

**Becker County Planning Commission
July 17, 2012**

Members Present: Chairman Jim Bruflodt, Harry Johnston, John Lien, Commissioner Larry Knutson, Mary Seaberg, David Blomseth, Ray Thorkildson, Jim Kovala, Mary Seaworth, John McGovern, Zoning Administrator Patty Swenson and Zoning Technician Julene Hodgson. Member Jeff Moritz was absent.

Chairman Bruflodt called the meeting to order. Zoning Technician Julene Hodgson recorded the minutes.

Kovala made a motion to approve the minutes from June 19th, 2012. Seaberg second. All in favor. Motion carried.

Chairman Bruflodt explained the protocol for the meeting and stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action on July 24th, 2012.

FIRST ORDER OF BUSINESS:

APPLICANT: James Vareberg 1158 W Lake Drive Detroit Lakes, MN 56501 **Project Location:** 1158 West Lake Drive **LEGAL LAND DESCRIPTION:** 190049002 Lake View Township Little Detroit Lake PT LOT 6 S OF CSAH#6, E OF RWY & W OF CSAH#22 LESS E 50 FT, Section 04, TWP 138, Range 41 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Change of Zone from Agricultural to Residential for the entire parcel containing 2.48 acres.

Scott Walz from Meadowland Surveying explained the application to the Board on behalf of James Vareberg. The city has recommended the approval of the Certificate of Survey split but a change of zone is required due to the size of the two lots proposed.

Ken Shroyer Lakeview Township Supervisor stated the Township had no concerns regarding the application. There was no written correspondence either for or against the application. At this time, testimony was closed and discussion was held.

Bruflodt stated the survey seems to be in order.

It was the concensus of the Board that the request meets the criteria of the Ordinance.

There was no further discussion by the Commission.

Motion: Kovala made the motion to approve the request for a change of Zone from Agricultural to Residential for the entire parcel containing 2.48 acres. Johnston second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: APPLICANT: Dallas & Jackie Nesemeier 3227 156th Ave SE Casselton, ND 58012 **Project Location:** 24060 Co Hwy 22 **LEGAL LAND DESCRIPTION:** 190408000 Lake View Township Lake Sallie AUD LOT 21, Section 20, TWP 138, Range 41 **APPLICATION AND DESCRIPTION OF PROJECT:** Request an After the Fact Conditional Use Permit for a retaining wall to remain.

Belynda Nickolauson owner of Country Fields Greenhouse and Landscaping explained the application to the Board on behalf of Dallas and Jackie Nesemeier. She apologized on her behalf and the owners behalf for not obtaining the proper permits before doing the project. The property

owner had a concrete sidewalk parallel to the shoreline that was falling in and the roots were showing from the trees in that area. Belynda stated she discussed the different applications as to what would correct the problem and this is what the owners requested. The high water took out the sand and aggregate from under the sidewalk, causing erosion. Lien asked if the owners requested the retaining wall or requested to stabilize the property. Belynda stated the owners requested the retaining wall for stabilization. She further stated her first suggestion would have been to rip-rap, but the existing rip-rap area was already falling in. Belynda explained how the area was constructed and how further repair was conducted to the project last year. Kovala asked why they did not rip-rap the area instead. Belynda stated the fear was with the smaller rocks they would just roll back and forth with ice push. Brufloft stated rip-rap is a natural solution, sometimes taking something like this back out may cause more damage, but in this case it appears rip-rap could have been an option. Lien presented the question to the Board- would they have approved the request if it would have come before the Board before the project was done. He read Chapter 6 Section 8... no other alternative...minimum necessary to control erosion. Lien stated if it came before the Board first, he does not feel the request would have met all of the criteria. Thorkildson noted the adjacent properties complied with rip-rapping their properties and he feels this request would be detrimental to the area.

Ken Shroyer Lakeview Township Supervisor was present but did not take a position with the request. There was written correspondence on file from Donna Knutson against the application. At this time, testimony was closed and discussion was held.

Kovala stated he did not feel the retaining wall was necessary to correct the erosion problem, he stated rip-rap would be a better solution. He noted he did not want this property to set precedent for other properties to construct retaining walls where natural rip-rap can surface. Knutson stated this would not have been allowed if it were have come in front of the Board first and he wanted the Board to recall that others have had to remove retaining walls that were requested after construction and the Board denied. Seaberg noted the neighboring properties show that rip-rap works to control the erosion problems. Brufloft stated there was some erosion occurring where the old rip-rap was due to age, but that could have been corrected.

There was no further discussion by the Commission.

Motion: Lien made a motion to deny the request for an After the Fact Conditional Use Permit for a retaining wall to remain due to the request does not meet the criteria of the Ordinance. Kovala second. All in favor to deny. Motion denied.

THIRD ORDER OF BUSINESS: Denise & Dale Geritz for Serenity Hollow LLC 102
Fairway Drive Casselton, ND 58012 Project Location: 40342 Little Toad Road **LEGAL LAND DESCRIPTION:** 150234000 Height of Land Township Little Toad Lake PT LOT 2 BEG 40' S & 31.4' E OF NE COR LOT 3 GOR BCH TH SE 297.76' NE 235' AL RD NW 194.21' & W 280' TO BEG, Section 24, TWP 139, Range 39 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit for Seasonal Rental of 3 existing buildings on parcel.

