

**Becker County Board of Adjustments
September 14th, 2017**

Present: Members: Chairman Jim Bruflodt, Jim Kovala, Harry Johnston, Steve Spaeth, Lee Kessler, Planning and Zoning Administrator Kyle Vareberg, and E911/Zoning Technician Rachel Bartee. Absent were Roger Boatman and Brad Bender.

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 August 10th, 2017 meeting. **Kessler** seconded. The motion passed unanimously. Motion carried.

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

OLD BUSINESS:

FIRST ORDER OF BUSINESS: APPLICANT: Dustin & Angie Holte Project Location: 16005 221st St., Audubon, MN 56511 **Tax ID Number:** 07.0164.000 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a dwelling and attached garage, to be located at one hundred seventeen (117) feet from the ordinary high water mark of the lake, deviating from the required setback of one hundred fifty (150) feet from a natural environment lake. This application had been tabled from the July 13th, 2017 meeting by the applicant.

Bruflodt stated that Holte had submitted a request in writing tabling his variance request until the October hearing and requested to be removed from the agenda.

NEW BUSINESS:

SECOND ORDER OF BUSINESS: APPLICANT: Randall & Cynthia Henriksen Project Location: 11706 Co Hwy 11 Audubon, MN 56511 **LEGAL LAND DESCRIPTION:** Tax ID Number: 170349000 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a detached garage seven (7) feet from the road right of way, deviating from the required setback of forty-five (45) feet from the right of way for a county highway, due to setback issues.

Vareberg presented the application.

43 Randall Henriksen was present. Henriksen explained the application for a variance to construct a
44 detached garage seven (7) feet from the road right of way. Henriksen stated his intent is to tear
45 down the existing garage and build new in the same location, adding a half a story for sleeping
46 quarters. Spaeth clarified that the application indicates Henriksen is not building in the exact
47 footprint, but is expanding the structure size. The owner replied the current garage is 24x28 feet
48 and the request is to make it six (6) feet longer. Spaeth indicated concrete is located out front;
49 inquiring if this could be removed and the garage moved further back, closer to the house.
50 Henriksen replied that the space between the house and garage is needed for the placement of the
51 septic system. Spaeth asked if the septic could be placed between the road and the garage.
52 Henriksen replied he was unsure if there was enough room to do so. Henriksen added that
53 eventually their goal is to update the house and move it toward the garage and further from the
54 lake. Spaeth stated that the house is currently only thirty-one (31) feet from the garage.
55 Henriksen stated the septic has to be ten (10) feet from each structure.

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57 Kessler asked if Henriksen parks his car in the garage. Henriksen replied no. Kessler asked
58 Henriksen to confirm he would never have to enter the garage with a vehicle. Henriksen replied
59 he currently keeps a motorcycle in the garage and several lake toys. Spaeth asked if he would
60 store a pontoon in there. Henriksen stated he purchased a shed up the hill from his property for
61 pontoon storage. Kessler asked if Henriksen were to rebuild the house someday if he would
62 consider using the garage for parking a vehicle in the winter. Henriksen replied no.

63
64 Brufloft stated the request shows the lot coverage at 24%, asking how big of a house he was
65 intending on building in the future. Henriksen replied they are intending to build up, which
66 would not increase the impervious space, adding that the current cabin is minimal. Henriksen
67 noted the expansion would be for more sleeping room for his grandchildren. Brufloft asked how
68 far the garage will be from the house. Spaeth replied seven (7) feet from the house. Spaeth stated
69 the highway centerline was not placed where it was actually surveyed to be, noting that the
70 actual physical distance to the centerline of the highway was more than the thirty-three (33) feet
71 indicated on the proposal. Johnston stated during the tour the Board measured the physical
72 distance at forty-nine (49) feet from the centerline. Johnston noted the measurement to the
73 nearest side property line was eight (8) feet. Spaeth stated the property is less than one hundred
74 (100) feet wide, therefore the setback requirement is 10% of the lot width, requiring the setback
75 to be a minimum of seven (7) feet on this parcel.

