

**Becker County Board of Adjustments
September 9th, 2021**

Present: Members: Chairman Roger Boatman, Lee Kessler, Craig Hall, Justin Knopf, Delvaughn King, Michael Sharp, and E911/Zoning Technician Rachel Bartee.

Chairman Roger Boatman called the meeting to order at 6:00 p.m. E911/Zoning Technician Rachel Bartee recorded the minutes.

Introductions were given.

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

King made a motion to approve the minutes as modified for the August 12th, 2021, meeting. **Hall** seconded. All in favor, Motion carried.

NEW BUSINESS:

FIRST ORDER OF BUSINESS: APPLICANT: Charles L & Marie E Hotvedt 42334 120th St SW East Grand Forks, MN 56721 **Project Location:** 33936 Loon Dr Ogema, MN 56570 **Tax ID Number:** 32.0024.000 **LEGAL LAND DESCRIPTION:** Section 01 Township 141 Range 040; PT OF GOVT LOT 2 KNOWN AS LOTS 19 20 & 32-36 INCL; Sugar Bush Township. **APPLICATION AND DESCRIPTION OF PROJECT:** 1) Request a variance to construct an addition to a non-conforming dwelling to be located at sixty-eight (68) feet from the OHW of the lake, deviating from the required setback of one hundred (100) feet from the OHW of a recreational development lake, due to setback issues. 2) Request a variance to construct a shed to be located at sixty (60) feet from the OHW of the lake, deviating from the required setback of one hundred fifty (150) feet from a natural environment lake, all due to setback issues.

Bartee presented the application.

Owners Charles & Marie Hotvedt were present. Hotvedt explained the request to construct an addition to a non-conforming dwelling to be located at sixty-eight (68) feet and a shed to be sixty (60) feet from the OHW. Hotvedt explained they are replacing the porch on the lakeside of the lot. Hotvedt stated the existing structure is very old and was built before they owned the property. Hotvedt added they were naïve when they bought the dwelling, noting they did not realize the poor condition of the porch until it was too late, the roof and windows are leaking. Hotvedt stated they would also like to replace the shed on the back lot. It appears to have been built in two stages, a small shed with another small shed added onto it later. The siding is a fire board that is rotting off the structure was not built up to code so we would like to replace it.

Kessler stated will the house addition be closer than the existing footprint. Hotvedt replied yes, the existing porch is too narrow to get around the table so we would like it slightly larger to be more comfortable.

Bartee presented a letter in favor of the request to the Board from Barbara G. & Kenneth S Roberts, owners of parcel 32.0028.000, 33916 Two Inlets Dr Ogema, MN 56569. Letters are on file in the Becker County Zoning Office.

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49 **From:** Barbara Roberts <kenandbarbielakelunkers@gmail.com>
50 **Sent:** Tuesday, August 31, 2021 1:01 PM
51 **To:** Rachel D. Bartee <rachel.bartee@co.becker.mn.us>
52 **Subject:** [EXTERNAL]Subject: Reply to PLANNING AND ZONING DEPARTMENT
53 regarding APPLICANT: CHARLES L. & MARIE E. HOTVEDT.
54

55 Project Location: 33936 Loon Dr. Ogema, MN 56569
56 Reference Hearing Date: Thursday, September 9, 2021 @ 6:00 PM
57 Dear Rachel Bartee:

58
59 We live year-round, right next door, to Charles and Marie Hotvedt, the applicant who has
60 requested two variances.

61
62 The objective of this letter is to submit the following statement:

63
64 **We have no objections to either variance finding the suitability of the locations and the**
65 **adequacy of the Project to be good.**
66

67 Thank you for allowing us to express our opinion,
68 Kenneth S. and Barbara G. Roberts
69 33916 Loon Dr., Ogema, MN 56569
70 (218) 983-3676
71

72 No one spoke for or against the application. There was no written correspondence against the application.
73 At this time, testimony was closed. Chairman Roger Boatman opened the matter for discussion by the
74 Board.

