

**Becker County Board of Adjustments
October 10th, 2019**

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

Chairman 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 September 12th, 2019 minutes with changes made as submitted. **King** seconded. The motion passed unanimously. Motion carried.

Bruflodt 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: Kimberly K & Tod Douglas Christenson 651 Sunset Ct, Shoreview, MN 55126 **Project Location:** 31963 Co Hwy 35 Ponsfond, MN 56575 **LEGAL LAND DESCRIPTION: Tax ID Number: 32.0295.000;** Section 12 Township 141 Range 039; SLEEPING PINE BEACH; LOTS 3 & 4 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a screen porch to be located at fifteen (15) feet from a bluff, deviating from the required setback of thirty (30) feet from a bluff, due to setback issues and lot coverage.

Vareberg presented the application.

Tod Christenson was present. Christenson explained variance to construct a screen porch to be located at fifteen (15) feet from a bluff. Tod stated they would like to convert the current deck area to an enclosed screened porch. Christenson stated he plans to complete the work himself, does not intend on changing the landscape, and is proposing mitigation to control the stormwater runoff. Christenson noted the current area has natural vegetation and the soil is sand and gravel. There historically is no runoff or washouts on the property, adding there are only a few small puddles even after heavy rains. Christenson stated in the past he has attempted to use gutters; however, the ice and rain have pulled them down. Christenson stated he had Becker County Soil and Water out to the property to help with a mitigation plan. Christenson stated the plan soil and water devised was to install a trench two feet wide by two feet deep on both edges of the roof on the proposed screen porch. Christenson stated the current cabin is very small 24x22 feet and with a growing family and grandchildren they need more usable space to enjoy the property. Christenson stated both of his neighbors are in favor of the project.

44 Kovala asked when the deck was built. Christenson stated he was not sure when it was built as it
45 was constructed before he owned the property. Christenson stated it was most likely built 15+
46 years ago when his father in law owned the property. Kovala noted the deck had not been
47 permitted. Kovala stated that the house is at the 30-foot setback which means no deck would be
48 permitted as it could not meet the setback. Kovala added that in the past the Board has made
49 people remove unpermitted structures like this one.

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51 Brufloft stated his concern for the steel gable as it would shed more water than a deck. Brufloft
52 asked how deep the trenches would be. Christenson replied 2 feet deep and 2 feet wide, adding
53 Soil and Water calculated the trenches to be able to handle twice the volume of a two-inch
54 rainfall event. Brufloft asked if he considered building out of the bluff impact zone (first 20 feet
55 from the bluff) and changing the roofing material to something other than steel. Christenson
56 stated he would be willing to do both.

57

58 Johnston stated the structure was built in 1963, the deck could have been there since its
59 construction. Johnston stated past practice the Board has only allowed water orientated structures
60 in the shore impact zone.

61

62 There was written correspondence in favor of the application presented to the Board:

September 27, 2019

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

Subject: Kimberly & Tod Christenson Variance Request
Tax ID No. 32.0295.000

Gentlemen/Ladies:

As next door neighbor to the Christensons, I have no objection to the
approval of their requested variance.

Regards,


Kenneth J. Bellefeuille
31981 County Highway 35
Ponsford, MN 56575

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

67 Brufloft stated his concern is the length of a variance. For example, if the house burns down, a
68 variance would allow a new structure to remain at the proposed distance from the bluff/lake.
69 Kovala agreed the distance to the bluff is too close. Kovala stated on the tour the deck was
70 measured to be 18 feet from the bluff and the house 30 feet from the bluff. Brufloft added that he

71 was also concerned about the proposed metal roof shedding water. Christenson stated he could
72 do asphalt instead. Brufloft stated if they were coming in to ask for a variance today without an
73 existing deck the Board would only allow them to have a 4x4 stoop to walk out to the lake.
74 Boatman stated concerns about the house's location in the Shore Impact Zone. Vareberg advised
75 no lake setback is applied when there is a bluff. They only need to meet the bluff setback.
76 Christenson stated they would be ok with moving the porch back to 20 feet to keep it out of the
77 bluff impact zone. He stated the porch will not be built using the current deck frame, he plans to
78 remove the whole deck and rebuild new. Brufloft asked how the trench would be maintained.
79 Christenson replied they will use big rock and keep debris cleared out of it.

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81 Boatman stated he was in favor of a 10x16 screened porch to be located outside of the bluff
82 impact zone.

