

Becker County Board of Adjustments
August 8th, 2019

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

Acting Chairman Lee Kessler 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 13th, 2019 and July 9th, 2019 minutes with changes made as submitted. **King** seconded. The motion passed unanimously. Motion carried.

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

NEW BUSINESS:

FIRST ORDER OF BUSINESS: APPLICANT: Gary & Tanzy Haisley 15310 W Munson Ln Detroit Lakes, MN 56501 **Project Location:** 15310 W Munson Ln Detroit Lakes, MN **LEGAL LAND DESCRIPTION: Tax ID Number: 19.1818.501;** Section 05 Township 138 Range 041 05-138-41 Block 001 Lot 001 THE OAKS ON MUNSON **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a detached garage and a storage structure to be located ten (10') feet from the rear property line.

Vareberg presented the application.

Gary Haisley were present. Haisley explained variance to construct a detached garage (30x36) to be located at ten (10') feet and a storage shed (12x16) to be located two (2') feet from the rear property line. Haisley stated the proposed placement is in the back of the lot to the west behind the house. Haisley stated the location is the best placement as it has flat ground, noting if they had to move it to the north, they would have to bring in substantial amounts of fill because the land slopes there and he would have to cut down trees. Haisley explained the rear neighbor is a gravel pit, adding he spoke with a representative of the gravel pit, Joe, who advised they had no objections to the building to be placed all the way up to the property line. Haisley stated the proposed shed (12x16) would not be a permanent structure with a foundation, instead it would be constructed on skids. Haisley also stated the design would be esthetically pleasing and would match the house style.

Kovala stated he was in favor of the proposal as the owners of the gravel pit were in favor.

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45 King asked what the setback difference for a structure with and without a foundation were.
46 Vareberg replied the setbacks are the same for both structure types, 20 feet for a non-dwelling
47 structure.

48
49 Johnston asked why the shed couldn't be moved forward to where the fire pit was to meet the
50 required setbacks. Haisley replied the property line is not square so it would be right behind the
51 house blocking the view and preventing them from using the backyard, as they would like for an
52 entertainment area and to keep the already established firepit. Haisley added he would be
53 allowed to park a 20-foot trailer in the same proposed location and use it for storage and not need
54 a permit.

55
56 No one spoke for or against the application. There was no written correspondence for or against
57 the application. At this time, testimony was closed. Acting Chairman Lee Kessler opened the
58 matter for discussion by the Board.

59
60 Boatman asked what the standard setback requirement for these structures is. Kyle replied 20
61 feet from the rear.

62
63 Kessler ask if a stipulation could be added that in the event there is ever an objection to the shed
64 placement by the rear property owners the structure must be moved. Kyle replied the Board can
65 make any stipulations they would like. Haisley stated the shed request to be 2 feet from the rear
66 is to keep it away from the drainfield. Haisley noted that he did offer to buy land from the gravel
67 pit so he would be able to meet the setbacks, however they were not interested in selling at this
68 time.

69
70 Boatman asked if the sheds could be moved 5 feet forward to closer meet the required setbacks.
71 Haisley stated the lot angles so it would not be the best placement. Haisley noted Stenger, from
72 Stenger Excavating, had visited the lot and stated this was the best placement for the structures
73 with the least amount of leveling needed. Haisley added moving it back 5 feet would also
74 encroach on the driveway as they would like to have an apron on the shop. Boatman stated he
75 would be in favor if the shed was moved up 5 more feet.

76
77 **Motion: Kovala** made a motion to **approve** the application as proposed, to construct a detached
78 garage to be located ten (10') feet from the rear property line and a storage structure to be located
79 at two (2') feet from the rear property line, deviating from the required setback of 20 feet from
80 the rear property line for a detached structure, due setback issues, due to the fact the structure
81 would not negatively impact the gravel pit and is in the best placement on the property.

82
83 **King second.** All in favor. **Motion carried.** Variance **approved.**

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85 **SECOND ORDER OF BUSINESS: APPLICANT: Steven & Jane Carlson** 1670 Newman Dr
86 Idaho Fall, ID 83402 **Project Location:** Co Rd 131 Detroit Lakes, MN 56501 **LEGAL LAND**
87 **DESCRIPTION: Tax ID Number: 08.0838.200;** Section 10 Township 139 Range 041, Block
88 1 Lot 1 COEN ACRES LOT 1. **APPLICATION AND DESCRIPTION OF PROJECT:**
89 Request a variance to construct a storage structure to be located at thirty-five and a half (35.5')
90 feet from the county road right of way.

91

92 Vareberg presented the application.

93

94 Steve Carlson was present. Carlson explained they would like to build a storage shed across the
95 street from their lake property. Due to the uniqueness of the lot with the wetlands and the woods
96 this is the best placement on the lot. He added it is back in the woods so the corner would not be
97 seen by the public, noting the trees removed will be dead and dying. Also, they plan to replant
98 additional trees to make the lot more esthetically pleasing. Carlson stated they built a new home
99 on the lake side a few years ago and are now working on the shop as part of their plan to make
100 this their year-round home.

101

102 Kovala stated a 30x64 foot structure is a large building. Carlson replied they need room to fit a
103 boat, pontoon and a shop, as he is a cabinet builder by trade and would like to move his tools
104 there.

