

Becker County Board of Adjustments  
October 9, 2008

**Present:** Members: Bill Sherlin, Al Chirpich, Merle Earley, Jim Bruflodt, Steve Spaeth, Clifford (Kip) Moore and Jerry Schutz.

Zoning Staff: Administrator Patty Swenson and Julene Hodgson.

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

**Minute approval:** The September minutes were discussed. Chirpich made the motion to approve the minutes from the September 11th, 2008 meeting. Schutz second. All in favor. Motion carried.

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

**OLD BUSINESS:**

1. **TABLED APPLICANT** Dennis and Debra Bounds 18511 NE 25th St Redmond, WA 98052 **Project Location:** 11648 Ravenswood Beach **LEGAL LAND DESCRIPTION:** Tax ID number: R191689000 Melissa Ravenswood Plat Lot 14 & S 25' of Lot 15; Section 28, TWP 138, Range 41, Lake View Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct a 26x36 detached garage to be located 5 ft from the road right of way and 19 ft from the rear property line due to a substandard lot of record. This deviates from a required 20 feet from the rear property line and 20 feet from the road right of way for a detached accessory structure. The original application was tabled at the September 2008 Public Hearing.

Contractor Perry Nodsle explained the application to the Board. A survey was done of the property to locate the property pins and road right of way. The proposed garage was downsized to 26x36 with the request for the structure 5ft from the ROW and 19ft from the rear property line. Bruflodt stated he was concerned with public safety. Nodsle explained 5ft would line up the garage with the adjacent neighbors garage. The Board normally doesn't allow less than 20ft unless the garage entrance is from the side to assure vehicles aren't parked in the ROW. Sherlin stated there was room to move the garage back further into the property. Bruflodt asked Nodsle if he would like to table the application, possibly the owners would reconsider the location of the garage further back to the rear property line. Nodsle stated they did not wish to table the application. Schutz stated this is a narrow road with little traffic and all the garages in the area are close to the ROW.

President of the Ravenswood Improvement Association, Clayton Jenson, spoke in favor of the application. He represents 36 members that gave signatures in favor of the request. Lakeview Township Supervisor Gail Hahn stated there are 13 year around residents that live on this road, it is difficult to snow plow the road because all of the garages are too close to the ROW. There were no letters of correspondence in the file. At this time, testimony was closed.

Further discussion was held by the Board. Schutz stated this will not become a major road area. Chirpich stated they could attach a condition onto the motion that if anything happens to the structure it could be moved back into the property further.

Swenson stated they could attach a condition that if something happens to the structure the Variance becomes null and void. Sherlin stated the Board should take precedent in trying to approve the garages to be moved back into the property. The proposal for a 3 stall garage is a large structure that would be only 5ft from ROW. Moore stated by granting this Variance, it will not change the situation of to the existing garages that are in the area.

**MOTION: Moore made the motion a Variance be granted as submitted for a detached accessory structure to be located 5 ft from the road right of way and 19 ft from the rear property line. Schutz second. Schutz and Moore in favor, Sherlin, Spaeth, Earley and Chirpich opposed. Motion not carried. Spaeth made the motion a Variance be denied as submitted. Sherlin second. Sherlin, Spaeth, Earley and Chirpich in favor, Schutz and Moore opposed. Motion for denial carried.**

2. **TABLED APPLICANT:** David & Cheryl Johnson 2310 Victoria Rose Drive Fargo, ND 58104 **Project Location:** 15543 Maple Ridge Rd **LEGAL LAND DESCRIPTION:** Tax ID number: R170934000 Little Cormorant Maple Ridge Beach Block 002 Lot 3; Section 05, TWP 138, Range 42, Lake Eunice Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance for a detached garage to be constructed 5 feet from the side property line, 12 feet from the road right of way and 4 feet from the septic tank due to a substandard parcel of record. This deviates from a 6 feet 9 inch side property setback, 20 feet road right of way setback and 10 feet from the septic tank. The original application was tabled at the September 2008 Public Hearing.

David Johnson explained the application to the Board. For the new proposal, Johnson ran a stringline from the NE property pin to the NW property pin. Johnson then moved the structure back into the property for the NE corner to be 20ft from the stringline. This would then make the closest point of the proposed structure from the property pin in the middle to be 12ft from the ROW. The new garage would be placed even with the existing and 74ft from the centerline of the existing road. Johnson stated he would eventually replace the foundation under the existing cabin and move it further away from the lake, so he does not want to loose any more green space between the detached garage and the cabin. Spaeth asked how Johnson would control roof runoff, Johnson explained the structure would have gutters and spouts to divert the stormwater away from the side property line, the septic area and away from the lake, all runoff would be diverted to the ROW.

