

**Becker County Board of Adjustments
November 14th, 2019**

Present: Members: Chairman Jim Bruflodt, Lee Kessler, Jim Kovala, Harry Johnston, Delvaughn King, Zoning Administrator Kyle Vareberg and E911/Zoning Technician Rachel Bartee. Absent were Roger Boatman and Brad Bender.

Chairman 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 October 10th, 2019 minutes. **King** seconded. The motion passed unanimously. Motion carried.

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

NEW BUSINESS:

FIRST ORDER OF BUSINESS: APPLICANT: APPLICANT: Greg Krutsinger PO BOX 55 West Fargo, ND 58078 Project Location: 15493 Summer Island Rd Lake Park, MN 56554 LEGAL LAND DESCRIPTION: Tax ID Number: 17.1158.000; Section 06 Township 138 Range 042; SUMMER ISLAND 138 42 Block 001; LOT 16 & RESTRICTED DRIVE APPLICATION AND DESCRIPTION OF PROJECT: Request a variance to construct a basement addition to an existing non-conforming dwelling to be located at twenty-one (21) feet from the ordinary highwater mark of the lake. Also, requesting a variance to construct an attached garage to be located at sixty-one (61) feet from the OHW of a lake. Both requests are deviating from the required setback of one hundred (100) feet from the OHW of a recreational development lake. Also, requesting a variance to construct an attached garage to be located at 6 feet from the ROW on a township road, deviating from the required setback of twenty (20) feet from a township road on a riparian lot.

Vareberg presented the application.

Gary Schander, contractor, was present to represent Greg Krustinger. Schander explained the request construct a basement addition to be located at 21 feet and attached garage to be located at 61 feet from the OHW. Schander explained the need for a new footing and wall under the cabin due to the fact the house is shifting and at different times of the year they are unable to open doors and windows. He explained they would raise it up from 5 feet to 8 feet. Schander stated the owner would like to make the residence a year-round, explaining the need to have a garage. Schander noted the garage would be located at 6 feet from the ROW on the south side of the property.

44 Bruflodt stated as the house is 21 feet from the OHW from the north and 32 feet from the OHW
45 to the east, can you move it back. Schander replied no because it is too close to the property lines
46 now, he submitted pictures to the Board showing the side property lines (pictures are on file in the
47 Becker County Zoning Office). Schander noted if they tore down the existing structure, they would
48 not be able to rebuild it again the same location due to the setback issues. Schander noted the
49 owner does own the neighboring lot to the east, not the south, which is what the pictures represent,
50 however it is a sperate parcel with its own house. Schander explained he believes it was all one
51 property originally with shared well but was split in two at some point.

52
53 Kovala asked if he was aware of the 1973 variance application which states: "Application by Frank
54 C. Scott for a Variance to build a home on Lot 16, Summer Island Beach, Leaf Lake. Louis Suda
55 made to approve, subject to the following: No drainfield, holding tank only, no other buildings
56 could be located on any part of the lot." Kovala asked what the huge hole on the lot was from.
57 Schander stated the holding tank collapsed and they have a contractor lined up to install a new one.
58 Kovala stated he is not in favor of the garage it is too close to the setbacks. Schander replied the
59 owner is ok if the garage is not approved their main want is the basement. Kovala stated everything
60 drains down to the lake, what is the mitigation plan. Schander replied they are not adding any more
61 to the current lot coverage, the house is staying in the same footprint, they are just adding 3 feet in
62 height, and the garage will be built in an already impervious area that currently has gravel and
63 concrete. Schander added they already have gutters on the house, but they will add french drains
64 per the proposed mitigation plan. Bruflodt stated there are no shrubs on the lot, have you
65 considered adding a berm to stop the flow of water. Schander stated they are in favor of controlling
66 stormwater runoff, noting they have lost 20-25 feet of shoreline since they have owned the lot.
67 Schander added the have mostly sand there so nothing grows, noting the plan is to bring in black
68 dirt and sod.

69
70 No one spoke for or against the application. There was no written correspondence for or against
71 the application. At this time, testimony was closed. Chairman Bruflodt opened the matter for
72 disussion by the Board.

