

**Becker County Board of Adjustments**  
**May 11, 2017**

**Present:** Chairman Jim Bruflodt, Members: Harry Johnston, Lee Kessler, Roger Boatman, Jim Kovala, Steve Spaeth, Brad Bender, Interim Zoning Administrator Patricia Swenson and E911/Zoning Technician Rachel Bartee.

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

Introductions were given.

Kovala made a motion to approve the minutes for the April 13th, 2017 meeting. Boatman seconded. The motion passed unanimously. Motion carried.

Bruflodt explained the protocol for the meeting and Spaeth read the criteria for which a variance could be granted.

**Old Business:**

**FIRST ORDER OF BUSINESS: Applicant: Robert Schmidt 5427 E River Rd Project**  
**Location:** 16157 Saign Ln Audubon **LEGAL LAND DESCRIPTION:** Tax ID number: 02.0285.000 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance from the Ordinary High Water Mark to replace an existing structure with a larger one. Application was tabled from the April 13<sup>th</sup> 2017 hearing.

Swenson presented the application.

Schmidt explained the application. He acknowledged the conflicting setback measurements between his original application and the Boards measurements from their tour visit. Schmidt stated that when they had done the original measurements from the OHW last winter there was ice on the lake and it was hard to verify the exact location of the OHW. Schmidt stated that Ramstad Skoyles, former Planning and Zoning Supervisor, contacted Rodger Hemphill, DNR Ecological and Water Resources Area Hydrologists, to verify the OHW setbacks. Hemphill confirmed that the setbacks from the OHW to the structure match what was found by the Board. Schmidt presented 3 new sketches to the Board, showing the existing structure, the first proposal, and a new proposal. The sketches have been included in the file in the Becker County Zoning Office.

Schmidt explained the original structure consisted of a 12 x 68 ft. permitted mobile home, a 10x18 ft. permitted addition, approved from a variance for a 10x18 ft. addition forty-one (41)

41 feet from the OHW, and an 18 x 58 ft. covered deck which was not permitted. Schmidt added  
42 they found out much later that this deck was not permitted. Schmidt also stated that the variance  
43 for the addition was approved for forty-one (41) ft. from the OHW but the water must have come  
44 up since the approval, because the addition was closer to the OHW when it was removed. The  
45 first proposal indicated OHW setbacks to be thirty (30) feet to the west OHW, sixty-two (62) feet  
46 to the north OHW, and sixty-two (62) feet from the west OHW. The sketch indicated a new  
47 dwelling with dimensions to be 68 x 32 ft. The new proposal requests OHW setbacks to be forty-  
48 seven (47) feet to the west OHW, sixty-two (62) feet to the north OHW, and forty-eight (48) feet  
49 from the west OHW. The sketch is indicating a new dwelling sized 68 x 28 ft. Schmidt explained  
50 that the new request moved the new structure fourteen (14) feet to the right and reduces the size  
51 from thirty (30) to twenty-eight (28) feet wide.

52

53 Brufloft asked if the proposed structure will be the same size, indicating that the current  
54 structure sitting on the property waiting to be placed is 44 feet. Schmidt stated yes.

55

56 Spaeth asked if the proposed structure will be one story. Schmidt answered that it will be a one  
57 story with a crawl space. Schmidt stated that the water was Eight (8) feet from the cabin when  
58 the water was high, so they are opting for a four (4) foot wall to give them a two (2) foot higher  
59 wall.

60

61 Johnston asked how far the cabin will be from the south property line. Spaeth added, what is the  
62 the closest point. Schmidt replied much farther away from the rest, the lots are pie shaped.

63

64 Kovala stated that the new sketch was off by a foot on the east side on the new proposed sketch.  
65 It should be forty-seven (47) feet not forty-eight (48) feet. Schmidt agreed the distance should be  
66 forty-seven (47) feet on the east side from the OHW for a total of one-hundred and twenty-two  
67 (122) feet wide.

68

69 Kessler asked what the shore impact zone was on this lake. Swenson replied fifty (50) feet.

70 Brufloft advised it was a recreational developmental lake.

71

72 Audubon Township Chairman, Rick Ellsworth, was present to speak. He spoke against the  
73 application. Ellsworth stated that the agenda for the application referred to the incorrect lots,  
74 indicating lots 4 & 5 were referenced instead of lots 2 & 3. Spaeth acknowledged this was an  
75 error and the application should reflect lots 2 & 3 which refer to the parcel number (02.0285.000)  
76 that was indicated on the agenda/application. Ellsworth next stated that the minimum 12 ft.  
77 driveway was not added on the application in the total impervious calculation.

