chester said that it was moved about 50' further from the river so it more than complied with the 100' setback at that time (116'). Then in 1992, the MN DNR increased the minimum required setback from 100' to 150'.

The applicant was asked if he was alright with the Mitigation Agreement with the County.

Mr. Chester stated that he wasn't real pleased with the requirement, but will comply since he has no choice.

According to a recent conversation with MN DNR Regional Hydrologist Mike Peloquin, the DNR is going to change the setback to 100' and that the setback never should have been increased to 150', as it was in 1992.

Zoning Administrator Benson's video of the property was then viewed.

Chairman DeMenge read Development Review #311006.

Mrs. Darwin Chester was in the audience and stated that she is in support of the request.

No one else in the audience spoke for or against the request.

**Variance #311007 Holly Klund**

Holly Klund was present to speak in her own behalf that she would like to construct a 24' x 32' storage building 22' from the center of Lake Road 3 – a private drive. The site is the only flat area in which to locate such a building on her property.

Ms. Klund stated that there are 3 dwellings past the building site, including her residence. The other two residences are seasonal (not year-round) and Lake Road 3 is not maintained (by the County) past her property.

Chairman DeMenge read Development Review #31007.

Zoning Administrator Benson's video of the property was then viewed.

Stephanie Klund (Holly's sister), of 4251 Willard Road, Duluth, MN 55803, stated that she is in support of the request.

No one else spoke for or against the request.

The Public Hearing closed at 7:59 PM and the Board of Adjustment Meeting was reopened at 8:09 PM.

**Variance #311005 Jason and Lynnel Brinkman**

Motion by Bruning, seconded by Hill and supported by all yea votes to approve the request for the following reasons:

**\*Justifications\***

See Exhibit A

**\*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 has not commenced building 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. An alarm devise shall be installed in the tank.
6. At such time as the dwellings use becomes other than seasonal, a complete Type I system shall be installed.
7. The holding tank shall be serviced by a licensed maintenance business.

**Variance #311006 Darwin J. Chester**

Motion by Bruning, seconded by Hill and supported by all yea votes to approve the amended request (enclosed porch dimensions changed to 8' x 12') for the following reasons:

**\*Justification\***

See Exhibit A

**\*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 has not commenced building 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 submit a final Shoreland Mitigation Plan by August 20, 2011 and complete the mitigation practices by October 1, 2011.

**Variance #311007 Holly Klund**

Motion by Bruning, seconded by Hill and supported by all yea votes to approve the request for

the following reasons:

**\*Justification\***

See Exhibit A

**\*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 has not commenced building 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. Vehicles and equipment shall not be parked between the building and the roadway.

Motion by Hill, seconded by Bruning, and supported by all yeas votes to close the Board of Adjustment meeting at 8:22 PM.

Respectfully submitted,

Steve Bassa  
Recording Secretary

Attachment (Exhibit A – 3 pages)

BofA/Minutes/2011/6-21-11 jlm

CARLTON COUNTY ZONING  
FINDINGS OF FACT  
SUPPORTING/DENYING A VARIANCE

Name of Applicant: Jason and Lynnel Brinkman Date: June 21, 2011

Permit Number: 311005 Tax Parcel Number:

Motion to GRANT the variance with those 7 conditions listed in Benson's development review dated May 25, 2011.

Decisional Standards when granting or denying a variance:

1. Is the variance in harmony with the general purposes and intent of the official control?

*YES. The proposal is an effort to protect ground water in the area. This particular property is reportedly a rarely used property that will generate very little waste (a few times per year) and a Type I system would likely fail with occasional winter use.*

2. Is the variance consistent with the comprehensive plan?

*YES. The plan is designed to protect the ground water in the area.*

3. Is the owner proposing to use the property in a reasonable manner not permitted by the official control?

*YES. Using the property in the manner described and the limitations in place accompanying the variance creates a reasonable use of the property.*

4. Is the practical difficulty due to circumstances unique to this property?

*YES. The extreme occasional use of this property makes the property unique.*

5. Is the need for the variance created by actions other than the landowner or prior landowners?

*YES. The need for the variance was created by an official control developed without consideration of the intended use of the landowner.*

6. Will granting the variance (NOT) alter the essential character of the locality?

*YES. The essential character of the locality will not be affected by this variance.*

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

*YES. The practical difficulty also involves the rare use and inactivity's impact on a traditional system.*

CARLTON COUNTY ZONING  
FINDINGS OF FACT  
SUPPORTING/DENYING A VARIANCE

Name of Applicant: Darwin Chester

Date: June 21, 2011

Permit Number: 311006

Tax Parcel Number:

Motion to GRANT the variance with those 5 conditions listed in Benson's development review dated May 27, 2011.

Decisional Standards when granting or denying a variance:

1. Is the variance in harmony with the general purposes and intent of the official control?

*YES. The intent of the official control is to protect the river setback.*

2. Is the variance consistent with the comprehensive plan?

*YES. The DNR changed the setback after the applicant complied with the previous rule.*

3. Is the owner proposing to use the property in a reasonable manner not permitted by the official control?

*YES. The owner proposes to use the property in a reasonable manner not permitted by an official control.*

4. Is the practical difficulty due to circumstances unique to this property?

*YES. The need for the variance is unique to this property due to previous regulations. The landowner completed efforts to meet all regulations previously.*

5. Is the need for the variance created by actions other than the landowner or prior landowners?

*YES. The need for the variance was out of the control of the landowner.*

6. Will granting the variance (NOT) alter the essential character of the locality?

*YES. The variance will not alter the essential character of the locality.*

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

*YES. The practical difficulty was created by a new regulation outside the control of the landowner and has no impact on the river setback.*

CARLTON COUNTY ZONING  
FINDINGS OF FACT  
SUPPORTING/DENYING A VARIANCE

Name of Applicant: Holly Klund Date: June 21, 2011

Permit Number: 311007 Tax Parcel Number:

Motion to GRANT the variance with those 5 conditions listed in Benson's development review dated June 8, 2011.

Decisional Standards when granting or denying a variance:

1. Is the variance in harmony with the general purposes and intent of the official control?

*YES. The variance is in harmony with the intent of setback and right-of-way controls*

2. Is the variance consistent with the comprehensive plan?

*YES. The variance still allows for clear zones of traffic, snow removal, and maintenance, as well as emergency vehicles to be able to properly travel and provide service through the area.*

3. Is the owner proposing to use the property in a reasonable manner not permitted by the official control?

*YES. The low traffic flow beyond the proposed structure creates a reasonable use of this property.*

4. Is the practical difficulty due to circumstances unique to this property?

*YES. Low traffic flow and the unique topography make this circumstance unique to this property.*

5. Is the need for the variance created by actions other than the landowner or prior landowners?

*YES. The need for the variance was created by the landowner being unable to meet the required setbacks due to the topography of the property.*

6. Will granting the variance (NOT) alter the essential character of the locality?

*YES. The granting of the variance will not alter the essential character of the locality.*

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

*YES. The unique circumstances and topography create the practical difficulty in this case.*