

Becker County Board of Adjustments
April 8th, 2021

Present: Members: Acting Chairman Lee Kessler, Michael Sharp, Craig Hall, Justin Knopf, Delvaughn King, Zoning Administrator Kyle Vareberg and E911/Zoning Technician Rachel Bartee. Absent was Roger Boatman.

Acting Chairman Lee Kessler called the meeting to order at 6:00 p.m. E911/Zoning Technician Rachel Bartee recorded the minutes.

Introductions were given.

Acting Chairman Lee Kessler explained the protocol for the meeting and **Sharp** read the criteria for which a variance could be granted.

Sharp made a motion to approve the minutes as modified for the February 4th, 2021 minutes. **King** seconded. All in favor, Motion carried.

NEW BUSINESS:

FIRST ORDER OF BUSINESS: APPLICANT: James and Jacquelyn Schaeftbauer 3709 22nd St S Fargo, ND 58104 **Project Location:** 15683 W Munson Ln Detroit Lakes, MN 56501 **LEGAL LAND DESCRIPTION: Tax ID Number: 19.1714.000 & 19.1720.000; 19.1714.000** Section 05 Township 138 Range 041; RAYMAR BEACH 138 41 LOT 1 & N1/2 OF LOT 2 & **17.1720.000** Section 05 Township 138 Range 041; RAYMAR ESTATES Block 002 LOT 1; Lake View Township
APPLICATION AND DESCRIPTION OF PROJECT: Request a variance to construct a deck to be located at seventy-six (76) feet and a dwelling & attached garage to be located at eighty-six (86) feet from the OHW of a lake, deviating from the required setback of one hundred (100) feet from a recreational development lake, due to setback issues.

Vareberg presented the application.

Owner James Schaeftbauer and Authorized Agent Hunter Briard were present. Schaeftbauer explained the request to construct a deck to be located at seventy-six (76) feet and dwelling to be at eighty-six (86) feet from the OHW. Schaeftbauer stated the lot has been in the family since 1989 and they plan on retiring here. They would like to remodel the property to make it a functional year-round dwelling with an attached garage. Contractor Briard stated the current structure is not soundly built, it has cinderblock walls and foundation. The structure needs to be completely redone to make it a permanent dwelling. Schaeftbauer stated they will keep the current location, which is in line with neighbors. Schaeftbauer stated there are no neighbors to the north to give them a common line for them to use the setback averaging option allowed in the Ordinance. Schaeftbauer said they will move the deck back a foot however they are stuck on the front end or they get to close to the ROW.

44 Hall stated at the tour the Board measured from the SW end was eight (8) feet too close to the ROW.
45 Schaeftbauer replied they are thirty-seven (37) feet from the street edge, but we must be twenty (20) feet
46 from the pin. Schaeftbauer stated he could reduce the garage by four (4) feet that would give us sixteen (16)
47 feet from the pin and forty (40) feet from the road edge. Briard noted that would reduce the garage to thirty
48 (30) feet in width. Hall noted concern that the ROW setback was not notified to the Lake View township
49 Board, they were only notified there would be a request to the lake set back. Hall stated the request should
50 be remodified to the public and the township if they are asking for a modified request. Kessler stated if you
51 drive down West Munson Lake Dr there are garages in the ROW. Kessler added if you compare this request
52 to the neighbors, it is compatible with the neighborhood. Hall noted that he is on a township board and
53 noted it is common to received complaints about snowplow concerns and damages caused by structures
54 being too close. Hall added just because people build in the ROW does not mean you should do it.
55 Schaeftbauer stated it is very tight for the doors we want, but sixteen (16) feet puts us a full forty (40) feet
56 from the actual physical street.

57

58 No one spoke for or against the application. There was no written correspondence for or against the
59 application. At this time, testimony was closed. Acting Chairman Lee Kessler opened the matter for
60 discussion by the Board.

61

62 Hall stated this notice was a lake setback not a ROW setback, the township board is not aware of the
63 modified request.

64

65 King noted the well is on the ROW.

66

67 Briard stated we could stay twenty (20) feet from the ROW if we shift the project closer towards the lake
68 to seventy- four (74) feet or seventy-two (72) feet and we would still be well outside of the shore impact
69 zone.

