

**Becker County Board of Adjustments**  
**August 13<sup>th</sup>, 2020**

**Present:** Members: Lee Keesler, Delvaughn King, Michael Sharp, Zoning Administrator Kyle Vareberg and E911/Zoning Technician Rachel Bartee. Absent were Jim Bruflodt, Roger Boatman.

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

Introductions were given.

**King** made a motion to approve the minutes for the July 9<sup>th</sup>, 2020 minutes. **Sharp** seconded. All in favor, Motion carried.

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

**NEW BUSINESS:**

**FIRST ORDER OF BUSINESS: APPLICANT: Paul & Sarah Kujawa** 29659 Co Hwy 54 Detroit Lakes, MN 56501 **Project Location:** 29659 Co Hwy 54 Detroit Lakes, MN 56501 **LEGAL LAND DESCRIPTION: Tax ID Number: 03.0089.000;** Section 07 Township 138 Range 040; PT NW1/4 NE1/4: COMM NW COR, E 125.25' TO POB; SELY 331.32' TO RD, SE & NE AL TWP RD TO CO RD, NW AL CO RD TO N LN, W TO POB. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a dwelling and an attached garage to be located at forty (40) feet from the ROW of a county highway, deviating from the required setback of forty-five (45) feet from the ROW of a county highway, due to setback issues.

Applicant was not present. Kujawa withdrew application prior to hearing, project was modified to fit within current Zoning Ordinance.

**SECOND ORDER OF BUSINESS: APPLICANT: Ryan Gramm** 414 Oakland Ave S Fargo, ND 58103 **Project Location:** 33592 S Cotton Lake Rd Rochert, MN 56578 **LEGAL LAND DESCRIPTION: Tax ID Number: 10.0590.000;** Section 011 Township 139 Range 040; COTTON LAKE BEACH; 11-139-40 PT LOT 7: COMM SWLY COR LOT 7 TH E 65' TO POB; NLY 89.73', E 100' AL COTTON LK, SELY 102.76', W 131.4' AL S LN LOT 7 TO POB AKA TRACT B **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct an attached garage to be located at ten (10) feet from the ROW of a township road, deviating from the required setback of twenty (20) feet from the ROW of a township road on a riparian lot. Also requesting a variance for an attached garage to be located seventy-nine (79) feet from the OHW of the lake, deviating from the required setback of one hundred (100) feet from a recreational development lake, due to setback issues and lot size.

45 Vareberg presented the application.

46  
47 Ryan Gramm was not present due to technical difficulties with the virtual meeting. Vareberg  
48 explained Gramm's request to construct an attached garage to be located at located at ten (10) feet  
49 from the ROW of a township road ROW and a variance for an attached garage to be located at  
50 seventy-nine (79) feet from the OHW of the lake. Vareberg stated at the site tour the Board  
51 determined the distance to the ROW needs to be modified to nine (9) feet to the ROW, modified  
52 from the requested (10) feet. Vareberg stated that with ROW setback averaging Gramm would be  
53 allowed to be located at twelve (12) feet from the ROW, therefore the request is only varying three  
54 (3) feet from what would be allowed within the Ordinance. Vareberg stated that setback averaging  
55 to the OHW, would allow for the setback to the OHW of the lake to be as requested at 79 feet  
56 (58'+69'=63.5'). Therefore, Gramm will not need a variance to be seventy-nine (79) feet from the  
57 OHW, it will be able to be approved in-house. Vareberg also noted the vacated road ends at his  
58 lot.

59  
60 No one spoke for or against the application. There was no written correspondence for or against  
61 the application. At this time, testimony was closed. Acting Chairman Kessler opened the matter  
62 for discussion by the Board.

63  
64 Sharp noted the home was built prior to the township road. King stated he was in favor of the  
65 project.

66  
67 **Motion:** King made a motion to **approve** a variance to construct an attached garage to be located  
68 at a (9) nine feet, modified from the originally requested ten (10) feet, from the ROW of a township  
69 road, deviating from the required setback of twenty (20) feet from the ROW of a township road on  
70 a riparian lot, due to setback issues and lot size, due to the fact the garage is in line with the current  
71 home and it will maintain the essential character of the neighborhood. Administrative stipulation  
72 to control stormwater run-off with mitigation.

73  
74 **Sharp second.** All in favor. **Motion carried.** Variance **approved.**

75  
76 **THIRD ORDER OF BUSINESS: APPLICANT: Steve Jewett** 4022 Queen Ave Minneapolis,  
77 MN 55412 **Project Location:** 22190 E Height of Land Dr Detroit Lakes, MN 56501 **LEGAL**  
78 **LAND DESCRIPTION: Tax ID Number: 15.0442.000;** Section 34 Township 140 Range 039;  
79 LANGSLET BEACH; 34-140-39 LOT 1, PT LOT 2 LANGSLET BCH, PT GOVT LOT 4:  
80 COMM ELY COR LOT 1 LANGSLET BCH, SLY 75' TO POB; SE 50.88', NE 146.31', NW  
81 150.89' TO LK, SL AL LK, 144.79', SE 110.82' TO POB. TRACT D. (REF 15-375-3);  
82 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a  
83 dwelling and deck addition to be located at fifty-six (56) feet from the OHW of the lake, deviating  
84 from the required setback of one hundred (100) feet from a recreational development lake, due to  
85 setback issues and lot size.

86  
87 Vareberg presented the application.

88

89 Steve Jewett was present virtually. Jewett explained his application to construct a dwelling and  
90 deck addition to be located at fifty-six (56) feet from the OHW of the lake. Jewett stated they  
91 would like to expand the footprint of the cabin and create a basement. Jewett noted the proposed  
92 project would not be any closer to the beach or road than the existing structure.

93  
94 Kessler asked why the structure cannot be moved back further from the lake. Jewett replied the  
95 existing structure is not being removed or torn down. Jewett stated they are not replacing the  
96 existing structure; they are lifting the current building up to install a basement and add a deck  
97 addition parallel to the house, both to be located at fifty-six (56) feet from the OHW. Jewett stated  
98 that if they move further back from the water, they will encroach on the required road and septic  
99 setbacks.

100  
101 No one spoke for or against the application. There was no written correspondence for or against  
102 the application. At this time, testimony was closed. Acting Chairman Kessler opened the matter  
103 for discussion by the Board.

