

**Becker County Board of Adjustments
July 12th, 2007**

Present: Members: Bill Sherlin, Al Chirpich, Jim Bruflodt, Eugene Pavelko, Clifford (Kip) Moore and Jerry Schutz.
Zoning Staff: Debi Moltzan and Julene Hodgson.

Chairman Jim Bruflodt called the meeting to order. Julene Hodgson took minutes.

Minute approval: The June minutes were discussed.
There was an error on the third page in the second order of business. The sentence should have read: Patty Swenson read several letters in the file.
Schutz made the motion to approve the corrected minutes from the June 14, 2007 meeting. Moore second. All in favor. Motion carried.

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

FIRST ORDER OF BUSINESS: APPLICANT: Beth Jarandson, 18117 Cherry Creek Ln, Detroit Lakes, MN, 56501. **PROJECT LOCATION:** E Monson Dr.
LEGAL LAND DESCRIPTION: Tax ID number, R191146000; Monson Lake; R S Dutton Sub. Lot 23 & 24, Section 05, TWP 138, Range 41; Lake View Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct a dwelling with front steps 27 ft from the top of a bluff. The dwelling will meet the 30 ft setback from the top of a bluff. A second request is a Variance for the dwelling to be constructed 23 ft from the Township Road right of way due to the substandard sized lot of record. This deviates from a dwelling setback of 45 ft from the Township Road right of way.

Applicant Beth Jarandson explained the application to the Board. The property is unique, small and hard to build on with a bluff issue and the dwelling proposal would be closer to the road than the required setback. The lot is for sale and the proposed design and variance request is from the prospective buyer. Chirpich noted any changes, questions or recommendations couldn't be asked because this isn't the owners plans and the prospective buyer was not present at the hearing. Schutz noted it would be difficult to act on the application because the actual proposal is not the land owners proposal. Chirpich stated it would be hard to word any Variance outcome because so many suggestions could be made for the property. Bruflodt stated with the property dimensions, even though it has some unique issues, something could be built to "fit" the property. Chirpich wondered if the hardship was truly for the owner or just for the sale of the property with the house plans the prospective buyer wants to construct on the property. Sherlin stated there was no room for discussion or negotiation if no commitments can be made from the current owner regarding the use of the property. Schutz stated it was a large house plan to try to "fit" onto the property. He noted there are proposals the owners could do with the property possibly without a Variance. Bruflodt discussed the options with the land owner. The owner could table the application and come back with a different proposal at a later

date. **At this time, the property owner asked to table the Variance application until a later date to bring back a different proposal to the Board.**

SECOND ORDER OF BUSINESS: APPLICANT: Donald Wisk, 813 Nicole Lane, Dilworth, MN, 56529. **PROJECT LOCATION:** 24320 Woodland Lane.
LEGAL LAND DESCRIPTION: Tax ID number, R190784000; Lake Sallie; Aud Plat Lot 8, Section 08, TWP 138, Range 41; Lake View Township.
APPLICATION AND DESCRIPTION OF PROJECT: Request a Variance to construct a detached accessory structure 32 ft from the center line of a non-dedicated township road and 20 ft from the top of a bluff due to the topography of the parcel. This deviates from the 53 ft setback for a detached accessory structure from the centerline of a non-dedicated township road and 30 ft setback from the top of a bluff.

Donald Wisk explained the application to the Board. The property is split by the public roadway and has Lake Monson on one side and Lake Sallie on the other side. The garage proposed would be on the Lake Sallie side of the property. A permanent home will be proposed at a later date on the Lake Monson side. The lot has limitations as to what can be done. Moltzan explained to the Board information regarding non-dedicated Public roads. The road is a 30' public road. Schutz asked Wisk if the current driveway would be the same approach used for the future dwelling. Wisk stated yes. Schutz stated with the hill and incline on the existing road to the cabin, the owner should propose to get rid of the asphalt to help with the runoff to the lake. The owner didn't think erosion was an issue.

No one spoke in favor of the application. No one spoke against the application. Debi Moltzan read a letter in favor of the application from neighbors Bonnie Lahren Thompson and Rod Lahren. At this time, testimony was closed.

Further discussion was held by the Board. Chirpich stated the bluff area of the property is very fragile and the design/proposal submitted would be very close the bluff. The water runoff from the structure would have a negative effect on the bluff. The owner is proposing to have the roof run east and west with gutters and spouts on the structure. Mitigation could include guttering and putting a swale area on the west side to help with the runoff. Schutz stated a berm could be recommended along the top of the bluff. Schutz noticed noxious weeds toward the lake on the side of the bluff area. These could be removed and add plants to stabilize the bluff area such as dogwood. Chirpich noted with no natural plantings left, the bluff is not holding its soil and it looks like there has been unnatural soils pushed over the bank of the bluff for years. Moltzan explained this is a dedicated public road and the regulation for setback for a detached accessory structure is 20 feet from the right of way of the road. The owner stated he would like to drive right off the road directly into the new garage. Chirpich stated if the owner was proposing to construct the dwelling in this manner the Variance would be denied based on the structure being too close to the right of way of the road and a safety hazard. The owners would then be backing out directly onto the road and parking in front of the garage and

