

Becker County Board of Adjustments
June 11th, 2020

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

Acting Chairman Roger Boatman called the meeting to order at 7:00 p.m. E911/Zoning Technician Rachel Bartee recorded the minutes.

Introductions were given.

Johnston made a motion to approve the minutes for the May 14th, 2020 minutes. **King** seconded. The motion passed unanimously. Motion carried.

Boatman 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: Guy & Kristen Stiening 2208 10th St S Fargo, ND 58103 **Project Location:** 21604 Sandy Beach Ln, Rochert **LEGAL LAND DESCRIPTION: Tax ID Number: 10.0585.304;** Section 01 Township 139 Range 040; COTTON EAST Block 002; LOT 1 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a 1788 sq. ft storage structure to be located at 174 feet from the OHW of a lake, deviating from the required setback of 200 feet from the ordinary high-water mark of a lake for a detached storage structure over 1200 square feet. Also requesting a variance to construct a storage structure to be at twenty-five (25) feet max peak height deviating from the required height of 22 feet for a detached structure within the shoreland district, due to topography and setback issues. Tabled from the May 14th, 2020 Hearing.

Bartee presented the application.

Guy Stiening was present. Stiening explained his application for a 1788 sq. ft storage structure to be located at 174 feet from the OHW of a lake and 25 feet high.

Vareberg presented 4 written correspondence given to the Board members to review.

From: Jeannie Gilbertson <jeannie.gilbertson@gmail.com> |
Sent: Wednesday, June 10, 2020 10:54 AM
To: 7314VoiceMail <7314Vm@co.becker.mn.us>; Jeannie Gilbertson <jeannie.gilbertson@gmail.com>
Subject: PROJECT LOCATION: 21604 SANDY BEACH LN ROCHERT TAX ID#10.0585.304

I'm responding to the Application of the above described property. I live 3 homes up from Stienings and am very familiar with the dynamics of their lot. Therefore feel it important that I respond. Given the lay of the land, the swamp behind them, their choices are much more limited and feel what they have planned is totally acceptable and will in no way be a negative impact to the neighborhood or environment. This structure will very appropriately nestle in with the existing home and lot structure.

39

From: Rick Joy <rdjoy@earthlink.net>
Sent: Tuesday, June 9, 2020 5:09 PM
To: 7314VoiceMail <7314Vm@co.becker.mn.us>
Subject: Public Hearing for Project at 21604 Sandy Beach Ln., Rochert

Good evening,

My name is Richard Joy and I own the property at 21779 Sandy Beach Road. Last month I commented that the height variance request should not be granted. Although the height on this new request has been lowered to 25 feet, I believe for the same reasons that the request should not be granted. The new structure now at 1788 square feet and 25 feet high will still overshadow the existing house of 1320 square feet. The existing neighbor homes are all within the current zoning requirements and I believe that this structure should be also.

Thank you,
Richard Joy

40

From: RUSSELL DAVIS <mhd468@msn.com>
Sent: Wednesday, June 03, 2020 4:10 PM
To: 7314VoiceMail <7314Vm@co.becker.mn.us>
Subject: June 11th Hearing - Variance Request for 21604 Sandy Beach Lane Rochert, MN

This email is in response to Guy & Kirsten Stiening's request for a variance at 21604 Sandy Beach Lane, Rochert, MN. Again, we are not apposed to the Stiening's building on this lot, as long as it is with in the current regulations.

1. Still not within the required 200' set back. Allowing this variance sets a new precedent for the lake and could effect the integrity of the lake.
2. Still not with in the maximum height requirements. Again, allowing this variance sets a new precedent for current and future homeowners on the lake effecting the over all quality of the lakeshore property and water itself.

As stated in our May 14, 2020 letter to Becker County Planning & Zoning, we are requesting that this variance be denied as well.

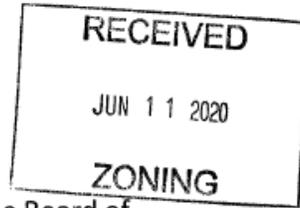
Sincerely,

Russ & Mavis Davis
21775 Sandy Beach Road
Rochert, MN 56578

41

9 June 2020

Becker County Planning and Zoning
Board of Adjustment
ATTN: Kyle Vareberg



After receiving the most recent communication from the Board of Adjustment of May 27th, 2020, concerning the amended requests for multiple variances from Guy and Kirsten Steining, we remain convinced that this is not a positive project for either Cotton Lake or its wetlands.

