



Land Services Office

Historic Courthouse
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Minutes

MILLE LACS COUNTY BOARD OF ADJUSTMENT Mille Lacs County Courthouse June 28, 2021, 7:00 p.m.

Members Present: John Roxbury, Jr., Loren Lueck, Kyle Weimann.

Members Absent: Amy Birnbaum.

Ex-officio Members Present: Chris Berg, Land Services Director

Others Present: None.

- I. Call to Order: The meeting was called to order at 7:02 p.m. by Chair Roxbury.
- II. Pledge of Allegiance: Chair Roxbury led those present in the Pledge of Allegiance.
- III. Approval of the Minutes: Motion by Mr. Lueck, seconded by Mr. Weimann, to approve the May 24, 2021 meeting minutes. All members voted aye. Motion carried.
- IV. Old Business:

None.
- V. New Business:

Consideration of a Request by Ashish Aggarwal (owner), to:

- Enlarge a non-conforming structure in a shoreland district, **MLCDO Section 103.3 E.**

to allow a dwelling addition with a bedroom and bathroom to a non-conforming structure located within the 75 foot minimum setback from the Ordinary High Water Level on property legally described as: Lot 9, Block B of Carnelian Beach, Mille Lacs County, Minnesota. **Located at 7714 Tailor Road, Wahkon, MN 56386.** PIN 17-160-0130.

Chair Roxbury asked the applicant to explain their request.

Ashish Aggarwal described his property and the structures on it. He stated he is asking to add a bedroom and bathroom to the smaller cabin away from the lake. They need the

bedroom for their kids. Mr. Aggarwal said he spoke with his neighbors, and they are ok with the planned addition.

At 7:06 p.m., Chair Roxbury opened the public hearing.

Chair Roxbury asked for correspondence, none was received.

Chair Roxbury asked the audience for input, none was given.

At 7:07 p.m., Chair Roxbury closed the public hearing.

Mr. Berg reviewed the findings of fact:

A. *The variance proposes the use of land in a reasonable manner;*

The applicant is proposing a reasonable use of the property with a slightly larger dwelling structure.

B. *The plight of the landowner is due to circumstances unique to the property and not created by the landowner;*

The plight of the landowner is due to the construction of the non-conforming cabin prior to current controls.

C. *The variance, if granted, will not alter the essential character of the area;*

The granting of the variance should not alter the essential character of the area. Many structures along Tailor Road encroach on the lake setback requirements and are larger dwellings than the applicant's request.

D. *Economic considerations alone shall not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems, and may include earth sheltered construction as defined by the State of Minnesota, when it is in harmony with official controls; and*

Economic considerations do not appear to be a part of this request.

E. *No variance shall be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.*

A single-family dwelling is an allowed use in the S-2 High Density Shoreland Zoning District.

Motion by Lueck, seconded by Weimann, to approve the request by Ashish Aggarwal (owner) with the condition that the septic application is approved, to:

- Enlarge a non-conforming structure in a shoreland district, **MLCDO Section 103.3 E.**

to allow a dwelling addition with a bedroom and bathroom to a non-conforming structure located within the 75 foot minimum setback from the Ordinary High Water Level on property legally described as: Lot 9, Block B of Carnelian Beach, Mille Lacs County, Minnesota. **Located at 7714 Tailor Road, Wahkon, MN 56386.** PIN 17-160-0130.

Motion carried with all members voting aye.

Consideration of a Request by Jeff and Diana Ches (owners), to:

- Reduce the minimum setback from side yard from twenty (20) feet to eight (8) feet, **MLCDO Table 501**

to allow a garage within the 20 foot minimum setback from the side yard line on property legally described as: N 105.13' OF S 785.13 FT AS MEAS ON W LINE LYING W OF RUM RIVER, & S'LY OF OFFTAKE DITCH, OF SW OF SW, TR "A" OF 6/83 SURVEY, EX .14A PRCL #78D TO HY 169, Section 5, Township 41, Range 26, Mille Lacs County, Minnesota. **Located at 35136 US Highway 169, Onamia, MN 56359.** PIN 14-005-1401.

Mr. and Mrs. Ches were present to describe their request. They are moving from their home to relocate into Mille Lacs County permanently, and need to move their belongings from a larger storage building at their current residence to this proposed one.

At 7:10 p.m., Chair Roxbury opened the public hearing.

Chair Roxbury asked for correspondence, none was received.

Chair Roxbury asked the audience for input, none was given.

At 7:10 p.m., Chair Roxbury closed the public hearing.

Mr. Berg reviewed the findings of fact:

A. The variance proposes the use of land in a reasonable manner;

The applicant is proposing a reasonable use of the property with a shed for storage, an accessory structure to single family residential use.

B. The plight of the landowner is due to circumstances unique to the property and not created by the landowner;

The plight of the landowner appears to be due to their desire to construct the shed south of the driveway. The substandard lot size limits the available buildable area on this property.

C. The variance, if granted, will not alter the essential character of the area;

The granting of the variance should not alter the essential character of the area. Single family residential accessory structures are common along this stretch of Highway 169.

D. Economic considerations alone shall not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems, and may include earth sheltered construction as defined by the State of Minnesota, when it is in harmony with official controls; and

Economic considerations do not appear to be a part of this request.

E. No variance shall be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.

Single family residential and accessory structures are an allowed use in the Wild and Scenic River District – Recreational.

Mr. Weimann asked about the tree line along the south property line. Mr. Ches stated it would remain.

Motion by Weimann, seconded by Lueck, to approve the request by Jeff and Diana Ches (owners), to:

- Reduce the minimum setback from side yard from twenty (20) feet to eight (8) feet, **MLCDO Table 501**

to allow a garage within the 20 foot minimum setback from the side yard line on property legally described as: N 105.13' OF S 785.13 FT AS MEAS ON W LINE LYING W OF RUM RIVER, & S'LY OF OFFTAKE DITCH, OF SW OF SW, TR "A" OF 6/83 SURVEY, EX .14A PRCL #78D TO HY 169, Section 5, Township 41, Range 26, Mille Lacs County, Minnesota. **Located at 35136 US Highway 169, Onamia, MN 56359.** PIN 14-005-1401.

Motion carried with all members voting aye.

VI. Other Business:

None.

VII. Adjournment:

Motion by Mr. Weimann, seconded by Mr. Lueck, to adjourn the meeting.

Motion carried with all members voting aye.

The meeting of the Mille Lacs County Board of Adjustment adjourned at 7:20 p.m.

Respectfully submitted,



Chris Berg, Land Services Director