

MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY BOARD OF ADJUSTMENT HELD VIRTUALLY THURSDAY, JULY 9, 2020.

10:15 AM – 12:13 PM

Board of Adjustment members in attendance: Steve Filipovich
James McKenzie
Sonya Pineo
Dave Pollock
Roger Skraba
Ray Svatos
Diana Werschay, Chair

Board of Adjustment members absent: None - 0

Decision/Minutes for the following public hearing matters are attached:

NEW BUSINESS:

- A. Harold Langowski, S27, T62N, R14W (Eagles Nest)
- B. Anthony Hanson, S15, T62N, R16W (Greenwood)
- C. Jim Rich, S31, T54N, R16W (Cotton)
- D. Richard Skoglund, S36, T51N, R16W (Grand Lake)

OTHER BUSINESS:

Motion by Skraba/Filipovich to approve the minutes of the June 11, 2020 meeting.

In Favor: Filipovich, McKenzie, Pineo, Pollock, Skraba, Svatos, Werschay – 7

Opposed: None – 0

Motion carried 7-0

NEW BUSINESS:

Case 6218H – Harold Langowski

The first hearing item was for Harold Langowski, property located in S27, T62N, R14W (Eagles Nest). The applicant is requesting relief from St. Louis County Zoning Ordinance 61, adopted Technical Standards 7080.2150, Subpart 2, Section F, Table VII, to allow a subsurface sewage treatment system installation at reduced lake and road right-of-way setbacks. Board member *Skraba* disclosed that he does know the applicant but has no financial interest in this variance proposal. The Board did not ask that he recuse himself. *Tyler Lampella*, Environmental Specialist Senior, reviewed the staff report as follows:

- A. The applicant is requesting a subsurface sewage treatment system (SSTS) consisting of a 8 foot by 23 foot seepage bed at a reduced shoreline setback of 72 feet where 75 feet is required and a proposed 0 foot road right-of-way setback where 10 feet is required.
- B. The property is 0.22 acres in size.
- C. The property is currently served by a 2,000 gallon holding tank. The holding tank permit was issued on September 28, 2012 and was installed on March 30, 2015.

- D. The system is currently sized for the cabin which is 2 bedroom Class III.
- E. Design standards require 180 square feet of soil treatment area. The applicant is proposing 184 square feet.
- F. No increase in dwelling size is allowed per MN Statute 394.36.
- G. Most of the septic system meets the shoreline setback except for a small area.

Tyler Lampella reviewed staff facts and findings as follows:

A. Official Controls:

- 1. SSTS Ordinance 61 states that all SSTS components must be setback in accordance with Table VII of the SSTS Technical standards and the setback requirements on the MN Shoreland Rules. The required setbacks are 75 feet from the shoreline and 10 feet from the road right-of-way.

B. Practical Difficulty:

- 1. The lack of depth of the subject parcels precludes the installation of a sewage treatment system that meets required lake and road right-of-way setbacks.

C. Essential Character of the Locality:

- 1. The area is characterized by well-established development on smaller parcels, especially on the same side of the road as the subject parcel. The configuration of the county road limits suitable area for septic systems and structures as it curves toward the lake.

D. Other Factors

- 1. The owner has contacted the county road right-of-way agent regarding the reduced right-of-way setback.
- 2. The landowner has demonstrated that there is a practical difficulty in adhering to setback requirements. There is no additional property to purchase that would alleviate the shortcomings of the parcel.
- 3. The owner could continue to use the holding tank if the variance request is not approved.

Tyler Lampella noted no items of correspondence.

STAFF RECOMMENDATION

In the event that the Board of Adjustment determines that the proposal meets the criteria for granting a variance to allow the construction of an SSTS at reduced lake and road right-of-way setbacks, the following conditions shall apply:

- 1. There shall be no increased water usage on the subject parcel.
- 2. The lake setback shall be maximized to the greatest extent possible and shall be no closer than 70 feet to the Ordinary High Water Level.
- 3. The proposal shall adhere to all county, state and federal regulations.

