

**Becker County Board of Adjustments  
May 13<sup>th</sup>, 2021**

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

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

Introductions were given.

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

**Kessler** made a motion to approve the minutes as modified for the April 8<sup>th</sup>, 2021 meeting. **King** seconded. All in favor, Motion carried.

**NEW BUSINESS:**

**FIRST ORDER OF BUSINESS: APPLICANT: Aaron R. Behrmann** 18912 Blauert Rd Frazee, MN 56544 **Project Location:** 18912 Blauert Rd Frazee, MN 56544 **LEGAL LAND DESCRIPTION: Tax ID Number: 33.0172.002;** Section 19 Township 139 Range 038; PT N1/2 OF NE1/4; BEG 990' E OF NW COR, TH S 1320, E TO CTR OF TWP RD, N AL RD TO N LN & W TO POB; Toad Lake Township; **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a detached garage to be located at forty-four (44) feet from the centerline of a township road, deviating from the required setback of fifty-three (53) feet from the centerline of a township road for a detached structure on a non-riparian lot, due to topography.

Vareberg presented the application.

Owner Aaron Behrmann was present. Behrmann explained the request to construct a detached garage to be located at forty-four (44) feet from the centerline of a township road. Behrmann stated there are topography issues on the lot preventing them from meeting the setbacks. Behrmann explained lots of fill would have to be added and many mature oak trees would need to be torn down if we moved it back, the proposed application is the best spot on the lot.

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 Roger Boatman opened the matter for discussion by the Board.

Kessler stated Behrmann is correct, this is the best placement on the lot.

**Motion:** Kessler made a motion to **approve** a variance to construct a detached garage to be located at forty-four (44) feet from the centerline of a township road, deviating from the required setback of fifty-three (53)

45 feet from the centerline of a township road for a detached structure on a non-riparian lot, due to topography,  
46 due to the fact it is a reasonable request, proposal is on a flat spot requiring the least amount of disturbance  
47 to the lot, it will not negatively impact the road/traffic (it is a dead-end road), the lot has a low impervious  
48 coverage, and it fits within the character of the locality.

49

50 **Sharp second.** All in favor. **Motion carried.** Variance **approved.**

51

52 **SECOND ORDER OF BUSINESS: APPLICANT: Stephen & Savannah Erb** 724 Richwood Rd  
53 Detroit Lakes, MN 56501 **Project Location:** 27335 Sandra K Rd Detroit Lakes, MN 56501 **LEGAL**  
54 **LAND DESCRIPTION: Tax ID Number: 19.0492.006;** Section 26 Township 138 Range 041;PT  
55 GOVT LOTS 2 & 3:COMM NE COR GOVT LOT 4 SEC 26 TH N 33.50', W 1.01',NWLY 192.74',NW  
56 148.15 NWLY 124.92', NW 391.07', NWLY 450.34' AL RD, NLY 165.86', TH NE 57.21' TO POB; TH  
57 CONT NE 377.79', TH W 635' TO JOHNSON- REEVES LK, SWLY AL LK 395.70' TO POINT W OF  
58 POB, TH E 681' TO POB LESS RD AKA TRACT 4; Lake View Township; **APPLICATION AND**  
59 **DESCRIPTION OF PROJECT:** Request a variance to construct a patio, dwelling and attached garage  
60 to be located at one hundred twelve (112) feet from the OHW of a lake, deviating from the required  
61 setback of one hundred fifty (150) feet from a natural environment lake, due to topography and setback  
62 issues.

63

64 Vareberg presented the application.

65

66 Owner Stephen Erb was present. Erb explained the request for a patio, dwelling and attached garage to be  
67 located at one hundred twelve (112) feet from the OHW of a lake. Erb stated they would like to build a  
68 home on Johnson Reeves Lake. Erb explained when they purchased the lot, they thought they would have  
69 plenty of room to build, however they discovered this is a natural environment lake with a one hundred  
70 fifty (150) foot setback, not a recreational development lake with a one hundred (100) foot setback. Erb  
71 stated this is the best spot to place a dwelling on the lot with the least amount of impact on the land. Far  
72 fewer trees would have to be removed. This is a beautiful spot that warrants preserving as much as we can.

73

74 Boatman noted the lot is clear and level on top, asking if it has always been this way. Erb stated he purchased  
75 the lot last year and after speaking with past owners and reviewing past GIS data, it is his understanding it  
76 has always been a flat spot there, however he is unsure if there was ever any vegetation/tree removal done  
77 there.

78

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

82

83 Hall stated there is no room for them to move back, there is a back side slope. Hall noted this is a  
84 reasonable request, he sees no issues for the neighbors, stating this is a good use of the land.

85

86 Sharp added the neighbors are at a similar setback and this will not alter the character of the locality.

87

88 Knopf stated he was in favor.

89  
90 **Motion:** Kessler made a motion to **approve** a variance to construct a patio, dwelling and attached garage  
91 to be located at one hundred twelve (112) feet from the OHW of a lake, deviating from the required setback  
92 of one hundred fifty (150) feet from a natural environment lake, due to topography and setback issues, due  
93 to the fact it is a reasonable request, it fits within the character of the locality, and it will not negatively  
94 impact the neighbor's enjoyment of the lake.

95  
96 **Knopf second.** All in favor. **Motion carried.** Variance **approved.**

97  
98 **THIRD ORDER OF BUSINESS: APPLICANT: Raymond F. & Joann M. Matheny** 1317 Glasgow  
99 Road St. Cloud, MN 56303 **Project Location:** 43503 218<sup>th</sup> St Osage, MN 56570 **LEGAL LAND**  
100 **DESCRIPTION: Tax ID Number:** 33.0340.000; Section 04 Township 139 Range 038; 2ND ADD TO  
101 THE PINES LOT 14 & PT LOT 15: COMM NW COR LOT 16, E 74.04' TO POB; SWLY 49.67', S  
102 33.27', SWLY 109.94' TO TOAD LK, E 99.63', NLY 195', W 75.40' TO POB; Toad Lake Township  
103 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a dwelling to  
104 be located at twenty-four (24) feet from the rear property line, deviating from the required setback of forty  
105 (40) feet from a rear property line, due to setback issues.

106  
107 Vareberg presented the application.

108  
109 Owner Raymond Matheny was present. Matheny explained the request to construct a dwelling to be located  
110 at twenty-four (24) feet from the rear property line. Matheny explained they want to replace the existing  
111 structure with a dynamic home which would be delivered in August. The proposed dwelling will generally  
112 be in the same location, one corner will be in the same spot as the existing house. Matheny stated they want  
113 to maintain the integrity of the lake front. Matheny noted the existing septic system was recertified last year  
114 and if they are required to move back, they will have to move the functioning, compliant system closer to  
115 the lake. There will be no alteration on the shoreline. Matheny noted will be reducing the lot coverage from  
116 24% down to 23% and have mitigation in order in place to install gutters to downspouts to french  
117 drains/drain tiles. Matheny explained their overall lot coverage is much lower, however because 218<sup>th</sup> runs  
118 through the lot they are only able to use the area on the side of the road the building will be on for the lot  
119 coverage calculation. Matheny stated they are over mitigating, explaining their proposed mitigation plan  
120 earns them forty (40) mitigation credits and they are only required to earn thirty (38). Boatman stated he  
121 was in favor of their mitigation plan. Matheny stated he wants the project done right. Matheny stated it was  
122 a survey that drove us to get a variance. When they decided to build their contractor noted concern about  
123 the property lines, so we got a survey to locate the property pins and found the house was too close to the  
124 rear.

125  
126 Kessler asked Matheny to describe the land in the back of the lot. Matheny replied it is wetlands and trees,  
127 we got a survey because it used to be a road easement back there.

128  
129 No one spoke for or against the application. There was no written correspondence for or against the  
130 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for  
131 discussion by the Board.

132

133 **Motion:** Knopf made a motion to **approve** a variance as presented, to construct a dwelling to be located at  
134 twenty-four (24) feet from the rear property line, deviating from the required setback of forty (40) feet from  
135 a rear property line, due to setback issues, due to the fact the proposed is a reasonable request and fits well  
136 with the septic system, with the stipulation the mitigation plan is implemented as proposed.

