

Becker County Board of Adjustments
February 4th, 2021

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

Acting Chairman Lee Kessler called the meeting to order at 6:00 p.m. E911/Zoning Technician Rachel Bartee recorded the minutes.

Introductions were given.

Acting Chairman Lee Kessler explained the protocol for the meeting and **Sharp** read the criteria for which a variance could be granted.

Sharp made a motion to approve the minutes for the November 12th, 2020 minutes. **Knopf** seconded. All in favor, Motion carried.

OLD BUSINESS:

FIRST ORDER OF BUSINESS: APPLICANT: Nathan E & Karen B Derby 3141 9 ½ St N Fargo, ND 58102 **Project Location:** 17431 Bijou Cir Lake Park, MN 56554 **LEGAL LAND DESCRIPTION: Tax ID Number: 18.0284.000 & 18.0285.000; APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct detached garage to be located at seventy-two (72) 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. Application was tabled at the November 12th, 2020 Hearing by the applicant.

Vareberg presented the application.

Nathan and Karen Derby were present virtually. Derby explained the request to construct a detached garage to be located at seventy-two (72) 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. Derby explained at the last meeting the Board did not show concern for the requested setback to the OHW, however they requested him to review his stormwater plan. Derby stated he contacted Ed Clemm at Becker County Soil and Water. Clemm created a stormwater management plan consisting of french drain which would overflow to the lake. Derby stated he spoke to his neighbor, Gary Ehlert, owner of parcel 18.0284.001. Derby stated he advised Ehlert of his plan to control the stormwater and offered for him to financially pitch in for a larger french drain than what Soil and Water had designed. Derby stated Ehlert did not seem interested and has not followed up with him on the project.

Kessler asked the neighbor did not get back to you about financing the drain. Derby stated Ehlert told him he said he would think about it but, he got the impression he was not interested in doing so.

44 Kyle read letters. First letter was originally submitted from the Lake View Township Board for the
45 November 2020 Hearing:

46

Planning and Zoning,

We, the Lake Park Township Board, reviewed the variance request by **Nathan E & Karen B Derby** at our monthly meeting on Monday Nov 9th.

We have no issues with this variance and it has met our approval.

Respectfully

John Madson, Clerk

Lake Park Township

47

48

49 Second letter was from Gary Ehlert neighbor of parcel 18.0285.001:

50

51 From: patricia ehler <lexus4ple@gmail.com>

52 Sent: Thursday, February 4, 2021 11:09 AM

53 To: Rachel D. Bartee <rachel.bartee@co.becker.mn.us>

54 Cc: Ehlert ICE Gary <garyehler@icloud.com>

55 Subject: Board Meeting 6:00 pm today

56

57 Our concern regarding the garage to be built at 17431 Bijou Cir:

58

59 Where the garage is to be built is considered to be a natural water retention for rain and snow
60 run off.

61 If in fact, the French drain will resolve the runoff for any future problems, and if this can be a
62 guarantee, then I approve.

63

64 Sincerely,

65 Gary Ehlert

66

67 No one spoke for or against the application. At this time, testimony was closed. Acting Chairman Lee
68 Kessler opened the matter for discussion by the Board.

69

70 Kessler asked if the Board thought the depth of the french drain was adequate, noting it was created for a
71 1.2' rainfall. Is that enough? Knopf replied they are sizing it for the garage structure, not for both the
72 garage and the neighbor's structures. Knopf noted Derby offered and reached out to neighbor to help
73 create a drain to control the runoff for both structures. Knopf stated Derby has done everything we have
74 asked. Knopf added it would be a good thing to install a clean out on rock side to make sure it stays
75 cleaned out, but the plan looks good. Sharp stated he was in favor of the project, they got a stormwater
76 plan and spoke to the neighbor, they cannot do more.

77

78 **Motion:** Sharp made a motion to **approve** a variance as proposed to construct a detached garage to be
79 located at seventy-two (72) feet from the OHW of the lake, deviating from the required setback of one
80 hundred (100) feet from a recreational development lake, due to setback issues, (Application was tabled at
81 the November 12th, 2020 Hearing by the applicant.) due to the fact the request is reasonable, it does not
82 alter the essential character of the locality, and it is in harmony with the general purposes and intent of the

83 Ordinance, with the stipulation the filtration basin is installed as proposed with the recommend design be
84 modified to include a clean out.