Harold Langowski, the applicant, stated they are adding a drainfield onto an existing holding tank. They had a variance granted for a sauna and built the cabin further back from the shoreline. The

previous structure had a grey well. They were able to determine there was sufficient soil and almost enough room to site the drainfield on the property.

No audience members spoke.

Board member *Filipovich* asked if there is any way to measure so that the water use does not increase. *Tyler Lampella* stated that the system will be designed for what use there is.

DECISION

Motion by Skraba/McKenzie to approve a variance to allow the construction of an SSTS at reduced lake and road right-of-way setbacks, based on the following facts and findings:

A. Official Controls:

1. SSTS Ordinance 61 states that all SSTS components must be setback in accordance with Table VII of the SSTS Technical standards and the setback requirements on the MN Shoreland Rules. The required setbacks are 75 feet from the shoreline and 10 feet from road right-of-way.

B. Practical Difficulty:

1. The lack of depth of the subject parcels precludes the installation of a sewage treatment system that meets required lake and road right-of-way setbacks.

C. Essential Character of the Locality:

1. The area is characterized by well-established development on smaller parcels, especially on the same side of the road as the subject parcel. The configuration of the county road limits suitable area for septic systems and structures as it curves toward the lake.

D. Other Factors

1. The owner has contacted the county road right-of-way agent regarding the reduced right-of-way setback.
2. The landowner has demonstrated that there is a practical difficulty in adhering to setback requirements. There is no additional property to purchase that would alleviate the shortcomings of the parcel.
3. The owner could continue to use the holding tank if the variance request is not approved.

The following conditions shall apply:

1. There shall be no increased water usage on the subject parcel.
2. The lake setback shall be maximized to the greatest extent possible and shall be no closer than 70 feet to the Ordinary High Water Level.
3. The proposal shall adhere to all county, state and federal regulations.

In Favor: Filipovich, McKenzie, Pineo, Pollock, Skraba, Svatos, Werschay

Opposed: None - 0

Motion carried 7-0

Case 6219 – Anthony Hanson

The second hearing item was for Anthony Hanson, property located in S15, T62N, R16W (Greenwood). The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.7, to allow an accessory structure at a reduced road centerline setback where 48 feet is required. *Jared Ecklund*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is requesting an accessory structure to be located at a reduced road centerline and road right-of-way setbacks.
- B. Birch Point Road is a township road.
- C. The proposed structure size is 28 foot by 30 foot.
- D. The proposed structure would be located 38 feet from the road centerline of Birch Point Road where 48 feet is required.
- E. The proposed structure would be located approximately 5 feet from the road right-of-way where 15 feet is required.
- F. The proposed structure would meet the shoreline setback.
- G. The proposed building area is level.
- H. There is some screening between the road and the location of the proposed garage.
- I. The structure would not be visible from the lake except for in one area where there is no screening.

Jared Ecklund reviewed staff facts and findings as follows:

- A. Official Controls:
 - 1. Zoning Ordinance 62 states that the required road centerline setback for a local public road is 48 feet; the applicant is proposing the structure to be located 38 feet from the road centerline.
 - 2. Zoning Ordinance 62 states that the required road right-of-way setback is 15 feet; the applicant is proposing a setback of approximately 5 feet.
 - 3. The property is located in the Lakeshore Development Area of the Future Land Use Map found within the St. Louis County Comprehensive Land Use Plan.
 - a. These areas are intended for rural development adjacent to lakes, including infill, new development, or redevelopment of existing residential, commercial, or mixed-use areas.
- B. Practical Difficulty:
 - 1. There is limited area between the shoreline setback and the road setback for a structure to meet both setbacks.
 - 2. One alternative would be a smaller structure that meets all required setbacks.
 - a. Based on the setback measurements provided by the applicant, a structure that is 18 feet in width would meet all required setbacks.
- C. Essential Character of the Locality:
 - 1. There have been a few similar variances that have been approved in this plat in the past.
 - 2. Some of the approved variances include road setbacks of 42 feet, 39 feet, 50 feet, and 37 feet from the road centerline.

