

MINUTES
PINE COUNTY BOARD OF ADJUSTMENT
April 1, 2015 4:30 p.m.
Pine County Courthouse – Board Room
635 Northridge Dr NW, Pine City, MN 55063

Members Present: David Koland, Tom Mestemacher, Richard Stepan, and Gary Valvoda
Members Absent: Carolyn Tuckner
Staff Present: Kelly Schroeder, Land Services Director and Reese Frederickson, County Attorney
Others Present: Jim Woischke, Bill Woischke, Nancy Black, Richard Bowen, Michael Brown, Phil & Kelly Christianson, Barb Ceyress, Bob Enga, Daryl & Carol Landis, Donna Lofstrom, Virginia Schneider, Pauline Royce, Del Peters, David Mechtel, Gordy Johnson, Shirleyann Parrish, and Jerome & Raye Thompson

Call To Order: 4:30 p.m.; Chairman Mestemacher asked all to rise and recite the Pledge of Allegiance to the Flag.

Training Update: Gary gave a brief update on the MACPZA training. He noted it was a valuable opportunity.

Approval of Minutes:

Stepan/Koland 4-0 to approve the Minutes of January 7, 2015 as presented.

Committee Reports:

None

Hearings:

Pokegama Lake Manufactured Home Park, LLC (William P. Woischke) is requesting a variance at 18345, 18357, 18365, and 18367 Lakeview Loop, Pine City – Pine Parcel Number 28.0680.001; Section 14, Township 39, Range 22, (Pokegama Township).

- 1.) Section 9.31 of the Pine County Flood Plain Ordinance defines travel trailers/recreational vehicles. The owners are requesting a variance from this definition for the park model homes.

Staff **Kelly Schroeder** gave an overview of the request. **Schroeder** explained the only structures that can be located below the regulatory flood plain elevation (RFPE) are travel trailers. Woischke's would like to place park model homes on the lots as they have done in the past. The park models that were previously located on the lots in question are routinely moved from the sites due to high water. The park does have a mitigation plan in place to prevent any damage from high water. Park model homes meet the criteria of the definition except for the fact they cannot be licensed for highway use, thus the reason for the variance.

Chairman Mestemacher opened the public hearing at 4:37 p.m.

Testimony was heard from the public including: Phil & Kelly Christianson, Barb Cepress, Dave Mechtel, Carol & Joe Landis, Donna Lofstrom, Jerome Thompson, Gordy Johnson, Jim Woischke, and Bill Woischke.

Phil Christianson noted it is not allowable for him to build or put something down by the lake, therefore this variance should not be approved.

Several of the owners of the park models in question including **Barb Cepress, Jerome Thompson, Richard Bowen, Nancy Black,** and **Daryl & Carol Landis** expressed that they understand their homes must be moved from time-to-time due to high water conditions, however are eager to return to the sites. They noted that the mitigation plan in place has been effective.

Jim Woischke reviewed their mitigation plan procedures and noted that in the last almost 40 years of having this plan in place they have never had any damage occur to the homes.

Dave Mechtel questioned which lots the variance was being requested upon, as the public noticed listed the address of 18369 Lakeview Loop, which refers to Lot 12. **Mecht** noted he was the previous owner of the home at Lot 12 and after years of dealing with flooding removed their home from it. They do not believe there should ever be a home allowed on this lot. **Jim Woischke** noted that the lots the variance is being requested upon are lots 1, 3, 4, and 5, not lot 12. He also noted that lot 2 has been removed to come into compliance with the Minnesota Department of Health standards for trailer spacing and lot size.

Several of the members of the public, including **Kelly Christianson** expressed concern that approving this variance would set precedence in allowing anyone to put a park model home below the RFPE. **County Attorney Frederickson** noted that if this variance is approved it does not set precedence as this is an after-the-fact variance. Approving this variance does not allow new lots to be created or new park model homes to be placed below the RFPE; it is just affirming what has already been occurring.

Gordy Johnson, Pokegama Township Zoning Administrator, noted he believes this is a use variance and should not be allowed under state statute, which prevents use variances. **County Attorney Frederickson** stated he is under the directive that it is not a use variance as the variance request is not asking for a variance from section 5.1 of the ordinance, which describes allowable uses.

Chairman Mestemacher closed the public hearing at 5:32p.m.

Discussion/Decision on Variance Request:

The Board discussed at length the information that was presented by staff, Woischke's and the public. Additional information was also gathered from Woischke's.

Mestemacher questioned whether the residents are charged a fee for the service of moving their homes. **Jim Woischke** noted they have not been charged and never will be charged. The moving of the home is part of doing good business. **Mestemacher** also questioned if the park will be looking to add back in lot 2, which has currently been removed and they are not requesting a variance for. **Jim Woischke** noted the lot will not be added back.

Koland questioned if the streets which the homes are moved on during a high water event are public roads. **Jim Woischke** noted they are not public roads and are all within the same property. **Koland** noted it is not a necessity in this case for the units to be street legal as the homes are able to be moved as needed without being licensed for highway use since they do not leave the property. **Koland** did note that the decks and storage sheds just do not pass his "smell test" for a "RV." **Woischke** noted the decks and storage sheds are movable and not attached.

Stepan and **Valvoda** both concurred with Mestemacher and Koland's thoughts on the situation. All members of the board agreed the variance request meets the five requirements of approving a variance, however with conditions.

Mestmeacher made the motion is approve the variance with the conditions that no sheds, decks, porches, etc are attached to the park models, the sewer lines are flushed out and capped during high water events, and the mitigation plan is adhered to. **Koland** seconded the motion. 4-0 to approve the Pokegama Lake Manufactured Home Park, LLC Variance Request.

Old Business:

None

New Business:

None

ADJOURN

Koland/Stepan 4-0 to adjourn the meeting at 6:06 p.m.

ATTEST:



Tom Mestemacher, Chairman



David Koland, Secretary