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77 Kovala asked Henriksen if any concrete would be removed. Henriksen replied the asphalt in
78 front of the existing driveway would be removed. Henriksen stated the 8x10 foot deck has rock
79 under it, not concrete, noting this eighty (80) square feet could be removed from the impervious
80 calculation. Henriksen stated the property is unique in that his brother in law owns the parcel to
81 the north allowing both families to share yard space.

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83 Kovala stated the garage and house appear in good condition, asking why improvements are
84 being requested. Henrikson replied more sleeping space for visiting grandchildren and a
85 bunkhouse over the garage would better accommodate their needs. Henrikson stated they are not
86 requesting to increase the impervious space. Henrikson explained the expansion would be built
87 over the preexisting sixteen (16) foot concrete slab on the north side of the garage. Henrikson
88 stated the garage would contain a bathroom; therefore, per the septic contractor, the location
89 would work best for the septic installation between the garage and the house.

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

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95 Spaeth stated the proposal for expanding the garage fits well with the property. Spaeth stated the
96 current dwelling is located in the shore impact zone, commenting variance proposals with
97 structures in the shore impact zone are not preferred. Spaeth indicated he would like all
98 structures removed from the shore impact zone, noting everything from the house forward to the
99 lake should be removed.

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101 Johnston asked if the request was for two residences to be on the property. Spaeth explained no
102 kitchen would be in the bunkhouse; therefore it would not be a request for a second residence.

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104 Spaeth noted it should be stipulated that there will never be a door open to the northside, to
105 eliminate parking. He added the placement of the road sixteen (16) feet from the surveyed
106 location allows for more room than the requested amount, noting the road was recently redone so
107 he does not expect it to be moved in the foreseeable future.

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109 Brufloft asked Henrikson what his hardship is. Henrikson stated he currently has concrete in the
110 location where he intends to build, indicating it is already an impervious surface. Henrikson
111 added he would like to add a bathroom and sleeping quarters for his growing family. Brufloft
112 asked why Henrikson could not accomplish that in the current 24x28 foot structure. Henrikson
113 replied that it would be tight and they would lose room with the stairway and bathroom addition.
114 Brufloft asked how many bedrooms Henrikson intends on adding. Henrikson replied 3-4
115 bedrooms are proposed. Spaeth stated Henrikson's practical difficulty is a substandard lot, noting
116 it is one hundred forty-six (146) feet long. Spaeth stated with a lot this size it would be very
117 difficult to maintain a garage and house. Brufloft stated Henrikson will be back to get a variance
118 for the house in the future.

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120 Johnston noted the house is located in the shore impact zone, however the garage is not. Johnston
121 stated that he is in favor of the proposal as long as the lot coverage remains under 25% and the
122 garage remains one hundred (100) feet from the OHW of the lake.

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124 Kessler stated he was in favor of the proposal as long as it did not expand beyond the current
125 concrete apron.

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127 Spaeth stated all structures should be removed from the lakeside of the house, including his patio
128 and deck, allowing Henrikson a 4x6 foot landing. Kessler stated this landing would not be out
129 of the shore impact zone. Spaeth explained a 4x6 foot landing is allowed per the ordinance.

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131 Johnston noted presently there are downspouts on the house and the ground slopes toward the
132 lake. Spaeth stated they can add to the motion the requirement to control all water run off with
133 french drains or some sort of mitigation.

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135 **Motion: Spaeth** made a motion to **approve** the application to construct a 28x30 foot detached
136 garage with an apron and second story, seven (7) feet from the road right of way, deviating from
137 the required setback of forty-five (45) feet from the right of way for a county highway, due to
138 setback issues and the fact that the property is a substandard lot, with the stipulation that all
139 structures including patios and decks, are removed from the lakeside of the house, all water from
140 the house and garage are controlled to prevent runoff from to the lake through mitigation, and the
141 entrance of the garage must be positioned to the north, and never to the roadside. Findings
142 include the centerline of the road is curved away to the east resulting in the garage sitting farther
143 away from the ROW than shown in the survey.

