

Becker County Board of Adjustments
June 13th, 2019

Present: Members: Chairman Jim Bruflodt, Lee Kessler, Jim Kovala, Roger Boatman, Harry Johnston, Delvaughn King, Planning and Zoning Administrator Kyle Vareberg and E911/Zoning Technician Rachel Bartee. Absent was 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 May 9th, 2019 meeting provided the change to line 193. **Johnston** 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.

OLD BUSINESS:

FIRST ORDER OF BUSINESS: APPLICANT: Jennifer Williams Trust 6230 E. Huntress Dr. Paradise Valley, AZ 85253 **Project Location:** 23619 Co Hwy 22, Detroit Lakes MN 56501 **TAX ID NUMBER: 191456000; APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a deck to be located at 37.5 feet from the Ordinary High Water Mark (OHW), deviating from the required setback of 75 (seventy-five) feet from the OHW on a General Development Lake due to setback issues. Tabled by applicant at the May 9th, 2019 Hearing.

Vareberg presented the application.

Owner Jennifer Williams and Laura Bowles, from Hebron Brick Supply were present to represent the Williams Trust. Bowles explained the variance to construct a deck to be located at 37.5 feet from the Ordinary High-Water Mark (OHW). Bowles explained the practical difficulty was due to the fact the cabin was very old and was built before the 75 ft building setback requirement was in place. Bowles stated that they supplied further impervious calculations as requested at the previous meeting. Bruflodt asked for more information on the calculations. Bowles explained the map provided in the Board packet showing the decrease in coverage from 35% to 25% with the removal of rock walls, sidewalks, and concrete foundation around the house. Bowles explained no new impervious coverage is added with the proposed plan as a deck and steppingstones do not increase the coverage. Bowles noted that they have a water management plan in place. Working with Becker County Soil and Water they have removed the retaining wall in the shore impact zone, put down soil erosion control blankets and plants to restore the lake shore, and a berm was created/land graded to stop water from going into the lake. Boatman stated these changes were not visible during the Board tour. Bowles presented pictures to the Board of completed work. Bowles concluded the project has practical difficulty, it is in harmony with the local and other cottages in

44 the neighborhood and is out of the SIZ. Bruflo dt stated the request is encroaching on the SIZ.
45 Bowles replied they did not modify the size of the deck from the last request because it was not
46 clear what size the Board felt was permissible. Kovala stated the deck is very long- 56ft. Bruflo dt
47 stated 240 sq. ft is what would be allowed by the Ordinance for a one-time deck addition. Bruflo dt
48 asked how long they had owned the property. Williams replied 1 year. Bruflo dt asked what the
49 hardship is. Williams stated her mother is in a wheelchair and cannot go up and down stairs or in
50 the grass, explaining they would like her to have access to exit both back doors to the house which
51 notes the 56 foot length, for the deck to pass by both doorways. Kovala asked why they removed
52 the trees. Williams replied the neighbors were happy for them to be removed, noting they were old
53 and dying pine trees. Bowles added new hardwood trees were being planted through the
54 landscaping plan. Bruflo dt asked if they are going to construct riprap. Bowles replied they were
55 not.

56
57 Kessler asked about the height of the privacy fence. Bowles explained the Ordinance allowed them
58 to build up to a 6ft high fence if they were out of the ROW and the SIZ. Vareberg concurred,
59 adding, the 4ft height limit is only inside the ROW and SIZ, noting they can step up to 6ft outside
60 of those setbacks. Bowles explained the existing 18-inch-high, rock wall on the west side of the
61 lot will have a 4ft tall fence mounted on it, creating overall a 6ft high fence. Kovala asked “Why,
62 you don’t like your neighbors?” Bowles replied the fence is for privacy. Boatman stated the plan
63 is encroaching on the water and impacts the neighbors esthetically. Williams replied they are
64 cleaning up an eyesore and have received positive feedback from their neighbors. Bruflo dt noted
65 they could build a 240 square foot deck within the Ordinance, it would not go past the side door,
66 however they would be allowed a 32 sq. ft landing there.

67
68 No one spoke for the application.

69
70 Kris Poe spoke against the application. Poe stated she is the only neighbor to the immediate west
71 of Williams. She said they have not spoken to the owner on the project and are opposed to the
72 plan. Poe noted that they are upset the pine trees were removed and about the size of the proposed
73 deck, noting it is too large and leaves little grass. Poe stated it is not fair to allow some to have
74 these types of structures not others. Bruflo dt responded the Board looks at each request on a case
75 by case basis and tries to be consistent, with the lake being the number 1 concern and then safety.

76
77 There was no written correspondence for the application. There was written correspondence. A
78 copy of the letter from the Poe’s was submitted to the Board.

