

Becker County Board of Adjustments
July 12th, 2018

Present: Members: Chairman Jim Bruflodt, Jim Kovala, Harry Johnston, Delvaughn King, Lee Kessler, Roger Boatman, Planning and Zoning Administrator Kyle Vareberg and E911/Zoning Technician Rachel Bartee. Brad Bender 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 June 14th, 2018 meeting. **Boatman** 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: LeRoy & Vernice Wegner Project
Location: Co. Rd. 131 Detroit Lakes, MN 56501 **TAX ID NUMBER:** 08.0249.000
APPLICATION AND DESCRIPTION OF PROJECT: Request a variance to construct garage to be located at eighteen (18) feet from the ROW or sixty-two feet from the centerline of a county highway, deviating from the required setback of forty-five (45) ft. from the ROW or ninety-five (95) feet from the centerline of a county highway.

Vareberg presented the application.

LeRoy & Vernice Wegner were present. Wegner explained the application to construct garage to be located at eighteen (18) feet from the ROW or sixty-two feet from the centerline of a county highway, deviating from the required setback of forty-five (45) ft. from the ROW or ninety-five (95) feet from the centerline of a county highway, due to setback issues and lot size.

Wegner explained they plan on removing the garage with inside measurements of 11x22 ft. located on the lake lot (08.0965.000). Wegner stated they will also remove the 480 square foot garage on parcel 08.0249.000. Wegner stated they will replace the garages with one new garage parcel 08.0249.000, the parcel across the road from the lake, with one 28x48 foot garage. Wegner stated when the Board came out to do the tour, they recommended he move the garage further back from the ROW than the proposed eighteen (18) feet, to allow for parking and for

41 safety reasons. Wegner stated he would be willing to move the garage another four (4) feet
42 toward the rear property line.

43

44 Boatman stated moving it back twenty-two (22) feet from the ROW would allow room for
45 parking.

46

47 Vareberg stated moving it back four (4) feet would place the proposed garage sixteen (16) feet
48 from the rear property line, requiring a variance to the rear property setback in addition to a
49 variance of twenty-two (22) feet from the ROW.

50

51 Boatman replied he is in favor of moving the garage location four (4) feet closer to the rear
52 property line.

53

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

57

58 Bruflodt stated Wegner's original proposal was too close to the ROW. Bruflodt stated the new
59 proposal is much better than Wegner's request from last year and felt Wegner took the Boards
60 advice to find the best placement for the garage.

61

62 Boatman added the Boards past practice is to require a minimum of twenty (20) feet from the
63 ROW and Wegner's modified proposal to be located at twenty-two (22) feet from the ROW
64 exceeds their standards.

65

66 Johnston stated the Ordinance required setback from a township road is twenty (20) feet from the
67 ROW and Wegner is proposing to be located at twenty-two (22) feet; however they are on a
68 county highway not a township road.

69

70 Kessler asked Wegner if they are planning on doing work to the parcel on the other side of the
71 road next year. Kessler asked if they owned the parcel directly across from the back lot the
72 garage is to be located on. Wegner replied the lake lot is caddy-corner from the back lot,
73 approximately seventy (70) feet west from the lake side/house parcel.

74

75 Boatman asked Wegner if they will be removing the garage from the other side of the road.
76 Wegner replied yes they were.

77

78 **Motion: Boatman** made a motion to approve the application as modified to construct garage to
79 be located at twenty-two (22) feet from the ROW of a county highway, deviating from the
80 required setback of forty-five (45) ft. from the ROW of a county highway and to construct a

81 garage to be located at sixteen (16) feet from the rear property line, deviating from the required
82 setback of twenty (20) feet from the rear property line for a detached accessory structure, due to
83 the narrowness of the lot, the limited depth, and the unique topography, with the stipulation that
84 garage across the street is to be removed.

85
86
87 Board's findings submitted by Johnston include: The present garage is only 20x20 feet and does
88 not meet the owner's current needs and the lot is not deep enough to meet the county road
89 setbacks and needs a reasonable variance to be buildable. Stormwater management is not
90 recommended to be required as the property is across the street from the lake. The proposal is in
91 harmony and consistent with the comprehensive plan and the neighborhood.

92
93 **Kovala second. All in favor. Motion carried.** Variance modified and **approved with**
94 **stipulations.**

95 **SECOND ORDER OF BUSINESS: APPLICANT: Andrew & Renee Dahlen Project**
96 **Location:** 33543 N Cotton Lake Rd Rochert, MN 56578 **TAX ID NUMBER:** 16.0274.000
97 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a
98 deck, to be located at eighty-six (86) feet from the ordinary high water mark of the lake,
99 deviating from the required setback of one hundred (100) feet from the OHW on a recreational
100 development lake, due to setback issues.

101
102 Vareberg presented the application.

103
104 Andrew & Renee Dahlen were present along with their contractor Tim Kilman. Dahlen
105 explained the application request to construct a deck, to be located at eighty-six (86) feet from
106 the ordinary high water mark of the lake, deviating from the required setback of one hundred
107 (100) feet from the OHW on a recreational development lake, due to setback issues. Dahlen
108 presented additional documentation to the Board, which included a petition from twenty-three
109 (23) neighbor signatures in favor of the requested deck addition and a side by side diagram and
110 photos of the before and after deck views.

111
112 Dahlen explained he believed the deck replacement was brought to the attention of the Zoning
113 Office by a neighbor several doors down who had requested a variance in the past for a gazebo
114 and was denied. Dahlen stated after their denial he believed the neighbors reported the deck
115 complaint to the Zoning Office. Dahlen stated they have since spoken to said neighbor who is
116 now in favor of the project and submitted a letter saying as much.

