

Becker County Board of Adjustments
July 8th, 2021

Present: Members: Chairman Roger Boatman, Lee Kessler, Craig Hall, Justin Knopf, Delvaughn King, Zoning Administrator Kyle Vareberg and E911/Zoning Technician Rachel Barte. Absent was Michael Sharp.

Chairman Roger Boatman called the meeting to order at 6:00 p.m. E911/Zoning Technician Rachel Barte recorded the minutes.

Introductions were given.

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

King made a motion to approve the minutes as modified for the June 10th, 2021, meeting. **Kessler** seconded. All in favor, Motion carried.

OLD BUSINESS:

FIRST ORDER OF BUSINESS: APPLICANT Josh & Kayla Swangler 21246 Co Hwy 29 Rochert, MN 56578 **Project Location:** 18178 Co Hwy 29 Detroit Lakes, MN 56501: **Tax ID Number:** 10.0379.000
LEGAL LAND DESCRIPTION; Section 23 Township 139 Range 040; 23-139-40 PT SE1/4 SE1/4: COMM SE COR SEC 23, N 1215.56', W 38.72' TO POB; W 225.28', S 91.24', E 18.27', S 39.18', E 60.25', SLY 169.06', ELY AL HWY 125.45', N AL HWY 269.30' TO POB. TRACT C.; Erie Township
APPLICATION AND DESCRIPTION OF PROJECT: Request a variance to be at 47% over the allowable 30% lot coverage. Also requesting a variance to construct structures to be located at ten (10) feet from the side yard setback, ten (10) feet from the rear yard setback, ten (10) feet from the County Highway ROW and twenty-six (26) feet from the centerline of a township road. To be revisited from the June 10th, 2021, Hearing.

First order of business was moved to last order of business

Owner Josh Swangler was absent. Vareberg presented the application. Vareberg stated they are revisiting the application to clarify the motion made, at the June hearing the Board deemed to approve the application to be at 77% lot coverage less units 12-15 (3600 sq ft). Vareberg stated there is a township road (182nd St) that runs through a portion of this property that was not included in the original calculation. Vareberg stated the overall requested coverage, including the road would have been 37,565 square feet of coverage. Vareberg stated the township road covers an area on the parcel totaling 2,197 square feet. Vareberg explained the calculations:

37,565 (originally requested coverage area) add (+) **2,197** (road area) minus (-) **3,600** (units 12-15 Board requested to be removed) = **36,162** (round to 36,165 sq ft)

45 Vareberg noted with the removal of units 12-15, there will likely be additional driveway removed, however
46 he does not know that exact area. Vareberg stated reducing the coverage area from 37,565 square feet to
47 36,165 square feet would be about 74%, closer to 75%.

48
49 No one spoke for or against the application. There was no written correspondence for or against the
50 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for discussion
51 by the Board.

52
53 All members were in favor of clarifying to include the township road area the request. It was noted the
54 applicant is working with Mike Hough to create a suitable water retention plan.

55
56 **Motion:** Hall made a motion to **approve** a variance to be at 75% coverage modified from the requested
57 77% lot coverage. With the stipulation the request is less units 12-15 (3600 sq ft), modified to include any
58 and all asphalt of the existing township road. Also, approve a variance to construct structures to be
59 located at ten (10) feet from the side yard setback, ten (10) feet from the rear yard setback, and twenty
60 (20) feet from the County Highway ROW, modified from the requested ten (10) feet from the County
61 Highway ROW and twenty-six (26) feet from the centerline of a township road, due to the fact it is a fair
62 and reasonable request, it is a good use of the land and it fits within the character of the locality.

63
64 **King second.** All in favor. **Motion carried.** Variance **approved.**

65
66 **SECOND ORDER OF BUSINESS: APPLICANT Donald McCullagh** 3663 22nd St S Fargo, ND 58104
67 **Project Location:** 11419 Lake Maud Dr Detroit Lakes, MN 56501 **Tax ID Number:** 17.0319.000 **LEGAL**
68 **LAND DESCRIPTION:** Section 27 Township 138 Range 042; 27-138-42 PT GOVT LOT 3: COMM
69 SW COR SEC 27, N 2444.33', E 33', ELY 310' TO POB; N 129.75' TO LK MAUD, W AL LK 114.15', S
70 128.91' TO RD, SLY AL RD 201.33', SE 8.37', NE 23.96', N 149.65' TO POB.; Lake Eunice Township
71 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a shed to be
72 located at thirty (30) feet from the OHW of the lake, deviating from the required setback of one hundred
73 (100) feet on a recreational development lake, due to setback issues. Tabled by the applicant from the June
74 10th, 2021 Hearing.

75
76 Vareberg presented the application.

77
78 Owner Donald McCullagh and wife Marjorie McCullagh were present. McCullagh explained the request
79 to construct a shed to be located at thirty (30) feet from the OHW of the lake. McCullagh stated he would
80 like to replace the boathouse in the same location it was in previously. Marjorie McCullagh stated since the
81 previous Hearing they have chosen to reduce the height of the proposed shed to accommodate the
82 neighbor's request. Marjorie McCullagh stated: "Our request is consistent with the rules promulgated by
83 the Department of Housing and Urban Development Fair Housing Act and provides for reasonable
84 accommodation for our disabilities. Our request includes numerous measures to mitigate any effects of the
85 proposed structure on the SIZ."

86
87 Boatman asked what the original requested height was. McCullagh stated fifteen (15) feet and they will be
88 reducing to be at twelve (12) feet.

89 A letter about the request was presented to the Board from Kevin & Toni Muffenbier, owners of parcels
90 17.0315.000 & 17.0316.000, 11421 Lake Maud Dr Detroit Lakes, MN 56501.

91

92 Rachel:

93 We are writing in regards to the McCullagh boathouse. As the structure was less then 10 feet
94 high in the past, as you will see from attached pictures, can we please not exceed 10 feet? Eight
95 feet would be better, as we believe that is what the previous shed
96 was.

Description of Variance Request: Replace an old boathouse in poor condition Request a variance to construct a shed to be located at thirty (30) feet from the OHW of the lake, deviating from the required setback of one hundred (100) feet on a recreational development lake, due to setback issues.	
OHW Setback: 30	Side Lot Line Setback: 10
Rear Setback (non-lake): n/a	Bluff Setback: n/a
Road Setback: n/a	Road Type: County
Existing Imp. Surface Coverage: 0- Just tore all down	Proposed Imp. Surface Coverage: 24.01%
Existing Structure Sq Ft: 10x21 = 210	Proposed Structure Sq Ft: 10x20 = 200
Existing Structure Height: 10	Proposed Structure Height: 12
Existing Basement Sq Ft: no	Proposed Basement Sq Ft: no
Change to roofline? No	Change to main structural framework? Yes
Other Questions Review	

97

98

99

100

Thanks,
Kevin & Toni Muffenbier



101



102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129

No one spoke for or against the application. There was no additional written correspondence on the application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for discussion by the Board.

Boatman stated the structure is in the SIZ and violates the state statute. Hall stated he understands the request for the mobility issues, however there is plenty of room to move back out of the SIZ and not interfere with the neighbors view of the lake.

Motion: Hall made a motion to **deny** a variance to construct a shed to be located at thirty (30) feet from the OHW of the lake, deviating from the required setback of one hundred (100) feet on a recreational development lake, due to the fact there was no proven hardship, there is adequate room on the lot to locate it without being in the SIZ, placing it further back will not interfere with the neighbors view of the lake, and moving it back will improve the aesthetics of the lake and locality.