137

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

139

140 **FORTH ORDER OF BUSINESS: APPLICANT: Eric J. Lunde** 20936 Husby Rd Detroit Lakes, MN

141 56501 **Project Location:** 26397 Co Hwy 37 Detroit Lakes, MN 56501 **LEGAL LAND**

142 **DESCRIPTION: Tax ID Number:** 28.0056.000; Section 10 Township 140 Range 038; 10-140-038 PT

143 GOVT LOT 4: COMM W QTR COR SEC 10 TH S 16' TO CTR LN CSAH #37, TH NE 504.52' TO

144 POB; CONT NE 164.98', SE 147.41' TO SHELL LK, SWLY 167.96' AL LK, NW 124.42' TO POB

145 AKA TRACT C; Shell Lake Township **APPLICATION AND DESCRIPTION OF PROJECT:**

146 Request a variance to construct a dwelling addition to be located at fifty (50) feet from the ordinary high-

147 water mark of the lake, deviating from the required setback of one hundred (100) feet from the OHW of a

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

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

150 highway, due to setback issues, topography and lot size.

151

152 Vareberg presented the application.

153

154 Owner Eric Lunde was present. Lunde explained the request construct a dwelling addition to be located at

155 fifty (50) feet from the ordinary high-water mark of the lake and to be located at sixty-eight (68) feet from

156 the centerline of a county highway. Lunde stated he needs more room to make this a year-round dwelling

157 so he can move out of his parents' residence. The addition will be 18'x24', which will contain a bedroom,

158 bathroom, and utility room.

159

160 Boatman noted Lunde has a previous variance on file and noted the required mitigation for that project has

161 not yet been completed. Lunde explained he had attempted to complete the required mitigation in the form

162 of natural vegetation and ran into issues. Lunde stated he had \$800 in plants that did not grow because the

163 fertilizer he used was infested with weeds and he ended up with 6-7-foot-tall weeds and no plants would

164 grow. Lunde stated he chose not to spray pesticides because of the proximity to the lake so he chose to start

165 over completely and has purchased another \$1000 in seeds and \$200 in plants from Becker County Soil and

166 Water. Lunde stated he has educated himself on native plants and seeds and feels more confident that this

167 second attempt will take.

168

169 Hall asked how much fill has been put in there. Lunde replied forty (40) yards of organic fill. Lunde noted

170 the first load he received was full of plastic and he made them take it back. Lunde stated he wanted top

171 notch soil and purchased organic instead. Hall asked if Soil and Water will take the lead on the next

172 planting. Lunde stated he would be willing to have them help with the project.

173

174 Kessler noted the existing dwelling is on blocks right now, are you doing to do a foundation. Lunde replied

175 he would like too. Lunde explained his contractor, Ron Muff advised him due to the plumbing under the

176 house he is not able to have it on a slab, they discussed using stilts. Kessler stated you were not successful

177 with the last variance and expressed concerns about the new request to attach a 18x24 foot addition. Lunde  
178 stated he has plans to complete the mitigation, has an experienced contactor hired and has 3D plans available  
179 to show the Board. Kessler stated the existing house would fall and end up in the woods if a 70mph wind  
180 came through, adding he cannot in good faith approve this request after viewing the lot. Lunde stated  
181 contractor Ron Muff said he could anchor it down. Boatman stated the Board feels that we would like to  
182 see you to adhere to the first plan and successfully complete the requirements before they approve another  
183 request.

184  
185 Lunde stated he is in somewhat of a hurry to get the plan approved as he has been advised by his lender  
186 that interest rates are due to go up soon. Lunde states he makes minimal pay and is concerned if the  
187 application is not approved soon, his finances will not allow him to do the project. Kessler advised that he  
188 could table the application and come back next month.

189  
190 Kessler noted at the tour he viewed the deck was unsafe, it was not fastened to anything. Kessler added he  
191 would like to see more of a plan about the proposed foundation. Lunde stated at the tour the Board should  
192 have been able to see the floating blocks that are for the existing structure, they will create nineteen (19)  
193 more for the addition and anchor it down, noting Muff is experienced in this type of construction.

194  
195 Sharp stated Lunde should contact Soil and Water about native planting and have them work with you to  
196 draw up a plan for the June hearing that will ensure the Board the project will be completed. Lunde stated  
197 he can work with Soil and Water and contractor Ron Muff to get the Board the desired information.

198  
199 Lunde tabled the application to gather more information from the contractor on how the foundation and  
200 how the addition will be connected and the implementation of the existing water retention plan.

201  
202 **FIFTH ORDER OF BUSINESS: APLICANT: David P. & Terri Obermiller** 2939 Peterson Pkwy N  
203 Fargo, ND 58102 **Project Location:** 32378 Strawberry Ct Ogema, MN 56569 **LEGAL LAND**  
204 **DESCRIPTION: Tax ID Number:** 32.0041.001; Section 02 Township 141 Range 040; PT LOT 3,BEG  
205 838.5' SE OF NW COR TH SE AL LAKE 100' SW 155.5' NW 119' & NE 132' TO BEG; Sugar Bush  
206 Township **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a  
207 deck to be located at forty (40) feet from the lake, deviating from the required setback of one hundred  
208 (100) feet from a recreational development lake, due to setback issues.

209  
210 Vareberg presented the application.

211  
212 Owner David Obermiller was present virtually. Obermiller explained the request to construct a deck to be  
213 located at forty (40) feet from the lake. Boatman noted the request is ten (10) feet into the SIZ. Vareberg  
214 noted this was an existing structure, it will be a small addition to a deck. Obermiller stated last year a tree  
215 fell onto the deck causing damage, requiring it to be replaced. Obermiller stated the request is no closer to  
216 the lake than the existing structure, it is a minimal request, two (2) feet wider and four (4) feet back.  
217 Obermiller stated the current deck is very small 12'x12' and the new request will be 14'x16'. Obermiller  
218 stated the request is in line with the neighbors, the neighbor to the right is no closer than this deck and to  
219 the left is much closer. Obermiller added this is not a significant increase and will not negatively impact  
220 the lake.

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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 Roger Boatman opened the matter for discussion by the Board.

Kessler stated we do not allow buildings in the shore impact zone, but in this case, it is just a few feet that will be even with the existing deck. It is a reasonable request and not egregious in any way. King agreed.

Sharp stated he was in favor as it does not alter the character of the locality, it is a reasonable request, and it does not increase the impervious surface.

Hall stated it is basically replacing the existing structure.

Boatman noted it is in the SIZ. Knopf replied the existing structure is already in the SIZ.

**Motion:** Sharp made a motion to **approve** a variance to construct a deck to be located at forty (40) feet from the lake, deviating from the required setback of one hundred (100) feet from a recreational development lake, due to setback issues, due to the fact it is a reasonable request, it will not increase the impervious coverage, it is consistent with the purposes and intent of the Becker County Ordinance and Comprehensive Plan, it is no closer to the lake than the existing structure, and it fits within the character of the locality.

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

**SIXTH ORDER OF BUSINESS: APPLICANT: Craig J. & Mary G. Aldrich 721 2<sup>nd</sup> St N Wahpeton, ND 58075 Project Location: 43303 218<sup>th</sup> St Osage, MN 56570 LEGAL LAND DESCRIPTION: Tax ID Number: 33.0354.000; Section 04 Township 139 Range 038; 3RD ADD TO PINES; LOTS 15 & 16; Toad Lake Township; APPLICATION AND DESCRIPTION OF PROJECT: Request a variance to construct an addition to an existing non-conforming dwelling to be at thirty-six (36) feet from the OHW of a lake, deviating from the required setback of one hundred (100) feet from a recreational development lake and to be located at thirty-five (35) feet from the centerline of a township easement road, deviating from the required setback of fifty-three (53) feet from the centerline of a township easement road, due to topography and setback issues.**

Vareberg presented the application.