75
76 Kessler stated the addition is closer to water than the existing home, but I walked to the distance sixteen
77 (16) feet back and they will still be further back than the houses on either side of them. Hall stated they will
78 be within the pattern of development, and I see no issue with the shed. Boatman stated the Board would not
79 normally allow an applicant to be that close (within SIZ).
80

81 **1.) Motion: Kessler** made a motion to **approve** a variance to construct an addition to a non-conforming
82 dwelling to be located at sixty-eight (68) feet from the OHW of the lake, deviating from the required setback
83 of one hundred (100) feet from the OHW of a recreational development lake, due to setback issues, due to
84 the fact it uses the property in a reasonable manor, and it is in conformity with the rest of the neighborhood.
85

86 **Sharp second.** All in favor. **Motion carried.** Variance **approved.**
87

88 **2.) Motion: Knopf** made a motion to **approve** a variance to construct a shed to be located at sixty (60) feet
89 from the OHW of the lake, deviating from the required setback of one hundred fifty (150) feet from a
90 natural environment lake, due to setback issues, due to the fact it does not alter the character of the locality
91 and uses the property in a reasonable manor.
92

93 **King second.** All in favor. **Motion carried.** Variance **approved.**
94

95 **SECOND ORDER OF BUSINESS: APPLICANT: June & Gary Bergquist** 2686 N Distant Star Rd
96 Post Falls, ID 83854 **Project Location:** 32693 Many Point Scout Camp Rd Ponsford, MN 56575 **Tax ID**
97 **Number:** 32.0007.000 **LEGAL LAND DESCRIPTION:** Section 12 Township 141 Range 039; LOT 2

98 E OF RD (LIFE ESTATE TO LEONARD & RUTH BERGQUIST); Sugar Bush Township

99 **APPLICATION AND DESCRIPTION OF PROJECT:**

- 100 1. Request a variance to construct an addition to a non-conforming garage to be located at seventy-five
101 (75) feet from the OHW of the lake, deviating from the required setback of one hundred (100) feet from
102 the OHW of a recreational development lake.
- 103 2. Request a variance to construct an addition to an existing non-conforming garage to be located at thirty-
104 nine (39) feet from the centerline of a township easement road, deviating from the required setback of
105 seventy-eight (78) feet from the centerline of a township easement road in the shoreland district, all due
106 to setback issues and lot size.

107
108 Owner June Bergquist was present. Bergquist explained the request to construct an addition to a non-
109 conforming garage to be located at seventy-five (75) feet from the OHW and to be located at thirty-nine
110 (39) feet from the centerline of a township easement road. Bergquist explained they want to add ten (10)
111 more feet to an existing outbuilding over the existing driveway. The property is 11 acres; however, it is
112 very long and narrow and the township road cuts it in two, through the length of it. Bergquist stated it is a
113 year-round home with a one car garage and this outbuilding currently has no concrete floor. We want to
114 add a floor to keep the rodents out, allow for storage of a second vehicle, and raise the roof to allow for a
115 ten (10) foot garage door. We have 1500 feet of frontage we keep natural.

116
117 Boatman asked if any trees would be removed. Bergquist replied only one tree but per the contractor it
118 needs to be removed anyway. Bergquist stated they are not adding to the rear or moving back because there
119 is a nice clump of basswood trees we do not want to tear down. Boatman stated it is a reasonable request.

120
121 No one spoke for or against the application. There was no written correspondence for or against the
122 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for discussion
123 by the Board.

124
125 Sharp stated he is in favor of the application; the plight of the landowner is due to the unique shape of the
126 lot. Hall stated they have 1500 feet of shoreline; it will not negatively impact anyone or create a traffic
127 hazard.