79
80 **County of Becker**
81 **Planning and Zoning**
82 **915 Lake Ave.**
83 **Detroit Lakes, MN 56501** **June 6,**
84 **2019**

85
86 **To: Planning and Zoning Board of Adjustment**

87 Once again, we received a Notice of Public Hearing regarding a deck project at 23619
88 Co Hwy 22 which is the property adjacent to our property at 23609 Co Hwy 22 on Lake
89 Melissa. The description of the project requests a variance from the required setback of 75
90 feet from the Ordinary High-Water Mark (OHW) to 37.5 feet from the OHW in order to build a
91 very large deck. While the revised plan is a slightly smaller deck, it apparently remains at 37.5
92 feet from the OHW, far forward toward the lake. The proposed deck also has a designated
93 outdoor kitchen which seems equivalent to extending their lake home another 13 feet toward
94 the lake. The Williams' entire lake home is already set at significantly less than the 75-foot
95 OHW setback so extending it another 13 feet toward the lake makes their built living space
96 even more out of compliance with the current county ordinance.

97 One of the rationales put forth by Ms. Williams is that our cottage, as well as other
98 nearby neighbors, have decks on the lakeside of the cottages. This is true; however, the
99 cottages and decks that are referred to in the Williams' application have been in place for
100 decades and are grandfathered in as is the Williams' lake home itself. Notably, these decks
101 are also much smaller than the Williams' proposed deck and they do not have outdoor
102 kitchens.

103 Additionally, the revised plan now includes a "privacy fence" between our property
104 and theirs, just 18 feet away from our cottage, and it runs along most of the east side of our
105 cottage effectively blocking our view of the lake on the east side. The privacy fence is
106 described as a "4' tall privacy fence on top of [the already existing 15 in. stone] wall" which
107 makes it more than five feet in height, also not in compliance with existing county ordinances
108 which prohibits fences more than 4 feet in height in front yard setbacks in residential districts.

109 We want the Williams family to be able to enjoy their lake home; however, a deck is
110 not a requirement for lake home enjoyment. In speaking to other neighbors over the past
111 month, there is a clear sense that fairness should prevail and everyone should have to follow
112 the same rules. Just because someone wants to do something doesn't mean they should be
113 able to do it. Over the years, we know of several families on Lake Melissa who have been
114 denied requests or been directed to make significant changes whenever something is altered
115 in the least. Should the Williams' proposed variance prevail, it seems there will be many
116 requests for other variances which will significantly increase a built environment over current
117 levels rather than trying to maintain a balance between the natural beauty of the lakes area
118 and development. We believe this would be in opposition to the Becker County
119 Comprehensive Plan and that current county ordinances should be followed.

120 Sincerely,

121 Chris and Tom Poe
122 612-701-7360

123
124 A second letter by Steve and Maret Worwa was also submitted to the Board:

125 We understand that another meeting regarding the property (23619 Co. Hwy.
126 22) on Lake Melissa is being held on Thursday, June 13.
127 Our previous email states the concerns we have with ordinances being applied
128 equally and fairly to all.
129 We stand by those remarks and hope this continues.
130 Regards,
131 Steve and Maret Worwa
132

133 **Sirs:**
134 We are responding to the variance request regarding the Williams property at
135 23619 Cty Rd 22 on Lake Melissa.
136 It appears there are two issues..

- 137 1. Building a deck and structure extending into the normal 75 foot set back
138 from the high water mark,
- 139 2. Impervious coverage at almost 25% of the total lot footage.

140 We have a deck that extends 10 feet on lakeside from our cottage.
141 The deck stops right at 75 feet from the High-Water Mark.
142 We believed that the prohibition against any structure other than a fence was
143 inviolable.
144 However, if others are allowed to extend decks inside the 75 foot mark, we would
145 expect to be treated similarly with a request to extend our deck into the 75 foot
146 mark.
147 One set of rules applied equally to everyone.

148
149 The second issue is a bit more personal.
150 A while back we wanted to build a patio on the street side of our cottage.
151 The patio was considered NOT impervious based on the proposed construction
152 materials/technique.
153 We have between 15 and 25 percent impervious coverage.
154 Although the patio would not add to the impervious coverage, we were told that
155 mitigating to 15% coverage would be required to obtain a patio permit.
156 We were OK constructing sump basins for our downspouts.
157 But we were told it also required us to cut a french drain across the entire streetside
158 of our lot.
159 This would have required the removal of a fence, significant landscaping and
160 cutting through the roots of mature trees (might have killed the trees).
161 And most of the water captured would have come from County 22.
162 We declined to build the patio.