104  
105 Sharp stated it is a reasonable request and is consistent with the other neighbors in the area. Sharp  
106 noted that the current structure is in disrepair and these changes would greatly improve the lot.  
107 King stated he was in favor.

108  
109 **Motion:** Sharp made a motion to **approve** a variance to construct a dwelling and deck addition to  
110 be located at fifty-six (56) feet from the OHW of the lake, deviating from the required setback of  
111 one hundred (100) feet from a recreational development lake, due to setback issues and lot size,  
112 due to the fact it is a reasonable request and it is consistent with the other neighbors in the area.

113  
114 **King second.** All in favor. **Motion carried.** Variance **approved.**

115  
116 **FORTH ORDER OF BUSINESS: APPLICANT: David L & Kathryn M Meissner** 3447  
117 225<sup>th</sup> St N Hawley, MN 56549 **Project Location:** 27135 Chippewa Shore Rd Detroit Lakes, MN  
118 56501 **LEGAL LAND DESCRIPTION: Tax ID Number: 16.0325.000;** Section 06 Township  
119 140 Range 040; CHIPPEWA SHORES LOT 14; **APPLICATION AND DESCRIPTION OF**  
120 **PROJECT:** Request a variance to construct a deck to be located at sixty-four (64) feet from the  
121 OHW of the lake, deviating from the required setback of one hundred (100) feet from a recreational  
122 development lake, due to setback issues and lot size.

123  
124 Vareberg presented the application.

125  
126 David and Kathryn Meissner were present. Meissner explained his application to construct a deck  
127 to be located at sixty-four (64) feet from the OHW of the lake. Meissner presented an updated  
128 property sketch to the Board. The sketch is on file in the Becker County Zoning Office. Meissner  
129 explained that his wife has neuropathy resulting in difficulty walking on uneven ground. They  
130 would like the deck to allow her to safely enjoy the lake front and outside area.

131  
132 Kessler asked if it was just a deck requested. Meissner replied that there would not be anything  
133 underneath, just grass. Kessler asked how they would control their stormwater. Meissner replied  
134 he would be placing gutters on the structure.

135  
136 No one spoke for or against the application. There was no written correspondence for or against  
137 the application. At this time, testimony was closed. Acting Chairman Kessler opened the matter  
138 for discussion by the Board.

139  
140 Sharp stated he is in favor of the request. Sharp stated the request is reasonable, it is consistent  
141 with the neighboring properties, the proposed has a similar setback as the neighbors, and the deck  
142 will not increase the impervious coverage.

143  
144 **Motion:** King made a motion to **approve** a variance to construct a deck to be located at sixty-four  
145 (64) feet from the OHW of the lake, deviating from the required setback of one hundred (100) feet  
146 from a recreational development lake, due to setback issues and lot size, due to the fact the request  
147 is consistent with the neighboring properties, and the deck will not be increasing the impervious  
148 coverage.

149  
150 **Sharp second.** All in favor. **Motion carried.** Variance **approved.**

151  
152 **FIFTH ORDER OF BUSINESS: APPLICANT: Cody and Kayla Hanson** 13920 Deer Point  
153 Rd Audubon, MN 56511 **Project Location:** 13920 Deer Point Rd Audubon, MN 56511 **LEGAL**  
154 **LAND DESCRIPTION: Tax ID Number: 17.0979.111;** Section 18 Township 138 Range 042;  
155 **MAPLE RIDGE POINT FIRST ADDN Block 001 LOT 1 APPLICATION AND**  
156 **DESCRIPTION OF PROJECT:** Request a variance to construct a deck to be located at twenty  
157 (20) feet from a bluff, deviating from the required setback of thirty (30) feet from a bluff, due to  
158 setback issues.

159  
160 Vareberg presented the application.

161  
162 Cody and Kayla Hanson were present. Hanson explained the application to build deck to be located  
163 at twenty (20) feet from a bluff.

164  
165 Kessler stated at the Board tour he recognized due to the angle of the lot to bluff/lake one end of  
166 the deck (west side) will be able to meet the thirty (30) foot setback to the lake and the other will  
167 be about twenty-three (23) feet from the bluff.

168  
169 Kessler asked how they were going to control drainage. Cody Hanson stated they will control  
170 stormwater by grading the lot and having the water flow to the south into drain tiles. Kayla Hanson  
171 stated they currently have gutters and the impervious is low, 12%. Sharp stated they could plant  
172 native vegetation on the bluff. Hanson's' replied they could do that, adding some neighbors further

173 down have had some erosion issues on those hills. Sharp asked what they would be doing between  
174 the deck and the bluff to control stormwater. Kayla Hanson stated they would install grass and  
175 plants.

176  
177 No one spoke for or against the application. There was no written correspondence for or against  
178 the application. At this time, testimony was closed. Acting Chairman Kessler opened the matter  
179 for discussion by the Board.

180  
181 Sharp noted that only a portion of the deck will not be able to meet the thirty (30) foot setback.

182  
183 **Motion:** Sharp made a motion to **approve** a variance to construct a deck to be located at twenty  
184 (20) feet from a bluff, deviating from the required setback of thirty (30) feet from a bluff, due to  
185 setback issues, due to the fact only a portion of the deck will not be able to meet the thirty (30)  
186 foot setback, with the stipulation that native vegetation is placed on the bluff slope to control  
187 stormwater and prevent further erosion.

188  
189 **King second.** All in favor. **Motion carried.** Variance **approved.**

190  
191 **SIXTH ORDER OF BUSINESS: APPLICANT: Jason & Sarah Whaley** 861 E Canyon Way  
192 Chandler, AZ 85249 **Project Location:** 11252 Co Hwy 147 Detroit Lakes, MN 56501 **LEGAL**  
193 **LAND DESCRIPTION: Tax ID Number: 17.1027.000 & 17.0284.000;** Section 25 Township  
194 138 Range 042; 25' N & S BY 150' E & W LYING N OF LT 1 OAK VIEW ADD (17.0284.000)  
195 & OAK VIEW ADD 138 42; LOT 1 (17.1027.000). **APPLICATION AND DESCRIPTION OF**  
196 **PROJECT:** Request a variance to construct a deck to be located at seventy (70) feet and a dwelling  
197 to be located at eighty-four (84) feet from the centerline of a county highway. Also requesting a  
198 garage and a dwelling to be located at ten (10) feet from the rear property line. Also requesting a  
199 garage and dwelling to be located five (5) feet from the side property line, due to setback issues,  
200 with the stipulation that the proposed boundary line adjustments must occur as presented.