78

79 Ellsworth stated the Audubon Township Board measured similar setback measurements from the  
80 structure to the OHW, noting that the lot does not meet any requirements for a proper lot.

81 Ellsworth added that there has to be a better way to place a structure on the property. He  
82 suggested that the owner combine the two lots which would make the structure more conforming  
83 to the setbacks. Ellsworth mentioned that the septic tanks are going to be 1 foot above the water  
84 and that there was standing water on top of the footings when the Township Board was out at the  
85 property. Ellsworth mentioned the soft ground and questioned if it was going to support the  
86 weight of the house or if it could potentially sink.

87  
88 Ellsworth also mentioned concern for potential future building/variance requests on lots 4 & 5  
89 resulting in further non-conforming structures in the area. Spaeth clarified that this is a buildable  
90 lot and confirmed that Schmidt could build in the footprint of the previous house without a  
91 variance. Ellsworth asked if with the current request Schmidt would require a variance on all side  
92 setbacks, tank and reiterated that the driveway was not included in the impervious calculations.  
93 Spaeth noted that Schmidt's application is proposing something smaller than the footprint.  
94 Ellsworth replied that a 10x50 ft. trailer was there. Spaeth replied that there was a 12 x 68 ft.  
95 structure with an 18 x 10 ft. addition, and a deck that was unpermitted, but was there for a very  
96 long time. Ellsworth responded that the deck was not permitted, that cannot be replaced.

97  
98 Ellsworth stated that there was no well on the property. Brufloodt asked Schmidt if there was a  
99 well. Schmidt stated that the two properties that he purchased shared one well. He stated that  
100 both properties were previously owned by two different owners but had shared a well. Schmidt  
101 added that both dwellings have existing holding tanks and the one that was in the trailer would  
102 not have met the standards. He advised that he had consulted a local septic contractor to install a  
103 new 1500 gallon closed compartment holding tank on the property. Kovala asked what lots?  
104 Swenson stated that they are all combined into one lot. Ellsworth asked if they could only build  
105 one house. Spaeth asked if Schmidt's in-laws owned the other property. Schmidt replied that  
106 they all own the properties together. He added that they purchased both properties with the  
107 intention of the in-laws using the other parcel and them rebuilding on this one. Spaeth asked if  
108 there is a well on the property. Schmidt stated that there was not. Brufloodt stated that he was not  
109 aware that there was no well on the property. Schmidt replied that there was a shared well  
110 agreement when there were separate owners of the properties. Schmidt also spoke to the  
111 driveway, stating that as long as it is impervious, no tar or class 5, he is not required to include it  
112 in his calculations. Brufloodt asked what he was planning on using for the driveway. Schmidt  
113 stated they were planning on having a grass track, no tar or class 5. Schmidt also spoke about the  
114 footings stating there was currently no water at this time.

115  
116 There was no written correspondence either for or against the appeal. At this time, testimony  
117 was closed and discussion was held.

118  
119 Kessler stated that the shore impact zone is fifty (50) feet on this lake. He stated that he is against  
120 the application, adding that the Board never allows structures in the shore impact zone. Kovala

121 stated that it looks like a non-buildable lot. Bender clarified the footprint stating there was a 12 x  
122 68 ft. structure with a 10 x 18 ft. variance granted. Spaeth agreed they have never allowed a  
123 structure in the shore impact zone. He added that this property is a legal allowable site and that  
124 Schmidt is allowed to build on it. He stated that the water is the problem for Schmidt and the  
125 future buyers. Spaeth added that maybe the max allowable structure on the site is what was  
126 already there before. He added that the specific structure size maybe all that can be built here,  
127 stating Schmidt could build a structure in the exact same footprint as the old one and an addition  
128 of the exact size.

129

130 **Motion:** Spaeth made a motion to deny the application as it is proposed to be within the shore  
131 impact zone. Spaeth added that the lot is buildable within the footprint of the previous structure.  
132 Kovala second. All in favor. Motion carried. Variance **denied**.

133 **New Business:**

134

135 **SECOND ORDER OF BUSINESS: APPLICANT: Darlene & Steven Kruger Trust 6263 16TH**  
136 **ST S Project Location: 33253 N COTTON LAKE RD, ROCHERT MN 56578 LEGAL LAND**  
137 **DESCRIPTION:** Tax ID number: 160292000 Section 35 Township 140 Range 040  
138 SubdivisionName AUDREY BEACH 140 40 SubdivisionCd 16001 LOT 10 **APPLICATION**  
139 **AND DESCRIPTION OF PROJECT:** Request permission to replace the current structure with a new  
140 one and proposing a retaining wall to be located at the current deck location.