83
84 **Motion: Johnston** made a motion to **approve** the application as modified, to construct a screen
85 porch to be located at twenty (20) feet from a bluff, deviating from the required setback of thirty
86 (30) feet from a bluff, due to setback issues and lot coverage, due to the fact the structure would
87 not negatively impact the neighbors, with the stipulation the proposed trenches (2 feet wide by 2
88 feet deep) are to be located on both edges of the roof to control stormwater.

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90 **Boatman second.** All in favor. **Motion carried.** Variance **approved.**

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92 **SECOND ORDER OF BUSINESS: APPLICANT: Wayne Stephenson** 3280 Evergreen Rd
93 Ne Fargo, ND 58103 **Project Location:** 21600 Co Rd 117 Osage, MN 56570 **LEGAL LAND**
94 **DESCRIPTION: Tax ID Number: 33.0320.000;** Section 04 Township 139 Range 038, 1ST
95 **ADD TO THE PINES, Lot 11. APPLICATION AND DESCRIPTION OF PROJECT:**
96 Request a variance to construct a second story addition onto a non-conforming dwelling to be
97 located at sixty (60) feet and a two-story addition to be located at eighty-eight (88) feet from the
98 ordinary highwater mark of the lake, deviating from the required setback of one hundred (100)
99 feet from the OHW of a recreational development lake due to setback issues and lot coverage.

100
101 Vareberg presented the application.

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103 Joyce Holm was present to represent Wayne Stephenson. Joyce explained the application to add
104 a second story to the the existing dwelling to be located 60 feet from the lake and to build a two
105 story addition on to the back on the house, between the garage and house where there is an
106 existing slab to start at 88 feet from the OHW. Holm explained that the impervious coverage
107 would be the same, as the request is to build on existing impervious ground. Holm stated
108 setback averaging would place them at 74 feet from the OHW, so they would really only need a
109 variance for the first 14 feet of the second floor addition on the existing house. Holm added that
110 the owners would consider rebuilding, however the current structure is in good repair. Holm
111 noted the plan is to increase bedrooms. Holm stated the owner has contracted Rick Renner septic
112 designer/installer to add an additional holding tank to accommodate the additions.

113
114 Brufloft asked how tall the addition would be. Holm replied 30 feet.

115

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

119
120 Kovala stated it looks like the are just adding an addition between the house and garage and the
121 area is already impervious so not much is beign altered.

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123 **Motion: Johnston** made a motion to **approve** the application as presented, to construct a second
124 story addition onto a non-conforming dwelling to be located at sixty (60) feet and a two-story
125 addition to be located at eighty-eight (88) feet from the ordinary highwater mark of the lake,
126 deviating from the required setback of one hundred (100) feet from the OHW of a recreational
127 development lake due to setback issues and lot coverage, due to the fact there is no increase of
128 impervious coverage and it is not negatively impacting the neighbors, with the stipulation
129 gutters, downspouts and an area for water retention are added to control stormwater runoff.

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

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133 **THIRD ORDER OF BUSINESS: APPLICANT: Renee and Duey Holm** 2024 Acadia Greens
134 Dr **Project Location:** 23718 S Melissa Dr Detroit Lakes, MN 56501 **LEGAL LAND**
135 **DESCRIPTION: Tax ID Number: 19.0766.000; ANDERSON 1ST LV BCH; LOT 33 &**
136 **W1/2 OF LOT 34 LIFE ESTATE TO KATHRYN D HOLM; Section 30 Township 138 Range**
137 **041; LAKE VIEW. APPLICATION AND DESCRIPTION OF PROJECT:** Request a
138 variance to construct a dwelling to be located at thirty-seven and a half (37.5) feet and an
139 attached garage to be located at seventy (70) feet from the ordinary highwater mark of the lake,
140 deviating from the required setback of seventy-five (75) feet from the OHW of a general
141 development lake due to setback issues and lot coverage. Also requesting a dwelling to be
142 located at ten (10) feet and an attached garage to be located at zero (0) feet from the road right of
143 way, deviating from the required setback of twenty (20) feet from the ROW of township road on
144 a riparian lot due to setback issues and lot coverage.

145
146 Vareberg presented the application.