73
74 Kessler stated he was in favor of the project.

75
76 Bruflodt noted the previous variance would have to be vacated to approve this request as the
77 previous variance states no other buildings can be constructed. Bruflodt noted french drains should
78 be installed on all corners of the structures.

79
80 Johnston stated they could build in the same footprint without a variance; it is just the foundation
81 that needs to be replaced to fix the current structure. Johnston stated the old variance should be
82 vacated and they should be allowed to have a garage as there is room for it and it is a minimal
83 request. Johnston stated everyone out there is parking on the road so it would help to add a garage.

84
85 Kovala stated he is not in favor of the request.

86
87 Bruflodt stated it is a uniquely shaped lot. Bruflodt asked if they purchased it without a garage.
88 Schander replied yes, however he believes this lot used to be combined with the lot next door and
89 the owner has a 100-foot easement to the property to the south so he would not get boxed in.

90 King stated he is in favor of the application.

91
92 Kovala stated the request is only 5-6 feet from the ROW, this will cause issues when they plow.
93 Johnston noted they could make the garage smaller. Schander stated the owner just wants a place
94 to park a car and snowblower. Kessler stated making it smaller would not make it far enough away
95 from the ROW, they should make it flush with the front of the house. Schander replied they would
96 be willing to make it flush with the house and they will work with Dewey's Septic to relocate the
97 new septic to the back, so the garage will not be on top of it.

98
99 **Motion: Kessler** made a motion to rescind the Variance approved July 17, 1973. Also made a
100 motion to **approve** the application as modified, to construct a basement addition to an existing
101 non-conforming dwelling to be located at twenty-one (21) feet from the ordinary highwater mark
102 of the lake. Also, approved a variance to construct an attached 24x24 ft garage, to be flush with
103 the front of the existing house, modified from the proposed request to be six (6) feet from the ROW
104 and sixty-one (61) feet to the OHW. Deviating from the required setback of one hundred (100)
105 feet from the OHW of a recreational development lake and deviating from the required setback of
106 twenty (20) feet from a township road on a riparian lot, with the stipulations to control all
107 stormwater runoff, with all structures to have gutters, to downspouts, to french drains and a one
108 (1) foot berm is to be installed on both lake sides of the lot, due to setback issues and lot size.

109
110 **King second.** Kessler, King, Johnston, in favor. Kovala opposed. **Motion carried.** Variance
111 **approved as modified.**

112
113 **SECOND ORDER OF BUSINESS: APPLICANT: APPLICANT: Blue Spruce Properties**
114 Po Box 148 Perham, MN 56573 **Project Location:** 20266 CO RD 117 Osage, MN 56570
115 **LEGAL LAND DESCRIPTION: Tax ID Number: 33.0117.000;** Section 10 Township 139
116 Range 038; GOVT LOT 2, N1/2 OF SW1/4 & NW1/4 OF SE1/4 LESS PART IN DOC 486579
117 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct an
118 1,804 sq. ft storage structure to be located at 164 feet from the OHW of a lake, deviating from
119 the required setback of 200 feet from the ordinary high-water mark of a lake for a detached
120 storage structure over 1200 square feet in size.

121
122 Vareberg presented the application.

123
124 No one was present to explain the application.

125
126 There was a letter against the proposed project presented to the Board:

127
128 As I cannot personally attend the public hearing Nov 14, 2019 @ 7 pm I would like to offer
129 the following comments:

130
131 I believe setbacks should be strictly adhered to whenever possible, were established after
132 much consideration, and are not just an arbitrary number

133
134 I am of the opinion that a variance should ONLY be granted in the case of hardship that
135 the property owner has little/no control over

136
137 I ask that the Board of Adjustment NOT approve the variance request for the following
138 reasons:

139 The numbers in the packet vs the numbers on the public hearing notice are not the same
140 but either way (whatever the final numbers actually are) staying within the setback
141 requirements within Becker County ordinance would in my opinion allow for a large
142 enough building to use as the applicant describes without the need for a variance

143 Given that the applicant owns 150+- acres immediately across Co Rd 117, if in fact he
144 needs a shed that is larger than setbacks allow, he has the option to build his storage
145 structure across the road

146 There is no hardship present

147 Thank You for your consideration

148

149 Clark Lee

150 20552 Co R d 117

151 Osage, MN 56570

152 mclarklee@gmail.com

153 763-592-9028

154

155 No one spoke for or against the application. There was no written correspondence for the
156 application. At this time, testimony was closed. Chairman Bruflodt opened the matter for discussion
157 by the Board.

