

**Official Minutes of the Board of Adjustment  
Lake County Service Center  
September 14, 2020**

Approved as submitted  
10/12/2020

The Lake County Board of Adjustment sat in session on this date at 5:00 P.M to conduct hearings and other business.

**Members present:** Jon Fogelberg and Ron Brodigan

**Members Absent:** Mike Hoops

**Planning and Zoning staff present:** Christine McCarthy (Environmental Services Director), Neva Maxwell (Land Use Specialist), and Jill Paron (Environmental Services Specialist)

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

The first hearing, **V-20-007**, was a variance application filed by **Connie and Greg Tulla**, which if approved, would allow relief from the shoreline setback to remove a cabin with less than 50% of the setback & build a new cabin with less than 25% addition, & increasing the setback (Section 7.03 & MN Statute 394.36); relief from the shoreline setback for a holding tank (Section 7.03.) on property described as: Lot 10, less 342.8 ft & less Wly 550.19 ft & exc. That part desc. in Bk 95 of Deeds pg. 20 & Bk 100 of Deeds pg. 312 & doc No. A000160444, Section 7, Township 63, Range 11, 1.5 acres, zoned R-R/Residential-Recreational District, one-acre minimum, Fall Lake Township. PID: 28-6311-07552

The application was represented by the agent, and potential purchaser of the property, Peter Keely. He explained the current cabin, which is currently about 15 feet from the lake at its closest point, has been in the Tulla family for over 70 years. They are now selling. He would like to buy the property and remove the existing cabin and build a new cabin, with less than 25% increase in size. The new cabin would meet the setback to the main body of the lake and be less visible to neighbors from the south. He explained that due to the shape of the peninsula it is not possible to meet the lake setback in every direction. He explained they want to remove the existing outhouse and

install a holding tank, which also cannot meet setbacks. Dawn Marks, a local septic designer, has been to the property to identify a holding tank site.

McCarthy read the legal requirements. There was one item of correspondence from the Soil and Water Conservation District. The SWCD recommends the mowed area along the shoreline be replaced with a native vegetation buffer at least 20' wide.

There was no one in the audience; public comment period was closed.

There was general discussion about the proposed location of the holding tank. Fogelberg stated as a past inspector, he knows that it would be better to have a location that is easily accessible to the pumper. He suggested the location of the current outhouse may be better for that purpose.

Motion by Fogelberg supported by Brodigan to approve the variance request with conditions.

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; the proposal seeks to lessen the non-conformity.
2. **Is the owner proposing to use the property in a reasonable manner not permitted by the official control?** Yes; the request to have a cabin on a recreational property, as this has been historically, is reasonable.
3. **Is the practical difficulty due to circumstances unique to the property not created?** Yes; the peninsula makes it impossible to meet shoreline setbacks in all directions; this will increase the setbacks.

4. **Is the need for the variance created by actions other than the landowners or prior landowners?**  
Yes; the practical difficulty is the lot shape.
5. **Will the issuance of the variance maintain the essential character of the locality?** Yes; there are other grandfathered cabins on the lake that do not meet the shoreline setback.
6. **Does the practical difficulty involve more that economic considerations?**  
Yes; economic considerations were not part of the request.

**Conditions:**

1. Must establish native vegetative buffer as recommended by the SWCD.
2. An alternate site for the holding tank is allowed as long as a 50' shoreline setback can be met.

The motion passed; Brodigan and Fogelberg in favor, none opposed.

Motion by Brodigan supported by Fogelberg to approve the August 10, 2020 minutes as submitted. Motion passed; Brodigan and Fogelberg voting in favor, none opposed.

There being no further business, motion to adjourn the meeting made by Fogelberg supported by Brodigan. Motion passed; Brodigan and Fogelberg voting in favor, none opposed. Meeting adjourned at 5:26 p.m.

Respectfully submitted,

Jill Paron  
Environmental Services Specialist