163 **It is not readily apparent what if any mitigation is being required on this property.**
164 **But again one set of rules applied equally to everyone.**

165 **We appreciate the opportunity to voice our concerns.**

166
167 **Sincerely,**

168
169 **Steve and Maret Worwa**
170 **23577 County Rd 22**

171 At this time, testimony was closed. Chairman Jim Bruflodt opened the matter for discussion by the
172 Board.

173
174 Kessler stated a 12x20 deck would be allowed per the Ordinance. Williams stated that is too small
175 for a table, chairs, lounge chairs and a wheelchair to move around. Kessler stated others do not
176 have an outdoor kitchen. Williams noted this was removed from the plan since the last request,
177 noting only a grill is in the current request. Johnston stated the plan complies with soil and water,
178 they are under 25% lot coverage, the fence will follow standards, and a deck could be built within
179 the Ordinance at 240 sq. ft along with a 32 sq. ft deck and no variance would be needed.

180
181 **Motion: Kessler** made a motion to **deny** as proposed, to construct deck to be located at 37.5 feet
182 from the Ordinary High-Water Mark (OHW), deviating from the required setback of 75 (seventy-
183 five) feet from the OHW on a General Development Lake due to setback issues, due to the fact the
184 request is excessive, encroaches on the shore impact zone and a 240 square foot deck addition
185 would be allowed per the current Ordinance standards.

186
187 **Boatman second.** All in favor. **Motion carried.** Variance **denied.**

188
189 **NEW BUSINESS:**

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191 **SECOND ORDER OF BUSINESS: APPLICANT: Nick and Elysia Agnew** 16647 Schurman
192 Lane Lake Park, MN 56554 **Project Location:** 16647 Schurman Lane, Lake Park MN 56554
193 **TAX ID NUMBER: 02.0302.405 APPLICATION AND DESCRIPTION OF PROJECT:**
194 Request a variance to construct a detached shop, to be located at five (5) feet from the road Right
195 of Way (ROW), deviating from the required setback of twenty (20) feet, due to setback issues.

196
197 Vareberg presented the application.

198
199 Nick Agnew was present. Agnew explained variance to construct a detached shop, to be located
200 at five (5) feet from the road Right of Way (ROW), deviating from the required setback of
201 twenty (20) feet, due to setback issues. Agnew stated the proposal is meeting all other setbacks
202 including 20 feet from the mound/drain field. Agnew stated the lot is very steep and he had to
203 build a retaining wall because of it. Johnston asked how they are proposing to enter the shop,
204 from the road. Agnew replied no, they plan to add a driveway off the existing driveway to reach

205 the shop. Brufloft asked how far they would be from the retaining wall. Agnew replied 10-15
206 feet. Kessler asked if he would consider reducing the size. Agnew replied they would if they
207 could go closer to the mound, he would reconfigure it to be narrower, for example a 36x64.
208 Vareberg stated Agnew would be able to go closer to the mound, as the setback requirement is
209 20 feet from a dwelling, not a shed/non-dwelling. Boatman stated concerns about neighbors'
210 views of the shed and impacting their view of the lake. Agnew stated if he moved the shed back
211 along the lake it would impact them more, stating the Ordinance would allow him a 40x60
212 structure on his lot. Boatman stated his concern about township plow trucks needing more space
213 than 5 ft from the ROW. Agnew stated because there are not currently enough fulltime residents
214 the township does not plow the road; the residents are responsible for maintaining their own
215 road. Boatman stated the township may maintain it in the future. Agnew stated he would be
216 willing to move it back 10 feet from the ROW and back it up to be 10 feet from the mound
217 system. Boatman noted Agnew would not be able to build over 2400 square feet or 22 feet in
218 height.

219

220 No one spoke for or against the application. There was no written correspondence for or against
221 the application. At this time, testimony was closed. Chairman Jim Brufloft opened the matter for
222 disussion by the Board.

223

224 **Motion: Kessler** made a motion to **approve** the application as modified, to construct a detached
225 shop, to be located at ten (10) feet from the Road Right of Way (ROW), deviating from the required
226 setback of twenty (20) feet, due to setback issues, based on the fact the size does not exceed current
227 ordinance standards.

228

229 **Johnston second.** All in favor. **Motion carried.** Variance **approved.**

230

231 **THIRD ORDER OF BUSINESS: APPLICANT: Diane Beaton** 2127 57th Ave S Fargo, ND
232 58104 **Project Location:** 35383 325th Ave Ogema, MN 56569 **TAX ID NUMBER:**
233 **20.0391.000; APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to
234 construct a detached garage, to be located at fifty-four (54) feet from the ordinary high water mark
235 of the lake and to be located fifty-one (51) feet from the centerline of a township road, deviating
236 from the required setback of one hundred (100) feet from the OHW and fifty-three (53) feet from
237 the centerline for a township road, due to setback issues and lot size.