128
129 **Motion: Hall** made a motion to **approve** a variance to:

- 130 1) Construct an addition to a non-conforming garage to be located at seventy-five (75) feet from the
131 OHW of the lake, deviating from the required setback of one hundred (100) feet from the OHW of a
132 recreational development lake.
- 133 2.) Construct an addition to an existing non-conforming garage to be located at thirty-nine (39) feet from
134 the centerline of a township easement road, deviating from the required setback of seventy-eight (78) feet
135 from the centerline of a township easement road in the shoreland district, all due to setback issues and lot
136 size.

137 Due to the fact it will not harm the locality in any shape or form and the plight of the landowner is due to
138 the unique shape of the lot.

139
140 **Knopf second.** All in favor. **Motion carried.** Variance **approved.**

141
142 **THIRD ORDER OF BUSINESS: APPLICANT: Bradley R & Joanna Callahan Trust** 28 Circle W
143 Edina, MN 55436 **Project Location:** 11911 Fern Beach Dr Detroit Lakes, MN 56501 **Tax ID Number:**
144 19.1276.000 **LEGAL LAND DESCRIPTION:** Section 30 Township 138 Range 041; FERN BEACH
145 1ST ADD LOT 5; Lake View Township **APPLICATION AND DESCRIPTION OF PROJECT:**

146 Request a variance to be at 28.17% lot coverage, deviating from the allowed coverage of 25% on an Ag
147 zoned lot, due to lot size.

148
149 Bartee presented the application.

150
151 Owners Bradley R. & Joanna Callahan were present along with contractor Craig Helenske. Helenske
152 explained the request to be at 28.17% lot coverage, specifically a 3% increase in coverage. Helenske stated
153 application is for a detached garage to be constructed on the property to store seasonal items that currently
154 sit outside. The garage will be meeting all the setback requirements. Helenske stated the family has owned
155 the property for four generations and they intend on keeping it in the family. They want to avoid doing any
156 additions to the cabin or any changes that would alter its character. The garage gives them the ability to hold
157 that priority by meeting all their storage needs. The existing shed encroaches on the neighbor's lot, the new
158 garage would allow them to remove the shed. The design will have a 210 sq ft porch on the back of the
159 garage. The key reason for the coverage overage is the County design policy includes the driveway to be
160 counted against the impervious coverage even if it is not paved. Helenske explained the application
161 accounts for a 320 sq ft driveway that is not paved, if we did not have to include that we would be under
162 the impervious coverage allowed. Helenske also explained the design has a drainage diagram where the
163 roadside will be landscaped into a water garden resulting in no impacts to the adjoining property owners.

164
165 Boatman asked if the driveway will even be paved or asphalted. Helenske replied, no. Kessler asked if they
166 would ever be a permanent residence. Helenske replied no, it will never be the main cottage, it will be a
167 vacation home always. Kessler replied so there will never be a driveway. Helenske replied, no.

168
169 Hall asked will the shed area be grassed once it is removed. Helenske replied, a portion of it would and the
170 rest will be part of the new garage.

171
172 Boatman stated the requested garage is fifty-one (51) feet long, could you reduce the size to be at 25%
173 coverage. Helenske replied, no they need the depth for storage, the request is only twenty (20) feet wide.
174 Boatman asked if there would be living quarters over the garage. Helenske replied, there will be two guest
175 rooms and a bathroom, no kitchen. Sharp asked if they will be installing gutters. Callahan replied yes, they
176 could install them.

177
178 Bartee presented a letter about the request to the Board from the Pelican River Watershed. Letters are on
179 file in the Becker County Zoning Office.

180
181 **From:** PRWD Permit <prwdpermit@arvig.net>
182 **Sent:** Friday, August 27, 2021 1:50 PM
183 **To:** Rachel D. Bartee rachel.bartee@co.becker.mn.us
184 **Cc:** Kyle P. Vareberg <kyle.vareberg@co.becker.mn.us>; Tera Guetter
185 tera.guetter@arvig.net
186 **Subject:** [EXTERNAL]September 9th Board of Adjustments Packet Hello,

187
188 PRWD had 2 comments in response to the Agenda for the September 9th Board of
189 Adjustments meeting. Please forward to the Becker County Board of Adjustments before
190 the Thursday September 9th Meeting for their consideration.

