Polk County
Board of Adjustment
June 26, 2015

Call to Order: 9:54 a.m.

Members in Attendance: Robert Franks, Donovan Wright, Mike Powers, Arlet Phillips and Rolland Gagner

Members Absent: Courtney Pulkrabek

Also Present: Polk County Environmental Services' staff: Josh Holte & Michelle Erdmann.

Minutes: A motion was made by Powers to approve the minutes from the May 22, 2015 meeting. Second by Wright. All in favor.

Public Hearing: Variance Tim Useldinger Parcel #74.00407.00

Gagner read the notice, waiving the reading of the full legal and turned the meeting over to Holte.

Holte stated the applicant is requesting a variance to construct a 10' x 30' deck addition 63' from the ordinary high water mark (OHW) of Maple Lake. The ordinance calls for a 100' setback from the OHW.

Zoning requirements are found in PCZO 18.2211: Placement of structures must be located 100 feet away from the OHW of all Recreational Development Lakes.

The applicant's lot is 100' x 175' (17,500 sq. ft.) on Maple Inn Road SE on Maple Lake. The applicant would like to remove the existing 3 season porch and deck that are in need of repair and replace it with a 10' x 30' deck. The proposed deck would not extend any closer to the lake than the existing porch (63').

Holte stated that we have received a passing septic compliance inspection on the property. There was a variance on the property in 1998 for a garage and septic system. The applicant currently has a detached garage and shed on the property.

The applicant's stated practical difficulty is that he wouldn't be able to fix the porch the way it is now. The applicant's current porch and deck are within the string test line and he wouldn't be able to use the deck/porch without a variance. No comments have been received.

Holte went over slides showing the application, property maps and property pictures. Staff recommends approval of this variance request, since the applicant isn't proposing to increase his current footprint or go any closer to the lake than the existing porch.

Yell stated that removing the enclosed porch betters the view for the neighbors. He also stated that MLID has no issues with the request.

The Board had no further questions for Mr. Useldinger. Holte asked the board the hardship questions.

Question	Phillips	Powers	Franks	Wright	Gagner
1.	No	No	No	No	No
2.	No	No	No	No	No
3.	No	No	No	No	No
4.	No	Yes	Yes	Yes	Yes
5.	No	No	No	No	No
6.	No	No	No	No	No
7.	No	No	No	No	No

Holte stated with 31 no's and 4 yes's the criteria has been met for the Board to either grant or deny the variance request.

Motion was made by Powers to approve the Variance request. Second by Wright. All in favor.

Public Hearing: Variance Tim Bergstrom Parcel #30.00261.01

Gagner read the notice and turned the meeting over to Holte.

Holte stated the applicant is requesting a variance to exceed the number of structures and the allowed square footage for an accessory structure on a non-riparian lot on Maple Lake. The applicant wishes to construct a 40' x 60', 2400 sq. ft., storage shed. The applicant would also like to exceed the 25% impervious surface coverage in order to build the new structure.

Zoning requirements are found in PCZO Section 18.2225(C): on a non-riparian parcel or located a distance of 300 feet more from the OHW mark on a riparian parcel, a maximum size of 2400 square feet for an accessory structure shall be permitted. The combined total of all accessory structures shall not exceed 3200 sq. ft. on a non-riparian parcel. No more than two accessory structures shall be permitted on any non-riparian parcel. The maximum height of the accessory structure(s) shall be twenty-five (25) feet. And, Section 18.2521: Impervious surface coverage of lots must not exceed 25 percent of the lot area.

Holte stated that the applicant's lot is 45,000 square feet. The lot is not directly on Maple Lake, but is in the town site of Maple Bay and falls within 1000' feet of Maple Lake. The proposed new structure will be over 450' from Maple Lake.

Holte stated that the applicant currently has a 40' x 60', 2400 sq. ft., shop on the lot. This structure has a bathroom and a no guesthouse waiver. The applicant also has an 18' x 44', 800 sq. ft., storage shed on the property. The applicant has existing pavement, approximately 7595 sq. ft., going to both current structures that puts him at approximately 24% impervious surface coverage on the lot. With the proposed 2400 sq. ft. building the applicant would be at 13,195 sq. ft. of total impervious surface coverage on the lot which is approximately 29.3%.