King second. All in favor. **Motion carried.** Variance **denied.**

NEW BUSINESS:

THIRD ORDER OF BUSINESS: APPLICANT: Dunton Locks Park- Becker County 915 Lake Ave Detroit Lakes, MN 56501 **Project Location:** 24878 Dunton Locks Rd Detroit Lakes, MN 56501 **Tax ID Number:** 19.7010.000 **LEGAL LAND DESCRIPTION:** Section 08 Township 138 Range 041; LOT 5 EX 13.71 FOR HATCHERY; Lake View Township **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a picnic shelter to be located at forty-four (44) feet and a patio to be located at thirty-two (32) feet from a lake, deviating from the required setback of one hundred (100) feet from a recreational development lake, due to setback issues.

130 Vareberg presented the application.

131

132 Natural Resources Management Supervisor, Dan McLaughlin, was present virtually. McLaughlin
133 explained the request to construct a shed to be located at thirty (30) feet from the OHW of the lake at Dunton
134 Locks Park. McLaughlin stated the existing shed needs repair, pipes burst every winter and there is mold
135 in the building. McLaughlin stated the shed would be replaced in the same location extending fifteen (15)
136 feet to the north and east and south and west, parallel to the shoreline, going no closer to the lake. The Park
137 gets lots of use, it is rented out and is full every weekend. The Parks Department would like to increase the
138 available seating for the families who rent it out and update it. McLaughlin noted the site sketch shows the
139 proposed shed to be slightly closer to the OHW than the existing, however it will not be.

140

141 Boatman stated the Board measured the shed to be at forty-seven (47) feet from the lake, can you move
142 back three (3) feet to be out of the shore impact zone. McLaughlin stated there is a well on the back side of
143 the building we would be infringing on. We would also have to move the septic line and possibly part of
144 the parking lot. McLaughlin stated they did not want to move the building closer to the lake or parking
145 lot. Hall asked if they would have to move the septic. McLaughlin replied if they must move it back, they
146 would, noting they received a compliance inspection showing good repair last summer. McLaughlin also
147 noted the well is within one and a half (1 1/2) feet from the shed. Vareberg noted if you move back three
148 (3) feet you would have to move the hydrant not the well. Boatman stated you can move back; you may
149 have to move the hydrant. Vareberg replied Ordinance states they must maintain a three (3) foot setback
150 from the well. Hall asked if they would need a variance from the well if they required them to move back.
151 Hall stated they should move it back three (3) feet to be outside of the shore impact zone, the County
152 should be held to a standard, even higher standards than the public and comply with being out of the SIZ.
153 McLaughlin noted this will be for public recreation. Kessler noted they can accommodate the public and
154 still move back three (3) feet. Boatman stated another option would be to shrink the building three (3)
155 feet. McLaughlin stated they can make it work with the modification.

156

157 A letter about the request was presented to the Board from Adam Mortenson, Water Resource
158 Coordinator, Pelican River Watershed District.

159

160 **From:** PRWD Permit <prwdpermit@arvig.net>
161 **Sent:** Tuesday, July 6, 2021 8:26 AM
162 **To:** Rachel D. Bartee <rachel.bartee@co.becker.mn.us>
163 **Cc:** Kyle P. Vareberg <kyle.vareberg@co.becker.mn.us>; Tera Guetter <tera.guetter@arvig.net>
164 **Subject:** [EXTERNAL]July 8th Board of Adjustments Packet

165

166 Hello,

167

168 PRWD had 2 comments in response to the Agenda for the July 8th Board of Adjustments meeting.
169 Please forward to the Becker County Board of Adjustments before the Thursday July 8th Meeting
170 for their consideration.

171

172 2. **Dunton Locks Park-Becker County** – If approved by Becker County as described, a
173 PRWD Stormwater Management Permit will be required. PRWD has been working with

174 the County Parks and Recreation to develop a stormwater plan for the proposed new
175 structure, and new impervious surfaces associated with the structure.

176
177 Thank you,

178
179 **Adam Mortenson**
180 *Water Resource Coordinator*
181 Pelican River Watershed District
182 Wells-Fargo Bldg – Suite 201
183 211 Holmes Street West
184 Detroit Lakes, MN 56501
185 www.prwd.org
186 (218) 846-0436

187
188 No one spoke for or against the application. There was no additional written correspondence on the
189 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for
190 discussion by the Board.

191
192 Vareberg noted the structure must be three (3) feet from the well. Hall noted at the tour the Board
193 measured nine (9) feet from the building to the well, if they move back three (3) feet they will have six (6)
194 feet to the well. Vareberg noted no variance to the well will be needed if they move back three (3) feet to
195 be outside of the SIZ. Hall noted they should follow the Pelican River Watersheds requirements.

196
197 **Motion:** Kessler made a motion to **approve** a variance to construct a picnic shelter to be located at fifty
198 (50) feet, modified from the requested forty-four (44) feet, and a patio to be located at thirty-two (32) feet
199 from a lake, deviating from the required setback of one hundred (100) feet from a recreational
200 development lake, due to setback issues, due to the fact the shelter it is out of the shore impact zone, with
201 the stipulation they follow any Pelican River Watershed requirements.

202
203 **Hall second.** All in favor. **Motion carried.** Variance **approved.**

204
205 **FORTH ORDER OF BUSINESS: APPLICANT: Ann Hixson Irrevocable Trust** 12368 Shorewood
206 Beach Rd Detroit Lakes, MN 56501 **Project Location:** 12368 Shorewood Beach Rd Detroit Lakes, MN
207 56501 **Tax ID Number: 17.1089.000 LEGAL LAND DESCRIPTION:** Section 22 Township 138
208 Range 042; SHOREWOOD 1ST ADDITION 138 42 LOTS 1 & 2 EX TRI IN NE PT LOT 2 BEING 9'
209 ON ROAD; **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct an
210 attached garage onto a non-conforming dwelling to be located at forty-three (43) feet from the OHW of
211 the lake, deviating from the required setback of one hundred (100) feet from a recreational development
212 lake, due to topography and setback issues.

213
214 Vareberg presented the application.

215
216 Owner Ann Hixson was present. Hixson explained the request to construct an attached garage onto a non-
217 conforming dwelling to be located at forty-three (43) feet from the OHW of the lake, deviating from the

218 required setback of one hundred (100) feet from a recreational development lake, due to topography and
219 setback issues. Hixson explained she had requested a previous variance in 2020 for a similar structure,
220 however it has been determined that she is unable to build in this location due to the topography of the lot.
221 Hixson stated the contractor said the hill is gravel and the concrete walls will not hold it up.

222
223 Hall asked if there would be difficulty to get access to the garage without digging into the hill. Hall noted
224 there is a shed on the far side of the lot, could the garage be placed there. Hall asked if the garage could
225 be tipped at an angle that would make the garage more perpendicular to the driveway to keep the garage
226 outside of the SIZ. Hixson replied coming straight down to the garage from that steep driveway I would
227 have to put up a retaining knee wall to keep the garage in line with the house. If I tip or tilt the garage, it
228 will not look like an addition to the house, it would be awkward looking. Hall replied they could attach it
229 with a breezeway. Boatman stated they would be fine with a knee wall there. Boatman stated the Board
230 would like to see the structure built outside of the shore impact zone, so you would need to move back
231 seven (7) feet based on your request to be at forty-three (43) feet from the OHW, it is up to you to decide
232 how far you want to go into the hillside and come back with a plan next month.

233
234 Kessler asked how important is it to you that the garage is attached to the house. Hixson replied it is not,
235 the original variance was for a detached garage. Hixson stated since I have a deck there already the garage
236 would have to have been far enough from the house and still be able to get into the house and be ten (10)
237 feet from the property line, so we decided to be back thirty (30) feet from the side lot line and attach it to
238 the house. Kessler stated Hixson should talk to her contractor and see if they can put the garage where the
239 current shed is located. There appears to be room between the existing deck and garage to get in and turn,
240 however we do not design the project for you. Hixson replied she is not sure how she can move it back
241 seven (7) feet to be fifty (50) feet from the lake and ten (10) feet from the side property line. Applicant
242 requested to table the application until the August Hearing.