The Plan shows that:

- A) Distance to the lake: 26 feet closer to the lake than is legally allowed;
- B) Size of the building: 588 feet larger than is legally allowed;
- C) Height of the building: 3 feet larger than is legally allowed.

The property in question easily lends itself to complying with established standards. There has been no new compelling information given to change that fact. Changes to the original request might seem to be negotiation or compromise. However, the result remains the same: the property cannot be in compliance without multiple variances granted. The health of the lake should be the focus of all parties which is why the standards were established.

We urge the Board of Adjustment to reject the project to help preserve the lake.

Sincerely,

Don Davis
Jane Ball

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All letters are on file in the Becker County Zoning Office.

No one spoke for or against the application. At this time, testimony was closed. Acting Chairman Boatman opened the matter for disussion by the Board.

50 Johnston stated he was in favor of the reduction of height and size from the proposal presented at
51 the May 14th, 2020 hearing. Johnston stated it is going to be dug into the ground. Johnston added
52 that there is a large wetland in back making this the only place for the shed on the lot.

53
54 Johnston noted there was also a deck request on the site permit. Steinting noted the deck will be
55 137' from the lake. Boatman stated the deck structure would not require a variance to construct.

56
57 Kessler stated on the tour it appeared that the height of the proposed shed would fit in due to the
58 topography it will drop down. Kessler stated it is a reasonable request, it would not be seen from
59 the lake and they cannot move farther back due to setback constraints.

60
61 King was in favor.

62
63 **Motion:** Kessler made a motion to **approve** a variance to construct a 1788 sq. ft storage structure
64 to be located at 174 feet from the OHW of a lake, deviating from the required setback of 200 feet
65 from the ordinary high-water mark of a lake for a detached storage structure over 1200 square feet.
66 Also approving a variance to construct a storage structure to be at twenty-five (25) feet max peak
67 height deviating from the allowed height of 22 feet for a detached structure within the shoreland
68 district, due to topography and setback issues. Tabled from the May 14th, 2020 Hearing. Approved
69 due to the fact it is a reasonable request, it is the best placement on the lot, the building will be
70 sunk into the ground. lower than the house roofline and it will not be seen from the lake.

71
72 **Johnston second.** All in favor. **Motion carried.** Variance **approved.**

73
74 **NEW BUSINESS:**

75
76 **SECOND ORDER OF BUSINESS: APPLICANT: Alan and Tamara Olson** Po Box 301
77 White Earth, MN 56591 **Project Location:** 37120 Jamco Ln Waubun, MN 56589 **LEGAL LAND**
78 **DESCRIPTION: Tax ID Number: 36.0254.000;** Section 13 Township 142 Range 041;
79 **SECLUDED ACRES 142 41 Block 001 LOT 2; APPLICATION AND DESCRIPTION OF**
80 **PROJECT:** Request a variance to construct a shed to be located at ten (10) feet from the side
81 property line, due to setback issues.

82
83 Vareberg presented the application.

84
85 Alan Olson was present. Olson explained his application to construct a shed to be located at ten
86 (10) feet from the side property line.

87
88 Boatman asked what the practical difficulty was. Olson explained 10 years ago when he
89 constructed the well, he was under the impression the setback was 10 feet not 20 feet from the side
90 property line, which now has caused a hardship. If he must keep the 20-foot setback he would have
91 to move the well and a significant number of trees.

92
93 Johnston asked where else on the property he could build it. King stated that there is nowhere else
94 to build it and still maintain all the setbacks. Olson stated there is a slope to the property. Olson
95 stated he has a triangular shaped lot and if he constructs it on the other side of the lot, he will not
96 be able to meet the setbacks from the OHW of the lake. His goal is to stay away from the lake.

97
98 Kessler asked about the neighbors' thoughts on the proposed shed. Olson stated his neighbor is in
99 favor of the project and has even offered to cut down a tree on his lot which could possibly fall, to
100 help protect the proposed building.

