

**Becker County Board of Adjustments  
October 12, 2006**

**Present:** Members: Al Chirpich, Harry Johnston, Jerry Schutz and Liz Huesman.  
Zoning Staff: Administrator Patty Johnson and Julene Hodgson

Chairman Harry Johnston called the meeting to order. Julene Hodgson took minutes.

**Minute approval:** The minutes were discussed. Schutz made a motion to approve the minutes from the September 17, 2006 meeting. Chirpich second. All in favor. Motion carried.

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

**FIRST ORDER OF BUSINESS: APPLICANT: J. Chris Hohweiler** 2402 Rock Creek Dr Ft. Collins, CO 80528 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct a new dwelling 22 feet from the right of way of the township road which deviates from 45 feet for a dwelling due to the substandard sized lot of record. Project Location: 29653 S. Dakota Beach Rd **LEGAL LAND DESCRIPTION:** Tax ID number: R 20.0595.000 White Earth Lake South Dakota Beach Rev Block 002 Lots 8 & 9 Section 5, TWP 142, Range 40 Maple Grove Township.

Applicant Chris Hohweiler explained the application to the Board. Hohweiler stated he has a substandard lot, a bluff to make the setback from and feels the new dwelling would look nice and in order of comparison with neighboring parcels. The Board asked how he proposed to take care of the bluff area if his boathouse was removed. He stated possible retaining wall and dirt from basement used to fill in area. The Board stated it might do more damage to the bluff area to remove the boathouse rather than leave it in its current location. Zoning Administrator explained that the Board of Adjustments can over-ride the mitigation regulations that state all impervious surface to be removed out of the Shore Impact Zone as part of the mitigation process for improvements on the parcel. Chirpich said the parcel has drainage issues, that area drains into the lake. Hohweiler should propose a water management plan to change the water drainage away from the lake. The bluff was discussed. Natural vegetation was present to be a part of the mitigation process to remain natural and never be removed.

No one spoke in favor of the application. No one spoke in opposition of the application. There was a letter of support from neighbors Michael and Barbara Watson on file. At this time, testimony was closed.

Further discussion was held. Chirpich reconfirmed the concern of the bluff area. The boathouse shouldn't have any repair or pass on in sale, only maintenance. Johnston stated the measurement proposed is 22' from the road right of way.

Motion: Chirpich made the motion a variance be approved to construct a dwelling and deck 30 feet from the bluff and 22 feet from the road right of way. Mitigation stipulations include: Natural vegetation along shoreline and bluff area are to remain, never to be removed and no mowing. Dwelling and boathouse to have gutters, spouts and possible french drains to drain water away from bluff area. Boat house can remain with maintenance only and must be removed when beyond repair or at time of sale. A professional engineer plan must be submitted at time of removal to explain restoration of bluff area back to its natural state. Schutz second. All in favor. Motion carried.

**SECOND ORDER OF BUSINESS: APPLICANT: Laurel Winsor** 13060 Fairhaven Ln Detroit Lakes, MN 56501 APPLICATION AND DESCRIPTION OF PROJECT: Request an Amendment to the August 8, 2006 approved Variance. The approved variance was to allow construction of a new dwelling with the stipulation guest cabin #1 located in the shore-impact zone to be removed. The Amendment asks to remove guest cabin # 2 completely then relocate guest cabin #1 out of the shore impact area. Project Location: 13060 Fairhaven Ln LEGAL LAND DESCRIPTION: Tax ID number: R 19.1419.000 Lake Sallie Lot 9 Kenney and Beaton Beach Section 17, TWP 138, Range 41 Lake View Township.

Attorney Pat Kenney and contractor Don Tietz were representing the home owners. Tietz had called and spoke to Johnston and Schutz prior to tonight's hearing regarding drainage issues and plans. Kenney explained the application for amendment to the Board. He spoke about the first variance findings and the request for a better plan. Cabin one would be moved out of the Shore Impact Zone area and Cabin two would be removed. Tietz explained proposing a retention pond, the new home construction and using old septic system as a french drain for storm water management. A new septic is going to be proposed away from top of bluff and mound area located by toe of bluff. The shoreline would be restored and a berm added. Kenney discussed Section 17 Subdivision 8 before the amendment of 2004. It stated nothing in the Ordinance shall prevent the placing of a structure in safe condition when the structure is declared unsafe by the County Zoning Administrator. They cannot use current home. They went over the storm water management plan that also includes a retaining wall at toe of bluff, eco stone pavers to slope away from lake. Chirpich asked to explain water management on the slope of the top of the bluff. Chirpich asked what type of foundations are under the guest cabins now. Schutz asked what would be placed under Cabin one if it is relocated.

