



Board of Adjustment & Appeals Meeting Minutes Tuesday, September 19, 2023 at 7:00 PM

1. CALL TO ORDER The meeting was called to order at 7:00 PM.

2. ROLL CALL				
BOARD MEMBERS PRESENT	Jack Ezell <input checked="" type="checkbox"/>	Aaron Gustafson <input checked="" type="checkbox"/>	John Manninen <input checked="" type="checkbox"/>	Bonnie Peterson (Alternate) <input checked="" type="checkbox"/>
STAFF PRESENT	Chief Deputy Zoning & Environmental Services Administrator Chris Berg <input checked="" type="checkbox"/>			

3. APPROVE MEETING MINUTES				
MOTION TO APPROVE MINUTES OF AUGUST 15, 2023		APPROVE <input checked="" type="checkbox"/>		APPROVE AS AMENDED <input type="checkbox"/>
1 ST	Jack Ezell <input type="checkbox"/> <i>Chair</i>	Aaron Gustafson <i>Vice Chair</i> <input checked="" type="checkbox"/>	John Manninen <input type="checkbox"/>	Bonnie Peterson (Alternate) <input type="checkbox"/>
2 ND	Jack Ezell <input type="checkbox"/> <i>Chair</i>	Aaron Gustafson <i>Vice Chair</i> <input type="checkbox"/>	John Manninen <input checked="" type="checkbox"/>	Bonnie Peterson (Alternate) <input type="checkbox"/>
VOTE TO APPROVE MINUTES		YES <input checked="" type="checkbox"/> Ezell <input checked="" type="checkbox"/> Manninen <input checked="" type="checkbox"/> Gustafson <input type="checkbox"/> Peterson (Alt.)	NO <input type="checkbox"/> Ezell <input type="checkbox"/> Manninen <input type="checkbox"/> Gustafson <input type="checkbox"/> Peterson (Alt.)	

4. OLD BUSINESS None

5. CALL PUBLIC HEARING TO ORDER The public hearing was called to order at 7:01 p.m.

6. LEGAL AD STATEMENT Legal ad was sent on August 31, 2023, and published in the Star Gazette on September 7, 2023. Legal ad was sent on August 31, 2023, and published in the Pine Knot News on September 8, 2023.

7. FINALITY OF DECISIONS Chairperson Ezell read a statement on finality of decisions.

8. FINDINGS OF FACT TO GRANT VARIANCE Chairperson Ezell read findings of fact from ordinance.

9. PUBLIC HEARINGS

A.	#323014 Jennifer Serafin
APPLICANT/ REPRESENTATIVE	Name: Jennifer Serafin Address: 3155 Maple Drive, Cloquet, MN 55720
PUBLIC COMMENT	None
CORRESPONDENCE	Email from Jennifer Serafin requesting to table application. Email from Brianna Speldrich, Area Hydrologist Minnesota DNR.

B.	#323015 Keith and Joyce Lilyquist
APPLICANT/ REPRESENTATIVE	Name: Keith and Joyce Lilyquist Address: 4876 Mirror Way, Moose Lake, MN 55767
PUBLIC COMMENT	None
CORRESPONDENCE	Email from Brianna Speldrich, Area Hydrologist Minnesota DNR

10. CLOSE THE PUBLIC HEARING The public hearing was closed at 7:32 p.m.

11. RE-OPEN MEETING The meeting was re-opened at 7:34 p.m.

A.	#323014 Jennifer Serafin
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MOTION TO TABLE REQUEST				
1ST	Jack Ezell <input type="checkbox"/> Chair	Aaron Gustafson Vice Chair <input checked="" type="checkbox"/>	John Manninen <input type="checkbox"/>	Bonnie Peterson (Alternate) <input type="checkbox"/>
2ND	Jack Ezell <input type="checkbox"/> Chair	Aaron Gustafson Vice Chair <input type="checkbox"/>	John Manninen <input checked="" type="checkbox"/>	Bonnie Peterson (Alternate) <input type="checkbox"/>
VOTE TO TABLE REQUEST		YES <input checked="" type="checkbox"/> Ezell <input checked="" type="checkbox"/> Manninen <input checked="" type="checkbox"/> Gustafson <input type="checkbox"/> Peterson (Alt.)	NO <input type="checkbox"/> Ezell <input type="checkbox"/> Manninen <input type="checkbox"/> Gustafson <input type="checkbox"/> Peterson (Alt.)	