191
192 **Bradley R. & Joanna Callahan Trust-** If approved by Becker County as described, A
193 PRWD Residential Stormwater Management Permit (Impervious Surface Coverage
194 >25%) will be required. Stormwater must be managed off all new and fully reconstructed

195 impervious surfaces (960 square feet garage, 210 square feet porch per site plan in
196 packet) to satisfy PRWD Rules.
197 Thank you,
198

199 **Adam Mortenson**
200 *Water Resource Coordinator*
201 Pelican River Watershed District
202 Wells-Fargo Bldg – Suite 201
203 211 Holmes Street West
204 Detroit Lakes, MN 56501
205 www.prwd.org
206 (218) 846-0436
207

208 No one spoke for or against the application. There was no additional written correspondence for or
209 against the application. At this time, testimony was closed. Chairman Roger Boatman opened the matter
210 for discussion by the Board.
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212 Boatman stated if approved it should be stipulated the driveway is never paved and gutters are installed
213 on the eastside towards the retention pond.
214

215 **Motion:** Sharp made a motion to **approve** a variance to be at 28.17% lot coverage, deviating from the
216 allowed coverage of 25% on an Ag zoned lot, due to lot size, due to the fact it is a reasonable request, and
217 it is consistent with the purposes and intent of the Becker County Ordinance and Comprehensive Plan
218 with the stipulation the driveway cannot be paved, and gutters are added to the whole structure and drain
219 to the retention area.
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221 **Kessler second.** All in favor. **Motion carried.** Variance **approved.**
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223 **FORTH ORDER OF BUSINESS: APPLICANT: DJ & M Partners** 315 Fairground Rd Unit 101
224 Alexandria, MN 56308 **Project Location:** 21246 Co Rd 117 Osage, MN 56570 **Tax ID Number:**
225 33.0016.001 & 33.0046.000 **LEGAL LAND DESCRIPTION: 33.0016.001:** Section 03 Township 139
226 Range 038; LOT 5 & LOT 6 N OF CREEK & **33.0046.000:** Section 04 Township 139 Range 038; LOT
227 1; Toad Lake Township **APPLICATION AND DESCRIPTION OF PROJECT:** Request for one boat
228 lift per allowed unit within the resort.
229

230 Application was tabled by the applicant prior to Hearing.
231

232 **FIFTH ORDER OF BUSINESS: APPLICANT: Travis & Rachel Olson** 2805 64th Ave S Fargo, ND
233 58104 **Project Location:** 24571 N Melissa Dr Detroit Lakes, MN 56501 **Tax ID Number:** 19.1226.000
234 **LEGAL LAND DESCRIPTION:** Section 20 Township 138 Range 041; ELM GROVE CORBETT; W
235 3' OF LOT 1; & LOT 2 EX W 10'; Lake View Township **APPLICATION AND DESCRIPTION OF**
236 **PROJECT:** Request to construct a patio to be located at fifty (50) feet from the OHW of the lake,
237 deviating from the required setback of seventy-five (75) feet from the OHW of a general development
238 lake. Requesting a variance to be at 35.58% lot coverage, deviating from the allowed coverage of 25% on
239 an Ag zoned lot, due to lot size.

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Application was tabled by applicant prior to Hearing.

