

**Becker County Board of Adjustments
September 13th, 2018**

Present: Members: Acting Chairman Lee Kessler, Jim Kovala, Brad Bender, Roger Boatman, Harry Johnston, Delvaughn King, and E911/Zoning Technician Rachel Bartee. Jim Bruflodt was 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 August 9th, 2018 meeting. Johnston 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: Keller Family Revocable Living Trust
Project Location: 31671 Co Hwy 50 Park Rapids, MN 56470 **TAX ID NUMBER:** 34.0085.000 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a deck, to be located at seventy-five (75) feet from the ordinary high water mark of the lake, deviating from the required setback of one hundred (100) feet from the OHW of a recreational development lake, due to setback issues.

Bartee presented the application.

James Keller and Josh Wallenberg were present. Keller and Wallenberg explained the application to construct a deck, to be located at seventy-five (75) feet from the ordinary high water mark of the lake, deviating from the required setback of one hundred (100) feet from the OHW of a recreational development lake, due to setback issues. Wallenberg explained the deck addition will be placed on the lakeside of the lodge. They already have a pool deck on that side and want to expand the deck space (17x32ft) to expand the weekly activities more safely. They cannot move back because the lodge is there and they would like to extend the current deck, not build another somewhere else on the lot and they would like to keep the activities on the lakeside. Wallenberg explained the new deck addition should accommodate 20-40 guests at the weekly activities, currently they have to use an uneven sandy area.

41
42 Johnston asked when the lot was purchased. Wallenberg stated the family has owned it since
43 1987 but the trust was set up in 2007. Johnston asked when the deck was built on the front of the
44 lot. Wallenberg stated it was around 1982 in his best estimate but that it had been resurfaced
45 since then.

46
47 Wallenberg stated the current decking is used nightly for painting classes a minimum of 1-2
48 times a week for nightly painting classes. The deck space is used regularly for eating and other
49 activities the rest of the time as it is the resorts main gathering place. Currently the pool area
50 holds roughly 40 persons and 10-15 on the other decking area; however for the night activities
51 they need room for 60-80 people. Johnston asked where they place the rest of the people that
52 attend. Wallenberg stated they sit in the sand area. Wallenberg explained the resort capacity
53 generally runs 150-200 visitors at any given time depending on the family group sizes.

54
55 Kovala asked what the existing deck size is. Wallenberg stated when they went to purchase
56 materials to refinish they were estimating 2000-2500 square feet of material was needed.
57 Wallenberg stated the requested deck addition will be back farther from the OHW then the
58 current deck.

59
60 Boatman asked if there are gutters on the lakeside. Wallenberg stated it is a part of the plan as
61 they do not want it dripping on the new deck. Boatman asked how they were going to control the
62 water. Wallenberg stated they will use french drains. Wallenberg added that they also had a
63 landscape company come in and do shoreline restoration and riprap last year. Boatman asked if
64 they were going to have a rain garden. Wallenberg stated they could place one in the dirt area on
65 the lakeside where they cannot get grass to grow. Johnston stated it is very sandy there on the
66 lakeside so there would not be much water running down to the lake. The owner agreed that it is
67 difficult to get things to grow there.

68
69 Boatman asked what the parcel is zoned. Wallenberg stated it was zoned commercial. (NOTE:
70 Planning and Zoning records show the property is zoned Agricultural)

71
72 No one spoke for or against the application. There was no written correspondence for or against
73 the application. At this time, testimony was closed. Acting Chairman Kessler opened the matter
74 for disussion by the Board.

75
76 Boatman stated it is a reasonable request and there is practical difficulty to accommodate the
77 guests. Boatman added his only concern is that the stormwater runoff must be contained with
78 french drains.

79

80 Bender stated the rain water must be controlled. Bender stated he felt the deck fits well with the
81 current structure and it will help the resorts business. Bender also noted the proposed structure is
82 no closer to the water then the current deck.

83
84 Johnston stated this is most likely the largest resort in Becker County with 29 cabins and 1300
85 feet of lakeshore. Johnston read his findings of fact on file in the Becker County Zoning Office:

86
87 Practical Difficulty: The present deck is not large enough for the number of customers
88 attending weekly activities held on the deck. Some of the participants must stand on the
89 sandy, uneven, ground which constitutes as a safety hazard.

90
91 Comments: The requested deck is out of the shore impact zone and is further back from
92 the OWH than the present deck.

93 The request is in harmony with most of our guidelines and is needed for normal activities
94 of the resort.

95
96 Motion: A motion should be made to approve the request due to the above mentioned
97 items.

98
99 **Motion: Harry** made a motion to approve the application as presented to construct a deck, to be
100 located at seventy-five (75) feet from the ordinary high water mark of the lake, deviating from
101 the required setback of one hundred (100) feet from the OHW of a recreational development
102 lake, due to setback issues, due to setback issues, with the stipulation that stormwater on the
103 property is controlled with mitigation.