Owners Craig J. & Mary G. Aldrich were present in person. Aldrich explained the request to construct an addition to an existing non-conforming dwelling to be at thirty-six (36) feet from the OHW of a lake and to be located at thirty-five (35) feet from the centerline of a township easement road. Aldrich explained they want to make the cabin a year-round residence they can use for retirement and the current structure is too small for that. Aldrich stated the property itself will control the storm water with rain gardens and a french drain between the cabin and the lake. Aldrich stated that they did riprap the shoreline 4-5 years ago which has since pushed up some and has created a natural berm on the lot.

265 Boatman asked how far away from the OHW will they be. Aldrich stated the addition is not as wide as the  
266 cabin and it will not be as close to the road or lake as the existing structure. Sharp asked where the stairs  
267 will be. Aldrich replied the stairs will be on the westside.

268

269 Boatman noted he appreciated the stormwater plan presented.

270

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

274

275 Kessler stated the request is in the SIZ but so is the existing cabin, stating he thinks the request is realistic.

276

277 Hall stated it is not ideal, there is an existing building there and the requested addition location is the best  
278 placement for it on the lot, going no closer to the road or lake than the existing dwelling.

279

280 Sharp added the neighbors are at the same location, it is consistent with the neighborhood.

281

282 **Motion:** Hall made a motion to **approve** a variance to construct an addition to an existing non-conforming  
283 dwelling to be at thirty-six (36) feet from the OHW of a lake, deviating from the required setback of one  
284 hundred (100) feet from a recreational development lake and to be located at thirty-five (35) feet from the  
285 centerline of a township easement road, deviating from the required setback of fifty-three (53) feet from  
286 the centerline of a township easement road, due to topography and setback issues, due to the fact it is a  
287 reasonable request, it is the in the best placement on the lot, it is no closer to the road or the lake than the  
288 existing structure, it is consistent with the purposes and intent of the Becker County Ordinance and  
289 Comprehensive Plan, and it fits within the character of the locality, with a stipulation to control stormwater  
290 with a water retention plan (french drain).

291

292 **Kessler second.** All in favor. **Motion carried.** Variance **approved.**

293

294 **SEVENTH ORDER OF BUSINESS: APPLICANT: BCANS Enterprises LLC 29783 387<sup>th</sup> St**

295 Waubun, MN 56589 **Project Location:** 38622 Cedar Crest Cir Waubun, MN 56589 **LEGAL LAND**

296 **DESCRIPTION: Tax ID Number:** 20.0233.000; Maple Grove Township; Section 08 Township 142

297 Range 040; 8-142-40 GOVT LOT 2 LESS 4.61 AC FOR NEMEC BCH, NEMEC 1ST ADDN; TRACTS

298 SOLD, LESS 3.17 AC FOR 20-0233-001, -002, -003. **APPLICATION AND DESCRIPTION OF**

299 **PROJECT:** Request a variance to construct a deck addition to an existing non-conforming structure to be  
300 located at forty-one (41) feet from the OHW of a lake, deviating from the required setback of one hundred  
301 (100) feet from a recreational development lake, due to setback issues.

302

303 Vareberg presented the application.

304

305 Owner Brian Schenck was present. Schenck explained the request to construct a deck addition to an existing  
306 non-conforming structure to be located at forty-one (41) feet from the OHW of a lake. Schenck stated the  
307 lower deck is needed for additional seating for the restaurant. Everyone wants to sit outside in the summer  
308 months, and summer is our busy season so it will help to alleviate longer wait times.

309  
310 Hall asked if they are removing the sixty (60) square feet of concrete. Schenck replied they will be removing  
311 it.

312  
313 No one spoke for or against the application. There was no written correspondence for or against the  
314 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for  
315 discussion by the Board.

316  
317 Kessler stated there is an existing concrete driveway in front of this deck.

318  
319 Sharp stated this is a very reasonable request, it is decreasing impervious coverage. Sharp added homes in  
320 this area are much closer than this so it will not alter the character of the locality.

321  
322 **Motion:** Hall made a motion to **approve** a variance to construct a deck addition to an existing non-  
323 conforming structure to be located at forty-one (41) feet from the OHW of a lake, deviating from the  
324 required setback of one hundred (100) feet from a recreational development lake, due to setback issues, due  
325 to the fact it is a reasonable request, impervious coverage will be decreased, and it fits within the character  
326 of the locality, with the stipulation the sixty (60) square feet of concrete will be removed.

327  
328 **Sharp second.** All in favor. **Motion carried.** Variance **approved.**

329  
330 **EIGHTH ORDER OF BUSINESS: APPLICANT: Jamie & Rena Stenseth** 709 Wyndemere Dr West  
331 Fargo, ND 58078 **Project Location:** 21737 Co Hwy 32 Rochert, MN 56578 **LEGAL LAND**  
332 **DESCRIPTION: Tax ID Number:** 10.0034.001; Section 03 Township 139 Range 040; 3-139-40 PT  
333 GOVT LOT 1: BEG SW COR LOT 1 BLK 1 STROBEL SHRS, W 78.49' TO CTR CSAH 32, S AL  
334 CTR HWY 145.86', ELY 265.05' TO COTTON LK, N AL LK 99.94', W 261.13' TO POB.; Erie  
335 Township **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a  
336 porch to be located at fifty (50) feet from the lake, deviating from the required setback of one hundred  
337 (100) feet from a recreational development lake, due to setback issues.

338  
339 Vareberg presented the application.

340  
341 Owner Jamie & Rena Stenseth were present. Stenseth explained the request to construct a porch to be  
342 located at fifty (50) feet from the lake, deviating from the required setback of one hundred (100) feet from  
343 a recreational development lake, due to setback issues. Stenseth explained they have a previous variance  
344 for the project but were made aware they need to get it modified. Stenseth stated the previous variance  
345 was approved for a patio, however they would like to add a roof line to a portion of the patio to which  
346 they were informed changes the structure to an open porch. Stenseth stated the patio will be 14'x40' and  
347 the porch/roof will be 14'x18', which will cover the pit boss and grills. Stenseth noted the structure  
348 change will not increase the impervious area and there will not be any walls on the structure. Stenseth  
349 noted they have exceeded their required mitigation/stormwater management requirements, adding the  
350 roofline will increase their stormwater plan even more as they will control the water on both ends of the  
351 new roofline as well.

352

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

356  
357 Sharp noted that they are not increasing the lot coverage, and it is low, only 16.38%

358  
359 Boatman noted there is a berm there as well.

360  
361 Kessler stated it is already mitigated and this is the same thing we approved last year but with a small roof  
362 over it.

363  
364 **Motion:** Kessler made a motion to **approve** a variance to construct a porch to be located at fifty (50) feet  
365 from the lake, deviating from the required setback of one hundred (100) feet from a recreational  
366 development lake, due to setback issues, due to the fact it is a reasonable request, and the lot has low  
367 impervious coverage that will not be increasing.

368  
369 **Knopf second.** All in favor. **Motion carried.** Variance **approved.**

370  
371 **NINTH ORDER OF BUSINESS: APPLICANT: Kathryn A. Fiandaca & Dan Fiandaca 5526 28<sup>th</sup>**  
372 **Ave N Moorhead, MN 56560 Project Location: 21237 Co Hwy 32 Rochert, MN 56578 LEGAL LAND**  
373 **DESCRIPTION: Tax ID Number: 10.0573.000; Section 03 Township 139 Range 040; ALJOE**  
374 **BEACH 139 40 LOTS 22 & 23; Erie Township APPLICATION AND DESCRIPTION OF**  
375 **PROJECT:** Requesting a variance to construct a deck to be at fifteen (15) feet and a dwelling to be at  
376 twenty-seven (27) feet from the OHW of a lake, deviating from the required setback of one hundred (100)  
377 feet from a recreational development lake. Also requesting a variance to construct a dwelling to be  
378 located at seventy (70) feet and a deck to be located at ninety (90) feet from the centerline of a county  
379 road, deviating from the required setback of ninety-five (95) feet from a county road centerline, all due to  
380 setback issues and lot size.

381  
382 Vareberg presented the application.