- a. Most of the variance cases occurred when the road centerline setback was 68 feet rather than 48 feet.
3. There are numerous nonconformities on Birch Point because there is limited space between the shoreline and the road in many areas.
4. This property does have more depth than many on Birch Point.

D. Other Factor:

1. The applicant has worked with Land Use staff throughout the process. After discussing the original proposal, the applicant moved the location of the structure back to meet the shoreline setback. This requires a variance from road setbacks for the proposed structure.

Jared Ecklund noted no items of correspondence.

STAFF RECOMMENDATION

In the event that the Board of Adjustment determines that the proposal meets the criteria for granting a variance to allow an accessory structure at a reduced road centerline setback where 48 feet is required and a reduced road right-of-way setback where 15 feet is required, the following condition shall apply:

1. The stormwater runoff from the structure shall not discharge directly towards the road or adjacent properties.

Anthony Hanson, the applicant, stated they have been working on improving this property. Once the garage is built, they will remove the old shed. This will clean up the yard and property. None of his neighbors have an issue with this because they are improving the property.

No audience members spoke.

DECISION

Motion by McKenzie/Skraba to approve a variance to allow an accessory structure at a reduced road centerline setback of 38 feet where 48 feet is required and a reduced road right-of-way setback of 5 feet where 15 feet is required, based on the following facts and findings:

A. Official Controls:

1. Zoning Ordinance 62 states that the required road centerline setback for a local public road is 48 feet; the applicant is proposing the structure to be located 38 feet from the road centerline.
2. Zoning Ordinance 62 states that the required road right-of-way setback is 15 feet; the applicant is proposing a setback of approximately 5 feet.
3. The property is located in the Lakeshore Development Area of the Future Land Use Map found within the St. Louis County Comprehensive Land Use Plan.
 - a. These areas are intended for rural development adjacent to lakes, including infill, new development, or redevelopment of existing residential, commercial, or mixed-use areas.

B. Practical Difficulty:

1. There is limited area between the shoreline setback and the road setback for a structure to meet both setbacks.

C. Essential Character of the Locality:

1. There have been a few similar variances that have been approved in this plat in the past.
2. Some of the approved variances include road setbacks of 42 feet, 39 feet, 50 feet, and 37 feet from the road centerline.
 - a. Most of the variance cases occurred when the road centerline setback was 68 feet rather than 48 feet.
3. There are numerous nonconformities on Birch Point because there is limited space between the shoreline and the road in many areas.
4. This property does have more depth than many on Birch Point.

D. Other Factors:

1. The applicant has worked with Land Use staff throughout the process. After discussing the original proposal, the applicant moved the location of the structure back to meet the shoreline setback. This requires a variance from road setbacks for the proposed structure.
2. The garage is not unreasonable in size.

The following condition shall apply:

1. The stormwater runoff from the structure shall not discharge directly towards the road or adjacent properties.

In Favor: Filipovich, McKenzie, Pineo, Pollock, Skraba, Svatos, Werschay

Opposed: None - 0

Motion carried 7-0

Case 6220 – Jim Rich

The third hearing item was for Jim Rich, property located in S31, T54N, R16W (Cotton). The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 4.3, to allow an addition towards the shoreline to a nonconforming principal structure that increases a nonconformity. *George Knutson*, St. Louis County Planner, reviewed the staff report as follows:

- A. The applicant is proposing a 6 foot by 26 foot addition extending towards the shoreline to a nonconforming dwelling that is located 66 feet from the shoreline of Rose Lake.
- B. The principal structure setback with the proposed addition would be 60 feet from the shoreline.
- C. The proposed height of the structure addition is 13 feet.
- D. The garage was permitted in 2017.