201  
202 Vareberg presented the application.

203  
204 Vareberg stated based on the measurements during the Board tour there are modifications to the  
205 requested setbacks to be made.

- 206  
207
- 208 • Dwelling will be located at eighty-six (86) feet to the centerline of a county highway,  
209 modified from the requested eighty-four (84) feet, deviating from the required setback of  
210 ninety-five (95) feet from a county road centerline. (Note: 61' to the ROW)
  - 211 • Dwelling will be located at twenty-one (21) feet to the rear property line, modified from  
212 the requested ten (10) feet, deviating from the required setback of forty (40) feet from the  
213 rear property line for a dwelling structure.
- 214

- 215 • Deck will be located at seventy-two (72) feet from the centerline of a county highway,  
216 modified from the requested seventy (70) feet, deviating from the required setback of  
217 ninety-five (95) feet from a county road centerline. (Note: 47' to the ROW)  
218
- 219 • Garage setback will be located ninety-six (96) feet to the ROW, modified from the  
220 requested 95 feet to the centerline of a county highway. (no variance needed for this  
221 setback)  
222
- 223 • Garage setback will be located sixteen (16) feet to the rear property line feet, modified from  
224 the requested the requested ten (10) feet.  
225

226 Jason and Sarah Whaley were present. Whaley stated he was satisfied with the Boards  
227 measurements. Whaley explained that County Road 147 is listed as a 30mph zone on that stretch,  
228 however people often speed by and they would like to be as far back as they can be from the road,  
229 while still in-line with the neighbors properties, for the safety of their children and pets. Whaley  
230 explained the request to be five (5) feet from the side property line on both sides is to allow a patio  
231 to be located in between the garage and house that will allow them to keep further back from the  
232 road and allow for more front yard space.

233

234 Kessler asked about the proposed boundary line adjustments and property purchases from the  
235 neighbors. Whaley stated the process is moving along, they are currently working with a surveyor  
236 and may possibly be purchasing more than what was proposed.  
237

238 Vareberg read written correspondence. Letter was from neighbor Carol Nieland, owner of property  
239 17.1028.000, located at 11244 Co Rd 147 Detroit Lakes, MN 56501. All letters are on file in the  
240 Becker County Zoning Office.  
241

~~Dear Dec...~~  
I Am writing because of Serious CONCERNS  
over this request by JASON AND Sarah Whaley  
to build a New structure AND Variance to  
build.

Almost 60 years ago my parents purchased  
the property and house to the south of  
the property and house where a New  
structure and variance to Build  
5 FEET from property line is  
presumably closer than the  
Building code currently allows.

This is NOT acceptable. The house  
on that property is Already Very Close  
where one Neighbor can already Look  
into one Another.

Simply having family meals and  
conversation in addition to  
sight lines of enjoyment and  
Lake country views would be severely  
& negatively impacted.

Sincerely,  
Carol Nieland  
56501 11244 CTY. RD 147 S.L

242  
243 Whaley explained the current front of the house is much more intrusive than the proposed house.  
244 Ryan stated, currently Ms. Nieland's house faces into our living room from her dining room. The  
245 new building would be shifted so she would see into our front yard, as they are moving away from  
246 her property line. Kessler stated he notes that the new sightline will be improved considerably for  
247 Nieland.

248  
249 Whaley stated he took Nieland on a tour of the property earlier that day to explain the proposed  
250 project. Kessler ask what her reaction was. Whaley stated she appeared to be ok with the project.  
251 Whaley stated the previous owner lived there for 37 years. Whaley noted Nieland informed him  
252 the existing shed had been partially located on Nieland's property for years. King asked if the shed  
253 would be removed from Nieland's property. Whaley replied it is an old fish house on tires, noting  
254 Nieland did not specify if she would like it removed.

255 No one spoke for or against the application. There was no written correspondence for the  
256 application. At this time, testimony was closed. Acting Chairman Kessler opened the matter for  
257 discussion by the Board.

258  
259 Sharp stated it is a reasonable request consistent with surrounding properties. Sharp added it would  
260 greatly improve conditions and sightline issues with neighboring properties. King stated he was in  
261 favor of the project; it would improve the lot tremendously.

- 262  
263 **Motion:** Sharp made a motion to **approve** a variance to construct the following:
- 264 • Dwelling to be located at eighty-six (86) feet to the centerline of a county highway,  
265 modified from the requested eighty-four (84) feet, deviating from the required setback of  
266 ninety-five (95) feet from a county road centerline.
  - 267  
268 • Dwelling will be located at twenty-one (21) feet to the rear property line, modified from  
269 the requested ten (10) feet, deviating from the required setback of forty (40) feet from the  
270 rear property line for a dwelling structure.
  - 271  
272 • Deck will be located at seventy-two (72) feet from the centerline of a county highway,  
273 modified from the requested seventy (70) feet, deviating from the required setback of  
274 ninety-five (95) feet from a county road centerline.
  - 275  
276 • Garage setback will be located sixteen (16) feet to the rear property line feet, modified from  
277 the requested the requested ten (10) feet.
  - 278  
279 • Also requesting a garage and dwelling to be located to five (5) feet from the side property  
280 line.

281 All requests due to setback issues approved due to the fact it is a reasonable request, consistent  
282 with surrounding properties and it would greatly improve conditions and sightline issues with  
283 neighboring properties, with the stipulation that the proposed boundary line adjustments must  
284 occur as presented.

285  
286 **King second.** All in favor. **Motion carried.** Variance **approved.**

287  
288 **SEVENTH ORDER OF BUSINESS: APPLICANT: Ann Hixson Trustee** 12368 Shorewood  
289 Beach Rd Detroit Lakes, MN 56501 **Project Location:** 12368 Shorewood Beach Rd Detroit  
290 Lakes, MN 56501 **LEGAL LAND DESCRIPTION: Tax ID Number: 17.1089.000;** Section 22  
291 Township 138 Range 042; SHOREWOOD 1ST ADDITION 138 42 LOTS 1 & 2 EX TRI IN NE  
292 PT LOT 2 BEING 9' ON ROAD; **APPLICATION AND DESCRIPTION OF PROJECT:**  
293 Request a variance to construct a detached garage on a non-conforming lot to be located at eighty-  
294 five (85) feet from the OHW of the lake, deviating from the required setback of one hundred (100)  
295 feet on a general development lake, due to topography and setback issues.