B.	#323015 Keith and Joyce Lilyquist
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MOTION TO APPROVE FINDINGS OF FACT		APPROVE <input checked="" type="checkbox"/>		APPROVE AS AMENDED <input type="checkbox"/>
1ST	Jack Ezell <input type="checkbox"/> Chair	Aaron Gustafson Vice Chair <input checked="" type="checkbox"/>	John Manninen <input type="checkbox"/>	Bonnie Peterson (Alternate) <input type="checkbox"/>
2ND	Jack Ezell <input type="checkbox"/> Chair	Aaron Gustafson Vice Chair <input type="checkbox"/>	John Manninen <input checked="" type="checkbox"/>	Bonnie Peterson (Alternate) <input type="checkbox"/>


VOTE TO APPROVE FINDINGS OF FACT	YES	NO
	<input checked="" type="checkbox"/> Ezell <input checked="" type="checkbox"/> Manninen <input checked="" type="checkbox"/> Gustafson <input type="checkbox"/> Peterson (Alt.)	<input type="checkbox"/> Ezell <input type="checkbox"/> Manninen <input type="checkbox"/> Gustafson <input type="checkbox"/> Peterson (Alt.)

MOTION TO APPROVE OR DENY VARIANCE WITH CONDITIONS		APPROVE WITH CONDITIONS <input type="checkbox"/>	APPROVE WITH CONDITIONS AS AMENDED <input checked="" type="checkbox"/>	DENY <input type="checkbox"/>
1 ST	Jack Ezell <input type="checkbox"/> <i>Chair</i>	Aaron Gustafson <i>Vice Chair</i> <input type="checkbox"/>	John Manninen <input checked="" type="checkbox"/>	Bonnie Peterson (Alternate) <input type="checkbox"/>
2 ND	Jack Ezell <input type="checkbox"/> <i>Chair</i>	Aaron Gustafson <i>Vice Chair</i> <input checked="" type="checkbox"/>	John Manninen <input type="checkbox"/>	Bonnie Peterson (Alternate) <input type="checkbox"/>
VOTE:		YES	NO	
		<input checked="" type="checkbox"/> Ezell <input checked="" type="checkbox"/> Manninen <input checked="" type="checkbox"/> Gustafson <input type="checkbox"/> Peterson (Alt.)	<input type="checkbox"/> Ezell <input type="checkbox"/> Manninen <input type="checkbox"/> Gustafson <input type="checkbox"/> Peterson (Alt.)	

12. OTHER BUSINESS	None
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13. ADJOURNMENT	7:36 p.m.
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MOTION TO ADJOURN		APPROVE <input checked="" type="checkbox"/>		DENY <input type="checkbox"/>
1 ST	Jack Ezell <input type="checkbox"/> <i>Chair</i>	Aaron Gustafson <i>Vice Chair</i> <input checked="" type="checkbox"/>	John Manninen <input type="checkbox"/>	Bonnie Peterson (Alternate) <input type="checkbox"/>
2 ND	Jack Ezell <input type="checkbox"/> <i>Chair</i>	Aaron Gustafson <i>Vice Chair</i> <input type="checkbox"/>	John Manninen <input checked="" type="checkbox"/>	Bonnie Peterson (Alternate) <input type="checkbox"/>
VOTE TO ADJOURN		YES	NO	
		<input checked="" type="checkbox"/> Ezell <input checked="" type="checkbox"/> Manninen <input checked="" type="checkbox"/> Gustafson <input type="checkbox"/> Peterson (Alt.)	<input type="checkbox"/> Ezell <input type="checkbox"/> Manninen <input type="checkbox"/> Gustafson <input type="checkbox"/> Peterson (Alt.)	

CHRIS BERG, CHIEF DEPUTY ZONING AND ENVIRONMENTAL SERVICES ADMINISTRATOR		DATE	09/19/2023
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- DRAFT
- FINAL

**CARLTON COUNTY FINDINGS OF FACT
SUPPORTING/DENYING A VARIANCE**

Name of Applicant Keith and Joyce Lilyquist Date September 19, 2023
Permit Number 323015 Tax parcel number 63-190-0180

FINDINGS OF FACT:

- a. *Is the property owner proposing to use the property in a reasonable manner not permitted by this Ordinance?*
Yes No *Why or why not?*

It appears reasonable to allow the additions if impervious surface is reduced to less than 30% and a stormwater plan is required to treat a one-inch rainfall from the roof of the dwelling. The applicants purchased the property with 40% impervious surface. In addition, the applicants also have a Shoreland Alterations Permit #123128 to remove unpermitted, nonconforming landscaping adjacent to the shoreline. This is 1,209 square feet of impervious surface and will be replaced with native vegetation.