243
244 **FIFTH ORDER OF BUSINESS: APPLICANT: Elizabeth & Ronald Hepola** 19645 Skyview Cir
245 Hutchinson MN 55350 **Project Location:** XXXXX Co Rd 131, Detroit Lakes, MN 56501 **Tax ID**
246 **Number:** 08.0178.001 **LEGAL LAND DESCRIPTION:** Section 10 Township 139 Range 041; PT
247 GOVT LOT 4 S OF CR#131 & SE OF LOT 38 FLOYD LAKE POINT; Detroit Township
248 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a shed to be
249 located at twenty (20) feet from a county road right of way, deviating from the required setback of forty-
250 five (45) feet from a dedicated county road ROW on a non-riparian shoreland lot, due to setback issues.

251
252 Vareberg presented the application.

253
254 Owners Elizabeth Hepola was present in person and Ronald Hepola was present virtually. Hepola
255 explained the request to construct a shed to be located at twenty (20) feet from a county road right of way,
256 due to setback issues. Hepola stated the shed request is not on the lake side, it is across the street. Hepola
257 stated they would like to be closer to the road because of the soggy ground conditions on the back part of
258 the lot, it is a natural wetland back there. They would like to have sufficient soil to work with and plan to
259 build up the area significantly with sand. Hepola stated the addition will be ten (10) feet tall and there are
260 other buildings adjacent that are similar in location. Hepola stated the neighbors have no objections, they

261 are not infringing on their view or their enjoyment of the lake. Hepola stated they want a better structure
262 footing to allow for better construction.

263
264 Vareberg noted he visited the property with Ed Clem from Becker County Soil and Water and Contractor
265 Pete Thielen and determined it was a wetland where they had it staked out and had to move it forward.
266 Vareberg stated it was staked at twenty-three (23) feet and we moved it to twenty (20) feet. Hepola stated
267 the excavator stated a few feet would really help get to more stable ground.

268
269 No one spoke for or against the application. There was no written correspondence for or against the
270 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for
271 discussion by the Board.

272
273 **Motion:** Kessler made a motion to **approve a variance** to construct a shed to be located at twenty (20) feet
274 from a county road right of way, deviating from the required setback of forty-five (45) feet from a dedicated
275 county road ROW on a non-riparian shoreland lot, due to setback issues, due to the fact it is similar to
276 the others in the neighborhood, it is a reasonable request, it is consistent with the purposes and intent of the
277 Becker County Ordinance and Comprehensive Plan, it is using the property in a reasonable manor, and it
278 maintains the character of the locality.

279
280 **Knopf second.** All in favor. **Motion carried.** Variance **approved.**

281
282 **SIXTH ORDER OF BUSINESS: APPLICANT: Joshua J. & Elizabeth Bach** 101 28th Ave NE
283 Fargo, ND 58102 **Project Location:** 29211 Sugar Hill Dr Ogema, MN 56569 **Tax ID Number:**
284 32.0425.000 **LEGAL LAND DESCRIPTION:** Section 08 Township 141 Range 040; SUGAR BUSH
285 HGTS 5TH; LOTS 8 & 9; Sugar Bush Township **APPLICATION AND DESCRIPTION OF**
286 **PROJECT:** Request a variance to construct a second story addition to an existing non-conforming guest
287 cottage to be located at thirty-seven (37) feet and a deck to be located at fifty-one (51) feet from a lake,
288 deviating from the required setback of one hundred (100) feet from a recreational development lake.
289 Also, requesting a variance for a guest cottage to be eighteen (18) feet in height, deviating from the
290 allowed height of fifteen (15) feet for a guest cottage, due to setback issues.

291
292 Vareberg presented the application.

293
294 Robert and Lona Bach, owner Joshua Bach's parents were present. Bach explained the request to construct
295 a second story addition to an existing non-conforming guest cottage to be located at thirty-seven (37) feet
296 and a deck to be located at fifty-one (51) feet from a lake and for a guest cottage to be eighteen (18) feet in
297 height. Bach stated there are two parts to the variance request. First there is an existing flowerbed on the
298 side of the guest house and main cabin. They would like to attach a deck in the same footprint as the flower
299 bed. The second part of the variance is to add a second level on to the existing guest house. Bach explained
300 the cottage was built in the 1980's. Bach noted they are not increasing the footprint or the lot coverage.
301 Bach stated there is not anything else on this side of the lake, we are on a peninsula, so we would not
302 negatively impact any other property owners.

303 Boatman asked if the existing foundation would hold a second story. Bach replied, the contractor did not
304 think it would be a problem and it is the same contractor that did the previous addition to the house. Hall

305 replied it appeared sketchy when they visited the property, more weight on that foundation looks
306 questionable, I am not sure that is a smart thing. Bach replied they would address it with the contractor,
307 they do not want to go through the expense and have issues.

308
309 Sugar Bush Township Clerk, Janice Chilton, was present. Chilton asked about the septic system and the
310 distance to the lake. Bach replied they are not creating any more activity, there will be no additional number
311 of bedrooms or bathrooms, they are adding living space. Vareberg noted they would not have to recertify
312 if that is the case, noting the septic information would be reviewed inhouse with the approval of the site
313 permit, if it requires a compliance then we would make them. Kessler stated he was in favor if they stay in
314 the same footprint.

315
316 A letter opposed to the request was presented to the Board from James and Susan Olsen
317 owners of J&S Olsen Family Trust parcel 32.0406.000, 29379 N Sugar Bush HTS Rd Ogema, MN
318 56569.

319 June 27, 2021

320
321 J&S Olsen Family Trust
322 17514 Leavenworth St
323 Omaha, NE 68118

324
325 Becker County Planning & Zoning
326 ATTN: Rachel Bartee
327 915 Lake Ave
328 Detroit Lakes, MN 56501

329
330 RE: Application for variance by Joshua J. & Elizabeth Bach; Project Location: 29211 Sugar Hill
331 Dr. Ogema, MN 56569

332
333 Dear Ms. Bartee,

334
335 Thank you for you letter notification requestion comments on the referenced application for
336 variance at 29211 Sugar Hill Dr. on Big Sugar Bush Lake, MN.

337
338 We own property across the little bay from the applicant and have been seasonal use property
339 owners since 1978. The property at 29211 Sugar Hill Dr. is a prime piece of land on a peninsula
340 readily viewable to all those that use the lake. The existing improvements as developed are all
341 acceptable in our opinion. However, we do not support a variance for a second story addition to
342 the existing guest cottage. We would not object to a variance for a deck addition to the guest
343 house, or remodeling of the existing structure within its current footprint and height.

344
345 The reasons for our position not supporting further developmental improvements requiring a
346 variance for a second story to the guest house include:

- 347 1. Variations already maximized. Because of the layout and size of the property your
348 departments granting of a number of variations in the past has essentially maximized the
349 ability of the property to support its current infrastructure and improvements.
350 a. 1984: Guest house. This was granted a variance (or should have been) at 37 feet
351 from the lake bay.
352 b. 1995: Garage. This was granted a variance do to it proximity from the lake.
353 c. 2000: Master bedroom addition. This was granted a variance also.
354
- 355 2. Visual and structural considerations. A second story addition to the existing guest house
356 would by its scope and location change the nature of the building to further stand out from the
357 natural environment. This is inconsistent with your zoning and especially inconsistent with
358 the overall generally accepted building practices on Big Sugar Bush Lake. Structurally, the
359 current pier foundation would in all likelihood not support a second story and would require
360 significant new construction for a functional foundation.
361
- 362 3. Infrastructure Demands. It is questionable whether the existing septic tank and seepage bed
363 system could support the potential additional loads from full use of the proposed addition to
364 the guest house along with the original cabin and master bedroom addition.
365
- 366 4. Other property improvements. As mentioned, the property infrastructure is essentially fully
367 utilized with its existing set of development and improvements. Other improvements include:
368 a. Three (3) Porches. The porches are 264 sf, 160 sf, and 50 sf.
369 b. Two (2) Wood Decks. The decks are 360 and 144 sf.
370 c. One (1) Concrete Patio. The patio is 96 sf.
371 d. Two (2) Sheds. One is 8 ft. x 8 ft. The other is 6 ft. x 6 ft.

