

Becker County Board of Adjustments
May 14th, 2020

Present: Members: Chairman Jim Bruflodt, Lee Kessler, Roger Boatman, Harry Johnston, Delvaughn King, Zoning Administrator Kyle Vareberg and E911/Zoning Technician Rachel Bartee. Absent was Michael Sharp.

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

Introductions were given.

Kessler made a motion to approve the minutes for the December 12th, 2019 minutes. **Johnston** 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: Michael & Harriet Powers 437 5th Ave SE East Grand Forks, MN 56721 **Project Location:** 15922 E Little Cormorant Rd Audubon, MN 56511 **LEGAL LAND DESCRIPTION: Tax ID Number:** 17.1118.000; Section 04 Township 138 Range 042; SUMMER HAVEN 138 42 LOT 1; **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct an addition to a bunkhouse/garage, to be located at one (1) foot from the ROW of a platted township road, deviating from the required setback of twenty (20) feet from the ROW of a platted township road for a structure on a riparian lot, due to setback issues. Modified to also include a request to be located 10 feet from the side property line.

Vareberg presented the application.

Michael and Harriet Powers were present. Powers explained the request to construct an addition to a bunkhouse/garage, to be located at one (1) foot from the ROW.

Bruflodt asked if they could move the building location to the west of the driveway. Powers replied it would require a lot of fill, over a driveway and down a hill. Bruflodt stated they could build it parallel to the house. Powers stated it would take lots of fill but would be do able.

Boatman stated that the request to be one foot from the ROW is unacceptable, adding there is no hardship shown.

Kessler stated he agrees, one foot form the ROW is not realistic. Kessler noted on the Board tour of the property the stakes marking the project location were into the ROW.

Johnston confirmed the stakes were in the ROW. Johnston added the best placement of this structure is to the southeast of the driveway.

44 Mike Powers brother in law was present, asking how narrow would the Board like to see it. Noting
45 they can make it smaller. What is acceptable if one foot isn't. Brufloft replied that it is about
46 positioning, they would be able to locate it somewhere else on the lot without a variance.
47 King stated he did not feel the proposed to be an acceptable request.
48 No one spoke for or against the application. There was no written correspondence for or against
49 the application. At this time, testimony was closed. Chairman Jim Brufloft opened the matter for
50 disussion by the Board.

51
52 **Motion: Boatman** made a motion to **deny** a variance to construct an addition to a
53 bunkhouse/garage, to be located at one (1) foot from the ROW of a platted township road,
54 deviating from the required setback of twenty (20) feet from the ROW of a platted township road
55 for a structure on a riparian lot, due to setback issues. Modified to also include a request to be
56 located 10 feet from the side property line, due to the fact the request is not consistent with the
57 Becker County Comprehensive Plan and the structure can be built on other areas of the property.

58
59 **Johnston second.** All in favor. **Motion carried.** Variance **denied.**

60
61 **SECOND ORDER OF BUSINESS: APPLICANT: Christopher & Tamara Harstad** 21352
62 NE Pickerel Lake Rd Rochert, MN 56578 **Project Location:** 21352 NE Pickerel Lake Rd Rochert,
63 MN 56578 **LEGAL LAND DESCRIPTION: Tax ID Number: 10.0644.000; Section 04**
64 **Township 139 Range 040; ELIZABETH BEACH 4-139-40 LOTS 23-25, APPLICATION AND**
65 **DESCRIPTION OF PROJECT:** Request a variance to construct an addition to a non-
66 conforming dwelling to be located at fifty (50) feet from the OHW of the lake, and a porch to be
67 located at seventy-six (76) feet from the OHW of the lake, deviating from the required setback of
68 one hundred (100) feet from a recreational development lake, due to setback issues.

69
70 Vareberg presented the application.

71
72 Christopher and Tamara Harstad were present. Harstad explained the request to construct an
73 addition to a non-conforming dwelling to be located at fifty (50) feet and a porch to be located at
74 seventy-six (76) feet from the OHW. Harstad stated they would like to have a 14x20 ft addition w
75 upper loft area bath/bedroom.

76
77 Vareberg stated at the Board tour they measured it to be closer. Johnston stated 12ft in from the
78 lake side wall.

79
80 Boatman asked if the project sat with the string line of the neighbors. Vareberg stated that did not
81 apply to this project.

82
83 Brufloft stated it was a secluded area.

84

85 Johnston asked if the screen porch that was forty-three (43) ft from the OHW had been permitted
86 in the past. Vareberg replied, per the owner it was an overhang which they put plexiglass on in the
87 winter months. Harstad stated it was a screen porch when they bought it and they enclose it in
88 winter months with plexiglass to help with the heating. Vareberg stated there is a permit in the file
89 from 1992 for a garage with a sketch showing the porch in existence.

90
91 No one spoke for or against the application. There was no written correspondence for or against
92 the application. At this time, testimony was closed. Chairman Jim Brufloft opened the matter for
93 disussion by the Board.

94
95 Kessler stated this was a reasonable request, however he would suggest gutters and that sort of
96 thing. King agreed water drainage needs to be taken care off.

97
98 Brufloft asked if it would be a steel roof. Harstad replied no and added they would add gutters.
99 Brufloft asked what the pitch of the roof would be. Harstad stated a 10/12, same to match garage.

100
101 Johnston stated this was a reasonable request.