70

71 Sharp stated he would be comfortable with that.

72

73 **Motion:** Sharp made a motion to **approve** a variance as modified to construct a deck to be located at sixty-
74 seven (67) feet versus the requested seventy-six (76) feet and a dwelling & attached garage to be located at
75 seventy-seven (77) feet versus the requested eighty-six (86) feet from the OHW of a lake, deviating from
76 the required setback of one hundred (100) feet from a recreational development lake, due to setback issues,
77 due to the fact the request is modest, reasonable, there is only a modest increase in impervious coverage,
78 and it will not alter the character of the locality, all neighbors have a similar setback.

79

80 **King second.** All in favor. **Motion carried.** Variance **approved.**

81

82 **SECOND ORDER OF BUSINESS: APPLICANT: Jeffrey & Melody Bober** 17890 Co Hwy 38

83 Frazee, MN 56544 **Project Location:** 17890 Co Hwy 38 Frazee, MN 56544 **LEGAL LAND**

84 **DESCRIPTION: Tax ID Number:** 37.0165.000; Section 29 Township 139 Range 037; HAYWOOD

85 HILLS 139 37 Block 001; 29-139-37 LOT 3 & PT LOT 4: BEG MOST NLY COR LOT 3 TH SELY

86 415.59', SWLY 459.30' TO WOLF LK, NWLY 598' AL LK TO NWLY LN LOT 3, TH NELY 327.79'

87 TO POB; Wolf Lake Township **APPLICATION AND DESCRIPTION OF PROJECT:** Request a

88 variance to construct an addition to a dwelling to be located at one hundred and forty-four (144) feet from
89 the lake, deviating from the required setback of one hundred and fifty (150) feet due to topography and
90 setback issues.

91
92 Vareberg presented the application.

93
94 Owner Jeffrey Bober was present. Bober explained the request for an addition. Bober stated they recently
95 purchased the lot on 9/6/19. Bober added they thought the property had previously been approved for a
96 similar addition and it would be a simple permit to renew. Bober referenced the application from the
97 previous owner in the packet. Bober stated at the time of purchase they were under in the impression Wolf
98 Lake was a recreational development lake needing a one hundred (100) foot setback, however, after
99 applying they were told the lake was a natural environment lake with a one hundred fifty (150) foot setback.
100 Bober explained this is the best placement for the addition based on the floor plan. There are bedrooms on
101 either end of the house, the center of the house holds the main living and dining areas, which make it best
102 suited for the sunroom addition. Bober stated he would be willing to modify his request for the patio
103 addition if need be, but they would like the extra space when we have family visiting. Bober stated they
104 downsized moving to the cabin, they were on Little Pelican Lake for several years and that house was
105 almost double the size. Bober stated the current cabin can get crowded, and they would like a surface for
106 patio chairs to enjoy the lake. Bober stated they are only asking for eight (8) feet closer than what was
107 approved before.

108 Bober mentioned he did talk to Bruce Johnson, a neighbor who volunteered to come to the meeting.
109 Johnson told him he needed 3 variances for his place and is in support of the Bober addition.

110
111 Kessler noted at the tour the Board measured the request to be at one hundred thirty (136) feet instead of
112 one hundred forty-four (144) feet.

113
114 No one spoke for or against the application. There was no written correspondence for or against the
115 application. At this time, testimony was closed. Acting Chairman Lee Kessler opened the matter for
116 discussion by the Board.

117
118 Hall stated he was in favor, noting the request would not bother or negatively impact anyone's enjoyment
119 of the lake.

120
121 King stated it is a very reasonable request for the area.

122
123 **Motion:** Hall made a motion to **approve** a variance as modified to construct an addition to a dwelling and
124 a patio to be located at one hundred thirty-six (136) feet versus the requested one hundred and forty-four
125 (144) feet from the lake, deviating from the required setback of one hundred and fifty (150) feet due to
126 topography and setback issues.

127
128 **Knopf second.** All in favor. **Motion carried.** Variance **approved.**

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130 **THIRD ORDER OF BUSINESS: APPLICANT: Paul & Beth Renner** 1373 Burroughs Rd Detroit
131 Lakes, MN 56501 **Project Location:** 290th Ave Detroit Lakes, MN 56501 **LEGAL LAND**

132 **DESCRIPTION: Tax ID Number: 03.0073.001;** Section 07 Township 138 Range 040; PT GOVT LOT
133 4: BEG SW COR TH N 666.96', E 149.01', S 666.43', TH W 150' TO SW COR & POB.

