

**Becker County Board of Adjustments  
November 10, 2010**

**Present:** Board Members: Chairman Jim Bruflodt, Kip Moore, Jerry Schutz, Lee Kessler, Bill Sherlin and Zoning Staff Julene Hodgson. Members Steve Spaeth and Al Chirpich were absent.

Chairman Bruflodt called the meeting to order at 7:00 p.m. Julene Hodgson took minutes.

Minute approval: The October minutes were discussed. Schutz made a motion to approve the minutes from October 14, 2010 with no changes. Sherlin second. All in favor. Motion carried.

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

**OLD BUSINESS:**

**None.**

**NEW BUSINESS:**

**FIRST ORDER OF BUSINESS: Applicant: Rhys Anderson** 25367 230th Ave Detroit Lakes, MN 56501 **Project Location:** 35281 325th Ave **LEGAL LAND DESCRIPTION:** Tax ID number: R200392000 Strawberry Lake PT LOT 6 BEG 226.9' W 247.3' NW & 330' NE OF SE COR LOT 6 TH E 110' TO LK NLY AL LK 103' W 110' & SW AL RD 126' TO BEG; Section 26, TWP 142, Range 40, Maple Grove Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct a dwelling addition 43 feet from the ordinary high water mark of the lake, 25 feet from the road right of way, and 5' from an existing drainfield, due to the substandard sized lot of record. This deviates from structures located out of the shoreimpact area, 45' from the road right of way and 20' from an existing drainfield.

Rhys Anderson and Sheila Welle explained the application to the Board. They are asking to allow an addition onto the existing cabin and the request pertains to the proximity to the lake, existing septic system and road. The measurement to the rock bed of the mound is greater than 10' but less than 15' to the proposed addition. Snowmobiles drive on the property during winter months so they would prefer to construct back into the property instead of to the side. A different proposal would create a 60 feet long structure only 22 feet wide if constructed to the side property line. The original is a seasonal cabin constructed on posts and the addition would not have plumbing. Sherlin asked if the owners had thought of moving the existing cabin and anything new back further from the lake to be out of the shoreimpact zone to which they stated they did not think that was an option. Schutz asked the measurement to the lake to which it was noted one corner was 43 feet and the other was 39 ½ feet. Moore stated the proposed addition was larger than the existing cabin and if things were planned differently perhaps they would not encroach toward the current septic. Bruflodt asked if they had thought of tearing down the old structure and proposing an entirely new one to fit the property and match their request. Rhys stated they were under the misconception that they had to keep the original but he would consider moving it back or entirely tearing it down for a proposal.

No one spoke in favor of the application. No one spoke against the application. There were no further letters of correspondence on file for or against the application. A letter was submitted (by the applicant) and read to the Board from ISTS Contractor Richard Vareberg regarding the existing septic system. He stated the rock-bed area of the mound system would be greater than 10' from the requested addition. He further stated that the current septic system would be adequate for the proposed addition because of limited use and if there was a septic failure it would not reach the structure due to the sandy soil type. At this time, testimony was closed.

Further discussion was held by the Board. Sherlin stated the Board has denied previous requests to construct onto existing structures located in the shoreimpact zone if there are other options for the property. He further stated it is hard to know what measurements are being requested because if the structure were to be located back further, then the measurements requested from the septic and road right of way are

different than they are now. Moore agreed the owner may wish to table the application to look at their options and re-submit any new information for the measurements that are being asked to vary away from. Bruflodt stated the Board is bound by the 60day rule and they need a judicative decision on the request in front of them this evening, unless the owners request to table the application. They could then later come back to the Board with their new proposal. Sherlin noted that the Board takes into consideration public protection from the road and the owners protection from their septic with structures further away from the lakes. Sherlin stated any proposal would request a Variance because they will be ahead of neighboring stringline. Bruflodt stated they could take each piece of the request and look at them separately for approval or denial, or the owner could table the application. Sherlin stated the road is a dead end road with no Township maintenance and minimal traffic with little public safety issue. If they just throw out numbers for approval, it creates a larger envelope to build in and the Board is not there to design the footprint of the structure to fit the property, that is the owners responsibility to present to the Board. Schutz stated if the owner took the time to plan and create a design to fit the lot, then they would know the exact measurements to present to the Board. Bruflodt asked the owner if the rear property pins where located to which Rhys stated yes, but the lot is angled so the measurements vary. Moore made the motion to deny the application as presented. Schutz seconded the motion but wanted further discussion from the Board. He stated he would rather see the owners table the application to re-look at the request and come back with more specifics for measurements, design of structure, lot coverage and so forth. **At this time, the property owner asked to table the Variance application to look at all property options and bring back any new information/request to the Board.** The tabled request was granted and the motion previously stated was withdrawn.

**SECOND ORDER OF BUSINESS: Applicant: Darrell and Gail Discher** 4721 157 Ave SE Davenport, ND 58021 **Project Location:** 25783 E Cozy Cove Rd **LEGAL LAND DESCRIPTION:** Tax ID number: R080122001 Floyd Lake BEG 734.60' W OF MC#24 TH SW 79.8' SE 145' TO LK ELY AL LK 80' & NW TO BEG (PT LOT 1); Section 09, TWP 138, Range 41, Detroit Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct an attached Garage 38ft from the road right of way and a deck onto an existing structure that is currently located 67" from the side property line. This deviates from the required setback of 10% of the lot width from the side lot line and an attached garage 45 ft from the road right of way.