296  
297 Vareberg presented the application.

298

299 Ann Hixon was present. Hixon explained her application to construct a detached garage on a non-  
300 conforming lot to be located at eighty-five (85) feet from the OHW. Hixon stated the building  
301 will have a 2/12 pitch. Hixon explained she cannot meet the one hundred (100) foot setback from  
302 the lake, because of the topography of the lot. Hixon stated she would be willing to modify the  
303 layout, as suggested during the Board tour, to turn the garage six (6) feet farther west to meet the  
304 side yard setback. Hixon stated her contractor was in favor of that location as well. Hixon noted  
305 she has spoken to her neighbor who has their garage on the top of the hill, and they are ok with her  
306 building into the hill for her garage.

307

308 No one spoke for or against the application. There was no written correspondence for or against  
309 the application. At this time, testimony was closed. Acting Chairman Kessler opened the matter  
310 for discussion by the Board.

311

312 King stated it is a reasonable request if she moves it six (6) feet west as suggested during the tour.  
313 Sharp added the proposed garage is further away from the lake than the existing home and not  
314 getting any closer to the lake.

315

316 Kessler asked if the shed in front of the house would be removed. Kessler added the shed is not as  
317 close to the lake as the house but it would impact the location of the garage. Hixon stated she is  
318 under her impervious coverage and has not decided if it will just be moved or taken down.

319

320 **Motion:** Sharp made a motion to **approve** a variance to construct a detached garage on a non-  
321 conforming lot to be located at eighty-five (85) feet from the OHW of the lake, deviating from the  
322 required setback of one hundred (100) feet on a recreational development lake, due to topography  
323 and setback issues, due to the fact that it is a reasonable request and it is not getting any closer to  
324 the lake than the existing home, with the stipulation the garage is shifted six (6) feet further from  
325 the side property line (To be thirteen (13) feet from side property line).

326

327 **King second.** All in favor. **Motion carried.** Variance **approved.**

328

329 **EIGHTH ORDER OF BUSINESS: APPLICANT: Clayton Montella & Kimberly Johnson**  
330 24015 Mill Pond Dr Detroit Lakes, MN 56501 **Project Location:** 24015 Mill Pond Dr Detroit  
331 Lakes, MN 56501 **LEGAL LAND DESCRIPTION: Tax ID Number: 19.0640.000** Section 32  
332 Township 138 Range 041; PT SW1/4 OF NW1/4: COMM W QTR COR SEC 32 TH N 909.14'  
333 TO CTR LN RD, NELY AL RD 424.18' TO POB; CONT NELY AL RD 137.75', TH ELY  
334 236.19', TH SE 145.17' TO MILL LK, TH SWLY & NWLY AL LK 600', TH NLY 208.99' TO  
335 CTR LN PUB RD & POB; **APPLICATION AND DESCRIPTION OF PROJECT:** Request a  
336 variance to construct an addition to a non-conforming garage to be located at one hundred twenty-  
337 five (125) feet from the lake, deviating from the required setback of one hundred and fifty (150)  
338 feet from the OHW on a natural environment lake, due to setback issues and alterations to an  
339 existing structure.

340

341 Vareberg presented the application. Vareberg stated during the Board tour they measured the  
342 distance to be one hundred and three (103) feet from the southeast corner to the OHW.

343  
344 Kimberly Johnson and Clay Montella were present. Johnson explained their request to construct  
345 an addition to a non-conforming garage to be located at one hundred and three (103) feet, modified  
346 from their requested, one hundred twenty-five (125) feet from the lake. Montella explained they  
347 had Rodger Hemphill, local area DNR Hydrologist, came out to the property to locate the OHW  
348 and he located it to be one hundred and three (103) feet from the proposed garage. Montella stated  
349 they are going to add the 24 pitch break dormers/lean-too to put their boat inside and rewrap the  
350 exterior to look more modern.

351  
352 No one spoke for or against the application. There was no written correspondence for or against  
353 the application. At this time, testimony was closed. Acting Chairman Kessler opened the matter  
354 for discussion by the Board.

355  
356 Sharp stated the property is unique with water on 3 of 4 sides. Sharp stated this is a reasonable  
357 request, additions will not be significantly closer the lake than existing structures and the increase  
358 to the impervious coverage is minimal.

359  
360 Kessler asked if they will have eavestroughs. Montella stated they will landscape around it with  
361 rock 24-36 inches on the north and south sides. Johnson stated the eastside has grasses.

362  
363 **Motion:** Sharp made a motion to **approve** a variance to construct an addition to a non-conforming  
364 garage to be located at one hundred and three (103) feet, modified from the requested one hundred  
365 twenty-five (125) feet from the lake, deviating from the required setback of one hundred and fifty  
366 (150) feet from the OHW on a natural environment lake, due to setback issues and alterations to  
367 an existing structure, due to the fact it is a unique lot with water on 3 of 4 sides, it is a reasonable  
368 request, additions will not be significantly closer the lake than existing structures, and the increase  
369 to the impervious coverage is minimal.

370  
371 **King second.** All in favor. **Motion carried.** Variance **approved.**

372  
373 **NINTH ORDER OF BUSINESS: APPLICANT: Renee Evenson** 11306 Dakotah Beach Rd  
374 Detroit Lakes, MN 56501 **Project Location:** 11306 Dakotah Beach Rd Detroit Lakes, MN 56501  
375 **LEGAL LAND DESCRIPTION: Tax ID Number: 19.1085.000;** Section 28 Township 138  
376 Range 041; DACOTAH BEACH 138 41 Block 002; 28-138-41 PT LOT 32, 33 BLK 2: BEG NW  
377 COR LOT 33 E 117.33' TO NE COR LOT 32, SLY 65.50, W 97.9', N4.15', SW 9.72', W 5.16',  
378 NLY 57.48' TO POB. TRACT A. **APPLICATION AND DESCRIPTION OF PROJECT:**  
379 Request a variance to construct a deck to be located at twenty-four (24) feet from the rear property  
380 line, deviating from the required set back of forty (40) feet from the rear property line. Also  
381 requesting to be located seven (7) feet from the side property line, due to setback issues.