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

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147 **New Business:**

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149 **THIRD ORDER OF BUSINESS: APPLICANT: Donald & Marjorie McCullagh Project**
150 **Location:** 11419 Lake Maud Dr. Detroit Lakes, MN 56501 **Tax ID Number:** 170319000
151 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a
152 deck forty-four (44) feet and construct a dwelling fifty-five (55) feet from the OHW of the lake,
153 deviating from the required setback of one hundred (100) feet from the OHW on a recreational
154 development lake. Requesting a variance to construct an attached garage five (5) feet and a
155 carport five (5) feet from the side property lines, deviating from the required setback of ten (10)
156 feet from the side property line of a residential lot one hundred (100) feet wide or wider. All
157 requests due to setback issues, lot size not in compliance with minimum standards, and
158 topographical issues.

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160 Vareberg presented the application.

161
162 Donald McCullagh was present. McCullagh explained the application. McCullagh stated his
163 original intent was to rebuild in the existing footprint, however they discovered the existing
164 garage is only twenty-two (22) feet deep and their pontoon necessitates a twenty-eight foot deep

165 garage when on the trailer. McCullagh stated he is willing to give up the request for a five (5)
166 foot variance on the west side of the property and try to grow grass there instead of constructing
167 the proposed carport. Spaeth requested clarification that this was on the left as you look at the
168 lake. McCullagh replied yes.

169
170 McCullagh stated their intent is to improve the neighborhood with their proposal. McCullagh
171 stated he is attempting to reduce the impervious space on the property and increase the grass
172 coverage. McCullagh explained they want to add twenty-eight (28) square feet to the house and
173 one hundred fifty-six (156) square feet to the garage to make it deeper to accommodate their
174 pontoon. McCullagh added they will be removing the current carport and have decided not to
175 replace it but keep it open space for their drainfield. McCullagh further explained they would
176 like the garage to be five (5) feet from the east side property line. McCullagh stated they are
177 willing to give up the concrete shaped like a '7' in the front of the house and change the size of
178 the laundry room and tip it 90 degrees and make the garage one hundred (100) feet from the lake
179 and one hundred (100) feet from the road. This would leave more space for the drainfield.
180 McCullagh stated the current garage is three (3) feet four inches from the property line noting
181 that the requested five feet, although requiring a variance, is an improvement from the current
182 location. McCullagh added the increase to the house is to square off the area in the back in the
183 south east corner. McCullagh stated the Board came up with improved measurements to several
184 setbacks during their tour. McCullagh stated improvements include the width was determined
185 fifty-two feet (52) not fifty feet (50) and forty-seven feet (47) not forty-four (44) feet. McCullagh
186 stated the current lot coverage is over 25% and he is reducing that considerably, for example he
187 is willing to remove impervious brick and have decking materials put in its place.

188
189 Kovala requested clarification on the location of the carport. McCullagh explained there used to
190 be a trailer located at this location, but it has been removed. McCullagh stated they have recanted
191 their request for a carport and will be growing grass there so they can use it for a drainfield.
192 Kovala noted there is a shed by the lake. McCullagh replied they are not requesting a variance
193 for the shed as it is an existing structure and not being rebuilt. In addition the back measurement
194 to the lake is hard to determine, stating he does not see how it could be set any better, and adding
195 the neighbors do not mind its location.

196
197 Kessler asked to clarify the proposed location of the garage at five (5) feet from the property line.
198 Kessler asked if the garage could be slid over five (5) additional feet west to meet the ten (10)
199 foot side property lot line requirement. McCullagh stated he may be able to move it over slightly,
200 however he needs the space for the drainfield. Brufloft asked if this was an issue now that they
201 are removing the carport. Brufloft asked where the existing drainfield is located. McCullagh
202 replied he was not sure where the current location was, he added the septic contractor advised
203 him of the location the new one would need to be placed. Brufloft asked by moving the whole
204 plan over five (5) feet would it encroach on the drainfield. McCullagh replied he was not sure if

205 it would or not. Bruflo dt stated if it was moved over five (5) feet he could have what he wanted.
206 McCullagh asked if they would lose their deck on the lakeside. McCullagh added there is only
207 ten (10) feet between the house and the elevations on the left; this is the primary location where
208 they want to spend their time. Bruflo dt replied you can put your deck on the front. McCullagh
209 replied that it was too close. Spaeth replied it would be too close.

