

**Becker County Board of Adjustments  
September 10<sup>th</sup>, 2020**

**Present:** Members: Chairman Jim Brufloft, Roger Boatman, Lee Kessler, Delvaughn King, Michael Sharp, Justin Knopf, Zoning Administrator Kyle Vareberg and E911/Zoning Technician Rachel Bartee.

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

Introductions were given.

**Kessler** made a motion to approve the minutes for the August 13<sup>th</sup>, 2020 minutes. **Sharp** seconded. All in favor, Motion carried.

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

**NEW BUSINESS:**

**FIRST ORDER OF BUSINESS: APPLICANT: Ronald & Jane Carlson Trust** Po Box 607 Larimore, ND 58251 **Project Location:** 38247 CO HWY 35 Waubun, MN 56589 **LEGAL LAND DESCRIPTION: Tax ID Number: 09.0076.000; APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct an addition to an existing non-conforming dwelling to be located at sixty-one (61) feet from the OHW of the lake, deviating from the required setback of one hundred (100) feet from a recreational development lake, due to setback issues and lot size.

Vareberg presented the application.

Ronald and Jane Carlson were present. Carlson explained his request to construct an addition to an existing non-conforming dwelling to be located at sixty-one (61) feet from the OHW of the lake. Carlson stated they would like to retire here and make this their year-round residence, noting the addition would contain a bathroom and a home office.

Kessler asked if the addition would be closer to the OHW than the existing house. Carlson replied no, the addition will be in line with the existing house.

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

Kessler noted the project is a reasonable request and not any closer to the lake than the existing structure.

Brufloft stated there is a natural berm on the property and asked if they will be maintaining it. Carlson replied they will not remove the berm.

45  
46 Sharp noted the lot will have low impervious coverage and neighboring properties have similar setbacks.  
47

48 **Motion:** Boatman made a motion to **approve** a variance to construct an addition to an existing non-  
49 conforming dwelling to be located at sixty-one (61) feet from the OHW of the lake, deviating from the  
50 required setback of one hundred (100) feet from a recreational development lake, due to setback issues  
51 and lot size, due to the fact it is in harmony with neighboring properties and it is not encroaching any  
52 closer than the existing structure to the lake, with the stipulation it will all be guttered.

53  
54 **King second.** All in favor. **Motion carried.** Variance **approved.**

55  
56 **SECOND ORDER OF BUSINESS: APPLICANT: Stephen Bruce Corbin Revocable Trust** 7208  
57 Old Stage Rd Rockville, MD 20852 **Project Location:** 14447 W Lake Sallie Dr Detroit Lakes, MN  
58 56501 **LEGAL LAND DESCRIPTION: Tax ID Number: 19.1527.000 & 19.1528.000;**  
59 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a detached  
60 garage to be located at fifty-seven (57) feet from the OHW of the lake, deviating from the required  
61 setback of one hundred (100) feet from a recreational development lake, due to setback issues and lot  
62 size.

63  
64 Vareberg presented the application.

65  
66 Stephen Corbin was present virtually. Corbin explained his application to construct a detached garage to  
67 be located at fifty-seven (57) feet from the OHW of the lake. Corbin stated they have 260' of lakeshore  
68 over three lots, that were platted in 1926. Corbin stated the lots have extremely high shade. Corbin stated  
69 lot 1 cannot be built on at all, it is an environmental buffer. Lot 2 is fully built on, holding the residence.  
70 Lot 3 has a driveway easement. Corbin stated the proposal is the best location for a garage on the  
71 properties. Corbin stated the lot is used for 5 generations of family to enjoy and gather for reunions and  
72 other events. Corbin stated a larger garage is needed to store cars, boats, and lawn furniture noting they  
73 have had two vehicles damaged from hailstorms over the years and would like a place to keep them  
74 protected. Corbin stated they would also like an area for clean storage for food, household items, and  
75 coolers. Corbin stated the current cottage only has two, 3'x5' closets, and one is not useable, as it is the  
76 access to the storm cellar. Corbin stated the cottage only has one bathroom which is very limiting when  
77 they have visitors, with many people showering. Corbin noted they recently updated the septic 18 months  
78 ago. Corbin stated the proposed garage can meet all other setbacks requirements and it is angled, to be  
79 pointed away from the lake.

80  
81 Brufloft asked Corbin will you enter the garage from the road or off the driveway making a left-hand  
82 turn. Corbin replied they will use the driveway. Brufloft asked if it is an easement. Corbin replied yes, it  
83 is my driveway and I gave an easement to my neighbors, we have a formal document describing the  
84 easement.

85  
86 No one spoke for or against the application. There was no written correspondence for or against the  
87 application. At this time, testimony was closed. Chairman Brufloft opened the matter for discussion by  
88 the Board.

89  
90 Kessler asked if Corbin was completely tied to this location, asking if he could move it back from the lake  
91 under the powerline. Corbin replied if they moved it to the west they would have access issues, they need  
92 an area to drive through and they need to maintain a 10' setback from the septic.

93  
94 Kessler stated it is in conformity with the rest of the neighborhood, although it is not an ideal location,  
95 Corbin must be able to drive through the property.

96  
97 Brufloft stated there is not much room to turn around.

98  
99 King stated it is further away from the lake than the existing house.

100  
101 Brufloft stated it is not ideal but he should be allowed some type of a garage.