101
102 King noted there is a natural berm on the lot.

103
104 Johnston stated per the measurements on the board tour the proposed structure is 155' from the
105 OHW of the lake which meets the required setback of 150' from the OHW of a natural environment
106 lake. Johnston noted the lot will be at 5% lot coverage.

107
108 Kessler stated he was in favor of the project.

109
110 No one spoke for or against the application. There was no written correspondence for or against
111 the application. At this time, testimony was closed. Acting Chairman Boatman opened the matter
112 for discussion by the Board.

113
114 **Motion:** Johnston made a motion to **approve** a variance to construct a shed to be located at ten
115 (10) feet from the side property line, due to setback issues. Approved, due to the fact it is a
116 reasonable request, the request is in harmony with the neighborhood, it is the best placement on
117 the lot, the request meets the setback from the OHW, and the lot has a low impervious surface
118 coverage.

119
120 **King second.** All in favor. **Motion carried.** Variance **approved.**

121
122 **THIRD ORDER OF BUSINESS: APPLICANT: Jeffrey and Julie Beutler** 21744 E Height of
123 Land Dr Detroit Lakes, MN 56501 **Project Location:** 21744 E Height of Land Dr Detroit Lakes,
124 MN 56501 **LEGAL LAND DESCRIPTION: Tax ID Number: 15.0489.000;** Section 03
125 Township 139 Range 039; PLEASURE ESTATES LOT 13 REF E 15.0155.000, **APPLICATION**
126 **AND DESCRIPTION OF PROJECT:** Request a variance for a detached garage to be located at
127 ten (10) feet from the ROW, deviating from the required setback of twenty (20) feet from the ROW
128 on a platted township road, due to setback issues and lot size.

129
130 Vareberg presented the application.

131
132 Jeffrey Beutler was present. Beutler explained his application for a detached garage to be located
133 at ten (10) feet from the ROW. Beutler explained they wanted to stay away from the lake, and this

134 is the only location on the lot they have left that they can build this on. Boatman stated the Board
135 has a past precedent of requiring a bare minimum of 20' from the ROW for safety purposes. Beutler
136 replied that he could park between the building and the road with plenty of room.

137

138 Vareberg presented site photos to the Board.

139

140 Kessler asked how much room will be between the bunkhouse and the new project. Beutler replied
141 they will be 4 feet apart. Kessler asked how many people/lots are further down the road to the
142 north past this lot. King replied 10-15. Vareberg added it was desolate.

143

144 Vareberg read a letter from Height of Land Township.

145

Attention Becker County Zoning Board,

I received this application this morning in the mail and I am putting in writing my opposition to this request. That piece of property is located on the east side of HOL drive facing directly NW. The setback laws are in place for a reason, as one of the 3 people responsible for maintaining the roads and providing for public safety while on those roads these variances create serious consequences. We need a place to put the snow that comes off the lake. Property owners quickly forget that they are placing structures too close to the road and when we try to maintain the road and ROW obstacles (rocks, snow, ice, tree debree can fly and hit the structures that are encroaching the ROW) causing undo legal issues for the township or whatever road authority exists. I understand the issue the landowner is trying to address and am sympathetic to them, however the problems that this causes are not worth the long term consequence. For these reasons I am voicing strong opposition to this permit being granted.

Thanks

Craig Hall

Height of Land Township Supervisor

craighallss396@gmail.com

651-769-5875

146

147

148 Letter is on file in the Becker County Zoning Office.

149

150 Boatman stated the request severely imposes on the ROW for snow removal, parking, and
151 maintenance. Beutler stated this is where I park now and if I can get the garage approved then I
152 can park in there so it would be safer. Beutler added that he has lived there for 3 years. Kessler
153 asked if Beutler lived there year-round. Beutler replied he did.

154

155 No one spoke for or against the application. There was no written correspondence for the
156 application. At this time, testimony was closed. Acting Chairman Boatman opened the matter for
157 disussion by the Board.