158

159 Kovala stated he is not in favor of the project as the request is substantial in size, 50% larger than
160 what is allowed. Kovala added he fails to see any practical difficulty as Hammer owns 149 acres
161 across the road.

162

163 **Motion: Kovala** made a motion to **deny** the application as presented, to construct an 1,804 sq. ft
164 storage structure to be located at 164 feet from the OHW of a lake, deviating from the required
165 setback of 200 feet from the ordinary high-water mark of a lake for a detached storage structure
166 over 1200 square feet in size, due to the fact the proposed size is over the allowed 1,200 square
167 feet and the owner has sufficient room across the road to build.

168

169 **Johnston second.** All in favor. **Motion carried.** Variance **denied.**

170

171 **THIRD ORDER OF BUSINESS: APPLICANT: Colleen Louise Hoffman Et Al** 16433 160 St
172 Thief River Falls MN 56701 **Project Location:** 45140 SE Juggler Trl Waubun, MN 56589
173 **LEGAL LAND DESCRIPTION: Tax ID Number: 25.0244.000 & 25.0242.001 ; Section 14**

174 Township 142 Range 038; GOVT LOT 3, Section 14 Township 142 Range 038; PT GOVT LOT
175 2: COM SW COR COR, N 1042.19 TO POB; N TO JUGGLER LK, NLY & ELY AL LK 144.98',
176 SWLY 279.44' TO POB. ROUND LAKE. **APPLICATION AND DESCRIPTION OF**
177 **PROJECT:** Request a variance to construct an addition to a non-conforming dwelling to be
178 located at sixty-four (64) feet from the ordinary high-water mark of the lake, deviating from the
179 required setback of one hundred (100) feet from the OHW of a recreational development lake, due
180 to setback issues.

181
182 Vareberg presented the application.

183
184 Colleen Hoffman and sister Cindy Myogeto were present. Hoffman explained the application to
185 construct an addition to a non-conforming dwelling to be located at sixty-four (64) feet from the
186 ordinary high-water mark of the lake. Hoffman stated they would like to do a small addition so
187 they can get rid of the outhouse and add a bathroom to the cabin.

188
189 No one spoke for or against the application. There was no written correspondence for or against
190 the application. At this time, testimony was closed. Chairman Brufloodt opened the matter for
191 disussion by the Board.

192
193 Kessler stated this was a resonable request, there are not going to be any neighbors impacted, as it
194 is in a very rural area, and it does not impact the general character of the neighborhood.

195
196 Kovala stated he is in favor of the proposal, adding it is far away from the lake and out of the shore
197 impact zone.

198
199 **Motion: Kessler** made a motion to **approve** a variance as proposed, to construct an addition to a
200 non-conforming dwelling to be located at sixty-four (64) feet from the ordinary high-water mark
201 of the lake, deviating from the required setback of one hundred (100) feet from the OHW of a
202 recreational development lake, due to setback issues, due to the fact, the request is out of the shore
203 impact zone and it does not negatively impact the general character of the neighborhood.

204
205 **Kovala second.** All in favor. **Motion carried.** Variance **approved.**

206
207 **FORTH ORDER OF BUSINESS: APPLICANT: Thomas and Christine York** 1841 Montego
208 Dr Bismarck, ND 58501 **Project Location:** 20713 Co Hwy 22 Detroit Lakes, MN 56501 **LEGAL**
209 **LAND DESCRIPTION: Tax ID Number: 17.0769.000;** Section 27 Township 138 Range 042;
210 **ISTHMUS BEACH 2ND Block 001 LOT 3 APPLICATION AND DESCRIPTION OF**
211 **PROJECT:** Request a variance to construct a dwelling and an attached garage to be located at
212 thirty-eight (38) feet from the ordinary high-water mark of the lake, deviating from the required
213 setback of seventy-five (75) feet from the OHW of a general development lake. Also, request a
214 variance to construct a dwelling and an attached garage to be located at twenty-nine (29) feet from

215 the road right of way of a county highway, deviating from the required setback of forty-five (45)
216 feet from the ROW of a county highway, due to setback issues and substandard lot size.