238

239 Vareberg presented the application.

240

241 Diane and Brad Beaton were present. Beaton explained the application to construct a detached
242 garage, to be located at fifty-four (54) feet from the ordinary high water mark of the lake and to be
243 located fifty-one (51) feet from the centerline of a township road, deviating from the required
244 setback of one hundred (100) feet from the OHW and fifty-three (53) feet from the centerline for
245 a township road, due to setback issues and lot size. Kovala noted they have a camper and a deck
246 on the lot. He asked when it was built. Beaton replied last year. Vareberg stated both were
247 permitted. Boatman asked if it was clear where the road was. Brufloft replied to the best of our
248 ability we can assume its location. Kessler asked what the ROW was. Kovala stated it did not look
249 like a standard township road. Vareberg confirmed it was a 33 ft ROW.

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

Brufloft asked if they plan on building a home there in the future. Beaton replied yes. Brufloft asked if they will access the garage from the road. Beaton replied yes. Kessler stated he was in favor of the project as it was the best placement on the lot. Brufloft stated the proposed garage is not excessive. Koval stated they could move it closer to the road but it would not be much different of a request.

Motion: Boatman made a motion to **approve** the application as presented, to construct a detached garage, to be located at fifty-four (54) feet from the ordinary high water mark of the lake and to be located fifty-one (51) feet from the centerline of a township road, deviating from the required setback of one hundred (100) feet from the OHW and fifty-three (53) feet from the centerline for a township road, due to setback issues and lot size, due to the fact that the request is not excessive and is in the best placement on the lot.

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

FORTH ORDER OF BUSINESS: APPLICANT: Inger Margrethe Clements and Montie Beyer 46788 Foss Rd Osage, MN 56570 **Project Location:** 46788 Foss Rd Osage, MN 56570 **TAX ID NUMBER: 28.0061.000; APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct an addition to a non-conforming dwelling, to be located at fifty (50) feet and to construct an attached garage to be located at seventy-four (74) feet from the Ordinary High Water (OHW) of a recreational development lake, deviating from the required setback of one hundred (100) feet, due to setback issues.

Vareberg presented the application.

Inger (Gretta) Clements and Montie Beyer were present. Clements explained the request to construct an addition to a non-conforming dwelling, to be located at fifty (50) feet and to construct an attached garage to be located at seventy-four (74) feet from the Ordinary High Water (OHW) of a recreational development lake, deviating from the required setback of one hundred (100) feet, due to setback issues. Clements explained they get a lot of wind on their side of the lake causing snow to build up in the winter months. Clements explained they travel frequently in the winter for business and when they come home the drifting makes it difficult to use the garage, noting the reason for the request is for an attached garage. Clements stated the addition to the dwelling is to add a sunroom and larger bedroom. Clements stated she would like a larger bedroom for a larger closet space and greater flow through the building. Clements stated that currently she has to walk through 4 doorways at night to get to the restroom, which is difficult with night blindness.

292 Kovala asked how deep the addition would be, noting the length was 48ft. Clements replied 38 ft,
293 but would consider shortening it. Kovala asked why they want another deck. Clements replied so
294 it will be asymmetrical with the house. Beyer stated it will be to have a doorway off the sunroom
295 to get out to the lakeside. King asked if they were planning on removing any trees. Clements
296 replied 6-10 will be removed but they have replanted 10+ since they purchased the lot. Boatman
297 asked if they had built the current deck. Clements replied the deck was existing when they bought
298 it. Johnston asked if a one-time deck addition would work for this project. Vareberg replied no,
299 because there was an existing deck. Boatman stated the additional deck is excessive, as the existing
300 deck is already 300 sq. ft. Clements replied they are fine with only having 300 square feet of
301 decking; however, they would like to have it located off the new sunroom rather than in its current
302 location.

303
304 No one spoke for or against the application. There was no written correspondence for or against
305 the application. At this time, testimony was closed. Chairman Jim Brufloft opened the matter for
306 discussion by the Board.

307
308 Kessler stated he was in favor as the project was not moving closer to the lake. Johnston asked to
309 clarify what the setback was from the deck to the lake. Clements replied 50 ft to the new deck.
310 Kovala noted the measurement to the existing deck was 42ft. Boatman noted that was in the SIZ.

311
312 **Motion: Boatman** made a motion to **approve** the application, to construct an addition to a non-
313 conforming dwelling, to be located at fifty (50) feet and to construct an attached garage to be
314 located at seventy-four (74) feet from the Ordinary High Water (OHW) of a recreational
315 development lake, deviating from the required setback of one hundred (100) feet, due to setback
316 issues. Variance was modified to approve a 300 square foot deck to remain on the lakeside of the
317 house, allowing it to be moved down off the back of the sunroom.