George Knutson reviewed staff facts and findings as follows:

A. Official Controls:

1. Rose Lake is a General Development lake and requires a minimum 75 foot shoreline setback.
 - a. The current structure is located 66 feet from the lake. With the proposed addition, the proposed setback is 60 feet.
2. The required shoreline setback for a General Development lake is the least restrictive lake classification.
3. The property falls within the Forest and Agriculture future land use category in the St. Louis County Comprehensive Land Use Plan.
4. Objective LU-3.1 of the Comprehensive Land Use Plan is to base variance decisions on uniform approval criterion to ensure all applicants are treated equitably, that community health and safety is protected, and that the overall character of a given area is preserved.
5. Objective LU-3.3 is to acknowledge why nonconformities are a concern and that variances should be for exceptional circumstances as noted in Minnesota Statute 394.22 Subd. 10.
6. Goal LU-3 of the St. Louis County Comprehensive Land Use Plan is to improve the integrity of the county's planning-related regulation by minimizing and improving management of nonconformities.

B. Practical Difficulty:

1. There is no unique circumstance of the property that the owner did not create.
2. The subject lot conforms to minimum zoning requirements for lot size and width.
3. The landowner has not clearly demonstrated why the variance is the only available option as there are alternatives.
 - a. Alternative: Propose an addition that meets performance standard permit criteria.

C. Essential Character of the Locality:

1. The applicant is not proposing a new use to the area. There are numerous residential uses on Rose Lake.
2. There have been no similar variances granted in the area.

D. Other Factors:

1. Zoning Ordinance 62 states that it shall be the burden of the applicant to demonstrate sufficient practical difficulty to sustain the need for a variance. Absent a showing of practical difficulty as provided in Minnesota Statutes and this ordinance, the Board of Adjustment shall not approve any variance.
2. Increasing a nonconformity in size and intensity of use where alternatives exist, without sufficient practical difficulty, is not in keeping with the intent of the St. Louis County Ordinance or St. Louis County Comprehensive Land Use Plan.

George Knutson noted no items of correspondence.

STAFF RECOMMENDATION

In the event that the Board of Adjustment determines that the proposal meets the criteria for granting a variance to allow a 6 foot by 26 foot addition to a nonconforming principal structure within 75 feet of the shoreline that decreases the existing shoreline setback, the following conditions shall apply:

1. The structure addition shall be unobtrusive (earth-tone) colors, including siding, trim and roof.
2. The stormwater from the proposed structure shall not discharge directly into the lake.
3. A plan to enhance vegetation and protect the shore impact zone shall be submitted, approved by the county, and shall be implemented by the property owner within two years of the issuance date of the permit.
4. All SSTS sewage treatment standards shall be met.

Jim Rich, the applicant, stated they want to expand the existing front porch. This structure was built in the 1920s. Through the years, the screen porch was enclosed. The addition will expand their view of the lake. Adding to the back of the structure would defeat the purpose for the intended use. There is part of a living room and entryway in the rear of the cabin. The front area is currently used as a sitting area. They will also utilize this space for a dining area. They would have to remodel the entire structure if they built the addition anywhere else. There is no basement under the dwelling.

No audience members spoke.

The *Board of Adjustment* discussed the following:

- A. Board member *Pollock* asked if there was anything limiting an addition to the rear of the structure. *George Knutson* stated there is nothing that would limit an addition to the rear of the structure. Such an addition would be allowed with a performance standard permit. The applicant was informed that they could meet the performance standard criteria in order to not decrease the existing shoreline setback.
- B. Board member *Filipovich* asked about the distance between the house and the garage. The septic is not located in this area and the well is located to the side of the dwelling.

DECISION

Motion by McKenzie/Pollock to deny a variance to allow a 6 foot by 26 foot addition to a nonconforming principal structure within 75 feet of the shoreline that decreases the existing shoreline setback, based on the following facts and findings:

- A. Official Controls:
 1. Rose Lake is a General Development lake and requires a minimum 75 foot shoreline setback.
 - a. The current structure is located 66 feet from the lake. With the proposed addition, the proposed setback is 60 feet.
 2. The required shoreline setback for a General Development lake is the least restrictive lake classification.
 3. The property falls within the Forest and Agriculture future land use category in the St. Louis County Comprehensive Land Use Plan.