158

159 Johnston stated there is a 28x28 slab on the lot, can they reduce it by 4 feet on the roadside to
160 increase the request from 10 feet to 14 feet from the ROW. King stated he was in favor of a 24x28
161 garage. Johnston added that everyone needs a garage and the remaining 4 feet of concrete could
162 be used as an apron/parking area. Kessler stated he was in favor of the 24x28 and asked Beutler if
163 he would be willing to modify his request. Beutler replied he would be ok with the revised size.
164

165 **Motion:** King made a motion to **approve** a variance, as **modified** from the requested 10 feet, to
166 construct a detached garage to be located at fourteen (14) feet from the ROW, deviating from the
167 required setback of twenty (20) feet from the ROW on a platted township road, due to setback
168 issues and lot size, due to the fact that it is the best placement on the lot, it is a minimal request,
169 and it is located on a dead end road with few neighbors.
170

171 **Kessler second.** All in favor. Boatman was against. **Motion carried.** Variance **approved.**
172

173 **FORTH ORDER OF BUSINESS: APPLICANT: APPLICANT: Gregory and Patricia**
174 **Herndon** 11512 Lake Eunice Road E Detroit Lakes, MN 56501 **Project Location:** 11512 Lake
175 Eunice Road E Detroit Lakes, MN 56501 **LEGAL LAND DESCRIPTION: Tax ID Number:**
176 **17.0714.000;** Section 26 Township 138 Range 042; HANUSCH 1ST SUB DIV; LOT 9 & PT
177 LOT 8:COMM MOST ELY COR LOT 7 PLAT TH NW 140.50' TO POB; CONT NW 45.16', TH
178 SW 153' TO LK EUNICE, SLY AL LK TO PNT SW OF POB TH NE 149.24' TO POB; & PT
179 GOVT LOT 3: BEG MOST NLY COR LOT 9 PLAT TH NE 118.06' TO CTR RD, ELY AL RD
180 56.54', SE 150.24', SELY 9.79' SE 51.76', SW 66.74', NWLY 45.16', NW 126.03' TO MOST NLY
181 COR LOT 9 PLAT & POB AKA TRACT B & B-1 REF: PT 17.0297.001 IN 2008.
182 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a deck
183 to be located at forty-two (42) feet and a dwelling to be located at fifty (50) feet from the OHW of
184 the lake, deviating from the required setback of seventy-five (75) feet from a general development
185 lake. Also, requesting a variance to construct a dwelling to be located at thirty-nine (39) feet from
186 the OHW of a tributary, deviating from the required setback of one hundred (100) feet from a
187 tributary, due to setback issues.
188

189 Vareberg presented the application.
190

191 Gregory and Patricia Herndon were present. Herndon explained his application to construct a deck
192 to be located at forty-two (42) feet and a dwelling to be located at fifty (50) feet from the OHW of
193 the lake and to construct a dwelling to be located at thirty-nine (39) feet from the OHW of a
194 tributary. Herndon explained that due to practical difficulties they would like to replace their
195 current 3 season cabin with a year-round home. Herndon stated their current cabin is one of the
196 oldest on the lake, it does not have a crawl space, or a foundation really, noting they recently
197 discovered it does not have footings under the cinderblocks. Herndon noted they are not able to
198 improve the existing structure due to its condition and construction. Herndon stated they reside
199 there year-round and would like to have a 4-season place. They would like to increase the living
200 area by 200 feet by removing the current dwelling and moving their neighbors old house onto the
201 lot, as their neighbors are constructing a new dwelling. Herndon stated the new structure would be

202 safer, allowing them a place to go during inclement weather. Herndon explained they are limited
203 on what they can build due to the tributary/ditches and the lake, they are surrounded by water.
204 Herndon stated they would like to keep as far back from the lake as they can. Johnston stated the
205 ditch moved in the northeast too. Herndon replied yes. Herndon stated they have lots of natural
206 features on the lot to collect water, ice ridge, a pool in front, and downspouts.

207

208 Boatman asked what the shore impact zone for the tributary is. Vareberg replied 50 ft.

209

210 Boatman asked if they could move the proposed structure 12' further from the tributary. Vareberg
211 stated they are 11' away from the septic tank now with their proposal. Herndon stated she could
212 try to tilt the house. Boatman stated they could try a different angulation. Boatman stated the Board
213 would like to see them outside of the 50' shore impact zone. Herndon stated they cannot move
214 south, but they could move back a bit, noting that their well is there but required setback is 3 feet.

