

**Becker County Board of Adjustments**  
**June 14th, 2018**

**Present:** Members: Chairman Jim Bruflodt, Jim Kovala, Harry Johnston, Delvaughn King, Lee Kessler, Brad Bender, Planning and Zoning Administrator Kyle Vareberg and E911/Zoning Technician Rachel Bartee. Roger Boatman was absent.

Chairman Jim Bruflodt called the meeting to order at 7:00 p.m. E911/Zoning Technician Rachel Bartee recorded the minutes.

Introductions were given.

**Kovala** made a motion to approve the minutes for the April 12th, 2018 meeting. **Bender** seconded. The motion passed unanimously. Motion carried.

**Bruflodt** explained the protocol for the meeting and **Kessler** read the criteria for which a variance could be granted.

**NEW BUSINESS:**

**FIRST ORDER OF BUSINESS: APPLICANT: Gary & Barbara Tangen Project Location:** 26475 Paradise Point Rd Detroit Lakes, MN 56501 **TAX ID NUMBER:** 08.1193.000  
**APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to **construct an** addition to an existing non-conforming dwelling, to be located at forty (40) feet and an attached garage to be located at sixty-eight (68) feet, from the ordinary high water mark of the lake, deviating from the required setback of seventy-five (75) feet from the OHW of a general development lake, due to setback issues and lot size.

Vareberg presented the application.

Gary Tangen was present. Tangen explained the application to construct an addition to an existing non-conforming dwelling, to be located at forty (40) feet and an attached garage to be located at sixty-eight (68) feet, from the ordinary high water mark of the lake, deviating from the required setback of seventy-five (75) feet from the OHW of a general development lake, due to setback issues and lot size.

Tangen explained the addition would be made to the current lake home to the west side of the house keeping the same site line that is currently there. Tangen noted the current structure is in excellent condition and has been in the family since 1969. Tangen stated they are planning on retiring and need the expansion to convert the cabin to a year round residence. Tangen also noted

41 they have a growing family with three married children and nine grandchildren who come to  
42 visit regularly. Tangen stated the garage addition would be to house two cars to keep them out of  
43 the weather because of year round habitation in the winter months.

44

45 Kovala asked if Tangen would eliminate any concrete. Tangen replied yes, they intend on  
46 removing the sidewalk.

47

48 Bender asked Tangen what his hardship is. Tangen replied his hardship is the change to fulltime  
49 year round habitation of the property. Bender asked what was going to be done with the extra  
50 space. Tangen stated they are going to expand the living room and kitchen area, add bedroom(s)  
51 for a total of 4, and a bathroom. Tangen explained they would like it to be more usable for  
52 fulltime occupancy. Tangen stated for example during the 4<sup>th</sup> of July weekend they have  
53 campers, trailers, and tents set up on the property, noting the addition would eliminate the clutter  
54 in the yard.

55

56 Kessler asked what was going to be put in place of the walkway. Tangen replied grass will  
57 replace the walkway. Tangen added they will have a landscape wall there and a natural swale  
58 and will do the same thing with the stairway. Tangen stated currently the water runs off the  
59 sidewalk and they want to eliminate that.

60

61 Brufloft asked to clarify that they were eliminating the pavers, patio, and sidewalks on both  
62 sides, including the one between the two places to the east. Tangen replied yes, they will  
63 eliminate it all.

64

65 Johnston asked if they would ever want to add a deck onto the property. Tangen replied that they  
66 would like to place an eight (8) foot deck onto the front of the house (lakeside). Johnston stated  
67 that per the request to build an addition forty (40) feet from the OHW, an eight (8) foot deck  
68 would place it at thirty-two (32) feet from the OHW, which would place the deck in the shore  
69 impact zone. The shore impact zone is 37.5 feet on a general development lake. Brufloft stated  
70 that it would not place the deck in the shore impact zone. Kovala stated when the Board was on  
71 their tour they measured the house addition setback to be at forty-six (46) feet to the OHW, not  
72 forty (40) feet per the proposal. Kyle stated per the Ordinance with the one time deck addition  
73 stipulation, Tangen can have up to an 8.5 foot deck and be up to two hundred and forty (240)  
74 square feet, on the front of the house (lakeside) without a variance, and still be out of the shore  
75 impact zone.