Darrell Discher and Gail Discher explained the application to the Board. The request is for an attached garage due to future plans of permanent residency. The existing dwelling was constructed too close to the side property line but the addition will be further away. Moore asked what the closed point of the existing structure was to which Discher stated 5'7" but the garage will be 6' on one end and 8' on the other end. The request would place them 38ft from the road right of way. They would also like to replace the front deck with either a deck or screened porch, and the front of the dwelling is behind stringline and out of the shoreimpact zone, it is just the side setback of the existing that is nonconforming. They are aware that they cannot exceed the 25% lot coverage with the entire property proposal.

No one spoke in favor of the application. No one spoke against the application. There where no further letters of correspondence on file for or against the application. At this time, testimony was closed.

Further discussion was held by the Board. It was noted the road is a dead-end road and the past history of the Board has allowed attached garages to be closer than the required 45 feet from the right of way. None of the request is going closer to the side property line and the existing structure is not being replaced. Sherlin stated the property cannot exceed 25% lot coverage if a screened porch was allowed on lakeside. The Board discussed stormwater management from structure runoff.

**MOTION: Schutz made a motion to grant a Variance as proposed to construct an attached garage 38 ft from the road right of way and a lakeside screened porch behind stringline and out of the shoreimpact due to a substandard lot of record and the setback issues of the existing structure. The lot cannot exceed 25% lot coverage and the owner must mitigate stormwater runoff. Moore seconded as submitted. All in favor. Motion carried for approval.**

**THIRD ORDER OF BUSINESS: Applicant: Craig and Wanda Runck** 3730 163rd Ave SE Mapleton, ND 58059 **Project Location:** 11496 Lake Maud Dr **LEGAL LAND DESCRIPTION:** Tax ID number: R170325000 Maud Lake PT GOVT LOTS 2 & 3:COMM SE COR SEC 28 TH N 2553.55' AL E LN, TH

W 33', NW 141.79' TO POB; CONT NW 45.29', TH SWLY 13.92' SW 31.48', TH NW 13.10', TH NELY 35.73', NW 43.37', TH N 148' TO LK MAUD, SE AL LK 110.72', TH S 130.51' TO POB; Section 28, TWP 138, Range 42, Lake Eunice Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct a two story lakeside addition onto an existing dwelling located ahead of the neighboring stringline and 57 feet from the ordinary high water mark of the lake, due to the substandard sized lot of record and setback issues of the existing structure. This deviates from a 100' lakeside setback and structures being behind or in line with the neighboring stringline.

Contractor Jerry Bentley as acting agent for the applicants/owners explained the application to the Board. He stated they would like to take off the lakeside decks and implement that area into the dwelling. It would allow for expansion of the upper bedroom and lower living room areas. The smaller side deck would remain and there would be no further lakeside deck added onto the dwelling in the future. Kessler stated it appears the property would have major runoff issues during heavy rain to which Bentley stated the water currently runs down the asphalt to the lakeshore. The proposal would include gutters and infiltration areas to control stormwater runoff. There is a natural area to the left of the structure when looking at the lake that would be similar to a ditch area water could be diverted to. Schutz stated the property owners would be required to cut back the existing asphalt and that area would have to be stabilized in some way. Bentley stated the owners are all for containment and he has a proposal of three separate containment areas. Kessler stated if the asphalt was removed it could possibly be implemented into the design of a containment area. Schutz stated any motion could state mitigation/stormwater retention must be implemented on the property as a stipulation for the approval. Bentley state the owners are going to remove some of the asphalt regardless of the hearing outcome due to the runoff ruining their shoreline.

No one spoke in favor of the application. No one spoke against the application. There where no further letters of correspondence on file for or against the application. At this time, testimony was closed.

Further discussion was held by the Board. Moore stated with the owners not present and the contractor acting as their agents, he did not feel comfortable with the request showing all paperwork submitted signed by the contractor and nowhere by the owners. Sherlin stated the Variance is for the property. Brufloodt stated we have had contractors represent the owners in the past. Brufloodt requested the minutes to reflect that the Variance request/proposal was submitted by the owners acting agent Jerry Bentley. The lot coverage was discussed with the Board aware that the property exceeds the allowable lot coverage at the present time and that removal would have to be implemented to bring the lot coverage down the 25%. Schutz stated removal of coverage and stormwater control would be the best gain for the property. Sherlin agreed the owner must slow the runoff toward the lake.

**MOTION: Kessler made a motion to grant a Variance as submitted to construct an 8x26 two-story lakeside addition onto the existing dwelling due to a substandard lot of record. The request is granted with the stipulations that the owners must remove asphalt/impervious surface and the overall lot coverage after removal cannot exceed the allowable 25%. Mitigation must be implemented as in gutters, spouts and infiltration areas to control stormwater runoff. Schutz second. Sherlin, Schutz and Kessler in favor with Moore opposed. Majority ruled. Motion carried for approval.**

**FINAL ORDER OF BUSINESS: Informational Meeting.** The next informational meeting is scheduled for Thursday, December 2, 2010 at 7:00 a.m. at the Courthouse 3<sup>rd</sup> floor meeting room.

The Board members terms expire for members Spaeth, Chirpich and Moore at the end of 2010.

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

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Chairman Brufloodt

ATTEST

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Patricia Swenson, Zoning Administrator