

Becker County Board of Adjustments
August 12th, 2021

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

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 July 8th, 2021, meeting. **Kessler** seconded. All in favor, Motion carried.

OLD BUSINESS:

FIRST ORDER OF BUSINESS: APPLICANT: Ann Hixson Irrevocable Trust 12368 Shorewood Beach Rd Detroit Lakes, MN 56501 **Project Location:** 12368 Shorewood Beach Rd Detroit Lakes, MN 56501 **Tax ID Number:** 17.1089.000 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct an attached garage onto a non-conforming dwelling to be located at forty-three (43) feet from the OHW of the lake, deviating from the required setback of one hundred (100) feet from a recreational development lake, due to topography and setback issues. Tabled by the applicant at the July 8th, 2021, Hearing.

Vareberg presented the application.

Owner Ann Hixson and contractor Roger Johnson were present. Hixson explained the request to construct an attached garage onto a non-conforming dwelling to be located at forty-three (43) feet from the OHW of the lake. Hixson explained she had requested a previous variance in 2020 for a similar structure, however it has been determined that she is unable to build in that location due to the topography of the lot. Hixson explained that her and her contractor attempted to follow the Board's request from the last hearing to reset the garage to get it outside of the shore impact zone. Hixson stated they tried different configurations but there was nowhere else to place it, therefore they have not changed their request from the July 8th, 2021, Hearing. Hixson stated they will attach it to the house and dig into the hill and create a knee wall.

Hall asked how they are going to control the stormwater. Hixson replied she has drain tile all around the bottom of the driveway to protect her grass and plan on a french drain with gutters on the garage. Hixson added the garage should cut the stormwater off from going down the hill to the lake. **Kessler** noted a berm down by the lake would help. Hixson stated she would be able to do that. Johnson stated they could install a catch basin in front of the garage. Hall replied he was in favor of a berm with gutters and french drains on the garage.

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

49
50 Hall stated during the tour they attempted to find an alternate location for the garage, but it cannot happen
51 with the physical constraints of the lot, this is the best we can get. Sharp was favor of a berm and gutters to
52 a french drain. King stated controlling the stormwater would improve the lot.

53
54 Motion: Sharp made a motion to approve a variance to construct an attached garage onto a non-
55 conforming dwelling to be located at forty-three (43) feet from the OHW of the lake, deviating from the
56 required setback of one hundred (100) feet from a recreational development lake, due to topography and
57 setback issues, tabled by the applicant at the July 8th, 2021, Hearing. Due to the fact it is consistent with
58 the Becker County Ordinance and Comprehensive Plan, it does not alter the essential character of the
59 locality, there are other structures in the area with similar setbacks, and the plight of the landowner is due
60 to circumstances unique to the property not created by the landowner, it is a low lot and will remain a low
61 lot. With the stipulation gutters are installed on the garage with downspouts to a french drain and a berm
62 is installed along the lake to mitigate the impact from the garage.

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

65
66 **NEW BUSINESS:**

67
68 **SECOND ORDER OF BUSINESS: APPLICANT: David B. & Mary Jane Keller TTEES 32289 Two**
69 **Inlets Dr Park Rapids, MN 56470 Project Location: 31671 Co Hwy 50 Park Rapids, MN 56470 Tax ID**
70 **Number: 34.0085.000 LEGAL LAND DESCRIPTION: Section 13 Township 141 Range 036; LOT 2**
71 **EX .25 AC IN SW COR & BEG AT SW COR LOT 1 TH E 364' N 771' W TO SEC LINE & S 684' TO**
72 **BEG & 4.5 AC IN SW COR OF SE1/4 OF NW1/4; Two Inlets Township APPLICATION AND**
73 **DESCRIPTION OF PROJECT: Request a variance to construct a dwelling related structure to be located**
74 **at forty-nine (49) feet from the centerline of a county road, deviating from the required setback of ninety-**
75 **five (95) feet from the centerline of a county easement road within the shoreland district, due to setback**
76 **issues.**

77
78 Vareberg presented the application.

79
80 Representatives Josh Wallenberg and James Keller were present on behalf of David & Mary Jane Keller.
81 Wallenberg explained the request to construct a dwelling related structure to be located at forty-nine (49)
82 feet from the centerline of a county road. Wallenberg stated they have to tear down and rebuild so we would
83 like to move back ten (10) feet to be more compliant than the existing structure. Wallenberg stated the first
84 floor will be laundry for the resort and the second floor is staff housing for four (4) to eight (8) staff that
85 live on site. Boatman clarified the second story will be housing. Wallenberg replied that it will have two
86 apartments.