141

142 Bryan Schoenberger of Modern Living Concepts spoke as representative for Kruger and  
143 explained the application. Schoenberger stated the proposal is to tear down the existing house  
144 and rebuild a larger dwelling and a retaining wall. He is also proposing to tear down a shed and  
145 well house all of which are in the shore impact zone.

146

147 Spaeth asked why they want a retaining wall on the side of the house. Schoenberger replied that  
148 it is necessary to take the grade down; adding they could do the project without that portion of  
149 the wall but it would work better if it was installed. Bender asked how much further they were  
150 planning on taking the grade down. Schoenberger replied about two (2) feet down, stating  
151 currently the house sits on a knob and they would like change that for the new structure.

152

153 Spaeth requested verification that they are requesting a variance for the setbacks from the road,  
154 lake, and back. Schoenberger replied they are only requesting a variance for the setback to the  
155 OHW. Schoenberger added that they were not able to establish the OHW when the original  
156 application was submitted because it was winter and there was ice on the lake. He stated in the  
157 spring they had Bob Merritt, from Merritt Hydrologic and Environmental Consulting, LLC,  
158 come out to the property and verify the OHW. Schoenberger explained this was the reasoning for  
159 the updated sketch showing the proposed setback to the OHW at fifty-one (51) feet.

160

161 Rita Miller spoke in favor of the application. Miller is a neighbor, four (4) properties to the east  
162 (16.0288.000), 33281 N Cotton Lake Rd. Miller inquired about taking the grade down two (2)  
163 feet. Miller asked if this was towards the road and where the earth was going to be moved.  
164 Schoenberger replied the earth would be taken off of the property. Miller noted there was a deck  
165 in front and asked if the garage would stay in the same location. Miller stated she believed there  
166 was a variance for the garage setback to the road in the past. Swenson stated there was a variance  
167 approved for the garage on file from 1998. Miller stated she is in favor of the application, but  
168 was concerned about the location of the topographical alterations, and is now content knowing it  
169 will be moved off site. Miller also mentioned she was interested in the application as she is  
170 considering remodeling her property in the future and may want to rebuild in her footprint.  
171 Kessler noted that this was not a request to build in the same footprint and that the proposal was  
172 nearly twice the size of the current structure.

173  
174 No one spoke against the application. There was no written correspondence either for or against  
175 the application. At this time, testimony was closed and further discussion was held.

176  
177 Boatman asked if setback averaging plus twenty was an option for this project. Bender stated  
178 based on the measurements from the Board tour, setback averaging plus twenty (20) would place  
179 the structure at sixty-six (66) feet from the OHW. Spaeth noted that with setback averaging plus  
180 twenty (20) no variance would be needed. He added that the house may need to shrink to  
181 accommodate that setback; however, maybe the lot is too small for the proposed structure.  
182 Bender asked if that would mean they would have to do more with the grade due to moving the  
183 house back they would have to come down the hill further if they maintained the same size  
184 structure as proposed. Spaeth stated Seventy-one (71) feet is the setback average plus twenty  
185 (20).

186  
187 Brufloft asked if the deck would be in the shore impact zone. Boatman asked Schoenberger if he  
188 had considered moving the structure back farther from the OHW and if so would they reconsider  
189 the size of the proposed home. Spaeth stated the proposed structure is twice the size of the  
190 current structure. Schoenberger stated the proposal meets the impervious requirements and the  
191 proposed setback keeps them outside of the shore impact zone and puts them behind the  
192 neighbors. Boatman asked if they would be in the shore impact zone with the deck. Spaeth  
193 replied yes. Schoenberger stated they are requesting to be at fifty-one (51) feet from the OWH  
194 which is not in the shore impact zone. Spaeth stated they would be at a forty-two (42) foot  
195 setback for the deck. Schoenberger replied the forty-two (42) foot setback for the deck was from  
196 the old request, prior to Merritt locating the OHW; he added that a new proposal was emailed  
197 into Planning and Zoning. Schoenberger approached the Board and showed them on the new  
198 sketches in their packets the location of the deck setback at (51) fifty-one feet as the dimension  
199 had been cut off from print out when it had been sent. The new sketch is on file in the Planning  
200 and Zoning office. Schoenberger stated there had been ice on the lake when the original

201 application was submitted. Once Merritt located the OHW in the spring, they were able create a  
202 plan to insure they were building out of the shore impact zone. Schoenberger added that the  
203 proposal also removes a shed and well house from the shore impact zone.  
204

205 Bruflodt stated there was going to be thirteen (13) feet between the house and the garage.  
206 Schoenberger replied yes.  
207