76

77 Bender asked if they were going to control the stormwater runoff. Tangen replied yes, they are  
78 installing gutters and downspouts to vegetation to allow it to disperse. Brufloft asked if it was  
79 low land. Tangen stated he was not planning on digging a rain garden.

80

81 No one spoke for or against the application. There was no written correspondence for or against  
82 the application. At this time, testimony was closed. Chairman Bruflodt opened the matter for  
83 disussion by the Board.

84  
85 Kessler stated he was in favor of the proposal and felt the plan accounts for better control of the  
86 stormwater than they have currently.

87  
88 Bender agreed adding it would be a benefit to eliminate the water in front and advised the  
89 mitigation should direct stormwater away from all other cabins and the lake.

90  
91 Johnston stated he was in favor of the proposal.

92  
93 **Motion: Bender** made a motion to approve the application as modified to construct an addition  
94 to an existing non-conforming dwelling, to be located at forty-six (46) feet and an attached  
95 garage to be located at seventy-two (72) feet, from the ordinary high water mark of the lake,  
96 deviating from the required setback of seventy-five (75) feet from the OHW of a general  
97 development lake, due to setback issues and lot size, based on the fact they have a hardship for  
98 more space for a year round residence, with the stipulation that gutters and downspouts are put in  
99 to direct water away from the lake and other cabins and pavers, sidewalks, and concrete patio are  
100 all removed.

101  
102 **Kovala second. All in favor. Motion carried. Variance approved with stipulations.**

103  
104 **SECOND ORDER OF BUSINESS: APPLICANT: Christopher & Tracy Spies Project**  
105 **Location:** 15571 W Munson Ln Detroit Lakes, MN 56501 **TAX ID NUMBER:** 19.1472.000  
106 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct deck,  
107 to be located at seventy-six (76) feet from the ordinary high water mark of the lake, deviating  
108 from the required setback of one hundred (100) feet from the OHW on a recreational  
109 development lake, due to setback issues.

110  
111 Vareberg presented the application.

112  
113 Jim Herman owner of Do-Right Construction was present as representative for Christopher and  
114 Tracy Spies. Herman explained the application request to construct a deck to be located at  
115 seventy-six (76) feet from the ordinary high water mark of the lake, deviating from the required  
116 setback of one hundred (100) feet from the OHW on a recreational development lake, due to  
117 setback issues. Herman explained they would like to add two (2) feet onto the deck toward the  
118 left of the existing deck. He stated the framing is not moving ahead at all; just the deck platform  
119 is being extended. Herman stated they would like the posts straight across to gain room at the  
120 side for a total of one hundred and ten (110) square feet being added. Herman explained the

121 current lot coverage is only at 17% and the addition to the deck would not increase the  
122 impervious coverage.

123

124 Kovala asked what the hardship is. Herman replied several families use the property and they  
125 would like more room to congregate there. Kovala stated he felt the current deck was plenty  
126 large and should be able to accommodate their needs. Herman stated the hot tub takes up a lot of  
127 space. Bender asked if there was another way to incorporate a hot tub on the existing deck.  
128 Herman said it would be a tight fit.

129

130 No one spoke in favor of the application. No one spoke against the application. There was no  
131 written correspondence for or against the application. At this time, testimony was closed.  
132 Chairman Brufloft opened the matter for discussion by the Board.

133

134 Kessler stated there will be no additional ground covered and only one corner of the deck would  
135 be added to make it even with the rest. Kessler asked if all of it would be cantilevered out.  
136 Herman replied yes it would be, by two (2) feet.

137

138 Brufloft stated it would be out of the shore impact zone.

139

140 Kessler asked how far the deck would be from the bluff. Vareberg replied it was not a bluff.  
141 Brufloft added the steep slope did not qualify as a bluff.

142

143 Johnston stated there was a lot of deck there now, however the filling in of the corner is a  
144 minimal request and they are not moving it any closer to the lake than it is now. Johnston stated  
145 they are making the space more useable and stated he was in favor of the project.