102  
103 **Motion:** Kessler made a motion to **approve** a variance to construct a detached garage to be located at  
104 fifty-seven (57) feet from the OHW of the lake, deviating from the required setback of one hundred (100)  
105 feet from a recreational development lake, due to setback issues and lot size, due to the fact it is a  
106 reasonable request, it is further away from the lake than the existing house, it is in conformity with the  
107 rest of the neighborhood, the easement limits the turn around area and due to topography issues, with the  
108 stipulation stormwater is controlled with gutters to french drains.

109  
110 **King second.** All in favor. **Motion carried.** Variance **approved.**

111  
112 **THIRD ORDER OF BUSINESS: APPLICANT: Yael Cosset & Judith Cosset** 2060 Eden Derry Dr  
113 Fort Mitchell, KY 41017 **Project Location:** 11462 S Lake Eunice Rd Detroit Lakes, MN 56501 **LEGAL**  
114 **LAND DESCRIPTION: Tax ID Number: 17.0713.000; APPLICATION AND DESCRIPTION OF**  
115 **PROJECT:** Request a variance to construct a dwelling and attached garage to be at forty-three (43) feet  
116 from the OHW of a tributary deviating from the required setback of one hundred (100) feet from a  
117 tributary, due to setback issues and lot size.

118  
119 Vareberg presented the application.

120  
121 Judith and Yael Cosset were present virtually. Authorized Agents Heather and Christopher Siverson were  
122 present in person. Cosset explained her application to construct dwelling and attached garage to be at  
123 forty-three (43) feet from the OHW of a tributary. Cosset explained she recently removed the old home,  
124 driveway, and detached garage from the lot to begin redevelopment. Cosset stated the previous lot  
125 coverage was 28% and the new lot plan is to be under 25%. Cosset stated the plan is to control  
126 stormwater with rain gutters and french drains. Cosset stated the new structure will meet all other  
127 setbacks.

128  
129 Boatman stated when the Board went on the property tour, they measured the setback to the tributary to  
130 be around 49' not 43'. Boatman asked if Cosset could move a few more feet back to be out of the 50'  
131 shore impact zone. Cosset replied the proposed side yard setback is 13', if they move it further back from  
132 the tributary, it would push it back to where the lot gets more narrow and it would require a variance to

133 the side setback. Cosset explained they are zoned agricultural and as a substandard lot need to meet a side  
134 yard setback equal to 10% of their width which would be 13'. Brufloft stated there is currently an  
135 amendment request to the Ordinance pending approval of the County Board to change this setback to 10'  
136 for agricultural lots, however it has not been passed at yet. Brufloft stated they could table their request  
137 until the Board approved the changes. Brufloft noted the Board would have to give a variance to the side  
138 property line to move the structure further back at this time. Brufloft noted Cosset could rebuild in the  
139 footprint closer to the lake and tributary and at a higher lot coverage if the request is denied.

140

141 Heather Siverson noted the neighbors to the north (17.0714.000/Herndon) were granted a variance in June  
142 of 2020 to be located at forty-five (45) feet, from the OHW of the same tributary. Siverson noted Herndon  
143 also received a variance to the lake and septic system, adding Cosset only needs a variance from the  
144 tributary. Siverson stated based on the measurements from the Boards tour they would be able to meet a  
145 45' setback from the tributary.

146

147 Vareberg read one letter from neighbor, Susan Kotte, owner of parcel 17.0711.000 (11448 S Lake Eunice  
148 Rd)

149

150 I have reviewed the proposal for the Judith and Yael Cosset project at 11462 S Lake Eunice  
151 Road. This will be a fine addition to our South Lake Eunice Road community. I wholly support  
152 granting their request.

153

154 Susan Kotte  
155 11434 S Lake Eunice Road

156

157 Jeffrey Doyle, owner of parcel 17.0712.000 (11448 S Lake Eunice Rd) was present virtually on the  
158 phone. Doyle asked what effect Cosset's septic system would have on his property. Doyle stated concern  
159 for setbacks from Cosset's septic if he was to rebuild in the future. Cosset replied they are going to install  
160 a new septic system and keep it in the same location as the current one. Cosset stated it will be placed  
161 within the allowed guidelines. Siverson stated the required setback is a minimum of 10' from the side  
162 property line. Doyle stated he was okay with that.

163

164 No one spoke against the application. There was no written correspondence against the application. At  
165 this time, testimony was closed. Chairman Brufloft opened the matter for discussion by the Board.

166

167 Kessler stated in June of 2020 we approved a request to be 45' from the OHW right next door.

168

169 Boatman stated it is a reasonable request, this is not the Mississippi River, it is a tributary.

170

171 King stated it is a reasonable request, the garage is further away from the tributary than the existing  
172 garage.

173

174 **Motion:** Boatman made a motion to **approve** a variance to construct a dwelling and attached garage to be  
175 at forty-five (45) feet, modified from the originally requested forty-three (43) feet from the OHW of a

176 tributary, deviating from the required setback of one hundred (100) feet from a tributary, due to setback  
177 issues and lot size, due to the fact it is in harmony with the locality and comprehensive plan.

178

179 **King second.** All in favor. **Motion carried.** Variance **approved.**

180

181 **FORTH ORDER OF BUSINESS: APPLICANT: Chad & Tiffany Dschaak** 27166 Little Floyd Lake  
182 Rd Detroit Lakes, MN 56501 **Project Location:** 27166 Little Floyd Lake Rd Detroit Lakes, MN 56501

183 **LEGAL LAND DESCRIPTION: Tax ID Number: 08.1105.000; APPLICATION AND**

184 **DESCRIPTION OF PROJECT:** Request a variance to be 38% lot coverage, deviating from the allowed  
185 lot coverage of 25%, due to lot size.