215

216 Kessler asked where the house is being moved from. Herndon replied it is coming from the lot to
217 the south. Herndon stated their house was built for year-round use in the mid 70's and their house
218 was built in the mid 60's as a one room shack with scrap pieces and has been added onto over the
219 years. Herndon added they have planted 25 trees on the lot over the years.

220

221 Vareberg stated the Board could amend the variance to be located 45' from the tributary and for
222 them to be located at 5' from the septic tank.

223

224 No one spoke for or against the application. There was no written correspondence for or against
225 the application. At this time, testimony was closed. Acting Chairman Boatman opened the matter
226 for disussion by the Board.

227

228 Johnston stated he was in favor of modifying the request to 45' to the tributary. Johnston stated
229 the impervious coverage is low at 13%.

230

231 Kessler stated there is water all around the lot so they should require mitigation to control the
232 water.

233

234 **Motion:** Kessler made a motion to **approve** a variance to construct a deck to be located at forty-
235 two (42) feet and a dwelling to be located at fifty (50) feet from the OHW of the lake, deviating
236 from the required setback of seventy-five (75) feet from a general development lake. Also,
237 approving a variance to construct a dwelling, as modified, to be located at forty-five (45) feet,
238 instead of the requested thirty-nine (39) feet, from the OHW of a tributary, deviating from the
239 required setback of one hundred (100) feet from a tributary. With the addition to approve a variance
240 to be located five (5) feet from the septic tank. All due to setback issues, due to the fact there is

241 limited buildable area, the request is minimal, and it located in the best placement on the lot, with
242 the stipulation to control stormwater runoff.

243

244 **Johnston second.** All in favor. Boatman was against. **Motion carried.** Variance **approved.**

245

246 **FIFTH ORDER OF BUSINESS: APPLICANT: Justin and Brandi Youngmark** 4836 43rd
247 St S Fargo, ND 58104 **Project Location:** 17004 Haugen Beach Rd Audubon, MN 56511 **LEGAL**
248 **LAND DESCRIPTION: Tax ID Number: 17.0725.000;** Section 30 Township 138 Range 042;
249 HAUGEN BEACH 138 42 LOT 4; **APPLICATION AND DESCRIPTION OF PROJECT:**
250 Request a variance to construct a deck to be located at forty-eight (48) feet and a dwelling to be
251 located at fifty-eight (58) feet from the OHW of the lake, deviating from the required setback of
252 one hundred (100) feet from a recreational development lake. Also requesting a variance to exceed
253 the maximum lot coverage of 25%, all due to setback issues.

254

255 Vareberg presented the application.

256

257 Justin and Brandi Youngmark were present. Youngmark explained her application to construct a
258 deck to be located at forty-eight (48) feet and a dwelling to be located at fifty-eight (58) feet from
259 the OHW of the lake and to exceed the maximum lot coverage of 25%. Vareberg explained that
260 there is a pervious application that had been submitted for this lot using a lot area of 8,200 sq. ft
261 and other neighbors in the past have had permits approved with larger lot areas than what currently
262 exist due to the fact there has been erosion reducing the lot sizes. Vareberg stated that Youngmark
263 and the neighbor 2 lots over have installed riprap however the lot in between has been eroding
264 causing the lake to get closer and Youngmark's buildable area to decrease. Vareberg explained
265 after having the area DNR Hydrologist and watershed out to the lot they have determined the
266 distance to the OHW of the lake differs by 10' feet from the eastside to the westside of their lot.
267 Vareberg there is a known erosion issue on Tradewinds. Vareberg stated that the lot coverage
268 Youngmark is asking for is 28%, however for their size lot that is only asking for an additional
269 200 sq. ft. of area. This is much less than a larger lot of 40,000 sq. ft that asking for an additional
270 3% coverage to be at 28%, would be asking for an additional 1,200 sq. ft of buildable area.

