

Becker County Board of Adjustments
October 11th, 2018

Present: Members: Chairman Jim Bruflodt, Lee Kessler, Jim Kovala, Brad Bender, Roger Boatman, Harry Johnston, Delvaughn King, Zoning Technician Joseph Doll and E911/Zoning Technician Rachel Bartee.

Chairman Jim Bruflodt 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 September 13th, 2018 meeting. Boatman seconded. The motion passed unanimously. Motion carried.

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

OLD BUSINESS:

FIRST ORDER OF BUSINESS: APPLICANT: Kevin & Toni Muffenbier Project
Location: 11421 Lake Maud Drive Detroit Lakes, MN 56501 **TAX ID NUMBER:** 170315000;
APPLICATION AND DESCRIPTION OF PROJECT: Request a variance to construct a storage shed, to be located at sixty (60) feet from the ordinary high water mark of the lake, deviating from the required setback of one hundred (100) feet from the OHW from a recreational development lake, due to setback issues, topography and lot size. This application was tabled from the September 13th, 2018 hearing.

Doll presented the application.

Kevin & Toni Muffenbier were present. Kevin & Toni Muffenbier explained the application to construct a storage shed, to be located at sixty (60) feet from the ordinary high water mark of the lake, deviating from the required setback of one hundred (100) feet from the OHW from a recreational development lake, due to setback issues, topography and lot size. Muffenbier explained after the last meeting they redesigned their project and decided to relocate the proposed shed to be sixty (60) feet back from the OHW, instead of the previous request from September's hearing, of fifty-one (51) feet back from the OHW of the lake per the Boards request. Muffenbier asked if this pleased the Board and if there were any other adjustments that they would like.

Bruflodt replied he felt that the shed could be moved back farther, at least 10 feet. Muffenbier asked where the Board would like them to place the shed. Bruflodt replied to the south,

43 southwest where the trees are. Muffenbier stated that meant they would have to remove both of
44 their current sheds. Bruflo dt stated the farther the back the better, due to the topography of the
45 lot, there is nothing there to stop the water coming down off of the building from going into the
46 lake. Muffenbier stated if water quality is an issue they could install a french drain if that would
47 allow the Board to agree to let them stay at sixty (60) feet from the OHW. Bruflo dt replied that
48 he did not feel it was a hardship to have to move back another 10 feet (to be located at seventy
49 (70) feet from the OHW) and he felt that it should be stipulated he put gutters and french drains
50 on the proposed shed.

51
52 Boatman asked if they were planning on having an apron on the shed. Muffenbier replied they
53 would like to have a 2-3 foot apron. Boatman clarified they did not want a 20-30 foot apron.
54 Muffenbier replied no. Boatman asked if he would be willing to move the shed back another 10
55 feet. Muffenbier asked where. Boatman replied to the south, back into the bank. Muffenbier
56 stated there is a steep hill there but they could work with that.

57
58 Johnston noted there is a shed in the shore impact zone down by the lake and the deck, asking if
59 it was permitted. Johnston also stated that all the water runs down to the lake as there are no
60 gutters on the house either. Muffenbier stated that they had purchased the property as is but are
61 willing to put gutters on as that was their plan eventually. Boatman asked when the water
62 orientated structure/shed had been built. Muffenbier replied it was built in 2013-2014. Bartee
63 verified that there was a permit on file for replacing two small sheds with one shed and steps 8-
64 20-13. Boatman also asked if the deck was permitted. Bartee advised there was a permit to
65 replace an existing deck 10/13/17. Boatman asked Muffenbier how he was going to control the
66 water run-off. Muffenbier stated he wants to control the runoff and was told to call Becker
67 County Soil and Water to assist with a plan to do so.

68
69 No one spoke for or against the application. There was no written correspondence for or against
70 the application. At this time, testimony was closed. Chairman Jim Bruflo dt opened the matter
71 for disussion by the Board.