186

187 Vareberg presented the application.

188

189 Chad Dschaak was present virtually. Dschaak explained his application to construct be 38% lot coverage.

190 Dschaak explained he has a detached garage built the 1960's that fills with water every spring and fall.

191 Dschaak stated he would like to tear down the garage, build it up, and replace it in the exact same spot.

192

193 Kessler asked if he could reduce the size without much trouble. Dschaak replied he could but why would

194 he need to do that. Kessler explained that it would reduce the impervious surface on the lot. Dschaak

195 asked what would the Board like it reduced to. Kessler replied we would like you to be at 25%, noting the

196 request is for a large building. Dschaak replied he would have to think about if he wanted to have a big

197 wet building or a smaller dry one. Sharp asked what the stormwater plan is. Dschaak replied gutters to

198 downspouts to french drains. Knopf asked if building up the garage site would push the stormwater off

199 elsewhere. Dschaak replied it would not change it much, the water would stay in his yard, it just would

200 not be in my garage. Dschaak noted the water would not go into his neighbor's lot. Dschaak stated the

201 road/highway was built on his property and it is much higher than his lot, noting he does not have any

202 control over that.

203

204 Kessler stated he would prefer for Dschaak to build smaller, however he could build within the footprint.

205 Kessler noted Dschaak is reducing his lot coverage by taking out the walkway to his neighbors and a slab

206 in front of the garage. King asked if Dschaak would be willing to reduce the driveway. Dschaak asked

207 what an appropriate width would be. Brufloft replied you can have it where it sits but you will not be

208 happy with it so would you consider narrowing the garage to 14' and grass the rest. Brufloft asked if it

209 would be a one stall driveway. Dschaak replied yes.

210

211 No one spoke for or against the application. There was no written correspondence for or against the

212 application. At this time, testimony was closed. Chairman Brufloft opened the matter for discussion by

213 the Board.

214

215 Sharp stated this project has a very high impervious coverage, noting gutters and french drains will help,

216 along with removing concrete, however the applicant should mitigate all stormwater from his home as

217 well. Dschaak replied he already has gutters on his house. Brufloft asked where they flow. Dschaak

218 replied east to west. Brufloft stated this is not a good application, I would like to see the request closer to

219 25% coverage, noting Dschaak has not come down much from what is currently there.

220

221 Kessler asked if Dschaak would narrow the existing driveway, currently it is at 3,028 sq ft. Dschaak  
222 replied that would cost a lot of extra money to tear out, but he could if that is what would be stipulated.  
223 Boatman replied it is up to Dschaak to design the project request, noting Dschaak could table the request  
224 and come up with a new plan. Brufloft stated the request should be closer to 25%. Dschaak declined to  
225 table.

226

227 **Motion:** Kessler made a motion to **approve** a variance to be 38% lot coverage, deviating from the  
228 allowed lot coverage of 25%, due to lot size.

229

230 **King second.** Kessler and King in favor. Sharp and Boatman opposed. Chairman Brufloft voted in favor.

231 **Motion carried.** Variance **approved.**

232

233 **FIFTH ORDER OF BUSINESS: APPLICANT: B. Martin & Elizabeth Gray** Po Box 46 Page, ND  
234 58064 **Project Location:** 26533 Paradise Point Rd Detroit Lakes, MN 56501 **LEGAL LAND**  
235 **DESCRIPTION: Tax ID Number: 08.1186.000; APPLICATION AND DESCRIPTION OF**  
236 **PROJECT:** Request a variance to construct a dwelling to be located at three (3) feet from the side  
237 property line. Also requesting to be at 35% lot coverage, deviating from the allowed lot coverage of 25%,  
238 due to lot size.

239

240 Vareberg presented the application.

241

242 Cindy Gray, daughter-in-law of B. Martin and Elizabeth Gray, and Authorized Agent Raymond Reading,  
243 with RCH Custom Homes, were present. Reading explained the application to construct a dwelling to be  
244 located at three (3) feet from the side property line and to be at 35% lot coverage. Reading explained the  
245 proposal would improve the lot in every way, moving structures out of the shore impact zone, reducing  
246 the impervious coverage from 41% to 35% and includes an extensive mitigation plan where currently  
247 there is no water management plan at all.

248

249 Gray noted her in-laws are in their 80's and they were not planning on pursuing this project. Gray stated  
250 the current cabin is the original structure that has been added on to in hodgepodge fashion over the years,  
251 resulting in steps to access the main bedroom. These steps are a hazard for her in-laws who have walkers  
252 and have fallen down in the past. Gray stated they need an ADA compatible first floor. Gray stated that  
253 they have only stayed there once this summer. Gray stated the property cannot be sold in its current state.  
254 Gray stated the lot has always had wastewater management problems with sewage and the sand point well  
255 has failed, noting both issues will be resolved with this proposal. Gray stated there is also black mold in  
256 the cabin from not being heated in the winter months. Gray stated the proposed project will have the same  
257 number of bedrooms and will be heated year-round to prevent mold. Reading stated the mitigation plan  
258 will include french drains, a rain garden with native grass species, and a 12" berm on the shoreline.  
259 Reading stated they hired Meadowland to illustrate the project and mitigation plans. Reading stated the  
260 proposed house will be 48.1' from the OHW and the deck was at 36' and will be moved back to 40.9'.

