

Becker County Board of Adjustments
October 11, 2007

Present: Members: Jim Bruflodt, Bill Sherlin, Al Chirpich, Steve Spaeth, Eugene Pavelko, Clifford (Kip) Moore and Jerry Schutz.
Zoning Staff: Administrator Patty Swenson and Julene Hodgson.

Chairman Jim Bruflodt called the meeting to order. Julene Hodgson took minutes.

Minute approval: The September minutes were discussed.
Chirpich made the motion to approve the minutes from the September 13th, 2007 meeting.
Sherlin second. All in favor. Motion carried.

Bruflodt explained the protocol for the meeting. Spaeth read the criteria for granting or denying a variance.

NEW BUSINESS:

1. **FIRST ORDER OF BUSINESS: APPLICANT: Perry Brown** 37201 State Hwy 34 Detroit Lakes, MN 56501 **Project Location:** 37201 St Hwy 34 **LEGAL LAND DESCRIPTION:** Tax ID number: R150203000 PT N 1/2 NW 1/4; Beg 699.08' S & 1300.33' NE of NW Cor Sec 21 Th S 132.6', NE 202.93' To W Ln Section 21, TWP 139, Range 39 Height of Land Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct a deck 55.5 feet from the right of way of a State road due to a substandard sized lot of record. This deviates from a 85 feet setback from a State road right of way.

Perry Brown explained the application to the Board. He would like to construct a deck onto the existing dwelling to gain access into the dwelling on road side. The dwelling was constructed prior to 1972. The State bought 75 extra feet Right of Way area from the property up and beyond the first 75 feet bought from the property making it a substandard sized lot of record in the mid 70's. This measures a 300 feet road corridor area in front of the property. There has been no talk of a four-way road expansion in the road area for the near future.

No one spoke in favor of the application. No one spoke against the application. Swenson read a letter of support from Tim & Janie Sherman that was in the file. At this time, testimony was closed.

Further discussion was held. Spaeth verified the Highway Department acquired additional road right of way area from previous property owners, which made the property a substandard lot of record. Brown has owned the property for six years. The back access from the dwelling requires the owners to go through the garage. Spaeth stated the hardship was created by another entity other than the property owner.

MOTION: Spaeth made a motion a Variance be granted to construct a deck as proposed onto an existing dwelling 55.5 feet from the right of way of a State road due to a substandard sized lot created by the expansion of the State road right of way. Pavelko second. All in favor. Motion carried.

2. **SECOND ORDER OF BUSINESS: APPLICANT: Jason & Joni McCrackin** 3220 12th Ave N #67 Fargo, ND 58102 **Project Location:** Lot 58 Abbey Lake Estate
LEGAL LANDDESCRIPTION: Tax ID number: R190720000 Abbey Lake Lot 58 Abbey Lake Estate Section 23, TWP 138, Range 41 Lake View Township.
APPLICATION AND DESCRIPTION OF PROJECT: Request a Variance for an RV Camper to be located 128.02 feet from the ordinary high water mark of the lake and ahead of the established stringline on a substandard sized lot of record. This deviates from structures to be located 150' from the OHW on a natural environment lake and behind the established stringline.

Jason & Joni McCrackin explained the application to the Board. They are requesting to park their 5th wheel trailer onto the property, which is very limited in size to make the property setbacks. The trailer will not be removed from the property, no slab is proposed and the trailer will serve as the dwelling on the property with septic proposed in spring of 2008. They have removed some dead trees, small brush, poison ivy, raked the dead grass and reseeded back the property. They are aware of limitations regarding shoreline alterations and have placed silt fence on the property until the vegetation is reestablished. They voiced they want to plant other trees and bushes in the shoreline area to leave it as natural as possible.

Sherwood Peterson spoke in favor of the application. McCrackins have cleaned up the property since they purchased it. He spoke of concern of the property owners to the east of McCrackins who have junk accumulating on their property. Swenson stated the Zoning Office would follow-up with that property owner for cleanup. The Board stated to Mr Peterson to gain reasonable use of his substandard property, he would also have to apply for a Variance in the future. No one spoke against the application. There were no letters of correspondence in the file. At this time, Testimony was closed.

Further discussion was held. Chirpich stressed the importance of not using fertilizers or chemicals on the lawn that could go into the lake. The property slopes toward the lake and the Board agreed 30% of the shoreline should stay as natural as possible. Sherlin reminded the Board the Variance motion is for an approval for an RV only. The owners would have to reapply for a Variance when proposing a future dwelling.

MOTION: Schutz made the motion a Variance be granted for an RV camper to be located 128.02 feet from the ordinary high water mark of the lake as proposed due to a substandard lot of record. A 30 foot linear vegetative buffer along the shoreline is to be restored and maintained with natural vegetation. Spaeth second. All in favor. Motion carried.

