

**Becker County Board of Adjustments
April 12th, 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 not present.

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 November 9th, 2017 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: Dana & Rita Tomlinson, Authorized agents for Michael & Stacey Nelson **Project Location:** 24428 Riverside Road, Detroit Lakes **Tax ID Number:** 19.1375.104 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a dwelling, to be located at fifty (50) feet from the ordinary high water mark of the lake, deviating from the required setback of seventy (75) feet from the OHW on a general development lake, due to setback and topographical issues.

Vareberg presented the application.

Dana & Rita Tomlinson were present. Tomlinson explained the application to construct a new dwelling, to be located at fifty (50) feet from the ordinary high water mark of the lake. Tomlinson stated the existing dwelling on the property is non-conforming due to the distance to side property and OHW (ordinary high water) setback. The dwelling is currently twenty-two (22) feet from the OHW. Tomlinson discussed the setback issues to the property explaining if the new dwelling was placed at the required seventy-five (75) foot setback it would place the structure too close to the easement road which would be a safety hazard. Tomlinson stated the proposed location would make the dwelling more conforming, as it would be placed further back from the OHW and would meet the side property setbacks. Tomlinson explained the proposed 40x80 ft. structure would be centered on the property so they would have 25-30 feet from the side property lines on either side. The proposed placement would also allow for 20+ feet from the easement road. Tomlinson explained the current dwelling shares a septic with neighboring properties,

42 noting the proposal includes a new septic servicing only the new dwelling. Tomlinson added the
43 proposed structure is in conformity with the rest of the neighborhood.

44

45 Tomlinson stated that Scott Walz, from Meadowland Surveying, was out to help locate the
46 property pins. He stated Jeff Rusness and Kyle Vareberg from the Planning and Zoning Office
47 went out to the property to do measurements. He also noted that Tera Guetter, Administrator for
48 Pelican River Watershed, had reviewed the project, and was in support of moving the dwelling
49 back. He said Guetter stated it was a modest request and there was practical difficulty shown.
50 After consulting with Guetter, Tomlinson stated they have decided to construct a rain garden and
51 plan on controlling all water runoff.

52

53 Brufloft noted due to the weather and snow accumulation during the Board tour to the property it
54 was difficult to tell if there was a natural berm there. Tomlinson replied that there was no natural
55 berm, it slopes down.

56

57 There was written correspondence for the application. Vareberg read an email submitted by
58 Mark S A Smith, owner of parcel 19.1375.103, 24420 Riverside Road, who wrote in favor of the
59 application.

60

61 Hello Rachel,

62

63 Molly (Margaret on the land record) and I are neighbors at 24420 Riverside Road,
64 adjacent to the Erickson's and the property that the Tomlinson's wish to build upon,

65

66 We support the Tomlinson's variance request for the setback to be 50 feet.

67

68 We feel that their development of this property will enhance the neighborhood and the
69 property values and without the variance the value will be compromised.

70

71 Thank you for your positive support of this variance.

72

73 Mark S A Smith

74

75 A second written correspondence for the application was submitted. Vareberg read an email
76 submitted by Phil and Beth Gilbert, owner of parcel 19.0625.002, 24490 Riverside Road , who
77 wrote in favor of the application.

78

79 Hello,

80 Beth and I are neighbors of the Tomlinson's at 24490 Riverside Road, adjacent to the
81 property to the East that the Tomlinson's wish to build upon. We support the Tomlinson's

82 variance request for the setback to be 50 feet. This setback would be an improvement
83 to the position of the existing structure and put the new structure's front in line with the
84 front of our house. Given the position of the bank and road, we believe this is a
85 reasonable and needed variance. I'm happy to answer any questions you might have at
86 the contact number below.
87

88 Regards,
89 Phil and Beth Gilbert
90 218-841-1416
91

92 Brufloft asked if they had created a stormwater management plan. Tomlinson replied they had.
93

94 Kessler asked if they had considered a berm. Tomlinson replied they would consider it, however
95 it really drops right off, adding they will do something because it slopes greatly down to the
96 beach. He stated their plan is to hire a landscaping company to help prevent drainage to the lake.
97 Tomlinson stated they plan to work with Vareberg and the PRWS to make a plan to control the
98 stormwater on the property.
99