134 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a dwelling &
135 attached garage to be located at sixty-eight (68) feet from the centerline of a township road, deviating
136 from the required setback of seventy-eight (78) feet from the centerline of a township road on a non-
137 riparian lot. Also, requesting a variance to construct a dwelling and a patio to be located at thirty (30) feet
138 from the rear lot line, deviating from the required setback of forty (40) feet from the rear lot line. All due
139 to setback issues and lot size.

140

141 Vareberg presented the application.

142

143 Owner Paul Renner was present. Renner explained the request to construct a dwelling and garage to be at
144 sixty-eight (68) feet from the centerline of a township road and to have a patio at thirty (30) feet from the
145 rear lot line. Renner stated the parcel is very narrow, only one hundred fifty (150) feet deep. Renner noted
146 they built a shop on the property 10 years ago with intentions of building their retirement home here. Renner
147 stated they currently live in the city limits and are ready to move back out into the county. Kessler asked if
148 the Renner owned the storage buildings to the north. Renner replied he did not.

149

150 No one spoke for or against the application. There was no written correspondence for or against the
151 application. At this time, testimony was closed. Acting Chairman Lee Kessler opened the matter for
152 discussion by the Board.

153

154 Hall noted it is a very narrow lot and Renner is doing the best he can to fit a reasonable structure on the
155 lot.

156

157 Knopf stated the neighbor has closer setbacks.

158

159 Renner added he is very near the city limits and if this request were within the city he would be within
160 their guidelines.

161

162 **Motion:** Knopf made a motion to **approve** a variance as presented to construct a dwelling & attached
163 garage to be located at sixty-eight (68) feet from the centerline of a township road, deviating from the
164 required setback of seventy-eight (78) feet from the centerline of a township road on a non-riparian lot.
165 Also, approved a variance to construct a dwelling and a patio to be located at thirty (30) feet from the rear
166 lot line, deviating from the required setback of forty (40) feet from the rear lot line. All due to setback issues
167 and lot size, due to the fact the application is reasonable, it is a very narrow lot, it is going to improve the
168 property, and it fits within the character of the locality.

169

170 **King second.** All in favor. **Motion carried.** Variance **approved.**

171

172 **FORTH ORDER OF BUSINESS: APPLICANT: Philip & Tracy Erb** 36540 St Hwy 87 Frazee, MN
173 56544 **Project Location:** Acorn Lake Rd Frazee, MN 56544 **LEGAL LAND DESCRIPTION: Tax ID**
174 **Number: 03.0405.000;** Section 29 Township 138 Range 040; ACORN BEACH 1ST ADD Lot 001; LOT
175 1, 2 ACORN BCH 1ST. PT LOT 3 BLK 1 WEGNER SHRS: COMM SLY COR LOT 1 BLK 1 ACORN

176 BCH 1ST, NE 14.78' TO POB, SE 76.26', NE 266' TO ACORN LK, NW AL LK 81.11', SW 225.72' TO
177 POB. (03.0406); Burlington Township **APPLICATION AND DESCRIPTION OF PROJECT:**

178 Request a variance to construct a deck to be located at fifty (50) feet and a dwelling to be located at sixty-
179 two (62) feet from the OHW of the lake, deviating from the required setback of one hundred (100) feet
180 from a recreational development lake, due to topography and setback issues.

181
182 Vareberg presented the application.

183
184 Owner Philip Erb was present virtually. Erb explained the request for a deck to be located at fifty (50) feet
185 and dwelling to be at sixty-two (62) feet from the OHW of the lake. Erb stated the request is for a minimal
186 structure, a park model and deck, to be placed on the lot closer to the lake, as it fits best there due to the
187 topography of the lot.

188
189 Hall asked if it will be placed on a permanent foundation. Erb replied it will be on wheels, just a
190 temporary structure.

191
192 Sharp asked if the plan is to construct a permanent structure later. Erb replied yes. Kessler asked if they
193 plan on placing the permanent structure further back. Erb replied yes, eventually they would like a
194 dwelling with a walkout basement that would fit into the existing bank. Erb stated a walkout would work
195 best on this lot and it could easily be at one hundred (100) feet from the OHW.

196
197 No one spoke for or against the application. There was no written correspondence for or against the
198 application. At this time, testimony was closed. Acting Chairman Lee Kessler opened the matter for
199 discussion by the Board.