105

106 Kessler asked how much fill would be brought in. Carlson stated they need to raise it up, noting
107 the excavator he had on site said they would need around 10 truckloads of fill for a monolithic
108 slab. Kessler added that the ground is very wet out there. Kessler stated the proposal is in the
109 highest elevation on the lot.

110

111 Kovala asked where the entrance is going to be located. Carlson stated it would be located across
112 from the current house, around the curve in the road. Kovala stated he is in favor of the proposal.

113

114 Neighbor, Chrise Welle, owner of parcel 08.0999.000, 26414 Floyd Lake Point Rd, spoke in
115 favor of the project. Welle stated there is currently an empty field on the other side that used to
116 be all trees, but the owner keeps cutting them down. She is in favor of Carlson's plan to replant
117 and make his lot more esthetically pleasing to the neighborhood.

118

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

122

123 Johnston stated the proposal looks to be the best placement on the property noting 35 feet from
124 the ROW is a reasonable request as the Boards past practice is to allow a 20-foot parking area.

125

126 **Motion: Johnston** made a motion to **approve** the application as presented, to construct a storage
127 structure to be located at thirty-five and a half (35.5') feet from the county road right of way,
128 deviating from the required setback of forty-five (45) feet from a county road ROW due setback

129 and topography issues and due to the fact, the proposal is the best placement on the lot, the access
130 is in the best placement and is long enough to provide sufficient parking of a vehicle and safe
131 access to the road.

132

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

134

135 **THIRD ORDER OF BUSINESS: APPLICANT: David Pagel** 710 28th St N Fargo, ND 58108
136 **Project Location:** 34287 323rd Ave, Ogema, MN 56569 **LEGAL LAND DESCRIPTION: Tax**
137 **ID Number: 20.0449.000;** Section 35 Township 142 Range 040 35-142-40 PT GOVT LOT 4:
138 COMM SW COR SEC 35, E 1352.2', E 302.66', SLY 100.07', SWLY 4.35' TO POB; SW 50.33',
139 SELY 151.68' TO STRAW LK, NLY AL LK 104.86', W 224.16' TO POB. TRACT A.
140 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a
141 dwelling and a deck to be located at fifty (50) feet from the Ordinary High Water (OHW) mark
142 and fourteen (14) feet from the township road right of way.

143

144 Vareberg presented the application.

145

146 David Pagel was present. Pagel explained he has been on the lake since he was a child, his uncle
147 owns the lot next door. He has owned their current lot for 20 years. Pagel stated the current
148 trailer on the lot is a mouse trap and needs to be replaced. Pagel stated he was diagnosed with
149 cancer 3 years ago and is now disabled and would like to replace the trailer home with a year-
150 round home where he will reside full-time while his wife remains working in Fargo.

151

152 Kovala noted that the proposed location of the new house would be built on his uncle's
153 driveway. Pagel replied that his uncle has no issue with that. Kovala noted that there is little
154 traffic on this road.

155

156 Johnston asked what the road width is. Vareberg replied 33 feet. Pagel replied that both his lot
157 and his uncles had been recently surveyed.

158

159 Johnston asked if the lot would allow for setback averaging from the lake. Kyle stated per the
160 survey it did not appear that setback averaging would work as it looked to be at least 50 feet to
161 the nearest point on either side making the setback averaging to be 70 feet.

162

163 There was written correspondence for the application read by Vareberg:

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August 3, 2019

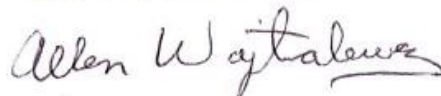
Planning and Zoning Department
Becker County
915 Lake Avenue
Detroit Lakes, MN 56501


Dear Planning and Zoning Administration:

This letter is to convey our support of the variance application submitted by David Pagel for a project at 34287 323rd Ave, Ogema. We feel the project as proposed is acceptable and suitable for the location.

Sincerely,


Aaron Reinholt
34279 323rd Ave.


34235 323rd ave


34273 323rd AVE

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

Kovala stated he is in favor as long as his uncle is aware, he will have to relocate his driveway off of the property to accommodate the house. Johnston stated the current trailer is in poor repair. Johnston noted there is a good berm on the left side of the lot with lots of vegetation stating he would like to see that left as it. Pagel replied they plan to leave it as is.

176 **Motion: Johnston** made a motion to **approve** the application as presented, to construct a
177 dwelling, to be located at fourteen (14) feet from the township ROW, deviating from the required
178 setback of twenty (20) feet from the ROW for structures on township road on a riparian lot. Also
179 requesting a variance for a dwelling to be located at sixty-one (61) feet and a deck to be located
180 at fifty (50) feet from the OHW, deviating from the required setback of one hundred (100) feet
181 from the OHW on a recreational development lake, due to setback issues and lot size, due to the
182 fact the request is in harmony with the neighborhood and it is a 2 rod road with little traffic, with
183 the stipulation the berm remain for mitigation.

184

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

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187 **FORTH Informational Meeting.** The next informational meeting is scheduled for Thursday,
188 September 5th, 2019 at 8:00 a.m. in the 3rd Floor Meeting Room of the Original Courthouse.
189 As there was no further business to come before the Board, **Kovala** made a motion to adjourn the
190 meeting. **King** seconded. All in favor. Motion carried. Meeting adjourned.

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192 _____ ATTEST _____

193 Acting Chairman Lee Kessler

194

Kyle Vareberg,
Planning and Zoning Administrator

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