318
319 **Kovala second.** All in favor. **Motion carried.** Variance **approved.**

320
321 **FIFTH ORDER OF BUSINESS: APPLICANT: Brian McDonald and H. Kivi** 12620 Vicinity
322 Lane Audubon, MN 56511 **Project Location:** 12620 Vicinity Lane Audubon, MN 56511 **TAX**
323 **ID NUMBER: 17.0837.506 APPLICATION AND DESCRIPTION OF PROJECT:** Request
324 a variance to construct an 1,656 sq. ft storage structure to be located at 140 feet from the OHW of
325 a lake, deviating from the required setback of 200 feet from the ordinary high-water mark of a lake
326 for a detached storage structure over 1200 square feet.

327
328 Vareberg presented the application.

329
330 Heather Kivi was present. Kivi explained the request to construct a 1,656 sq. ft storage structure
331 to be located at 140 feet from the OHW of a lake, deviating from the required setback of 200 feet
332 from the ordinary high-water mark of a lake for a detached storage structure over 1200 square feet.
333 Kivi stated they have 3 children and do many outdoor activities and traveling. The shed would be

334 used to store a RV, boat and pontoon. Kivi stated the shed would be shielded from the lake by
335 trees. Kivi added the structure would have minimal impact on their neighbors as they live on a
336 dead-end road and the neighbors to the south only camp on the lot, and no other neighbors in their
337 area are full-time residence.
338

339 Vareberg stated the size of detached structures in the current Ordinance is set to be reviewed as
340 many variance requests are being made for these types of structures. Vareberg also stated the only
341 view that is being obstructed by the proposed shed is an agricultural field. Boatman asked if there
342 would be living quarters in the shed. Kivi said no.
343

344 No one spoke for or against the application. There was no written correspondence for the
345 application. At this time, testimony was closed. Chairman Jim Brufloft opened the matter for
346 disussion by the Board.
347

348 Kessler stated he was in favor of the application as it was a reasonable request and located in a
349 reasonable location.
350

351 **Motion: Kovala** made a motion to **approve** the application as presented to construct a 1,656 sq.
352 ft storage structure to be located at 140 feet from the OHW of a lake, deviating from the required
353 setback of 200 feet from the ordinary high-water mark of a lake for a detached storage structure
354 over 1200 square feet, due to the fact it is a reasonable request and located in the best placement
355 on the property.
356

357 **King second.** All in favor. **Motion carried.** Variance **approved.**
358

359 **SIXTH ORDER OF BUSINESS: APPLICANT: Jeffery & Kim Lien** 7405 Oak Ct Horace,
360 ND 58047 **Project Location:** 24601 Washington Dr. Osage, MN 56570 **TAX ID NUMBER:**
361 **21.0404.000 APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to
362 construct a 40x60 (2,400 sq. ft) storage structure to be located at 170 feet from the OHW of a lake,
363 deviating from the required setback of 200 feet from the ordinary high-water mark of a lake for a
364 detached storage structure over 1200 square feet.
365

366 Vareberg presented the application.
367

368 Jeffery and Kim Lien were present. Lien explained the request to construct a 40x60 (2,400 sq. ft)
369 storage structure to be located at 170 feet from the OHW of a lake, deviating from the required
370 setback of 200 feet from the ordinary high-water mark of a lake for a detached storage structure
371 over 1200 square feet. Lien stated they are resurrecting a longstanding 60+ year old cabin to make
372 it a year-round residence, as they are planning on retiring in 2 years' time. Lien stated the structure
373 will not be able to be seen from the lake as the proposed location is nearest the road. Lien stated
374 their goal is to keep as many trees as possible, only having to drop about 8, however they plan to

375 replace them in other areas of the lot. Lien noted the cabin is only 900 square feet, limiting them
376 on storage space. Lien stated when they purchased the lot they were aware of the setbacks, however
377 they did not realize it was to the nearest point to the lake which happens to be through the neighbors
378 lot, if they had to only measure the nearest point to the OHW from their lot they would have met
379 the setback requirement. Lien stated there are no other future projects planned for the lot, the only
380 structures will be the house and shop. Lien added the neighbors are in favor of the project.

381
382 Johnston stated, according to the current Ordinance you would be allowed two 1,200 square foot
383 structures on the lot. Lien replied yes.

384
385 No one spoke for or against the application.