102
103 **Motion: Kessler** made a motion to **approve** a variance to construct an addition to a non-
104 conforming dwelling to be located at fifty (50) feet from the OHW of the lake, and a porch to be
105 located at seventy-six (76) feet from the OHW of the lake, deviating from the required setback of
106 one hundred (100) feet from a recreational development lake, due to setback issues as it is a
107 reasonable request, with the stipulation to control stormwater runoff with gutters and french drains.
108 Also, approve as modified, for a second story to be located be at 12 feet from the lakeside wall.

109
110 **Boatman second.** All in favor. **Motion carried.** Variance **approved.**

111
112 **THIRD ORDER OF BUSINESS: APPLICANT: Joel & Charlene Lund** 11141 Xavier Rd
113 Bloomington MN 55437 **Project Location:** 37748 Tulaby Lake Dr Waubun, MN 56589 **LEGAL**
114 **LAND DESCRIPTION: Tax ID Number: 09.0037.000; Section 03 Township 142 Range 039;**
115 **COMM S COR LOT 4, ADA SHRS, N 295.06' TO POB; SWLY 33.45' TO RD, NWLY 162.91',**
116 **NELY 164.23' AL CREEK, SELY 184.73' AL LK, SWLY 132.88' TO POB. APPLICATION**
117 **AND DESCRIPTION OF PROJECT:** Request a variance to construct a second story dwelling
118 addition to a non-conforming structure to be located at seventy-nine (79) feet and a deck to be
119 located at seventy-five (75) feet from the OHW of the lake, deviating from the required setback of
120 one hundred (100) feet from a recreational development lake, due to setback issues.

121
122 Vareberg presented the application.

123
124 Joel & Charlene Lund Christopher were present. Lund explained the request to construct a second
125 story dwelling addition to a non-conforming structure to be located at seventy-nine (79) feet and a

126 deck to be located at seventy-five (75) feet from the OHW of the lake. Lund stated the deck would
127 be just an overhang off the second story, a place to have coffee in the morning.

128

129 Kessler stated the deck was not there before. Lund replied no, it is a cantilever off the second story,
130 not taking up any more land.

131

132 Boatman asked the square footage of the second story addition square footage. Lund stated it will
133 have the same footprint as the garage. Vareberg replied 768 square feet. Boatman asked if they
134 could do a one-time expansion if it limited the size to under 1500 square feet. Vareberg stated that
135 would be only if they were being approved in house without a variance.

136

137 Johnston stated on the tour the measurements varied from the application. They measured 65 feet
138 to the deck and 69 feet to the garage/second story addition. Lund stated he had measured in March
139 so it may be a bit different.

140

141 Vareberg read a letter in favor of the project from Ray Thorkildson:

142 "I support the application from Joel & Charlene Lund."

143 Document is on file in the Becker County Zoning Office

144

145 No one spoke for or against the application. There was no written correspondence against the
146 application. At this time, testimony was closed. Chairman Jim Brufloft opened the matter for
147 disussion by the Board.

148

149 Kessler stated he was in favor of the project as it was being proposed in the same footprint with
150 nothing more being added. King stated it was a reasonable request.

151

152 **Motion:** Johnston made a motion to **approve** a variance, as modified, to construct a second story
153 dwelling addition to a non-conforming structure to be located at sixty-nine (69) feet and a deck to
154 be located at sixty-five (65) feet from the OHW of the lake, deviating from the required setback of
155 one hundred (100) feet from a recreational development lake, due to setback issues, as it is a
156 reasonable request, it is not increasing the impervious surface coverage, with the stipulation to
157 control stormwater runoff with gutters and french drains.

158

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

160

161 **FORTH ORDER OF BUSINESS: APPLICANT: Strawberry Shores LLC 1306 5th Ave S**
162 **Fargo, ND 58103 Project Location: 323rd Ave Ogema, MN 56569 LEGAL LAND**
163 **DESCRIPTION: Tax ID Number: 20.0558.303; Section 35 Township 142 Range 040; Block**
164 **001 Lot 003 NYGARD BEACH; APPLICATION AND DESCRIPTION OF PROJECT:**
165 **Request a variance for a deck and dwelling to be located at 6.5 feet from the side property line,**

166 deviating from the required setback of 8 ft for a side property line for an 80-foot-wide substandard
167 lot. Also requesting a variance for a dwelling to be located at fourteen (14) feet from the ROW,
168 deviating from the required setback of twenty (20) feet from the ROW for a riparian lot on a
169 dedicated township road, due to setback issues and lot size.

170
171 Vareberg presented the application.

172
173 Ken Nygard were present. Nygard explained his request for a deck and dwelling to be located at
174 6.5 feet from the side property line and for a dwelling to be located at fourteen (14) feet from the
175 ROW. Nygard stated the hardship is this is an 80-foot-wide substandard lot. Nygard owner stated
176 the 24x36 size is minimal, the request is far away from the lake, and the other neighbors in the
177 area have been doing similar with newer builds. Nygard stated the 14-foot measurement is at the
178 closest point on the northwest corner and it is farther on southwest corner. Nygard added this area
179 was recently replotted to make lots bigger.

180
181 Kessler stated the contractor was on site during the tour and explained the proposed use of this
182 structure. Nygard stated the concept stated by replacing park model trailer that was grandfathered
183 in. Nygard stated the proposed building would be for a hot tub enclosure with a kitchen on south
184 wall entertaining and gatherings. Nygard stated in the past it is hard to accommodate guests when
185 there is rain or in climate weather. Nygard added they have a contractor and will make sure it will
186 be well done.