104
105 The Board adopted the following findings:
106 • The present deck is not large enough for the number of customers attending weekly activities
107 held on the deck. Some of the participants must stand on the sandy, uneven, ground which
108 constitutes as a safety hazard.
109 • The requested deck is out of the shore impact zone and is further back from the OWH than
110 the present deck.
111 • The request is in harmony with most of the Becker County Zoning guidelines and is needed
112 for noraml activities of the resort.

113
114 **Boatman second.** All in favor. **Motion carried.** Variance **approved** with stipulations.

115
116 **SECOND ORDER OF BUSINESS: APPLICANT: Kevin & Toni Muffenbier Project**
117 **Location:** 11421 Lake Maud Drive Detroit Lakes, MN 56501**TAX ID NUMBER:** 17.0315.000
118 & 17.0316.000 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to
119 construct a storage shed, to be located at fifty-one (51) feet from the ordinary high water mark of

120 the lake, deviating from the required setback of one hundred (100) feet from the OHW from a
121 recreational development lake, due to setback issues, topography and lot size.

122

123 Bartee presented the application.

124

125 Kevin & Toni Muffenbier were present. Muffenbier explained the application to construct a
126 storage shed, to be located at fifty-one (51) feet from the ordinary high water mark of the lake,
127 deviating from the required setback of one hundred (100) feet from the OHW from a recreational
128 development lake, due to setback issues, topography and lot size. Muffenbier stated they would
129 like to have a shed on the west end of the lot due to the topography; a large hill, behind the
130 proposed location prevents them from moving it back further. Muffenbier stated after closely
131 reviewing all of their options they decided this was the best location and placement of the shed.

132

133 Kovala asked what the need for the shed is. Muffenbier stated he has old cars and toys, including
134 boats and jet skis they would like to store in the shed.

135

136 Boatman stated the request is for a very large shed, the request is for the maximum size that is
137 allowed in that location. Boatman stated he felt this is more than what should be allowed.
138 Boatman asked if they had considered turning the shed 90 degrees so they could get 10 feet
139 further from the lake or build a smaller 30x30 ft. shed, which would also put it 10ft. further from
140 the lake. Boatman stated the drainfield location is always going to present an issue as no matter
141 where the shed is placed you will have to drive across the drainfield area to access it. Muffenbier
142 stated as they drive in they will have to avoid that area. Toni Muffenbier stated they would like
143 to still have a yard area to play games. Boatman stated 1200 square feet is a huge building,
144 adding they should go smaller or rotate the building 90 degrees. Muffenbier stated they could
145 consider rotating it some however, they would like to maintain the 30 x 40ft size request.
146 Muffenbier stated he has other cars at their primary house in Fargo they would like to store in the
147 shed as well as their children, who will also want to store their boats and other toys in there.

148

149 Boatman asked if they plan to put living quarters in the shed. Muffenbier stated they are not
150 putting living quarters in the garage; it will be purely for storage.

151

152 Kessler stated if it was moved a full 90 degrees you would be 10ft. closer to the west property
153 line, asking why they could not just turn it to be further from the lake. Muffenbier stated there is
154 a hill there surrounding the whole area and they do not want to dig into it. Muffenbier stated if
155 they did they would have to install a retaining wall.

156

157 Boatman asked what they planned on doing with the existing sheds. Muffenbier stated they
158 intend on removing the metal shed and the wooden one will remain. Boatman stated if they
159 moved the sheds they would have more room to move the large shed back. Muffenbier stated

160 removing them would not give them more room as they are tucked back as far as they can go and
161 are in the tree line.

162
163 Bender asked if servicing the well would be an issue with the new shed placement. Muffenbier
164 stated they had to move the smaller sheds when they initially installed the well to get the truck in
165 but they would not have any issues now that it is installed, noting any service can be addressed
166 without moving them.

167
168 No one spoke for or against the application. There was no written correspondence for or against
169 the application. At this time, testimony was closed. Acting Chairman Kessler opened the matter
170 for discussion by the Board.

171
172 Boatman stated he was not in favor of the location without reducing the size or rotating the shed
173 on the property. Boatman stated Muffenbier could table their application and return to the Board
174 with a new proposed location. Bender agreed the applicants have enough room to have the forty
175 foot side to be parallel to the Maud shoreline. Bender stated he believed even if they move the
176 two smaller sheds they cannot move back without getting into the hill; however he agreed that
177 they should move it back further away from the shore impact zone. Bender added he did
178 understand their need for a garage on the property.

179
180 Kessler stated the Board cannot table the application due to the 60 day rule, however the owner
181 could request it.

182
183 Muffenbier requested to table the application at this time and return with a new plan next month
184 moving the shed farther back.

