

**Becker County Board of Adjustments**  
**October 13th, 2016**

**Present:** Chairman Jim Bruflodt, Harry Johnston, Lee Kessler, Jim Kovala, Steve Spaeth, Roger Boatman, Zoning Supervisor Dylan Ramstad Skoyles and E911/Zoning Technician Rachel Bartee.

Chairman Jim Bruflodt called the meeting to order at 7:00 p.m. Rachel Bartee took minutes. Intros were given.

Kovala made a motion to approve the minutes for September 8th, 2016. Johnston seconded. The motion passed unanimously.

Bruflodt explained the protocol of the meeting and Spaeth read the criteria for which a variance could be granted.

**FIRST ORDER OF BUSINESS: APPLICANT: Bruce and Debra Meachum** 2141 Rinden Road Cottage Grove, WI 53527 **Project Location:** 30151 Lake 6 Road, Frazee MN **LEGAL LAND DESCRIPTION:** Tax ID number: 030323005 Lake Six PT GOVT LOT 6: COMM S QTR COR TO POB AKA TRACT C; Section 32, TWP 138, Range 40, Burlington Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct a dwelling 20 feet from crest of bluff instead of 30 feet due to a steep slope on the other side of the building site.

Thomas Winters, Attorney representing owner Bruce Meachum, explained the application to the Board. Winters is requesting a variance from the required 30ft setback from a bluff for the construction of a mobile home to 20'. A deck is also planned to be constructed. He presented his clients idea of the findings and they were read during the public hearing, they are in the file.

Spaeth asked if the dwelling could be put on a slab. Meachum stated no. Spaeth asked if the pilings could be taller. Meachum stated that they would have to have something besides earth or that the pilings and it would have to be huge. He also stated that this would have an odd appearance and result in 20-50 steps to accommodate the ledge. Spaeth inquired about the option of a walkout. Meachum stated that a walkout would require a greater expense and greater excavation to the property. Winter stated that further excavation would be more detrimental to the property then needed. Spaeth asked how the fill would be held. Meachum stated class 5 on top so it will be more stable. Spaeth asked why does the retaining wall need to be 100ft long. Meachum stated that per two contractors the retaining wall must be 90ft long. He stated the wall must start at the base and needs to come all the way around in order to be effective. He added that it will not have to be the full height all the way around. Winter added that if it failed it would be detrimental to the wetland. Bruflodt asked if a sidewalk would be added. Meachum stated no,

there will be steps only. Spaeth asked about the type of porch requested. Meachum stated that it would be a covered porch with screens.

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

Chairman Brufloft opened the matter for discussion by the Board.

Boatman noted that there is documentation lacking about the 10ft depth and the length of the retaining wall required. Kessler stated he would also like to see the numbers regarding the 10 ft. difference in elevation.

At this time, Meachum requested to table their application. He stated he will bring in documentation from his engineers showing the necessity of the length of the retaining wall and showing the difference in depth. He will notify planing and zoning when the numbers come in.

**SECOND ORDER OF BUSINESS: APPLICANT: LeRoy Wegner** 3201 Hickory Street N Fargo, ND 58102 **Project Location:** 19756 Co Road 131, DL **LEGAL LAND**

**DESCRIPTION:** Tax ID number: 080965000 Big Floyd Lake 1ST ADD-FLOYD LK BCH LOTS 69 & 70; Section 15, TWP 139, Range 41, Detroit Township. **APPLICATION AND**

**DESCRIPTION OF PROJECT:** Request a Variance to construct an addition onto the existing dwelling at the same setback as the existing cabin which is (70') from the OHW of the lake. The request is due to setback issues of the existing dwelling and does not meet the one time addition exemption without a Variance.

Owner LeRoy Wegner explained the application to the Board. Wegner requested to expand his current dwelling to make it handicap assessable. He stated that they will lift up the house and remove the current one Brufloft asked what the greatest hardship would be for Wegner. Wegner stated if required to move, the unique view would be lost as they would be 35' behind their other neighbors and the house would face their neighbor's deck.

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

Chairman Brufloft opened the matter for discussion by the Board.

Spaeth noted that the setback average plus 20 (which would not require a variance) would place him at 85' from the OHW stating that the neighbors on either side are set at 65' and 76'. Spaeth added this is not showing practical difficulty. Wegner stated that his view would still be obstructed. Spaeth stated that moving back the 15 additional feet would give him the option to center the house and more room to build. Kovala agreed that Wegner could achieve a better view by moving over.