383  
384 Owners Kathryn and Dan Fiandaca were present along with Authorized Agent, Randy Thune. Thune  
385 explained the request to construct a deck to be located at fifteen (15) feet and a dwelling to be at twenty-  
386 seven (27) feet from the OHW of a lake and to construct a dwelling to be located at seventy (70) feet and a  
387 deck to be located at ninety (90) feet from the centerline of a county road. Thune explained they considered  
388 a remodel job on this project, but it was discovered the foundation and drainage are poor. Thune stated there  
389 had been three additions on to the existing structure in the past. Thune stated to help with drainage and the  
390 crumbling retaining wall the plan is to move the back corner of the house back five (5) feet to where the  
391 existing retaining wall is and make it a straight line. Fiandaca added half of the house already sits there  
392 now, they just want to move the rest back into the bank. Thune stated they have a meeting tomorrow with  
393 BHH and do not want to put 5k down on house plans if the variance is not approved.

394  
395 Hall asked how will they tear down and removed the existing house without effecting the lake. Thune  
396 replied they have hired a professional excavator, Grant Graham, who will use a silt fence. Thune noted

397 Graham will also be installing the new sewer. Hall asked where the new septic will go. Thune replied in  
398 the same location. Thune noted this property has been in Kathryn's family for fifty-six (56) years.

399  
400 Boatman stated this is a unique lot.

401  
402 Thune noted Tony with BHH is helping with a mitigation design. Thune added they can berm the water  
403 otherwise we will never get grass to grow there.

404  
405 Fiandaca stated this request is in character with the locality.

406  
407 Hall noted you can see there has been fill brought into the lake in this area. Hall stated this request is very  
408 close to the lake, you will be able to spit off your deck into the lake. Thune replied they are asking to move  
409 it back five (5) feet, that is an improvement.

410  
411 Sharp stated this is not an ideal request, but it is not increasing impervious coverage, but if we approve the  
412 request, it is getting moved back five (5) feet and we can stipulate mitigation which will be an improvement.

413  
414 No one spoke for or against the application. There was no written correspondence for or against the  
415 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for discussion  
416 by the Board.

417  
418 **Motion:** Kessler made a motion to **approve** a variance as presented, to construct a deck to be located at  
419 fifteen (15) feet and a dwelling to be located at twenty-seven (27) feet from the OHW of a lake, deviating  
420 from the required setback of one hundred (100) feet from a recreational development lake. Also **approve**  
421 a variance to construct a dwelling to be located at seventy (70) feet and a deck to be located at ninety (90)  
422 feet from the centerline of a county road, deviating from the required setback of ninety-five (95) feet from  
423 a county road centerline, all due to setback issues and lot size, due to the fact it is a reasonable request, the  
424 plight of the landowner is due to circumstances unique to the property not created by the landowner, and  
425 the structure is getting moved back five (5) feet from the lake, with the stipulation a water retention plan  
426 is put into place.

427  
428 **King second.** All in favor. **Motion carried.** Variance **approved.**

429  
430 **TENTH ORDER OF BUSINESS: APPLICANT: Lund Novak RT For the Shed 37748 Tulaby Lake**  
431 **Dr Waubun, MN 56589 Project Location: 37748 Tulaby Lake Dr Waubun, MN 56589 LEGAL LAND**  
432 **DESCRIPTION: Tax ID Number: 09.0037.000; Section 03 Township 142 Range 039; COMM S COR**  
433 **LOT 4, ADA SHRS, N 295.06' TO POB; SWLY 33.45' TO RD, NWLY 162.91', NELY 164.23' AL**  
434 **CREEK, SELY 184.73' AL LK, SWLY 132.88' TO POB.; Eagle View Township APPLICATION AND**  
435 **DESCRIPTION OF PROJECT: Request a variance to construct a deck onto a non-conforming**  
436 **structure to be located at seventy-three (73) feet from the OHW of the lake, deviating from the required**  
437 **setback of one hundred (100) feet from a recreational development lake, due to setback issues.**

438  
439 Vareberg presented the application.

440

441 Owner Joel Lund was present. Lund explained the request to construct a deck onto a non-conforming  
442 structure to be located at seventy-three (73) feet from the OHW of the lake. Lund stated the plan is to make  
443 this property their year-round retirement home. Lunde stated the request is basically a rebuild in the  
444 footprint but they are adding two (2) feet to make it more functional for visiting family and his wife who  
445 has arthritis. Lund noted they will add gutters to help with stormwater management.

446  
447 Hall noted when the Board toured the property with the contractor, they measured the setback to be sixty-  
448 two (62) feet from the OHW not seventy-three (73) feet.

449  
450 Vareberg presented two (2) letters in favor of the project.

451  
452 A letter in favor of the request was presented to the Board from Ross Pfund, owner of parcel 09.0465.000,  
453 37778 Tulaby Lake Dr Waubun, MN 56589.

454 We would like to express our support on granting the deck variance for this project. The  
455 remodel is a great addition to the neighborhood.  
456 Ross Pfund  
457 37778 Tulaby Lake Drive  
458 PO Box 109, Ada

459  
460 A letter in favor of the request was presented to the Board from Ray Thorkildson, owner of parcel  
461 09.0042.000, 37635 Tulaby Lake Dr Waubun, MN 56589.

462  
463 My name is Ray Thorkildson. I recommend approval of this application.

- 464
- 465 • No change in footprint
  - 466 • No change in impervious surface
  - 467 • The original drawing of the project actually showed 6' wide deck.

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

471  
472 Knopf stated he saw no issues with the project, the deck is up in the air and not increasing the impervious  
473 coverage.

474  
475 **Motion:** Knopf made a motion to **approve** a variance as modified, to construct a deck onto a non-  
476 conforming structure to be located at sixty-two (62) feet, revised from the proposed seventy-three (73) feet,  
477 from the OHW of the lake, deviating from the required setback of one hundred (100) feet from a recreational  
478 development lake, due to setback issues, due to the fact it is a reasonable request and is consistent with the  
479 purposes and intent of the Becker County Ordinance and Comprehensive Plan, with the stipulation to  
480 control stormwater management as proposed.

481  
482 **Sharp second.** All in favor. **Motion carried.** Variance **approved.**

483

484 **ELEVENTH ORDER OF BUSINESS: APPLICANT: Richard W & Cindy Hulswit** 3701 Norman  
485 Ct S Fargo, ND 58104 **Project Location:** 35267 325<sup>th</sup> Ave Ogema, MN 56569 **LEGAL LAND**  
486 **DESCRIPTION: Tax ID Number:** 20.0402.000; Section 26 Township 142 Range 040; PT LOT 6 BEG  
487 226.9' W & 218' NW OF INTER S LN LOT 6 & LK TH NW 75' SE 98' S AL LK 75' & NW 110' TO  
488 BEG; Maple Grove Township **APPLICATION AND DESCRIPTION OF PROJECT:** Request a  
489 variance to construct a patio onto an existing non-conforming dwelling to be located at eighty (80) feet  
490 and a deck to be located at thirty-five (35) feet from the lake, deviating from the required setback of one  
491 hundred (100) feet from a recreational development lake. Also requesting for the patio to be located at  
492 zero (0) feet to the dedicated public road right of way, deviating from the required setback of twenty (20)  
493 feet from the ROW of a dedicated public road, with mitigation to include gutters to downspouts to water  
494 retention areas, due to setback issues.

495  
496 Vareberg presented the application.

497  
498 Owners Richard & Cindy Hulswit were present. Hulswit explained the request to construct a patio onto an  
499 existing non-conforming dwelling to be located at eighty (80) feet and a deck to be located at thirty-five  
500 (35) feet from the lake, and for the patio to be located at zero (0) feet to the dedicated public road right of  
501 way. Hulswit stated currently they only have a four (4) foot landing and would like to have a deck on the  
502 lakeside for a small table and four (4) chairs. Hulswit noted the structure would be a deck which is pervious  
503 and would not increase the lot coverage. Hulswit stated they would also like to add a small paver patio on  
504 the roadside of the lot. Hulswit noted it would be close to the ROW however the road ends two (2) houses  
505 down and the neighbors are his mother-in-law and sister-in-law who are in favor of the project. Hulswit  
506 added they will control storm water on the lot by adding gutters to the cabin and run them into a french  
507 drain.