372
373 In summary, we do not concur with the applicants request for a variance to construct a second
374 story to the existing guest house. It is our belief this property is essentially fully developed as is
375 and has been granted a number of variations in the past to allow this. This is a beautiful lakefront
376 property and its existing improvements were well-built and are currently in good condition.
377 However, the proposed further developmental addition to a non-conforming guest house structure
378 would detract from this property visually for other lake property owners and users and in all
379 likelihood require substantial design and construction for foundational improvements.

380
381 Sincerely,

382
383 James and Susan Olsen
384 (J&S Olsen Family Trust)

385
386 A letter opposed to the request was presented to the Board from R. Wayne Eipperle, owner of parcel
387 32.0407.000, 29387 N Sugar Bush HTS Rd Ogema, MN 56569.
388

June 29, 2021

R. Wayne Eipperle
3240 North 159th Avenue
Omaha, NE 68116

Becker County Planning and Zoning
Atten: Board of Adjustment
915 Lake Avenue
Detroit Lakes, MN 56501

RE: Variance Application by Joshua J. I Elizabeth Bach
Property Location: Big Sugarbush Lake
29211 Sugar Hill Drive
Ogema, MN 56569

Dear Board Members:

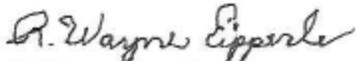
I have always appreciated the decisions of the Board of Adjustment to protect and maintain the natural beauty of Big Sugarbush Lake. Your observances of the rules for the landowners have been good.

My Big Sugarbush property is situated at 29387 North Sugarbush Heights directly across the bay from the north side of the peninsula of the property belonging to the Bachs. My family and I have been vacationing at Big Sugarbush since the 1950s. I built our seasonal cabin at the above location in 1978 where I and members of my family spend our vacation time from May through October every year. We treasure the view of the lake and the peaceful surroundings of the cove.

I have received a copy of the letter submitted to the Board by James and Sue Olsen whose property is next door to mine and fully agree with their analysis in opposing the requested variances for the guest house. Therefore, I strongly oppose the proposed changes to the guest house for 29211 Sugar Hill Drive, Ogema MN 56569 and urge the Board to deny the application.

I would add that over the years your board has been astute in protecting the beauty of the lake and thank you for the work you have done in the past many years.

Sincerely,


R. Wayne Eipperle

389
390 No one spoke for or against the application. There was no written correspondence for the application. At
391 this time, testimony was closed. Chairman Roger Boatman opened the matter for discussion by the Board.
392

393 **Motion:** Kessler made a motion to **approve a variance** to construct a second story addition to an existing
394 non-conforming guest cottage to be located at thirty-seven (37) feet and a deck to be located at fifty-one
395 (51) feet from a lake, deviating from the required setback of one hundred (100) feet from a recreational
396 development lake. Also approve a variance for a guest cottage to be eighteen (18) feet in height,
397 deviating from the allowed height of fifteen (15) feet for a guest cottage, due to setback issues, due to the

398 fact the request is to be in the same footprint and is not increasing the impervious coverage, it fits within
399 the character of the locality, and conforms with the neighborhood.

400

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

402

403 **SEVENTH ORDER OF BUSINESS: APPLICANT: Christopher Holton** 18244 302nd Ave Detroit
404 Lakes, MN 56501 **Project Location:** 18244 302nd Ave Detroit Lakes, MN 56501 **Tax ID Number:**

405 10.0627.104 **LEGAL LAND DESCRIPTION:** Section 20 Township 139 Range 040; COUNTRY

406 LANE Block 001; LOT 4; Erie Township **APPLICATION AND DESCRIPTION OF PROJECT:**

407 Request a variance to construct a detached garage to be located at seventy-five (75) feet from the ordinary

408 high-water mark of the lake, deviating from the required setback of one hundred fifty (150) feet from the

409 OHW of a natural environment lake, due to setback issues.

410

411 Vareberg presented the application.

412

413 Owner Christopher Holton was present. Holton explained the request to construct a detached garage to be

414 located at seventy-five (75) feet from the ordinary high-water mark of the lake. Boatman noted the house

415 is closer to the lake than the proposed garage. Holton replied he always thought he could build there; he

416 did not realize that a variance was needed to construct a garage in this location when he purchased the lot.

417

418 A letter opposed to the request was presented to the Board from Daniel Johnson, owner of parcel

419 32.0407.000, 29387 N Sugar Bush HTS Rd Ogema, MN 56569.

420

421 **From:** Dan Johnson <dnj65ella@gmail.com>

422 **Sent:** Monday, June 28, 2021 3:02 PM

423 **To:** Rachel D. Bartee <rachel.bartee@co.becker.mn.us>

424 **Subject:** [EXTERNAL]Christopher Holton variance request.

425

426 Considering the deviation to 75 feet from OHW from 150 feet for a natural environment lake and

427 the fact that this would also take away from any other viable location for a new septic system

428 should the existing septic system fail, I do not believe this variance should be granted. A variance

429 has already been established to create the lot as is and too small and should be taken into

430 consideration being close to a natural environmental lake and the 150 foot setback to OWH.

431

432 Thank you,

433 Daniel Johnson

434

435 No one spoke for or against the application. There was no written correspondence for the application. At

436 this time, testimony was closed. Chairman Roger Boatman opened the matter for discussion by the Board.

437

438 Hall stated at the site visit the distance was ninety (90) feet not seventy-five (75) feet from the OHW.

439 Vareberg stated he did not recall. Knopf agreed with Hall, the measurement was closer to one hundred

440 (100) feet.

441

442 **Motion:** Hall made a motion to **approve a variance** to construct a detached garage to be located at ninety
443 (90) feet, modified from the requested seventy-five (75) feet, from the ordinary high-water mark of the
444 lake, deviating from the required setback of one hundred fifty (150) feet from the OHW of a natural
445 environment lake, due to setback issues, due to the fact it is a reasonable request, and it fits well with the
446 character of the locality.

447

448 **Knopf second.** All in favor. **Motion carried.** Variance **approved.**

449

450 **EIGHTH ORDER OF BUSINESS: APPLICANT: Mark G. & Rhonda J. Olson** 70 18th Ave N
451 Fargo, ND 58102 **Project Location:** 33243 N Cotton Lake Rd. Rochert, MN 56578 **Tax ID Number:**
452 16.0293.000; **LEGAL LAND DESCRIPTION:** Section 35 Township 140 Range 040; AUDREY
453 BEACH 140 40; LOT 11; Holmesville Township **APPLICATION AND DESCRIPTION OF**
454 **PROJECT:** Request a variance to construct an addition to an existing non-conforming dwelling to be
455 located at sixty-six (66) feet from a lake, deviating from the required setback of one hundred (100) feet
456 from a recreational development lake, due to setback issues.