72
73 Boatman stated he was in favor of locating the shed at seventy (70) feet from the OHW, limiting
74 the apron size, and installing french drains to control water runoff. Kessler stated a berm should
75 be created also. Boatman agreed. Bruflo dt stated it should be parallel with the lake and the
76 complete width of the building and 9 inches to a foot wide or more. Bruflo dt stated he was also
77 in favor of moving the structure back 10 more feet into the trees, limiting the apron to 4 feet in
78 depth on the front, along with gutters and french drains on the back side, and a berm that will
79 allow the water to pool behind it. Bruflo dt advised Muffenbier to speak with Becker County Soil
80 and Water on the construction and placement of the berm.

81

82 **Motion: Boatman** made a motion to approve the application **as modified** to construct a storage
83 shed, to be located at seventy (70) feet from the ordinary high water mark of the lake, deviating
84 from the required setback of one hundred (100) feet from the OHW of a recreational
85 development lake, due to setback issues and topography, with the stipulations that the apron is
86 limited to 4x16 feet and the owner works with Becker County Soil and Water to control
87 stormwater runoff including:

- 88 • Establishing gutters and french drains on the southwest portion of the lot for the shed.
- 89 • A berm is created to be parallel with the lake and the complete width of the shed.
- 90 • Gutters and french drains are added to the house.

91

92 **Kessler second.** All in favor. **Motion carried.** Variance **approved** with stipulations.

93

94 **NEW BUSINESS:**

95

96 **SECOND ORDER OF BUSINESS: APPLICANT: Alan, Eric, & Christine Lunde Project**

97 **Location:** 26397 Co Hwy 37 Detroit Lake, MN 56501 **TAX ID NUMBER:** 28.0056.000

98 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a

99 dwelling to be located at fifty (50) feet from the ordinary high water mark of the lake, deviating

100 from the required setback of one hundred (100) feet from the OHW of a recreational

101 development lake and to be located at sixty-eight (68) feet from the centerline of a county

102 highway, deviating from the required setback of ninety-five (95) feet from the centerline of a

103 county highway, due to setback issues, topography and lot size.

104

105 Doll presented the application.

106

107 Eric Lunde was present. Lunde explained the application to construct a dwelling to be located at

108 fifty (50) feet from the ordinary high water mark of the lake, deviating from the required setback

109 of one hundred (100) feet from the OHW from a recreational development lake and to be located

110 at sixty-eight (68) feet from the centerline of a county highway, deviating from the required

111 setback of ninety-five (95) feet from the centerline of a county highway, due to setback issues,

112 topography and lot size. Lunde explained he purchased the lot when he was 16 years old and is

113 currently using the property to raise native bees. His plan is to expand these hives and reside on

114 the property. Lunde stated he is aware his request to be fifty (50) feet from the OHW is close to

115 the lake however he plans on using non-toxic paints and other non-toxic products during

116 construction to control the impact to the area. Lunde stated he is willing to create a native barrier

117 to control water run-off. Lunde stated the structure is minimal in size and will be a 2-story A-

118 frame construction with a five foot cantilever deck in back. Lunde explained the deck would not

119 have posts to the ground.

120

120

121

121 Kessler asked if Lunde was going to bring in any fill, noting during the Board tour he had to

122 wade through water to get to the stakes marking out the proposed cabin. Lunde replied yes he

123 was going to bring in fill starting at the fifty (50) foot mark from the OHW and level it out not
124 making it to high. Lunde noted that it is a solid ground rock bottom area out there and just needs
125 to be graded, noting it is wet now due to the weather.

126
127 Kovala asked if he would get used to the noise from the highway. Lunde stated his grandfather
128 has a place in Texas by a highway and he has become accustom to it. Lunde added he feels
129 fortunate to have a place by the lake regardless of its location to the highway.

130
131 Bender asked what the driveway was going to be made of. Lunde replied gravel. Bender asked if
132 gutters are going to be placed on the dwelling. Lunde replied he would be willing to do so.