SIXTH ORDER OF BUSINESS: APPLICANT: Greg & Theresa M. Krutsinger Po Box 55 West Fargo, ND 58078 **Project Location:** 15489 Summer Island Rd Lake Park, MN 56554 **Tax ID Number:** 17.1159.000 **LEGAL LAND DESCRIPTION:** Section 06 Township 138 Range 042; SUMMER ISLAND 138 42 Block 001; LOT 17 & N1/2 OF LOT 18 & RESTRICTED DR; Lake Eunice Township **APPLICATION AND DESCRIPTION OF PROJECT:**

1. Request a variance to construct a deck to be located at thirty (30) feet and a dwelling and attached garage to be located at thirty-two (32) feet from the OHW of the lake, deviating from the required setback of one hundred (100) feet from the OHW of a recreational development lake due to setback issues and lot size.
2. Request a variance to construct a dwelling and attached garage to be located at five (5) feet from a restrictive drive, all due to setback issues.

Bartee presented the application.

Owner authorized agent and contractor Gary Schander was present of behalf of owners Greg & Theresa M. Krutsinger. Schander explained the request to construct a deck to be located at thirty (30) feet and a dwelling and attached garage to be located at thirty-two (32) feet from the OHW of the lake, and a dwelling and attached garage to be located at five (5) feet from a restrictive drive. Schander explained Krutsinger has a home on the neighboring lot which he would like to reside in year-round, however he requires more storage for snow removal equipment as he maintains all the roads/private drives in this area. Schander stated the request would be no closer to the water than the existing cabin, it will just go wider, meeting the side yard setbacks. Schander stated the shed will be removed and a good portion of the driveway and ramp access was well.

Boatman asked if the proposed structure will be used for storage. Schander stated he spoke with the zoning office and was advised to keep a dwelling structure on the lot as that use is grandfathered in, or the lots will be combined. Schander stated the lower level will be storage and the upper level will be an apartment to keep the dwelling status. Boatman stated they are requesting to build in the shore impact zone. Schander stated the size of the lot is very small, we tried to find the buildable area, but the lot is not square, so it is difficult to meet all setbacks. Boatman agreed there is limited space, but your request is twenty (20) feet into the SIZ, there are off site storage places. Schander stated they need it deep enough to store the pontoon and trailer, tractors, and skid steers. Schander added if they come back further one corner would be encroaching into the ROW. Schander stated the request is an improvement to the lot as we are decreasing the coverage by 1% and coming into compliance and are building in the same area as the existing dwelling.

Kessler asked what the dimensions of the building. Schander replied 50'x45'. Hall asked if they could move it closer to the road. Schander stated they can pull it back further towards the road to move it away from the lake. Boatman asked how far can you slide it over. Schander replied it is 5'7" away from the lot line on the private drive side, and we can cut the corner there. Knopf asked if fifty (50) feet wide was necessary, you could move over five (5) feet and make it forty (40) or forty-five (45) feet. Hall stated this

284 is a private road, I would be willing to approve it zero (0) feet from the ROW/lot line, it is more of a
285 driveway than a road here. Schander replied he could shrink it some at the corner as the house is not
286 square to the lot, however there may be a well here that may be an issue. Bartee replied setback is three
287 (3) feet from an existing well. Kessler stated Schander could table the request and come back with a new
288 plan moving it back eighteen (18) feet out of the SIZ. Schander replied they have a second story deck in
289 the plan they cannot remove as they need to have two exits in case of a fire, it is required for safety
290 purposes.

291
292 Application was tabled by applicant/contractor. Schander will speak with owner and redesign plan to be
293 fifty (50) from the OHW and 0' from the ROW of the private drive.

294
295 **SEVENTH ORDER OF BUSINESS: Informational Meeting.** The next informational meeting is
296 scheduled for Thursday, October 7th, 2021, at 8:00 a.m. in the 3rd Floor Zoning Meeting Room of the
297 Original Courthouse. As there was no further business to come before the Board, **King** made a motion to
298 adjourn the meeting. **Hall** seconded. All in favor. Motion carried. Meeting adjourned.

299
300 _____ ATTEST _____
301 Chairman Roger Boatman Kyle Vareberg,
302 Planning and Zoning Administrator