386
387 There was written correspondence against the application submitted to the Board:

388 **June 12, 2019**

389
390 **Becker County Planning and Zoning**
391 **ATTN: Rachel Bartee**
392 **Detroit Lakes, MN 56501**

393
394
395 **RE: Lien Variance Request**
396 **Parcel # 210404000**

397
398
399 **To Whom It May Concern:**

400
401 **My wife and I have an objection for such a large building being built in this**
402 **residential neighborhood. It does not preserve or enhance the feeling of lake living**
403 **and may have a negative effect on property values. It does not encourage the most**
404 **appropriate use of the land with so many trees being removed, as it alters the**
405 **essential character of the surrounding area. There may also be a negative effect on**
406 **future septic system site availability.**

407
408 **It seems a 1200 square foot garage would be more appropriate.**

409
410 **Sincerely,**

411
412 **Al Winterberger**

413
414 A second written correspondence against the application was submitted to the Board:

415 **Board of Adjustment:**

416
417 **I am a resident of Osage, Minnesota. I recently had a new home built on**
418 **Washington Drive. I am concerned about the aesthetics and the environment with a**

419 **building of that size on the lake. I am wondering if a smaller one would be sufficient**
420 **as there appears to be several other buildings on that property. I am particularly**
421 **concerned about cutting down trees as well as the habitat for wildlife.**

422
423 **Thanks for your consideration,**
424 **J. Phillippi**
425 **24705 Washington Drive**
426 **Osage, Minnesota**

427
428 Written correspondence in favor of the application was submitted to the Board:

429 **Dear Board of Adjustment,**

430
431 **We are writing about the hearing for Jeffery & Kim Lien, project location: 24601**
432 **Washington Dr. Osage, Tax ID number: 210404000 Straight Lake.**
433 **We have NO objections about the project of building a 40 by 60 storage structure to**
434 **be build on Pine Crest Beach Lot 2, Section 20, TWP 140, Range 36, Osage**
435 **Township. We hope they can go ahead with the project.**

436
437 **Thank-you!**
438 **Gary & Phyllis Pritchard**
439 **24591 Washington Dr.**
440 **Osage, MN 56570**

441
442 At this time, testimony was closed. Chairman Jim Bruflodt opened the matter for disussion by the
443 Board.

444
445 **Motion: Johnston** made a motion to **approve** the application as presented to construct a 40x60
446 (2,400 sq. ft) storage structure to be located at 170 feet from the OHW of a lake, deviating from
447 the required setback of 200 feet from the ordinary high-water mark of a lake for a detached storage
448 structure over 1200 square feet, due to the fact the current Ordinance would allow for two 1,200
449 square foot structures to be located on the lot, the proposal is the best placement on the lot and will
450 not be seen from the lake.

451
452 **King second.** All in favor. **Motion carried.** Variance **approved.**

453
454 **SEVENTH ORDER OF BUSINESS: APPLICANT: APPLICANT: Thomas Mickelson**
455 **14848 Co Hwy 43 Frazee, MN 56544 Project Location: 14848 Co Hwy 43 Frazee, MN 56544**
456 **TAX ID NUMBER: 31.0043.000 APPLICATION AND DESCRIPTION OF PROJECT:**
457 **Request a variance to construct an addition to an Agricultural building to be located at seventy-six**
458 **(76) feet from the center line of a county highway, deviating from the required setback at ninety-**
459 **five (95) feet to the center line of a county highway, due to setback issues and alteration to a non-**
460 **conforming structure.**

461
462 Vareberg presented the application.

463
464 Thomas Mickelson was present. Mickelson explained his application to construct an addition to
465 an Agricultural building to be located at seventy-six (76) feet from the center line of a county
466 highway, deviating from the required setback at ninety-five (95) feet to the center line of a county
467 highway, due to setback issues and alteration to a non-conforming structure. Mickelson stated the
468 building was built in 1957. They request is to add on another 10 feet to the south to get another
469 door. Mickelson stated it would be 10 feet closer to the ROW than the existing building is
470 currently. Kovala stated it does not appear to be a substantial change from what is already existing.

471
472 No one spoke for or against the application. There was no written correspondence for the
473 application. At this time, testimony was closed. Chairman Jim Brufloft opened the matter for
474 disussion by the Board.

475
476 Kovala stated it is a reasonable request.

477
478 **Motion:** Kovala made a motion to **approve** the application as presented to construct an addition
479 to an agricultural building to be located at seventy-six (76) feet from the center line of a county
480 highway, deviating from the required setback at ninety-five (95) feet to the center line of a county
481 highway, due to setback issues and alteration to a non-conforming structure, based on the fact that
482 the request is minimal and is in character with the area.

483
484 **Kessler second.** All in favor. **Motion carried.** Variance **approved.**

485
486 **EIGHTH ORDER OF BUSINESS: APPLICANT: Trustees of Goodman** 26121 Little Pelican
487 Trail Detroit Lakes, MN 56501 **Project Location:** 24263 N. Melissa Dr., Detroit Lakes, MN
488 56501 **TAX ID NUMBER: 19.7025.000 APPLICATION AND DESCRIPTION OF**
489 **PROJECT:** Request a variance to construct an eighteen (18) by thirty (30) shelter area to be at
490 31.4% lot coverage, deviating from the allowed lot coverage of 25%, due to lot size.

491
492 Vareberg presented the application.