100 John Erickson owner of parcel number 19.0637.000, 24410 Riverside Rd, Detroit Lakes, was
101 present and spoke for the application. Erickson stated he is a neighbor of the Tomlinson's
102 proposed residence, has lived in his current residence since 2005, and has been a property owner
103 in the area for much longer. Erickson stated he is in support of the proposed project. Erickson
104 stated it is a good proposal and will improve the neighborhood. Erickson encouraged the Board
105 to support the variance.
106

107 Tomlinson added his practical difficulty was the easement road that runs through the property,
108 which limits the building area.
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110 No one spoke against the application. There was no written correspondence against the
111 application. At this time, testimony was closed. Chairman Brufloft opened the matter for
112 discussion by the Board.
113

114 Brufloft stated the easement road is a minimally traveled road and serves only 4-5 residences.
115 Brufloft noted, requiring the dwelling to be back seventy-five (75) feet from the OHW would
116 place the house 11 (eleven) feet from the easement road. Brufloft stated he was in support of the
117 plan as proposed.
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119 Johnston stated he looked at the plat and enlarged it and determined they have proposed the best
120 placement. A copy of this enlargement has been added to the properties file in the office of
121 Planning and Zoning.

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Bender agreed that is was the best plan.

Kovala sated he is in favor of replacing the cabin.

Johnston stated the lot should be able to have a cabin, as it is a lot of record.

Motion: Kessler made a motion to approve the application as presented to construct a dwelling, to be located at fifty (50) feet from the ordinary high water mark of the lake, deviating from the required setback of seventy (75) feet from the OHW on a general development lake, due to setback and topographical issues, with the stipulation to control all stormwater, based on the fact the request is minimal, it is the best placement on the property, and the request is in line with existing structures in the area.

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

SECOND ORDER OF BUSINESS: APPLICANT: Dennis & Debra Nerud Project Location: 43561 218th St Osage, MN 56570 Tax ID Number: 33.0335.000 APPLICATION AND DESCRIPTION OF PROJECT: Request a variance to construct an addition, to an existing non-conforming structure, to be located at fifty-seven (57) 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.

Dennis Nerud was present. Nerud explained his application for an addition, to an existing non-conforming structure, to be located at fifty-seven (57) feet from the ordinary high water mark of the lake. Nerud stated they would like to add a 10x26 foot (260 square foot) addition to the east side of the cabin. Nerud stated they currently have a wall AC and baseboard heat and would like to update these fixtures and install a furnace and an AC unit. Nerud explained the HVAC unit would be more efficient for them when they lived their full time. Nerud stated the addition would include a closet as the cabin does not currently have one. Nerud added the addition would also include an office for Nerud’s wife, Debra. He explained they would like to retire and live there full time in the future noting an office would be a requirement for them to do so.

Nerud explained they would raise the cabin to match the roofline with the addition, and would not exceed the current height. Also the proposed addition would not extend further water ward, it would match the setback from the current structure. Nerud stated the reason for the request to build onto the east side of the structure is because the current septic system is located on the west side. Nerud added they plan to control stormwater by adding eve spouts on the cabin and garage with french drains.

164 Bender stated in 2012 there was a variance request which stipulated the removal of asphalt and a
165 concrete patio and convert them back to grass. Bender asked if this was referring to the slab that
166 was in front of the cabin 10 feet towards the lake. Nerud replied it had been completed.

167
168 Kessler asked if there were any living quarters above the garage. Nerud replied that the area
169 above the garage was used for crafting for his wife and her friends. He noted they used to have a
170 craft store in the late 90's however they still do summer crafting up there.

171
172 No one spoke in favor of the application. No one spoke against the application. There was no
173 written correspondence for or against the application. At this time, testimony was closed.
174 Chairman Brufloft opened the matter for discussion by the Board.

175
176 Kovala stated the practical difficulty was the small lot size. He added the ceiling height was
177 minimal, only 6 feet high in one area and the septic is on the other side, preventing expansion to
178 the west side of the dwelling. Kovala noted the proposed request does not decrease the existing
179 setback from the OHW and is out of the shore impact zone. Kovala added the impervious
180 coverage does not exceed 25%. Kovala noted it should be stipulated that gutters must be installed
181 to control stormwater run-off. Kovala stated the house is inline and conforming to other houses
182 on the lake.

183
184 Johnston stated he was in support of the proposal and read his findings (see list 1-7 below).

185
186 Vareberg stated that if there had not been a previous addition to the structure they would have
187 been able to get a permit in house, without a variance, for a 312 square foot addition.