147
148 Renee and Duey Holm were present, along with contractor Raymond Redding. Redding
149 explained the application. Redding stated the lot is nonconforming, very small, with minimal
150 buildable area. Redding referred to the survey done by Meadowland (in file in the Becker County
151 Zoning Office) indicating the highlighted area is the only buildable space allowed within the
152 Ordinance. Redding stated the current total impervious area is at 31% coverage, noting this
153 percentage has increased overtime as the lot has decreased in size due to erosion. Redding
154 explained the current dwelling is in poor condition and not repairable, as the house is sinking
155 into the earth. Holm explained the house was built in 1958 and constructed right on the
156 waterline. Holm stated his father purchased it in 1961 and the neighboring house was built in

157 1971 and constructed 5 feet higher. The result is the slab, patio, and sidewalks are deteriorating
158 and breaking up.

159
160 Redding stated they need to rebuild the dwelling. Redding explained the proposal is to move the
161 dwelling out of the shore impact zone, meet the 7.5-foot side yard setback from the side property
162 lines, and from the west side they will meet the 20-foot setback from the ROW. It is just on the
163 east side where they will be on the ROW. Redding explained the neighbor's garage and Holm's
164 current structure are in the ROW, therefore they are attempting to make the new structure more
165 conforming by moving it back. Redding stated the impervious surface is proposed to be reduced
166 from 31% down to 25%. Redding stated they have proposed mitigation including gutters and
167 french drains to control the stormwater runoff. Redding noted Lake View Township also granted
168 them approval for the project at their last Board meeting. Redding stated they also have a letter
169 signed by neighbors stating they are also in favor of the project.

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171 Bruflodt asked which house, east or west, is higher. Holm stated both homes are at the same
172 level or higher. Redding replied they will create a small swale to get rid of stormwater from the
173 roof runoff. Kovala asked what the square footage of the proposed house was to be. Redding
174 replied 1249 square feet. Redding referred the Board to the survey provided in the packet which
175 lists the square footage to each item and the proposed coverage.

176
177 There was written correspondence for the application from the Lake View Township Chairman:

178 RE: Renee and Duey Holm
179 23718 S. Melissa Dr
180 Detroit Lakes MN

181
182 PN 19.076.000

183
184 Dear Sirs
185 Lakeview board has visited the site on 10/7/2019 and reviewed the deviation of the
186 require 20-foot set back from the ROW and the board finds the owners' proposal
187 acceptable with regards of safety and maintenance concerns and recommends approval.
188 Furthermore, the board will provide a permit to the owner to locate a new holding tank in
189 the ROW according to the permit conditions.

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191 Lakeview Town Board
192 Chairman Ken Shroyer

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

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Brufloft stated he felt the requested dwelling size was minimal.

Johnston noted the plan reduces the impervious coverage, it meets all other setbacks, they are removing the shed, and they are controlling the storm water with gutters and a swale.

Kovala stated he was in favor.

Boatman stated he did not like the 0 foot setback to the ROW and wanted it moved back. Redding stated they placed it there because if they moved it back they would need more driveway which would increase the lot coverage. Redding stated if it was moved forward 5 feet they would need (16x5) 80 additional feet or lot coverage for the driveway putting them at 27.9% lot coverage, adding they would be ok with moving it if the Board preferred it. Brufloft noted 27.9% is still less than the current 31%.

Motion: Boatman made a motion to **approve** a variance as modified, to construct a dwelling to be located at thirty-seven and a half (37.5) feet and an attached garage to be located at seventy (70) feet from the ordinary highwater mark of the lake, deviating from the required setback of seventy-five (75) feet from the OHW of a general development lake due to setback issues and lot coverage. Also, requesting a dwelling to be located at ten (10) feet and an attached garage to be located at five feet, modified from the requested zero (0) feet, from the road right of way, deviating from the required setback of twenty (20) feet from the ROW of a township road on a riparian lot. Also modified to allow the lot to have 27.9% impervious coverage, deviating from the required lot coverage of 25%. All requests due to setback issues and lot coverage, due to the fact, they are becoming more conforming moving out of the shore impact zone, out of the ROW, meeting the side property line setbacks, and reducing the overall impervious coverage, with the stipulations that they have to remove the current shed and control all stormwater runoff.

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

SIXTH Informational Meeting. The next informational meeting is scheduled for Thursday, November 14th, 2019 at 8:00 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. **King** seconded. All in favor. Motion carried. Meeting adjourned.

_____ ATTEST _____
Chairman Brufloft Kyle Vareberg,
Planning and Zoning Administrator