146

147 Brufloft stated what they are placing on the deck is irrelevant to the Board. Brufloft stated the  
148 deck is just being squared off. Brufloft added that if the request had been in the shore impact  
149 zone the Board would have denied it.

150

151 Kovala stated that there was no hardship present, adding that the current deck was totally  
152 adequate. Noting when he initially saw it he thought it was plenty large.

153

154 Brufloft stated the request is not for a dwelling but for an add-on feature.

155

156 Bender asked if there was a variance on the original deck. Herman replied there was a screen  
157 porch built about six (6) years ago and he had also worked on a project there 15-16 years ago and  
158 the deck had been present at that time.

159

160 Brufloft asked where are the down spouts going, noting he saw there are gutters. Herman stated  
161 it is not running directly into the lake.

162

163 **Motion: Kessler** made a motion to **approve** the proposal as presented to construct a deck, to be  
164 located at seventy-six (76) feet from the ordinary high water mark of the lake, deviating from the

165 required setback of one hundred (100) feet from the OHW on a recreational development lake,  
166 due to setback issues, based on the fact that the proposal is in line with the neighbors, it is not  
167 moving closer to the lake than the current structure, and it is consistent with the rest of the  
168 neighborhood.

169  
170 **Johnston second. Johnston, King, Kessler, Bender were in favor. Kovala was opposed.**  
171 **Motion carried. Variance approved.**

172  
173 **THIRD ORDER OF BUSINESS: APPLICANT: Julie & Richard Dahl Project Location:**  
174 **20057 E MAUD LAKE RD Tax ID Number: 17.0890.000 APPLICATION AND**  
175 **DESCRIPTION OF PROJECT:** Request a variance to construct an addition to a non-  
176 conforming dwelling to be located at eighty-three (83) feet from the ordinary high water mark of  
177 the lake, deviating from the required setback of one hundred (100) feet from the OHW on a  
178 recreational development lake, due to setback issues.

179 Vareberg presented the application.

180 Julie and Richard Dahl were present along with their representative Dave Johnson. Dahl  
181 explained his application to construct an addition to a non-conforming dwelling to be located at  
182 eighty-three (83) feet from the ordinary high water mark of the lake, deviating from the required  
183 setback of one hundred (100) feet from the OHW on a recreational development lake, due to  
184 setback issues.

185 Julie Dahl stated the property has been in the family for over sixty-five (65) years. Dahl stated  
186 the little cabin that has been there all these years is now in need of replacement. Dahl added that  
187 they now have young grand children in the family and the structure is not safe for them with the  
188 mold and other issues. Dahl added the future goal is to make this property their full time  
189 residence when they retire. She added to achieve this goal they would like to update their septic  
190 system and add a drainfield.

191  
192 Kessler asked if the existing structure was going to be removed and replaced. Dahl explained  
193 using the drawing supplied with the proposal. They would like to replace and slightly enlarge  
194 "A" from a 24x36 foot structure to a 28x52 foot structure and replace in the footprint the 12x16  
195 foot structure between "A" and "C".

196  
197 Richard Dahl stated you can see through the walls, there is no insulation, and the bedrooms are  
198 5x6 feet, very small. Brufloodt questioned the bedroom size. Dahl stated you can barely get a bed  
199 into the rooms, you walk in and you are on the bed.

200  
201 Kovala asked if they were going to have a three (3) foot deck on the lakeside. Dahl replied yes.  
202

203 Johnston asked if the new structure was going to be one story. Dahl replied it would be two (2)  
204 stories with gutters.

205  
206 No one spoke in favor of the application. No one spoke against the application. There was no  
207 written correspondence for or against the application. At this time, testimony was closed.  
208 Chairman Brufloft opened the matter for discussion by the Board.

209  
210 Kessler stated homes adjacent to this property all line up so it would not change the character of  
211 the neighborhood.

212  
213 Bender stated they do not have the ability to move much farther back.

214  
215 Kovala stated the existing building is in need of some real help and updating, adding he is in  
216 favor of removing and replacing the structure.