The septic holding tank for the shop would need to have a compliance inspection completed before any permit could be issued. The new structure would meet all property line setbacks.

The applicant's stated practical difficulty is to limit outside storage on the property and he is unable to find additional land to build on that is practical. He added that there is no residence on the property and right now he has to store items outside.

Normally on a backlot on Maple Lake an applicant would be allowed to have a 2400 sq. ft. structure and not more than 3200 sq. ft. total, which is what the applicant currently has on the property. With the new structure he would have 5600 sq. ft. of total accessory structure square footage on the lot.

Stephanie Klamm, DNR area Hydrologist stated that the DNR recommends denial of the variance request because they do not find that the applicant meets any of the three practical difficulty criteria. A complete copy of her letter is on file with PCPZ and was then read during the hearing.

Holte then went over slides showing the application, DNR letter, maps and pictures of the property. Staff is recommending denial of the variance request since the applicant already has 3200 sq. ft. of storage on the property and DNR recommends denial of the variance request.

However, if the Board finds a hardship/practical difficulty and wishes to grant the variance staff would recommend that the following restrictions and conditions be placed on the variance:

1. The applicant must submit a passing septic compliance inspection before any permit can be issued.
2. Vegetation shall be established and maintained within 20 feet of the rear property line to help buffer the surface water that may drain back to the wetland located just to the north of the rear property line.
3. No more than 30% of the lot shall be developed with impervious surface coverage:
    a. If any concrete apron/pavement is proposed for the new structure some existing pavement on the site may need to be removed to meet the 30% requirement.
    b. No new pavement, concrete, or other impervious surfaces may be constructed in the future that would exceed that 30% impervious surface requirement.

Gagner clarified that the existing 800 sq. ft. shed in the back and the 2400 sq. ft. shed in front puts him at the maximum allowed square footage. Holte said yes, so anything more requires a variance. Franks asked how much existing concrete would need to go? Holte said he would be just under the 30% with the proposed building, but any other concrete work would put him over.

Bergstrom asked what would he gain sq. ft. wise if he removed the concrete from the front building to the back building? Holte said about 1800 sq. ft. of impervious surface. Bergstrom stated that the long shed is for storage of his motorhome. The new shed would be for storage and working on cars.

Holte said the permit for the long shed was issued in 2007

The Board had no further questions for Mr. Bergstrom. Holte asked the board the hardship questions.

Question	Phillips	Powers	Franks	Wright	Gagner
1.	Yes	Yes	Yes	Yes	Yes
2.	Yes	Yes	Yes	No	Yes
3.	No	No	No	No	No
4.	Yes	Yes	Yes	Yes	Yes
5.	Yes	No	No	No	Yes
6.	No	No	No	No	No
7.	No	No	No	No	No

Holte stated with 19 no's and 16 yes's the criteria has been met for the Board to either grant or deny the variance request.

Gagner asked if there were any more questions?

Powers made a motion to deny the request based on existing rules, that it would be contrary to the DNR recommendation, and is counterproductive to what we are here for. Second by Franks.

Gagner called for the vote:
Ayes – Phillips, Powers, Franks, Wright, Gagner.
Nayes – none

Bergstrom asked if he took down the long shed in back and the concrete could he get the variance? Powers said he would need to come back. Bergstrom asked if it would be worth his time to reapply? Holte stated that Bergstrom could stop in to the office and they could discuss his options.

Old/New Business:

Don and JoAnn Andringa would like to get an extension on a variance. They purchased the Dave & Marie Johnstad property. The Johnstad's received a variance in 2014 to keep the existing guesthouse and construct a large home. The Andringa's would like to extend that variance for one

more year so that they can get their plans finalized to build approximately the same size house that the Johnstad's were approved for.

Holte showed them slides of the property and refreshed the Board on the Johnstad's variance form 2014.

Don Andringa said they have a contractor lined up for next spring as well as a septic contractor. The plan is for a home slightly smaller than what the Johnstad's planned.

A motion was made by Wright to grant the one year extension on the variance. Second by Gagner. All in favor.

Holte talked with the Board about their need to submit a reason for their yes or no answers to the Variance questions. We need that for clear documentation for all variance requests.

Next meeting is set for July 24, 2015. Meeting Adjourned.