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 by the Board. Moore suggested the stringline, but not necessarily from the NE corner. Sherlin stated that it is a good proposal due to the existing road is on the far end of the corridor, the tarred road will not be relocated, the structure isn't going any closer than the existing garage, and the garage will be 74ft from the centerline. Sherlin stated the township is not using 80% of the ROW and this is a reasonable request for the property when you know there are future plans to move the dwelling back to make the lot more conforming on the lakeside of the property.

**MOTION: Chirpich made the motion to grant a Variance for a detached garage to be constructed 5 ft from the side property line, 20 ft by stringline from NW corner property pin to NE corner property pin, which will be 12 ft from the closest property pin at ROW and 4 feet from the septic tank due to a substandard parcel of record. Sherlin second. All in favor except Schutz. Motion carried.**

**NEW BUSINESS:**

1. **APPLICANT:** JeriAnne Collins PO Box 946 Detroit Lakes, MN 56502  
**Project Location:** 39742 Hwy 34 **LEGAL LAND DESCRIPTION:** Tax ID number: R150112000 North Twin Lake PT Govt Lots 1 & 2; Beg 1267.16' W, 747.77 SE, 98.95 NE; Section 11, TWP 139, Range 39, Height of Land Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a 26x38 detached garage 46 ft from the road right of way of State Hwy 34 due to topography and setback issues. This deviates from a standard setback of 85 feet from the road right of way of a State Hwy.

JeriAnne Collins explained the application to the Board. The property is odd shaped with the east area of the property shallower than the west area. The west side of the proposed garage would almost make the 85ft required setback from the ROW, but the east side will not. Moore stated with the property being so far away from the existing road, it was hard to determine the need for the Variance request. Schutz noted stormwater drains directly down the driveway. Schutz stated the shoreline has been kept beautiful, in its natural state. Chirpich stated it is desirable to slow the flow of stormwater to the lake from structures, the runoff should go to the east; low area of the lot.

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 by the Board. Spaeth stated this was a reasonable request due to the topography of the property and because the corridor of the state hwy was widened after the parcel was a lot of record.

**MOTION: Spaeth made a motion to grant a Variance to construct a 26x38 detached garage in the location presented on the site plan due to topography and the State Hwy corridor widening after the parcel was a lot of record. Mitigation measures are to be implemented to assure stormwater runoff to be diverted toward east side of the property and away from the lake. Schutz second. All in favor. Motion carried.**

2. **APPLICANT:** Michael Williams 2913 25th Ave S Fargo, ND 58103  
**Project Location:** 11556 East Lake Eunice Rd **LEGAL LAND DESCRIPTION:** Tax ID number: R170718000 & R170719000 Lake Eunice Lots 13 & 14 Hanusch First Subdivision of part Govt lot 3; Section 26, TWP 138, Range 42, Lake Eunice Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to attach a non-conforming detached accessory structure currently located 20 ft from the road right of way to an existing dwelling due to setback issues. This deviates from an attached garage to be located 45 ft from the road right of way.

Michael Williams explained the application to the Board. The request would attach the detached

garage to the existing dwelling.

The road is a dead end road, there are similarities in the neighborhood regarding the road setback. Spaeth noted the garage was constructed as a 2 story garage, making the detached garage nonconforming. Sherlin stated the nonconformity of the garage does not constitute a hardship of the property. Williams stated he constructed a full side dormer along the entire structure above the 4ft sidewalls, the Zoning office stated the structure is noncompliant. Sherlin stated it is hard to justify a hardship based on a violation of a site permit issued. Williams stated he received options based on a letter sent by Swenson to reduce roof area to ½ story, make application for a Variance to request the structure to remain by attaching it to the existing dwelling or completely remove the second story. It was the recommendation of the Zoning office to request a Variance to attach the structure to make the structure conforming. Moore stated if the garage was attached, it would make the structure conforming, to which Sherlin stated it would then not meet the road setback because it would be considered part of the dwelling.

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 by the Board. Brufloodt stated a Variance is to request to vary away from something as in a setback regulation, not normally for something that is not permitted altogether. The request must be acted upon whether the structure is existing or not. Chirpich stated if the applicant came to the Board with the request prior to construction, would they have vacillated the request based on reasonable use of the property and Minnesota winters. Spaeth stated the property is a substandard lot which can't meet all the property setbacks. The existing dwelling was permitted as far back from the lake that it could be permitted using the stringline method. Brufloodt stated in certain circumstances, the Board has approved dwellings with less than a 45 ft setback from the ROW. Spaeth noted that the office stated there were no copies of the structural plan for the architectural look of the garage on file. Williams stated he told the Zoning office he was going to put dormers on the side of the garage to match the existing dwelling. Williams stated if he would have known the full dormers were not allowed, he would have still applied for the Variance request to attach the garage to construct it with the overall look that it is now. Sherlin noted the dormer on the existing dwelling does not go the full side of the dwelling as does the garage. Sherlin stated the request should be looked at differently between a substandard lot of record for a hardship versus looking at a nonconforming structure to be attached due to a manmade hardship. Spaeth noted this would allow the dwelling to be 20ft from the ROW, but there are other options to alleviate the nonconformity the owner has created.