508  
509 Hall asked if this is even a road or an easement. Vareberg replied the township does not maintain it.  
510 Boatman expressed concern for the closeness to the road stating approving a variance so close to the ROW  
511 is a bad precedent to set. Boatman stated this will be an issue with a plow in the winter. Hulswit replied the  
512 patio will just be pavers not concrete and its not really a structure, it will not be elevated like a deck. Knopf  
513 asked how far the neighbor's fence is from the ROW, noting there are other obstacles a plow would  
514 experience before they would reach the patio. Boatman replied just because there are other structures too  
515 close does not mean it is right or that we should add more. Kessler asked what is beyond the two (2) family  
516 members lots. Hulswit replied it is a filter system for Strawberry Lake. Boatman asked what is the SIZ on  
517 this lake. Vareberg replied fifty (50) feet. Boatman noted this request would be in the SIZ. Vareberg added  
518 it is difficult to determine what the road setback is on this road, the survey here from 1962 states it is  
519 unknown and describes it as a thirty-three (33) foot wide public easement. Vareberg noted it could possibly  
520 be just a ten (10) foot side property line setback.

521  
522 Hulswit noted his family member at the end of the road lives there year-round and maintains the road in the  
523 winter.

524 Boatman stated there are two (2) issues here the SIZ and the ROW.

525

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

529  
530 Kessler stated every property is unique and I do not like having a patio zero (0) feet from the ROW and a  
531 building in the SIZ, however this is a very minimal request. If the relatives sell their houses, then it is  
532 buyer beware if they must plow their own road. Kessler added this is just like every other property out  
533 there, the county platted legal lots and people should be able to build on them.

534  
535 Hall stated as much as the Board does not like development in the SIZ, an pervious deck is not much  
536 impact. Hall noted he is concerned about the patio on the ROW, hitting a concrete patio is a liability but if  
537 someone hits the pavers then you will just have to deal with it. If it were concrete, I would be opposed to  
538 this.

539  
540 **Motion:** Kessler made a motion to **approve** a variance as presented, to construct a patio onto an existing  
541 non-conforming dwelling to be located at eighty (80) feet and a deck to be located at thirty-five (35) feet  
542 from the lake, deviating from the required setback of one hundred (100) feet from a recreational  
543 development lake. Also approve a variance for the patio to be located at zero (0) feet to the dedicated  
544 public road right of way, deviating from the required setback of twenty (20) feet from the ROW of a  
545 dedicated public road, due to the fact it is a minimal request, and it fits within the character of the locality,  
546 with the stipulation to install gutters to downspouts to water retention areas, due to setback issues.

547  
548 **Hall second.** All in favor. **Motion carried.** Variance **approved.**

549  
550 **TWELFTH ORDER OF BUSINESS: APPLICANT: Robert & Sheila Bodell Hoerner 227 S**  
551 **Montana St Warren MN 56762 Project Location: 15534 E Munson Dr Detroit Lakes, MN 56501**  
552 **LEGAL LAND DESCRIPTION: Tax ID Number: 19.1134.000; Section 05 Township 138 Range**  
553 **041; R S DUTTON'S SUB DIV LOTS 5 & 6; Lake View Township APPLICATION AND**  
554 **DESCRIPTION OF PROJECT:** Request a variance to construct a deck onto an existing non-  
555 conforming structure to be located at eighty-one (81) feet from the lake, deviating from the required  
556 setback of one hundred (100) feet from a recreational development lake, due to setback issues. Don stated  
557 the house is closer to the lake than the deck and it is not an obstruction anyone's views.

558  
559 Vareberg presented the application.

560  
561 Owner Sheila Bodell Hoerner was present virtually. Hoerner explained the request to construct a deck onto  
562 an existing non-conforming structure to be located at eighty-one (81) feet from the lake. Horner explained  
563 her husband had a stroke and enjoys sitting on the deck. They would like to slightly increase the size of  
564 their deck to make it more wheelchair compatible. Hoerner's contractor Don was also present. Don stated  
565 they would like to tear down the existing deck and replace in the same footprint, which is allowed by the  
566 ordinance, and fill in a small jog (4'x9') with new decking.

567  
568

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

572

573 Boatman stated this is a minimal request.

574

575 **Motion:** Sharp made a motion to **approve** a variance as presented, to construct a deck onto an existing  
576 non-conforming structure to be located at eighty-one (81) feet from the lake, deviating from the required  
577 setback of one hundred (100) feet from a recreational development lake, due to setback issues, due to the  
578 fact it is a reasonable and minimal request, it is consistent with the purposes and intent of the Becker  
579 County Ordinance and Comprehensive Plan, it will not increase the impervious surface, and it fits within  
580 the character of the locality.

581

582 **Knopf second.** All in favor. **Motion carried.** Variance **approved.**

583

584 **THIRTEENTH ORDER OF BUSINESS: APPLICANT: Keith H. & Mary L. Leikas** 4150 40<sup>th</sup> Ave  
585 S #221 Fargo, ND 58104 **Project Location:** S Melissa Dr Detroit Lakes, MN 56501 **LEGAL LAND**  
586 **DESCRIPTION: Tax ID Number: 19.0585.000;** Section 30 Township 138 Range 041; LOT 4 LESS  
587 .43 AC & LESS 2 1/2 AC & LAKE VIEW BCH & ANDERSONS 1ST ADD & REARRANGMENT;  
588 Lake View Township **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to  
589 construct a shed to be at one (1) foot from a dedicated township ROW, deviating from the required  
590 setback of twenty (20) feet from a dedicated township ROW for a detached structure. Also requesting to  
591 construct a shed to be located at eight (8) feet from the rear property line, deviating from the required  
592 setback of twenty (20) feet from the rear property line for a detached structure, due to topography and  
593 setback issues.

594

595 Vareberg presented the application.

596

597 Owners Keith & Mary Leikas were present along with their contractor Christian Ehrnst, from Timberland  
598 Contracting. Leikas explained the request to construct a shed to be at one (1) foot from a dedicated township  
599 ROW and eight (8) feet from the rear property line on a lot that has setback and topography issues. Leikas  
600 stated this is the only flat area, there is a bluff on both sides, we would like to tuck the shed in the area that  
601 was excavated back in the 1960's when the road was put in. Leikas stated this location is preferred, if a car  
602 veered off the road, they would hit the bluff before they hit the shed. Leikas stated they presented their  
603 request to the Tech Panel in January or February and found if they wanted to place a larger structure here  
604 it would require many more requirements to excavate the site, so we drastically scaled back on the project  
605 size.

606

607 Hall stated you can see how much the hill is sliding behind it. Leikas replied I do not know for sure when  
608 the original excavation was done in the 1960's, however no additional sliding has occurred in the last forty  
609 (40) years. Hall replied this hill is unstable, all the water will go down there, it is opening liability up to the  
610 township. Ehrnst replied they did have the township out to the site and the individual that does snow  
611 removal, and they submitted a letter that they were in favor of the request. Knopf stated the request is one  
612 (1) off the ROW but not the road edge, there is more room there. Knopf also noted there are established

613 root systems and trees on the bluff that indicate it is secure. Ehrnst stated they would not be removing  
614 material where the shed is placed, we would be adding some back to help control the water. Ehrnst stated  
615 there would be no foundation, the shed would be on skids, not rooted to the ground. The shed would help  
616 shelter that area and keep erosion from the roadway.

617  
618 Leikas stated before they purchased that lot back in 2018 they called the Becker County Planning and  
619 Zoning office and asked what could be built on the lot. Leikas stated they were told that it is a buildable lot  
620 of record and that I could have some purposeful use for it. Hall asked how far north the lot goes, as you go  
621 northwest it angles and there appears to be a better buildable area. Leikas replied they do not own that area;  
622 the lot is only 7,000 sq ft. Ehrnst stated any other project requires massive excavation and we would like to  
623 alter the lot as little as possible. Sharp asked if they could increase the setback at all. Ehrnst replied yes,  
624 however any further back requires excavation which would cause large constraints, working with the  
625 watershed and getting an engineered plan. Ehrnst stated this is a very minimal request. Ehrnst added it is  
626 two (2) feet off the ROW but twenty (20) feet off the road edge. Boatman asked what the shed size was.  
627 Ehrnst replied 10'x14'.