**Motion:** Spaeth **made a motion to deny** the application as the applicant did not show any practical difficulty. The applicant could move his house back to meet the lake setback and not need a variance. Johnston second. All in favor. Motion carried. Variance denied.

**THIRD ORDER OF BUSINESS: APPLICANT: LeRoy Wegner** 3201 Hickory Street N Fargo, ND 58102 **Project Location:** Across the Road from 19756 County Road 131 **LEGAL LAND DESCRIPTION:** Tax ID number: **080204900** Across Rd from Big Floyd Lake PT LOT 5 BEG 66'S OF SW COR LOT 70 FLOYD LK BCH 1ST ADD TH NE AL RD 341.5' SE 54' SW 424' NW 68.82' TO RD & NE 71 FT TO BEG; Section 15, TWP 139, Range 41, Detroit Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to relocate a garage that would be 64' from the centerline of a County road instead of 78' and 3' from the rear property line instead of 20' due to setback issues on a substandard property. The structure would be located in the same area as an existing garage, no closer to the road or rear.

Owner LeRoy Wegner explained the application to the Board. Johnston questioned the information supplied in the project description regarding the 3' from the rear property line. Johnston asked if Wegner knew the difference between the easement and right of way on the documents provided. Wegner stated did not. Dylan stated that a survey would provide the information needed.

At this time, Wegner requested to table their application pending a survey.

**FOURTH ORDER OF BUSINESS: APPLICANT: Roger Holmer** 33717 Bunkerhill Rd Ponsford, MN 56575 **Project Location:** 33717 Bunkerhill Rd **LEGAL LAND DESCRIPTION:** Tax ID number: 220016001 Protected Wetland #83W NE Quarter of NE Quarter of Section 5; Section 05, TWP 141, Range 37, Pine Point Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct an addition 80 feet from the ordinary high water mark of a protected wetland instead of the required 150 feet due to setback issues of the existing structure.

Roger Holmer explained the application to the Board. They would like to add on to their home to accommodate for their growing family. Kessler asked if the water has always been high. Holmer stated it was in compliance when the dwelling was originally built and that it has been over the road for about 15 years. Kessler asked how high the water was over the road. Holmer stated 30 inches.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from neighbors of Holmer, Howard and Gertrude Maninga of 33517 Bunker Hill Rd, Pondsford MN 56575, stating that they had no objections to the application. The letter is in the file. At this time, testimony was closed and further discussion was held.

Boatman stated if the water went down 30", Holmer would be close to the 150' setback. Spaeth stated he would approve with a Berm to control water run off of the structure. Holmer stated this was easily attainable. Kovala stated a French drain could also be an option, he acknowledged the unique problem caused by the rising high water.

**Motion:** Spaeth made a motion to approve a Variance to build the a non-conforming dwelling 80 feet from the ordinary high water mark of a protected wet land, instead of 150 feet with the stipulation that they control all of the water runoff from the structure by creating a berm. Kovala second. All in favor. Motion carried. Variance approved with stipulations.

**FIFTH ORDER OF BUSINESS: APPLICANT: Craig and Marcia Kluck** 2650 Riverside Lane NE Rochester, MN 55906 **Project Location:** 32366 Strawberry Court, Ogema MN **LEGAL LAND DESCRIPTION:** Tax ID number: 320044000 Sugarbush LOT 3 W OF ROAD EX ,46 AC LOT 4 EX 1.24 AC & BEG 738.5 FT SE OF NE COR LOT 3 TH SE AL LK 100' SW 132' NW 100' & NE 110.8' TO BEG; Section 02, TWP 141, Range 40, Sugar Bush Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct an addition onto the rear of a nonconforming dwelling that is located 35' from the OHW of the lake due to setback issues of the existing structure. The addition would be 78 feet from the OHW of the lake and 19'feet from the road right of way instead of 20 feet.

Owner Craig and Marcia Kluck explained the application to the Board. They would like to increase the size of the home to accommodate a growing family and guests. Kluck stated that there used to be a 75foot setback from the lake, however due to erosion they have lost ground. He stated that 10 years ago riprap was installed which has prevented further erosion. Kessler questioned the accuracy of the dimensions, stating that the distance from the road on either side are not the same as they measured in the field. Kluck offered to gather with neighbors to approve moving the road. Spaeth stated that regardless of moving the road the plans still show that the project would impede on the shore impact zone. He stated that plans show that the structure would still be 15 feet inside the shore impact zone, making the whole structure is non-conforming. Brufloft asked if it is possible for them to build across the road. Kluck stated that the ground on the other side of the road is too soft, noting that it had been under water temporary this year. Kluck added that they would have to build a substantial distance from back to find solid ground. Boatman questioned if they moved their deck from the shore impact zone that they would be in compliance on the lakeside. Kluck stated they did not want to do this.