217  
218 Bender asked about the variance in the proposal from 2001 for a garage to be placed at forty-one  
219 (41) feet from the township road. Vareberg advised the variance examples in the proposal are  
220 from other parcels in the neighborhood to show that there have been variances granted to  
221 surrounding neighbors in the past.

222  
223 Kovala stated the tour measured eighty-five (85) feet to the OHW from the orange flag.

224  
225 **Motion: Kovala** made a motion to **approve** the proposal as modified to construct an addition to  
226 a non-conforming dwelling to be located at eighty-five (85) feet from the ordinary high water  
227 mark of the lake, deviating from the required setback of one hundred (100) feet from the OHW  
228 on a recreational development lake, due to setback issues with the stipulation that rain gutters are  
229 installed so that water is deflected away from the lake.

230  
231 **Bender second. All in favor. Motion carried. Variance approved.**

232  
233 **FOURTH ORDER OF BUSINESS: APPLICANT: Jason & Tanya Haakenson Project**  
234 **Location:** 21659 N Pearl Lake Rd **TAX ID NUMBER:** 17.0823.000 **APPLICATION AND**  
235 **DESCRIPTION OF PROJECT:** Request a variance to construct a patio to be located at eighty-  
236 eight (88) feet and a dwelling to be located at sixty-four (64) feet from the ordinary high water  
237 mark of the lake, deviating from the required setback of one hundred (100) feet from the OHW  
238 on a recreational development lake. Also, requesting to construct a dwelling to be located at  
239 thirty-five (35) feet from the centerline of a township road, deviating from the required setback  
240 of fifty-three (53) feet from the centerline of a township road on a riparian lot, all due to setback  
241 issues.

242  
243 Vareberg presented the application.

244

245 Jason & Tanya Haakenson were present. Haakenson explained the application to construct a  
246 patio to be located at eighty-eight (88) feet and a dwelling to be located at sixty-four (64) feet  
247 from the ordinary high water mark of the lake, deviating from the required setback of one  
248 hundred (100) feet from the OHW on a recreational development lake and to construct a  
249 dwelling to be located at thirty-five (35) feet from the centerline of a township road, deviating  
250 from the required setback of fifty-three (53) feet from the centerline of a township road on a  
251 riparian lot, all due to setback issues.

252

253 Haakenson stated that to be able to build on the property they would need a variance from some  
254 if not all of the setbacks because of the unique shape and size of the property. Haakenson stated  
255 when the lot was established the setbacks were less, if any. Haakenson stated they initially  
256 started with a larger plan and eventually had to go smaller and smaller because of the narrow and  
257 irregular lot shape. Haakenson stated the proposal would be in harmony with the neighbors.  
258 Haakenson stated the request is minimal for their needs, 2 bedroom and two bathrooms upstairs,  
259 and four bedrooms downstairs in the walkout, with a two car attached garage. Haakenson added  
260 a hardship has been created by having to meet the setbacks to two roads and a lake. Haakenson  
261 explained that they have six children and want to accommodate them all, including looking  
262 forward to future needs.

263

264 Kovala asked about the tar in the front that is going right down to the lake. Haakenson stated  
265 they do not own the road in its entirety, it is built on the property line and the other portion is  
266 owned by their neighbor. Haakenson added it was a property from 1960 and in the past there had  
267 been a trailer down there. Haakenson stated they had removed the trailer last summer after it had  
268 started on fire. Haakenson stated they are currently at 13% lot coverage.

269

270 Brufloft recommended something should be done to void the stormwater runoff from running  
271 down to the lake. Haakenson stated they could do landscaping around it. Kovala asked where  
272 they would place it. Haakenson replied they could trap it with rock gardens similar to how the  
273 neighbors have. Haakenson also noted they plan to put the septic in front.

274

275 Bender asked how far from the property line will it be from the neighbors. Haakenson replied it  
276 will be five (5) feet from the south and six (6) feet from the north. Bender asked if they would  
277 need a variance to the side lot line as well. Bartee explained the width of a property is  
278 determined at the most narrow of the two building setbacks (lake and road). In Haakenson's case  
279 the width at the narrowest building setback is from the ROW at fifty (50) feet. This would allow  
280 them to meet the Ordinance's regulation to have a side property setback for a lot width less than  
281 one hundred (100) feet, which is 10% of lot width no less than five (5) feet. In Haakenson's case  
282 they need to meet a five (5) foot side line setback.