217

218 Vareberg presented the application.

219

220 Thomas and Christine York were present. York explained the application to construct a dwelling
221 and an attached garage to be located at thirty-eight (38) feet from the ordinary high-water mark of
222 the lake and request a variance to construct a dwelling and an attached garage to be located at
223 twenty-nine (29) feet from the road right of way of a county highway. York stated they would like
224 to make the property a year-round residence, however it is difficult to meet the setbacks with a
225 substandard lot.

226

227 Kessler asked what their hardship is. York replied they have setback issues because they are on a
228 county road, not a township road, which requires further setbacks. Johnston asked if the proposed
229 structure would be farther back than the current one. York replied yes, it will be further back and
230 have a smaller overall footprint, decreasing from 1600 sq. ft to 1400 sq. ft. Kessler asked if it
231 would be higher than the house to the north. York replied it will be lower than the house to the
232 north. Kovala stated on the application it was requested to be 30 feet in height, why so high. York
233 replied they were not sure on the exact height, but it will not be that high, they know the Ordinance
234 requires them to be under 30 feet in height, it will be a standard 2 story dwelling.

235

236 No one spoke for or against the application. There was no written correspondence for or against
237 the application. At this time, testimony was closed. Chairman Brufloodt opened the matter for
238 discussion by the Board.

239

240 Brufloodt stated this request is similar to the rest of the neighborhood.

241

242 Kovala stated there is a berm on the lakeside. York replied there is a berm on one side and the
243 elevation of the lot is good. York added they plan to do additional mitigation including french
244 drains.

245

246 **Motion: Johnston** made a motion to **approve** a variance as proposed, to construct a dwelling and
247 an attached garage to be located at thirty-eight (38) feet from the ordinary high-water mark of the
248 lake, deviating from the required setback of seventy-five (75) feet from the OHW of a general
249 development lake. Also, to approve a variance to construct a dwelling and an attached garage to
250 be located at twenty-nine (29) feet from the road right of way of a county highway, deviating from
251 the required setback of forty-five (45) feet from the ROW of a county highway, due to setback
252 issues and substandard lot size, due to the fact it is a reasonable request, it is becoming more
253 conforming by moving out of the shore impact zone and meeting the side property line setbacks,
254 the request is out of the ROW, it is a smaller footprint than the existing structure, they are reducing

255 the overall impervious coverage, and it is in line with the general character of the neighborhood,
256 with the stipulations to remove the existing shed and control stormwater with gutters, downspouts
257 to french drains and to extend the natural berm.

258

259 **Kovala second.** All in favor. **Motion carried.** Variance **approved.**

260

261 **FIFTH ORDER OF BUSINESS: APPLICANT: Loyle & Janet Raymond** 5625 Woodstock
262 Ave Golden Valley, MN 55422 **Project Location:** 24426 Co Hwy 22 Detroit Lakes, MN 56501
263 **LEGAL LAND DESCRIPTION: Tax ID Number: 19.1743.000;** Section 20 Township 138
264 Range 041; SHADY BEACH 138 41; NELY 15' OF LOT 1, LOT 2 EX SWLY 40', W1/2 OF LOT
265 3 & PT E1/2 OF LOT 3 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a
266 variance to construct a detached garage to be located at thirty-one (31) feet from the road right of
267 way of a county highway, deviating from the required setback of forty-five (45) feet from the
268 ROW of a county highway, due to setback issues and substandard lot size. Also requesting to
269 construct a detached garage to be twenty-four (24) feet high, deviating from the required maximum
270 height of twenty-two (22) feet for a detached structure.