271

272 Youngmark stated they purchased the property 6 years ago, noting this is not a year-round
273 dwelling. Youngmark stated they would like to improve the house and make it a year-round
274 dwelling and to be an eventual place to retire. Youngmark stated the original foundation is from
275 1952 and are experiencing water issues and there are not proper egress windows. Youngmark
276 stated they want to improve the overall condition of the lot. Youngmark stated they are aware they
277 need to stay out of the shore impact zone (first 50 feet from OHW) and have modified their request
278 to be located further back from the OWH. Youngmark presented their two revised options to the
279 Board. Youngmark explained they would have a tuck under garage which would not increase the
280 footprint. Youngmark stated option one is to be 50' from the OHW which would place the septic
281 6' into the ROW. Kessler stated this would encroach into the ROW. Youngmark stated the other
282 option would place them 54' from the OHW but would still encroach on the ROW with the septic
283 9'. Youngmark explained that because of the number of bedrooms per the septic designer this is
284 the type of system they need. Youngmark presented photos of the lot. Youngmark stated they will
285 still be at 28% lot coverage with either plan. Option 1 is over 204sqft at 28% and option two is
286 over 237 sq. ft at 28.4%. Youngmark stated they will remove concrete pad under the deck out of

287 the SIZ and will add plantings. Youngmark stated they have sand on the riprap that has fallen
288 overtime so they will rebuild it up. Boatman stated they should add a berm. Youngmark stated the
289 watershed told them to build it up and will work with them on mitigation for their lot. Vareberg
290 stated french drains would be better than a berm there. Youngmark stated it is going to be costly
291 to repair the lakeshore. Youngmark stated they bring a boatlift in and out of the water each year
292 and the watershed recommended to add a concrete piece that will help stop the erosion. Youngmark
293 stated there is only 66 inches from the neighbors retaining wall to their current deck so they would
294 like to ship the cabin a few feet to allow a space there to mow and grade it properly. Johnston
295 stated he is in favor of gutters and downspouts.

296
297 Vareberg presented letters from the public:

County of Becker
Planning and Zoning
915 Lake Ave.
Detroit Lakes, MN 56501

June 8th, 2020

This letter is in support of the variance requested by Justin and Brandi Youngmark on Big Cormorant Lake, lot #17004. Our cabin is two cabins down from them to the west. We do not feel that the location of the proposed cabin will interfere at all with our view of the lake or view down the beach. Also, their request to go over the 25-foot lot coverage seems to be reasonable given the other nearby homes that are new builds.

Brandi and Justin have been good neighbors and good stewards of the lake. They take the time to maintain the lot next to them and are always ready to help when someone on the beach is in trouble. We were aware that they have experienced water problems in the lower level of their current cabin and it has become virtually unusable. I hope you will agree to this variance because we all would like to see them be able to improve their lake living space.

Warm Regards,

Rich and Jody Mattern
16988 Haugen Beach Road
Audubon, MN 56511

298

I am writing in support of the new construction project for Justin and Brandi Youngmark. We are the next door neighbors directly to the left of their property. We are fine with the 50' set back variance as they are in front of that now and it has not bothered us in the past and we have become accustomed to it. We are also fine with their construction project and do not feel like they are doing too large a project for the lot size. I feel it is a reasonable build in comparison to other builds that have been done on the lake. They have asked for our input and have made every effort to be respectful of our property and to minimize the impact of the project on us.

Thank you,

Deborah Laven

Sent from my iPhone

299 All letters are on file in the Becker County Zoning Office.
300

301
302 No one spoke for or against the application. There was no written correspondence against the
303 application. At this time, testimony was closed. Acting Chairman Boatman opened the matter for
304 disussion by the Board.

305
306 Johnston stated he was not in favor of the 28% coverage and recommended keeping it at 25%.
307 Johnston was in favor of moditying the setback to approve 50' from the OHW.

308
309 Boatman asked what the hieght would be. Youngmark stated it would be 25-29 feet, a two mono
310 pitch, they are dropping the side down on the neighboring side so they do not obstruct the neighbors
311 view from their second story. Vareberg stated the average is less than 30' so no variance is needed
312 for the house height.

313
314 Kessler stated he was in favor of keeping them at 25% coverage. Kessler asked what the square
315 footage would be for 25% coverage. Youngmark replied 1693 sq ft. Kessler stated they should
316 build want they can using the allowed 1693 sq ft. Youngmark stated the proposed house and garage
317 are 1441 sq ft and the proposed driveway is 456 sq ft. Kessler stated they could narrow the
318 driveway to a one car and easily decrease the lot coverage to get it to 25% coverage. Youngmark
319 stated they could modify their plan and do that. Kessler stated this would be a vast improvement
320 from what is there. Kessler stated they should also control stormwater. King stated controlling
321 stormwater would also help the neighboring lot.