457

458 Vareberg presented the application.

459

460 Owner Mark G. & Rhonda J. Olson were present. Olson explained the request to construct an addition to
461 an existing non-conforming dwelling to be located at sixty-six (66) feet from a lake. Olson stated the lot
462 has been in their family for many years. Olson noted the existing house is in the shore impact zone
463 (within the first fifty (50) feet of the lake). Olson explained the addition will be a sixteen (16) foot
464 extension to the back of the house, away from the lake side and out of the SIZ.

465

466 A letter in favor of the request was presented to the Board from Bob and Linda Brockmann owners of
467 Linda L Brockmann Trust parcel 16.0294.000, 33237 N Cotton Lake Road Rochert, MN 56578.

468

469 We feel the addition to the Mark and Rhonda Olson home on North Cotton Lake Road will be a
470 good addition to the property. We do not object to the addition and encourage the board to
471 approve the variance.

472

473 Bob and Linda Brockmann
474 33237 N Cotton Lake Road

475

476 A letter in favor of the request was presented to the Board from Ed and Julie Warweg owners of parcel
477 16.0279.000, 33231 N Cotton Lake Road Rochert, MN 56578.

478

479 To whom it may concern at building on Cotton Lake. We have known Mark and Ronda Olson for
480 over 30 years.

481

482 They have been our neighbors on Cotton Lake for over 30 years. They have been always working
483 for what is best as neighbors.

484

485 Let me tell you some of the ways he has been a good neighbor and a support to the lake. They are
486 members of the Lake Association and have volunteered to adopt a Buoy to be placed on the lake
487 every year. So, they are concerned for everyone's safety.

488
489 Mark has been on the fishing committee for many years to keep the fish population at it's best for
490 the entire lake and the other owners.

491
492 Mark and Rhonda have kept their property neat and clean. Making it look always attractive to
493 those on the lake as well as their neighbors close by.

494
495 They both offer support in cleanup of leaves and plants to share for your gardens.

496
497 We feel their expansion would enhance the North Cotton Lake Road and other neighbors near
498 bye. This property has been in the family for a few generations and will continue to love and
499 cared for in the future.

500
501 Sincerely, Ed and Julie Warweg
502 33231 North Cotton Lake Road

503
504 A letter in favor of the request was presented to the Board from Jim and Jane Herian, owners of parcel
505 16.0291.000, 33257 N Cotton Lake Road Rochert, MN 56578.

506
507 Rachel,

508
509 I'm sending this email in support of Mark G. and Rhonda J. Olson and their request for a variance
510 to construct an addition on to their existing non-/conforming dwelling. (I have attached the notice
511 of public hearing for their request). As a neighbor of theirs two houses to the east I fully support
512 the proposal. Should you need anything else or have any questions I can be reached @ 701-261-
513 6007.

514
515 Thank you

516
517 Jim and Jane Herian
518 33257 N Cotton Lake Road
519 Rochert, Mn 56578

520
521 No one spoke for or against the application. There was no written correspondence against the application.
522 At this time, testimony was closed. Chairman Roger Boatman opened the matter for discussion by the
523 Board.

524
525 **Motion:** Hall made a motion to **approve a variance** to construct an addition to an existing non-
526 conforming dwelling to be located at sixty-six (66) feet from a lake, deviating from the required setback
527 of one hundred (100) feet from a recreational development lake, due to setback issues, due to the fact it is

528 a reasonable request, it is a good use of the property, it is further away from the lake than the existing
529 structure, and it fits within the character of the locality.

530

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

532

533 **NINTH ORDER OF BUSINESS: APPLICANT: Denise (Fett) Fredrickson Revocable Living Trust**

534 10604 Eagle Lake Rd Frazee, MN 56544 **Project Location:** 10604 Eagle Lake Rd Frazee, MN 56544

535 **Tax ID Number:** 03.0319.000; **LEGAL LAND DESCRIPTION:** Section 32 Township 138 Range

536 040; 32-138-40 PT GOVT LOT 2: COMM NW COR GOVT LOT 2, S 525' TO POB; E 647.43', NELY

537 234.92', E 49.66', SE 75.69', E TO EAGLE LK, S AL LK TO S LN GOVT LOT 2, W 1149', N 802.89'

538 TO POB. INCL PARCEL B.; Burlington Township **APPLICATION AND DESCRIPTION OF**

539 **PROJECT:** Requesting a variance to construct a deck (water orientated structure) to be located at thirty-

540 five (35) feet from the centerline of a township road, deviating from the required setback of fifty-three

541 (53) feet from a township easement road. Also requesting a variance for a WOS to be one hundred eighty

542 (180) square feet in size, deviating from the allowed one hundred twenty (120) square feet, all due to

543 setback issues.

544

545 Vareberg presented the application.

546

547 Owner Denise Fett was present. Fett explained the request to construct a deck (water orientated structure)

548 to be located at thirty-five (35) feet from the centerline of a township road and for a WOS to be one

549 hundred eighty (180) square feet in size. Fett stated she lives on the west side of Eagle Lake and has a

550 hardship of a road running between the house and the lake. Fett stated the small deck will be on the lake

551 side of the lot and the twelve (12) foot width would bring it into the embankment.

552

553 No one spoke for or against the application. There was no written correspondence for or against the

554 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for

555 discussion by the Board.

556

557 Kessler stated it is a good use of the property and there are others in the neighborhood like it.

558

559 **Motion:** Knopf made a motion to **approve a variance** to construct a deck (water orientated structure) to

560 be located at thirty-five (35) feet from the centerline of a township road, deviating from the required

561 setback of fifty-three (53) feet from a township easement road. Also approve a variance for a WOS to be

562 one hundred eighty (180) square feet in size, deviating from the allowed one hundred twenty (120) square

563 feet, all due to setback issues, due to the fact it uses the property in a reasonable manor, there are similar

564 structures in the area, and it will not alter the character of the locality.

565

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

567

568 **TENTH ORDER OF BUSINESS: APPLICANT: Trent & Dana Duda** 409 Liberty Cir Horace, ND

569 58047 **Project Location:** 24454 Co Hwy 22 Detroit Lakes, MN 56501 **Tax ID Number:** 19.1745.000;

570 **LEGAL LAND DESCRIPTION:** Section 20 Township 138 Range 041; SHADY BEACH 138 41;

571 BEG AT SW COR LOT 6, TH NE 93' AL S LN LOTS 6 & 7 N 268.32' TO PT 13.84' NE OF NW COR

572 LOT 8 SW TO PT 12.5' NE OF NW COR LOT 6 & SE TO BEG; Lake View Township.

573 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a shed to be
574 located at thirty-three (33) feet from a lake, deviating from the required setback of seventy-five (75) feet
575 from a general development lake. Also, requesting a variance to construct a shed to be located at two (2)
576 feet from the side lot line, deviating from the required side lot line setback of ten (10) feet on a one
577 hundred (100) foot wide lot, due to setback issues.

578
579 Vareberg presented the application.

580
581 Owner Trent Duda was present virtually. Duda explained the request to construct a shed to be located at
582 thirty-three (33) feet from a lake and to construct a shed to be located at two (2) feet from the side lot line.
583 Duda stated this is the best location for the structure on the property, to be placed between the four trees.
584 Duda explained in the next five to seven years they plan to rebuild, and the new septic will be placed on
585 the west side of the lot, so they do not want to disturb this area.

586
587 Boatman stated on the site visit they concluded the shed could be moved behind the lilacs, there is lots of
588 room there. Duda replied, this is the best spot for me as it is closer to the lake. Hall stated as a Board we
589 would like you to consider moving it back, we understand what you are saying, however if we granted
590 this request everyone with a lake lot would want a shed here, the convenience is not enough. Duda asked
591 if he moved it back to be at seventy-five (75) feet from the OHW can we still have a variance to be two
592 (2) feet from the fence (side lot line). Hall stated he was in favor of the shed to be seventy-five (75) feet
593 from the OHW. Vareberg noted the required setback is seventy-five (75) feet, for a general development
594 lake, no variance would be needed for him to be at this distance.