628  
629 A letter in favor of the request was presented to the Board from the Lake View Township Board:

630  
631 **Board of Adjustment**  
632 **Regarding Keith and Mary Leikas**  
633 **South Melissa Drive Detroit Lakes, MN**

634  
635 **The Lakeview town board on 5/10/21 considered the request for two setback variances**  
636 **for future safety and maintenance of our road and voted on the motion 2 to 1 to in favor**  
637 **of the request.**

638  
639 **Bill Jordan**  
640 **Supervisor 218-234-9158**  
641 **Jordan@tekstar.com**

642  
643 Sharp stated this is a unique lot with topographic constraints. Sharp stated this is a reasonable request, to  
644 excavate elsewhere and remove vegetation would not be good for the area. Hall stated concerns about the  
645 hill sliding, snow removal, and water coming off the shed. Boatman stated this is a hazard waiting to happen,  
646 there is no way to justify being that close to the road. Knopf stated Lake View Township does the snow  
647 removal and they are in favor of the project and the owner contacted the County before purchasing the lot  
648 to see if it was buildable. Boatman stated this request is not reasonable. Sharp stated the township was in  
649 favor and they are the road authority. Boatman replied this is not a township issue. Leikas asked what could  
650 be built there. Boatman replied that is not up to us to tell you, but I do not feel that this is a good one. Sharp  
651 stated he did not like it but the township was in favor. Knopf stated there is nothing on this side of the road  
652 that is similar, however on the other side of the road there are structures just a close or closer and they do  
653 snow removal around them. King asked if they could fill the area in and build on top. Ehrnst replied the  
654 slope is drastic enough it would be difficult. Ehrnst agreed with Knopf that there are houses on the other  
655 side of the road that are six (6) feet off the road edge, we are asking for twenty (20) feet off the road edge.  
656 No one spoke for or against the application. There was no written correspondence against the application.

657 At this time, testimony was closed. Chairman Roger Boatman opened the matter for discussion by the  
658 Board.

659  
660 **Motion:** Kessler made a motion to **deny** a variance as presented, to construct a shed to be at one (1) foot  
661 from a dedicated township ROW, deviating from the required setback of twenty (20) feet from a  
662 dedicated township ROW for a detached structure. Also, to deny a request to construct a shed to be  
663 located at eight (8) feet from the rear property line, deviating from the required setback of twenty (20)  
664 feet from the rear property line for a detached structure, due to the fact the hill is sliding and it is too close  
665 to the road.

666  
667 **Hall second.** Kessler, Hall, and Boatman in favor. Sharp, King, and Knopf opposed. **Motion to deny**  
668 **failed.**

669  
670 King asked if they could install a retaining wall. Hall stated if they could retain the earth to prevent it sliding,  
671 he would be in favor of the request. Hall noted he thinks they should be able to use their property, but this  
672 is sliding, and all the water is going to go into the building and the snow is going to hit it. Ehrnst stated the  
673 water will go under it, it will be on skids. Ehrnst asked what if they do a stone retaining wall with some  
674 boulders. Vareberg advised they would need a CUP (conditional use permit) to push it back. Hall stated if  
675 that hill were to wash out and push dirt down and push the shed out into the road would the County have  
676 liability here and would the township be allowed to remove it if it were to be moved into the ROW. Hall  
677 stated this is a liability issue, these things could happen. Vareberg replied the owners wanted a much larger  
678 building initially, we worked with them to try and get something reasonable, the cost to disturb the bluff  
679 would be asinine and they would be better off purchasing land elsewhere. Boatman said he was concerned  
680 with County liability. Kessler stated the township board was in favor of the project so if the building slides  
681 into the road and someone hits it who is liable. Vareberg stated there are structures in the ROW now in the  
682 County. Boatman stated that is why laws are in place. Vareberg stated there are issues on this lot, but it is  
683 a taxable lot, what can we let them do. Hall stated the shed needs a permanent barrier. King stated if there  
684 is a retaining wall to hold it back there would be no issue. Ehrnst stated they could anchor the structure to  
685 the back if there are movement concerns, the walls would be ripped off before it moved. Ehrnst stated it  
686 would take a complete collapse of that wall to move it if they anchor it, but we want to keep it on skids,  
687 because of the water issue.

688  
689 **Kessler rescinded his motion to deny. Hall rescinded his second to deny.**

690  
691 **Motion:** Kessler made a motion to **approve** a variance as presented, to construct a shed to be at one (1)  
692 foot from a dedicated township ROW, deviating from the required setback of twenty (20) feet from a  
693 dedicated township ROW for a detached structure. Also approving a variance to construct a shed to be  
694 located at eight (8) feet from the rear property line, deviating from the required setback of twenty (20)  
695 feet from the rear property line for a detached structure, due to lot size, topography, and setback issues,  
696 with the stipulation the shed be on skids and anchored at the back.

697  
698 **Hall second.** All in favor. **Motion carried.** Variance **approved.**

699

700 **FORTEENTH ORDER OF BUSINESS: APPLICANT: Nathan J. & Stacy Schwendeman** 50338  
701 Good Oak Tr Frazee, MN 56544 **Project Location:** 10375 Eagle Lake Rd Frazee, MN 56544 **LEGAL**  
702 **LAND DESCRIPTION: Tax ID Number: 03.0454.103;** Section 32 Township 138 Range 040;  
703 **CONRAD'S EAGLE SHORES** Block 001; LOT 3 **APPLICATION AND DESCRIPTION OF**  
704 **PROJECT:** Request a variance to construct a shed to be located at sixty-seven (67) feet from the lake,  
705 deviating from the required setback of one hundred (100) feet from a recreational development lake, due  
706 to setback issues.

707  
708 Vareberg presented the application.

709  
710 Owners Nathan & Stacy Schwendeman were present virtually. Schwendeman explained the request to  
711 construct a shed to be located at sixty-seven (67) feet from the lake. Schwendeman stated they have a very  
712 old shed that is unstable, unsightly, and whose roof leaks. Schwendeman stated they would like to remove  
713 the existing 10'x12' shed and replace it with a 10'x16' shed, for a forty (40) square foot total increase.  
714 Schwendeman stated it will be no closer to the lake than the existing shed.

715  
716 No one spoke for or against the application. There was no written correspondence for or against the  
717 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for discussion  
718 by the Board.

719  
720 **Motion:** Hall made a motion to **approve** a variance as presented, to construct a shed to be located at  
721 sixty-seven (67) feet from the lake, deviating from the required setback of one hundred (100) feet from a  
722 recreational development lake, due to setback issues, due to the fact it fits within the character of the  
723 locality and the lot, and replacing an existing building is consistent with the purposes and intent of the  
724 Becker County Ordinance and Comprehensive Plan.

725  
726 **King second.** All in favor. **Motion carried.** Variance **approved.**

727  
728 **FIFTEENTH ORDER OF BUSINESS: APPLICANT Jackpine Intl LLC** 6001 W Parmer Ln Suite  
729 370512 Austin, TX 78727 **Project Location:** 30614 Cone Cove Dr. Park Rapids, MN 56470 **LEGAL**  
730 **LAND DESCRIPTION: Tax ID Number: 34.0180.000;** Section 23 Township 141 Range 036.; **CONE**  
731 **COVE SHORES FIRST ADDN** Block 001; LOT 2.; Two Inlets Township **APPLICATION AND**  
732 **DESCRIPTION OF PROJECT:** Request a variance to construct a screen porch to be located at fifty-  
733 seven (57) feet from a tributary and eighty (80) feet from the lake, deviating from the required setbacks of  
734 hundred (100) feet from a tributary and a recreational development lake, due to setback issues.

735  
736 Vareberg presented the application.

737  
738 Owner Curt Nelson was present virtually. Nelson explained the request to construct a screen porch to be  
739 located at fifty-seven (57) feet from a tributary and eighty (80) feet from the lake. Nelson explained they  
740 would like to screen in a portion of an existing paver patio underneath an existing deck. Hall noted they are  
741 just putting screen around existing deck posts and install a door on the lake side.

742

743 Kessler stated the request is reasonable, will have no walls, it is an existing patio, and is no closer to the  
744 lake than what is existing.