322
323 **Motion:** Johnston made a motion to **deny** a variance to exceed the maximum lot coverage of 25%.
324 Johnston made a motion to **approve** a variance, as modified, to construct a deck to be located at
325 fifty (50) feet, modified for the requested forty-eight (48) feet, and a dwelling to be located at fifty-
326 eight (58) feet from the OHW of the lake, deviating from the required setback of one hundred
327 (100) feet from a recreational development lake, due to setback issues, due to the fact that the

328 project is out of the shore impact zone and not going over 25% impervious coverage, with the
329 stipulation that french drains and vegetation are installed, as presented, to control stormwater.

330

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

332

333 **SIXTH ORDER OF BUSINESS: APPLICANT: Peter and Ellen Kaiser** 5017 Skyline Dr
334 Minneapolis, MN 55436 **Project Location:** 34000 Cedar Lake Rd Park Rapids, MN **LEGAL**
335 **LAND DESCRIPTION: Tax ID Number: 34.0008.501;** Section 02 Township 141 Range 036;
336 NE1/4 NE1/4 (GOVT LOT 1); **APPLICATION AND DESCRIPTION OF PROJECT:** Request
337 a variance to construct a dwelling to be located at sixty (60) feet from the OHW of the lake,
338 deviating from the required setback of one hundred fifty (150) feet from a natural environment
339 development lake, due to setback issues.

340

341 Vareberg presented the application.

342

343 Peter Kaiser was present. Kaiser explained his application for a dwelling to be located at sixty (60)
344 feet from the OHW of the lake. Vareberg explained that after viewing the lot they determined the
345 measurement would be closer to 80-90' from the OHW putting the request out of the shore impact
346 zone.

347

348 Boatman asked what the practical difficulty was. Kaiser stated the hard ship is due to the
349 topography of the lot. Kaiser explained there is a ridge on the lot and the proposed structure would
350 be places so that the backside was facing away from the lake.

351

352 Boatman asked if this was a private road. Kaiser replied it is now. Boatman stated the request for
353 60' is infringing on the shore impact zone. Kessler asked if they could place it on the ridge and
354 meet the required lake setback of 150'. Kaiser stated that would be tricky to determine the OWH
355 on this lot because of the water elevation. Boatman stated the Board would like the request to be
356 out of the SIZ. King stated they could move it back to where the road is now, put it on the road
357 and build the road below the house. Kaiser stated they could do that. Vareberg stated we need to
358 verify the distance to the road. Johnston stated the owner could table the request to get further
359 measurements, noting the Board requires firm measurements.

360

361 Kaiser requested to table the application to gather further measurements.

362

363 **SEVENTH ORDER OF BUSINESS: APPLICANT: Travis & Jody Ballard** 1916 Clear Creek
364 Blvd Detroit Lakes, MN 56501 **Project Location:** 28201 St Hwy 34 Detroit Lakes, MN 56501
365 **LEGAL LAND DESCRIPTION: Tax ID Number: 08.0423.000;** Section 25 Township 139
366 Range 041; BEG AT NE COR OF NW1/4 OF SW1/4 S OF HWY TH SWLY ALONG HWY 434'
367 TH S 96' TH E TO E LINE TH N TO BEG; **APPLICATION AND DESCRIPTION OF**
368 **PROJECT:** Request a variance to construct a detached storage structure, to be located at thirty
369 (30) feet from the ROW of a State Hwy, deviating from the required setback of eighty-five (85)

370 feet from the ROW of a State Highway. Also requesting a variance for a detached storage structure
371 to be located five (5) feet from the rear property line, due to lot size, lot shape, and setback issues.

372
373 Vareberg presented the application.

374
375 Travis and Jody Ballard were present. Ballard explained his application for a storage building.
376 Ballard stated he is not able to meet the required setback of eighty-five (85) feet from the ROW of
377 a State Highway as his lot is only 95 feet deep. Vareberg stated the ROW as staked was 138 feet
378 from the centerline. Ballard also explained that the side property is not at the fence line, it is further.
379 Ballard stated the neighbors are in favor of the project.