382

383 Vareberg presented the application.

384

385 Renee Evenson was present. Evenson explained her application to construct a deck to be located  
386 at twenty-four (24) feet from the rear property line. Evenson stated it will be a 10x20 foot deck on  
387 the north side of the house where the large window currently is which will accommodate a patio  
388 door. Evenson explained it is all commons areas in front of me and all commons area to the north,  
389 leaving no other location to place the deck.

390

391 No one spoke for or against the application. There was no written correspondence for or against  
392 the application. At this time, testimony was closed. Acting Chairman Kessler opened the matter  
393 for discussion by the Board.

394

395 King stated this is a reasonable request, they are not within the shore impact zone, they are within  
396 the allowed impervious coverage, with recorded mitigation on file and they have a hardship of the  
397 common's areas.

398

399 **Motion:** King made a motion to **approve** a variance to construct a deck to be located at twenty-  
400 four (24) feet from the rear property line, deviating from the required set back of forty (40) feet  
401 from the rear property line. Also approve to be located seven (7) feet from the side property line,  
402 due to setback issues, due to the fact it is a reasonable request, it is not within the shore impact  
403 zone, it is within the allowed impervious coverage with recorded mitigation on file and there is a  
404 hardship of the common's areas.

405

406 **Sharp second.** All in favor. **Motion carried.** Variance **approved.**

407

408 **TENTH ORDER OF BUSINESS: APPLICANT: David & Jennifer Colter** 241 Chestnut Dr  
409 Horace, ND 58047 **Project Location:** 13280 Fairhaven Ln Detroit Lakes, MN 56501 **LEGAL**  
410 **LAND DESCRIPTION: Tax ID Number: 19.1257.000;** Section 17 Township 138 Range 041;  
411 **FAIRHAVEN BEACH LOT 30; APPLICATION AND DESCRIPTION OF PROJECT:**  
412 Request an after the fact variance to construct a deck to be located at fifty (50) feet from the OHW  
413 of the lake, deviating from the required setback of seventy (75) feet from a general development  
414 lake, due to setback issues and lot size.

415

416 Vareberg presented the application.

417

418 David Colter was present. Colter explained the application for an after the fact variance to construct  
419 a deck to be located at fifty (50) feet from the OHW of the lake. Colter explained in May they  
420 came down with septic issues, as can be seen in the pictures in the packet. The steps and some  
421 decking had to be pulled up to do some repairs and to make the walkway safer they chose to  
422 connect the walkway to the existing structure. Colter stated they increase the square footage by a  
423 very minimal amount.

424 Neighbor Michael and Jean Moe, owner of parcel 19.1265.000, 13172 Fairhaven Ln, Detroit  
425 Lakes, MN 56501, were present. to speak in favor of the project. Moe stated they live just down  
426 the beach and have seen the work completed. Moe stated he is in favor of the application and see  
427 that it solves their problems.

428  
429 No one spoke against the application. There was no written correspondence for or against the  
430 application. At this time, testimony was closed. Acting Chairman Kessler opened the matter for  
431 discussion by the Board.

432  
433 Sharp stated the request was very reasonable, minimal, and the deck is located on the side of the  
434 home furthest away from the lake, with no impact on the impervious coverage.

435  
436 **Motion:** Sharp made a motion to **approve** an after the fact variance to construct a deck to be  
437 located at fifty (50) feet from the OHW of the lake, deviating from the required setback of seventy  
438 (75) feet from a general development lake, due to setback issues and lot size, due to the fact the  
439 request was very reasonable, minimal, with no impact on the impervious coverage and the deck is  
440 located on the side of the home furthest away from the lake.

441  
442 **Sharp second.** All in favor. **Motion carried.** Variance **approved.**

443  
444 **ELEVENTH ORDER OF BUSINESS: APPLICANT: Christine Poe** 12415 29<sup>th</sup> Ave N  
445 Plymouth, MN 55441 **Project Location:** 23609 Co Hwy 22 Detroit Lakes, MN 56501 **LEGAL**  
446 **LAND DESCRIPTION: Tax ID Number: 19.1457.000;** Section 019 Township 138 Range 041;  
447 LINDEN PARK 138 41 Block 003 PT LOTS 2, 3 & 4; BEG 295.43' NE OF NWLY COR LOT 8  
448 TH SLY 92.91', SE 97.06' TO LK, NE 60' AL LK, TH NW 100.18', N 91.95' TO N COR LOT 3  
449 TH SW 64.57' TO BEG; **APPLICATION AND DESCRIPTION OF PROJECT:** Request a  
450 variance to construct a dwelling and deck to be located at two (2) feet from the side property line,  
451 due to setback issues and lot size.

452  
453 Vareberg presented the application. Vareberg stated based on the measurements during the Boards  
454 tour the variance needs to be modified to include a variance to be forty (40) feet from the county  
455 road ROW.

456  
457 Christine Poe and contractor Raymond Reading were present. Reading explained the application  
458 to construct a dwelling and deck to be located at two (2) feet from the side property line, due to  
459 setback issues and lot size. Reading stated they are building in the same footprint. Reading stated  
460 they are all family members on this strip of the plat, noting the two (2) foot setback would be to  
461 the side nearest their family members. Poe stated hey would lose side yard if they had to move  
462 over further. Reading stated the neighbor has a fence and if we move to the left and meet the  
463 required setback we will lose visual to the lake. Reading stated they would need to add a request  
464 to be 40 feet form the ROW, as when they had originally measured the distance they used the  
465 closest distance from the property line to the road, however the road curves and the closest point

466 from the proposed structure to the ROW is through the neighbors lot. Poe stated both these lots  
467 have been in the family and will stay in the family.

468  
469 A neighbor attended the Hearing virtually. She requested an explanation of the project showing  
470 concern that the 2' setback would be to her property line. Reading spoke to the neighbor and  
471 explained the 2' setback would be to the family members side not hers. Reading stated that they  
472 want the buildings in the same locations as they sit today. Reading stated the northeast corner will  
473 stay the same and it will not get any closer than it currently is to the neighbor (non family members)  
474 side of the lot.