208 Spaeth asked if the septic was going to be removed.  
209

210 Bender stated the new proposal would put them outside of the shore impact zone by one foot. He  
211 added with the garage being so close it appears that they are close to the maximum about of  
212 house that could be placed on this parcel.  
213

214 Johnston asked Swenson if they could meet the setback averaging plus twenty (20) could they  
215 still put a deck on. Swenson replied yes. Johnston stated a twelve (12) foot deck would put them  
216 at about fifty-nine (59) feet from the OHW. Spaeth stated they could potentially build a 33 x 47  
217 foot house if they used setback averaging plus twenty (20) and they would not need a variance.  
218 Kessler stated that setback averaging plus twenty (20) would place them seventy-one (71) feet  
219 from the OHW. This would make the rear wall at one hundred and twenty-six (126) feet from the  
220 shore and the garage is currently at one hundred and nine feet. He stated they would be in the  
221 garage by 15-17 feet if they kept the structure the same size as proposed if he goes back seventy-  
222 one (71) feet. Bruflodt stated the size of the house would need to be decreased. Bender explained  
223 that if the garage was too close to do setback averaging with the proposed size of the house then  
224 a variance is required in this case. Boatman stated setback averaging plus twenty (20) is a better  
225 plan for this house.  
226

227 Bruflodt asked what the practical difficulty is. Schoenberger replied that the owner has a large  
228 family to accommodate. They need a three (3) bedroom. He stated that the request is not  
229 excessive; it includes 3 bedrooms, 2 bathrooms, a kitchen and a living room. Bruflodt asked if  
230 the current structure is habitable and asked if they needed this increased size in order to stay  
231 there. Schoenberger replied, yes they need the increased size to make it functional for them.  
232 Schoenberger added that in order to move the house back to the seventy-one (71) feet a  
233 significant amount of earth would have to be moved. Spaeth made a motion to deny the request.  
234 Kessler asked if Schoenberger would like to create a new proposal to present to the board.  
235

236 At this time, Schoenberger asked to have his application tabled until he was able to complete and  
237 create an updated site application and re-stake the new proposed project.  
238

239 **THIRD ORDER OF BUSINESS: Applicant: JAMES LEON SKARPERUD 1287 161ST**  
240 **AVE BUXTON ND 58218 Project Location: 14220 TRADEWINDS RD, AUDUBON, MN**  
241 **56511 LEGAL LAND DESCRIPTION: Tax ID number: 170811000 Section 07 Township 138**

242 Range 042 SubdivisionName JOHNSON BROS EAST SubdivisionCd 17031 LOT 1 & VAC  
243 PLAT RD DOC#543086 & QCD #552754 **APPLICATION AND DESCRIPTION OF**  
244 **PROJECT:** Request a Variance to tear down the existing structure and rebuild a structure  
245 outside the shore impact zone.

246  
247 Swenson presented the application.

248  
249 Skarperud was present along with Marty Stank of MSD Carpentry, LLC out of Hawley, MN.  
250 Skarperud explained his application. He stated he is requesting a variance from the setback of a  
251 dwelling to be sixty (60) feet from the OHW and a ten (10) foot long deck to be fifty (50) feet  
252 from the OHW. Skarperud stated they are attempting to get the maximum size structure that they  
253 can on the property.

254  
255 Spaeth asked what the practical difficulty was for the request. Skarperud stated that they are  
256 within a fifty (50) foot range from the septic tank. Spaeth stated that the lot is very deep.  
257 Skarperud stated their difficulty is due to the location of the septic tank. He stated he would not  
258 be able to get any closer due to setback requirements. Spaeth asked if they could move the septic  
259 back further. Skarperud stated the septic was installed recently in 2014; he added that the  
260 expense to move the septic and well would be a hardship. Skarperud asked if there was a limit  
261 where the well could be from the road. Boatman asked if it could be in the ROW. Swenson stated  
262 well placement questions would have to be directed to the MN Department of Health.

263  
264 Skarperud added, if the well and septic were to be moved the shed would also have to be  
265 relocated. Spaeth stated that with rearranging he could move the structure back a lot. Skarperud  
266 stated that the expense of rearranging would be substantial adding that they would prefer to  
267 follow their current plan for a sixty (60) foot setback and some type of deck. Skarperud stated  
268 they would still be looking through a tunnel because everyone to their north are 30-40 feet from  
269 the water adding that there is much vegetation on the property lines. Skarperud stated both  
270 properties on either side of his lot are very nice and he doesn't anticipate them being redone in  
271 the near future. To the north the Larson's have redone siding and don't have plans on tearing  
272 down or rebuilding. He stated he has the oldest property on the block with no recent updating.  
273 Skarperud stated they considered rebuilding in the footprint; however it could cause water issues  
274 because of the water levels.