283

284 Haakenson added they are also removing a tree.

285

286 Kovala asked if there is a septic tank. Haakenson replied there was but they are removing the  
287 existing one and putting it on the road side and the drainfield will be placed across the road like  
288 the neighbors.

289  
290 Kovala asked if there is a well. Owner replied yes there is on the north side of the house. Kovala  
291 asked if that is where the road was. Haakenson replied no.

292  
293 No one spoke in favor of the application. No one spoke against the application. There was no  
294 written correspondence for or against the application. At this time, testimony was closed.  
295 Chairman Brufloft opened the matter for disussion by the Board.

296  
297 Johnston stated there was a hardship due to the shape of the lot, noting they have done  
298 everything they can do to put a house there with in the setbacks. He added that he did not feel  
299 they could have done anything different.

300  
301 Brufloft asked if something should be done with the asphalt, acknowledging that half of the path  
302 belonged to the neighbors. Brufloft stated they could take out their portion and put in trees and  
303 be required to show proof to the county of its completion.

304  
305 Kovala stated trees and branches were in the way and they should come out too.

306  
307 Johnston stated he believed it was in the Pelican River Watershed District. Johnston stated they  
308 could control it with a rain garden out front.

309  
310 Brufloft added french drains could help; nothing would go to the surface, just underground.

311  
312 Bender stated it should be stipulated to remove the asphalt. Brufloft stated you cannot force the  
313 neighbors to remove their portion. Haakenson offered to put holes in it. Vareberg stated there  
314 could be an easement or some type of arrangement recorded about the path, not allowing them  
315 full control or full ownership of the path. Bender stated they should have to show proof there is  
316 something done to void the water from the asphalt.

317  
318 **Motion: Bender** made a motion to **approve** the proposal as presented to construct a patio to be  
319 located at eighty-eight (88) feet and a dwelling to be located at sixty-four (64) feet from the  
320 ordinary high water mark of the lake, deviating from the required setback of one hundred (100)  
321 feet from the OHW on a recreational development lake. Also, to construct a dwelling to be  
322 located at thirty-five (35) feet from the centerline of a township road, deviating from the required  
323 setback of fifty-three (53) feet from the centerline of a township road on a riparian lot, all due to  
324 setback issues based on the fact it is the best plan for a house on the lot, the lot is being used in a  
325 reasonable manor, and it is consistent with other houses in the area with the stipulations that  
326 gutters and french drains are installed to control stormwater from the structures, and must also  
327 show proof there is something done to void the stormwater runoff from the asphalt.

328  
329 **Johnston second. All in favor. Motion carried. Variance approved.**

330

331 **FIFTH ORDER OF BUSINESS: APPLICANT: David & Sandra Taves Trust:** Co Hwy 6  
332 Detroit Lakes, MN 56501 **TAX ID NUMBER:** 19.0049.001 **APPLICATION AND**  
333 **DESCRIPTION OF PROJECT:** Request a variance to construct a shed to be located at  
334 seventy-four (74) feet from the centerline of a county highway, deviating from the required  
335 setback of ninety-five (95) feet from the centerline of a county highway, due to setback issues.

336  
337 Vareberg presented the application.

338  
339 John Taves was present. Taves explained the application to construct a shed to be located at  
340 seventy-four (74) feet from the centerline of a county highway, deviating from the required  
341 setback of ninety-five (95) feet from the centerline of a county highway, due to setback issues.  
342 Taves stated the shed would house a shop and office on his parent's property. Taves stated the  
343 business is experiencing issues with room getting trucks turned around. The tight quarters caused  
344 a \$20,000 accident on the property. Taves stated they could maybe move slightly more to the  
345 west to the house to make more room but it is a tight fit with twenty-five (25) foot long trailers.  
346 He added the building is also needed to house decent restrooms for the employees.