261

262 Boatman asked what the pitch of the roof will be. Reading replied a 12/12 pitch. Boatman replied that it's  
263 too steep. Reading replied the calculation required when dealing with stormwater management is a .5"

264 rain in an hour storm period, I cannot control an act of God. Kessler asked if they are moving away from  
265 the property line on the west side. Reading replied they are moving further back from both sides. Reading  
266 noted this is a moderate request for one level living for the elderly owners. Brufloft asked where the rain  
267 garden will be and if the pavers to the lake were a necessity. Reading replied they will be removed.  
268

269 Brenda Mazour owner of parcel number 08.1185.000 (26541 Paradise Point Rd), neighbor to the south,  
270 called in to speak on the application. Mazour asked how much space will be on the south side. Mazour  
271 requested the distance be equally balanced on both sides. Reading stated the current structure is 2' from  
272 either side, the proposal is to be 4'8" from one side and 3'3" on the other, however they can easily move  
273 it 6" over and make it equidistant, about 3'10.5", on each side. Mazour noted the proposal is to build a  
274 second story questioning how that would impact the trees on the property. Reading replied there is a tree  
275 located on Mazour's property that is growing over the property line. Reading noted they had the lot  
276 surveyed to determine the property lines. Reading stated legally Mazour should maintain any plants that  
277 grow over the property line; however, they would want to work with them and cut back anything we  
278 would need to.  
279

280 No one spoke against the application. There was no written correspondence for or against the application.  
281 At this time, testimony was closed. Chairman Brufloft opened the matter for discussion by the Board.  
282

283 Kessler stated this is more house than this lot can handle. Boatman noted the request is improving from  
284 what is existing. Sharp added they are moving out of the SIZ, moving further from the side lot lines and  
285 controlling the stormwater. Boatman stated they are still too close to the side property line, a 12x12 pitch  
286 is too much for a hard rain to handle and the request is not in line with the Becker County Comprehensive  
287 Plan, adding 35% is too much for this lot. Reading replied the other neighbors have two story homes.  
288 Reading stated this property is very conforming and none of the neighbors have water retention plans in  
289 place, noting they followed the required mitigation plan exactly. Reading added the previous applicant for  
290 Dschaak was just approved to be at 38% lot coverage with no mitigation plan in place. Reading stated the  
291 proposal is very similar to the existing footprint and the elderly owners need at least one bedroom on the  
292 main level. Reading stated they hired professionals to provide the proper surveys, sketches, and  
293 mitigation plans. Reading stated they are reducing the impervious coverage by 6%. Reading noted this lot  
294 is currently unusable, if they are unable to rebuild, what is the value of it. Brufloft replied the lot is too  
295 small for this request, these all used to be small seasonal cabins with no garages, we want people to move  
296 back from the shoreline and meet the setback needs. Boatman stated they could table the request and  
297 come back with a new plan. Reading declined to table. Gray stated they would like to keep it a modest  
298 cabin, however in its current state it is not able to be used.  
299

300 **Motion:** Boatman made a motion to **deny** a variance to construct a dwelling to be located at three (3) feet  
301 from the side property line. Also to deny a variance to be at 35% lot coverage, deviating from the allowed  
302 lot coverage of 25%, due to the fact the side lot lines are too minimal, the impervious coverage is too high  
303 and the request is not in line with the Becker County Comprehensive Plan.  
304

305 **Kessler second.** Boatman and Kessler in favor. Sharp and King opposed. Chairman Brufloft voted in  
306 favor. **Motion carried.** Variance **denied.**  
307

308 **SIXTH ORDER OF BUSINESS: APPLICANT: Jamie Stenseth Authorized Agent for Bruce A.**  
309 **Palmer ET AL 4243 142<sup>nd</sup> Ave SE Alice, ND 58031 Project Location: 21737 Co Hwy 32 Rochert, MN**  
310 **56578 LEGAL LAND DESCRIPTION: Tax ID Number: 10.0034.001; APPLICATION AND**  
311 **DESCRIPTION OF PROJECT:** Request a variance to construct a patio to be located at fifty (50) feet  
312 and a dwelling to be located at sixty-four (64) feet from the OHW of a lake, deviating from the required  
313 setback of one hundred (100) feet from a recreational development lake, due to setback issues and lot  
314 size.

315  
316 Vareberg presented the application.

317  
318 Authorized Agents Jamie & Renee Stenseth, potential buyers of the property were present. Stenseth  
319 explained they would like to buy the lot and place a dynamic (manufactured) home on the lot. Stenseth  
320 stated there is currently a 1990 trailer that is roughly 4.5' over the property line. They would like to  
321 remove the old mobile and place the new dwelling within the required setback of the side property lines to  
322 clean up the title. Stenseth stated the proposed structure will be a modest one level home with a 6/12  
323 pitch. Stenseth stated they will be at 20% lot coverage and will control stormwater with gutters and a  
324 berm, noting the aquatic management area on this property will remain.

325  
326 No one spoke for or against the application. There was no written correspondence for or against the  
327 application. At this time, testimony was closed. Brufloot opened the matter for discussion by the Board.  
328

329 Sharp stated he was in favor of the project noting the low impervious surface and neighboring properties  
330 have similar setbacks. Boatman stated he was also in favor.