187
188 Kessler stated several members own adjacent lots so this would be a family lot. Nygard replied
189 that he co-owned lot 4 with his daughter and co-owned lot 5 with his son. Nygard stated lot 2 is
190 the main cottage where he stays with his wife. Nygard explained this lot will be a gathering spot.
191 Johnston asked if Nygard also owned land across the street. Nygard replied he owned 28 acres on
192 the west side of the road. Johnston asked if he could move the structure to the south to meet the 8-
193 foot set back. Nygard explained to the south is a stream and he wanted to leave room to get docks
194 and lifts in and out. He added that after talking to a surveyor this was the best placement.

195
196 Vareberg read letter from Tammy Fowler letter opposed to the project, attached was guardian ship
197 paperwork. Document is on file in the Becker County Zoning Office:

198
199
200 Becker County,

201
202 My name is Tammy (Fowler) Holthaus. I am the Guardian and daughter of Gary Fowler,
203 resident of 34009 323rd Ave, Ogema. and am in receipt of the letter regarding property
204 20.0558.303. As the location of the holding tank will be 4 feet off the edge of the year-
205 round road, on behalf of Gary Fowler, I am opposed to this application for the following
206 reasons. 1. Argument to approve this application based on "similar houses" is invalid as

207 some of the other lots are bigger. By the definition of "substandard lot", a smaller dwelling
208 is warranted. Then the holding tank could be placed in a more appropriate location. 2.
209 Placing a holding tank four feet from a gravel road will result as "the similar homes" do,
210 continue to cause issues with emergency vehicles accessing the properties to the south
211 when congested with the existing inadequate parking which this application will not
212 address. Historically, owners and guests of the Nygard's need to park on the narrow
213 road. 3. The Nygard's are not full-time residents of the neighborhood. As such, they do not
214 experience the amount of plowed snow that already congests a narrow gravel road. With
215 the holding tank four feet from the road edge, winter snow will be plowed from the road
216 and land on top of the holding tank. Preventing the snowplow pile by using a fence, sticks
217 or other measures will require the snowplow to work to avoid the preventative measures,
218 making the road narrower or plowing outside of the existing road bed. It is necessary that
219 emergency vehicles have adequate access to the properties south of Nygard's. With these
220 items in mind, I remain opposed to the application as listed and request that alternatives be
221 sought.

222 Thank you,
223 Tammy Fowler Holthaus,
224 Guardian of Gary B Fowler
225 6317 92nd Ave N
226 Brooklyn Park MN 55445
227 Tammy Holthaus 612-616-4462

228
229 No one spoke for or against the application. There was no written correspondence for the
230 application. At this time, testimony was closed. Chairman Jim Bruflodt opened the matter for
231 discussion by the Board.

232
233 Boatman stated the Boards past precedence is a firm 20 feet to the ROW setback. Boatman stated
234 he was concerned about the holding tank compromising that issue, noting he was in favor to deny.
235 Vareberg replied that tank was approved, installed and inspected in the past, and a Certificate of
236 Compliance had been granted on it.

237
238 Kessler stated this request it very similar to most of the other buildings we have approved variances
239 for in this area. King stated he is in favor.

240 Johnston stated he was in favor, as the project is on a dead-end road, traveled very little, and we
241 (the Board) have approved similar requests just to the north of this location.

242
243 **Motion:** Kessler made a motion to **approve** a variance, for a deck and dwelling to be located at
244 6.5 feet from the side property line, deviating from the required setback of 8 ft for a side property
245 line for an 80-foot-wide substandard lot. Also approved a variance for a dwelling to be located at
246 fourteen (14) feet from the ROW, deviating from the required setback of twenty (20) feet from the

247 ROW for a riparian lot on a dedicated township road, due to setback issues and lot size due to the
248 fact as it is a reasonable request, it is best placement on the property and it is in harmony with the
249 rest of the neighborhood, with the stipulation to control stormwater runoff.

250

251 **Johnston second.** All in favor. **Motion carried.** Variance **approved.**

252

253 **FIFTH ORDER OF BUSINESS: APPLICANT: Katherine & William Marchington** Po Box
254 175 Gardiner MT 59030 **Project Location: 23572 Co Hwy 22 LEGAL LAND DESCRIPTION:**
255 **Tax ID Number: 19.0372.000;** Section 19 Township 138 Range 041; BEG 210' NE OF MOST
256 ELY COR HOLLYWOD PRK PLT, TH NW 91.79' NE 85.95', SE 90.23' TO RD, TH SW 90' AL
257 RD TO POB; **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to
258 construct a dwelling to be located at twenty-six (26) feet from the ROW of a Co Hwy, deviating
259 from the required setback of forty-five (45) feet from the ROW of a Co Hwy. Also requesting a
260 variance to construct a deck to be located at twenty-seven (27) feet and a dwelling to be located at
261 nineteen (19) feet from a township ROW, deviating from the required setback of forty-five (45)
262 feet from a township ROW on a non-riparian lot. Also requesting a variance for a dwelling to be
263 located at thirty-five (35) feet and a deck to be located at twenty-six (26) feet from the rear property
264 line, deviating from the required rear property setback of forty (40) feet for a dwelling structure,
265 due to lot size.