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211 Spaeth stated McCullagh is asking for many variances in the proposed plan because it is what he
212 wants, which is not an acceptable practical difficulty. Spaeth added McCullagh may need to
213 work with the lot and plan something else that fits within the lots setback requirements. Bruflo dt
214 stated McCullagh needs to use the buildable area that is ten (10) feet from the side property line
215 and no closer to the water than what is currently there now. Bruflo dt added from the proposal it
216 appears it can all be moved over ten (10) feet. McCullagh replied he would be hesitant to change
217 the leveling there. Bruflo dt replied maybe you have to reconsider the whole thing. McCullagh
218 stated he would be willing to move a few feet over on the garage if his contractor said he would
219 have enough room for the drainfield.

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221 Spaeth stated that he was in favor of adhering to the ten (10) foot side yard setback and the
222 removal of all structures in the shore impact zone. This would include moving the 10x20 foot
223 shed back from the water. Bruflo dt noted the shore impact zone on the lake is fifty (50) feet on
224 this lake. McCullagh replied he could move the shed back 20 feet.

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226 Bruflo dt stated he was in favor of the current carport being removed and the garage to meet the
227 ten (10) foot side setback. McCullagh asked if there was any way he could be closer than the
228 required ten (10) foot setback so he does not have to move the house. Bruflo dt replied he must
229 move the garage over, which would encroach on the side wall and the laundry room; however the
230 door could be moved to the other side. McCullagh replied he could turn the room so the twelve
231 (12) foot side is adjacent to the house. Bruflo dt replied it is not the forward setback that concerns
232 the Board; it is the side setback they would like to see met. Spaeth asked if the garage could be
233 made narrower to meet this requirement. McCullagh stated this would make a twenty-two (22)
234 foot wide garage, which is substandard. Spaeth replied this is your lot, maybe there is not enough
235 room for a drainfield on it. McCullagh replied a drainfield is a priority, asking if the Board
236 would at all consider anything less than ten (10) feet from the side lot line. Bruflo dt replied that
237 five (5) feet to the overall look of the house is not much, adding currently there is very minimal
238 walking space between his property and the neighbors. McCullagh stated he would be willing to
239 meet the ten (10) foot required side setback.

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241 McCullagh asked if there was any way he could be allowed to leave the boathouse in its current
242 location as they are not rebuilding the structure just residing and shingling. Spaeth explained the
243 structure is located in the shore impact zone which is not in compliance with current standards.
244 Spaeth stated McCullagh could rebuild everything he currently has in the exact same footprint

245 with no expansions, however if he wants to expand he must follow the guidelines. Bruflo
246 stated the concern is the measurement and not the design, adding can you fit a home, garage, and
247 shed on this lot, is it the one you want, maybe not. McCullagh asked what if the septic does not
248 fit. Bruflo replied maybe you have to make it smaller to add room for your drainfield. Spaeth
249 stated the expansion is over five hundred (500) square feet. McCullagh replied no, it is not that
250 large, referencing the sketch in the proposal. Kessler noted the new deck is forty-four (44) feet
251 from the lake, which is less than the required fifty (50) feet. McCullagh stated when the Board
252 toured the property they measured it to be forty-seven and a half (47 1/2) feet. McCullagh stated
253 he would be willing to cut a few feet off the deck, changing it from a fourteen (14) foot deck to a
254 ten (10) foot deck.

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256 No one spoke in favor of the application. No one spoke against the application. There was no
257 written correspondence for or against the application. At this time, testimony was closed.
258 Chairman Bruflo opened the matter for discussion by the Board.

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260 **Motion: Johnston** made a motion to **approve** the application as amended to construct a deck at
261 fifty (50) feet and allow an addition to the house to be constructed at fifty-five (55) feet from the
262 from the OHW of the lake, deviating from the required setback of one hundred (100) feet from
263 the OHW on a recreational development lake. All requests due to setback issues, lot size not in
264 compliance with minimum standards, and topographical issues, with the stipulation all structures
265 are removed from the shore impact zone, all side property setbacks must be met at ten (10) feet,
266 no more than 25% impervious surface coverage will be allowed, and all water must be controlled
267 through mitigation.