475  
476 Vareberg read written correspondence.

477  
478 1) Letter from neighbor Steve and Maret Worwa, owner of parcel 19.1461.000 located at  
479 23577 Co Hwy 22 Detroit Lakes, MN 56501, dated August 10<sup>th</sup>, 2020:

480  
From: Maret & Steve Worwa <maretsteve@gmail.com>  
Sent: Monday, August 10, 2020 9:44 AM  
To: Rachel D. Bartee <rachel.bartee@co.becker.mn.us>  
Subject: Christine Poe Variance

|  
Good Morning,  
We are 4 cabins away from Christine Poe and have no objections to her variance request.  
Kind regards,  
Steve and Maret Worwa

481  
482 2) Letter from neighbor Brad Erickson, owner of 23592 Co Hwy 22 Detroit Lakes, MN  
483 56501. Letter stated Brad was in favor of the Project

484  
485 All letters are on file in the Becker County Zoning Office.

486  
487 No one spoke for the application. There was no written correspondence against the application.  
488 At this time, testimony was closed. Acting Chairman Kessler opened the matter for discussion by  
489 the Board.

490  
491 Sharp stated he was in favor of modifying the request to add the forty (40) feet from the county  
492 road ROW to a dwelling. Kessler stated many homes in that area have the same issues meeting the  
493 road setback. Kessler stated they are asking for a minimal request varying only five (5) feet from  
494 the required setback of forty-five (45) feet to the ROW.

495  
496 **Motion:** King made a motion to **approve** a variance to construct a dwelling and deck to be located  
497 at two (2) feet from the side property line, due to setback issues and lot size. Modified to include  
498 a variance to construct a dwelling be located at forty (40) feet from a county highway ROW,

499 deviating from the required setback of forty-five (45) feet to a county highway ROW, due to the  
500 fact it is a minimal request and it is not moving any closer. Administrative stipulation to control  
501 stormwater run-off with mitigation.

502

503 **Sharp second.** All in favor. **Motion carried.** Variance **approved.**

504

505 **TWELTH ORDER OF BUSINESS: APPLICANT: Roger & Kathleen Wacker** 13263 460<sup>th</sup>  
506 Ave Frazee, MN 56544 **Project Location:** TBD Co Hwy 56 Frazee, MN 56544 **LEGAL LAND**  
507 **DESCRIPTION: Tax ID Number: 33.0182.001;** Section 21 Township 139 Range 038; 21-139-  
508 38 GOVT LOT 3; **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance  
509 to construct an addition to a non-conforming dwelling to be located at eighty-six (86) feet from  
510 the centerline of a county highway, deviating from the required setback of ninety-five (95) feet,  
511 due to setback issues.

512

513 Vareberg presented the application.

514

515 Roger Wacker was present. Wacker explained his request for a variance to construct an addition  
516 to a non-conforming dwelling to be located at eighty-six (86) feet from the centerline of a county  
517 highway. Wacker stated the building has existed for many years and believes it met the required  
518 setbacks when it was constructed. Wacker stated when they put the access in across the street the  
519 road and road centerline moved closer to his property causing the hardship. Wacker stated he used  
520 to own over to the other side of the road. Wacker stated he currently has two older bachelors who  
521 live in this building and he would like to increase the bedrooms sizes for them. Wacker stated the  
522 existing building only has 8-9-foot bedrooms with no room for a queen size bed and dresser.  
523 Wacker explained he would like to add six (6) feet onto the building to accommodate the residents  
524 needs. Wacker stated he would also be adding a concrete patio on the back. Kessler asked if the  
525 patio met the required setbacks. Vareberg replied the patio does not need a variance.

526

527 No one spoke for or against the application. There was no written correspondence for or against  
528 the application. At this time, testimony was closed. Acting Chairman Kessler opened the matter  
529 for discussion by the Board.

530

531 Sharp stated he was in favor of the project

532

533 **Motion:** Sharp made a motion to **approve** a variance to construct an addition to a non-conforming  
534 dwelling to be located at eighty-six (86) feet from the centerline of a county highway, deviating  
535 from the required setback of ninety-five (95) feet, due to setback issues, due to the fact it is a  
536 reasonable request and the addition will be no closer to the ROW than the existing structure.

537

538 **King second.** All in favor. **Motion carried.** Variance **approved.**

539

540 **THIRTEENTH ORDER OF BUSINESS: APPLICANT: Calmore Dufault** 14893 Wilds Pky  
541 NW Prior Lake, MN 55372 **Project Location:** 17058 S Big Cormorant Rd Audubon, MN 56511

542 **LEGAL LAND DESCRIPTION: Tax ID Number: 17.0359.001;** Section 30 Township 138  
543 Range 042; PT GOVT LOT 4: COMM MOST SLY COR LOT 10 BAYVIEW BCH TH NW  
544 136.91' TO WLY COR LOT 10, TH SW 35.75' TO CTR PUB RD, TH SE 305' TO POB; CONT  
545 SELY AL RD 153.77', TH NE 210.79' TO BIG CORMRNT LK, NWLY AL WATER EDGE  
546 160', TH SW 214.18' TO POB; **APPLICATION AND DESCRIPTION OF PROJECT:**  
547 Request a variance to construct additions to a non-conforming dwelling, patio, and deck to be  
548 located at sixty-seven (67) feet from the OHW, an addition to an attached garage to be located at  
549 ninety-one (91) feet from the OHW, a 3 season porch to be located at twenty-two (22) feet from  
550 the OHW of the lake, deviating from the required setback of one hundred (100) feet from a  
551 recreational development lake. Also requesting an attached garage and a 3-season porch to be  
552 located at nine (9) feet from the side property line, due to setback issues & lot size.

553  
554 Vareberg presented the application.

555  
556 Calmore Dufault was present. Dufault explained his application. Dufault stated the addition to the  
557 existing home would for a lakeside sunroom, with the existing decking and walkway to be removed  
558 and a new deck to be constructed around the sunroom. The sunroom would be matching the homes  
559 on either side of them. The 3-season porch will be located twenty (22) feet from the OHW. The  
560 porch would be built on an existing concrete patio area where they have their hot tub. Dufault  
561 stated the neighbors have a similar structure and it would not affect anyone's visibility to the lake.  
562 Dufault explained he could attach a gutter system on the screen porch that would direct the  
563 stormwater off to the side instead of straight down to the lake. Dufault stated this would be  
564 beneficial as he is unable to control runoff in that fashion as it is currently a patio. Kessler asked  
565 if he has gutters now. Dufault replied they currently have guttered all the way around the existing  
566 house. Dufault added there are remnants of french drains on the property, however he is the fifth  
567 owner and does not believe they have been maintained.