266

267 Vareberg presented the application.

268

269 Katherine and William Marchington and their contractor Frank Hanson were present. Hanson
270 explained the variance request. Hanson stated the current house is 26 feet from the ROW and the
271 side lot setback will remain the same as is existing as well. Hanson noted they are tearing down
272 the existing and replacing in the footprint and expanding backwards, 4 feet to the rear and 5 feet
273 wider to the left side. Hanson noted the cottage would remain inline with the others on this area.
274 Kessler sand Brufloft agreed that it would remain in line with the rest of the block. Johnston stated
275 the measurement was 21 feet not 26 feet to the rear per the Board tour. Vareberg read a letter from
276 Katie Mark, property owner of 19.0825.000 23439 Co Hwy 22, in opposition:

277

278 Good morning,

279 In response to the Notice of Public Hearing regarding the above referenced property, I am
280 writing to express my opposition to the requested variance for the following reasons: 1)
281 The lot is already too small. We own property nearby and are very familiar with the lot
282 sizes on Hollywood Lane, where this cabin is located. All four lots are extremely tight
283 (given the number of buildings on them), and two of the cabins are arguably too close to
284 the road, especially the property in question. It is hard to imagine how there is any space
285 to build “more”. 2) The request is for THREE variances, ALL deviating in a huge way
286 from required setbacks. THREE. that is what you call “overbuilding” (see North Shore,
287 Lake Melissa). We own 20 plus acres in the area and were advised by Zoning to basically

288 not even apply for a permit for an addition to our shop on our property as it would require
289 TWO variances. I respectfully request you deny all three requests on the basis that to allow
290 such overbuilding is manifestly unfair for the reasons above.

291
292 *Katie Mark*
293 *23439 County Road 22*

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

298
299 Hanson stated that the cottage will remain 2 bedrooms with modest lines.

300
301 Kessler noted that none of the building will be closer to Hollywood lane. Kessler state he was in
302 favor as not much was changing, and it would be an improvement to the community. Kessler noted
303 the hardship was its substandard in size.

304
305 **Motion:** Kessler made a motion to **approve** a variance to construct a dwelling to be located at
306 twenty-six (26) feet from the ROW of a Co Hwy, deviating from the required setback of forty-five
307 (45) feet from the ROW of a Co Hwy. Also approve a variance to construct a deck to be located
308 at twenty-seven (27) feet and a dwelling to be located at nineteen (19) feet from a township ROW,
309 deviating from the required setback of forty-five (45) feet from a township ROW on a non-riparian
310 lot. Also approving a variance for a dwelling to be located at thirty-five (35) feet and a deck to be
311 to be twenty-one (21) feet modified from the original request of twenty-six (26) from the rear
312 seatback from the rear property line, deviating from the required rear property setback of forty (40)
313 feet for a dwelling structure, due to lot size.

314
315 **Boatman second.** All in favor. **Motion carried.** Variance **approved.**

316
317 **SIXTH ORDER OF BUSINESS: APPLICANT: Guy & Kristen Stiening** 2208 10th St S Fargo,
318 ND 58103 **Project Location:** 21604 Sandy Beach Ln, Rochert **LEGAL LAND DESCRIPTION:**
319 **Tax ID Number: 10.0585.304;** Section 01 Township 139 Range 040; COTTON EAST Block
320 002; **LOT 1APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to
321 construct a 2016 sq. ft storage structure to be located at 166 feet from the OHW of a lake, deviating
322 from the required setback of 200 feet from the ordinary high-water mark of a lake for a detached
323 storage structure over 1200 square feet. Also requesting a variance to construct a storage structure
324 to be at thirty-four (34) feet max peak height deviating from the required height of 22 feet for a
325 detached structure within the shoreland district, due to topography and setback issues.

326
327 Vareberg presented the application.
328

329 Guy and Kristen Stiening were present. Stiening explained his application for his variance to be
330 2016 sq. ft. and 34 feet in height. Stiening stated there is nowhere else to build on the property as
331 he is hampered by wetlands to the east and west. Stiening stated the need for the garage to be for
332 storage and washer dryer area and the 2nd story living area over the garage for the grandkids and
333 craft room for his wife.

334
335 Brufloft asked if he could limit the size to 1200 square feet and make it smaller. Brufloft noted
336 that he is requesting 3 variances for this project, noting he is 34 feet short of the setback, 600
337 square feet larger than what is allowed and 34 feet tall instead of 22 feet. Stiening replied they
338 have an 8/12 roof pitch which is very steep. Stiening added that the request is far off lake behind
339 the house so it will not be seen from lake. Brufloft stated he could add living quarters to house
340 and build a normal garage. Stiening replied it would cover up windows/views. Stiening added due
341 to wetlands they are worried about settling, the wetlands are behind and to the west and south,
342 stating there is nowhere else. Stiening added he would like to retire here and have a 3-car garage
343 and shop in back.

344
345 Boatman asked what the dimensions would be. Stiening replied it will be 36x56 ft. adding he could
346 make it smaller by moving it back to the east and take out an 8x14 piece for an overall square
347 footage of 1820. Kessler asked if it could be 22 ft high. Stiening stated no with an 8/12 pitch and
348 36 wide it would go over the height maximum allowed. Stiening stated even if he does a knee wall
349 like they recommended it would be over 22 feet. Stiening stated the back side will be shorted
350 because it is 4-5 feet into the bank. Stiening added the full height it would only be visible from the
351 road as you drive in. Kessler stated he was ok with the size of the structure but not with the
352 requested height request. Boatman and Brufloft agreed. Stiening stated it would be the same height
353 as the house. Brufloft stated he could attach it to the house and not need a variance. Stiening stated
354 they would have settling issues if they did that.

355
356 Vareberg read 3 letters. They are all on file in the Becker County Zoning Office.