133
134 No one spoke for or against the application. There was no written correspondence for or against
135 the application. At this time, testimony was closed. Chairman Jim Brufloft opened the matter
136 for disussion by the Board.

137
138 Johnston stated the practical difficulty is the lot depth of one-hundred and twenty-four (124) feet
139 on one side and one hundred and fourty-seven (147) feet on the other. Johnston stated it was
140 impossiable for Lunde to meet both the required setback of ninty-five (95) feet from dwelling to
141 the county highway centerline and also meet the one hundred (100) foot required lake setback.
142 Johnston added that the 30x32 foot size is a modest request and stated Lunde is doing the best he
143 can with a non-conforming lot.

144
145 Buflodt asked what the sidewall height was going to be. Lunde replied 8 feet.

146
147 Kovala stated the Planning and Zoning staff had stated that this is a platted lot of record.

148
149 Bender stated he felt that a 30x32 foot dwelling was a resaonable size, noting it is the smallest
150 structure the Board could agree to have on the lot other then a mobile home.

151
152 Boatman stated he felt a shoreland buffer should be established or Becker County Soil and Water
153 should work with Lunde to advise of the best way to contol stormwater runoff. Boatman asked if
154 Lunde plans on building a garage in the future. Lunde replied yes, however not for a few more
155 years. Brufloft asked Lunde if he was aware that he would have to go through the variance
156 process again when requesting the garage. Lunde replied he understood.

157
158 **Motion: Kessler** made a motion to approve the application as presented to construct a dwelling
159 to be located at fifty (50) feet from the ordinary high water mark of the lake, deviating from the
160 required setback of one hundred (100) feet from the OHW of a recreational development lake
161 and to be located at sixty-eight (68) feet from the centerline of a county highway, deviating from
162 the required setback of ninety-five (95) feet from the centerline of a county highway, due to

163 setback issues, topography, lot size and depth, due to the fact that the request is out of the shore
164 impact zone, the dwelling is a reasonable size, and it is a platted lot of record, with the
165 stipulation that gutters and shoreline buffers are used to control the stormwater.

166

167 **Bender second.** All in favor. **Motion carried.** Variance **approved** with stipulations.

168

169 **THIRD ORDER OF BUSINESS: APPLICANT: SJE Rhombus Project Location:** 22650 Co
170 Hwy 6 Detroit Lakes, MN 56501 **TAX ID NUMBER:** 17.0003.002; **APPLICATION AND**
171 **DESCRIPTION OF PROJECT:** Request a variance to construct a business sign to be two
172 hundred and forty (240) square feet, deviating from the allowed signage of no more than one
173 hundred (100) square feet in surface area for each individual sign, due to setback issues.

174

175 Doll presented the application.

176

177 Scott Kvamme of Indigo Signworks of Alexandria was present. Kvamme explained the
178 application to construct a business sign to be two hundred and forty (240) square feet, deviating
179 from the allowed signage of no more than one hundred (100) square feet in surface area for each
180 individual sign, due to setback issues. Boatman asked what the hardship was. Kvamme explained
181 his client would like a larger sign so that it can be seen from the road. Boatman stated that he did
182 not feel that a larger sign was necessary, adding that most people use GPS on their smart phones
183 to locate properties. Kvamme stated that using GPS is not everyone's practice, adding that the
184 hardship is the positioning of the sign. Kvamme explained if the sign is parallel to the road a
185 passerby is not as inclined to notice it as if it was perpendicular to them. Kvamme stated the best
186 sign location is where it gives the customer the best recognition. Boatman replied GPS is
187 standard on phones and it should be easy to find, adding he did not see the need for blaring
188 lights. Kvamme stated he had not addressed the lighting in the proposal but explained the type of
189 lighting to be used was called hallow lighting, which sets back behind the lettering and was very
190 mellow and subdued. Kvamme stated it would not be a face lit sign but has white lighting similar
191 to RDO located in Hawley, noting it will look very clean and professional.