380
381 Kessler asked what the required rear setback is. Vareberg stated 20 ft for a detached non dwelling
382 structure. Kessler stated there is not much else that will fit on this lot. Kessler asked if the eighty-
383 five (85) foot setback from the ROW of a State Highway was Becker County or MNDOTs required
384 setback. Vareberg replied it is Becker County's, MNDOTs setback is the ROW, however the
385 Ordinance is being reviewed at this time to change the setback to 30 feet.

386
387 King noted the property is zoned Commercial. Vareberg stated that all lots along this Hwy 34
388 corridor are zoned commercial. The zone was determined in 1971 when the ordinance was
389 established.

390
391 Johnston asked if any big trucks would be driving in there. Ballard replied no it will be used for
392 personal storage.

393
394 No one spoke for or against the application. There was no written correspondence for or against
395 the application. At this time, testimony was closed. Acting Chairman Boatman opened the matter
396 for disussion by the Board.

397
398 Kessler stated he was in favor. King stated it is a good fit for the lot. Johnston stated he was in
399 favor.

400
401 **Motion:** Kessler made a motion to **approve** a variance to construct a detached storage structure,
402 to be located at thirty (30) feet from the ROW of a State Hwy, deviating from the required setback
403 of eighty-five (85) feet from the ROW of a State Highway. Also requesting a variance for a
404 detached storage structure to be located five (5) feet from the rear property line, due to lot size, lot
405 shape, and setback issues.

406
407 **King second.** All in favor. Boatman was against. **Motion carried.** Variance **approved.**

408
409 **EIGHTH ORDER OF BUSINESS: APPLICANT: Cotton Lake Storage Project Location:**
410 **21017 Co Hwy 32 Rochert, MN 56578 LAND DESCRIPTION: Tax ID Number: 10.0379.002**
411 **23-139-40 PT SE1/4 SE1/4: COMM SE COR SEC 23, N 1215.56', W 264', N 119.47', W 135.99'**

412 TO POB; W 150', S 478.19', ELY AL RD 174.71', NLY 168.38', N 267.37' TO POB. TRACT A.
413 **APPLICATION AND DESCRIPTION OF PROJECT:** Renewal for a variance approved
414 September 13th, 2020; Document number 653956. Request a variance to construct storage shed, to
415 be located at eighty (80) feet from the ROW of a state highway, deviating from the required setback
416 of eighty-five (85) feet from the ROW of a state highway, and to be located at fifty (50) feet from
417 the centerline of a township road, deviating from the required setback of seventy-eight (78) feet
418 from the centerline of a township road due to setback issues.

419
420 Vareberg presented and explained the application, due to current circumstances, they are not
421 building at this time. Boatman stated renewal would extend for 2 years from issued date.

422
423 No one spoke for or against the application. There was no written correspondence for or against
424 the application. At this time, testimony was closed. Acting Chairman Boatman opened the matter
425 for disussion by the Board.

426
427 **Motion:** Johnston made a motion to **approve** a renewal for a variance approved September 13th,
428 2020; Document number 653956: Request a variance to construct storage shed, to be located at
429 eighty (80) feet from the ROW of a state highway, deviating from the required setback of eighty-
430 five (85) feet from the ROW of a state highway, and to be located at fifty (50) feet from the
431 centerline of a township road, deviating from the required setback of seventy-eight (78) feet from
432 the centerline of a township road due to setback issues.

433
434 **King second.** All in favor. **Motion carried.** Variance **approved.**

435
436 **NINTH ORDER OF BUSINESS:**

437
438 **Informational Meeting.** The next informational meeting is scheduled for Thursday, July 2nd,
439 2020 at 8:00 a.m. in the 3rd Floor Meeting Room of the Original Courthouse. As there was no
440 further business to come before the Board, King made a motion to adjourn the meeting. Johnston
441 seconded. All in favor. Motion carried. Meeting adjourned.

442
443 _____ ATTEST _____
444 Acting Chairman Roger Boatman Kyle Vareberg,
445 Planning and Zoning Administrator
446