87
88 Letters were presented to the Board.

89
90 A letter in favor to the request was presented to the Board from Dennis & Teresa Goodrum, residents of

91 parcel 34.0161.000, 31639 Two Inlets Dr Park Rapids, MN 56470. Letters are on file in the Becker
92 County Zoning Office

93
94 **From:** Teresa Goodrum <mnterryg@gmail.com>
95 **Sent:** Sunday, August 8, 2021 5:25 PM
96 **To:** Rachel D. Bartee rachel.bartee@co.becker.mn.us
97 **Subject:** [EXTERNAL]Project Location: 31671 Co. Hwy. 50, Park Rapids, MN 56470

98
99 To The Becker County Planning and Zoning Board,

100
101 In regard to the Project Location: 31671 Co Hwy 50, Park Rapids, MN 56470, we support the
102 variance request made by David and Mary Jane Keller.

103
104 The Keller's and all of those at The Brookside Resort are always aware of keeping both Two Inlets
105 Lake and their customers and neighbors safe and healthy. The resort is constantly being updated
106 and improved to the benefit of all. We ask that you approve this variance request.

107
108 Sincerely,
109 Dennis and Teresa Goodrum
110 31639 Two Inlets Drive
111 Park Rapids, MN 56470
112 218 699-3251

113
114 No one spoke for or against the application. There was no additional written correspondence on the
115 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for
116 discussion by the Board.

117
118 Knopf stated it is a good reasonable proposal. Hall stated it will be an improvement to the lot, the existing
119 structure is in bad shape. Wallenberg replied the existing building is nearly one hundred (100) years old,
120 we can only use one third of the building now.

121
122 **Motion:** Knopf made a motion to approve a variance to construct a dwelling related structure to be
123 located at forty-nine (49) feet from the centerline of a county road, deviating from the required setback of
124 ninety-five (95) feet from the centerline of a county easement road within the shoreland district, due to
125 setback issues, due to the fact it is using the property in a reasonable manor, and it does not alter the
126 essential character of the locality.

127
128 **Hall** second. All in favor. **Motion carried.** Variance **approved.**

129
130 **THIRD ORDER OF BUSINESS: APPLICANT: Andrew & Lisa S. Finsness** 1235 Yale Place Apt
131 610 Minneapolis, MN 55403 **Project Location:** 23788 S Melissa Dr Detroit Lakes, MN 56501 **Tax ID**
132 **Number:** 19.0592.000 **LEGAL LAND DESCRIPTION:** Section 31 Township 138 Range 041; PT LOT
133 7 BEG 1509.55' E,99.93' S & 119.22' SE OF N1/4 COR SEC TH SE 137.96' NE133.35' TO LK NW AL
134 LK 132.08' & SW 125.76' TO BEG; Lake View Township. **APPLICATION AND DESCRIPTION OF**
135 **PROJECT:** Request a variance to construct a garage to be located at fifty-six (56) feet from the OHW of
136 the lake, deviating from the required setback of seventy-five (75) feet from a general development lake.

137 Also request a variance to construct a garage to be located at ten (10) feet from the road ROW, deviating
138 from the required setback of twenty (20) feet from the road ROW of a platted road on a riparian lot, due
139 to setback issues.

140
141 Vareberg presented the application.

142
143 Owners Andrew & Lisa Finsness were present. Finsness explained the request to construct a garage to be
144 located at fifty-six (56) feet from the OHW of the lake and ten (10) feet from the road ROW. Lisa
145 Finsness explained the existing garage is 20'x20' and was built in 1948. Finsness stated they would like to
146 tear down and replace it with a slightly larger 22'x24', going over the existing concrete pad, with a second
147 story. Finsness noted they have a daughter who is cognitively delayed and want a space for her to be with
148 her caregiver. Finsness stated they need a garage to store everything inside and not out in the yard.
149 Finsness stated they love where they live and have done many updates and improvements to the cottage,
150 however there is nowhere else to go but up due to the constraints of the lot. Finsness noted they
151 originally wanted to build a WOS (Water Orientated Structure) but chose to build this instead.