- b. *Is the practical difficulty unique to the subject property and not created by the property owner or prior property owner?*
Yes No *Why or why not?*

The practical difficulty appears to be the development of this property prior to the enactment of the first ordinance in 1968. The applicants purchased the property with 40% impervious surface.

- c. *If the variance is granted, it will not alter the essential character of the locality?*
Yes No *Why or why not?*

The granting of the variance would not alter the essential character of the neighborhood. The applicants are working to reduce the impervious surface and will be removing unpermitted, nonconforming landscaping adjacent to the shoreline. This is 1,209 square feet of impervious surface and will be replaced with native vegetation.

- d. *Does the practical difficulty involve more than economic considerations?*
Yes No *Why or why not?*

It does not appear that economic considerations constitute the practical difficulty for reasonable use for this property. The practical difficulty appears to be the development of this property prior to the enactment of the first ordinance in 1968. The applicants purchased the property with 40% impervious surface.

- e. *If the variance is granted, it will not be granting a use that is not allowed in the zoning district in which the subject property is located?*
Yes No *Why or why not?*

The variance will not be granting a use that is not allowed within the R-1 Zoning District. Single family residences are a permitted use.

- f. *Are the terms of the variance consistent with the Carlton County Community-Based Comprehensive Plan?*
Yes No *Why or why not?*

The Carlton County Community-Based Comprehensive Plan specifically addresses preserving and restoring native vegetation along shorelines and reducing surface water runoff to lakes and rivers. The applicants will be removing unpermitted, nonconforming landscaping adjacent to the shoreline. This is 1,209 square feet of impervious surface and will be replaced with native vegetation.

DECISION:

If ALL answers are YES by a majority of the Board of Adjustment, the criteria for granting of the Variance have been met and the Variance is approved. Please confirm with the applicant that the following conditions are acceptable.

Granted: Construct an addition and screen porch onto a nonconforming dwelling on a nonconforming lot and retain lot coverage in excess of the 25% standard.

Denied: NA

CONDITIONS:

1. The applicant must undertake the project according to the plans and specifications detailed in the application or as modified by the Board of Adjustment.
2. The applicant must have an approved zoning permit within one year. All work must begin within one year of issuance of the zoning permit. This means that there is enough of the structure(s) in place to determine that it meets the dimensions depicted on the zoning permit. If this condition is not met, the request shall be deemed null and void. The Zoning Administrator is authorized to extend that period of time for good cause shown.
3. The permit will be periodically reviewed by the County to ensure compliance with the permit and permit conditions.
4. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
- 92 5. *It the applicant is unable to reduce impervious surface to 25% or less they shall submit a* ~~The~~ stormwater management plan to treat a one-inch rainfall from the dwelling shall be prepared by a qualified professional and shall be submitted and approved by this office prior to issuing the zoning permit for the addition and screen porch.
6. The applicants shall reduce the impervious surface to less than 30%. The plan shall be submitted and approved by this office prior to issuing the zoning permit for the addition and screen porch.
7. The Shoreland Alterations Permit #123128 to remove unpermitted, nonconforming landscaping adjacent to the shoreline shall be implemented as a condition of granting this variance.
8. If the applicant fails to meet the conditions set forth by the Board of Adjustment, the Board of Adjustment may revoke the variance.

Motion By Gustafson Seconded By Manninen
TO: Approve the above FINDINGS OF FACT

Action on Motion: 3 AYE 0 NO ABSTAIN
Motion: Carried Defeated

Motion By Manninen Seconded By Gustafson
TO: Approve the DECISION and CONDITIONS

Action on Motion: 3 AYE 0 NO ABSTAIN
Motion: Carried Defeated

9/19/23
Date

[Signature]
Board of Adjustment Chair

Board of Adjustment Chair: If changes are made to the decisional standards or conditions, please mark with ink and initial.