568  
569 Sharp stated he was in favor of the dwelling, deck, and garage modifications. Sharp stated the  
570 sunroom request is very close to the OHW. Sharp asked what the practical difficulty is. Dufault  
571 noted this lot was previously part of a resort and he gets several people a weekend asking for the  
572 gas pumps. Dufault stated he would like to modify the property so that it no longer looks like a  
573 commercial structure. Dufault stated they have already removed the old boat launch and the old  
574 resort walkway; they want it to look like a residential home. Dufault stated he would not be  
575 increasing the impervious coverage just pacing a roof over it. Kessler asked if they could reroute  
576 the water into french drains. Dufault stated they could.

577  
578 No one spoke for or against the application. There was no written correspondence for or against  
579 the application. At this time, testimony was closed. Acting Chairman Kessler opened the matter  
580 for discussion by the Board.

581 Kessler stated the Board's past practice is not to grant variances twenty-two (22) feet from the lake  
582 or to add onto structures that close. Dufault explained he has medical issues, whose conditions  
583 would be benefited by having a screened in area. Kessler those are elements the Board cannot

584 consider. Sharp added they need to preserve the water quality, nature, and natural habitats of the  
585 lake. Sharp stated neighboring properties may have similar structures, however they would not be  
586 allowed with today's standards.

587  
588 **Motion:** Sharp made a motion to **approve** a variance to construct additions to a non-conforming  
589 dwelling, patio, and deck to be located at sixty-seven (67) feet from the OHW, and an addition to  
590 an attached garage to be located at ninety-one (91) feet from the OHW, deviating from the required  
591 setback of one hundred (100) feet from a recreational development lake, due to setback issues &  
592 lot size. Administrative stipulation to control stormwater run-off with mitigation.

593  
594 Sharp made a motion to **deny** a variance to construct a 3-season porch to be located at twenty-two  
595 (22) feet from the OHW of the lake and to be located at nine (9) feet from the side property line  
596 due to the fact there is no practical difficulty or hardship, the structure would be imposing on the  
597 lake.

598  
599 **King second.** All in favor. **Motion carried.** Variance **approved.**

600  
601 **FORTEENTH ORDER OF BUSINESS: APPLICANT: Marlo & Barbara Oistad** 1315  
602 Loring Ave Detroit Lakes, MN 56501 **Project Location:** 15457 Summer Island Rd Lake Park,  
603 MN 56554 **LEGAL LAND DESCRIPTION: Tax ID Number: 17.1163.000;** Section 06  
604 Township 138 Range 042; SUMMER ISLAND 138 42 Block 001 LOT 22 & RESTRICTED  
605 **DRIVE APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct  
606 a dwelling to be located at forty (40) feet from the OHW of the lake, deviating from the required  
607 setback of one hundred (100) feet from a recreational development lake, due to setback issues &  
608 lot size.

609  
610 Vareberg presented the application. Vareberg stated at the Board tour they measured the distance  
611 to the OHW to be at fifty-seven (57) feet, modified from the requested forty (40) feet from the  
612 OHW.

613  
614 Marlo Oistad was present. Oistad explained his application to construct a dwelling to be located at  
615 fifty-seven (57) feet from the OHW of the lake. Oistad stated they were going to be at forty (40)  
616 feet from the OHW however there is no way to get enough rock hauled in to put a house there so  
617 they had to move to fifty-seven (57) feet from the OHW.

618  
619 Kessler asked if they had plans to add a lakeside deck or patio. Oistad replied he would like to  
620 have an eight (8) foot deck off the house. Bartee clarified the deck would be located a forty-nine  
621 (49) feet from the OHW of the lake.

622  
623 Vareberg noted the original house was located at thirty (30) feet from the OHW of the lake.  
624 Kessler noted it was wet out there, adding there was a shallow swale between Oistad and the  
625 northern neighbor, to the left as you are looking at the lake. Kessler noted Oistad should maintain  
626 the swale and add drain tiles and french drains to help prevent water issues

627  
628 No one spoke for or against the application. There was no written correspondence for or against  
629 the application. At this time, testimony was closed. Acting Chairman Kessler opened the matter  
630 for discussion by the Board.

631  
632 Vareberg clarified modifications to the variance, a house to be located at fifty-seven (57) feet and  
633 a deck to be located at forty-nine (49) feet from the OHW of the lake.

634  
635 Sharp stated the request is further back than other homes in that area.

636  
637 **Motion:** Sharp made a motion to **approve** a variance to construct a dwelling to be located at fifty-  
638 seven (57) feet, modified from the requested forty (40) feet from the OHW of the lake. Also  
639 modified for a deck to be located a forty-nine (49) feet from the OHW of the lake, deviating from  
640 the required setback of one hundred (100) feet from a recreational development lake, due to setback  
641 issues & lot size, due to the fact it will be in conformity with the existing neighborhood.  
642 Administrative stipulation to control stormwater run-off with mitigation.

643  
644 **King second.** All in favor. **Motion carried.** Variance **approved.**

645  
646 **FIFTEENTH ORDER OF BUSINESS: APPLICANT: Derek & Kathleen Ingvalson 26848**  
647 **245<sup>th</sup> Ave Callaway, MN 56521 Project Location: 12867 W Lake Sallie Dr, Detroit Lakes, MN**  
648 **56501 LEGAL LAND DESCRIPTION: Tax ID Number: 19.0833.000; Section 19 Township**  
649 **138 Range 041; BLOM BEACH 138 41 LOTS 6 & 7 APPLICATION AND DESCRIPTION**  
650 **OF PROJECT:** Request a variance to construct an attached garage to be located at ten (10) feet  
651 from the ROW of a township road, deviating from the required setback of twenty (20) feet from  
652 the ROW of a township road, on a riparian lot. Also requesting to be located nine (9) feet from the  
653 side property line. Also requesting to be located at seventy-six (76) feet from Mud Lake, deviating  
654 from the required setback of one hundred and fifty (150) feet due to setback issues.