331  
332 **Motion:** Sharp made a motion to **approve** a variance to construct a patio to be located at fifty (50) feet  
333 and a dwelling to be located at sixty-four (64) feet from the OHW of a lake, deviating from the required  
334 setback of one hundred (100) feet from a recreational development lake, due to setback issues and lot  
335 size, due to the fact it is conforming with the general characteristics of the neighborhood, with the  
336 stipulation to control stormwater with gutters, and with the requirement to maintain the exiting berm.

337  
338 **Kessler second.** All in favor. **Motion carried.** Variance **approved.**

339  
340 **SEVENTH ORDER OF BUSINESS: APPLICANT: Gary Klein & Deborah Klein 20636 Co Hwy**  
341 **29 Rochert, MN 56578 Project Location: 20636 Co Hwy 29 Rochert, MN 56578 LEGAL LAND**  
342 **DESCRIPTION: Tax ID Number: 10.0628.002; APPLICATION AND DESCRIPTION OF**  
343 **PROJECT:** Request a variance to construct a shed to be located at eight (8) feet from the side property  
344 line, due to setback issues and lot size.

345  
346 Vareberg presented the application.

347  
348 Gary Klein was present. Klein explained his request to construct a shed to be located 8 feet from the side  
349 property line. Klein stated they need storage for lawn equipment, snowmobiles, and other items. Klein  
350 stated they are limited to an area of 43' on the side of the lot where there is room to build a shed. He has

351 determined a 16'x32' shed would fit in that area. Klein stated they would be meeting all other setbacks,  
352 45' from the ROW and 135' from the OHW.

353  
354 Brufloft asked do you need to have the 17' between the house and shed. Klein replied yes they would like  
355 to have the 17' for swing clearance to back in trailers. Brufloft noted the County Board is currently  
356 reviewing the side yard setback on Agricultural zoned lots to have a 10' side yard setback, however the  
357 meeting will not be for a few weeks. Sharp asked if Klein would consider tabling his request until the  
358 County Board deliberates, noting if it is approved, Klein could modify his request to a 10' setback and not  
359 need a variance for the side yard setback. Klein approached the Board and explained why he needs the 8'  
360 setback indicating on the sketch. Klein stated he did not want to table or modify his request.

361  
362 Vareberg read a letter from Mike and Kim Pladson, owners of parcel 10.0628.001 located at 20584 Co  
363 Hwy 29 Rochert, MN 56578:

364 Dear Rachel,

365  
366  
367 Re: Gary/Deb Klein Property 100628002  
368 Mike/Kim Pladson Property 100628001

369 We are responding to the Klein's request for an 8' side property setback.

370  
371  
372 Mike and Kim Pladson have no issue or conflict with the request and support an approved  
373 variance. If you require additional information, please feel free to reach out via e-mail. Thank  
374 you!  
375 Mike/Kim Pladson

376  
377 No one spoke for or against the application. There was no written correspondence against the application.  
378 At this time, testimony was closed. Chairman Brufloft opened the matter for discussion by the Board.

379  
380 Kessler stated he would prefer it to be moved 2' further over, but if the neighbor did not have issue with it  
381 he would also be in favor.

382  
383 King stated he was in favor of the project, noting it would be beneficial that same driveway would be  
384 used to access the garage and shed.

385  
386 Sharp stated he would like to see the shed to be at 10' from the side property line, noting the current  
387 standard is to be located at 20'.

388  
389 **Motion:** Kessler made a motion to **approve** a variance to construct a shed to be located at eight (8) feet  
390 from the side property line, due to setback issues and lot size, due to the fact it is conforming with the  
391 general characteristics of the neighborhood.

392  
393 **Boatman second.** All in favor. **Motion carried.** Variance **approved.**

394

395 **EIGHTH ORDER OF BUSINESS: APPLICANT: Edward L. Wilt** 1113 2<sup>nd</sup> Ave S Fargo, ND 58103  
396 **Project Location:** 14606 Tradewinds RD Audubon, MN 56511 **LEGAL LAND DESCRIPTION: Tax**  
397 **ID Number: 17.1288.000; APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance  
398 to be 34.8% lot coverage, deviating from the allowed lot coverage of 25%, due to lot size.

399  
400 Vareberg presented the application. Brufloft stated there will be time limits on public comments.

401  
402 Edward Wilt was present. Wilt explained in 2017 he decided to build a permanent home and move to his  
403 lake property. Wilt stated he hired Joyce Holm, a previous Becker County Zoning employee, to complete  
404 required applications and measure setbacks. Wilt stated Holm worked with Jeff Rusness in the Planning  
405 and Zoning Office. Wilt stated Holm and Rusness instructed him of what could be approved, and when he  
406 was granted the permit, he tore down the existing seasonal cabin and built the new house in 2018. Wilt  
407 noted tearing down the old cabin removed 486 square feet from the SIZ (shore impact zone), which  
408 equates to 16% coverage. Wilt stated the new dwelling is 6' narrower than the old cabin. Wilt stated the  
409 old garage that was removed was encroaching 1' onto John Irby's lot. Wilt noted per his approved permit  
410 his plan was to install french drains on his property. Wilt stated he was recently notified that his lot is  
411 5,000 square feet smaller than formerly thought, due to the current elevation on Cormorant Lake, noting  
412 his impervious coverage went from 23% to 38.2%. Wilt noted he can get the coverage down to 34.8%  
413 coverage; however, he needs a driveway to get in and out of the house that was built.