4. Objective LU-3.1 of the Comprehensive Land Use Plan is to base variance decisions on uniform approval criterion to ensure all applicants are treated equitably, that community health and safety is protected, and that the overall character of a given area is preserved.
5. Objective LU-3.3 is to acknowledge why nonconformities are a concern and that variances should be for exceptional circumstances as noted in Minnesota Statute 394.22 Subd. 10.
6. Goal LU-3 of the St. Louis County Comprehensive Land Use Plan is to improve the integrity of the county's planning-related regulation by minimizing and improving management of nonconformities.

B. Practical Difficulty:

1. There is no unique circumstance of the property that the owner did not create.
2. The subject lot conforms to minimum zoning requirements for lot size and width.
3. The landowner has not clearly demonstrated why the variance is the only available option as there are alternatives.
 - a. Alternative: Propose an addition that meets performance standard permit criteria.

C. Essential Character of the Locality:

1. The applicant is not proposing a new use to the area. There are numerous residential uses on Rose Lake.
2. There have been no similar variances granted in the area.

D. Other Factors:

1. Zoning Ordinance 62 states that it shall be the burden of the applicant to demonstrate sufficient practical difficulty to sustain the need for a variance. Absent a showing of practical difficulty as provided in Minnesota Statutes and this ordinance, the Board of Adjustment shall not approve any variance.
2. Increasing a nonconformity in size and intensity of use where alternatives exist, without sufficient practical difficulty, is not in keeping with the intent of the St. Louis County Ordinance or St. Louis County Comprehensive Land Use Plan.

In Favor: Filipovich, McKenzie, Pineo, Pollock, Skraba, Svatos - 6

Opposed: Werschay - 1

Motion carried 6-1

Case 6221 – Richard Skoglund

The fourth hearing item was for Richard Skoglund, property located in S36, T51N, R16W (Grand Lake). The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article IV, Section 4.3D, to allow a principal structure to exceed 20 feet in height when located within the shore impact zone. *Donald Rigney*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is proposing to construct a 12 foot by 12 foot (144 square foot) addition to the rear of an existing 36 foot by 26 foot (936 square foot) cabin.

- B. The structure is nonconforming as it does not meet the required 15 foot property line setback or the 75 foot shoreline setback.
- C. The dwelling is located 44 feet from the shoreline, which is within the short impact zone.
- D. At the closest point, the structure is located 8 feet from the nearest property line.
- E. The addition will be to the rear of the dwelling and will not go closer to the property line than the existing dwelling.
- F. The applicant is also requesting a 26 foot by 26 foot (676 square foot) second story addition.
- G. The finished height from grade to peak will be 29 feet where 20 feet is allowed.
- H. The height addition is intended to accommodate additional living space, a bedroom and a bathroom.
- I. The current height of the structure is 17 feet from grade to peak. There is an existing walk-out basement.

Donald Rigney reviewed staff facts and findings as follows:

A. Official Controls:

- 1. Pike Lake is a General Development lake and requires a 75 foot shoreline setback; the shore impact zone is 50 feet.
- 2. Zoning Ordinance 62 allows up to a 200 square foot addition for dwellings that are located within the shore impact zone and conform to property line setbacks.
 - a. The existing dwelling is located within the shore impact zone at 44 feet from the shoreline and is 8 feet from the near property line where a 15 foot setback is required.
 - b. A maximum of a 200 square foot addition with a height not exceeding 20 feet would be allowed with a performance standard permit if the structure met the property line setback.
- 3. Zoning Ordinance 62 allows a maximum of 20 feet in height for principal structures within the shore impact zone; the request is for a height of 29 feet from grade to roof peak.
- 4. St. Louis County Comprehensive Land Use Plan states Goal LU-3: Improve the integrity of the county's planning-related regulation by minimizing and improving management of nonconformities.
- 5. Objective LU-3.1 of the St. Louis County Comprehensive Land Use Plan is to base variance decisions on uniform approval criterion to ensure all applicants are treated equitably, that community health and safety is protected, and that the overall character of a given area is preserved.
- 6. St. Louis County Comprehensive Land Use Plan states Objective LU-3.3: Acknowledge why nonconformities are a concern and that variances should be for exceptional circumstances as noted Minnesota Statute 394.22 Subd. 10.

