

MINUTES OF THE TOWN OF SILVER CREEK BOARD OF ADJUSTMENT
SILVER CREEK TOWN HALL
VARIANCE HEARING
October 14, 2014

The Town of Silver Creek Board of Adjustment sat in session on Tuesday, October 14, 2014 and conducted a variance hearing. Chairman Mike Hoops called the hearing to order at 7:30 p.m.

Member present were: Supervisor & Chair – Mike Hoops; Supervisor – Greg Hull; Supervisor – Larry Lampart; Clerk – Frederick R. Whitney. Others in attendance were the applicant – Karen Erickson; adjacent property owner LeRoger Lind; and Thomas Opfer.

The purpose of the hearing was to consider the Variance application, SCV-14-1 by Karen L. and Timothy C. Erickson – Gooseberry Cabins – for the property described as: Outlot 1 of Lot 1, Section 33, Township 54N, Range 9W of the Fourth Principal Meridian, according to the survey or plat thereof on file in the office of the County Recorder of Lake County, Minnesota, in Book B of Plats, page 16, 4.0 acres, Town of Silver Creek, Lake County, Minnesota, zoned RC – Resort Commercial.

The applicant requested the following consideration: variance from the terms of the Lake County Land Use Ordinance Article 26.03 and with reference to MN Statutes §103.227, to allow replacement of two existing nonconforming structures with two that exceeds the current vertical footprint.

Legal notice was published on 9/29/2014 in the Northshore Journal. 16 notices were sent as follows; the applicants, 9 adjoining property owners, Lake County Planning & Zoning, Town of Silver Creek Supervisors, DNR, NSMB, MN DOT. There were no written responses. Hearing was also posted at the Silver Creek Town Hall and Town Website on 9/26/2014.

Hoops asked whether or not we had received any responses. Whitney indicated none had been received in writing, but had one conversation with an adjacent property owner in support of the variance.

Whitney presented the variance application to the Board. He indicated that he had toured the site and discussed the variance request with the Erickson's and provided the Board with his recommendation to approve the request subject to having the new deck's footings be "floating" and not dug into the earth.

Hoops indicated that he too had visited the site and reminded the Board that 2 previous variance requests, specifically the replacement of two cabins had been received and approved in 2008 and 2011. This request is for the remaining two cabins.

Karen Erickson provided her explanation of the variance request and sought approval from the Board.

Hull made a motion, second by Lampart, granting the variance request, (subject to the condition of having the new deck's footings be "floating" and not dug into the earth) and

based upon the Board's findings of fact that they meet the criteria listed for granting of the variance which includes:

1. The property cannot be put to reasonable use for anything else under the existing land use ordinance.
2. Their plight was not created by the land owner.
3. The granting of the variance will not alter the essential character of the area.

Variance approved by unanimous yeas vote of Supervisors Mike Hoops, Greg Hull and Larry Lampart this 14th day of October 2014.

Hull made a motion to adjourn the meeting at 7:47 p.m., seconded by Lampart. Motion carried unanimously.

Respectfully submitted,
Frederick R. Whitney