414  
415 Kessler asked Wilt to clarify that when he built, he thought he was at 23% coverage. Wilt replied yes and  
416 agreed to the corresponding mitigation. Boatman asked if the lot size was based on the pins. Wilt replied  
417 it is based off what Holm and Rusness settled on the site permit. Wilt noted he needs to have a driveway  
418 to get in and out, as the property is steeply sloped from the road. Wilt stated Ed Clemm from Soil and  
419 Water approved a plan for 6" gutters on all sides into french drains. Wilt stated his lot area went from 20k  
420 to 15k square feet. Boatman asked if the driveway is gravel 12' wide. Wilt replied he is proposing a 9'  
421 wide concrete driveway so they can slope it to the sides.

422  
423 Letters were presented to the Board prior to hearing. Letter in favor from Greg Pung (14622 Tradewinds  
424 Rd). Letters opposed from Thomas Martin (14632 Tradewinds Rd), Dennis Martin (14638 Tradewinds  
425 Rd), Brian Martin (14614 Tradewinds Rd), and John Irby (14598 Tradewinds Rd). Letters are all on file  
426 in the Becker County Zoning Office.

427  
428 On the phone was neighbor John Irby, owner of parcel 17.1287.000, 14598, Tradewinds Rd. Irby  
429 referenced the letter he had previously submitted. Irby stated there are two standards that are being  
430 debated: coverage in the SIZ (shore impact zone) and overall lot coverage. Irby stated the SIZ coverage is  
431 well over 15%. Irby stated the house is much too big for this lot. Irby asked how a truck will get back into  
432 the property to install the french drains without going through neighboring properties. Irby stated there is  
433 no practical difficulty, the lot is fine for residential purposes, but what was built is not reasonable, noting  
434 Wilt is not qualified under the law to have that structure. Brufloft clarified that every lot can have 25%  
435 coverage, 15% is without mitigation, once you put gutters/french drains on for example you can have  
436 25%. Irby replied Wilt is at 44%. Brufloft noted that the hardship is the permit was approved based on  
437 the lot coverage and the survey, however Wilt lost 5k feet since it had been surveyed, that is the hardship  
438 Irby stated the lake did not come up recently, it is the same size as it was when Wilt purchased the lot.

439  
440 Attorney Carl Malmstrom was present and spoke in opposition of the project. Malmstrom stated the lot  
441 area defined and in effect at the time the permit was approved stated you cannot include area past the  
442 OHW, which is well established at 1354 feet. Wilt knew where that was when he bought it. This is an  
443 after the fact variance request and economic hardship is not a hardship that can be considered by the  
444 Board. The survey should have been completed before the house was built. The after the fact survey  
445 shows lot area at 15,456 sq ft., 25% of which would be 3864 sq ft. The old impervious coverage was  
446 28.97% and the newly developed lot is at 43.08% coverage, 46.11% is in the protection zone, well outside  
447 of the ordinance requirements. The Topography is an uphill climb to road and then a shorter distance that  
448 is flat

449  
450 There is not mitigation established on the lot at this time. Malmstrom also noted the side yard  
451 measurement is 5' which also requires a variance. The required setback is 10%, this is a 60-wide lot, 10%  
452 would be a 6' side yard setback. The Ordinance also only allows the 10% side yard setback if it is not  
453 possible to meet the required setback. There is no reason he could not meet that setback. These issues are  
454 causing the neighbor's damage.

455  
456 Brufloft stated is anyone pushing water onto Wilts lot? Malmstrom replied Wilt's area is raised and not  
457 water managed. Brufloft asked where the neighbor's water was going before Wilt rebuilt. stated the  
458 houses were not as large as they were in the 60's. There is a downgrade from the road and a sand ridge at  
459 the bottom of the hill where water used to go, however as setback requirements went into place, residence  
460 began using up this natural area for building. Kessler replied in this neighborhood, up and down the line  
461 the impervious is over because of this loss. Kessler stated it seems people use the platted lot sizes to  
462 calculate their coverage. Malmstrom stated that is not a valid argument. If owners bought in 1965 and  
463 developed the lot, the lake was lower then so being overcovered would potentially be understandable.  
464 However, the lake level has changed since then and Wilt purchased the lot in 2002, it has not changed  
465 since then.

466  
467 Brian Martin was present, owner of 14614 Tradewinds Rd. Martin referred to a survey and pictures from  
468 his letter he had done in 2009 by Meadowland. Martin stated they all paid for this survey in 2009 so Wilt  
469 was aware of his lot size at that time. Martin stated he was opposed to Wilts mitigation plan, noting Wilt  
470 cannot do water mitigation within 20 feet of a well. Martin stated Wilt is at 46% coverage in SIZ. The  
471 current lot coverage of 37% is more than 25%, this is too much. Martin stated most of his storm water  
472 goes between Pung's lot and mine. Boatman asked if any of the water in the pictures was his. Martin  
473 stated he takes care of his water; it goes between our garages. Knopf asked if the pictures of water are  
474 from a large rain event. Martin replied about an inch and a half.

475  
476 Thomas Martin owner of 14632 Tradewinds Rd was present. Martin stated this is his 40<sup>th</sup> summer on the  
477 lake. Martin explained they redeveloped their lot in 2006 and were told they needed to plan on our lot  
478 above the OHW. Martin stated they chose to get a survey and an architect to maintain the 25% coverage.  
479 Martin stated in the zoning code 25% coverage is referenced 18 times. It is important to the neighbors.  
480 Martin stated in 2016 he met with the County Attorney who said it was difficult to calculate the lot  
481 coverage. Martin stated the lake was eating up the lots on Tradewinds and as improvements happen the  
482 impervious coverages go down. Martin stated an owner must stick to the % they have on that day, the day

483 they are developing it. Martin asked how this project was allowed. It is a giant home twice the size of the  
484 previous one. Martin stated Wilt's lot is 2,000 sq ft smaller than their lot and Wilt's house was approved  
485 to be larger. He should have to follow the same standard that I did.

