

Becker County Board of Adjustments
June 8, 2006

Present: Members Jerry Schutz, Harry Johnston, Jim Bruflodt, Al Chirpich, Liz Huesman, Steve Spaeth and Zoning Staff Debi Moltzan

Chairman Harry Johnston called the meeting to order. Debi Moltzan took minutes.

Minute approval: Schutz made a motion to approve the minutes from the May 11, 2006 meeting. Huesman second. All in favor. Motion carried.

Johnston explained the protocol for the meeting. Bruflodt read the criteria for granting or denying a variance.

FIRST ORDER OF BUSINESS: Gerald Gibbons. Request a variance to construct a garage 28 feet from the ordinary high water mark of a tributary river deviating from the required setback of 100 feet, for the property described as: 4.5 ac Pt Govt Lots 1 & 2, Comm W Qrt Cor Sec 8 Th N 1824.98 ft Al W Ln of Sec to Cntr Ln CSAH #32; Section 8, TWP 140, Range 40; Holmesville Township. PID Number 16.0046.000. The property address is 30280 Co Hwy 26 and is located on Buffalo Lake.

Gibbons explained the application to the Board. Gibbons would like to construct a 30 by 40 garage, which would be approximately 28 feet from the river. Gibbons stated that he is willing to put in a French drain to control run off toward the river. Gibbons also stated that his contractor suggested cutting a ditch to divert the water away from the river and installing a berm along the river. Gibbons felt the ditch would work better than a French drain. Gibbons stated that if the ditch system would be used, a culvert would not be installed in the driveway, holding the water away from the lake and the water would pond along the westerly property line. The swale would divert most of the water away from the river; the only water that would be retained by the berm would be the runoff from the garage apron. Gibbons also stated that the apron could be sloped to run either north or south to lessen the impact toward the river. Gibbons stated that after the garage is constructed, it would be easier to determine which type of drainage control should be used.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held. Schutz stated that either a swale/ditch or French drain would work in this situation. Bruflodt stated that the main goal is to protect the river and felt that the swale/ditch may work better along with the berm rather than the French drain. Chirpich agreed.

Motion: Brufloft made a motion to approve a variance to allow a garage twenty-eight (28) feet from the river based on the topography of the land with the stipulation that a swale be constructed to divert the water away from the river and a berm constructed along the river to retain runoff not contained by the swale. Spaeth second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Lakes Country Developers, Inc. Request a variance to construct storage condominiums 10 feet from the rear lot line, deviating from the required setback of 40 ft, for the property described as: Pt Lot 4 Beg 150 ft E of SW Cor TH W 150 ft N 949.51 ft E to Pt N; Section 7, GTWP 138, Range 40; Burlington Township. PID Number 03.0073.001. The property address is 14115 290th Ave.

Paul Renner explained the application to the Board. Renner stated that the reason for the variance is that the property is narrow and long. Renner would like to keep the structures as close to the northeasterly property line as possible in case 290th Ave is reconstructed and allow more room for traffic to enter and exit the structures. Renner felt that, in the future, the property to the north will be zoned commercial in the future.

Johnston questioned if the southerly end of the property was low. Renner stated that the southerly end of the property was quite low and was a natural catch basin for runoff. Johnston stated that he was concerned about runoff to the east. Renner stated that he had planned on reshaping the lot to direct all runoff to the south. Renner stated that he plans on leaving the driving surface natural, no asphalt or concrete, because the soil is naturally sandy, so no ponding should occur. Chirpich questioned if there would be gutters on the building. Renner stated that there would be no gutters, but he would create a swale to direct the runoff to the south. Discussion was held about the size of the berm, type of vegetative cover and how much room was needed for vehicles to get into the structure. Johnston questioned why the structures needed to be 48 ft in width. Renner stated that he has had several requests for a unit this size for travel trailers. Schutz suggested a swale instead of a berm, which would require the structure to be 12 feet from the rear property line.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received by Larry Remmen, City of Detroit Lakes, against the application. At this time, testimony was closed.

Further discussion was held. Spaeth stated that a 10 ft setback is not enough to get a vehicle behind the building, but he does not have a problem with the layout of this project because the small property has constraints. Chirpich stated that the City has a legitimate complaint. Further discussion was held. Brufloft stated that the adjoining property is much deeper than this piece of property.

Motion: Schutz made a motion to approve the variance to allow structures twelve (12) feet from the eave of the structure and the rear property line based on the size and topography of the lot with the stipulation that a swale be constructed between the

buildings and rear property line with the swale being constructed in the center of the 12 foot setback, with a minimum depth of 18 inches with an 18 inch rise. Bruflodt second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Francis Demarais. Request a variance to construct a garage 16.5 feet from the centerline of the road, deviating from the required setback of 45 from the right of way, for the property described as: Lots 9 & 10, Block 4, Pebble Beach; Section 18, TWP 138, Range 41; Lake View Township. PID Number 19.1582.000. The property is address is 23961 Pebble Beach Lane and is located on Lake Sallie.

Francis Demarais explained the application to the Board. Demarais stated that the existing garage and storage shed will be removed, run off can be contained, and the garage would be 90 feet from the lake. Demarais stated that the rain usually stands in the yard until it soaks away. The road is a dead end road with only one property past his. Demarais has owned the property for 10 years. Johnston questioned what type of road accesses his property. Demarais stated that he did not know, he assumed it was a township road. Spaeth questioned the setback from the road, whether it was from the centerline or from the right of way. Demarais stated that the setback from the center of the road was 27 feet. Johnston agreed with that measurement.

Johnston questioned the road status. Moltzan explained that the plat recorded does not show a public road nor easement serving the property and the twp stated that it is not a twp road. Demarais stated that it is an assumed easement.

Discussion was held regarding the amount of impervious surface and whether or not the gravel driveway was included in the calculations. Demarais stated that the driveway was not included in the calculations and that the storage shed and garage would be removed, further reducing the impervious.

Discussion was held on the location of the property lines. Chirpich questioned if a string was pulled from the property pins and then measured. Demarais stated that no recent survey has been done on the property. Demarais stated that he was using the numbers that were recorded on the plat. Johnston asked Demarais to clarify what the setback request would be. Demarais stated that the proposed garage would be 10 ft from the lot line.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held. Schutz stated that Demarais had to make sure that the impervious does not exceed 25%. Bruflodt questioned if eco stone was impervious or pervious. Moltzan stated that eco stone was considered as pervious material. Spaeth stated that the area driven on would be considered as impervious.

Motion: Spaeth made a motion to approve a variance to allow a garage to be constructed ten (10) feet from the north property line and fourteen (14) feet from the east property line based on the size of the lot of record with the stipulation that the storage shed, existing garage and portable shed be removed and that the impervious lot coverage must be less than 25% and the garage entrance must be from the west side. Brufloft second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting is scheduled for Thursday, July 6, 2006 at 7:00 a.m. at the Planning & Zoning Office.

Since there was no further business to come before the Board, Spaeth made a motion to adjourn the meeting. Chirpich second. All in favor. Motion carried.

Jim Brufloft, Chairman

ATTEST

Patricia Johnson, Zoning Administrator