188
189 **Motion:** Johnston made a motion to **approve** the proposal as presented to construct an
190 addition, to an existing non-conforming structure, to be located at fifty-seven (57) feet from the
191 ordinary high water mark of the lake, deviating from the required setback of one hundred (100)
192 feet from the OHW on a recreational development lake, due to setback issues, with the
193 stipulation to control all stormwater.

194
195 Motion was approved based on the following findings:

- 196 1. The practical difficulty is the structure is small for today's standards (24'x26') and the
197 ceilings inside are only 6' high in one area.
- 198 2. The only direction he can build is to the east due to the location of the sewer system, the
199 garage, the driveway to the garage, and the low unbuildable area to the north.
- 200 3. The addition/expansion does not exceed (50) percent of the total living area.
- 201 4. The addition/expansion will not decrease the setback of the existing structure form the
202 ordinary high water level and the request is no closer to the lake than the adjacent
203 homes/cabins.

- 204 5. The existing structure and addition is out of the shore impact area.
205 6. Impervious coverage does not exceed the requirements.
206 7. Gutters must be installed on both sides of the structure and the stormwater must be
207 controlled.

208

209 **Kessler second. All in favor. Motion carried. Variance approved.**

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211 **THIRD ORDER OF BUSINESS: APPLICANT: Gergen Family Trust, John Gergen;**
212 **Authorized Agent Steve Hershberger Project Location: 24308 Co Hwy 22, Detroit Lakes,**
213 **MN 56501 LEGAL LAND DESCRIPTION: Tax ID Number: 19.0925.000 APPLICATION**
214 **AND DESCRIPTION OF PROJECT: Request a variance to construct an addition to a non-**
215 **conforming structure, to be located at eight (8) feet from the side property line, deviating from**
216 **the required setback of ten (10) feet from the side property line for a lot greater than one hundred**
217 **(100) feet, due to setback issues.**

218

219 Vareberg presented the application.

220

221 Authorized Agent for Gergel Family Trust, Steve Hershberger, contractor, was present.
222 Hershberger explained the application to construct an addition to a non-conforming structure, to
223 be located at eight (8) feet from the side property line. Hershberger explained the addition was
224 requested to accommodate a 14x16 ft. (224 square feet) master bedroom addition. Hershberger
225 explained the addition was to extend 16 feet along the current side property, not to decrease the
226 existing side yard setback.

227

228 Bender asked what the practical difficulty was. Hershberger stated that the family is expanding
229 with children and grandchildren needing to be accommodated. They would like to create a quiet
230 place with more privacy to use when family is visiting. He explained the expansion was to
231 include a sitting room. Hershberger added that the current structure is very small with little room
232 to accommodate guests.

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

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238 Johnston stated he was in favor of approving the application as proposed as the request is no
239 closer to the side property line than the current structure. Johnston added the request is
240 reasonable as it is out of the shore impact zone and meets the seventy-five (75) foot setback from
241 the lake.

242

243 Bender stated in general the houses on that lake are close to the side property lines so the request
244 is in conformity with the rest of the neighborhood.

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246 **Motion: King** made a motion to **approve** the proposal as presented to construct an addition to a
247 non-conforming structure, to be located at eight (8) feet from the side property line, deviating
248 from the required setback of ten (10) feet from the side property line for a lot greater than one
249 hundred (100) feet, due to setback issues, based on the fact the request meets the OHW setback
250 and is out of the shore impact zone. The request is in conformity with the rest of the
251 neighborhood and is no closer to the side lot line than the current structure. Stipulations included
252 controlling all stormwater with gutters on the garage and house.

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

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256 **FORTH ORDER OF BUSINESS: ELECTION OF OFFICERS:**

257 Kovala made a motion to nominate Brufloft for the Chairman seat.

258 Kovala made a motion to nominate Kessler for the Vice Chairman seat.

259

260 Discussion was held.

261

262 Brufloft stated this would be his last year.

263

264 **Bender second. All in favor. Motion carried.**

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266 **FIFTH ORDER OF BUSINESS: Informational Meeting.** The next informational meeting is
267 scheduled for Thursday, May 3rd, 2018 at 7:00 a.m. in the 3rd Floor Meeting Room of the
268 Original Courthouse.

269

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

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_____ ATTEST _____

274 Jim Brufloft, Chairman

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Kyle Vareberg,
Planning and Zoning Administrator

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