

**Official Minutes of the Board of Adjustment
Law Enforcement Center
June 10, 2019**

Approved as submitted
7/1/2019

The Lake County Board of Adjustment sat in session on this date in the Law Enforcement Center.

Members Present: Ron Brodigan, Jon Fogelberg, Bob Sanders, and Mike Hoops (alternate)

Members Absent: None

Planning and Zoning staff present: Christine McCarthy (Environmental Services Director)

Chair Jon Fogelberg opened the meeting at 5:00 p.m. and explained the hearing process.

The first hearing, **V-18-014 (reconvened)**, was a variance application filed by **Andrew Beim** which if approved, would allow relief from the road setback and bluff setback for a 12' by 14' shed; allow relief from the side-yard setback for an existing house at 5940 Old Hwy 61, Two Harbors. on property described as: N 206.70 ft of Lot 3 E of C/L of vacated MN Trunk Hwy No. 61, Section 1, Township 56, Range 7, 1.0 acres, zoned R-4/Residential-4, District, two-acre minimum, Beaver Bay Township.

McCarthy summarized that since the December hearing Beim's have been working with Lake County Highway to have the 50' right-of-way reconveyed back to the standard 33' right-of-way. The setback requirement is 30 feet from the ROW. His shed will be only 11.5 feet from the ROW. That process hasn't been completed and approval should require completion of the reconveyance. The request is also for relief from the bluff setback.

The application was represented by Andrew Beim.

McCarthy gave the staff report and legal requirements. There was 1 new item of correspondence and 4 items from the December 17th hearing.

There was general discussion about the bluff. It is well vegetated and no evidence of

slumping. McCarthy explained that maintaining the stability of the bluff is important and the Soil and Water Conservation District can help with that.

Motion by Sanders supported by Brodigan to approve the variance with the following conditions:

Conditions:

1. No plumbing can be connected to the shed.
2. The Beim's will work with the SWCD to mitigate runoff onto the bluff.

The test questions were applied with the following findings:

Findings:

1. **Is the variance in harmony with the general purposes and the intent of the official control and consistent with the Comprehensive Plan?** Yes; Sheds are a normal requirement for older homes with smaller garages.
2. **Is the owner proposing to use the property in a reasonable manner not permitted by the official control?** Yes; limited by setbacks.
3. **Is the practical difficulty due to circumstances unique to the property?** Yes; backyard grade is too steep to allow for the shed.
4. **Is the need for the variance created by actions other than the landowners or prior landowners?** Yes; the old highway location determined what was done on the lake side of the road.
5. **Will the issuance of the variance maintain the essential character of the locality?** Yes; other sheds in the area.
6. **Does the practical difficulty involve more than economic considerations?** Yes; limitations from setback requirements.

Additional Findings of Fact to support/deny an after-the-fact variance request:

7. **Did the applicant act in good faith and attempt to comply with the law by obtaining the proper permits?** Yes.
8. **Did the applicant make a substantial investment in the property and complete the repairs/construction before the applicant was informed of the impropriety?** No; the shed could be moved.
9. **Are there similar structures in the area?** Yes; Every property has some sort of outbuilding.
10. **Would the benefit to the County appear to be far outweighed by the applicant's burden if the applicant were required to comply with the Ordinance?** No.

The motion passed by unanimous vote.

Motion by Brodigan supported by Sanders to approve the May 13, 2019 minutes as corrected. Motion passed by unanimous vote.

There being no further business, motion to adjourn the meeting made by Sanders supported by Fogelberg. Motion passed by unanimous vote.

Respectfully submitted,

Christine McCarthy
Environmental Services Director