357
358 We received a letter regarding Guy & Kirsten Stiening's request for a variance to construct
359 a 2016 sf storage building. We are requesting that this variance be denied. The required
360 200' set back. Allowing this variance opens up many more changes that would be
361 detrimental to the lake. A 200-foot required set back from the lake should be maintained
362 as that is the high-water mark. Allowing this change will bring more request
363 for construction closer to the lake and would affect the lakes integrity. These regulations
364 were set to maintain the integrity of the lakeshore and lake itself. Approving this variance
365 will set a new precedence for future owners on the lake. Size of Building. The size of
366 building they are requesting to build does not fit within the guidelines of the current
367 requirements. We are not opposed to the Stiening's building on this lot. We are opposed
368 to the overall height of the building and the integrity of lake and lake shore property. We
369 only ask that they maintain the 200 feet set back and build within the limits without this
370 variance.

371
372
373
374
375
376

Sincerely,
Russ & Mavis Davis
21775 Sandy Beach Road
Rochert, MN 56578

Good afternoon,

My name is Richard Joy and I own the property at 21779 Sandy Beach Road. I would like to make a comment on the project being considered at 21604 Sandy Beach Lane.

I believe that the height variance of 34 feet should not be granted. A garage that tall would greatly stand out and not be in keeping with the height of the current neighbor homes. A structure of that height, being 2016 square feet, would "loom" over the main house of only 1320 square feet.

Thank you,
Richard Joy

377
378

May 8, 2020

Becker County Planning and Zoning
Board of Adjustment
Attn: Kyle Varberg

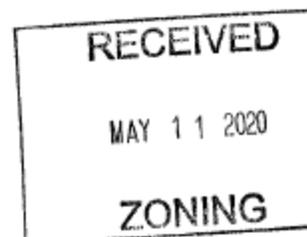
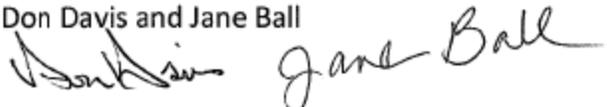
After reviewing the letter from the Planning and Zoning Department, sent on the 29th of April, concerning the request for variances on the property at 21604 Sandy Beach Lane, owned by Guy and Kirsten Stiening, we respectfully request that these variances be denied for the following reasons:

- 1)The lakeshore requirements have been established through considerable study and expert input over time. They are all that stand to protect the lake;
- 2)We believe that variances should only be approved if a project cannot be completed without them. It is obvious that this is not the case for this situation;
- 3)The increased building size will add more runoff into the adjacent wetland;
- 4)The size and height of the building are inconsistent with the surrounding area;
- 5)Having been on the lake for over 70 years, I have watched as it has been degraded over that time. Each exception to the established rules is but another nail in the coffin of the lake. Some may have been essential but this is definitely not one of them.
- 6)Variances should be granted only on the basis of extreme need and not simply want;
- 7)The lot size is such that a storage structure can easily be built in compliance with current established zoning restrictions.

Thank you for your consideration.

Sincerely,

Don Davis and Jane Ball



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380
381
382
383

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

384
385 Boatman stated he is opposed to the project as the height of 34 feet is not acceptable and size is
386 50% over what is permissible. Kessler and King agreed. Brufloft explained they can table.

387
388 Stiening requested to table his application to create a new plan for his project.

389
390 **SEVENTH ORDER OF BUSINESS: Greg Kurtsinger** Po Box 55 West Fargo, ND 58078 306
391 5th Ave S Fargo, ND 58103 **Project Location:** 15493 Summer Rd Lake Park, MN 56554 **LEGAL**
392 **LAND DESCRIPTION: Tax ID Number: 17.1158.000;** Section 06 Township 138 Range 042;
393 SUMMER ISLAND 138 42 Block 001 LOT 16 & RESTRICTED DRIVE & Block 001 Lot 003
394 NYGARD BEACH; **APPLICATION AND DESCRIPTION OF PROJECT:** Request to
395 modify an existing variance (Doc # 663868) to construct an attached garage to be located at 42
396 inches, modified from the previously approved 6 feet, from the ROW on a township road, deviating
397 from the required setback of 20 feet from the ROW of a platted township road on a riparian lot.
398 Also requesting a variance to construct an attached garage to be located at 16 inches from the west
399 property line, deviating from the required setback of 8 feet for a substandard 80-foot-wide lot.

400
401 Vareberg presented the application.

402
403 Gary Schander, contractor and authorized agent for Greg Kurtsinger, was present. Schander
404 explained the application to revise the original variance request. Brufloft asked if things did not
405 get placed where they should have. Schander explained that it worked out on paper but not when
406 they began construction. Schander stated the pins were not where they originally thought. Brufloft
407 stated the Board can only go off what the applicant gives them when they are reviewing an
408 application. Schander stated that the owner told them where the pins were located, but a neighbor
409 (Jeff and Linda) disputed it once construction began. This is when the owner hired Meadowland
410 Surveying to locate the property pins and they were found the pins were not where they originally
411 thought. Schander stated at this point the concrete slab had already been poured, they poured it in
412 December.

413
414 Kessler asked if there was a holding tank under the slab. Schander stated there is not a tank under
415 the slab. Schander explained that the old system failed and fell in and there is now a new system
416 on the west side on the back side of the garage that was done by Tim from Dewey's Septic.

417
418 Brufloft stated there is a lot of fill. Schander replied that was dug out from the garage and
419 basement.