275  
276 No one spoke in favor of the application. No one spoke against the application. There was no  
277 written correspondence either for or against the application. At this time, testimony was closed  
278 and further discussion was held.

279  
280 Spaeth verified measurements they took on the Board tour.

281

282 Johnston stated that if we used setback averaging plus twenty (20) the house would be seventy-  
283 two (72) feet from the OHW and if a deck was added it would be out of the shore impact zone.  
284 Spaeth asked if the setback on this lake was seventy-five (75) feet. Swenson stated the setback  
285 was one hundred (100) feet. Boatman stated the property is deep enough adding all along this  
286 beach they need to move back from the water. He stated he felt there was room to move the  
287 structure back sixteen (16) feet. Spaeth stated the only practical difficulty that has been presented  
288 is moving the septic and well. This is an economic consideration so it is not a practical difficulty  
289 for the Board to consider. Boatman asked Skarperud if he would consider doing some research  
290 and relocating his septic. Skarperud replied he was concerned about the road setback for the  
291 well and the septic. Boatman replied he may have to contact the MN Department of Health to  
292 determine well setbacks. Skarperud stated they could review their request and possibly tweak it a  
293 bit. Brufloft stated that economic considerations are not a part of the equation for the Board.  
294 Brufloft added that economic considerations are not reason for practical difficulty.

295  
296 Skarperud asked if the 100 foot setback from the OHW was a new law because there are newer  
297 homes in his area that are closer than 100 feet. Skarperud stated his plan is to make the deck  
298 come up 2 feet with a new drainage system. Skarperud added they are already looking down a  
299 hollow to the lake and at 10 more feet back they will not be able to see the lake. Brufloft stated  
300 they have to try and get people back from the water and meet the setback requirements. Brufloft  
301 added, if the Board is convinced that something can be done without a variance they would like  
302 to see it.

303  
304 At this time, Skarperud asked to have his application **tabled** until he was able to reconsider the  
305 proposed size and setbacks of the replacement structure.

306  
307 **FOURTH ORDER OF BUSINESS Applicant: DALE M & JANELL M NIELSON 432 W**  
308 **RIVER RD, HORACE ND 58047 Project Location: 45142 MAPLE SHORES LN, OSAGE**  
309 **MN 56570 LEGAL LAND DESCRIPTION:** Tax ID number: 280073001 Section 15 Township  
310 140 Range 038 PT LOT 1, BEG 1307.66' N & 501.50 FT SW OF SE SEC COR SW 87 FT NW  
311 302.42 FT TO LK NE AL LK TO PT NW OF BEG & SE 269.44 FT TO BEG **APPLICATION**  
312 **AND DESCRIPTION OF PROJECT:** Request a Variance to construct a 322 square foot deck  
313 plus steps on the north side on the cabin seventy-one (71) feet from the OHW.

314  
315 Swenson presented the application.

316  
317 Dale and Janell Nielson explained the application. Nielson stated they are requesting a variance  
318 to construct a 23 x 14 foot (322 square foot) deck plus steps on the north side of their cabin  
319 within 100 feet of the lake. Nielson stated they want to have enough room to move around and  
320 have a grill and patio furniture on the deck.

321  
322 Spaeth asked how far they are requesting to be from the OHW. Nielson stated they are  
323 requesting a seventy-three (73) foot setback from the OHW. Kessler asked if the hardship was

324 that they did not have enough room. Nielson stated they often have elderly family members in  
325 their 80's, visiting the dwelling. Nielson added the current ground is very uneven and it would be  
326 safer for his company to stay on a flat surface. Spaeth asked what is currently on the property.  
327 Nielson stated they currently only have steps. Kessler stated the allowable deck size for this  
328 property would be two hundred and forty (240) square feet opposed to the requested three  
329 hundred and twenty-two (322) square foot deck. Spaeth stated they could have a two hundred  
330 and forty (240) square foot deck without a variance.

331  
332 Mrs. Nielson stated that they considered a two hundred and forty (240) square foot deck however  
333 with a table and 6 chairs we cannot even open the door. Brufloft suggested that they could get a  
334 smaller table. Nielson replied it is a standard 5 foot table and 6 chairs, nothing extravagant.  
335 Kessler stated they could reshape the deck and get it down to two hundred and forty (240) square  
336 feet. Nielson replied they had attempted to narrow it but the table would be right in front of the  
337 door and it would not look good. Nielson added they had staked it out in several ways and it  
338 looked cramped.

339  
340 No one spoke in favor of the application. No one spoke against the application. There was no  
341 written correspondence either for or against the application. At this time, testimony was closed  
342 and further discussion was held.