493
494 William Schuett, President and Brad Olson were present. Schuett explained the application to
495 construct an eighteen (18) by thirty (30) shelter area to be at 31.4% lot coverage, deviating from
496 the allowed lot coverage of 25%, due to lot size. Schuett explained they are not asking for a larger
497 area, noting the current lot coverage is at 31.4%, and was approved at a previous BOA Hearing,
498 however only the existing concrete patio was approved, not the shelter area. Schuett stated the
499 chapel meets 15 Sundays over the summer months, serving around 172 people, however the chapel
500 only seats 160. Afterwards they come out to the patio area to serve coffee and snacks. Currently
501 they use tents, but the tents have ended up in the neighbor's fence with it gets wind over 10mph.
502 Schuett noted they are only asking for a shelter area with a roof, not an enclosed structure with
503 sides and windows, like a park pavilion.

504
505 Brufloft noted to the south it is dug up, what is the plan there. Schuett replied they do not own that
506 property, however the current owners offered it to the chapel to use as a garden. They are bringing

507 in hydro seed and putting in plants and the chapel will maintain it and use it for wedding pictures.
508 Brufloft replied it will be a nice water collection area. Brufloft noted although they are not
509 increasing impervious coverage the pitch of the road will speed up water runoff, adding he would
510 like them to maintain the swale.

511
512 Brad Olson spoke in favor of the project, noting downspouts and gutters could be added to control
513 water runoff.

514
515 No one spoke against the application. There was no written correspondence for the application.
516 At this time, testimony was closed. Chairman Jim Brufloft opened the matter for discussion by the
517 Board.

518
519 Boatman noted gutters and downspouts would be beneficial.

520
521 **Motion:** Boatman made a motion to **approve** the application as presented to construct an eighteen
522 (18) by thirty (30) shelter area to be at 31.4% lot coverage, deviating from the allowed lot coverage
523 of 25%, due to lot size, based on the fact the request is minimal, with the stipulation that gutters
524 and downspouts are installed to control water runoff and no further impervious coverage is added.

525
526 **Kessler second.** All in favor. **Motion carried.** Variance **approved.**

527
528 **NINTH ORDER OF BUSINESS: APPLICANT: Kirk & Karrie Zink 720 2nd St NW,**
529 **Hillsboro, ND 58045 Project Location: 11020 W Lake Eunice Rd Detroit Lakes, MN 56501.**
530 **TAX ID NUMBER: 170320001 APPLICATION AND DESCRIPTION OF PROJECT:**
531 Request a variance to construct a deck, to be located at twenty (20) feet from the top of a bluff and
532 a patio to be located at five (5) feet from the top of a bluff, deviating from the required setback of
533 thirty (30) feet from the top of a bluff, due to setback & topography issues.

534
535 Vareberg presented the application.

536
537 Mark Weekley, Contractor from Lakes Area Landscaping was present representing the Zink's.
538 Weekley explained the application to construct a deck, to be located at twenty (20) feet from the
539 top of a bluff and a patio to be located at five (5) feet from the top of a bluff, deviating from the
540 required setback of thirty (30) feet from the top of a bluff, due to setback & topography issues.
541 Weekley stated this request varies from May's previous request as it is a 10-foot deck instead of
542 15 feet. Weekley explained the owners desire some type of outdoor space to enjoy their property.

543
544 Brufloft stated he was not in favor of the patio request but felt the exit from the side door to the
545 garage was a reasonable request, noting it is out of the shore impact zone. Brufloft asked what the
546 old variance request was. Vareberg read the request.

547
548 No one spoke for or against the application. There was no written correspondence for the
549 application. At this time, testimony was closed. Chairman Jim Brufloft opened the matter for
550 discussion by the Board.

551 Bruflodt stated they were able to look more closely at the application this time and speak with the
552 owner during the tour. Bruflodt felt they need to allow the owners some type of access out of the
553 house.

554

555 No one was in favor of the patio request.

556

557 **Motion: Kessler** made a motion to **approve** the application as revised to construct a 10x20 deck
558 landing to be located at twenty (20) feet from the top of a bluff, deviating from the required setback
559 of thirty (30) feet from the top of a bluff, due to setback & topography issues, based on the fact it
560 is a reasonable request to allow access to the house.

561

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

563

564 **TENTH ORDER OF BUSINESS: APPLICANT: Brian and Belinda Donley 29278 US 71**
565 **Park Rapids, MN 56470 Project Location: 35261 325th Ave Ogema, MN 56570 TAX ID**
566 **NUMBER: 20.0384.000 APPLICATION AND DESCRIPTION OF PROJECT:** Request a
567 variance to construct a deck to be located at sixty-six (66) feet and a dwelling to be located at
568 seventy-six (76) feet from the ordinary high water mark of the lake, deviating from the required
569 setback of one hundred (100) feet on an recreational development lake, due to setback issues.