595
596 Boatman asked why Duda needed to be two (2) feet from the side lot line, what is the hardship. Duda if I
597 go ten (10) feet out into the yard it will be far out into the lot, there would not be much room between the
598 house and the shed. Duda stated if I go right south of the big tree, right beside the neighbor's garage, I can
599 move it back there. Hall stated he was in favor of that location as the garage already blocks all view.
600 Knopf stated he was in favor of this modified request.

601
602 A letter in favor of the request was presented to the Board from Richard Warner, owner of parcel
603 19.1744.000, 24442 Co Hwy 22 Detroit Lakes, MN 56501.

604
605 Hello Rachel, my name is Rich Warner I reside at 24442 cty hwy 22 , dl, mn, 56501 on lake Sallie.
606 I'm letting you know I have talked to Trent and am ok and aware of his shed going 2 feet from my
607 property line and 25 ft from the lake and okd for him to proceed with his shed project. Trent is my
608 next-door neighbor fyi. Any questions feel free to contact me at 7013674180 or rich@teamlab.net

609
610 Thank You
611 Rich Warner

612
613 A letter about the request was presented to the Board from Adam Mortenson, Water Resource
614 Coordinator, Pelican River Watershed District.

615

616 **From:** PRWD Permit <prwdpermit@arvig.net>
617 **Sent:** Tuesday, July 6, 2021 8:26 AM
618 **To:** Rachel D. Bartee <rachel.bartee@co.becker.mn.us>
619 **Cc:** Kyle P. Vareberg <kyle.vareberg@co.becker.mn.us>; Tera Guetter <tera.guetter@arvig.net>
620 **Subject:** [EXTERNAL]July 8th Board of Adjustments Packet

621
622 Hello,

623
624 PRWD had 2 comments in response to the Agenda for the July 8th Board of Adjustments meeting.
625 Please forward to the Becker County Board of Adjustments before the Thursday July 8th Meeting
626 for their consideration.

- 627
628 1. **Trent and Dana Duta-** If approved by Becker County as described, A PRWD Shore Impact
629 Zone Alterations Permit (Shore Impact Zone: 37.5' on GD lake) will be required (stormwater
630 runoff to be managed from the new structure).

631
632 Thank you,

633
634 **Adam Mortenson**
635 *Water Resource Coordinator*
636 Pelican River Watershed District
637 Wells-Fargo Bldg – Suite 201
638 211 Holmes Street West
639 Detroit Lakes, MN 56501
640 www.prwd.org
641 (218) 846-0436

642
643 A letter against the request was presented to the Board from Gordon and Judith Knudsvig, owners of parcel
644 19.1411.000, 24508 Co Hwy 22 Detroit Lakes, MN 56501.

645
646 From: Judy <judyknudsvig@gmail.com>
647 Sent: Tuesday, July 6, 2021 12:59 PM
648 To: Rachel D. Bartee rachel.bartee@co.becker.mn.us
649 Subject: [EXTERNAL]Public testimony for project at: 24454 HWY 22, Detroit Lakes, MN

650
651 To: Board of Adjustment
652 Testimony: from Gordon Knudsvig/Judith Knudsvig. 24508 County Hwy 22.

653
654 We live several lots from the subject property and object to the proposed location of a shed 33 feet
655 from the lake. Our Objection is based on locating a shed too close to the shoreline which would
656 obstruct neighbor views down the shoreline. This location would diminish the safety we desire to
657 be able to see boat traffic down the shoreline.

658

659 The applicant is certainly entitled to build a shed for storage purposes. However, the location close
660 to the shoreline for convenient lake access comes at a cost to neighbors views as described above.
661 Please ask the applicant to locate the shed a sufficient distance further away from the shoreline.

662
663 From a public policy standpoint, our opinion is that this application poses a precedence quandary
664 as everyone would like to locate a shed close to the shoreline: including us.

665
666 The applicant has been making very nice improve to their property and we hope that you can work
667 something out with them for a shed location.

668
669 Please acknowledge receipt of this testimony by emailing us back. Thank You

670
671 Gordon and Judith Knudsvig

672
673 No one spoke for or against the application. There was no further written correspondence for or against
674 the application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for
675 discussion by the Board.

676
677 **Motion:** Knopf made a motion to **deny a variance** to construct a shed to be located at thirty-three (33) feet
678 from a lake, deviating from the required setback of seventy-five (75) feet from a general development lake,
679 due to the fact there was no hardship proven.

680
681 **Motion:** Knopf made a motion to **approve a variance** to construct a shed to be located at two (2) feet
682 from the side lot line, deviating from the required side lot line setback of ten (10) feet on a one hundred
683 (100) foot wide lot, due to setback issues, due to the fact the request is out of the shore impact zone, it is a
684 good use of the land, it fits well within the character of the locality, and it is using the property in a
685 reasonable manor.

686
687 **Hall second.** All in favor. **Motion carried.** Variance **approved.**

688
689 **ELVENTH ORDER OF BUSINESS: APPLICANT: Andrea Lynn Rockswold** 5529 58th St S Fargo,
690 ND 58104 **Tax ID Number:** 19.0847.000; **Project Location:** 24903 Sauers Lake Ln Detroit Lakes, MN
691 56501 **LEGAL LAND DESCRIPTION:** Section 32 Township 138 Range 041; BROLIN SAUERS
692 BEACH; LOT 2 EX TRI IN W PT; Lake View Township **APPLICATION AND DESCRIPTION OF**
693 **PROJECT:** Request a variance to construct a deck to be located at fifty (50) feet from a lake, deviating
694 from the required setback of one hundred (100) feet from a recreational development lake, due to setback
695 issues.

696
697 Vareberg presented the application.

698
699 Owner Andrea Lynn Rockswold was present. Rockswold explained the request to construct a deck to be
700 located at fifty (50) feet from a lake. Rockswold noted that the dwelling was built back in the 1970's.
701 Rockswold stated she wants to build a deck off the sides of the original dwelling on the lakeside.
702 Boatman noted the request is out of the SIZ.

703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746

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 Roger Boatman opened the matter for discussion by the Board.

Motion: Kessler made a motion to **approve a variance** to construct a deck to be located at fifty (50) feet from a lake, deviating from the required setback of one hundred (100) feet from a recreational development lake, due to setback issues, due to the fact it is a reasonable request, it puts the property to reasonable use, the request is out of the shore impact zone, it is in harmony with the purposes and intent of the Becker County Ordinance and Comprehensive Plan, and it fits within the character of the locality.

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

TEWELVETH ORDER OF BUSINESS: APPLICANT: Daniel D. & Joelle L. Staller 7342 15th St S Fargo, ND 58104 **Project Location:** 14708 Tradewinds Rd Audubon, MN 56511 **Tax ID Number:** 17.1298.000; **LEGAL LAND DESCRIPTION:** Section 07 Township 138 Range 042; TRADE WINDS BEACH; LOT 54 & NELY 1/2 OF LOT 53; Lake Eunice Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a dwelling and deck to be located at fifty-two (52) feet from a lake, deviating from the required setback of one hundred (100) feet from a recreational development lake, due to setback issues.

Vareberg presented the application.