343  
344 Kovala stated he was in favor of the application and noted he did not think that a three hundred  
345 and twenty-two (322) square foot deck was too large or obscene. He added this would give them  
346 43-45 inches to move around.

347  
348 Spaeth stated he did not see any practical difficulty as to why the deck needs to be three hundred  
349 and twenty-two (322) square feet or why it needs to have a setback seventy-five (75) feet from  
350 the water. He suggested if the table is too close to the door, to shift the deck off to one side and  
351 get a two hundred and forty (240) square foot deck.

352  
353 Brufloft stated he did not feel the proposal was excessive. Brufloft stated what is the practical  
354 difficulty on anyone. He added he did not believe the request is excessive, adding that 10 feet is  
355 not very wide. Bender stated that he would rather have the deck conform to the house and not  
356 shift it off to one side. Brufloft advised that once a variance is approved it stays with the deed of  
357 the property. Boatman stated that he approved the application.

358  
359 **Motion:** Boatman made a motion to approve a variance for a 23x14 foot (322 square foot) deck  
360 plus steps to be built seventy-one (71) feet from the OWH, deviating from the required setback  
361 of one hundred (100) feet from the OHW on a recreational developmental lake and an allowable  
362 deck of two hundred and forty (240) square feet. Kovala second. Brufloft, Johnston, Kessler,  
363 Boatman, Kovala, and Bender voting in favor of the motion and Spaeth voting in opposition to

364 the application sighting no practical difficulty and the ability to build a two hundred and forty  
365 (240) square foot deck without a variance. Motion carried. Variance **approved**.

366  
367

368 **FIFTH ORDER OF BUSINESS: Applicant: ROGER D CHRISTIANSON & KIMBERLY**  
369 **G CHRISTIANSON REVOCABLE 2518 PARKVIEW DR FARGO ND 58103 Project**  
370 **Location:** 24393 WOODLAND LN **LEGAL LAND DESCRIPTION:** Tax ID number:  
371 190785001 SubdivisionName AUD PLAT 138 41 SubdivisionCd 19004 PT GOVT LOT 3  
372 (AKA AUD LOTS 8, 9 & 10) BEG AT A PT ON CNTR RD 500' E, 2068.57' SW & 70.12' N  
373 OF N QTR COR SEC 8; TH NELY AL CNTR LN 146.34', TH SE 203.79' TO LK, TH SWLY  
374 AL LK TO PT SW OF POB, TH NLY 130.40' TO POB **APPLICATION AND**  
375 **DESCRIPTION OF PROJECT:** Request a Variance for a garage/storage structure to be built  
376 in the ROW. Also requesting a Variance for living space also to close to ROW. Christianson  
377 stated that they have a large lot stating their difficulty is a bluff on the south that faces the lake.

378

379 Swenson presented the application.

380

381 Kim and Roger Christianson were present. Christianson explained the application to the Board.  
382 Christianson is requesting a variance for a garage/storage structure to be built in the ROW and a  
383 variance for living space also to close to ROW. Christianson stated they have a large lot and  
384 their difficulty is a bluff on the south that faces the lake. Christianson stated that the house was  
385 built in 2003 but is already too close to the ROW since then. He also believed they are too close  
386 to the neighbor and septic with the current setback requirements. Christianson stated he  
387 consulted an architect and they advised him that for the addition it would be best structurally to  
388 come perpendicularly off of the house.

389

390 Mrs. Christianson stated that when the staked it out they decided they would like it 2 feet closer.  
391 They requested to change their request for the garage form 24x28 ft. to 24x26 ft. Christianson  
392 added that this would place the structure twenty-four (24) feet from the road. Boatman asked  
393 where the ROW was. Christianson said their neighbor had found his pins so that is what they  
394 used. Christianson stated he did not know how to locate the ROW. Brufloft asked if  
395 Christianson knew where his pins were. Boatman stated that the stakes were meaningless in  
396 relation to the pins. Christianson asked how to locate the pins. Spaeth replied a surveyor or metal  
397 detector could work. Bender replied a landscaping company could also assist with locating pins.  
398 Brufloft stated that Christianson must locate the pins to measure adding that the ROW is a no  
399 encroachment area for the Board. Christianson asked what the distance should be. Boatman  
400 stated that they would like to see twenty (20) feet to park a vehicle. Christianson replied they  
401 would be at eighteen (18) feet and twenty-eight (28) feet because the road is not straight along  
402 the property. Johnston asked Swenson if there was a plat on file. Swenson replied they would  
403 have to check with the Recorder's office. Christianson stated there are fence posts which might  
404 indicate his side lines, but he was unsure of the lot depth. Christianson asked if the setback for  
405 the cabin was also based on the centerline. Bender asked when the cabin was built 2003.