200
201 Hall stated it was a reasonable request, noting water runs right through here but he was not worried as it is
202 a temporary structure.

203
204 Sharp stated the Board should consider conditions/stipulations that this is a temporary location, we do not
205 want to come back in 5 years and find a permanent structure here. A dwelling should meet the required
206 setback.

207
208 **Motion:** Sharp made a motion to **approve** a variance as modified to construct a deck to be located at fifty
209 (50) feet and a camper/park model to be located at sixty-two (62) feet from the OHW of the lake, deviating
210 from the required setback of one hundred (100) feet from a recreational development lake, due to
211 topography and setback issues, due to the fact it is a reasonable request, and the neighbor has a similar
212 setback, with the stipulation the variance will be for a park model or camper only.

213
214 **Hall second.** All in favor. **Motion carried.** Variance **approved.**

215
216 **FIFTH ORDER OF BUSINESS: APLICANT: Guy O Hatlie & Judy Hatlie Living Trust** 1306
217 Gates Ave Manhattan Beach, CA 90266 **Project Location:** 12691 W Lake Sallie Dr Detroit Lakes, MN
218 56501 **LEGAL LAND DESCRIPTION: Tax ID Number: 19.1758.000;** Section 19 Township 138
219 Range 041SHOREHAM 138 41 Block 002 E 42 1/2 FT OF LOT 6. **APPLICATION AND**

220 **DESCRIPTION OF PROJECT:** Request a variance to construct two decks to be located at three (3)
221 feet from the side property line, due to setback issues.

222
223 Vareberg presented the application.

224
225 Owner Guy Hatlie was present virtually and Authorized Agent Steve Hershberger was present in person.
226 Hershberger explained the request to construct two (2) decks to be located at three (3) feet from the side
227 property lines due to the fact the lot is extremely narrow. Kessler stated the deck is at the proper distance
228 on the east side and needs three (3) feet on the west side. Knopf asked if they are removing the patio areas.
229 Hershberger replied yes, we are removing concrete and patio block. Knopf noted there is also a shed listed
230 on the site permit, are you are adding an additional shed or is the existing shed to be removed. Hershberger
231 replied the old shed will be removed and replaced with the new one. Hershberger noted the shed will not
232 need a variance.

233 Kessler stated this lot is like most of the ones on the south shore of Lake Sallie.

234
235 No one spoke for or against the application. There was no written correspondence for or against the
236 application. At this time, testimony was closed. Acting Chairman Lee Kessler opened the matter for
237 discussion by the Board.

238
239 Sharp stated this is very similar to lots in this location and noted it is a very reasonable request.

240
241 Hall stated the building is already there, he is not a fan of three (3) feet, but it is a reasonable request as
242 the existing cabin is non-conforming built one hundred (100) years ago.

243
244 **Motion:** Sharp made a motion to **approve** a variance to construct two decks to be located at three (3) feet
245 from the side property lines, due to setback issues due to the fact it is a reasonable request, the lot has a
246 low impervious coverage, the request is outside of the shore impact zone, and it fits within the character
247 of the locality.

248
249 **Hall second.** All in favor. **Motion carried.** Variance **approved.**

250
251 **SIXTH ORDER OF BUSINESS: APPLICANT: Gayle & Carole Stoltman 32163 420 Ave NW**
252 **Argyle, MN 56713 Project Location: 13315 W Lake Sallie Dr Detroit Lakes, MN 56501 LEGAL**
253 **LAND DESCRIPTION: Tax ID Number: 19.0355.006; Section 18 Township 138 Range 041; 18-138-**
254 **41 PT GOVT LOT 8: COMM NW COR GOVT LOT 8, E 1105.53' TO CTR RD, S AL RD 501.23' TO**
255 **POB; S AL RD 100.3', E 152.07' TO LK SALLIE, N AL LK 103.34', W 162.36' TO POB. PT GOVT**
256 **LOT 8: BEG PT 400' S OF N LN GOVT LOT 8 AND CTR N-S TWP RD, E TO LK SALLY, N AL LK**
257 **100' W TO CTR RD, N TO POB. AND PT GOVT LOT 8: BEG PT 300' S OF N LN GOVT LOT 8**
258 **AND CTR N-S TWP RD, E TO LK SALLY, S 100', W TO CTR RD, N TO POB. LESS PT BEG PT**
259 **300' S OF N LN GOVT LOT 8 AND CTR N-S TWP RD, E TO LK SALLY, S 50', W TO CTR RD, N**
260 **TO POB.; Lake View Township APPLICATION AND DESCRIPTION OF PROJECT: Request a**
261 **variance to construct an addition to an existing detached garage to be located at seventy (70) feet from the**
262 **OHW of a lake, deviating from the required setback of seventy-five (75) from a general development**
263 **lake, due to setback issues.**

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Vareberg presented the application.