85

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

87

88 **NEW BUSINESS: SECOND ORDER OF BUSINESS: APPLICANT: Hanson Properties of**
89 **Shoreham** 1462 East Shore Dr Detroit Lakes, MN 56501 **Project Location:** 24110 Co Hwy 22 Detroit
90 Lakes, MN 56501 **LEGAL LAND DESCRIPTION: Tax ID Number: 19.1869.000;** Section 20
91 Township 138 Range 041; WESTS ADD – SHOREHAM BLOCK A LOT 1 EX NELY 235' &
92 **19.1870.000** Section 20 Township 138 Range 041; WESTS ADD – SHOREHAM BLOCK A 95' STRIP
93 LYING 140' W OF SLY LINE OF LOT 1 **APPLICATION AND DESCRIPTION OF PROJECT:**
94 Request a variance to construct a patio or deck to be located at thirty-nine (39) feet from a County ROW,
95 deviating from the required setback of forty-five (45) feet from a County ROW. Also, requesting a
96 variance to construct a deck or patio to be located at twenty-four (24) feet from the OHW of a tributary,
97 deviating from the required setback of one hundred (100) feet from the OHW of a tributary. Also,
98 requesting a variance to be at 37.22% lot coverage, deviating from the allowed lot coverage of 30% on a
99 commercial zoned lot. All do to setback issues and lot size.

100

101 Vareberg presented the application.

102

103 Kessler asked is this a deck or a patio. Kyle it is a patio, it is not a deck, we called it either or in the
104 request to cover the bases. Vareberg stated it is a patio and it is a structure.

105

106 Authorized Agent Mike Lovelace from Lighthouse Construction was present to represent Hanson
107 Properties of Shoreham. Lovelace explained the request to replace the existing decking. Lovelace stated
108 the proposed decking with have ¼” gap, however it differs in design from standard decking as it is 2’ x 2’
109 squares not 8” wide pieces. Lovelace explained that if you add up the lineal footage for the ¼” gaps it
110 would be the same as standard decking, explaining why he feels it should be counted as pervious.
111 Lovelace explained that pucks will hold the pavers up off the ground which frees the water to flow more
112 freely vs a sleeper system. Lovelace stated they are working with the Pelican River Watershed District to
113 control the runoff with french drains and a berm along the river to allow water to soak into grass not go
114 into river. Lovelace added the plan will also include replacing the fencing and add some fencing.
115 Lovelace noted they can only be 4’ high but we want a 6’ high fence. Vareberg noted this part of the
116 project will go to the Planning Commission for review next month. Lovelace noted the impervious
117 coverage will be over 30%. Lovelace noted the Hanson’s want to protect the lake and want to improve the
118 property. Lovelace noted the new plan will improve the stormwater runoff on the property.

119

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

123

124 It was noted that Adam from Pelican River Watershed had been on the phone/virtually however he signed
125 off before the application was presented.

126

127 Sharp stated the current storm water control on the property is lacking, noting this will be a vast
128 improvement to the storm water management.

129
130 Knopf stated obviously the Hanson's are working with the watershed and want to do better, it is a good
131 design.

132
133 King stated he was in favor of the project.

134
135 Kyle noted the lot coverage documents in the packet did not include the existing deck. Vareberg stated
136 that if we count the existing decking as as impervious the actual existing coverage would be 38.08%
137 meaning they are reducing converge down to 37.22%

138
139 **Motion:** Sharp made a motion to **approve** a variance to construct a deck to be located at thirty-nine (39)
140 feet from a County ROW, deviating from the required setback of forty-five (45) feet from a County
141 ROW. Also, requesting a variance to construct a deck to be located at twenty-four (24) feet from the
142 OHW of a tributary, deviating from the required setback of one hundred (100) feet from the OHW of a
143 tributary. Also, requesting a variance to be at 37.22% lot coverage, deviating from the allowed lot
144 coverage of 30% on a commercial zoned lot, due to setback issues and lot size, due to the fact the lot
145 coverage is being reduced, it is a reasonable use, it will not alter the essential character of the locality, it is
146 in harmony with the general purposes and intent of the Ordinance and the proposed stormwater plan with
147 improve stormwater management at the site.

148
149 **Knopf second.** All in favor. **Motion carried.** Variance **approved.**

150
151 **THIRD ORDER OF BUSINESS:**

152
153 **Informational Meeting.** The next informational meeting is scheduled for Thursday, April 1st, 2021 at
154 8:00 a.m. in the 3rd Floor Zoning Meeting Room of the Original Courthouse. As there was no further
155 business to come before the Board, **King** made a motion to adjourn the meeting. **Sharp** seconded. All in
156 favor. Motion carried. Meeting adjourned.

157
158 _____ ATTEST _____
159 Acting Chairman Lee Kessler Kyle Vareberg,
160 Planning and Zoning Administrator