Denise Geritz explained the application to the Board. The property is one tract and the proposal would allow the use of the three existing structures to be rented for seasonal use. The request is for renters to be able to utilize the property May through September. The septic systems will be upgraded and sized to accommodate what is proposed on the property. Lien noted the Geritz owns adjacent property and was wondering if the renters would use that property for access to the lake. Geritz stated the rental property would have access through the public access landing. The property will not be marketed as lakeshore property but rather country rental property with use through a public access for lake enjoyment. Seaberg asked if this property would be in any way tied to their resort property to which Geritz stated no, this is a separate venture.

No one spoke in favor or in opposition to the application. There was written correspondence on file from Jeff Bulger and Stephen Blaske stating some concerns regarding the access rights to the lake and defining seasonal renters. At this time, testimony was closed and discussion was held.

Lien stated they could apply a stipulation as far as using the lake and access to the lake. Geritz stated that will be apart of the rental agreement. Brufloft stated the motion could state no riparian rights unless by way/through the public access. Knutson stated the owners do an excellent job with the existing resort and there has been no previous problems with anything.

There was no further discussion by the Commission.

Motion: Kovala made a motion to approve a Conditional Use Permit for seasonal rental on the property as the plan submitted based on the fact that the use would not be detrimental to the area. The renters will not have riparian rights other than use of the public access area. Seaberg second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: Bruce or Connie Husby P.O. Box 348 Circle Pines, MN 55014 **Project Location:** 38866 Height of Land Front Road **LEGAL LAND DESCRIPTION:** 150076000 Height of Land Township Height of Land Lake BEG 204.2' S & 115.4' SW OF NE COR LOT 2 N OF HWY TH SW 50' NW TO LAKE NE 50' & SE 145.6 FT TO BEG, Section 10, TWP 139, Range 39 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Change of Zone from Commercial to Residential.

Robert Jernberg with Action Realty explained the application to the Board on behalf of Bruce and Connie Husby. The property along the State Hwy 34 corridor was zoned Commercial in 1971 as part of the original comprehensive plan. The property is currently being used as a single residential living property. The request of the change of zone to residential would allow the resale of the property and/or improvements in the future. Jernberg stated the banks won't allow loans on a Commercial property that has a residential home, the zone should match the use.

No one spoke in favor or in opposition to the application. There was no written correspondence either for or against the application. At this time, testimony was closed and discussion was held. At this time, testimony was closed and discussion was held.

Johnston stated the property is residential by nature, and if they cannot obtain loans, it makes the property unsellable.

There was no further discussion by the Commission.

Motion: Johnston made a motion to approve a change of zone from Commercial to Residential as submitted due to the request would not be detrimental to the area. Lein second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: Don Busker 20114 Co Rd 131 Detroit Lakes, MN 56501 **Project Location:** 20114 Co Rd 131 **LEGAL LAND DESCRIPTION:** 170035000 Lake Eunice Township Little Cormorant Lake N1/2 OF GOVT LOTS 2 & 3 LESS 1.50 AC IN NE COR & EX DED RD & EX 30 AC IN GOVT LOT 3 & EX 5.88 AC PLAT SHERMN SHRS 2ND & EX 11.12 AC SHERMN SHRS 3RD, Section 04, TWP 138, Range 42 **APPLICATION AND DESCRIPTION OF PROJECT:** Request an approval for a Certificate of Survey for Tract A (34,355 sq ft) and a Change of Zone from Agricultural to Residential. Tract A is to be attached to the adjacent lakeshore parcel across the road and Tract A and the lakeshore parcel cannot be sold one away from the other.

Scott Walz from Meadowland Surveying explained the application to the Board on behalf of Don Busker. In the past the properties across the road from the lake had to meet the requirement of a standard sized parcel. A recent change in the regulations would allow a smaller back tract to be attached to the lakeside parcel as noted on the survey. The back lot is within 200 ft of the lake lot and the lakeside property is already zoned residential, so the back smaller parcel will be zoned the same. The back lot can be used for accessory structures or septic systems.

Jim Kaiser asked questions regarding the application. He thought the new regulations were placed in the Ordinance so owners did not have to go through the public hearing process. Swenson stated the properties are not contiguous so the owner must request the Board for the zone change and the survey approval to assure they meet the criteria/regulations. Busker spoke to the Board and asked why he had to even get a survey is it was being attached to the lake property, to which Walz stated a survey was required whether the request went through the Board or through the Zoning office. There was written correspondence on file from Ron Dow with questions and concerns regarding the application. He stated he would be against condos, town houses, trailer parks, resorts or camping grounds on the property. At this time, testimony was closed and discussion was held.

Lien stated this is the first request of this kind to come before the Board and although the regulations and language may have to be looked at for further clarification, the request meets the criteria of the Ordinance.

There was no further discussion by the Commission.

Motion: Lien made a motion to approve a Certificate of Survey for Tract A (34,355 sq ft) and a Change of Zone from Agricultural to Residential as submitted due to the change would not be detrimental to the area. Tract A is to be attached to the adjacent lakeshore parcel across the road and Tract A and the lakeshore parcel cannot be sold one away from the other. Blomseth Second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, August 16th, 2012 at 8:00 am in the Third Floor Meeting Room of the Original Courthouse.

Since there was no further business to come before the Board. Kovala made a motion to adjourn. Blomseth second. All in favor. Motion carried. Meeting adjourned.

Jim Brufloft, Vice Chairman

Jeff Moritz, Secretary

ATTEST _____
Patricia Swenson, Zoning Administrator