3. **THIRD ORDER OF BUSINESS: Michael and Janice Parnell** 1316 Wagon Wheel Ct White Bear Lake, MN 55110 **Project Location: 20476 Co Hwy 29 LEGAL LAND DESCRIPTION:** Tax ID number: R100214000 & R100212000 Cotton Lake Pt of Govt Lot 4 and Part of Govt Lot 5 & 100 X 179' 350' SWLY OF LOT 1 DUDLEY BEACH Section 12, TWP 139, Range 40 Erie Township **APPLICATION AND DESCRIPTION OF PROJECT:**
Request a Variance to construct two 8 x 12 ft entryways onto an existing duplex cabin at an existing Resort due to an undemonstrated hardship. The additions would exceed the maximum density of existing structures liveable area allowed per unit according to Section 7C for an existing Resort.

Jay Weiher explained the application to the Board on behalf of the applicants. Currently the owners are replacing Cabin one, which includes an additional 300 square feet in size. Cabin five and six are being replaced by a duplex. The replacement creating the duplex added 300 square feet to each side as approved one time per unit for an existing resort per Section 7C. The owners would like to add additional 8 x 12 entryways to each side of the duplex. This would maximize the appeal and use of the living space area by using these porch areas before entering the common areas. The additions would possibly have wood floors that would be connected to the existing structure foundation. Access would be gained by steps into the additions with a portable handicap ramp proposed. If there would not be entryways into the duplex, steps going into the duplex are proposed. The owners would compromise further additions to the existing 7, 8, 9 and 10 cabins. The Board asked Swenson if cabins 7, 8, 9 and 10 had any recent additions done to them. Swenson stated the cabins had approved bathroom additions added to them in 2006.

No one spoke in favor of the application. No one spoke against the application. There were no letters of correspondence in the file. At this time testimony was closed.

Further discussion was held by the Board. Spaeth stated the cabin sizes seem adequate for the resort, the extra additions do not appear necessary for reasonable use. Chirpich stated the original design could have allowed for an entrance or stoop. The 300 sq ft one time additions are approved without the Variance process, this seems to be an after thought. Sherlin stated the point is to give reasonable use, not to allow resorts to have huge structures on small properties. No hardship exists under the circumstances to be able to add more square footage to the structures per the Section 7C regulations.

MOTION: Sherlin made the motion a Variance be denied due to an undemonstrated hardship of the property. Spaeth second. All in favor except Moore. Motion carried.

- 4. FOURTH ORDER OF BUSINESS: Applicant:** Dennis and Madonna Stanford 1230 6th Ave NE Valley City, ND 58072 **Project Location:** 11108 South Lake Eunice Rd
LEGAL LAND DESCRIPTION: Tax ID number: R170466000 Lake Eunice Bergquist Beach 4th Lot 1 Section 27, TWP 138, Range 42 Lake Eunice Township.
APPLICATION AND DESCRIPTION OF PROJECT: Request a Variance to construct a dwelling 20 ft from the Township road right of way due to a substandard sized lot of record. This deviates from the required setback of 45 ft from the Township road right of way for a dwelling.

Gary Heitkamp explained the application to the Board for the applicants. They are proposing a new year around dwelling with an attached garage. The structure will be located back further from the lake than the old dwelling, behind the existing neighboring stringline and the two stories will make the most use of the property to be at 21% lot coverage as proposed. The attached garage would be the closest point to the road right of way. This is a dead end road and the property pins have been located to assure the measurement off the road right of way. Heitkamp explained the mitigation planned with impervious surface removed from the shore impact area, the new structure being moved further back and behind stringline, vegetative buffer proposed at the shoreline and a stormwater management plan implemented for lot coverage. They have french drains proposed or infiltration areas and a new well for the property. The property naturally slopes toward the road and away from the lake.

No one spoke in favor of the application. No one spoke against the application. There were no

letters of correspondence in the file. At this time, Testimony was closed.

Further discussion was held. Chirpich reminded the Board the Variance request was for the road way area only, the rest of the application approval is dealt with through mitigation with the Zoning Office. Schutz said it seemed for the dwelling to make the road setback of 20 feet, the deck might have to be cut down in the front to be in compliance of the approved location. Heitkamp stated the deck will be resized smaller accordingly, once they have a better picture when the current dwelling is removed from the property, to stay behind stringline as proposed. Spaeth stated the lot is shallow and the proposal seems reasonable with the mitigation process in place. The Board has allowed a 20 foot road setback for attached garages in the past, mainly the distance is needed for parking off the road and not into the road.

MOTION: Spaeth made the motion a Variance be granted to construct a dwelling as proposed with an attached garage located 20 ft from the Township road right of way due to a substandard sized lot of record. Pavelko second. All in favor except Schutz. Motion carried.

Informational Meeting. The next informational meeting is scheduled for Thursday, November 1st, 2007 at 7:00 a.m. at the Planning & Zoning Office.

Since there was no further business to come before the Board, Schutz made a motion to adjourn the meeting. Spaeth second. All in favor. Motion carried.

Jim Brufloft,
Chairman

ATTEST

Patricia Swenson, Zoning Administrator