192

193 Kvamme explained the existing monument has been there for a very long time and the
194 companies business has changed since then. Kvamme explained the company now has three (3)
195 divisions underneath them, resulting in the need to advertise for four (4) different entities on one
196 sign, when including the corporate headquarters. Kvamme stated the proposal is to have one sign
197 for the corporate logo and a separate sign for the other 3 entities. The plan is to give the pre-
198 existing sign new lettering as well.

199

200 Kessler asked if they planned on planting in front of it. Kvamme stated they could if the Board
201 would like.

202

203 Kessler asked how far they are going to build from the existing sign and the highway. Kvamme
204 stated they are less than twenty (20) feet from the existing sign and ninety-five (95) feet away
205 from the centerline of Co Hwy 6. Kessler stated he would not recommend placing the new sign
206 in front of the existing sign. Kvamme replied that is what the client requested, the new sign is
207 centered on the existing sign and the flagpoles, noting the existing sign will remain one sided.
208 Brufloft stated he did not see the need for the replacement, as the current sign is visible and
209 located in an open area on the property. Kvamme replied the hardship of the setback to a county
210 highway is ninety-five feet, noting most signs are closer and are placed perpendicular to the road,
211 where the current sign is parallel.

212
213 Bender stated he understands the need for a sign to be perpendicular to the road as he had not
214 noticed the SJE sign in his past trips down that section of road. He also stated he was aware of
215 the need for the sign to be lit and two sided. Bender noted his concern was the total size of the
216 sign facings on the property. Bender asked if they had considered removing the existing sign.
217 Kvamme replied they had but the cost to remove was \$10,000, as it is a large concrete sign. He
218 explained his client felt it was more cost effective to build a new sign and reface the existing one.

219
220 No one spoke for or against the application. There was no written correspondence for or against
221 the application. At this time, testimony was closed. Chairman Jim Brufloft opened the matter
222 for discussion by the Board.

223
224 Bender stated felt that SJE is a good company for the community. He noted that he was infavor
225 of the new sign.

226
227 Johnston asked if the property is zoned commercial. Doll replied it was approved to be industrial
228 zoned in 1987.

229
230 Boatman stated he was in favor of removing the old sign.

231
232 Bender stated he was in favor of removing the old sign as together it is over the total allowed
233 signage for the property of three hundred (300) square feet as the current sign is already two
234 hundred and forty (240) square feet. Doll stated that they are allowed a total square footage of
235 signage on the property of two thousand-four hundred (2,400). Bartee read out of the ordinance
236 Page 75, Section 15, Subsection B, Number 2, Letter C which pertains to business sign in (I)
237 Industrial Districts:

238 **C. Business signs.** Business signs, subject to the following provisions:

239 1. **Free standing sign limits.** No more than one (1) free standing or pylon sign of not more than
240 one hundred (100) square feet in surface area.

241 2. **Total for all signs.** The total surface area of all business signs on a lot shall not exceed three (3)
242 square feet per lineal foot of lot frontage or twenty percent (20%) of the front building face area
243 or three hundred (300) square feet in area, whichever is greater.

244 3. **Height limit.** No business sign, other than a freestanding sign, shall project above the height of
245 the building.
246

247 Bartee stated that the variance request is not referring to the number (2) for all signs, as they have
248 800 lineal feet of lot footage, times three (3) square feet, would allow them a total for all signs of
249 2,400 square feet. The variance request is for number (1), a sign over one hundred (100) square
250 feet in surface area.

251
252 Kovala stated he is in favor for the request as proposed.
253

254 **Motion:** Bender made a motion to approve the application as presented to construct a business
255 sign to be two hundred and forty (240) square feet, deviating from the allowed signage of no
256 more than one hundred (100) square feet in surface area for each individual sign, due to setback
257 issues, with no stipulations, due to the fact that the current sign is not immediately readily seen
258 and will now be able to be seen by both sides of traffic.

