

Becker County Board of Adjustments
August 10th, 2017

Present: Members: Jim Kovala, Brad Bender, Harry Johnston, Steve Spaeth, Roger Boatman, Lee Kessler, and E911/Zoning Technician Rachel Bartee. Absent was Chairman Jim Bruflo.

Vice Chairman Steve Spaeth 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 July 13th, 2017 meeting. **Kessler** seconded. The motion passed unanimously. Motion carried.

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

NEW BUSINESS:

FIRST ORDER OF BUSINESS: Shelly & Mark Lindlauf Project Location: 17331 Co Hwy 6, Lake Park, MN 56554 **Tax ID Number:** 17.0067.000 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a deck fifty-five (55) feet from the ordinary high water mark of the lake, deviating from the required setback of one hundred (100) feet from the OHW on a recreational development lake, due to setback issues.

Bartee presented the application.

Shelly & Mark Lindlauf were present. Lindlauf explained the application to the Board. He changed his request for a variance to construct a deck **fifty-two (52)** feet from the ordinary high water mark of the lake, due to setback issues. Shelly Lindlauf explained that they would like a 10x22 foot deck on the front of the house and a 10x26 foot deck on the side of the house. Bartee stated the side deck request could be approved in-house with setback averaging plus twenty (20) feet without a variance at sixty-six (66) feet from the lake.

Lindlauf explained, Bob Merritt had visited the property and located the OHW, determining the house was at sixty-two (62) feet from the OHW, resulting in the change in the request from fifty-five (55) to fifty-two (52) feet from the lake. Based on measurements from the neighbor's decks to the OHW, each at thirty-nine (39) feet from the OHW, setback averaging plus twenty (20) would allow deck construction to begin at fifty-nine (59) feet from the OHW. Lindlauf added that because his house is at sixty-two (62) feet from the OHW setback averaging plus twenty (20) feet would not work on the front deck, as it would only allow it to be (62-59) 3 feet deep.

42
43 Boatman asked why the deck was not considered or constructed 3 years ago when the house was
44 built. Boatman asked if the house was built in the same footprint as the previous dwelling.
45 Lindlauf replied no, they did not build in the same footprint, but very close to it. Lindlauf added
46 he is not sure why the deck was not on the original permit request. Lindlauf explained that they
47 had hired a contractor to complete the site permit application and construct their cabin, adding
48 that there was ledger board installed on the lakeside and west side of the property preparing it for
49 decks in both locations as this was their intent all along. Lindlauf explained that the contractor
50 who designed the house had used setback averaging plus twenty (20) to determine the location of
51 the house but did not consider averaging for the lakeside deck. Lindlauf stated the reason they
52 rebuilt the house slightly over was due to the garage location and setback issues.

53
54 Johnston asked if the neighbors to the west had a deck or a patio. Lindlauf replied it was a patio.
55 Lindlauf stated they are requesting a minimal size deck on the lakeside. Lindlauf indicated that
56 they do not plan on using the south deck as their main deck, adding due to medical issues it is too
57 hot on that side to use it during the day. Lindlauf stated, use would primarily be in the evenings
58 and for the pleasant view it would provide lakeside.

59
60 Boatman stated during the tour, the Board noted a brick fire pit on the property, located in the
61 shore impact zone. Lindlauf replied that the fire pit had been there for years. Boatman asked if
62 they would be willing to move the fire pit out of the shore impact zone. Lindlauf replied yes, if
63 required to do so, adding they use it very infrequently.

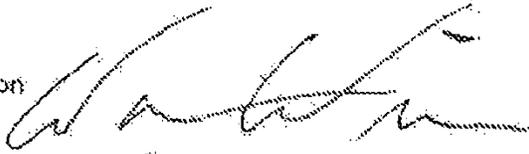
64
65 No one spoke in favor of the application. No one spoke against the application. There was no
66 written correspondence against the application.