Gail Hahn representing Lake View township spoke in favor of the application. No one spoke in opposition of the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held. Schutz questions if the outcome will hold precedent over other parcel owners trying to keep two dwellings with all the guest cottages in that area. Schutz reminded the Board that the Variance approved allowed Cabin two to remain and now both cabins would be moved. Huesman stated maybe the stipulation could be added that upon sale it is to be removed or not rebuilt if destroyed. Huesman stated that after

parcel was resurveyed it was noted the parcel is not large enough to have even one guest cottage and that it was a gift the first time granting the variance for Cabin two to remain in same location. Chirpich felt the good engineering planned for this project could be implemented and keep Cabin two that was granted in the first variance. The owners would still get their new house. Schutz stated they want to keep the biggest cabin but it would be moved back to be out of the Shore Impact Zone. Chirpich was not in disagreement that the owners should have their new home, but now cabin being moved will have new foundation and be more permanent for a longer period of time. Zoning Administrator stated the first variance stands as is to keep Cabin two, the approval of the parcel to have one guest cottage remain has already been approved. The amendment asks to remove Cabin two completely then relocate Cabin one out of the Shore Impact Zone. Schutz stated amendment would be better for the lake, that all of impervious on the parcel would be located out of the Shore Impact Zone and water management plan proposed.

**Motion:** Schutz made the motion a variance be approved to allow construction of a new dwelling with the following stipulations: New dwelling including all decks to be 30' from top of the bluff with storm-water management to include gutters, spouts, french drains & water retention pond. Guest Cabin #1 located in the shore-impact zone is to be relocated out of the shore-impact zone. Guest Cabin #2 and existing storage building to be removed from property. Shoreline is to be restored to natural vegetation and berm. All concrete to be removed and to follow all plans submitted to work with all ordinance regulations. Overall lot coverage not to exceed 25%. Cabin #1 is to have maintenance only, can only be passed onto 1<sup>st</sup> generation, has to be removed upon sale, and cannot be replaced upon deterioration or natural disaster. Chirpich second. All in favor. Motion carried.

**THIRD ORDER OF BUSINESS: Craig Weiss** 218 48th Ave SW Moorhead, MN 56560  
**APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct an attached garage 31.5 feet from the road right away of a township road which deviates from a 45 feet setback. Also requested is the change of the roofline of the existing dwelling located 3 feet from the side property line which deviates from a 10 feet side lot line setback due to the substandard sized lot of record. Project Location: 25780 Brolin Beach Road  
**LEGAL LAND DESCRIPTION:** Tax ID number: R 08.1137.000  
Big Floyd Lake Lot 12 & Pt Lot 13 Modern Acres Beach  
Section 16, TWP 139, Range 41 Detroit Township.

Applicant Craig Weiss and Duane Vesta explained the application to the Board. Weiss would like an attached garage, a small entryway and change the roofline of the existing dwelling on a substandard lot. The existing dwelling is now located three feet from the side property line. The improvements would look comparative to area homes. Chirpich asked how owner was going to contain water runoff on the east side of the lot that naturally slopes toward the lake. Weiss stated he is working with the mitigation process for water management.

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

Further discussion was held. Chairman Johnston stated the request was to be 32 feet from the road right of way. The Board discussed the water issue on the east side of the parcel.

**Motion:** Huesman made the motion a variance be approved to construct an attached garage and change the roofline of the existing dwelling. Mitigation includes: Natural berm to be left in place, deck removed out of shore impact area, concrete stoop removed, implementation of gutters and water spouts to be directed into filtration basin and french drains, natural vegetation to be added along shoreline heavily concentrated in the area of the parcel that the natural water flows to. Chirpich second. All in favor. Motion carried.

**Informational Meeting.**

The next informational meeting is scheduled for Thursday, November 2, 2006 at 7:00 a.m. at the Planning & Zoning Office.

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

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Jim Bruflo dt, Chairman

ATTEST

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Patricia Johnson, Zoning Administrator