259
260 **Kovala second.** All in favor. **Motion carried.**
261

262 **FORTH ORDER OF BUSINESS: APPLICANT: Paula and Dennis Graff Project Location:**
263 20646 Co Hwy 22 Detroit Lakes, MN 56501 **TAX ID NUMBER:** 17.0765.000; **APPLICATION**
264 **AND DESCRIPTION OF PROJECT:** Request a variance to construct a garage to be located at
265 seventy-seven (77) feet from the ordinary high water mark of the lake and to be located at twenty
266 (20) feet from the ROW of a county highway, deviating from the required setback of one
267 hundred feet (100) feet from the OHW of a recreational development lake and forty-five (45)
268 feet from the ROW of a county highway due to setback issues and lot size.
269

270 Doll presented the application.
271

272 Steve Hershberger, contractor for Paula and Dennis Graff, was present. Hershberger explained
273 the application to construct a garage to be located at seventy-seven (77) feet from the ordinary
274 high water mark of the lake and to be located at twenty (20) feet from the ROW of a county
275 highway, deviating from the required setback of one hundred feet (100) feet from the OHW of a
276 recreational development lake and forty-five (45) feet from the ROW of a county highway due to
277 setback issues and lot size. Hershberger explained the 24x26 foot garage has issues with the
278 setback from the lake and from the road because of the lot depth.
279

280 Boatman asked if they had considered attaching the garage to the house to move it further away
281 from the road. Hershberger stated they did not want to disturb the house space. Bender asked if
282 there were going to be living quarters in the proposed garage. Hershberger stated it was going to

283 have a bunkhouse area for the grandkids. Brufloodt stated per the Ordinance they are only allowed
284 to have 2 of the 3 amenities in a detached accessory structure. Hershberger stated they planned
285 on having a bathroom and an open room. Bender asked if there would be an added cost if they
286 were to connect the house to the garage. Hershberger explained that where it would attach would
287 be to an existing bedroom, noting they had not given that approach much thought, but the owner
288 would lose a bedroom in the process. Bender noted just because they were combined does not
289 mean that they would have to have an access to the house from the garage. Johnston stated if the
290 garage and house were combined they could have all 3 amenities in the garage.

291
292 Boatman stated that getting four feet further away from the road would be worth it, by increasing
293 their safety. Hershberger stated their request for a twenty (20) foot road setback was based on a
294 request he had had presented to the Board last year on a similar project that had been approved.
295 Hershberger stated in that hearing they had requested a setback of eighteen (18) feet from the
296 road and were approved to be at twenty (20) feet, therefore he thought that would be a reasonable
297 request for this project.

298
299 Johnston stated the Board measured it to be closer when measuring from the centerline of the
300 road. Hershberger stated he took the measurements from the property pins (ROW) not from the
301 centerline, from the pins it is a measurement of twenty (20) feet.

302
303 Hershberger noted his concerns about attaching the garage to the house, resulting in lot coverage
304 issues. Hershberger explained they would have to add an entry to the house and currently they
305 are at the max lot coverage with their request. They would have to downsize the proposed garage
306 to stay under 25% lot coverage.

307
308 No one spoke for or against the application. There was no written correspondence for or against
309 the application. At this time, testimony was closed. Chairman Jim Brufloodt opened the matter
310 for discussion by the Board.

311
312 Kessler noted that the proposal is inline with the garage next door.

313
314 Bender stated the garage next door was measured to be located at twenty (20) feet from the
315 ROW as well. Bender added he felt that every property deserves a garage.

316
317 Johnston read his findings of facts, on file in the Becker County Planning and Zoning Office.

- 318
- The practical difficulty is that they would like to have a garage, which is a normal request in our area.
 - It is impossible to comply with the official control due to the size of the lot and setback issues between the lake and the County Highway ROW.
 - The proposed garage is 24'x26' and is placed in the best suitable location on the lot.
- 321
322

- The storage shed and the concrete patio are to be removed.