Owner Daniel D. & Joelle L. Staller were present virtually. Staller explained the request to construct a dwelling and deck to be located at fifty-two (52) feet from a lake. Staller stated the existing cabin is in the SIZ (shore impact zone). Staller stated they tried to do setback averaging plus twenty (20) feet, however it did not work because the existing structure is in line with the other cabins. Staller stated they need to leave room for and install a good septic system, be far enough from the road, meet the well setback, and keep everything outside of the SIZ. Staller explained there is a well on the lake side on the property line. Staller stated this is the best placement on the property for this project and it will fit in line with other lots in the area. Boatman asked if it was Staller's intention to have concrete driveway. Staller explained the concrete will go twelve (12) feet wide to the road as required on the application. Staller stated the septic will be 40'x12'. Staller stated they do not want compaction on where we are going to place the septic. Vareberg noted Staller is not required to have a twelve (12) foot wide driveway, that is only noted on the application for those applicants who do not list the area of parking space, if none is listed the department assumes a twelve (12) foot wide driveway.

A letter about the request was presented to the Board from an anonymous neighbor.

Sent: Monday, June 28, 2021 7:14 PM
To: Rachel D. Bartee rachel.bartee@co.becker.mn.us
Subject: [EXTERNAL]variance for Daniel & Joelle Staller at 14708 Tradewinds Rd, Audubon

I see the request for a variant for a setback of 52 feet instead of the 100 foot setback required by Becker Zoning guidelines.

747
748 Just a rough estimate but they must have almost 300 feet of depth on their lot and 52 feet is hardly
749 a compromise.

750
751 The Jastram's at 14432 Tradewinds Rd removed their former lake place and went with the 100 foot
752 setback and their depth has to be almost comparable.

753
754 We picked our home up a few years ago and set it back with the required setback and it was the
755 best thing we could have done since we now have a large front yard and it also was in the best
756 interest of the lake and we must have a comparable depth lot.

757
758 If any owner can propose what is best for them and not be guided by the zoning rules not sure this
759 is right.

760
761 I am sure they are very nice people who are excited to build but pretty sure they knew the setback
762 guidelines when they bought their place a few years ago.

763
764 Pretty sure their neighbors next door to the north would be excited to see the required setback but
765 that is just speculation.

766
767 This is just my opinion but once again we all live on this lake and should do what is best for the
768 lake going forward.

769
770 No one spoke for or against the application. There was no written correspondence for the application. At
771 this time, testimony was closed. Chairman Roger Boatman opened the matter for discussion by the Board.

772
773 **Motion:** Hall made a motion to **approve a variance** to construct a dwelling and deck to be located at
774 fifty-two (52) feet from a lake, deviating from the required setback of one hundred (100) feet from a
775 recreational development lake, due to setback issues, due to the fact the request is out of the shore impact
776 zone, it is in harmony with the character of the locality, and the proposed mitigation will improve the
777 runoff to the lake.

778
779 **Kessler second.** All in favor. **Motion carried.** Variance **approved.**

780
781 **THIRTEENTH ORDER OF BUSINESS: APPLICANT: Jeremy Danielson 2920 5th St W #A**
782 **Project Location:** 21090 Co Hwy 32 Rochert, MN 56578 **Tax ID Number:** 10.0030.000; **LEGAL**
783 **LAND DESCRIPTION:** Section 03 Township 139 Range 040; PT LOT 6 BEG 845.7' W & 634.7' N
784 **OF SE COR LOT 6 TH S 60' E 269' N 60' AL LK & W 265' TO BEG;** Erie Township. **APPLICATION**
785 **AND DESCRIPTION OF PROJECT:** Request a variance to construct a deck to be located at thirty-
786 seven (37) feet from the centerline and construct a porch onto an existing non-conforming dwelling, to be
787 located at sixty (60) feet from the centerline of a county highway, deviating from the required setback of
788 seventy-eight (78) feet from the centerline of a county highway on a sixty-six (66) foot wide county
789 highway easement road. Also requesting a variance for two porches to be located at four (4) feet and a
790 deck to be located at two (2) feet from the side lot line, deviating from the allowed setback of six (6) feet

791 on a sixty (60) foot wide lot of record. Also requesting a deck to be located at ten (10) feet from the OHW
792 of a lake, deviating from the required setback of one hundred (100) feet, due to setback issues and lot size.
793 Also requesting to be at 35% lot coverage on the back lot, deviating from the allowed coverage of 25%.

794

795 Vareberg presented the application.

796

797 Owner Jeremy Danielson was present. Danielson explained the request to construct a deck to be located at
798 thirty-seven (37) feet from the centerline and construct a porch onto an existing non-conforming dwelling,
799 to be located at sixty (60) feet from the centerline of a county highway and for two porches to be located
800 at four (4) feet and a deck to be located at two (2) feet from the side lot line, and a deck to be located at
801 ten (10) feet from the OHW of a lake, and to be at 35% lot coverage on the back lot. Danielson stated they
802 want a concrete patio on the front and back of the house and a deck around the shed on the lake side.
803 Danielson explained the hardship is there is a road that runs through the property making it difficult to
804 meet the centerline setbacks from the road.

805

806 Hall stated he is not in favor of the impervious being over 25%, can Danielson change the patios to
807 decking to reduce the lot coverage. Danielson stated he would prefer to keep one patio concrete to allow
808 for a hot tub on the property. Danielson added he would convert the second patio to decking. Hall noted
809 there is a shed on the property that was not listed on the impervious list, which increases the impervious
810 even higher. Danielson stated it was a shed that was there before. Boatman asked what Danielson would
811 do to reduce the impervious coverage. Hall noted the driveway contributes to a large portion of the
812 coverage, noting Danielson could narrow it. Danielson replied he would be willing to reduce the driveway
813 and narrow it as it gets closer to the road. Boatman asked if he would change the concrete to decking as
814 well. Danielson replied yes, he would convert one patio to decking. Boatman asked if Danielson would
815 remove the front shed as well. Danielson replied he would remove the shed.

816

817 Hall reviewed the changes would be to change the field side patio to decking, remove the front shed, and
818 reduce the driveway from 62'x22' to 22'x30' and taper it in at the end to 30x10' reducing the total
819 driveway coverage to 1,086 sq ft. Hall stated the lot is already over impervious, however would be fine
820 allowing him to maintain the existing amount without increasing.

821

822 No one spoke for or against the application. There was no written correspondence for or against the
823 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for
824 discussion by the Board.

825

826 **Motion:** Kessler made a motion to **approve a variance as modified** to construct a deck to be located at
827 thirty-seven (37) feet from the centerline and construct a porch onto an existing non-conforming dwelling,
828 to be located at sixty (60) feet from the centerline of a county highway, deviating from the required setback
829 of seventy-eight (78) feet from the centerline of a county highway on a sixty-six (66) foot wide county
830 highway easement road. Also approved a variance for a porch and a deck to be located at four (4) feet and
831 a deck to be located at two (2) feet from the side lot line, deviating from the allowed setback of six (6) feet
832 on a sixty (60) foot wide lot of record. Also approve a variance for a deck to be located at ten (10) feet from
833 the OHW of a lake, deviating from the required setback of one hundred (100) feet. Also approved a
834 variance, as modified to maintain lot coverage at 30.22%, modified from the requested 35% lot coverage

835 on the back lot, deviating from the allowed coverage of 25%, due to the fact there is not sufficient hardship
836 shown. All due to setback issues and lot size, due to the fact there is a road that runs through the lot, and
837 the request is not increasing the lot coverage.

838

839 Stipulations on the variance to include:

- 840 • Field side porch modified to decking.
- 841 • Remove the front shed.
- 842 • To be at or below the existing impervious coverage of 30.22% on the west side of the road.