67
68 There was written correspondence for the application from neighbors, Warren and Sharon
69 Wilson, owners of parcel number 17.0065.000, located at 17297 Co Hwy 6. This was read by
70 Bartee:

71
72 8/7/2017
73
74 County of Becker
75 Department of Planning, Zoning, and Land Use
76
77
78 Re: Mark & Shelly Lindlauf
79
80 17331Co Hwy 6, Lake Park
81

82 We are next door neighbors of Mark and Shelly Lindlauf. We are in favor of their plans
83 to construct a deck on their lot as requested.

Warren Wilson



84

Sharon Wilson



85
86

87 Letter from Warren and Sharon Wilson is on file in the Becker County Zoning Office.

88

89 There was written correspondence for the application from Bob Merritt, P.G. MHEC, who
90 located and staked the OHW. This was read by Bartee:

91

92 Patty,

93

94 On July 30 I surveyed the Big Cormorant Lake water surface and staked the OHW at the
95 Lindlauf cabin (17331 CR 6).

96

97 The water surface was 1353.74, approximately 0.86 ft. below the OHW of 13564.6.

98

99 I staked the OHW within the riprap shoreline.

100 I also measured and staked 50 ft. from the OHW.

101 The house is approximately 62 ft. from the OHW.

102

103 If you have any questions, please feel free to contact me.

104

105 Bob Merritt, P.G.

106 MHEC

107

108 Letter from Bob Merritt is on file in the Becker County Zoning Office.

109

110 At this time, testimony was closed. Spaeth opened the matter for disussion by the Board.

111

112 Kessler asked if Lindlauf had gutters. Lindlauf replied yes. Kessler asked where the stormwater
113 flows, and if it was away from or into the lake. Lindlauf stated the water in front flows away and
114 the water in back flows towards the lake, adding that they do have riprap that sits up higher.

115 Boatman asked if Lindlauf had a berm. Lindlauf replied no.

116

117 Spaeth stated he originally thought the request was for both side and lakefront decks to be
118 approved. Spaeth stated he was originally in favor of approving only one deck, on the lakeside,
119 as it is a reasonable, minimal request and would conform to the neighborhood and property.
120 Spaeth stated he had considered two decks excessive and unreasonable. Spaeth added having no
121 siding, due to the ledger board, should not be considered a practical difficulty.

122
123 Kessler asked if the nonconforming deck addition rule, restricting the deck size to two hundred
124 forty (240) square feet, applied to this deck. Barteo advised this rule did not apply to the side
125 deck as it could be approved in-house with setback averaging plus twenty (20). In addition, the
126 nonconforming deck addition rule applies to structures which existed on the date Becker County
127 Zoning Ordinance shoreland structure setbacks were established. The current house was built
128 after this time.

129
130 Bender stated he was in favor of the proposal if the fire pit is removed from the shore impact
131 zone and the gutters are french drained on the lakeside. Lindlauf asked what a french drain was.
132 Spaeth explained that stormwater can be managed by downspouts that go underground so the
133 roof water does not run into the lake. Spaeth added that the Zoning Office could assist him with
134 the stormwater management plan.

135
136 **Motion: Bender** made a motion to **approve** the application as amended to construct a 10x22 ft.
137 deck, fifty-two (52) feet from the ordinary high water mark of the lake, deviating from the
138 required setback of one hundred (100) feet from the OHW on a recreational development lake,
139 due to setback issues, based on the fact that the request does not alter the central character of the
140 area and is in conformity with the neighborhood, with stipulations that the fire pit is removed
141 from the shore impact zone and the gutters are french drained. **Boatman second. All in favor.**
142 **Motion carried. Variance approved.**

143
144 **SECOND ORDER OF BUSINESS: Informational Meeting.** The next informational meeting
145 is scheduled for Thursday, September 7th, 2017 at 7:00 a.m. in the 3rd Floor Meeting Room of
146 the Original Courthouse.

147
148 As there was no further business to come before the Board, Kovala made a motion to adjourn the
149 meeting. Spaeth seconded. All in favor. Motion carried. Meeting adjourned.

150
151 _____ ATTEST _____
152 Jim Bruflo, Chairman Patricia Swenson,
153 Interim Planning and Zoning Supervisor