

DRAFT
MINUTES OF THE CARLTON COUNTY
BOARD OF ADJUSTMENT MEETING
March 17, 2020

- (1) Chairman Ezell called the meeting to order at 7:00 p.m.
- (2) Members Present: Jack Ezell, John Manninen, Thomas Skare (Alternate) and Recording Secretary Dave Hurst. Members Absent: Howard Eskuri.
- (3) Motion by Manninen, seconded by Skare, and carried to approve the February 18, 2020, 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 February 27, 2020, and published in the Star Gazette on March 5, 2020. The legal ad was sent on February 27, 2020, and published in the Pine Knot on March 6, 2020.
- (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 #320002 – Leon and Helen Hanka (Hanka Irrevocable Trust)**

Lean and Helen Hanka of 24158 Helium Court, Forest Lake, MN 55025 have requested a variance to replace a nonconforming dwelling with a nonconforming dwelling on a nonconforming lot. The lot is considered nonconforming as it does not meet lot width or lot area requirements. The dwelling is considered nonconforming as it will not meet the required setback from the road right-of-way. The property is described as Lot 4, Block 1 of Green Hills Addition in Section 34, Township 49 North, Range 20 West on Island Lake in the City of Cromwell. The property address is 1241 North Mingus Road (PIN 17-090-0060).

Cal Jacobson of 1435 Heather Lane, Cromwell, MN 55726 was present to speak on Mr. and Mrs. Hanka's behalf. Mr. Jacobson said the Hanka's have an existing house that had a water intrusion problem. They had a waterline break while they were in Florida for a month. This has led to a mold problem in the house. Mr. Jacobson said Helen has respiratory problems. He said after the Hanka's talked to their insurance company it was recommended that the house be torn down. Mr. Jacobson said the new house would be substantially smaller and would fit better on the lot. He said it would be turned so it meets the setbacks from the side property line. He said the existing sauna building would be removed as well.

Ezell asked if the new home would be any closer to the road right-of-way. Mr. Jacobson said no.

Zoning and Environmental Services Administrator Heather Cunningham's video was viewed. Mr. Jacobson narrated the video.

Ezell asked if the Board had any questions.

Ezell read Heather Cunningham's Development Review #320002 dated March 12, 2020.

Ezell read the six conditions listed in the development review and asked if the applicant understood and was okay with those six conditions. Mr. Jacobson said yes.

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

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

b) **Variance Request #320003 – Randy Nummela**

Randy Nummela of 1838 Topack Road, Isle, MN 56342 has requested a variance to allow a lot line adjustment to create two nonconforming lots from three nonconforming lots. The request includes considering the two lots individually to be buildable in the future as long as setback, lot coverage and septic requirements can be met. The request includes allowing a reduced side yard setback from the new lot line for an existing canopy. The property is described as Lot 18, 19 and 20, Block 1 of Tam Acres in Section 10, Township 48 North, Range 21 West on Tamarack Lake in Lakeview Township. The property address is 6654 Tam Acres Road (PIN 57-230-0360, 0380 and 0400).

Randy Nummela was present to speak on his behalf. Mr. Nummela said he is one-third owner of Lot 20 and he owns Lots 18 and 19 with his wife. He said Lot 20 was given to him and his two brothers thirty years ago by his mother. He said he bought Lot 18 in 1987 and bought Lot 19 approximately five years later. He said he stopped into the Zoning Office six years ago to check on his lots and was notified that all three lots were non-conforming. He said he asked the Zoning Office if they could combined the three non-conforming lots into two bigger non-conforming lots. He said he was told by the Zoning Office this may be a reasonable request.

Ezell asked if Mr. Nummela owned the existing structures. He said Lot 18 is vacant and he owned the canopy on Lot 19. He said the canopy is actually ten feet by twenty feet not ten feet by twenty-eight feet. He said there is an existing privy on Lot 19 that they will be tearing down.

Ezell asked if the Board had any questions.

Zoning and Environmental Services Administrator Heather Cunningham's video was viewed. Mr. Nummela narrated the video.

Ezell read Heather Cunningham's Development Review #320003 dated March 12, 2020.