**MOTION: Moore made the motion to grant a Variance to attach a non-conforming detached accessory structure currently located 20 ft from the road right of way to an existing dwelling. Chirpich second with mitigation measures to contain stormwater runoff. Moore and Chirpich in favor, Early, Sherlin, Spaeth and Schutz opposed. Motion not carried. Spaeth made the motion to deny a Variance based on an undemonstrated hardship of the property. Sherlin second. Sherlin, Spaeth, Earley and Schutz in favor, Chirpich and Moore opposed. Motion for denial carried.**

3. **APPLICANT:** Elizabeth Susan Dodd 3944 E Keresan Str Phoenix, AZ 85044 **Project Location:** 23863 Co Hwy 22 **LEGAL LAND DESCRIPTION:** Tax ID number: R191810000 Melissa Lake Shoreham 138 41 Lot 7 Block 8; Section 19, TWP 138, Range 41, Lake View

Township.

**APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct a dwelling with an attached garage 16.5 ft from the road right of way of County Hwy 22 due to a substandard lot of record. This deviates from the standard setback of 45 ft from the right of way.

Contractor Dan Smith explained the application to the Board. The Board noted the property stakes were defined in the E and W area, but there were no property stakes at the lakeside after being newly surveyed, and there was nothing indicating where the new dwelling is proposed. Brufloft noted the Board doesn't like to be the adjudicator on an application if they are not exactly sure of the proposal. Brufloft explained to the applicants they have the option to table the application until further information can be presented to the Board. Swenson stated that the applicants must submit C of C for the septic system as part of the Variance procedure, or a recorded document for the easement (from the neighbor) for the system to be located across the road. Smith concerned about staking the property for the proposal due to the existing dwellings on the property make it difficult, and the neighbor next door has removed the lakeside stakes. Chirpich stated the Board could not determine the stringline the applicants are proposing in the request. Schutz asked if the driveway is included in the lot coverage proposed, Smith stated they are proposing pervious surface in the driveway. **At this time, the property owner requested to table the Variance application until a later date.**

4. **APPLICANT:** Vicki Brown 3583 Woodbury Park Dr Fargo, ND 58103  
**Project Location:** 15514 Maple Ridge Rd **LEGAL LAND DESCRIPTION:** Tax ID number: R170959000 Little Cormorant Maple Ridge Beach 2nd Lot 1, Lot 2 Ex S 55 Ft and Lot 3; Section 05, TWP 138, Range 42, Lake Eunice Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct a dwelling with an attached garage and lakeside deck located 75 feet from the ordinary high water mark of the lake and ahead of the established stringline due to rear property setback issues. This deviates from structures to be located 100 feet from the OHW and at or behind established stringline with mitigation measures.

Vicki Brown explained the application to the Board. The property is a substandard lot with a portion taken out of the rear property (per a prior Variance) to attach to the neighbors property across the road for his septic system. The property was surveyed to convey the line at the rear of the property. Brown stated that her proposal submitted to the Board this evening would allow the structure to be 2ft at the closest point from this property line, the dwelling would be further back from the lake at 92 ft which would be behind neighboring stringline and still make the road ROW setback.

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 by the Board. Sherlin stated the property is irregular in shape and the property has both a rear road and side road to the west, with wetlands taking up most of the west lot area. Schutz noted a large amount of sand at the lakeshore which exceeds the sandblanket regulations. Sherlin pointed out all of the lakeshore frontage on the west area has remained natural.

**MOTION: Sherlin made the motion to grant a Variance to construct a dwelling with an attached garage 92 ft from the OHW, behind stringline and 2 ft from the side/back property line due to the wetlands and roadway on two sides of the property. Mitigation to include stormwater runoff to be diverted to the west side of the property and the sand beach area to be brought into compliance within 2 yrs, with the area being restored back to its natural state. Chirpich second. All in favor. Motion carried.**

**Informational Meeting.** The next informational meeting is scheduled for Thursday, November 6nd, 2008 at 7:00 a.m. at the Planning & Zoning Office.

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

\_\_\_\_\_  
Jim Brufloft,  
Chairman

ATTEST

\_\_\_\_\_  
Patricia Swenson, Zoning Administrator