Motion: Johnston made a motion to approve the application as modified to construct a garage to be located at seventy-seven (77) feet from the ordinary high water mark of the lake and to be located at twenty (20) feet from the ROW of a county highway, deviating from the required setback of one hundred feet (100) feet from the OHW of a recreational development lake and forty-five (45) feet from the ROW of a county highway due to setback issues and lot size, adapting findings of fact from above, with the stipulation the concrete patio is removed.

Kovala second. In favor were Bender, Kessler, Kovala, Johnston, and King. Against Boatman
Motion carried. Variance **approved** as proposed.

FIFTH ORDER OF BUSINESS: APPLICANT: C. Greg & Laurie Thielman Project
Location: 23214 Resort Rd Detroit Lakes, MN 56501 **TAX ID NUMBER:** 19.1330.000;
APPLICATION AND DESCRIPTION OF PROJECT: Request a variance to construct a garage to be located at nine (9) feet from the rear property line, and to be located at sixteen (16) feet from the right of way of a township road, deviating from the required setback of twenty (20) feet from the rear property line for a detached accessory structure and twenty (20) feet from the required setback of a ROW of a township road for a detached accessory structure, due to setback issues.

Doll presented the application.

Laurie Thielman was present. Thielman explained the application to construct a garage to be located at nine (9) feet from the rear property line, and to be located at sixteen (16) feet from the right of way of a township road, deviating from the required setback of twenty (20) feet from the rear property line for a detached accessory structure and twenty (20) feet from the required setback of a ROW of a township road for a detached accessory structure, due to setback issues. Thielman stated the 24'x30' garage is a modest request. Thielman stated they currently own another lot further down the road and they do not have the ability to build a garage on that lot. Thielman added there is also a cabin on the lot that was used as a ranger station in the past. Thielman stated the building was imploding when they purchased it and they are working on restoring it as well as the garage addition. Thielman stated they are not positive about the 9 and 16 foot setback measurements as they were having a difficult time locating the property pins. Thielman said they do not want to move further back from the road because it is more important to them to keep a 10 foot setback from the holding tank in case it needs work or to be serviced.

Kessler stated that because the lot is ninety-five 95 feet wide they only have to meet a 9.5 foot setback from the side property line. Bartee advised that there is no side property line on this lot. Per the ordinance the opposite of the road side is a rear lot line; therefore there are two road setbacks and 2 rear setbacks to be met on this parcel. Rear property setbacks are twenty (20) feet from a detached accessory structure. Thielman replied they are not able to meet these

365 requirements because it is an odd shaped lot. Thielman added that the neighbors to the north are
366 setback in line with the proposed garage.

367
368 Kovala stated the picture submitted in the application makes it appear you are building a second
369 house. Thielman stated it is purely ascetics. Boatman asked what would the use be, adding it
370 appears as it will have living quarters in it. Thielman stated it will be a garage and will have a
371 fish cleaning station, noting it will not have all three amenities. Thielman said that they are
372 reclaiming an old cast iron sink from the cabin to use for the project.

373
374 Bender clarified that the garage would primarily be used for storage of toys and boats. Thielman
375 replied yes. Bender asked what they were going to do with the cabin. Thielman stated they just
376 re-poured the concrete in the cabin and re-roofed it. Bender asked if they could move the garage
377 more toward the middle of the lot. Thielman replied they would still have setback issues from the
378 other sides. Thielman added that it is a very small lot and they would like to use the open space
379 in the middle for living space. Brufloodt stated that if they are parking a 16 foot pick-up truck in
380 front it would hang out. Thielman stated they are not going to put a driveway there, they just had
381 to calculate for one on the application per the Planning and Zoning guidelines to determine the
382 impervious coverage, adding they plan to parallel park on the road like the other neighbors in
383 that area.