486  
487 Dennis Martin, owner of 14638 Tradewinds Rd was present. Martin stated he lives next to Tom Martin.  
488 Martin stated when Tom redeveloped his lot in 2009, he also made some changes to his lot. Martin stated  
489 he reduced his lot coverage so that it is now 25% by removing the parking lot by 50%. Martin stated he  
490 was not required to do so, but he did. Martin stated Wilt's application is inaccurate, his calculations show  
491 coverage is at 43%. Martin stated he has been in construction for 50 years and dealt with lot coverage a  
492 lot. Martin stated Wilt has a disregard for the rules and regulations, these are all 60' wide lots, we cannot  
493 afford to have these rules disregarded. Martin asked the Board to oppose this project.

494  
495 Jean Martin, Wife of Dennis Martin, owner of 14638 Tradewinds Rd was present. Martin stated they have  
496 been on this lake for 40 years and the cabins will be for family for generations to come. They would like  
497 to hand them down, however they cannot because the property next door did not follow the rules. This  
498 cabin does not fit in with the character of the neighborhood, it is too big too wide and too deep.

499  
500 No one spoke for the application. At this time, testimony was closed. Chairman Brufloft opened the  
501 matter for discussion by the Board.

502  
503 Boatman asked if we deny the application what happens. Vareberg replied if the Board denies it, Wilt's  
504 plan is to remove the 172' in length existing driveway and would need to be removed enough to stay at or  
505 below 25% coverage. Vareberg added Wilt will then mitigate down to 15%. Vareberg stated these lots  
506 were platted and people have used the original plat for site permit calculations in 2009 and 2010. In these  
507 cases, people used land below the ordinary high-water mark.

508  
509 Brufloft asked where will the french drains to be located. Wilt stated he has contracted with Chris Ohm to  
510 install the mitigation. Wilt stated Ohm is looking at installing 4 french drains to be oversized (2x20), to be  
511 placed back into the hill from the garage, another alongside the house, one on Irby's side, and one on the  
512 side of the house. Wilt noted Brian Martin mentioned there was a sidewalk on his lot, Wilt stated there is  
513 no sidewalk just a deck style step and it will be impervious. Vareberg explained he talked to the  
514 watershed district about the previous engineered mitigation plan noting there would be some changes to  
515 the original plan, for example the old plan also had to swales that are not going to be constructed.

516  
517 Kessler stated the Board is not in the business of making people's homes inaccessible. Kessler explained  
518 that people will not walk up and down that bank, Wilt must have a driveway. Kessler stated the Board is  
519 not going to ask him to tear his house down. Kessler noted he is not sure what happened here, but it is  
520 unrealistic to do so.

521  
522 Brufloft asked Wilt if he would be willing to table the request for a further date to investigate other areas  
523 to create compliance. Wilt replied he was not sure what else he could do.

524  
525 Kessler stated he is not sure how we got here, but the Board is not in the business of putting people out of  
526 their homes.

527  
528 Motion: Kessler made a motion to approve a variance to be 34.8% lot coverage, deviating from the  
529 allowed lot coverage of 25%, due to lot size, based on the attached findings.

530 **Formula for Variance Findings**

531  
532 **PID Number: 17.1288.000 Name: Wilt**

533 **1. Is the request in harmony with the general purposes and intent of the ordinance?**

534 **This variance is in harmony with the purpose and intent of the Zoning Ordinance because granting**  
535 **the variance is securing the right of the land owner to occupy a lot of record with a single family**  
536 **dwelling while preserving the adjacent public water through mitigation measures in accordance with**  
537 **Becker County Planning & Zoning, Becker County Soil & Water, and the Cormorant Lakes**  
538 **Watershed District. These mitigation measures include but are not limited to french drains and**  
539 **gutters.**

540 **2. Would granting the variance be consistent with the comprehensive plan?**

541  
542 **The property is located in policy district 3 which encompasses most of the County's developed lake**  
543 **shore. Big Cormorant is classified as a recreational development lake and lot 42 is not located in**  
544 **sensitive shoreland. For excess impervious surface green infrastructure is to be used. The soils on the**  
545 **lot will be utilized for french drains to control stormwater.**

546  
547 **3. Are there practical physical difficulties and circumstances unique to the property not created by**  
548 **the landowners?**

549  
550 **There are both practical physical difficulties and circumstances unique to the property not created**  
551 **by the landowner. Trade Winds Beach was platted in 1960. Since then, lot 42 owned by Mr. Wilt has**  
552 **lost a significant amount of area to the rise in lake level of Big Cormorant. From the original platted**  
553 **lot size to the total lot area provided by Houston Engineering, the lot has decreased in size by an**  
554 **estimated 5,000 square feet or approximately one-fourth of the total lot size creating physical**  
555 **difficulties for lot coverage and a circumstance unique to the property.**

556  
557 **4. Would granting the variance allow the essential character of the locality to stay**  
558 **the same?**

559 **The essential character of Trade Winds Beach is narrow long lots occupied by both seasonal and full-**  
560 **time residences. Numerous lots within the plat have been re-developed and are believed to be**  
561 **exceeding lot coverage.**