570

571 Vareberg presented the application.

572

573 Belinda Donley was present. Donley explained the application to construct a deck to be located at
574 sixty-six (66) feet and a dwelling to be located at seventy-six (76) feet from the ordinary high water
575 mark of the lake, deviating from the required setback of one hundred (100) feet on an recreational
576 development lake, due to setback issues. Donley explained that the lot has receded since the time
577 she purchased the lot. What once was a depth of 110ft is now around 90 feet and the depth of 220
578 feet is near 200 feet. Donley stated they would like to make this residence their retirement home
579 to live in full-time.

580

581 Kessler noted the road is in very poor condition. Donley replied the township will not maintain it,
582 noting they must have a place to house a tractor in to help with road maintenance.

583

584 Kovala stated the project was poorly marked out at the tour making it difficult for the Board to
585 envision the project request. Donley stated the orange flags were marked.

586

587 Bruflodt stated he felt the house was to large of a request for the lot. Donley stated that the current
588 structure is even closer to the OHW than the proposal and the Ordinance would allow her to rebuild
589 in the same location. Donley noted she is working with the township to vacate the road so she can
590 place a mound system there. Donley added a smaller home would not accommodate he large family
591 that gathers there every Sunday.

592

593 No one spoke for or against the application.

594

595 There was written correspondence against the application.

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Sirs:

I question the suitability of the property for a structure to be constructed on. In about 2002 the property was a wet land and had been filled. Too place a structure on this property may make the structure unsound. Secondly the proximity to a steam to the south and the closeness of wetland is a concern. Thank you for your time.

Bruce Brubaker

Fargo, ND.

A second written correspondence in opposition was submitted:

Please accept this comment for submittal on the variance request for Brian and Belinda Donley on Strawberry Lake. In review of the request and lot size I am concerned with there not being adequate space planned for septic treatment. Has there been or will there be required a septic design submitted that supports the size and location of a soil treatment area with their plans. It looks like they are proposing to put a mound system on the lake side of the 325th Avenue road. Although they have the parcel on the opposite side it looks to be all wetland?

They may have to consider downsizing the home or make it wider to get back to around the 80 ft mark. People are well aware of the lot conditions and limitations when they buy it. Often an actual site visit reveals further limitations that are not always put onto the application. Is there any lakeshore eroding or ice ridge damage occurring that will impact setback considerations. Sometimes this erosion can eat away from setback distances as well making setback distances even shorter.

Has the County considered requiring lots that are undersized and where owners cannot meet setbacks and seek variances like this situation that they will be required to have some type of pre treatment system?

Müigwech,

*Katherine Warren
Land Manager
Natural Resources Department
White Earth Reservation
218-983-3285 ext. 5803*

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At this time, testimony was closed. Chairman Jim Brufloft opened the matter for disussion by the Board.

Brufloft stated the house is to large for the lot. Donley stated that their daughter had a stroke in October and her husband is ill so they need space to accommodate family. Also, he husband is an executive chef by trade and would like a large kitchen to cook in for the 17 family members that come every Sunday. Donley stated they must condense down from their current farm to this smaller home.

Boatman asked what the septic plan was. Donley replied they must bring in fill for a mound system. Boatman asked who would approve that. Vareberg stated the Zoning Office would approve the septic permit. King stated the Board cannot approve the proposal if there is not room for a septic.

620 Johnston asked if the house could be smaller if the garage was not attached. Donley stated that the
621 current house and septic were approved by the previous zoning staff, however the current staff is
622 requiring further setbacks. Donley stated she is currently working with the township to vacate the
623 road. Once it is approved, she will place her mound system there. Donley stated until it is approved,
624 we will use the current septic system that is on the property. Vareberg verified the existing tank
625 was permitted in 2007.

626
627 **Motion: Johnston** made a motion to **approve** the application as presented to construct a deck to
628 be located at sixty-six (66) feet and a dwelling to be located at seventy-six (76) feet from the
629 ordinary high water mark of the lake, deviating from the required setback of one hundred (100)
630 feet on an recreational development lake, due to setback issues, based on the fact the request is in
631 the best placement on the lot and is in harmony with the rest of the neighborhood.

632
633 **King second.** In favor were King, Johnston, Kessler, and Boatman. Kovala was opposed. **Motion**
634 **carried.** Variance **approved.**

635
636 **ELEVENTH Informational Meeting.** The next informational meeting is scheduled for
637 Thursday, July 3rd, 2019 at 9:00 a.m. in the 3rd Floor Meeting Room of the Original Courthouse.
638 As there was no further business to come before the Board, Kovala made a motion to adjourn the
639 meeting. Kessler seconded. All in favor. Motion carried. Meeting adjourned.

640
641 _____ ATTEST _____
642 Chairman Jim Bruflo dt Kyle Vareberg,
643 Planning and Zoning Administrator
644