Ezell read the eight conditions listed in the development review and asked if the applicant understood and was okay with those eight conditions. Mr. Nummela said yes.

Skare asked Nummela what his position was on the existing canopy. Mr. Nummela said he would like to leave it. He said it is open on all four sides and gets a lot of use. He said it is very well built, but the shingles on the roof need to be replaced. He said they have been talking about building a house on the lots so they haven't replaced the roof on the canopy yet.

Skare asked Nummela if any neighbors have complained about the canopy. Mr. Nummela said no. He said the canopy is about 27 years old. He said he is trying to get some things cleaned up around there so he doesn't leave his kids with a mess.

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

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

(10) The public hearing closed at 7:33 p.m.

(11) The Board of Adjustment meeting re-opened at 7:41 p.m.

Variance Request #320002– Leon and Helen Hanka (Hanka Irrevocable Trust)

A motion was made by Manninen, seconded by Skare, and carried to **Approve** the findings of fact, decision, and six conditions listed on Carlton County Findings of Fact Worksheet dated March 17, 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 dwelling. The lot was created and developed prior to official controls adopted in 1968. The lot was created in 1961.

- 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. The applicants are requesting a smaller dwelling. The proposed dwelling will be in line with the neighboring dwellings and will not block sight lines to the road or lake.

- 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 and deck will meet the setback to the OHWL.

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 attached deck with a nonconforming dwelling with attached deck 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. The proposed dwelling and deck shall be no closer than 70 feet to the OHWL (natural shoreline), 15 feet to the road right-of-way and 10 feet to the septic tank.
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 #320003 – Randy Nummela

A motion was made by Skare, seconded by Manninen, and carried to **Approve** the findings of fact, decision, and eight conditions listed on Carlton County Findings of Fact Worksheet dated March 17, 2020, as amended 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?*

It appears reasonable to allow the lot line adjustment to create Lot “A” and Lot “B”. Lot “A” will be more conforming to the ordinance than the existing Lot 20. Lot “B” will be less conforming to the ordinance than the existing Lot 18 and 19, however, the applicant did purchase these two lots at different times and have never been in contiguous ownership until now. It

appears that setbacks can be met for both proposed lots, with the exception of the existing canopy. Therefore, it seems reasonable to allow the two lots individually to be buildable in the future as long as setback, lot coverage and septic requirements can be met. The application included information that Type III septic systems could be installed on both properties. Nearly 50% of the septic systems installed in 2019 were Type III. This office does not have an issue with Type III systems.

- 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 for the lot line adjustment appears to be the substandard lots which were platted in 1961, before 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 with respect to lot width and lot area requirements. Most of the lots in this plat are developed with just one lot. It does appear that several of the lots have structures too close to the side yard line.

- 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 of this property. The applicant would like to create two buildable lots. The setbacks can be met for both properties as well as septic requirements.

- 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. The use will be residential.

- 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 should not be in conflict with the Carlton County Community-Based Comprehensive Plan. Proposed Lot A and B will be considered buildable, as long as setbacks are met. Both proposed lots have adequate vegetation at the shoreline. The applicant should be aware of the restrictions for removal of additional vegetation at the shoreline.

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: Allow a lot line adjustment to create two nonconforming lots from three nonconforming lots. The request includes considering the two lots individually to be buildable in the future as long as setback, lot coverage and septic requirements can be met. Allow a reduced side yard setback from the new lot line for an existing unpermitted canopy.

Denied: NA

CONDITIONS:

1. The applicant must undertake the project according to the plans and specifications submitted to the County with the application and as modified by the Board of Adjustment.
2. The applicant must have an approved Administrative Subdivision – Lot Line Adjustment application within one year. 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. The two lots individually (as described in the application) will be considered buildable in the future as long as setback, lot coverage and septic requirements can be met.
6. The request for a reduced side yard setback for the canopy is approved as it does not obstruct views or alter the character of the neighborhood. The sides of the existing canopy must remain open and the roof may be replaced.
7. The privy requires a compliance inspection within two years or it will need to be properly abandoned.
8. 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 Manninen, seconded by Skare, and supported by all yeas votes to close the Board of Adjustment meeting at 7:45 p.m.

Respectfully submitted,

Dave Hurst
Recording Secretary