347  
348 Kovala asked if he was planning on moving the proposed location west towards the house. Taves  
349 asked if he had to be seventy-four (74) feet away from the centerline of the township road to the  
350 eaves, or from the wall. Vareberg replied the setback is measured from the footings/wall. Taves  
351 stated there were grain bins that were closer in the past and the current buildings are at the same  
352 setback of seventy (74) feet, as they are requesting for the proposed building. They would like  
353 the buildings to be in line.

354  
355 Brufloft stated that he drives past that area every day and notices it is well kept and hardly  
356 notices that it is there.

357  
358 Kovala stated there is a flock of buildings there and adding another would not change the  
359 character of the property. Kovala stated he is in favor if the proposal.

360  
361 Kessler, King, and Johnson also stated they were in favor.

362  
363 No one spoke in favor of the application. No one spoke against the application. There was no  
364 written correspondence for or against the application. At this time, testimony was closed.  
365 Chairman Brufloft opened the matter for disussion by the Board.

366  
367 **Motion: Kovala** made a motion to **approve** the proposal as presented to construct a shed with  
368 an office and shop to be located at seventy-four (74) feet from the centerline of a county  
369 highway, deviating from the required setback of ninety-five (95) feet from the centerline of a

370 county highway, due to setback issues, based on the fact that it would be in line with all of the  
371 other current structures on the property and it would not change the character of the property.

372

373 **Bender second. All in favor. Motion carried. Variance approved.**

374

375 **SIXTH ORDER OF BUSINESS: APPLICANT: Roger Saba:** 40340 Little Toad Lake Rd  
376 Frazee, MN 56544 **Tax ID Number: 15.0232.000 APPLICATION AND DESCRIPTION OF**  
377 **PROJECT:** Request for an after the fact variance to construct a deck to be located at zero (0)  
378 feet from the side property line, deviating from the required setback of eight (8) feet from the  
379 side property line, due to setback issues.

380

381 Vareberg presented the application.

382

383 Roger Saba was present. Saba explained the application request for an after the fact variance to  
384 construct a deck to be located at zero (0) feet from the side property line, deviating from the  
385 required setback of eight (8) feet from the side property line, due to setback issues. Saba stated  
386 the deck was constructed in the spring of 2005 and was constructed by a contractor. Saba stated  
387 at the time the property lines were not clarified as they are today. Saba stated the purpose of the  
388 deck was to get them up out of the water as it came down the hill and pooled near the house. The  
389 size of the deck was minimal, twelve (12) feet water ward by twenty (20) feet which is the width  
390 of the building. Saba stated it was now determined that it could possibly encroach the property  
391 line by inches. Saba stated the easiest fix was to bring it back two (2) feet and get it off the  
392 property line.

393

394 Bender asked how long Saba had owned the parcel and was the issue created by the sale of the  
395 other lots around him being sold off by his family. Saba stated the family had owned the property  
396 since 1968 and prior it had been a resort. Land was sold around it leaving this odd shaped lot.  
397 Saba stated the man who owned the resort sold off the resort and cabins one by one. Saba said  
398 his family resided there as properties were being sold and at one time they bought another sixty  
399 (60) feet of woods to the north to have an eighty (80) foot wide lot, originally there was only  
400 twenty (20) feet. Saba added they only have a minimal view of the lake and the deck is the only  
401 place they have to view it from.

402

403 Kessler asked who resides at the house at the top of the hill. Saba stated the small cabin with the  
404 deck is just a seasonal place, his mother lives at the cabin the top of the hill. Saba stated him and  
405 his wife moved in last year to take care of her and stay down in the seasonal cabin in the summer  
406 months to get more space.

407

408 Bender asked how Saba could make the deck fit in the setbacks. Saba stated he could move the  
409 posts back two (2) feet and the bottom steps as well.

410  
411 Saba stated the structure is free standing and not attached to the cabin, and is the only entry  
412 access in to the cabin.

413  
414 Kovala asked what the size of the deck was. Saba replied 10x20 feet and they would move it  
415 back two (2) feet to get it off of the property line.