Owners Gayle and Carole Stoltman were present in person. Stoltman explained the request to construct an addition to an existing detached garage to be located at seventy (70) feet from the OHW. Stoltman stated they purchased the property in 2007 and built a house without a variance. In 2011 we built a garage and when staff came out, they told us we had seventy-five (75) feet if we stayed even with the house. When we applied for a permit this year zoning staff told us we were only at seventy (70) feet. I remember measuring with zoning staff (Julene) back in 2011 and we measured seventy-five (75) feet, I am not sure how we lost five (5). The purpose of the addition is to make more room for our seven (7) grandkids, and we would like to add a bathroom in the garage.

Hall asked if they own the lot to the south also. Stoltman replied yes, they bought it about a year ago and combined it with this lot.

A letter in favor of the request was presented to the Board from neighbor Roger Demers, owner of parcel 19.0355.004:

Hello Rachel,

I will be unable to attend this hearing on April 8th. So I thought I would email you.

I am in Favor of Granting Gayle and Carole Stoltman the 5 foot Variance to add an addition to an existing detached garage. They are my neighbors to the south.

Our lots are very high - like 15 feet above the water line - and if you measure from where they plan to build and count the feet down the lake shore - I think it's very close to 75 feet. If we factor in how many old houses on the South side of the lake are way less than 50 feet from the shoreline - I think this small 5 foot variance should be granted.

Thank you for considering my request.

Roger Demers
13343 West Lake Sallie Drive
Detroit Lakes, MN

Home address:
1571 18th Avenue East
West Fargo, ND 58078

No one spoke for or against the application. There was no written correspondence against the application. At this time, testimony was closed. Acting Chairman Lee Kessler opened the matter for discussion by the Board.

307 Knopf stated he saw no issue with the project, they thought they were seventy-five (75) feet feet but they
308 are only five (5) feet off, it is a very reasonable request.

309

310 **Motion:** Hall made a motion to **approve** a variance to construct an addition to an existing detached garage
311 to be located at seventy (70) feet from the OHW of a lake, deviating from the required setback of seventy-
312 five (75) from a general development lake, due to setback issues due to the fact it is a reasonable request.

313

314 **King second.** All in favor. **Motion carried.** Variance **approved.**

315

316 **SEVENTH ORDER OF BUSINESS: APPLICANT: Lyle & Correen Pederson** 7640 550th St

317 Dumont, MN 56236 **Project Location:** Two Inlets Dr Park Rapids, MN 56470 **LEGAL LAND**

318 **DESCRIPTION: Tax ID Number: 34.0061.001;** Section 11 Township 141 Range 036; 11-141-36 PT

319 GOVT LOT 3: COMM NW COR GOVT LOT 3, S 705.22' TO CTR RD AND POB: WLY AL RD

320 760.16', SLY 30.27', SW 88.19', SLY 300.39' TO LK, SWLY AL LK TO W LN GOVT LOT 3, N TO

321 POB. LESS PT S & W OF CREEK AND LN: COMM NW COR GOVT LOT 3, S 887.8', E 239.03',

322 SLY TO LK AND POB; N TO CTR CREEK AND TERM. TRACT 1. **APPLICATION AND**

323 **DESCRIPTION OF PROJECT:** Request a variance to construct a gazebo to be located at twenty (20)

324 feet from the OHW of the tributary and twelve (12) feet from the OHW of lake, deviating from the

325 required setback of one hundred (100) feet from the OHW of a recreational development lake and a

326 tributary.