420
421 King stated the garage is on the property corner. Schander replied that the slab is 16 inches from
422 Jeff and Laura's property and 3.5 feet at the other corner instead of the 6 feet that had been
423 approved previously.

424

425 Boatman asked what could be done to move it back, adding this is not acceptable. Schander stated
426 they cannot move it back, adding Kurtsinger and the neighbors, Laura and Jeff, had come to an
427 agreement that they signed agreeing to the modified setback.

428
429 Brufloft offered for him to table the request and come back with a new plan. Brufloft noted the
430 previous request was approved on the original placement of the property pins. Brufloft stated they
431 could cut the slab to meet the original variance request. Schander asked if they could leave the slab
432 and use the remaining portion as an apron and build the garage according to the approved variance.

433
434 Kessler stated they survey should have been done before hand, noting this is Kurtsinger's problem,
435 noting he was in favor of them cutting the slab to meet the approved variance. Kessler also noted
436 the property agreement Schander supplied did not have the neighbor signatures on it only
437 Kurtsinger's. Schander stated he had the copy with Laura and Jeff's signatures at home.

438
439 Schander stated he could make the structure smaller by moving it 2-3 feet back. Brufloft stated he
440 can pour a new slab or cut it down. Boatman stated he was in favor to deny and they would have
441 to use the variance that was permitted in November. Schander stated it would cost a few thousand
442 dollars to cut it down and remove the slab. Johnston stated he was in favor to deny. Brufloft stated
443 it is just a slab right now and this is a poor property, we allowed a Kurtsinger a garage if he could
444 make the setbacks and he cannot, this was surveyed to late, adding Schander could table and come
445 back with a better solution.

446
447 Vareberg stated per the Becker County Ordinance Chapter 7 section 12 and Chapter 6 section 9,
448 they could leave the slab and use it as an apron/parking area, if no reasonable alternative exists.
449 Vareberg explained they can leave the slab and build the garage to the standards of the approved
450 variance.

451
452 Vareberg read a letter from Robin Albright in favor of the application:

From: Robin Albright
Sent: Tuesday, May 12, 2020 8:26 AM
To: gary.schander@yahoo.com
Subject: Leaf Lake. Summer Island RD. Lake Eunice Township

To whom it may concern

My family has owned land on Summer Island RD since the mid-60s and As long as I can remember Becker County, or
Lake Eunice Township,

Has never maintained or plowed snow or helped out, we are told after many meetings that the road was to narrow and
that it was Our driveway and we needed to Maintain it, so we have paid for it our selves and maintained it

453 Robin Albright

454
455 Vareberg read letter from Greg Kurtsinger:

To Whom it may concern,

Greg Krutsinger and Jeff and Laura Ebertowski have discussed the property of Gregs being closer than the approved variance. Both parties are okay with the location of the garage and will do what it takes to get this matter resolved.

Laura Ebertowski _____ Date _____

Jeff Ebertowskie _____ Date _____

Greg Krutsinger  _____ Date 5/19/20

456
457 Letters are on file in the Becker County Zoning Office.

458
459 No one spoke for or against the application. There was no written correspondence against the
460 application. At this time, testimony was closed. Chairman Jim Brufloft opened the matter for
461 disussion by the Board.

462
463 Johnston stated if Vareberg states that we can allow them to leave the concrete slab he it will be
464 ok to leave it. Johnston added that he is in favor to deny the current request and allow them to
465 build using the previouese variance approved in November. Vareberg stated he would have to take
466 off 4.5 feet to meet the 6 foot requirement from the November Variance.
467 Schander stated he would be able to build a 19.5x24 garage instead of a 24x24.

468
469 **Motion: Boatman** made a motion to **deny** a request to modify an existing variance (Doc # 663868)
470 to construct an attached garage to be located at 42 inches, modified from the previously approved
471 6 feet, from the ROW on a township road, deviating from the required setback of 20 feet from the
472 ROW of a plated township road on a riparian lot. Also denied a variance to construct an attached
473 garage to be located at 16 inches from the west property line, deviating from the required setback
474 of 8 feet for a substandard 80-foot-wide lot. Denied due to the fact the previous variance approved
475 was reasonable.

476
477 **Kessler second.** All in favor. **Motion carried.** Variance **denied.**

478
479 **EIGHTH ORDER OF BUSINESS: Dennis & Jayne Johnk** 6764 70th St Sabin, MN 56580
480 **Project Location:** 20504 Co Hwy 29, Rochert **LEGAL LAND DESCRIPTION: Tax ID**

481 **Number: 10.0213.000**; Section 12 Township 139 Range 040; 12-139-040 PT GOVT LOT 4:
482 COMM SW COR LOT 26 COTTON LK BCH 1ST ADDN TH ELY 524.07' TO SELY COR LOT
483 32, SE 797.02', NE 332.93', SE 228.91', NE 110.74', SE 193.81' TO NWLY R-O-W CSAH #29,
484 NE 591.30' TO POB; CONT NE 65.24', NW 165.05' TO COTTON LK, SWLY AL LK 65', SE
485 165.56' TO POB **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to
486 construct a garage to be located at twenty (20) feet from the ROW of a Co Hwy, deviating from
487 the required setback of forty-five (45) feet from the ROW. Modified to include a request to be 6.5
488 feet from the side property line.

489

490 Vareberg presented the application.

491

492 Ron Muff, contractor for the Johnk's was present. Muff explained the application for a garage.
493 Muff noted this is a small 50-foot lot when it was created, noting that they purchased 15 additional
494 feet about 15 years ago from the neighbor to the south, for a total of 65 feet in width. Muff noted
495 the need to have a garage for storage.