745  
746 A letter in favor of the request was presented to the Board from Tom Ellingson, owner of parcel  
747 34.0183.000, 30688 Cone Cove Ln Park Rapids, MN 56470.

748  
749 We are the neighbor at 30688. We would vote to approve the above variance.  
750 Thank you,  
751 Tom Ellingson

752  
753 A letter in favor of the request was presented to the Board from Jennifer and Jeffrey McGill, owner of  
754 parcel 34.0184.000, 30690 Cone Cove Lane Park Rapids, MN 56470.

755  
756 We are one of the close neighbors to this property (at 30690 Cone Cove Drive, PR, MN 56470)  
757 and do not have any concerns or questions related to the variance request. We would approve.

758  
759 Kind Regards,

760  
761 Jennifer and Jeffrey McGill  
762 612-802-4502

763  
764 No one spoke for or against the application. There was no written correspondence against the application.  
765 At this time, testimony was closed. Chairman Roger Boatman opened the matter for discussion by the  
766 Board.

767  
768 **Motion:** Kessler made a motion to **approve** a variance as presented, to construct a screen porch to be  
769 located at fifty-seven (57) feet from a tributary and eighty (80) feet from the lake, deviating from the  
770 required setbacks of hundred (100) feet from a tributary and a recreational development lake, due to  
771 setback issues, due to the fact it is a reasonable request, the request is no closer to the lake than the  
772 existing structure, and it is consistent with the purposes and intent of the Becker County Ordinance and  
773 Comprehensive Plan.

774  
775 **Knopf second.** All in favor. **Motion carried.** Variance **approved.**

776  
777 **SIXTEENTH ORDER OF BUSINESS: APPLICANT: Linda M. Lee & Michael L. Sand** 200 4<sup>th</sup>  
778 Ave N #409 Fargo, ND 58102 **Project Location:** 13134 Red Elm Ridge Audubon, MN 56511 **LEGAL**  
779 **LAND DESCRIPTION: Tax ID Number:** 17.0197.003; Section 18 Township 138 Range 042; 18-138-  
780 42 PT GOVT LOT 6: BEG SE COR LOT 11 BLK 1 RED ELM RIDGE, N AL N ROW RD 1130.89' TO  
781 BIG CORM LK, SWLY AL LK 1223.77', S 176' TO POB. PARCEL B.; Lake Eunice Township  
782 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a deck to be  
783 located at fifty-five (55) feet and a dwelling to be located at sixty-five (65) feet from a lake, deviating  
784 from the required setback of hundred (100) feet from a recreational development lake. Also requesting a  
785 variance to construct a dwelling to be located at one hundred (100) feet from a lake, deviating from the  
786 required setback of one hundred fifty (150) feet from a natural environment lake. Also requesting to

787 construct a dwelling to be located at seventeen (17) feet from the ROW, deviating from the required  
788 setback of twenty (20) feet on a riparian lot on a dedicated public road, due to setback issues and lot size.

789  
790 Vareberg presented the application.

791  
792 Owners Linda Lee & Michael Sand were present. Sand explained the request to construct a deck to be  
793 located at fifty-five (55) feet and a dwelling to be located at sixty-five (65) feet from a lake and construct a  
794 dwelling to be located at one hundred (100) feet from a lake, and seventeen (17) feet from the ROW. Sand  
795 explained this is a very long and narrow lot, when they purchased it was surveyed and the buildable area  
796 was designated on the western side of the lot, however the road was not put where it was platted and instead  
797 runs through the buildable area. The road encroaches on the property line. Sand stated there is also an issue  
798 having to meet the setbacks from two (2) lakes, Arrow, a NE lake with a one hundred and fifty (150) foot  
799 setback and Big Cormorant, a RD lake, with a one hundred (100) foot setback. Sand stated they decided on  
800 a modest dynamic modular home to fit in the space. Sand described the proposed water retention plan to  
801 have gutters, to downspouts, to french drains. Sand stated they have modified from their original request to  
802 move further back from the lake, if we were to build there, we would have to add a lot of fill because it is  
803 on the hill.

804  
805 Boatman asked if they will eventually want a garage and asked where they will park. Sand replied they will  
806 have a driveway on the left side if you are looking from the road. Hall noted there is more available land  
807 there. Sand also noted they are working with Contractor Rick Renner to place the septic.

808  
809 No one spoke for or against the application. There was no written correspondence for or against the  
810 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for discussion  
811 by the Board.

812  
813 Hall stated this is a challenging lot, this request is within the realm of reasonable. Boatman stated he was  
814 concerned about the parking situation with such a narrow road where are visitors going to park. Sand  
815 replied the road turns into a cul-de-sac six (6) houses down, there is not a lot of traffic through here.

816  
817 **Motion:** Hall made a motion to **approve** a variance as presented, to construct a deck to be located at fifty-  
818 five (55) feet and a dwelling to be located at sixty-five (65) feet from a lake, deviating from the required  
819 setback of hundred (100) feet from a recreational development lake. Also approved a variance to  
820 construct a dwelling to be located at one hundred (100) feet from a lake, deviating from the required  
821 setback of one hundred fifty (150) feet from a natural environment lake. Also approved a variance to  
822 construct a dwelling to be located at seventeen (17) feet from the ROW, deviating from the required  
823 setback of twenty (20) feet on a riparian lot on a dedicated public road, due to setback issues and lot size,  
824 due to the fact it is a reasonable request and the plight of the landowner is due to circumstances unique to  
825 the property not created by the landowner, with the stipulation there will be no parking on the road.

826  
827 **Sharp second.** All in favor. **Motion carried.** Variance **approved.**

828  
829 **SEVENTEENTH ORDER OF BUSINESS: APPLICANT Craig S Anderson & Claudine G.**  
830 **Anderson** 29231 Sugar Hill Dr Ogema, MN 56570 **Project Location:** 29231 Sugar Hill Dr Ogema, MN

831 56570 **LEGAL LAND DESCRIPTION: Tax ID Number:** 32.0423.000; Section 08 Township 141  
832 Range 040; SUGAR BUSH HGTS 5TH LOTS 6 & 7 AND NLY 48.76' OF LOT 5; Sugar Bush  
833 Township **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a  
834 deck to be located at eighty-four (84) feet from the lake, deviating from the required setback of hundred  
835 (100) feet from a recreational development lake, due to setback issues.

836  
837 Vareberg presented the application.

838  
839 Owner Craig Anderson was present virtually. Anderson explained the request to construct a deck to be  
840 located at eighty-four (84) feet from the lake. Anderson stated they would like to tear down the old  
841 delapidated deck and replace it with a four (4) foot extension. Boatman asked what the size will be.  
842 Anderson replied the existing structure is 10'x45', for a total of four hundred fifty (450) sq ft and the  
843 proposed size will be 14'x45', for a total area of six hundred and thirty (630) sq ft. Hall noted this lot has a  
844 very low impervious coverage.

845  
846 No one spoke for or against the application. There was no written correspondence for or against the  
847 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for discussion  
848 by the Board.

849  
850 Sharp noted that the neighbors are closer.

851  
852 **Motion:** Sharp made a motion to **approve** a variance as presented, to construct a deck to be located at  
853 eighty-four (84) feet from the lake, deviating from the required setback of hundred (100) feet from a  
854 recreational development lake, due to setback issues, due to the fact it is a reasonable request, the lot has  
855 very low impervious coverage, the request is outside of the shore impact zone, it is consistent with the  
856 purposes and intent of the Becker County Ordinance and Comprehensive Plan and it fits within the  
857 character of the locality.

858  
859 **Kessler second.** All in favor. **Motion carried.** Variance **approved.**

860  
861 **EIGHTEENTH ORDER OF BUSINESS: APPLICANT Tamara Spry** 1450 9<sup>th</sup> St N Fargo, ND  
862 58102 **Project Location:** 11314 S Lake Eunice Rd Detroit Lakes, MN 56501 **LEGAL LAND**  
863 **DESCRIPTION: Tax ID Number:** 17.1069.000; Section 26 Township 138 Range 042; SANDY  
864 BEACH PARK; LOT 8; Lake Eunice Township **APPLICATION AND DESCRIPTION OF**  
865 **PROJECT:** Request a variance to construct a porch onto an existing non-conforming dwelling to be  
866 located at fifty-two (52) feet from the lake, deviating from the required setback of seventy-five (75) feet  
867 from a general development lake, due to setback issues.