327

328 Vareberg presented the application.

329

330 Owner Lyle Pederson was present. Pederson explained the request to construct a gazebo to be located at

331 twenty (20) feet from the OHW of the tributary and twelve (12) feet from the OHW of lake. Pederson stated

332 he was not aware he needed a permit for this structure, they had a similar structure in the same location for

333 5 years previously. Pederson stated he has 18 grandkids that frequently visit the property, however; one is

334 blind, and one has seizures, which is why they needed a gazebo. Pederson noted they submitted documents

335 verifying the children's illnesses with his application. Pederson stated last summer the previous aluminum

336 gazabo they had purchased from Fleet Farm was damaged in a storm, so they replaced it with a sturdier

337 one. Now we received a complaint for an unpermitted structure. Pederson stated the new gazebo is easily

338 movable, and the 4 of them can move it up from the lake in the winter months if required. Pederson stated

339 he does not feel the structure is causing any harm to the lake for a few months in the summer.

340

341 Kessler asked if it is enclosed. Pederson replied, no it just has a roof to keep the children out of the sun.

342 Pederson added we have a long board walk with the river going thru the lot and we have a wetland so the

343 only place it can be is the high part where it is currently located. There is a ridge there, there is nowhere

344 else to locate it.

345

346 Sharp asked if there are any other places to put this that will serve your needs. Pederson stated no, there is

347 nowhere else near the lake they would place it. They could place it behind the house but that is a long way

348 from the beach and the young kids would like to be with the rest of the family at the lake. Pederson added

349 he cannot even put it back ten (10) feet because it would be in the wetland. Pederson stated this is a family

350 property and we would like for everyone to be able to use the beach. Pederson stated he would be open to

351 another location if the Board could recommend one. Peterson stated it is currently located in the only high

352 spot, there is wetland to the east. Pederson stated they even considered placing/hoisting something up in
353 the trees however the Ordinance does not allow that either.

354
355 A letter in opposition of the request was presented to the Board from the Two Inlets Township Board:

356
357 This opinion is on behalf of the Two Inlets Township Supervisors:

358
359 We do believe the Pederson family does need to be able to have a shelter in their beach area
360 to protect their handicapped grandchildren, due to the proximity of the house. However, we
361 believe the proposed setback distances from river and lake are not adequate to protect our
362 waters from harmful runoff from a wooden structure. There appears to be enough room to
363 increase these distances some and may require some tree removal. We also believe a fabric sun
364 shade and brick or paver stone platform would be more appropriate to avoid the possibility of
365 harmful runoff from an impervious structure so close to the waters. We suggest you look at the
366 sight and offer them an alternative that will still meet their family's needs and protect our
367 resources as best we can.

368
369 Dennis Wright
370 Roxanne Eischens
371 David Keller
372 Two Inlets Township Board

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374 A letter in favor of the request was presented to the Board from the Two Inlets Lake Association:

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376 As president of the Two Inlets Lake Assoc. an attempt was made to inform all lake residents of
377 the request via email. Only 1 resident voiced concern on the matter of a total of 68
378 members. Therefore, the lake association has no objection to granting the variance because,

- 379 1) The water setback issues on this property are very restricting and would make
380 placement of any building difficult.
381 2) The disabilities of the 2 grandchildren and the placement of the main house would
382 impact the monitoring of the children and quick response if a medical or other issue
383 developed. Therefore, the children's freedom to enjoy the beach could be impacted.

384 We request however, that any non-permanent structures already in place, tent like screen
385 house, would be removed and never replaced.

386 Thank you for the job you do,
387 Glen Wolters
388 President Two Inlets Lake Association
389 218-699-3244

390
391 No one spoke for or against the application. At this time, testimony was closed. Acting Chairman Lee
392 Kessler opened the matter for discussion by the Board.

393
394 Sharp stated the structure was already there, although it is very close, this is not permanent structure.
395

396 **Motion:** Knopf made a motion to **approve** a variance to construct a gazebo to be located at twenty (20)
397 feet from the OHW of the tributary and twelve (12) feet from the OHW of lake, deviating from the required
398 setback of one hundred (100) feet from the OHW of a recreational development lake and a tributary.

399

400 **King second.** All in favor. **Motion carried.** Variance **approved.**

401

402 **EIGHTH ORDER OF BUSINESS: APPLICANT: Arneson Holdings LLC** P.O. Box 9949 Fargo,
403 ND 58106 **Project Location:** N US HWY 59 Detroit Lakes MN 56501 **LEGAL LAND**

404 **DESCRIPTION: Tax ID Number: 08.1228.503;** Section 21 Township 139 Range 041; SEABERG'S
405 SUBDIVISION; 21-139-41 LOT 003 **APPLICATION AND DESCRIPTION OF PROJECT:** Request
406 a variance to exceed allowable impervious surface.

