

**MINUTES**  
**PINE COUNTY BOARD OF ADJUSTMENT**  
**March 2, 2016 4:30 p.m.**  
**Pine County Health and Human Services Board Room**  
**1610 Hwy. 23, Sandstone, MN**

**Members Present:** David Koland, Tom Mestemacher, Richard Stepan, Gary Valvoda,  
**Members Absent:** none  
**Staff Present:** Caleb Anderson, Land and Resources Manager; Reese  
Frederickson, County Attorney  
**Others Present:** Thomas Clark, Teresa Clark

**Call To Order:** 4:32 p.m. Chairman Mestemacher asked all to rise and recite the Pledge of Allegiance to the Flag.

**Approval of Minutes:**  
Valvoda/Koland 4-0 to approve the Minutes of February 3, 2016 as presented.

**Hearings:**

**Thomas Clark is requesting a variance at 34689 Grissinger Creek Rd, Hinckley. – Pine Parcel Number 03.0438.000; Section 35, Township 41, Range 20, (Barry Township) as follows:**

The Kettle River Wild, and Scenic River Ordinance, Pine County Section 502.01 (4) requires that structures maintain a 200' setback from the ordinary high water level (OHWL). The owner is requesting a variance of 122.5' for a proposed setback of 77.5' due to a deck addition on an existing nonconforming footprint.

The Kettle River Wild, and Scenic River Ordinance, Pine County Section 1002.03 (1) states that "any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed." The owner is requesting a variance to replace the structure with an addition to the existing foot print of 429 square feet. 192 square feet of the proposed addition will be a deck.

Staff **Caleb Anderson** gave an overview of the request. **Anderson** shared that to replace the structure would be allowed without variance. However, to expand the structure, as the Clark's intend to do, requires a variance. **Anderson** shared that the west wall of the structure would be moved east 2' but an 8' deck would extend the structure a resulting 6' towards the OHWL. **Anderson** explained that there is not a location on the west side of the road that meets the 200' setback. In order to meet the 200' setback the proposed structure would have to be built on the east side of the road. **Anderson** also shared that there would be room to build a conforming structure on the east side of the road.

**Thomas and Teresa Clark** made a statement in support of their variance request. **Mrs. Clark** shared that 10 of the 13 acres on the property is enrolled in a forestry program, which prohibits them from building. Therefore, there is limited space to build a conforming structure. **Mrs. Clark**

shared that the existing structure is not of modern construction standards therefore unsuitable for renovation, which requires them to replace the structure. Due to shallow bedrock a basement is not feasible to offer adequate space, therefore, an expanded footprint is needed. **Mr. Clark** commented that they would like to amend the footprint from their submitted application. The total square footage will stay the same but the 3'x11' jut out on the south side will be shifted back to the east. **Mr. Clark** shared that they would like to keep the roof line down, use natural wood siding, and a green roof so that the house was not overly visible from the water for people recreating.

**Stepan** asked if the house is near the floodplain. **Anderson** replied that the proposed structure would be well above the base flood elevation and it is not a concern for this project.

**Chairman Mestemacher** opened the public hearing at 4:51 p.m.

No members of the public were in attendance other than the applicants.

**Chairman Mestemacher** closed the public hearing at 4:51p.m.

**County Attorney Reese Frederickson** shared that the Board would be legally justified in approving or denying the request. Frederickson noted that the use of the property would essentially stay the same. Frederickson stated that the intent of the ordinance is to maintain water quality and not impair the tax base. New parcels, new development, and new people would not be added, therefore the impact on water quality and the tax base would not be negatively affected. The tax base would be improved by the project. Frederickson noted that the variance would not alter the character of the locality.

The **Minnesota DNR** did not provide a comment on the variance request.

#### **Discussion/Decision on Variance Request:**

**Mestemacher** commented that the applicants are trying to remain in harmony with the ordinance and comprehensive plan to the greatest extent possible while meeting their needs.

**Mestemacher** stated that he felt the variance would not alter the essential character of the locality.

**Mestemacher** shared that due to the applicant's participation in the Sustainable Forestry Initiative there is limited space to build, which he feels presents a practical difficulty preventing them to comply with the ordinance.

**Koland** suggested that by changing the patio to a deck the amount of variance needed would be reduced.

**Mr. Frederickson** noted that though the Shoreland Ordinance allows a deck without variance, the Kettle River Ordinance does not, so a variance is required to add a deck to this property.

**Mestemacher** commented that the applicant's proposed use is reasonable.

**Valvoda** noted that the variance will allow a use that is allowed in the zoning district the property lies in.

**Valvoda** shared that the variance is generally in harmony with the intent of the ordinance and comprehensive plan.

**Valvoda** commented that the location of the road presents a practical difficulty preventing them from complying with the ordinance.

**Valvoda** stated he felt the applicant's proposed use is reasonable.

**Valvoda** motioned to approve the Clark variance request with the amended footprint.

**Motion made by Valvoda. Seconded by Stepan. 4-0 to approve the variance request for the Clark property.**

**Old Business:**

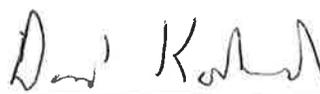
none

**ADJOURN**

Mestemacher/Stepan 4-0 to adjourn the meeting at 5:28P.M.

**ATTEST:**

  
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Tom Mestemacher, Chairman

  
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David Koland, Secretary