416  
417 Kessler asked if they could move it to the other side. Saba stated there is an open area there and  
418 that is how they get down to the lake. When they go down with their vehicles it would be in the  
419 way. Brufloft asked if there was enough room for a deck and road access. Saba replied no.  
420 Kessler asked what about the south side. Saba stated that is where the utilities are. Johnston  
421 asked if they could get the deck five (5) feet away from the property line. Saba stated if this was  
422 the case they would only have a seven (7) foot deck. Johnston asked what if they just removed  
423 the corner. Saba stated it would become more.

424  
425 Kovala asked when it was built. Saba replied 2005, not 2003 like the proposal stated, they had  
426 been unsure when they originally completed the application. Saba explained they did some  
427 research to verify and recalled it was done just prior to the quit claim deed in 2005. Kovala stated  
428 it is a unique property that looks to the lake and he is unsure why Saba needs a deck. Saba stated  
429 that water runoff accumulates in front of the cabin. Bender stated there are other better options to  
430 deal with water runoff then to build a deck over it.

431  
432 Brufloft asked the owner to step up to show the Board the issue with the access path to the lake  
433 and why there would not be room for a deck there. Saba showed how there was no room due to  
434 vegetation on the other side. Brufloft asked why they have trailers and cars going down there.  
435 Saba said they use it for dock and boat removal. Kovala asked why they couldn't bring them to  
436 the public boat launch.

437  
438 Roger Anderson, owner of 15.0417.000 40336 Little Toad Rd, spoke against the application.  
439 Anderson stated he lived on the parcel to the south of Saba and noted the deck was built without  
440 a permit and was encroaching on his property line. Anderson stated he had issues with Saba in  
441 the past claiming they drive on his property, tore down a fence several times and that he had had  
442 the sheriff out due to these civil matters. Anderson stated it was not the side lot line that was  
443 being encroached on but the rear line. Vareberg stated it was Saba's side lot line and Anderson's  
444 rear property line.

445  
446 No one spoke in favor of the application. There was no written correspondence for or against the  
447 application. At this time, testimony was closed. Chairman Brufloft opened the matter for  
448 disussion by the Board.

449

450 Kessler asked if there was a permit to build. Vareberg said no. Kessler stated it should never  
451 have been built adding that he could have built at five (5) feet from the property line but not  
452 without a permit. Kessler stated he needs to be a minimum of five feet away.

453  
454 Bender asked if the need for the variance is due to the unique shape of the property because of  
455 how the family split it up. Bender added the hardship cannot be due to owner infliction. Vareberg  
456 stated at the time the parcel was split the Ordinance did not exist so there were no setbacks  
457 established.

458  
459 Johnston asked if it could be modified to four (4) feet to get him off of the property line. Bruflo  
460 dt stated he would have to be off the line by five (5) feet and that is a gift on a non-permitted after  
461 the fact deck. Bruflo dt stated if Saba had come to the Board with the same request beforehand  
462 they would not have approved it as is. King stated he felt the same. Johnston asked if they  
463 removed the deck how long can it be. Vareberg stated he could still have a 4x8 foot landing  
464 however he wanted to build it for access to the cabin. Bruflo dt stated Saba could have a 4x8 foot  
465 landing to come in and out and do a smaller deck on the other side of the cabin.

466  
467 **Motion:** Kessler made a motion to **deny** the proposal as presented to construct an after the fact  
468 variance to construct a deck to be located at zero (0) feet from the side property line, deviating  
469 from the required setback of eight (8) feet from the side property line, due to setback issues  
470 based on the fact there is better placement for the deck.

471  
472 **Kovala second. All in favor. Motion carried. Variance denied.**

473  
474 **SEVENTH ORDER OF BUSINESS: Informational Meeting.** The next informational  
475 meeting is scheduled for Thursday, July 5th, 2018 at 7:00 a.m. in the 3<sup>rd</sup> Floor Meeting Room of  
476 the Original Courthouse.

477  
478 As there was no further business to come before the Board, Kovala made a motion to adjourn the  
479 meeting. King seconded. All in favor. Motion carried. Meeting adjourned.

480  
481 \_\_\_\_\_ ATTEST \_\_\_\_\_  
482 Jim Bruflo dt, Chairman Kyle Vareberg,  
483 Planning and Zoning Administrator

484