Olson spoke in favor of the application. Olson owns a property several houses down from the Klucks. Olson stated that the road turns into their property which prevents their ability to build creating a hardship. Olson stated he was in favor of rerouting the road to accommodate their plans. No one spoke against the application. There was no written correspondence either for or against the proposal. At this time, testimony was closed.

Chairman Brufloft opened the matter for disussion by the Board.

Spaeth disagreed with the proposal stating regardless of the road rerouting, the proposed plan leaves the house in the shore impact zone. He also stated that practical difficulty was not proven. Kluck offered to attempt to move the road. Spaeth stated that they would have to check with the township to get the road vacated to move it and then and restart easement process. He stated if they have it moved then they could build on the road bed.

**Motion:** Spaeth made a motion to deny a variance. Because the house is in the Shore Impact Zone and the homeowners have plenty of property to move the house and cabin to the other side of the road and not need a variance. Boatman second. All in favor. Motion carried.

**SIXTH ORDER OF BUSINESS: APPLICANT: Brian and Lora Petermann** 3008 210th Street N Hawley, MN 56549 **Project Location:** 11714 Co Hwy 11, Audubon MN **LEGAL LAND DESCRIPTION:** Tax ID number: 170922000 Big Cormorant Lake MAPLE LODGE SUB DIV LOT 39; Section 30, TWP 138, Range 42, Lake Eunice Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct a new dwelling 61 feet from the ordinary high water mark of the lake and 21 feet from the road right of way of a County rd due to setback issues and a substandard lot of record. The request varies away from a 100 feet setback from the lake and 45 feet setback from the County road right of way.

Owner Brian Petermann was present and represented by contractor Rod Ulven. Ulven explained the application to the Board. Ulven stated they are requesting to raise the structure and move it back from the lake. This would place the house on one corner at 61.9 feet and the other corner at 67 feet back. Spaeth stated that the setback average would be 65 feet which would not require a variance. He acknowledged that this would place them 3 feet closer to the road which would still require a variance. Ulven stated that the shorter distance from the road could create a safety concern.

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

Chairman Brufloodt opened the matter for disussion by the Board.

Spaeth noted that at 61.9 feet and 67 feet back, the building will be set back farther than butting cabins. He stated the 3 feet from setback average on one corner is reasonable.

**Motion:** Boatman made a motion to approve a variance to allow the placement of the dwelling as submitted to be 67 feet and 62 feet from the ordinary high water mark of the lake. The variance had been granted with stipulations. Stipulations require the owner to control all water runoff. Spaeth second. All in favor. Motion carried. Variance approved with stipulations.

**SEVENTH ORDER OF BUSINESS: APPLICANT: James Lanier** 19643 Tenada Avenue Chugiak, AK 99564 **Project Location:** 11666 Fern Beach Blvd, Detroit Lakes MN **LEGAL LAND DESCRIPTION:** Tax ID number: 191329000 Across rd from Lake Melissa FERN BEACH PARK LOT

4; Section 30, TWP 138, Range 41, Lake View Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct a new (slightly larger) dwelling in the same location as the existing dwelling which was located 15 feet from the road right of way due to setback issues and a substandard lot of record. The request varies from a 45' setback from the road right of way for a non-riparian dwelling.

Owner James Lanier was not present. Christian Kiedroski, who is assisting with the project, spoke on behalf of Lanier, as Lanier resides in Alaska. Kiedroski explained the application to the Board. The request is to expand the current structure dimensions from 20x32 feet to 21x34 feet and to increase the height from 13 feet to 18 feet high. No knee walls were requested. Spaeth asked if the house could be moved back. Kiedroski stated that it would be encroaching on the septic and drain field. Brufloft stated he had parking concerns, stating that generally they require a 20 foot arm for sufficient parking. Kiedroski stated there is sufficient parking on the side of the home. Johnston stated that if they were to move or rebuild the structure behind the 45 foot setback they would not need a variance and could enlarge the structure.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the proposal.

This application had been tabled from the October 2016 meeting by the applicant.

**EIGHTH ORDER OF BUSINESS: Informational Meeting.** The next informational meeting is scheduled for Thursday, November 3rd, 2016 at 7:00 am in the 3<sup>rd</sup> Floor Meeting Room of the Original Courthouse.

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

\_\_\_\_\_ ATTEST \_\_\_\_\_  
Jim Brufloft, Chairman Dylan Ramstad Skoyles,  
Planning and Zoning Supervisor