868  
869 Vareberg presented the application.

870  
871 Doug Spry and his son were present. Spry explained the request to construct a porch addition onto an  
872 existing non-conforming dwelling to be located at fifty-two (52) feet from the lake. Spry stated this lot is a  
873 lot of record and the existing house is with in the shore impact zone which requires us to get a variance  
874 even though the porch is on the roadside of the lot. Spry stated they are working on re-roofing the entire

875 structure so this would be the best time to address the porch issue. Spry stated this addition will be an  
876 improvement to the lot and look more aesthetically pleasing. Spry added the property already has a  
877 mitigation plan on file which includes two (2) rain gardens. The porch would tie back into the existing rain  
878 gardens.

879  
880 Boatman stated the property was well marked out on the tour and noticed the existing roof is sagging. Spry  
881 stated what is existing will come off and be replaced with a gable, two (2) posts and beams.

882  
883 No one spoke for or against the application. There was no written correspondence for or against the  
884 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for discussion  
885 by the Board.

886  
887 Kessler and Boatman stated this is a very reasonable request.

888  
889 **Motion:** Hall made a motion to **approve** a variance as presented, to construct a porch onto an existing  
890 non-conforming dwelling to be located at fifty-two (52) feet from the lake, deviating from the required  
891 setback of seventy-five (75) feet from a general development lake, due to setback issues, due to the fact it  
892 is a reasonable request and although the dwelling it is in the SIZ this structure is going on the road side  
893 away from the lake, the lot coverage is under impervious requirements, and the request will not negatively  
894 impact the neighbors.

895  
896 **King second.** All in favor. **Motion carried.** Variance **approved.**

897  
898 **NINETEENTH ORDER OF BUSINESS: APPLICANT John & Amy Ommen** 2441 E County Club Dr  
899 S Fargo, ND 58103 **Project Location:** 23302 S Melissa Dr Detroit Lakes, MN 56501 **LEGAL LAND**  
900 **DESCRIPTION: Tax ID Number:** 19.1735.000; Section 31 Township 138 Range 041; SANDY  
901 BEACH 138 41 Block 001; LOTS 5, 6 AND 7; Lake View Township **APPLICATION AND**  
902 **DESCRIPTION OF PROJECT:** Request a variance to construct a screen porch to be located at sixty-  
903 five (65) feet from the lake, deviating from the required setback of seventy-five (75) feet from a general  
904 development lake, due to setback issues.

905  
906 Vareberg presented the application. Vareberg noted this application was like Stenseth above. Due to  
907 Stenseth's request our office received clarification from the County Attorney who concluded the allowable  
908 overhang is 4'6".

909  
910 Owners John Ommen was present virtually along with Authorized Agent Wes Nelson from Dietrich  
911 Construction LLC. Nelson explained the request to construct a screen porch to be located at sixty-five (65)  
912 feet from the lake to create a shaded area on the lakeside and keep the bugs out. Nelson stated they would  
913 like to add a roof and a screened in area over the existing deck. Nelson stated the request is no closer to the  
914 lake than the existing cabin.

915  
916 No one spoke for or against the application. There was no written correspondence for or against the  
917 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for discussion  
918 by the Board.

919  
920 **Motion:** Kessler made a motion to **approve** a variance as presented, to construct a screen porch to be  
921 located at sixty-five (65) feet from the lake, deviating from the required setback of seventy-five (75) feet  
922 from a general development lake, due to setback issues, due to the fact it is a reasonable request, it fits  
923 within the character of the locality and the request is replacing an existing structure.

924  
925 **Knopf second.** All in favor. **Motion carried.** Variance **approved.**

926  
927 **TWENTIETH ORDER OF BUSINESS: APPLICANT Jennifer Ann Ficene** 10035 Oak Shore Dr  
928 Lakeville, MN 55044 **Project Location:** 33571 N Cotton Lake Rd Rochert, MN 56578 **LEGAL LAND**  
929 **DESCRIPTION: Tax ID Number:** 16.0271.000; Section 35 Township 140 Range 040; PT LOT 3 BEG  
930 250' NE OF LOT 1 CALICO BCH TH E 100' S 185.29' TO LAKE W 100' AL LAKE & N 177.68' TO  
931 BEG; Holmesville Township **APPLICATION AND DESCRIPTION OF PROJECT:** Request a  
932 variance to construct a detached garage to be located at two (2) feet from the ROW, deviating from the  
933 required setback of twenty (20) feet from a dedicated public ROW, due to setback issues.

934  
935 Vareberg presented the application.

936  
937 Owner's husband, Darin Ficene, was present. Ficene explained the request to construct a detached garage  
938 to be located at two (2) feet from the ROW. Ficene stated they would like to place the garage off to the  
939 right in the trees without taking out the big natural mound. They would like to place it off to the side in the  
940 natural clearing.

941  
942 Boatman stated two (2) feet off the ROW is very close. Ficene replied the road is not centered in the ROW,  
943 therefore we will still be thirty-five (35) feet from the center of the road. Ficene explained they want to  
944 move it close to the edge, so they don't have to take the berm out.

945  
946 Kessler asked if the entrance will be on the east side. Ficene replied yes, you will pull off the road and  
947 then turn right into the garage, the driveway will be left as is. Kessler stated the Board values the berm, but  
948 you could move back about eleven (11) feet further back and not lose the berm, just a few trees. Ficene  
949 replied they do not want to lose trees, could we split the difference and be seven (7) feet further back.  
950 Boatman stated thirteen (13) feet is still closer than what you are allowed, and the Board's past precedence  
951 is not to allow closer than twenty (20) feet from the ROW. Vareberg explained they are asking him to move  
952 back to about the base of the big basswood tree. Ficene stated he would be willing to move back to thirteen  
953 (13) feet. Hall noted if you don't want to move that far back you could make the garage narrower.

954  
955 A letter in favor of the request was presented to the Board from Lyndon & Marlys Thompson, owner of  
956 parcel 16.0269.000, 33587 N Cotton Lake Rd Rochert, MN 56578.

957  
958 We are the next-door neighbors to the Ficene's (to the east) and would like to extend our support  
959 for their application for a variance to build a garage. We see no problems with ROW setback, lot  
960 size or any safety issues.

961 Lyndon & Marlys Thompson, 33587 N Cotton Lake Rd.

962

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

966  
967 **Motion:** Sharp made a motion to **approve** a variance as modified, to construct a detached garage to be  
968 located at thirteen (13) feet, altered from the requested two (2) feet from the ROW, deviating from the  
969 required setback of twenty (20) feet from a dedicated public ROW, due to setback issues, due to the fact it  
970 is a reasonable request, and it is consistent with the purposes and intent of the Becker County Ordinance  
971 and Comprehensive Plan.

972  
973 **Kessler second. All in favor. Motion carried. Variance approved.**

974  
975 **TWENTY-FIRST ORDER OF BUSINESS: Election of new Chairman and Vice Chairman.**

976  
977 **Motion: Kessler made a motion to allocate Roger Boatman as Chairman of the Board.**

978  
979 **King Second. All in favor. Motion approved.**

980  
981 **Motion: Sharp made a motion to allocate Lee Kessler as Vice Chairman of the Board.**

982  
983 **Boatman second. All in favor. Motion approved.**

984  
985 **TWENTY-SECOND ORDER OF BUSINESS: Informational Meeting.** The next informational  
986 meeting is scheduled for Thursday, June 3<sup>rd</sup>, 2021 at 8:00 a.m. in the 3rd Floor Zoning Meeting Room of  
987 the Original Courthouse. As there was no further business to come before the Board, **King** made a  
988 motion to adjourn the meeting. **Hall** seconded. All in favor. Motion carried. Meeting adjourned.

989  
990 \_\_\_\_\_ ATTEST \_\_\_\_\_  
991 Chairman Roger Boatman Kyle Vareberg,  
992 Planning and Zoning Administrator