B. Practical Difficulty:

- 1. There are no unique circumstances of the property that the owner did not create.
- 2. The parcel is 60 feet wide. If the existing dwelling were centered on the lot, it still would not conform to the 15 foot property line setbacks, in the current configuration.
- 3. Due to the location of the dwelling, no expansion is allowed without variance.

4. The landowner has not clearly demonstrated why the variance request is the only available option as there are alternatives.
 - a. Alternative: A larger single story addition to the rear of the dwelling. An addition to the rear up to 608 square feet with a height not exceeding 20 feet would still require variance but would mitigate any potential visual and/or solar access impacts. This would also still fall within Ordinance requirements for maximum building footprint of 15 percent on nonconforming riparian lots.
 - i. This alternative may require the relocation the PLAWCS grinder basin and sewer line.

C. Essential Character of the Locality:

1. The applicant is not proposing a new use to the area. The dwellings in the area are used as both seasonal and year-round residences.
2. The proposed height of the structure while within the shore impact zone is not consistent with the neighborhood as a majority of the dwellings in this area are ranch style homes. Some of these ranch style homes have walkout basements.
3. There have been no similar variances in the area.

D. Other Factors:

1. The neighbor to the west of the applicant's parcel has roof mounted solar panels.
 - a. The proposed height of the structure may impact their solar access.
2. The portion of the parcel on the north side of South Pike Lake Road is 0.28 acres in size.
3. Ordinance 62 states that it shall be the burden of the applicant to demonstrate sufficient practical difficulty to sustain the need for a variance. Absent a showing of practical difficulty as provided in Minnesota Statutes and this ordinance, the Board of Adjustment shall not approve any variance.
4. Objective LU-3.2 of the St. Louis County Comprehensive Land Use Plan is to have county staff and decision-makers work together to decrease the amount of zoning ordinance nonconformities throughout the county.
 - a. Increasing a nonconformity in size and intensity of use where alternatives exist, without sufficient practical difficulty, is not in keeping with the intent of the St. Louis County Ordinance or St. Louis County Comprehensive Land Use Plan.

Donald Rigney noted one item of correspondence from the Town of Grand Lake in support of this variance request. This item was given to the Board of Adjustment prior to the hearing.

STAFF RECOMMENDATION

In the event that the Board of Adjustment determines that the proposal meets the criteria for granting a variance to allow an addition to a principal structure that is located within the shore impact zone and nonconforming to a property line setback and to allow a principal structure to exceed 20 feet in height when located within the shore impact zone, the following conditions shall apply:

1. The structure shall be unobtrusive (earth-tone) colors, including siding, trim and roof.
2. The stormwater runoff from the proposed structure shall not discharge directly into the lake or on adjacent lots.

3. A plan to increase vegetation and protect the shore impact zone shall be submitted, approved by the county, and shall be implemented by the property owner within two years of the issuance date of the permit.

Richard Skoglund, the applicant, stated they purchased the property with the idea to use solar panels. When their neighbor installed solar panels on his dwelling, they paid attention to see how the trees impacted the panels. The trees are far higher than he would build. This is not a large house compared to the other houses around the lake. They need to replace the roof because the rafters are currently sinking. They did not want to use the entire yard for an addition because there is not much of a yard. The expansion would also be more fitting for the neighborhood. The cost adding onto the rear of the structure would be more. It would be more affordable to build up. There would be additional cost to move the municipal grinder station. There is an existing walk-out basement and they are measuring from the grade of that basement to the peak. The walk-out basement was also built into a hill. He is willing to look into any options to make this variance work. He is willing to go with a 7.5 foot ceiling on the top floor.

No audience members spoke.