117
118 Contractor Tim Kilman apologized for the after the fact status of the permit/variance request.
119 Kilman stated he was newly licensed last year. Kilman stated he had called the Zoning office
120 before he had begun construction and had incorrectly interpreted the conversation, believing he

121 would only need a permit if he was changing the roofline of the dwelling but not for a deck
122 replacement. Kilman took full responsibility for the misunderstanding and late request. Kilman
123 stated the old deck had its faults. Kilman added it was not safe; the roofline came down low, as it
124 is an A-frame house and people were hitting their heads when walking around on the deck. He
125 also stated there were soft spots in the wood and the posts were rotten. Kilman stated when they
126 did the replacement they made it safer by adding railings. Kilman stated the total increase to the
127 replacement deck was one (1) foot and eleven (11) inches toward the lake side. Dahlen added the
128 wood was petrified.

129
130 Dahlen stated there is a guest cottage to the east of the house/deck so the neighbors to the east
131 side will not even see the change to the deck size, nor would it negatively impact their view.
132 Dahlen stated they could not do this any other way unless they picked up the house and moved it
133 back to get to the one hundred (100) foot setback.

134
135 Boatman asked when Dahlen moved to the property. Dahlen replied in 2011, it will be there
136 eighth (8th) summer there. Boatman replied it was nice that the contractor came in to accept
137 responsibility for the after the fact status of the deck, however as the homeowner Dahlen is the
138 one who is ultimately responsible for the project being completed without a permit. Dahlen
139 agreed. Boatman stated it is Dahlen's fault adding any construction in the property needs to have
140 a permit beforehand. Boatman stated Dahlen has put the Board in a difficult situation to have to
141 deliberate on a project they would not have approved if it would have been proposed beforehand.
142 Renee Dahlen replied if they took off the one (1) foot and eleven (11) inches they would have to
143 remove the stairs. She stated they added the section because of safety reasons. Brufloodt stated the
144 deck could have been made safe within the footprint of the previous deck without adding one (1)
145 foot and eleven (11) inches. Andrew Dahlen replied their grandkids run by and it was dangerous
146 with the edge sticking out. Dahlen added that they did pay a \$600 fine for their after the fact
147 variance.

148
149 Kessler noted that Dahlen provided the Board with 23 property owner signatures in favor of the
150 proposal. Kessler stated the signatures were good to have. Dahlen added the neighbor who had
151 originally reported them had done so because their gazebo had been denied and felt the deck
152 replacement was not fair, however they have since spoken with them, and they have also signed
153 the list.

154
155 There was written correspondence for the proposal from Craig and Irene Richie owners of
156 16.0303.000, 33539 N Cotton Lake Rd Detroit Lakes, MN 56501, two parcels to the west of the Dahlen's.

157
158 Planning & Zoning Department
159 915 Lake Ave.
160 Detroit Lakes, MN 56501
161 Re: Andrew & Renee Dahlen

162 Project Location: 33543 N Cotton Lake Rd, Rochet, MN

163

164

165 To whom it may concern,

166

167 We have been given notice of the public hearing before the Board of Adjustment in regard to Andrew
168 & Renee Dahlen. We, as neighbors at the lake with only one cabin between us, have absolutely no
169 objection to this variance. We have seen the project and it enhances not only their property but the
170 environment of the lake generally.

171

172 It is hard to imagine that anybody could be against it as it is only a minor adjustment to the property
173 which lends itself to the structure that is already there. We wholeheartedly endorse this project and
174 feel saddened that they have to go through this process.

175

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

179

180 Johnston asked if they paid the \$600 fine. Dahlen replied yes they had.

181

182 Brufloft stated he appreciated the document provided to the Board today showing the
183 comparison and change from old to new. Brufloft stated the aesthetics from old to new are very
184 similar, adding it is not as if they replaced the deck with a Flotz structure. Brufloft added Dahlen
185 is asking for something he most likely would not get if it would have been asked for beforehand.
186 Brufloft stated Dahlen admitted his mistake.

187

188 Kessler stated he felt what Dahlen and Kilman brought to the Board was above and beyond what
189 they normally see. Kessler stated he agreed with Boatman's statements as Dahlen should have
190 been responsible for getting a permit beforehand. Kessler stated he is in favor of the proposal and
191 believes it is in conformity with the rest of the community and stated it was a good presentation.

192

193 Johnston stated the old deck was in need of repair and this deck is close to string line.

194

195 Brufloft stated it is a small request for one (1) foot and eleven (11) inches closer to the water;
196 however it is the job of the Board to control those requests.

197

198 **Motion: King** made a motion to **approve** the proposal as presented to construct a deck, to be
199 located at eighty-six (86) feet from the ordinary high water mark of the lake, deviating from the
200 required setback of one hundred (100) feet from the OHW on a recreational development lake,
201 due to setback issues, based on the fact that the proposal is in line with the neighbors, it is not
202 moving closer to the lake than the current structure, and it is consistent with the rest of the
203 neighborhood.

204

205 The Board Adopted Findings:

206 The old deck was in need of repair, the after the fact deck was constructed slightly larger than the
207 original deck, the required setback from the lake is not possible, it is out of the shore impact
208 zone, and the request meets the lot coverage requirements. No Stormwater control needed as
209 there is a good berm between the house and the lake.

210

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

212

213 **FORTH ORDER OF BUSINESS: Informational Meeting.** The next informational meeting
214 is scheduled for Thursday, August 2nd, 2018 at 7:00 a.m. in the 3rd Floor Meeting Room of the
215 Original Courthouse.

216

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

219

220

_____ ATTEST _____
221 Jim Brufloft, Chairman Kyle Vareberg,

222

Planning and Zoning Administrator

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