152
153 A letter in favor to the request was presented to the Board from Bill and Ginny Blain, residents of parcel
154 19.0591.000, 23826 S. Melissa Dr Detroit Lakes, MN 56501. All letters are on file in the Becker County
155 Zoning Office.

156
157 Rachel Bartee
158 Zoning Tech/E911 Coordinator
159 Becker County Zoning Office Becker County Court House
160 915 Lake Ave.
161 Detroit Lakes, Mn 56501

162
163 Dear Ms Bartee,

164
165 We are submitting this letter in support of our neighbor's request for a variance permit to replace
166 the present garage on their property with a new two-story structure which would include a garage
167 with storage space and an upstairs studio apartment with bath. The Finsness family has a need to
168 provide space for their special- needs adult daughter and her caregiver. We have reviewed the
169 architect's plans and believe the project will fit nicely with the design of their house, as well as
170 enhance the appearance of the neighborhood.

171
172 We have enjoyed the company of Andy and Elizabeth for many years. Their property is always
173 beautifully maintained – a show place of our neighborhood.

174
175 We urge the approval of their request.

176
177 Sincerely,
178 Bill and Ginny Blain
179 23826 S. Melissa Dr.
180 Detroit Lakes, Mn 56501

181
182 A letter in favor to the request was presented to the Board from Holly Sandhurst, owners of parcel
183 19.0591.000, 23826 S. Melissa Dr Detroit Lakes, MN 56501.

184
185 Rachel Bartee
186 Zoning Tech/E911 Coordinator
187 Becker County Zoning Office Becker County Court House
188 915 Lake Ave.
189 Detroit Lakes, Mn 56501

190
191 Dear Ms Bartee,

192
193 I am writing on behalf of my sisters Beth Veeder, Patti Mitchell, and Barb Erickson. We are Bill
194 and Ginny Blain's daughters, and we share ownership of the 23826 S. Melissa Drive property.
195 My sisters and I agree in supporting Elizabeth and Andy Finsness's variance permit request. We
196 have known the Finsness family for years and we understand that their special-needs daughter
197 necessitates appropriate space for her and her caregiver to interact. Elizabeth and Andy have
198 shared plans for replacing the garage with one that will provide storage space as well as adding a
199 second story, which would include a studio apartment with bath. This second story space would
200 accommodate their daughter's and her caregiver's needs.

201
202 The Finsness's property on Lake Melissa is beautiful. Our entire family has grown to know
203 Elizabeth and Andy and their family members as fine and trusted neighbors. The added structure
204 will certainly improve the appearance of our beloved Lake Melissa neighborhood. Please
205 consider the Finsness's variance request as valid for approval.

206
207 Best regards,
208 Holly Sandhurst
209 2327 Saint Clair Circle
210 Detroit Lakes, Mn 56501

211
212 A letter in favor to the request was presented to the Board from Lake View Township.

213
214 From: Bill Jordan <jordan@tekstar.com>
215 Sent: Thursday, August 12, 2021 2:54PM
216 To: Rachel D. Bartee rachel.bartee@co.becker.mn.us
217 Subject: [EXTERNAL]Finsness variance request

218
219 Board of Adjustment

220
221 At our regular Board meeting August 9th, 2021, the Board had no objection to the Finsness
222 variance request, provided that the new garage occupies the same foot print as the existing garage
223 in relationship to ROW of South Melissa DR.

224
225 Lake View Township Supervisor

226 William Jordan 8/12/21
227 218-234-9158

228
229 No one spoke for or against the application. There was no additional written correspondence on the
230 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for
231 discussion by the Board.

232
233 Kessler stated he is in favor as they are not getting any closer to the setback. They are expanding a bit to
234 the west and a bit towards the lake, which will cause very minimal impact. Sharp added it will not alter
235 the character of the locality, this is an area with lots that are very tight.

236
237 **Motion:** Kessler made a motion to **approve** a variance to construct a garage to be located at fifty-six (56)
238 feet from the OHW of the lake, deviating from the required setback of seventy-five (75) feet from a
239 general development lake. Also approve a variance to construct a garage to be located at ten (10) feet
240 from the road ROW, deviating from the required setback of twenty (20) feet from the road ROW of a
241 platted township road on a riparian lot, due to setback issues, due to the fact it will not alter the essential
242 character of the locality and it is consistent with the purposes and intent of the Becker County Ordinance
243 and Comprehensive Plan.

