

Becker County Board of Adjustments
August 9, 2018

Present: Members: Jim Kovala, Brad Bender, Harry Johnston, Delvaughn King, Lee Kessler, Planning and Zoning Administrator Kyle Vareberg and E911/Zoning Technician Rachel Bartee. Jim Bruflo and Roger Boatman were absent.

Acting Chairman Lee Kessler called the meeting to order at 7:00 p.m. E911/Zoning Technician Rachel Bartee recorded the minutes.

Introductions were given.

Kovala made a motion to approve the minutes for the July 12th, 2018 meeting. King seconded. The motion passed unanimously. Motion carried.

Kessler explained the protocol for the meeting and **Bender** read the criteria for which a variance could be granted.

NEW BUSINESS:

FIRST ORDER OF BUSINESS: APPLICANT: John and Rodelia Saffeels Project
Location: 25240 E Cozy Cove Rd, Detroit Lakes, MN 56501 **TAX ID NUMBER:** 08.0068.000
APPLICATION AND DESCRIPTION OF PROJECT: Request a variance to construct a deck, to be located at sixty-eighty (68) feet from the OHW of the lake, deviating from the required setback of one hundred and fifty (150) feet from the OHW of a natural environment lake, due to setback issues.

Vareberg presented the application.

John and Rodelia Saffeels were present. Saffeels explained the application to construct a deck, to be located at sixty-eighty (68) feet from the OHW of a natural environment lake, due to setback issues. Saffeels stated he wants to have a deck on the back of the house on the lake side, so they can sit and enjoy the environment. Saffeels stated the proposed deck would not be visible by any other lot. Saffeels explained the house was pre-existing when they purchased the property, so they did not have the option to build back from the lake. Saffeels stated his original plan was to build larger than his current request but after consulting the Zoning office they shrunk up the plans to bring it more into compliance.

Johnston asked what year the house was built. Saffeels stated according to the mark on the slab floor 1971. Johnston asked what the size of the proposal was. Saffeels replied 12x20 feet.

41 Saffeels added the front deck is 16x10 feet and is not large enough for their needs so they choose
42 to build a 12x20 foot deck on the back to accommodate a table and four chairs.

43

44 Bender asked why they want to build the new deck around the egress window instead of in front
45 of the sliding glass door. Saffeels replied the sliding door leads to the bedroom. Building the
46 deck by the egress area would allow access to the deck from rest of the house.

47

48 Vareberg read a letter written by Brad and Erin Olstad, owners of 08.0863.000 and 08.068.000
49 (25415 and 25523 Englewood Dr.).

50

51 We are also on Tamarac Lake and feel that their deck at 68' from the OHW will not
52 adversely affect the lake or its inhabitants. They should have the opportunity to enjoy
53 their property at the fullest. PS: We don't even know these people.

54

55 No one spoke for or against the application. There was no written correspondence against the
56 application. At this time, testimony was closed. Acting Chairman Kessler opened the matter for
57 disussion by the Board.

58

59 Johnston stated the house was built in 1971 prior to zoning regulations, adding if the original
60 owners had know they would have build the house further back from the OHW.

61

62 Johnston read his findings:

63

64 Applicant: John & Rodelia Saffeels Location: 25240 E Cozy Cove Road

65

- 66 1. The Practically Difficulties in complying with the official control is that the Applicants
67 would like to have a lakeside deck, which is normal if you live on the lake.
- 68 2. The shore impact area on an Environmental Lake is 75 feet, yet only 50 feet on a
69 Recreational Lake. We can all agree the stormwater from 75 feet back will not run to the
70 lake faster than stormwater from 50 feet back.
- 71 3. The proposed deck can not be seen from the neighbors and very little from the lake due to
72 all the trees. The impervious surface is only 12%.
- 73 4. The request for the deck to be 68 feet from the lake would place the deck approximately
74 7 feet into the shore impact zone of the Environmental Lake, but 18 feet out of the shore
75 impact area if it was classified as a Recreational Lake.
- 76 5. The shore impact zone is an arbitrary number and different on each lake classification.
77 On a Recreational Lake the request would be permitted without a variance.
- 78 6. There is no control of stormwater on the property at the present time. All the surface
79 water drains from the front of the structure to the lake.

80 Conclusion:

81 I believe it would be beneficial to the lake to grant the request and in return have the stormwater
82 controlled as directed by the County Zoning Office. My motion would be to approve the
83 requested variance.

84

85 Bender responded that he could understand the reasoning behind chunks of Johnston's findings,
86 however it is not this board's decision to classify the lakes. This board has never approved
87 to build in the shore impact zone. We have denied them in the past and there are other possible
88 places for a deck to go on this property. Bender stated he was in favor to deny the application as
89 proposed.

90

91 Kovala stated it is a small lake and it was not a big problem to place the deck where proposed.

92

93 King stated he agreed with Kovala adding they should stipulate Staffeels control the water on the
94 north side of the house.

95

96 **Motion:** Harry made a motion to approve the application as presented to construct a deck, to be
97 located at sixty-eighty (68) feet from the OHW of the lake, deviating from the required setback
98 of one hundred and fifty (150) feet from the OHW of a natural environment lake, due to setback
99 issues, with the stipulation that stormwater on the property is controlled.

100

101 The Board adopted the following findings:

- 102 1. The Practically Difficulties in complying with the official control is that the Applicants
103 would like to have a lakeside deck, which is normal if you live on the lake.
- 104 2. The shore impact area on an Environmental Lake is 75 feet, yet only 50 feet on a
105 Recreational Lake. We can all agree the stormwater from 75 feet back will not run to the
106 lake faster than stormwater from 50 feet back.
- 107 3. The proposed deck can not be seen from the neighbors and very little from the lake due to
108 all the trees. The impervious surface is only 12%.
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110 7 feet into the shore impact zone of the Environmental Lake, but 18 feet out of the shore
111 impact area if it was classified as a Recreational Lake.
- 112 5. The shore impact zone is an arbitrary number and different on each lake classification.
113 On a Recreational Lake the request would be permitted without a variance.
- 114 6. There is no control of stormwater on the property at the present time. All the surface
115 water drains from the front of the structure to the lake.

116

117 **Kovala second.** In favor Kovala, Johnston, and King. Opposed Bender. **Motion carried.**
118 Variance **approved** with stipulations.

119

120 **SECOND ORDER OF BUSINESS: Informational Meeting.** The next informational meeting
121 is scheduled for Thursday, September 6th, 2018 at 7:00 a.m. in the 3rd Floor Meeting Room of the
122 Original Courthouse.

123

124 As there was no further business to come before the Board, Kovala made a motion to adjourn the
125 meeting. King seconded. All in favor. Motion carried. Meeting adjourned.

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127 _____ ATTEST _____

128 Lee Kessler, Acting Chairman

Kyle Vareberg,
Planning and Zoning Administrator

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