562  
563 **5. Does the property owner propose to use the property in a reasonable manner**  
564 **not permitted by the ordinance?**

565 **The property owner has proposed lot coverage over 25% on an agricultural parcel which is not**  
566 **permitted by the Ordinance. However, through proper approved mitigation measures the property**  
567 **will be used in a reasonable manner similar to parcels in the surrounding area.**

568  
569 **6. Health and Safety. Variances shall be permitted only if the granting of the variance will not**  
570 **materially adversely affect the health or safety of persons residing or working in the area adjacent to**

571 **the property of the applicant and will not be materially detrimental to the public welfare or injurious**  
572 **to property or improvements in the area adjacent to the property of the applicant.**

573  
574 **There are no known potentials to those listed above in the occupation of a single-family residential**  
575 **family home. All adjoining parcels are occupied by the same or similar use.**

576 **All impervious surface will be mitigated through measures in accordance with Becker County**  
577 **Planning & Zoning, Becker County Soil & Water, and the Cormorant Lakes Watershed District.**

578  
579 **7. Earth Shelter Construction. Variances shall be permitted for earth-sheltered construction as**  
580 **defined in Minnesota Statutes when in harmony with this ordinance.**

581  
582 **The request is not a earth shelter. N/A**

583  
584 **J. Additional criteria for Shoreland setback variances. Variances to the Shoreland setback provision**  
585 **of the ordinance may be granted under the following circumstances:**

586  
587 **1. Alternative sewage treatment method. Where structures incorporate a method of sewage treatment**  
588 **other than soil absorption.**

589  
590 **The dwelling is served by an approved septic treatment system that was recently installed in**  
591 **November of 2018.**

592  
593 **2. Setback averaging. Where development exists on both sides of a proposed building site, setbacks**  
594 **may be varied to conform to the existing setbacks.**

595  
596 **Setback averaging + 20 was used to issue the permit for the re-development of the lot.**

597  
598 **3. Unusual topography. In areas of unusual topography or substantial elevation above the lake level,**  
599 **setbacks may be varied to allow a riparian owner reasonable use and enjoyment of his property.**

600  
601 **Unusual topography does exist towards the East or roadside of the property. From the center of the**  
602 **lot to the roadside of the lot, there is an approximate eighteen (18) feet of gain in elevation. However,**  
603 **all setbacks are in compliance with the Becker County Zoning Ordinance.**

604 **What is your decision?**

605 **Approve**

606  
607 **Boatman second. All in favor. Motion carried. Variance approved.**

608  
609 **NINTH ORDER OF BUSINESS: APPLICANT: Lepine Lake Property 714 Hackberry Dr Fargo, ND**  
610 **58104 Project Location: 11416 Co Hwy 11 Audubon, MN 56511 LEGAL LAND DESCRIPTION:**  
611 **Tax ID Number: 17.0418.502 APPLICATION AND DESCRIPTION OF PROJECT: Renewal**  
612 **request of variance approved November 8th, 2018, Doc #655336: Approve as modified to construct a**  
613 **dwelling and deck to be located at seventy (70) feet and a patio to be located at sixty (60) feet from the**  
614 **OHW of a recreational development lake, deviating from the required setback of one hundred (100) feet**

615 from the OHW of a recreational development lake due to setback issues, with the stipulation the OHW is  
616 to be located and marked, a water retention plan is created by the Cormorant Watershed and if the  
617 retention plan allows of the dwelling/deck/patio to be farther away from the OHW they must increase the  
618 OWH setback to that distance while still maintaining all other setbacks, the 20 square foot shed must be  
619 removed from the lot, and the impervious must not exceed 25% coverage.

620  
621 Vareberg presented the application.

622  
623 LePine was not present. Vareberg explained the request was due to the owner's inability to build as  
624 previously planned due to Covid-19.

625  
626 No one spoke for or against the application. There was no written correspondence for or against the  
627 application. At this time, testimony was closed. Chairman Brufloft opened the matter for discussion by  
628 the Board.

629  
630 **Motion:** Kessler made a motion to **approve** a one year variance renewal request of a variance approved  
631 November 8th, 2018, Doc #655336: Approve as modified to construct a dwelling and deck to be located  
632 at seventy (70) feet and a patio to be located at sixty (60) feet from the OHW of a recreational  
633 development lake, deviating from the required setback of one hundred (100) feet from the OHW of a  
634 recreational development lake due to setback issues, with the stipulation the OHW is to be located and  
635 marked, a water retention plan is created by the Cormorant Watershed and if the retention plan allows of  
636 the dwelling/deck/patio to be farther away from the OHW they must increase the OWH setback to that  
637 distance while still maintaining all other setbacks, the 20 square foot shed must be removed from the lot,  
638 and the impervious must not exceed 25% coverage.

639  
640 **King second.** All in favor. **Motion carried.** Variance **approved.**

641  
642 **TENTH ORDER OF BUSINESS:**

643  
644 **Informational Meeting.** The next informational meeting is scheduled for Thursday, October 1<sup>st</sup>, 2020 at  
645 8:00 a.m. in the 1<sup>st</sup> Floor Commissioners Room of the Original Courthouse. As there was no further  
646 business to come before the Board, **King** made a motion to adjourn the meeting. **Knopf** seconded. All in  
647 favor. Motion carried. Meeting adjourned.

648  
649 \_\_\_\_\_ ATTEST \_\_\_\_\_  
650 Chairman Jim Brufloft

Kyle Vareberg,  
Planning and Zoning Administrator

651