843

844 **Hall second.** All in favor. **Motion carried.** Variance **approved.**

845

846 **FORTEENTH ORDER OF BUSINESS: APPLICANT: Michael D Schumann & MIN S XU** 4830
847 Yorktown Ln N Plymouth, MN 55442-2210 **Project Location:** 36541 Co Hwy 35 Waubun **Tax ID**
848 **Number:** 09.0168.000; **LEGAL LAND DESCRIPTION:** Section 24 Township 142 Range 039; PT
849 LOT 5 BEG 300 FT S & 1079.52 FT NE OF NW COR TH NELY 193.37 FT S 240.89 FT TO LAKE W
850 AL LAKE TO PT S OF BEG TH N 133.93 FT TO BEG; Eagle View Township **APPLICATION AND**
851 **DESCRIPTION OF PROJECT:** Request a variance to construct a patio to be located at sixty-six (66)
852 feet from the centerline of a county highway, deviating from the required setback of seventy-eight (78)
853 feet from a county highway centerline on a sixty-six (66) foot wide county highway within the shoreland
854 district, due to setback issues.

855

856 Vareberg presented the application.

857

858 Owners Michael D Schumann was present virtually. Schumann explained the request to construct a patio
859 to be located at sixty-six (66) feet from the centerline of a county highway. Schumann stated they would
860 like to add some concrete around the existing lake home, a garage apron, front patio, concrete ramp, and a
861 rear patio. Boatman noted that is a lot of concrete. Hall asked what the reason was for extending the patio
862 beyond the deck. Schumann replied the basement is very low, a six (6) foot tall person cannot stand in
863 there or under the deck. Schumann added it was built in the 1950's. Schumann noted they would like a
864 place to gather and stand and enjoy the lot without hitting your head on beams. Hall stated do you want to
865 have concrete under the deck if you are not going to use it. Knopf stated they could come out ten (10) feet
866 and still be under 25% coverage.

867

868 No one spoke for or against the application. There was no written correspondence for or against the
869 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for
870 discussion by the Board.

871

872 Hall stated that the existing impervious coverage is a bit over 25% can the patio size be reduced to get the
873 impervious under 25%. Schumann replied they could reduce the size of the patio from 14'x40' to
874 10'x40'. Hall noted reducing the length by four (4) feet would modify the setback to be at ninety-two (92)
875 feet from the OHW instead of eighty-eight (88) feet.

876

877 **Motion:** Kessler made a motion to **approve a variance** to construct a patio to be located at sixty-six (66)
878 feet from the centerline of a county highway, deviating from the required setback of seventy-eight (78) feet

879 from a county highway centerline on a sixty-six (66) foot wide county highway within the shoreland district,
880 due to setback issues, due to the fact it puts the property to use in a reasonable manor and it is consistent
881 with the purposes and intent of the Becker County Ordinance and Comprehensive Plan, with the stipulation
882 to be at or below 25% lot coverage.

883

884 **Hall second.** All in favor. **Motion carried.** Variance **approved.**

885

886 **FIFTEENTH ORDER OF BUSINESS: APPLICANT: Bradley Beaton** 2402 18th St S Unit #2 Fargo,

887 ND 58103 **Project Location:** 35263 325th Ave Ogema, MN 56569 **Tax ID Number:** 20.0396.000;

888 **LEGAL LAND DESCRIPTION:** Section 26 Township 142 Range 040; 26-142-40 PT GOVT LOT 6:

889 COMM S LN GOVT LOT 6 & MC #23, W 225.97', N 293' TO POB; N 75', SELY 92.74' TO

890 STRAWBERRY LK, S AL LK TO PT E OF POB, W 83.94' TO POB; Maple Grove Township

891 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a dwelling to

892 be located at forty-nine (49) feet, a deck to be located at thirty-seven (37) feet and a shed to be located at

893 fifty-one (51) feet from the OHW of the lake, deviating from the required setback of one hundred (100)

894 feet from a recreational development lake. Also requesting a variance to construct a dwelling to be

895 located at eleven (11) feet from the ROW, deviating from the required setback of thirty-six and a half

896 (36.5) feet from a thirty-three (33) foot wide dedicated public road on a riparian lot. Also requesting a

897 variance to construct a shed to be located at three (3) feet from the side lot line, all due to setback issues.

898

899 Vareberg presented the application.

900

901 Owner Bradley Beaton and his wife were present. Beaton explained the request variance to construct a

902 dwelling to be located at forty-nine (49) feet, a deck to be located at thirty-seven (37) feet and a shed to be

903 located at fifty-one (51) feet from the OHW of the lake and a dwelling to be located at eleven (11) feet

904 from the ROW and to construct a shed to be located at three (3) feet from the side lot line. Boatman stated

905 there is not a lot of depth to the lot. Hall asked Beaton if Beaton had given any consideration to parking.

906 Beaton replied on the south side of the lot I have 22'-23' between the cabin and the property line to use

907 for parking. Beaton stated the existing camper is eight (8) feet and I have eight (8) feet left to the property

908 line. Boatman so you will be able to hold 2-3 cars on the lot. Beaton replied yes, another one can be

909 parked at an angle there as well. Beaton added his mother has a lot a few doors down and has plenty of

910 parking on her lot.

911

912 Boatman stated the request is to be thirty-seven (37) feet from the OHW. Beaton stated the neighbors are

913 about the same, their cabin is 24'x30' and I am requesting 26'x30'. I would like to go twenty-eight (28)

914 feet deep if I can, two (2) feet towards the road. Hall asked if that would change the request to be at nine

915 (9) feet from the ROW vs the requested eleven (11) feet from the ROW. Beaton replied yes. Kessler

916 asked how many lots are south of you. Beaton replied three (3) lots before the swamps dead ends back

917 there. Beaton noted his neighbors recently received a variance to have their patio at zero (0) feet from the

918 ROW. Hall replied that was a bad situation, there is not much room there. Hall stated he told Beaton's

919 neighbors the same thing, there is no room for snow removal, you cannot live there in the winter, it is a

920 tough situation. Beaton replied we just want to enjoy it even with as small a place we can have, it is a

921 great area on the lake. Kessler asked if Beaton could move the cabin further south. Beaton replied no

922 because we want to have adequate parking spaces. Beaton added he as been trying for a couple of years to

923 come up with the best configuration for this lot, noting he is aware he can only fit a holding tank on the
924 lot. Hall stated he was in favor of the project as Beaton is aware of what he is getting into.

925

926 No one spoke for or against the application. There was no written correspondence for or against the
927 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for
928 discussion by the Board.

929

930 Kessler stated the request fits in with what is in the neighborhood. Hall stated given the location of the
931 road you know what you are getting into. King stated they are doing the best with what they have got.

932

933 **Motion:** Hall made a motion to **approve a variance** to construct a dwelling to be located at forty-nine
934 (49) feet, a deck to be located at thirty-seven (37) feet and a shed to be located at fifty-one (51) feet from
935 the OHW of the lake, deviating from the required setback of one hundred (100) feet from a recreational
936 development lake. Also, approve a variance to construct a dwelling to be located at eleven (11) feet from
937 the ROW, deviating from the required setback of thirty-six and a half (36.5) feet from a thirty-three (33)
938 foot wide dedicated public road on a riparian lot. Also approve a variance to construct a shed to be located
939 at three (3) feet from the side lot line. All due to setback issues, due to the fact it fits within the character
940 of the locality, neighboring lots are all in the same situation.

941

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

943

944 **SIXTEENTH ORDER OF BUSINESS: Informational Meeting.** The next informational meeting is
945 scheduled for Thursday, August 5th, 2021, at 8:00 a.m. in the 3rd Floor Zoning Meeting Room of the
946 Original Courthouse. As there was no further business to come before the Board, **Hall** made a motion to
947 adjourn the meeting. **Knopf** seconded. All in favor. Motion carried. Meeting adjourned.

948

949 _____ ATTEST _____

950 Chairman Roger Boatman

951

Kyle Vareberg,
Planning and Zoning Administrator