407

408 Vareberg presented the application.

409

410 Owner Cale Arneson and John Olson from Apex Engineering Group were present. Olson explained the
411 request to exceed allowable impervious surface. Olson stated the current zoning allows the lot to cover
412 25%. Olson stated they would like to modify the request to be at 38% coverage using both parcels owned
413 by Arneson (08.1228.502 & 08.1228.503; Lots 2 and 3 of Seaberg's Subdivision). Olson stated they have
414 worked on a mitigation plan to be completed through the Pelican River Watershed District through a
415 stormwater pollution protection plan. Olson presented a plan that will satisfy the watershed. Olson noted a
416 stormwater plan is intended for a 1.1-inch rain fall event, however the plan that they created is three (3)
417 times that, for a 3.06-inch rainfall event.

418

419 Vareberg stated that a half mile north of this lot Foltz (08.0292.002) developed some land and the Board
420 previously approved them to be at 70% in 2017 (Document #642264). Vareberg also noted there is
421 property to both the north and south that is zoned industrial which can have 35% coverage within the
422 Ordinance. Vareberg also noted commercially zoned lots are allowed to have 30% coverage, however this
423 lot is zoned Agricultural. This lot has been used commercially for the last 30+ years and needs a variance
424 to exceed 25%. Vareberg noted the proposed impervious was only on one lot, however they own both so
425 they can combine the lots which will clean up the title and reduces the impervious on the other lot.

426

427 Knopf asked if Pelican Watershed has reviewed the plan. Olson replied, no not yet, however they created
428 the plan to exceed the rain fall standards by three (3) times to meet their requirements, so they expect it to
429 be approved. Knopf stated he was in favor of the project pending the amendment to combine the lots.

430

431 Kessler asked how the lot will be accessed. Arneson stated it will be accessed most of the time from St
432 Hwy 59 and occasionally from Stony Rd. Arneson stated people often drop off jet skis through Stony Rd.
433 Arneson stated it is easier to park in the back when they drop stuff off. Arneson noted the new layout will
434 help with access issues. Kessler asked if there is a ROW on south property line. Olson stated it is
435 powerline easement, which Ottetail Power is trying to relocate the easement to clean up the legal,
436 because the actual structure is not located where the easement is, it is further to the south. Olson stated the
437 St Hwy 59 access on the map is a city owned easement, the existing access is the one south. Hall noted
438 they will have to clean up the property up to construct the buildings.

439

440 Kristen Branden, owner of parcel 08.0387.000, 18521 Stony Rd Detroit Lakes, MN 56501 was present to
441 ask questions on the project. Branden stated she has resided here for 9 years. Branden stated she has a
442 Stony Road driveway access, noting when the city vacated Stony Rd, they thought this would only be a
443 turn-around for the snowplow with no other property owners having access. Branden stated the city has
444 not followed through with finish-work such as no parking signs, installation of curbs and plants/grass, and
445 maintaining and mowing of area. Branden also stated they have issues with dirt bikes using the path.
446 Brandon stated the access he (Arneson) wants to use is a hazard if people are walking and biking on the
447 path, they will have to watch out for pedestrians. Branden added she knows he (Arneson) said he will use
448 Stony as a limited access, but I know it will get used more and I do not think Stony Road can handle that
449 type of traffic. Brandon also noted they were using the path to test out 4-wheelers until she complained.
450 Kessler replied this Board does not have a say over who uses that access, and she may want to take her
451 road issues up with the city or the township.

452
453 Branden stated people drive through this lot on snowmobiles all winter, will the new buildings cause the
454 trail to get moved. Kessler stated the new buildings may eliminate someone driving though this property.
455 Arneson stated he did not see anyone on snowmobiles run through our property, most ride down St Hwy
456 59. Vareberg stated there is no designated trail there.

457
458 Arneson stated these lots are a big gravel pit but we are doing our best to control the stormwater and clean
459 them up to make it good. Arneson stated they have been working on cleaning up the lots, however they
460 purchased the lots last fall just before winter and have not had much time before freeze-up to complete
461 their clean-up work. Olson stated the stormwater treatment will have a shallow infiltration basin to help
462 keep the mitigation as a maintainable as possible. Kessler stated the lots will be getting much improved.

