

**Becker County Board of Adjustments
October 14th, 2021**

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

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

Sharp made a motion to approve the minutes as modified for the September 9th, 2021, meeting. **Hall** seconded. All in favor, Motion carried.

OLD BUSINESS:

FIRST 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-eight (38) feet and a dwelling and attached garage to be located at forty (40) 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 zero (0) feet from a restricted drive, all due to setback issues. Tabled from the September 9th, 2021 hearing by applicant.

Boatman presented the application.

Authorized Agent and contractor Gary Schander was present of behalf of owners Greg & Theresa M. Krutsinger. Schander explained he had reworked the request from last month, providing three new options with the most restrictive request to construct a deck to be located at thirty-eight (38) feet and a dwelling and attached garage to be located at forty (40) feet from the OHW of the lake. Also, a dwelling and attached garage to be located at zero (0) feet from a restricted drive. Boatman stated at last month's hearing they talked about the request being moved out of the SIZ. Schander stated you wanted to see it out of the SIZ so I presented that in one option, the current dwelling is at thirty-three (33) feet from the OHW. Schander stated if they move back fifty (50) feet (out of the SIZ) the well will be inside the building, would the Board allow that? Doll stated wells are regulated by the Minnesota Department of Health, you would have to request a variance through them. Schander stated he pulled three measurements at forty (40), forty-five (45), and fifty (50) feet. At forty-five (45) feet the well would be three to four feet from the dwelling. Schander stated the owner wants to be able to store his pontoon in the structure, therefore he needs thirty-

45 nine (39) feet for the length of the pontoon to the tongue of the trailer. A forty-five (45) foot building would
46 have an interior of forty-four (44) feet, allowing for two and a half feet on either side of the trailer. Boatman
47 stated it is not the Boards job to design the building, we just want you out of the SIZ, that is our job.

48
49 Sharp asked if the pontoon could be stored off site. Schander stated it is the intent of the project to store
50 both the pontoon and skid steers to be able to maintain the road in the winter months, and to have living
51 quarters above. Boatman stated you can get offsite storage. Schander stated the request is improving the
52 site by being back fifteen (15) feet from what is existing and reducing the impervious coverage. Boatman
53 replied the Board was clear that you need to be at least fifty (50) feet back from the OHW and now you
54 want less. Schander stated he was not sure where the fifty (50) foot mark fell in relation to the well at that
55 time. Knopf asked if a forty (40) foot building would be acceptable. Schander stated they need a forty-five
56 (45) foot building to fit the pontoon. Schander added that the corner where the well is located is where the
57 door was to be located. Hall asked if they could back in another way. Hall added they cannot break the rules
58 just because the owner cannot fit a pontoon in there, that is too much for that lot, the well is there and there
59 are other setbacks that must be met.

60
61 Hall stated he will support the plan that moves the structure out of the SIZ. Kessler acknowledged the
62 existing structure is much closer, however, if they want to build outside of the existing footprint then they
63 have to be out of the SIZ.

64
65 No one spoke for or against the application. There was no written correspondence for or against the
66 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for
67 discussion by the Board.

68
69 **Motion:** Hall made a motion to **approve as modified:**

70 1.) Approve a variance, as modified to construct a deck to be located at forty-two (42) feet and a
71 dwelling and attached garage to be located at fifty (50) feet from the OHW of the lake, deviating from
72 the required setback of one hundred (100) feet from the OHW of a recreational development lake due
73 to setback issues and lot size.

74 2.) Approve a variance to construct a dwelling and attached garage to be located at zero (0) feet from a
75 restrictive drive, all due to setback issues.

76 All due to lot size, due to the fact it fits within the surrounding community, it is reducing the impervious
77 coverage and moving structures out of the SIZ.

78 With the stipulation the structure is limited to 40'x50' in size, is located back fifty (50) feet from the
79 OHW (out of the SIZ), and stormwater retention is established and maintained on the lake side.

80
81 **Knopf second.** All in favor. **Motion carried.** Variance **approved as modified.**

82
83 **NEW BUSINESS:**

84
85 **SECOND ORDER OF BUSINESS: APPLICANT: Michael W. Larson** 24 Prairiewood Dr Fargo, ND
86 58103 **Project Location:** 25103 Co Hwy 22 Detroit Lakes, MN 56501 **Tax ID Number:** 19.0332.000
87 **LEGAL LAND DESCRIPTION:** Section 16 Township 138 Range 041; 16-138-41 PT SW1/4 SW1/4;
88 COMM SW COR SEC 16 N 1323.92', E 444.71', S 33' TO POB; SW 147.60', S 319.65', SE 117.62', NELY
89 250.12', ELY 34.37', NE 103.36', SE 17', NE 129.97', NE 81.09', NW 167.51', N 56.39', W 314.7' TO POB.

90 TRACT A, B.; Lake View Township **APPLICATION AND DESCRIPTION OF PROJECT:**
91 Requesting a variance to construct three (3) additional business signs for a total additional area of 248
92 square feet.