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269 **Spaeth second. All in favor. Motion carried. Variance approved with stipulations.**

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271 **FORTH ORDER OF BUSINESS: APPLICANT: Ronald & Rachael Windloss Project**
272 **Location:** 20156 Co Rd 131 Detroit Lakes, MN 56501 **LEGAL LAND DESCRIPTION:** Tax
273 ID Number: 08.0922.000 Section 10 Township 139 Range 041 **APPLICATION AND**
274 **DESCRIPTION OF PROJECT:** Request a variance to construct a dwelling forty-five (45) feet
275 from the ordinary high water mark of the lake, deviating from the required setback of seventy-
276 five (75) feet from the OHW on a general development lake, due to setback issues.

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278 Vareberg presented the application.

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280 Ronald & Rachael Windloss were present. Windloss explained the application request to fill in
281 the northwest corner of their cabin with an 11x14 foot addition. Spaeth verified the location of
282 the shore impact zone on the lake is at thirty-seven and a half (37.5) feet from the OHW. Kessler
283 stated on the tour, the Board measured the setback to the house at fifty (50) feet, not the forty-
284 five (45) feet from the ordinary high water mark of the lake, as was indicated on the application.
285 This would place the requested addition also at fifty (50) feet as it is to be built flush with the
286 current house.

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Kessler stated he felt this was a reasonable request and should be approved.

Spaeth agreed it is a good plan, noting no structures will be in the shore impact zone. Spaeth also noted the boathouse qualifies as a water orientated structure and the side lots are minimum.

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

Motion: Spaeth made a motion to **approve** the application as presented to construct an addition to a non-conforming dwelling to be at fifty (50) feet from the ordinary high water mark of the lake, deviating from the required setback of seventy-five (75) feet from the OHW on a general development lake, due to setback issues, with the stipulation to control all water run off with mitigation.

Kessler second. All in favor. Motion carried. Variance approved with stipulations.

FIFTH ORDER OF BUSINESS: APPLICANT: Merle & Susan Hanson LEGAL LAND DESCRIPTION: Tax ID Number: 17.0251.000 Section 22 Township 138 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a dwelling seventy-three (73) feet from the ordinary high water mark of the lake, deviating from the required setback of one hundred (100) feet from the OHW on a recreational development lake, due to setback issues.

Vareberg presented the application.

Merle & Susan Hanson were present. Hanson explained the application request to construct a dwelling closer to the lake than setbacks allow, as they have a substandard lot. Hanson stated they would like room for a septic and drainfield, adding the garage has to stay in the same location. Hanson explained they would be seventy-three (73) feet back from the OHW at the start of the eight (8) foot long deck with the building and attached garage behind that.

Spaeth asked if the side property setback would be 6.6 feet from either side. Hanson replied yes. Spaeth explained the width is sixty-six (66) feet at this point on the property, therefore, the property line set back would be 10% of the width, allowing a minimum setback of 6.6 feet. Spaeth asked if they had a shed down by the water. Hanson replied yes. Spaeth asked if the neighbor had a shed there. Hanson replied yes, on a slab.

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

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Kessler stated it may be hard to rebuild the cabin as the width at the lake is only thirty-six (36) feet and the width at the road is seventy-four (74) feet.

Johnston stated storm water must be controlled.

Motion: Spaeth made a motion to **approve** the application as presented, to construct a dwelling seventy-three (73) feet from the ordinary high water mark of the lake, deviating from the required setback of one hundred (100) feet from the OHW on a recreational development lake, due to setback issues, stipulating all stormwater runoff must be controlled by mitigation.

Kovala second. All in favor. Motion carried. Variance approved.

SIXTH ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, October 5th, 2017 at 7:00 a.m. in the 3rd Floor Meeting Room of the Original Courthouse.

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

_____ ATTEST _____
Jim Bruflo, Chairman Kyle Vareberg,
Planning and Zoning Administrator