463
464 No one spoke for the application. There was no written correspondence for or against the application. At
465 this time, testimony was closed. Acting Chairman Lee Kessler opened the matter for discussion by the
466 Board.

467
468 Sharp stated cleaning up the lots will improve the character of the locality.

469
470 Hall agreed.

471
472 **Motion:** Hall made a motion to **approve** a variance to exceed allowable impervious surface, to be at 39%
473 lot coverage, with the stipulation that lots 08.1228.503 and 08.1228.502 (Lots 2 and 3 of Seaberg's
474 Subdivision) be combined.

475
476 **Sharp second.** All in favor. **Motion carried.** Variance **approved.**

477
478 **NINTH ORDER OF BUSINESS: APPLICANT: Terry L. Mackner** 30523 St Hwy 34 Detroit Lakes,
479 MN 56501 **Project Location:** 14854 E Munson Dr Detroit Lakes, MN 56501 **LEGAL LAND**
480 **DESCRIPTION: Tax ID Number: 19.1165.000;** Section 08 Township 138 Range 041; DUTTON'S
481 REARRANGEMT LOTS 61 TO 64 INCL. LIFE ESTATE TO ARNOLD MACKNER **APPLICATION**
482 **AND DESCRIPTION OF PROJECT:** Request to construct a second story addition to be located at
483 twenty-five (25) feet and an addition to an existing non-conforming structure, to be located at forty-seven

484 (47) feet from the OHW of the lake, deviating from the required setback of one hundred (100) feet from a
485 recreational development lake, due to setback issues.

486
487 Vareberg presented the application.

488
489 Owner Terry Mackner was present. Mackner explained the request to construct a second story addition to
490 his existing non-conforming structure and to add an addition onto the back of it. Kessler asked how long
491 the cabin is. Mackner replied 26 feet, the existing structure is 22x26 per application.

492
493 Kessler stated the cabin is in the shore impact zone and you want a second story. Kessler asked if
494 Mackner could move the cabin back and then add on. Mackner stated the previous owner put it on the
495 highest ground, I am not requesting to go any closer to the lake than the existing structure, I am well
496 within the side setbacks and I am on a dead end. Mackner added, the second story will extend front to
497 back but will not be a full level, it will have a steeper pitched roof on 4/12 pitch to a 6 or 8/12 pitch. The
498 second story is for an additional bedroom. Kessler stated so you are just changing the roof line and then
499 the addition will be behind, it will not be a full story. King asked will the stairs go up from the new
500 addition. Mackner replied yes.

501
502 Hall asked how old the existing structure is. Vareberg replied assessors' records show 1969. Hall asked
503 what the foundation consisted of. Mackner replied cinderblock with an insulated crawl space.

504
505 Kessler asked if the request is in the shore impact zone. Vareberg said there was still snow there when he
506 and Mackner measured out there a month ago, at the tour, the Board measurement was different.

507
508 Hall stated it is a reasonable request, given the lake and the rest of homes on it.

509
510 King stated there is no place else he can go; it is all low to the south.

511
512 **Motion:** Hall made a motion to **approve** a variance as modified to construct a second story addition on
513 the existing non-conforming cabin, to be located at twenty-nine (29) feet and a new two story addition
514 located on the east side of the cabin, with the addition to be no closer than the existing east wall (no closer
515 to the lake than the existing cabin), deviating from the required setback of one hundred (100) feet from a
516 recreational development lake, due to setback issues, due to the fact it is a reasonable request, there is no
517 other place to build as the lot is all low to the south, the request is no closer to the lake than the existing
518 structure, and it fits within the character of the locality.

519
520 **King second.** All in favor. **Motion carried.** Variance **approved.**

521
522 **TENTH ORDER OF BUSINESS: Informational Meeting.** The next informational meeting is
523 scheduled for Thursday, May 6th, 2021 at 8:00 a.m. in the 3rd Floor Zoning Meeting Room of the Original
524 Courthouse. As there was no further business to come before the Board, **King** made a motion to adjourn
525 the meeting. **Sharp** seconded. All in favor. Motion carried. Meeting adjourned.

526
527 _____ ATTEST _____

528 Acting Chairman Lee Kessler
529

Kyle Vareberg,
Planning and Zoning Administrator