655  
656 Vareberg presented the application. Vareberg stated per the Board tour the distance to the side yard  
657 setback was found to be eleven (11) feet.

658  
659 Derek & Kathleen Ingvalson were present. Ingvalson explained the application. Ingvalson stated  
660 they need a garage to make the property their year-round residence. Ingvalson stated they need  
661 more space with three children. Ingvalson explained they have a previous existing variance which  
662 allows them to meet the setback from the OHW of Lake Sallie but still need a variance to Mud  
663 Lake across the street, the ROW, and the side property line. Ingvalson stated they meet a fourteen  
664 (14) foot setback from the side property line at the furthest point but the lot angles and they are  
665 nine (9) feet from the nearest point, just the one corner would be closer. Ingvalson explained they  
666 are 30' from the edge of the road, however they will be only ten (10) feet from the property pins.  
667 Ingvalson stated there is a porch on the edge of the house that does not have a slab and we would  
668 enclose it. The back portion of the garage would be narrower and would be for storage and the front

669 would widen out to allow for a truck to pull in and be able to park and walk around it into the  
670 house.

671  
672 Kessler asked will the existing pavers be removed. Ingvalson replied anything within the yellow  
673 area on the sketch will now become garage. Kessler asked what the lot coverage is. Ingvalson  
674 replied it is currently at 23% and will be at 25% with the garage addition, because some of that  
675 area is already in pavers. Ingvalson offered to redo some of the patio as decking if they would like  
676 them to decrease it further.

677  
678 Sharp asked if they will be nine (9) or eleven (11) feet from the side property line. Ingvalson  
679 replied Vareberg measured it to be at eleven (11) feet, however they would like to keep the request  
680 to be at nine (9) feet to be safe.

681  
682 Vareberg read written correspondence.

683  
684 Letter from Lake View Township Board dated August 12<sup>th</sup>, 2020:

**LAKE VIEW TOWNSHIP  
PO BOX 69  
DETROIT LAKES MN 56502**

<b>Supervisor</b>	<b>Supervisor</b>	<b>Supervisor</b>	<b>Treasurer</b>	<b>Clerk</b>
Ken Stroyer				Phil Hansen Bill Jordan Joanne Stenseth Steph Malinzen
23543 Pebble Beach Lane				24921 N Melissa Dr 23321 S Melissa Dr 10550 US Hwy 59 26812 130 <sup>th</sup> St
Detroit Lakes MN 56501				Detroit Lakes MN 56501 Detroit Lakes MN 56501 Detroit Lakes MN 56501 Detroit Lakes MN 56501
218-847-2674				218-849-8585 218-234-9158 218-846-0681 507-829-0634
<a href="mailto:kensstroyer@gmail.com">kensstroyer@gmail.com</a>	<a href="mailto:phansen@arvie.net">phansen@arvie.net</a>	<a href="mailto:jordan@tekstar.com">jordan@tekstar.com</a>	<a href="mailto:lakeviewtwp.tr@gmail.com">lakeviewtwp.tr@gmail.com</a>	<a href="mailto:lakeviewtwp.cl@gmail.com">lakeviewtwp.cl@gmail.com</a>

8/12/2020

Attention Board Of Adjustments

The Lakeview Town Board viewed property at 12867 West Sallie Lake Dr after Discussion at our regular meeting 8/10/2020 a motion was made not to support this variance due to safety, concerns being additional parking and visibility backing on to a major road.

685 Chairman Phil Hansen

686  
687 Letter from Andrew and Jennifer Stevens, owner of parcel 19.1750.000, 12793 W Lake Sallie Dr  
688 Detroit Lakes, MN 56501, dated August 12<sup>th</sup>, 2020:

From: Stevens, Andrew C <Andrew.Stevens@allina.com>  
Sent: Wednesday, August 12, 2020 12:58 PM  
To: Rachel D. Bartee <rachel.bartee@co.becker.mn.us>  
Subject: Support of variance for garage add w lake Sallie Dr.

Rachel,

I apologize I thought we had earlier sent a letter of support for our neighbors Katie and Derek for the variance to add a garage on their recent purchase on west lake Sallie Dr.

They were told you had not received anything.

They are young family that will be living full time on the property and they need a garage.

We support the letter you sent us and their plans that were downloadable online.

Thanks,

Andrew & Jennifer Stevens  
12793 W Lake Sallie Dr.

689

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

691

692 Ingvalson replied she had called Township Official Bill Jordan and spoke with him about his  
693 concerns. Jordan was concerned about the setback to the ROW, noting safety issues when backing  
694 out of the garage. Ingvalson replied there would be less of a safety issue as they garage would give  
695 them a larger area to park off the road, increasing parking area so two cars can park side by side.

696

697 No one spoke for or against the application. At this time, testimony was closed. Acting Chairman  
698 Kessler opened the matter for discussion by the Board.

699

700 King stated it was a reasonable request.

701

702 **Motion:** King made a motion to **approve** a variance to construct an attached garage to be located  
703 at ten (10) feet from the ROW of a township road, deviating from the required setback of twenty  
704 (20) feet from the ROW of a township road, on a riparian lot. Also approved to be located nine (9)  
705 feet from the side property line. Also approved to be located at seventy-six (76) feet from Mud  
706 Lake, deviating from the required setback of one hundred and fifty (150) feet, on a natural  
707 environment lake, due to setback issues, due to the fact it is a reasonable request on a substandard  
708 lot. Administrative stipulation to control stormwater run-off with mitigation.

709

710 **Sharp second.** All in favor. **Motion carried.** Variance **approved.**

711

712 **SIXTEENTH ORDER OF BUSINESS:**

713

714 **Informational Meeting.** The next informational meeting is scheduled for Thursday, September  
715 3rd, 2020 at 8:00 a.m. in the 3<sup>rd</sup> Floor Meeting Room of the Original Courthouse. As there was

716 no further business to come before the Board, **Sharp** made a motion to adjourn the meeting. **King**  
717 seconded. All in favor. Motion carried. Meeting adjourned.

718

719 \_\_\_\_\_ ATTEST \_\_\_\_\_

720 Acting Chairman Lee Kessler

Kyle Vareberg,  
Planning and Zoning Administrator

721

722