185
186 **THIRD ORDER OF BUSINESS: APPLICANT: Cotton Lake Storage Project Location:**
187 182nd Ave Detroit Lakes, MN 56501 **TAX ID NUMBER: 10.0379.002 APPLICATION AND**
188 **DESCRIPTION OF PROJECT:** Request a variance to construct storage shed, to be located at
189 eighty (80) feet from the ROW of a state highway, deviating from the required setback of eighty-
190 five (85) feet from the ROW of a state highway, and to be located at fifty (50) feet from the
191 centerline of a township road, deviating from the required setback of seventy-five (75) feet from
192 the centerline of a township road due to setback issues.

193
194 Bartee presented the application.

195
196 Brian and Lucy Sabo from Cotton Lake Storage were present. Brian and Lucy Sabo explained
197 the application to construct a storage shed, to be located at eighty (80) feet from the ROW of a
198 state highway, deviating from the required setback of eight-five (85) feet from the ROW of a
199 state highway, and to be located at fifty (50) feet from the centerline of a township road,

200 deviating from the required setback of seventy-five (75) feet from the centerline of a township
201 road due to setback issues. Sabo stated the proposed request is for commercial storage buildings.
202 Sabo stated they have topography issues at the back of the lot as it drops down steeply. Sabo
203 stated the intent is to have the buildings share the same string line as the others in that area. Sabo
204 stated they are unsure if they can have a big sign there so they want people to be able to see them
205 from the hill. Kessler stated that State Hwy 34 is a scenic byway and they would not be allowed
206 to put a sign up.

207
208 Sabo stated that road grader for the township was in favor of their application and said it was in a
209 good location. Sabo said they would like to have room to construct two buildings on the parcel
210 eventually and if they are required to meet the standard setbacks then they would have to bring in
211 a lot of fill because of the drop at the back of the lot.

212
213 Boatman asked if they could move their proposal back 5 feet so they could become conforming
214 to the state highway ROW setback of eighty-five (85) feet. Sabo stated they wanted to be in line
215 with the other buildings. Boatman stated he was not concerned with that. Sabo stated they could
216 move back some but want to put signage on the building that can be seen. Kessler stated if they
217 moved 5 feet to the north they would not need a variance to the state highway ROW. Bender
218 explained they would still need a variance to the township road; however this Board is most
219 concerned with meeting the state highway setbacks. Kovala agreed the setback to 182nd is not as
220 much of a concern. Sabo replied if they agreed to moved back to eighty-five (85) feet from the
221 state highway ROW and get a variance to be located fifty-five (55) feet from the township road
222 would the Board approve the request or would they have to table and come back next month.
223 Kessler stated if they agreed with the 5 foot change the Board could agree to the plan as modified
224 and approve the variance. Kessler stated they could also table the application if they wanted to
225 reconsider the plan and resubmit a new request.

226
227 Boatman asked if there were going to be storage units at the end of the buildings, explaining the
228 reason for the space needed at the ends of the buildings. Sabo replied yes.

229
230 Kovala stated they did not have to table if they were ok moving it all back 5 feet. Sabo stated
231 they were ok with moving it back 5 feet.

232
233 The Sabo's presented a letter written by Mary Schermerhorn, Erie Township Treasurer. Barteo
234 read the letter:

235
236 Dear Mr. Vareberg,
237
238 I am writing this letter in regards to the storage buildings that John and Lucy Sabo would
239 like to build. The storage buildings are much needed with all of the seasonal dwellings in

240 our area and for locals that just do not have much area to store their belongings. I know
241 many in the area feel the same. Please consider approving the construction of these
242 buildings.

243
244 Thank you,

245
246 Mary Schermerhorn
247 Erie Township Treasurer

248
249 No one spoke for or against the application. There was no written correspondence against the
250 application. At this time, testimony was closed. Acting Chairman Kessler opened the matter for
251 disussion by the Board.

252
253 Kovala stated the setback from the the antique shop next door is five feet further out. King stated
254 that building has been there since 1965, noting this was prior to zoning.

255
256 **Motion: Bender** made a motion to approve the application as modified to construct storage
257 shed, to be located at fifty-five (55) feet from the centerline of a township road, deviating from
258 the required setback of seventy-five (75) feet from the centerline of a township road due to
259 setback issues, due to the fact the request is out of the ROW of the state highway,182nd is not a
260 highly used road, and this is a large benefit to the township as a good commercial business to
261 have there.

262
263 **Kovala second.** All in favor. **Motion carried.** Variance **approved** as amended.

264
265 **FOURTH ORDER OF BUSINESS: Informational Meeting.** The next informational meeting
266 is scheduled for Thursday, October 4th, 2018 at 7:00 a.m. in the 3rd Floor Meeting Room of the
267 Original Courthouse.

268
269 As there was no further business to come before the Board, Kovala made a motion to adjourn the
270 meeting. Johnston seconded. All in favor. Motion carried. Meeting adjourned.

271
272 _____ ATTEST _____
273 Acting Chairman, Lee Kessler Kyle Vareberg,
274 Planning and Zoning Administrator

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