244
245 **King** second. All in favor. **Motion carried.** Variance **approved.**

246
247 **FORTH ORDER OF BUSINESS: APPLICANT Lori Borgen** 11 4th St S #103 Moorhead, MN 56560
248 **Project Location:** 19706 Morton Oaks Rd Audubon, MN 56511 **Tax ID Number:** 17.0985.000 **LEGAL**
249 **LAND DESCRIPTION:** Section 21 Township 138 Range 042; MORTON OAK LANE BCH LOT 1;
250 Lake Eunice Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to
251 construct a deck and an addition to an existing non-conforming dwelling to be located at fifty (50) feet
252 from the lake deviating from the required setback of one hundred (100) feet from a recreational
253 development lake. Also request a variance to construct a carport and detached garage to be located at
254 three (3) feet from the ROW, deviating from the required setback of twenty (20) feet from the ROW of a
255 platted road on a riparian lot, due to setback issues.

256
257 Vareberg presented the application.

258
259 Owner Lori Borgen was present. Borgen explained the request to construct a deck and an addition to an
260 existing non-conforming dwelling to be located at fifty (50) feet from the lake and construct a carport and
261 detached garage to be located at three (3) feet from the ROW. Borgen stated the existing structure is a
262 sunroom which leaks very badly, with a redwood deck on top. They would like to replace it in the same
263 location with a second story living area. Borgen stated they would like to make it a year-round residence,
264 therefore, they would also like to replace the garage and add a carport to keep vehicles safe out of the
265 elements. Borgen stated they would also like the garage to store all our items, my husband does floor and
266 tile, so he needs a place to store his tools.

267
268 Boatman noted they are pushing 25% coverage. Hall stated on the tour Borgen mentioned wanting to
269 asphalt the driveway for a total area of 690'. Vareberg stated that would not increase the impervious on

270 the lot as the asphalt would be past the pins in the ROW. Vareberg stated three (3) feet seems close but
271 when you are onsite, they are a long way from the road. Knopf noted they had a deck on the side that is to
272 be replaced, adding it should go no further than the retaining wall. Kessler stated on the application you
273 stated you could do a french drain, is that still in the plan. Borgen replied yes.

274

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

278

279 **Motion:** Hall made a motion to approve a variance construct a deck and an addition to an existing non-
280 conforming dwelling to be located at fifty (50) feet from the lake deviating from the required setback of
281 one hundred (100) feet from a recreational development lake. Also approve a variance to construct a
282 carport and detached garage to be located at three (3) feet from the ROW, deviating from the required
283 setback of twenty (20) feet from the ROW of a platted township road on a riparian lot, due to setback
284 issues, due to the fact it is a reasonable request, it will make good use of the land, it will be an
285 improvement to the property, the request is no closer to the lake than the existing structure, this is a
286 difficult lot and the plight of the landowner is due to circumstances unique to the property not created by
287 the landowner, it is consistent with the purposes and intent of the Becker County Ordinance and
288 Comprehensive Plan, and it is in harmony with the essential character of the locality, with the stipulation
289 to control stormwater with french drains.

290

291 **Sharp second.** All in favor. **Motion carried.** Variance **approved.**

292

293 **FIFTH ORDER OF BUSINESS: APPLICANT: Jeffrey R. & Marilee R. Crawford** 42619 195th St
294 Frazee, MN 56544 **Project Location:** 42619 195th St Frazee, MN 56544 **Tax ID Number:** 33.0152.000
295 **LEGAL LAND DESCRIPTION:** Section 17 Township 139 Range 038; LOT 3 LESS 3.75 AC & LESS
296 PLAT; Toad Lake Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a
297 variance for a carport to be located at seventy-six (76) feet from the north OHW & eighty-one (81) feet to
298 the south OHW and a patio to be located at forty-two (42) feet from the north OHW of the lake, deviating
299 from the required setback of one hundred (100) feet from the OHW of a recreational development lake,
300 due to setback issues.

301

302 Vareberg presented the application.

303

304 Owners Jeffrey R. & Marilee R. Crawford were present in person. Crawford explained the request to
305 construct a carport to be located at seventy-six (76) feet from the north OHW & eighty-one (81) feet to
306 the south OHW and a patio to be located at forty-two (42) feet from the north OHW of the lake. Crawford
307 stated they would like to place the carport over existing concrete. Crawford stated they are located on a
308 peninsula and have a hard time meeting the lake setbacks from all sides. Boatman asked to verify the
309 width of the patio. Crawford stated forty (40) feet, the whole width of the garage. Hall stated there was
310 concrete there that was in poor shape so it was removed, they will be covering what was existing
311 concrete, so it is a wash.