this would not be permitted. Sherlin verified the structure size the owner is proposing. Moltzan stated this is a surveyed corridor and therefore there should be surveying pins to verify area. Sherlin again stated the bluff has been disturbed as some time and the Board should not allow anything closer than the regulations allow because the bluff is already fragile. The fill put in the area of the bluff does not stay as well as the natural soil area. Brufloft recommended looking at a different proposal with the structure turned and moved over to the longer side of the property farther away from the bluff. Schutz recommended by doing this the owner would gain footage of the lot to work with or the owner could propose a smaller structure. Brufloft explained to the owner he could table the application to come back at a later date with a different proposal. With the bluff being so fragile, the owner should try to keep the 30 feet back from the bluff top. The owner could locate the right of way area to get a better idea of what measurement he is asking to vary away from. The owner could propose to back out onto his own property if the structure is placed differently rather than proposing to back out onto the road. **At this time, the property owner asked to table the Variance application until a later date to bring back a different proposal to the Board.**

THIRD ORDER OF BUSINESS: APPLICANT: Bruce Kindseth, 2114 4th St NE, Jamestown, ND, 58401. **PROJECT LOCATION:** South Elbow Lake Rd. **LEGAL LAND DESCRIPTION:** Tax ID number, R090060000; Elbow Lake; Lot 1 ex Plats, Section 12, TWP 142, Range 39; Eagle View Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct a storage shed / garage 30 ft from the center line of a non-dedicated public township road due to the undemonstrated hardship of the parcel. This deviates from the 53 feet setback for a detached accessory structure from the centerline of a non-dedicated public township road.

Bob Ramsted represented Bruce Kindseth and explained the application to the Board. The property was once a part of a resort and there is no lake shore with the parcel. Kindseth has a small lot with lakeshore frontage. The property drops downward from the road behind the current structure. The property is level where the current detached garage is located. Back further into the trees, there is a wet area. The Variance request is for a 30 feet by 56 feet structure. The road is a public 66 feet road that goes through the property. The request is to be 16 feet from the right of way. The owner wants to stay as high as they could with minimal tree cutting. The owners could turn the structure perpendicular to the road, but when the structure goes back into the property more, it would require a lot of fill. This is a minimum maintenance road, the township does not maintain it, and it is seldom traveled. Pavelko asked how far the wet area was from the proposed dwelling area to which Ramsted did not know in footage how far back this area was. Sherlin stated this is a large parcel with other areas to propose a structure. Pavelko stated it was hard to find a hardship of the property based on the criteria the Board has to follow. Chirpich also stated there must be other suitable areas on the property for a structure. Brufloft stated again the forum and criteria that is to be followed by the Board.

No one spoke in favor of the application. No one spoke against the application. There were no letters of correspondence in the file. At this time, testimony was closed.

Further discussion was held. The regulations are there for safety issues for detached accessory structures. The Board is not finding a hardship of the property.

MOTION: Schutz made the motion to deny a Variance due to an undemonstrated hardship of the property. Chirpich second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: APPLICANT: Bruce Brubaker, 3822 Kensington Dr, West Fargo, ND, 58078. **PROJECT LOCATION:** 35275 325th Ave. **LEGAL LAND DESCRIPTION:** Tax ID number: R200393000, Strawberry Lake; Pt Lot 6 Beg 226.9 W and 517.3 NLY of SE Cor Lot 6 TH SE 122, Section 26, TWP 142, Range 40; Maple Grove Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct a dwelling 30 ft from the right of way of a township road and 50 ft from the Ordinary High Water Mark of the lake due to the substandard sized lot of record. This deviates from the 45 ft setback for a dwelling from a public road right of way and 100 ft from the ordinary high water mark of the lake.

Bruce Brubaker explained the application to the Board. The present mobile home will be removed and the proposed dwelling will actually be further back from the road. The request is for the dwelling to be placed 50 feet from the ordinary high water mark of the lake and 30 feet from the right of way of the road. This is a dead end road that services only three other parcels. There then is another road that services the other properties on that side of the lake. There will be no asphalt driveway proposed. This will be an all season home. The proposal is for the best use of the small parcel. Brubaker has plans to mitigate the lake setback shortcoming with the addition of a natural vegetative buffer. The proposed stringline will be behind the established stringline.

No one spoke in favor of the application. No one spoke against the application. There were no letters of correspondence in the file. At this time, Testimony was closed.

Sherlin stated there have been prior Variance requests to deviate from the road setbacks and in this case there is a practical hardship. The cabin proposed is a small cabin and it is creating a further setback from the road right of way than the present trailer on the property therefore being safer.

MOTION: Pavelko made the motion A Variance be denied to construct a dwelling 50 feet from the ordinary high water mark of the lake based on the fact that there is no hardship of the property to grant the lake setback Variance; AND approve a Variance to construct a dwelling 30 feet from the road right of way due to the size and depth of the lot. Chirpich second. All in favor. Motion carried.

Informational Meeting. The next informational meeting is scheduled for Thursday, August 2nd, 2007 at 7:00 a.m. at the Planning & Zoning Office.

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

Jim Brufloft, Chairman
Administrator

ATTEST

Patricia Swenson, Zoning