384
385 Bender asked if they could angle the garage. Thielman stated they would still run into setback
386 issues. Bender asked why they selected this placement. Thielman stated it preserves the most
387 green space and it is a minimal garage.

388
389 Doll read a letter from neighbor Roger Munson:

390
391 This letter is in support of the above application. I am the adjacent neighbor at 23211 Resort
392 Road. This proposed structure is not a detriment to the appearance of the neighboring property
393 and would actually enhance it. The Thielman's have actually improved the property substantially
394 since they purchased it.

395 Roger D. Monson
396 23211 Resort Rd
397 Detroit Lakes, MN 56501
398

399 Doll read a letter from Lake View Township:

400
401 10/09/19
402
403 Attention: Board of Adjustment
404
405 RE: Greg and Laurie Thielman

406 23214 Resort Road, Fern Beach
407 PIN 191330000

408
409 Lake View Township Board viewed the request for a 16' set back from the road ROW
410 and at our regular meeting October 8th, 2018 discussed, safety, road maintenance and
411 snowplowing issues. A motion was made and passed that the request be allowed and is in
412 line with existing neighborhood.

413
414 Bill Jordan
415 Supervisor
416 Lake View Township

417
418 No one spoke for or against the application. There was no written correspondence against the
419 application. At this time, testimony was closed. Chairman Jim Brufloft opened the matter for
420 disussion by the Board.

421
422 Kovala stated he is in favor for the request, his only concern was if there was going to be living
423 space in the structure.

424
425 Bender stated the design submitted is stylistic with the rest of the nieghborhood. Bender stated
426 sixteen (16) feet is a very minimal request to the road and is a danger. Thielman stated most of
427 the neighbors' park on the road. Brufloft stated the shore impact zone and the distance to the
428 road are the two items the Board is very consistent on and the practice is to require a minimum
429 of twenty (20) feet from the ROW.

430
431 Doll stated the structure could be moved back closer to the septic tank because there is not a
432 setback requirement to the tank for a detached accessory structure, only for habitable dwellings.
433 Thielman replied she did not want to do that in case there was ever an issue with the septic.
434 Brufloft explained it is a tank, not a drainfield. Brufloft asked how much room was between the
435 tank and the house. Thielman replied 10 feet. Brufloft replied Thielman could choose to table
436 the application and come back next month after consulting with an excavator.

437
438 Thielman stated the neighbors are the same distance to the road. Kessler asked if they had a
439 garage. Thielman replied no. Kessler advised the garage could be rotated to allow for the twenty
440 (20) foot setback. Kovala stated this is not on a busy county highway, like Co Hwy 22, adding he
441 did not see the difference between the 16 or 20 feet from the ROW in this instance as there is not
442 much traffic there.

443

444 Bender stated he would rather have them closer to the septic tank than to the ROW. Bender
445 explained they had to consider owners down the road who may want to use this as a full time
446 residence and use the driveway for parking.

447
448 Thielman stated she would agree to the twenty (20) foot setback from the ROW and encroach on
449 the holding tank.

450
451 **Motion:** Kessler made a motion to approve the application **as modified** to construct a garage to
452 be located at nine (9) feet from the northeast rear property line, deviating from the required
453 setback of twenty (20) feet from the rear property line for a detached accessory structure, due to
454 setback issues.

455
456 **Bender second.** All in favor. **Motion carried.** Variance **approved** as amended.

457
458 **SIXTH ORDER OF BUSINESS: Informational Meeting.** The next informational meeting is
459 scheduled for Thursday, November 1st, 2018 at 7:00 a.m. in the 3rd Floor Meeting Room of the
460 Original Courthouse.

461
462 As there was no further business to come before the Board, Kovala made a motion to adjourn the
463 meeting. Boatman seconded. All in favor. Motion carried. Meeting adjourned.

464
465 _____ ATTEST _____
466 Chairman Jim Bruflo dt Kyle Vareberg,
467 Planning and Zoning Administrator
468