

**Official Minutes of the Board of Adjustment
Lake County Service Center
October 12, 2020**

Approved as submitted
11/9/2020

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, Mike Hoops and Ron Brodigan

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

Other County Staff present: Russ Conrow, County Attorney (present for Huseby hearing only)

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

The first hearing, was for the BOA to act on a Lake County District Court Order to grant the variance request, **V-18-001**, filed by **Brady Huseby**, allowing after-the-fact relief from the shoreline setback requirements from a designated trout stream (Mile Post 43 Creek) for a structure and sewage treatment system (Section 7.03) on property described as: NE ¼ of SE ¼ of NW ¼ exc a strip of land 12 FT in width as desc in Doc No A173202, Section 14, Township 56, Range 8, 10.00 acres, zoned R-R/Residential-Recreational District, one-acre minimum, Beaver Bay Township. PID: 26-5608-14440

McCarthy read the legal requirements.

Russ Conrow briefly explained the history of violations with both the County and Federal Government on the Huseby properties going back to 1995. The violation in 1995 for a road was settled. In 2009 there were additional violations including federal wetland violations and County ordinance violations for a subdivision, wetlands, structures, and septic systems. Conrow stated that the federal government took over the wetland violations. The County held off on the other violations

until the federal case was settled. A settlement was made with the County in which structures would need to be removed from one of the properties, he would complete the subdivision requirements, and this variance request would be sent back to the BOA to be approved as submitted.

Motion by Hoops supported by Brodigan to approve the variance request as submitted per the District Court order. The motion passed; Brodigan and Hoops in favor, none opposed.

Motion by Brodigan supported by Hoops to approve the September 14, 2020 minutes as submitted. Motion passed; Brodigan and Hoops voting in favor, none opposed.

The second hearing, **V-20-008**, was a variance application filed by **David Nelson**, which if approved, would allow relief from the shoreline setback from a Designated Trout Stream for a garage (Land Use Ordinance #12, Article 7, Section 7.03), and relief from the shoreline setback from a Designated Trout Stream for an addition to a non-conforming cabin (MN Statute 394 Subd. 4, Land Use Ordinance #12, Article 7, Section 7.03), on property described as: NE ¼ of NE ¼ in Section 6, Township 54, Range 10, 40.95 acres, zoned F-R/Forest-Recreation, ten-acre minimum, Silver Creek Township. PID: 29-5410-06010

David Nelson represented the application. He purchased the property in 2017 and had a septic system installed. In addition to the river, the property has steep slopes and wetlands that restrict placement of the septic system and well. The location of the septic system and well limits his options for placement of an addition to the cabin. He believes the proposed location of the garage makes the most sense. However, during the site visit an alternative site was found up by the road that meets setbacks.

McCarthy read the legal requirements. There were no items of correspondence.

Maxwell explained that the staff report has accurate measurements that do not match the measurements on the application sketch. The variance will be from the distances on the staff report, some distances are greater than Nelson's others or less. The distances are 49' to 71' from the Little Gooseberry River. She stated topography and wetlands are limiting factors on the property.

There was no one present in the audience to comment.

Fogelberg stated that he thought the proposed location of the addition made the most sense. He thinks with 40 acres there is room to build a garage without a variance. He stated clearing trees isn't an issue because the Balsam are already dead.

Hoops was in agreement with Fogelberg. He met with Nelson during his site visit, and they had looked at alternate locations for the garage meeting setbacks. He also stated the screened in porch is finished living space. With the addition, this added square footage may affect the whether the septic system still meets the Class 3 square footage limitation.

There was general discussion about alternate locations for the garage.

Maxwell explained the issue with an addition and the Class 3 low flow septic system. The septic system will not be properly sized with an addition. She stated this would be something to look at administratively. She explained that at the time of an addition, especially bedrooms, the septic size has to be reviewed.

Brodigan stated that water run-off from the addition must be directed away from the river.

Motion by Hoops supported by Brodigan to table the hearing until the November 9, 2020 hearing. The motion passed; Brodigan and Hoops in favor, none opposed.

There being no further business, motion to adjourn the meeting made by Hoops supported by Brodigan. Motion passed; Brodigan and Hoops voting in favor, none opposed. Meeting adjourned at 5:55 p.m.

Respectfully submitted,

Jill Paron
Environmental Services Specialist