271

272 Vareberg presented the application.

273

274 Janet Raymond was present. Raymond explained the application to construct a new 28x26
275 detached garage to be located at thirty-one (31) feet from the road right of way of a county highway
276 and to be twenty-four (24) feet high. Raymond explained they currently have only a carport and a
277 single car garage which will be removed and replaced with the new garage. Raymond stated the
278 new structure will be moved 10 feet further back off Co Hwy 22 into the yard than the current
279 structure. Raymond stated they are unable to get closer as the proposed structure will be 8ft from
280 the drainfield. Raymond stated the height is need for a loft area with a sleeping area and ¾ bath.

281

282 Kovala stated they would not be able to have a kitchen, noting having all three amenities would
283 classify it as a dwelling.

284

285 Bruflodt stated it was a good plan to move it further back off Co Hwy 22.

286

287 Johnston stated he felt they should be able to have a sleeping and bath area within the Ordinance
288 at 22 feet in height.

289

290 Bruflodt stated there is only one neighbor that would be impacted by the request and it would
291 benefit them by moving the garage back and would improve their view of the golf course. Vareberg
292 noted the rule is there to protect the backlot.

293

294 No one spoke for or against the application. There was no written correspondence for or against
295 the application. At this time, testimony was closed. Chairman Bruflodt opened the matter for
296 disussion by the Board.

297
298 **Motion: Kessler** made a motion to **approve** a variance as proposed, to construct a detached garage
299 to be located at thirty-one (31) feet from the road right of way of a county highway, deviating from
300 the required setback of forty-five (45) feet from the ROW of a county highway. Also, approving a
301 variance to construct a detached garage to be twenty-four (24) feet high, deviating from the allowed
302 maximum height of twenty-two (22) feet for a detached structure in the shoreland district, all due
303 to setback issues and substandard lot size, due to the fact the request does not negatively impact
304 any neighbors and it is in line with the general character of the neighborhood.

305
306 **Johnston second.** All in favor. **Motion carried.** Variance **approved.**

307
308 **SIXTH ORDER OF BUSINESS: APPLICANT: Wendy Gjerde** 15587 W Munson Ln Detroit
309 Lakes, MN 56501 **Project Location:** 15587 W Munson Ln Detroit Lakes, MN 56501 **LEGAL**
310 **LAND DESCRIPTION: Tax ID Number: 19.1470.000;** Section 05 Township 138 Range 041,
311 MUNSON BEACH 138 41, LOTS 9 AND 10 **APPLICATION AND DESCRIPTION OF**
312 **PROJECT:** Request a variance to construct a deck to be located at sixty-six (66) feet and an
313 addition to a non-conforming dwelling to be located at seventy-six (76) feet from the ordinary
314 high-water mark of the lake, deviating from the required setback of one hundred (100) feet from
315 the OHW of a recreational development lake, due to setback issues and substandard lot size.

316
317 Vareberg presented the application.

318
319 Wendy Gjerde, Chris D., and Mike Witt were present. Witt explained the application to construct
320 a deck to be located at sixty-six (66) feet and an addition to a non-conforming dwelling to be
321 located at seventy-six (76) feet from the ordinary high-water mark of the lake. Witt explained the
322 house addition will be 67 feet from the OHW on one side and 85 to the other. Witt stated there is
323 a retaining wall that keeps falling in and a crack in the foundation making the basement unusable
324 as water keeps coming in. Witt stated they considered moving it back but that is not possible.

325
326 Kovala stated there is already a deck on the property. Witt replied they would like to have a deck
327 off the sliding door; however, they are ok if one will not be permitted. Chris stated they plan to
328 remove the existing shed as it is not large enough and replace it with the new attached garage,
329 which will meet all setbacks. Witt added they will mitigate the stormwater runoff by installing
330 gutters, to downspouts to french drains. Johnston asked if everything to the north is being removed.
331 Witt replied yes, railroad ties, garage, concrete, everything.

332

333 No one spoke for or against the application. There was no written correspondence for or against
334 the application. At this time, testimony was closed. Chairman Brufloodt opened the matter for
335 disussion by the Board.