312

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

314 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for
315 discussion by the Board.

316
317 Hall stated he is in favor of the application; the additional roofline will have no effect on the locality or
318 negatively impact visibility of the lake and they are replacing the pad where there was existing concrete.

319
320 **Motion:** Sharp made a motion to approve a variance to construct a carport to be located at seventy-six
321 (76) feet from the north OHW & eighty-one (81) feet to the south OHW and a patio to be located at forty-
322 two (42) feet from the north OHW of the lake, deviating from the required setback of one hundred feet
323 from the OHW of a recreational development lake, due to setback issues, due to the fact it is a reasonable
324 request, it is consistent with the purposes and intent of the Becker County Ordinance and Comprehensive
325 Plan, if does not alter the character of the locality, the neighbors have similar setbacks, and this is a lot on
326 a unique shaped lot on a peninsula and the plight of the landowner is due to circumstances unique to the
327 property not created by the landowner.

328
329 **King** second. All in favor. **Motion carried.** Variance **approved.**

330
331 **SIXTH ORDER OF BUSINESS: APPLICANT: LePine Lake Property** 714 Hackberry Dr Fargo, ND
332 58104 **Project Location:** 11416 Co Hwy 11 Audubon, MN 56511 **Tax ID Number:** 17.0418.502
333 **LEGAL LAND DESCRIPTION:** Section 30 Township 138 Range 042; THE BAY 138 42 Block 001;
334 LOT 2; Lake Eunice Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Renewal
335 request of variance approved November 8th, 2018, Doc #655336 and renewal request from September
336 10th, 2020 Doc#672202: Approve as modified to construct a dwelling and deck to be located at seventy
337 (70) feet and a patio to be located at sixty (60) feet from the OHW of a recreational development lake,
338 deviating from the required setback of one hundred (100) feet from the OHW of a recreational
339 development lake due to setback issues, with the stipulation the OHW is to be located and marked, a
340 water retention plan is created by the Cormorant Watershed and if the retention plan allows the
341 dwelling/deck/patio to be farther away from the OHW they must increase the OWH setback to that
342 distance while still maintaining all other setbacks, the 20 square foot shed must be removed from the lot,
343 and the impervious must not exceed 25% coverage.

344
345 Vareberg presented the application.

346
347 Owners were not present.

348
349 Boatman stated he visited the property today and spoke with the homeowners. Boatman stated the previous
350 variance should have included a required swale to control the stormwater and the homeowner was fine with
351 including that in their renewal.

352
353 No one spoke for or against the application. There was no written correspondence for or against the
354 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for
355 discussion by the Board.

356
357 **Motion:** Kessler made a motion to **approve a variance** to:

358 Approve a one year renewal for original variance approved November 8th, 2018, Doc #655336 and
359 renewal request from September 10th, 2020 Doc#672202: Approve as modified to construct a dwelling
360 and deck to be located at seventy (70) feet and a patio to be located at sixty (60) feet from the OHW of a
361 recreational development lake, deviating from the required setback of one hundred (100) feet from the
362 OHW of a recreational development lake due to setback issues, with the stipulation the OHW is to be
363 located and marked, a water retention plan is created by the Cormorant Watershed and if the retention
364 plan allows for the dwelling/deck/patio to be farther away from the OHW they must increase the OHW
365 setback to that distance while still maintaining all other setbacks, the 20 square foot shed must be
366 removed from the lot, and the impervious must not exceed 25% coverage. Modified to stipulate a swale
367 must be installed to carry stormwater across the back of the lot and have it drain in the center of the
368 property.

369 **Sharp second.** All in favor. **Motion carried.** Variance **approved.**

371
372 **SEVENTH ORDER OF BUSINESS: Informational Meeting.** The next informational meeting is
373 scheduled for Thursday, September 2nd, 2021, at 8:00 a.m. in the 3rd Floor Zoning Meeting Room of the
374 Original Courthouse. As there was no further business to come before the Board, **King** made a motion to
375 adjourn the meeting. **Hall** seconded. All in favor. Motion carried. Meeting adjourned.

376
377 _____ ATTEST _____
378 Chairman Roger Boatman Kyle Vareberg,
379 Planning and Zoning Administrator