496

497 Kessler verified the request was for a 30x18 garage.

498

499 Vareberg read two letters from Oscar Sorenson owner of 10.0225.000. Letters are on file in the
500 Becker County Zoning Office.

501

May 5, 2020

Becker County Planning & Zoning

915 Lake Avenue

Detroit Lakes, MN 56501

RE: Applicant Dennis & Jayne Johnk

Project—20504 Co Hwy 29, Rochert, MN

With regards to the above project---When I first purchased my neighboring property in 1978, I approached the Board to extend the garage and was denied due to "being too close to property line and obstructing view of lake from roadway".

I again approached the Board in 2007 when remodeling the lake home asking to extend the garage, again was denied for the same reasoning. I also asked about building a storage garage on the hill north of my circle driveway---again denied for the same reasoning. Now, Dennis Johnk comes along and wants to build a garage that would definitely extend past the allotted setback from the roadway, plus infringing on the property line. There are many other reasons this should not be allowed:

- 1) Would block our view to south for traffic on Co. Hwy 29.
- 2) When Johnk's entertain on various weekends during the summer they have as many as 20 vehicles parked in the yard & ditches. This is bad enough blocking any view of on coming traffic for emerging onto Co Hwy 29.
- 3) With the sale of Anchor Inn into individual lots, there are many more children riding their bikes, 4-wheelers etc. around, up & down the ditches, along the roadway. Children do not always look both ways when playing--- would hate to see a terrible accident with possible loss of life.
- 4) Neighbor Adam Alexander (across roadway) view of lake would also be obstructed. They use our beach for swimming, with three small children crossing roadway they don't need view of traffic blocked due to garage protruding well past the norm.
- 5) Come winter and snow---the drifts now pile up between our homes sometimes up to 6-7 feet. Can't imagine how deep it could get with funneling down into a narrower gap ---longer, deeper reaching Hwy 29 and possibly causing problems with the roadway.

When speaking with Dennis last fall, he told me about wanting to build a garage---I told him he didn't have enough room as the garage would be 4 to 5 feet from our property and stick out 3 to 4 feet on front of our garage---thus blocking the southview and lake view from roadway. I stated he should build on south side of his property (he uses that approach all the time) and there it would not bother anyone, but he "doesn't want to build there to block his view!! He also owns property across Hwy 29, wanting to build a storage garage there, but to date hasn't started that project. They use that for "overflow" parking!

I feel this garage extending that close to roadway could also devalue my property as well as any neighboring properties. My son will be taking over our property in a few short years and he also does not want this extended garage right next to our driveway blocking the view.

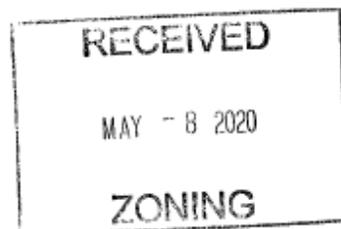
I am asking the Board to not allow the variance for the above listed reasons. Thank you,



OSCAR W. SORENSON

(20518 Co. Hwy 29, Rochert)

3339 Maple Leaf Loop So.



October 31, 2019



County of Becker
Planning & Zoning Commission
915 Lake Avenue
Detroit Lakes, MN 56501

RE: Dennis Johnk
20504 County Hwy 29, Rochert, MN

Commissioners:

I'm writing with concern about my neighbor to the south of my lake home property – as listed above. When speaking with him earlier this fall, he stated he was planning to build a garage on the south side of his lot if permitted.

We had the occasion to visit our lake home earlier this week and found several survey stakes placed on his property, some very close to our property line! If this is where he is able to build the garage, I beg to differ. Several years ago when I wanted to extend my current single stall garage to the south – I was told **NO, it would be too close to the property line plus would block the road view of the lake!** Well, if he is able to build within the placed stakes, he too **would be too close to property lines and also block the lake view.** **This would also block our view of the roadway to the south.**

I would greatly appreciate someone looking into this matter and advising what is actually OK'd by the Board compared to what is outlined with the stakes. Thank you.

Oscar W. Sorenson

(Property # 10-0225.000)

503
504 No one spoke for or against the application. There was no written correspondence for the
505 application. At this time, testimony was closed. Chairman Jim Brufloft opened the matter for
506 discussion by the Board.

507 Boatman stated that there is some traffic of Co Hwy 29 and stated concerns that it would obstruct
508 the neighbors view.

509
510 Brufloft stated there is room on the south side to place the garage. Muff stated there is only 20 feet
511 between the property line and the drainfield, noting this is a small 65' wide lot.

512
513 Muff asked about the modification to the variance for the side property line. Vareberg stated that
514 if it is not a lot of record prior to 1971 the 10% side property setback does not apply.

515
516 Brufloft stated he reviewed the complaint letters from Oscar Sorenson, and his past variance
517 requests. Brufloft stated the concerns do not pertain to this application as this request is for someone
518 who wants a garage (who does not have one) versus someone who wanted a bigger garage.

519
520 Kessler stated he was in favor of the request adding that 20 feet off of the ROW is generally an
521 approved standard by the Board. Johnston and King were also in favor stating it is a reasonable
522 request.

523
524 Boatman stated the location is too close to the county highway on a busy lake road, however he
525 noted it does meet the Boards minimum standard.