336

337 Brufloodt stated serious mitigation needs to be done on all four corners.

338

339 **Motion: Kovala** made a motion to **approve** a variance as proposed, to construct a deck to be
340 located at sixty-six (66) feet and an addition to a non-conforming dwelling to be located at seventy-
341 six (76) feet from the ordinary high-water mark of the lake, deviating from the required setback of
342 one hundred (100) feet from the OHW of a recreational development lake, due to setback issues
343 and substandard lot size, due to the fact it will not negatively impact the neighborhood, with the
344 stipulation to control all stormwater runoff with mitigation measures.

345

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

347

348 **SEVENTH ORDER OF BUSINESS: APPLICANT: Ryan and Nicole Restad** 2328 12th St W
349 West Fargo, ND 58078 **Project Location:** 38498 Ada Beach Rd Waubun, MN 56589 **LEGAL**
350 **LAND DESCRIPTION: Tax ID Number: 09.0109.001;** Section 13 Township 142 Range 039;
351 13-142-39 PT GOVT LOT 6: COMM AT SE COR LOT 6 TH N 795.02', N 136.47' TO POB; TH
352 N 136.47', W 268.08' TO ELBOW LK, TH SWLY AL LK 231.78',TH E 458.31' TO POB.
353 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a
354 second story onto a detached garage to be located at fifteen feet (15) feet from the centerline of a
355 township road, deviating from the required setback of fifty-three (53) feet from the centerline of a
356 township road. Also, requesting to construct a second story onto a detached garage to be twenty-
357 four (24) feet in height, deviating from the allowable maximum height of twenty-two (22) feet for
358 a detached structure.

359

360 Vareberg presented the application.

361

362 Phil Stahl, of Stahl Architects, was present to represent Ryan and Nicole Restad. Stahl explained
363 the application to construct a second story onto a detached garage to be located at fifteen feet (15)
364 feet from the centerline of a township road and to be twenty-four (24) feet in height. Stahl stated
365 Restad would like the addition for a mancave, including a bathroom, den area and wet bar for him
366 and his three sons. Stahl stated he was unsure if the variance was necessary for the height as the
367 back will only be about 6 feet in height, due to a steep hill, but the front will be at 24 feet. Vareberg
368 stated the height needs a variance as it is within the shoreland district. Vareberg noted the purpose
369 of the rule is to protect the site for neighbors.

370

371 Johnston noted there was a previous variance from 1998 for the dwelling and the garage was
372 permitted at the same time.

373
374 No one spoke for or against the application. There was no written correspondence for or against
375 the application. At this time, testimony was closed. Chairman Bruflo dt opened the matter for
376 disussion by the Board.

377
378 Johnston stated it is a very low traffic area.

379
380 Kovala asked if they plan on adding a deck to the backside. Stahl replied just a stairway away from
381 the lake.

382
383 Bruflo dt stated the request was close to the road. King stated the request is at the end of a minimally
384 traveled road, only going to one other cabin.

385
386 **Motion: Kessler** made a motion to **approve** a variance as proposed, to construct a second story
387 onto a detached garage to be located at fifteen feet (15) feet from the centerline of a township road,
388 deviating from the required setback of fifty-three (53) feet from the centerline of a township road.
389 Also, approving to construct a second story onto a detached garage to be twenty-four (24) feet in
390 height, deviating from the allowable maximum height of twenty-two (22) feet for a detached
391 structure within the shoreland district, due to setback issues, due to the fact, the road is minimally
392 traveled, only extends to one more cabin, and it is not changing the current footprint from what is
393 already existing.

394
395 **Kovala second.** All in favor. **Motion carried.** Variance **approved.**

396
397 **EIGHTH ORDER OF BUSINESS: Informational Meeting.** The next informational meeting
398 is scheduled for December 5th, 2019 at 8:00 a.m. in the 3rd Floor Meeting Room of the Original
399 Courthouse.

400
401 As there was no further business to come before the Board, **Kovala** made a motion to adjourn the
402 meeting. **King** seconded. All in favor. Motion carried. Meeting adjourned.

403
404 _____ ATTEST _____
405 Chairman Bruflo dt Kyle Vareberg,
406 Planning and Zoning Administrator
407