406 Christianson stated the cabin was built in the footprint. Bender asked if there had been a  
407 variance. Christianson replied no. Christianson stated they had setback issues because of the  
408 bluff and the road. Bender asked how far away they were from the bluff. Bruflodt stated that they  
409 need visible pins to verify the setback request from the ROW. Spaeth asked what the practical  
410 difficulty was. Christianson replied that they need more living space as they have two children  
411 who live out of state and would like to visit year round. They would like to have a garage so they  
412 do not have to pay for storage for lake items.

413

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

417

418 At this time, Christianson asked to have his application **tabled** until he was able to located the  
419 property pins and verify his requested setbacks to the ROW.

420

421 **SIXTH ORDER OF BUSINESS: Applicant: FOLTZ ACRES LLC** 19097 FRONTAGE RD  
422 DETROIT LAKES MN 56501 **Project Location:** 19097 FRONTAGE RD DETROIT LAKES  
423 MN 56501 **LEGAL LAND DESCRIPTION:** Tax ID number: 080292002 Section 16 Township  
424 139 Range 041 16-139-41 PT NW1/4 SE1/4: COMM NE COR BUZZ EST, S 242', W 333.62', S  
425 263.1' TO POB; S 507.86', SE AL HWY 21.31', E 499.9', N 752.16', WLY 615.62' TO POB.  
426 **TRACT B. APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance for 70  
427 percent impervious surface coverage for a truck trailer storage parking lot at a growing  
428 commercial trucking operation.

429

430 Swenson presented the application.

431

432 Owner Ken Foltz was joined by John Pratt of Apex Engineering Group explained the  
433 application. Foltz stated that he is requesting a variance for 70 percent impervious surface  
434 coverage on his 10 acre lot resulting in 7acres of total lot coverage. Pratt stated he was not sure  
435 what the property was currently zoned but if it was commercial it would be allowed 30 percent  
436 coverage. Pratt stated they are working with the Pelican River Watershed to create a storm water  
437 treatment plan which would treat the whole 7 acres that are proposed to be covered not just the  
438 above and beyond percent past the allowable. Pratt stated the plan would include 90 percent total  
439 solids removal and 50 percent phosphorous removal.

440

441 Spaeth asked what the coverage is on the lot to the north. Foltz stated that it is class 5 and  
442 crushed concrete. Spaeth asked will this be better than the current lot. Pratt stated, that yes will  
443 be 100 percent captured and treated, it will meet the watershed requirements. Pratt added there  
444 was an error on the application the total impervious coverage should be 304,920 square feet.  
445 Johnston asked about the hole on the property. Pratt stated Dewey's Excavating has been  
446 contracted to have it graded.

447  
448 Randy Gravelle spoke in favor of the application. Gravelle stated he owns a parcel 08.0292.000,  
449 located to the north of Flotz Acres LLC. Gravelle stated the proposed project makes sense to him  
450 and that it would fit nicely in the neighborhood.

451  
452 No one spoke against the application. There was no written correspondence either for or against  
453 the application. At this time, testimony was closed. Chairman Bruflodt opened the matter for  
454 disussion by the Board.

455  
456 Kessler stated he is in favor of the plan. Spaeth stated it is an excellent plan, adding that it is  
457 going to help a business expand and they are controlling their water. Spaeth added that what they  
458 can do without a variance could be much worse.

459  
460 **Motion: Kessler** made a motion to **approve** the variance request for 70 percent impervious  
461 surface coverage on a commercially zoned parcel, for a truck trailer storage parking lot. With the  
462 stipulation that the owner must meet the watershed district requirements presented in the  
463 application. Kessler stated that it is a better option than gravel. **Johnston second. All in favor.**  
464 **Motion carried. Variance approved with stipulations.**

465  
466 **SEVENTH ORDER OF BUSINESS: Applicant: NANCY & JEROME A MATTER JR**  
467 29677 BUFFALO RUN ROCHERT, MN 56578 **Project Location:** 29677 BUFFALO RUN  
468 ROCHERT, MN 56578 **LEGAL LAND DESCRIPTION:** Tax ID number: 160029001 Section  
469 06 Township 140 Range 040 PT GOVT LOT 6: COMM E QTR COR TH N 402.10', NW  
470 424.19', WLY 457.48', SWLY 1368.30' AL RD, S 66', WLY 160.58' TO POB; TH S TO  
471 BUFFALO LK, WLY 59.20', SW 132.27', NW 228.64' TO SE COR LOT 25 KILIANS PLAT,  
472 TH NE 383.91' TO BUFFALO RUN RD, SE AL RD 117' TO POB **APPLICATION AND**  
473 **DESCRIPTION OF PROJECT:** Request a Variance for a fire pit less than 100 feet from the  
474 Ordinary High Water Mark of Buffalo Lake

475  
476 Swenson introduced the application.