526
527 **Motion:** Kessler made a motion to **approve** a variance to construct a garage to be located at twenty
528 (20) feet from the ROW of a Co Hwy, deviating from the required setback of forty-five (45) feet
529 from the ROW. Also approved a request to be 6.5 feet from the side property line, due to lot size
530 due to the fact it is a reasonable request and it is in the best placement on the lot.

531
532 **Johnston second.** All in favor. **Motion carried.** Variance **approved.**

533
534 **NINTH ORDER OF BUSINESS: Randall Theis** 22650 Rice Lake Way Detroit Lakes, MN
535 56501 **Project Location:** 26650 Rice Lake Way Detroit Lakes, MN 56501 **LEGAL LAND**
536 **DESCRIPTION: Tax ID Number: 16.0367.503;** Section 08 Township 140 Range 040;RICE
537 LAKE ESTATES Lot 003 Block 001; 1/14 INT IN ACCESS EASEMENT; **APPLICATION**
538 **AND DESCRIPTION OF PROJECT:** Request a variance to construct a 5,000 sq. ft storage
539 structure to be located at 358 feet from the OHW of a lake, deviating from the required setback of
540 400 feet from the ordinary high-water mark of a lake for a detached storage structure over 2400
541 square feet, due to setback issues.

542
543 Vareberg presented the application.

544
545 Randall Theis was present. Theis explained his application for a 5,000 sq. ft storage building.
546 Brufloft asked if the 5,000 sq. ft would be used for personal use or to be rented out. Theis stated
547 it will be for personal use. Brufloft asked why he will need such a large structure. Theis stated that

548 he has 2 motorcycles, 2 boats, lawn mower, utility trailers, pontoon, and atvs, Brufloft asked if
549 they were all stored on the property now. Theis replied they were stored in various places on the
550 lot, most are in the garage and on the northeast corner of the lot. Theis noted he would prefer that
551 they are not all sitting outside, noting he would like the yard to be cleaned up. Boatmen asked what
552 the sidewall height would be. Theis stated they would be able to keep them under 22 ft in height.

553
554 Rick Morris, neighbor to the south, spoke in favor of the project. Morris stated this would blend
555 in with the rest of the development if they are not over height requirements.

556
557 Boatman asked what the dimensions would be. Theis replied 50x100'. Boatman stated you could
558 store 10 semis in there, adding he felt the size was too large. Theis stated there are many items that
559 will be stored in there, adding they have 5 vehicles.

560
561 Vareberg read a letter from Todd & Karen Renner.

562
563 Concerned parties,

564 We are in opposition of granting a variance to deviate from the required setback of 400 feet.
565 Rice Lake is a small natural environment lake and needs the setback protection to stay that way.
566 We are of the opinion that the land division for housing developments that occurred in the year
567 2000, negatively impacted Rice Lake. The density of houses has altered the western shoreline
568 from natural to more manicured. Increased water activity has uprooted aquatic plants such as
569 wild rice. Also, let us remind you, the Buffalo River runs through Rice Lake carrying the runoff
570 from lots downstream.

571 If you allow this variance, it will then open the gate for the rest of the Rice Lake residents to
572 seek variances. When does a natural environmental lake get reclassified? Recreational and
573 general development Lakes lend themselves to variances, not natural environmental lakes!

574 Sincerely, Todd & Karen Renner

575 Vareberg read a letter from Carissa Winter.

576
Hi There,
This email is regarding the permit requested by Randy Thesis for a shop on Rice Lake. We are his neighbors directly
across the road and we were told that our blocked view of the lake may be an issue as far as him being issued the
permit. We are totally fine with the shop being built. Our view being blocked is not an issue at all.

Thank you!
Carissa Winter

577
578 All letters are on file in the Becker County Zoning Office.

579

580 No one spoke for or against the application. At this time, testimony was closed. Chairman Jim
581 Brufloft opened the matter for discussion by the Board.

582

583 Johnston stated that he felt the size was excessive, however it fit within the neighborhood.

584

585 Vareber stated this property would allow for three buildings per the Ordinance, noting the hardship
586 of this property is the lot depth. If Theis could meet the 400' set back he would not need a variance.
587 Brufloft noted if the lot was 42' deeper he would be able to meet the Ordinance requirements.
588 Brufloft notes it was a very large lot and is meeting all other requirements. Brufloft stated it would
589 be a benefit to have all of the toys put away in a building then sitting out in the yard. King noted
590 that some nice large trees would have to be removed, but they could plant some on the other side
591 of the driveway.

592

593 **Motion:** Johnston made a motion to **approve** a variance to construct a 5,000 sq. ft storage structure
594 to be located at 358 feet from the OHW of a lake, deviating from the required setback of 400 feet
595 from the ordinary high-water mark of a lake for a detached storage structure over 2400 square feet,
596 due to setback issues, due to the fact that the request is in harmony with the neighborhood and one
597 building would be more visually appealing on the lot than several smaller ones.

598

599 **Kessler second.** Johnston, King, Kessler were in favor. Boatman was against. **Motion carried.**
600 Variance **approved.**

601

602 **TENTH ORDER OF BUSINESS:**

603

604 **Informational Meeting.** The next informational meeting is scheduled for Thursday, July 2nd,
605 2020 at 8:00 a.m. in the 3rd Floor Meeting Room of the Original Courthouse. As there was no
606 further business to come before the Board, Johnston made a motion to adjourn the meeting.
607 Kessler seconded. All in favor. Motion carried. Meeting adjourned.

608

609 _____ ATTEST _____
610 Chairman Jim Brufloft Kyle Vareberg,

611

Planning and Zoning Administrator

612