The *Board of Adjustment* discussed the following:

- A. Board member *McKenzie* asked if the structure would require a variance if the exterior footprint was not enlarged and if the height requirement were not exceeded. *Donald Rigney* stated that they would be allowed an addition up to 20 feet in height with a performance standard permit. This height requirement would not accommodate the applicant's request. The three foot height increase allowed would not allow the applicant to do what they want.
- B. Board member *Filipovich* stated these are a lot of houses on this road that are 50 feet from the shoreline. There are a number of structures that do not meet zoning requirements. *Donald Rigney* noted that there was no zoning ordinance until 1968. Anything that was built before that was done before zoning requirements were in place. Grand Lake Township did their own zoning until sometime in the 1990s.
- C. Board member *Filipovich* pointed out that with the 0.28 acre parcel, there are public utilities provided with the municipal district (PLAWCS). This property can handle more than any other lot that does not have these utilities provided.
- D. Board member *Filipovich* asked if the structure, with the additions proposed, could be built. *Donald Rigney* stated that space is fairly limited with the 15 foot property line setbacks and the 75 foot shoreline setback.
- E. Board member *Skraba* stated he is concerned about the solar panels. He is worried that the trees are similar in height to the proposed structure height and the trees could block the sunlight needed for the solar panels.
- F. Board member *Pollock* asked about the alternative to move the grinder station. *Donald Rigney* stated that the grinder basin is located behind the dwelling. The 608 square feet allowed to the rear would be allowed in a single story up to 20 feet in height and would also require a variance because the structure is located within the shore impact zone. This is an alternative to building upwards.
- G. Board member *Pollock* asked if there could be a basement underneath the structure. There is already a walk-out basement.

- H. Board members discussed an alternative to propose instead of denying the variance and if staff could work with the applicant. *Jenny Bourbonais*, Acting Secretary, stated that the applicant is aware of the alternatives available to get closer to ordinance requirements and chose to go forward with the request. While the Board has denied a variance request without prejudice in order for the applicant to work with staff to refine the proposal, staff has worked with the applicant to get to the current request. She added that a 25 foot height is allowed for a structure outside of the shore impact zone but still within the 75 foot shoreline setback. The Board could work with the applicant in order to find a height in between what is allowed and what the applicant is requesting.
- I. Board member *Skraba* added that the property line setback request is not the problem. The applicant is not increasing the nonconformity on the closest property line. The issue is the height the applicant is asking for. The applicant could work with the roof pitch in order to decrease the height.

DECISION

Motion by Skraba/McKenzie to approve a variance to allow an addition to the rear of a principal structure that is located within the shore impact zone and nonconforming to a property line setback and to allow a principal structure no higher than 27 feet in height, where 20 feet is allowed, when located within the shore impact zone, based on the following facts and findings:

A. Official Controls:

- 1. The variance is partially in harmony with the purpose and intent of official controls.
- 2. The applicant would need to move the PLAWCS grinder station back in order to build to the rear of the property which is not easy because there is a line associated with it.

B. Practical Difficulty:

- 1. The parcel is 60 feet wide. If the existing dwelling were centered on the lot, it still would not conform to the 15 foot property line setbacks in the current configuration.
- 2. Due to the location of the dwelling, no expansion is allowed without variance.
- 3. The applicant is building upwards instead of building more to the rear. The addition to the rear will not impact the nonconforming setback to the property line.

C. Essential Character of the Locality:

- 1. The applicant is not proposing a new use to the area. The dwellings in the area are used as both seasonal and year round residences.

D. Other Factor:

- 1. The structure shall be no more than 27 feet in height.

The following conditions shall apply:

- 1. The structure shall be unobtrusive (earth-tone) colors, including siding, trim and roof.
- 2. The stormwater runoff from the proposed structure shall not discharge directly into the lake or on adjacent lots.
- 3. A plan to increase vegetation and protect the shore impact zone shall be submitted, approved by the county, and shall be implemented by the property owner within two years of the issuance date of the permit.

In Favor: Filipovich, McKenzie, Skraba, Svatos, Werschay - 5

Opposed: Pineo, Pollock - 2

Motion carried 5-2

Motion to adjourn by Skraba. The meeting was adjourned at 12:13 p.m.