477  
478 **Matter** explained the application. Matter stated he had hired a contractor to install a patio and  
479 fireplace on his property and did not realize that they need to have a permit to construct those  
480 items. He had received a letter in the mail from the Planning and Zoning office in regards to a  
481 different structure on his property. He contacted the Planning and Zoning office to resolve the  
482 matter. When the Zoning Technicians came out to inspect the property they were made aware of  
483 the fireplace and patio and informed Matter they were not permitted. Matter explained that his  
484 house was constructed on a point in the lake and was built in 1977 and was permitted at that  
485 time. He stated he has done several additions to the property over the years and has always been  
486 sure to permit them. Matter stated that the current application request is for a fireplace and patio  
487 with a maximum height of 3 feet for the two pillars with the rest of the remaining structure at  
488 22.5 inches. Matter added he went with patio blocks which resulted in very little movement of  
489 soil and made sure to place it as far to the one side to stay away from the water.

490

491 No one spoke in favor of the application. No one spoke against the application. There was no  
492 written correspondence either for or against the application. At this time, testimony was closed  
493 and further discussion was held.

494  
495 Kessler stated he was in favor of the application. Johnston stated that the Board toured the  
496 property and verified setbacks from the water at ninety-three (93) feet, seventy-three (73) feet,  
497 and one-hundred and thirty-two (132) feet from the OHW. Spaeth noted that this whole structure  
498 is pervious. Matter replied that it was patio block. Spaeth asked if it was a fire pit or a patio. He  
499 asked Swenson if it came into the Planning and Zoning office would it require a site permit.  
500 Swenson replied yes, it would.

501  
502 **Motion:** Spaeth proposed a motion to approve a variance for a fireplace and patio with a  
503 nineteen (19) foot diameter at seventy-two (72) feet from the OHW. **Bender second. All in**  
504 **favor. Motion carried. Variance approved.**

505  
506 **EIGHTH ORDER OF BUSINESS: Applicant: LUKE WEIDEMANN 18865 335TH AVE**  
507 **DETROIT LAKES MN 56501 Project Location: 18865 335TH AVE DETROIT LAKES MN**  
508 **56501 LEGAL LAND DESCRIPTION: Tax ID number: 100387001 Section 23 Township**  
509 **139 Range 040 PT NW1/4 OF NE1/4 W OF RIVER APPLICATION AND DESCRIPTION**  
510 **OF PROJECT: Request a Variance to build a shop 105 feet from the Ottertail River.**

511  
512 Swenson introduced the application.

513  
514 Owners Luke Weidemann explained the application. He stated he would like to revise his current  
515 application. The current request is for a separate shop he stated he would like to change it to a  
516 24x24 ft. attached garage, hooked to the house.

517  
518 Johnston asked if it would be attached to the garage. Weidemann replied it would not be attached  
519 to the garage, just to the house. He will be using it to park his snowplow in the winter. Brufloft  
520 noted that everything that is on the property is within the setbacks of the river. Brufloft  
521 requested for Weidemann to redraw his plan and submit it to the Zoning office along with  
522 restaking the property for another tour visit. Swenson stated Weidemann could be placed on the  
523 agenda for the June 8<sup>th</sup> hearing. Brufloft asked is the building addition would be a shop or just a  
524 garage for Weidemann's snow plows. Weidemann replied it would be for his plow. Kessler  
525 agreed this was a better location and request than the current request.

526  
527 No one spoke in favor of the application. No one spoke against the application. There was no  
528 written correspondence either for or against the application. At this time, testimony was closed  
529 and further discussion was held.

530

531 At this time, Weidermann asked to have his application tabled until he was able to complete the  
532 updated site application and re-stake the new proposed garage.

533

534 **NINETH ORDER OF BUSINESS: Informational Meeting.** The next informational meeting  
535 is scheduled for Thursday, June 1st, 2017 at 7:00 am in the 3<sup>rd</sup> Floor Meeting Room of the  
536 Original Courthouse.

537

538 As there was no further business to come before the Board, Kovala made a motion to adjourn the  
539 meeting. Spaeth seconded. All in favor. Motion carried. Meeting adjourned.

540

541 \_\_\_\_\_ ATTEST \_\_\_\_\_

542 Jim Brufloft, Chairman

Patricia Swenson,

543

Interim Planning and Zoning Supervisor