93
94 Boatman presented the application.
95

96 Authorized Agents Suzie and Zach Felt were present of behalf of owner Michael W. Larson. Felt explained
97 the request to construct three (3) additional business signs for a total additional area of 248 square feet.
98 Boatman stated it was a straightforward request, however, how will the signs be lit. Felt stated they had not
99 decided on that yet, noting the existing sign uses solar. Felt stated they have a box on the side of one of the
100 buildings but had not considered extending electrical for the signs.

101
102 No one spoke for or against the application. There was no written correspondence for or against the
103 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for
104 discussion by the Board.
105

106 Boatman stated lighting should not affect the traffic on the highway. Knopf stated the intersection is
107 already luminated well. Hall stated the lights should be directed upwards.
108

109 **Motion:** Sharp made a motion to **approve** a variance to construct three (3) additional business signs for a
110 total additional area of 248 square feet, due to the fact it does not change the character of the locality, this
111 is a commercial area with many signs, is a reasonable request, it is consistent with the purposes and intent
112 of the Becker County Ordinance and Comprehensive Plan, and MNDOT has already approved the
113 proposal with the stipulation that all sign lighting is aimed at the sign to reduce effects on traffic.
114

115 **King second.** All in favor. **Motion carried.** Variance **approved.**
116

117 **THIRD ORDER OF BUSINESS: APPLICANT: John B. McLaughlin** Po Box 420 Glidden, IA 51443
118 **Project Location:** 14169 W Sallie Dr. Detroit Lakes, MN 56501 **Tax ID Number:** 19.0110.000 **LEGAL**
119 **LAND DESCRIPTION:** Section 07 Township 138 Range 041; .64 AC LYING 324' S OF NE COR
120 LOT 5 KNOWN AS LOTS 1 & 2; Lake View Township. **APPLICATION AND DESCRIPTION OF**
121 **PROJECT: 1.)** Request a variance to construct a deck to be located at fifty (50) feet and a dwelling to be
122 located at sixty (60) feet from the OHW of the lake, deviating from the required setback of one hundred
123 (100) feet from a recreational development lake. **2.)** Request a variance to construct a detached garage to
124 be located at sixty (60) feet from the OHW of the lake, deviating from the required setback of one
125 hundred (100) feet from a recreational development lake.
126

127 Boatman presented the application.
128

129 Owner John B. McLaughlin was present. McLaughlin explained the request to construct a deck to be located
130 at fifty (50) feet and a dwelling to be located at sixty (60) feet from the OHW of the lake, and to construct
131 a detached garage to be located at sixty (60) feet from the OHW of the lake. McLaughlin presented a picture
132 of a fox that has been on the property for many years. McLaughlin explained it has been an important
133 landmark to his family since he was a child and when they saw the lot for sale recently, they had to purchase
134 it to preserve the lot. McLaughlin stated the neighbor came to him with concerns that the garage needed to
135 be moved over so they are taking that into consideration for this project. McLaughlin stated they would like

136 to make the best use of the lot and not have a monstrosity. McLaughlin noted there is an old berm on the
137 lot. With the deck at fifty (50) feet and the house at sixty (60) feet there is just enough room for a car
138 between the berm. McLaughlin stated they will control the stormwater on the property and created a plan
139 with Soil and Water that will keep 2,800 gallons of water a year from going into the lake.

140
141 Hall stated when the Board toured the lot a neighbor, Richard Holmer, was present stating concerns for a
142 septic on the lot. McLaughlin stated he was not aware of the issue. Hall stated it appeared there was
143 something under the ground fairly close to the lake. Bartee stated there was nothing in the file for an existing
144 septic, therefore the septic was either older than 1971 or it was unpermitted.

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

149
150 Kessler stated this was an improvement to the lot. Boatman stated they should be required to keep and
151 maintain the berm. McLaughlin stated they will do so.

152

153 **Motion: Kessler** made a motion to:

154

155 **1.) Approve** a variance to construct a deck to be located at fifty (50) feet and a dwelling to be
156 located at sixty (60) feet from the OHW of the lake, deviating from the required setback of one
157 hundred (100) feet from a recreational development lake.

158

159 **2.) Approve** a variance to construct a detached garage to be located at sixty (60) feet from the OHW
160 of the lake, deviating from the required setback of one hundred (100) feet from a recreational
161 development lake.

162

163 All due to the fact it is a reasonable request, it is in harmony with the purposes and intent of the Becker
164 County Ordinance and Comprehensive Plan, it will maintain the essential character of the neighborhood,
165 and it will be an improvement to the lot.

166

167 **Hall second.** All in favor. **Motion carried.** Variance **approved.**

168

169 **FORTH ORDER OF BUSINESS: APPLICANT: Chad D. Smoley** 3403 Mulberry Alcove St. Paul,
170 MN 55129 **Project Location:** 13281 W Lake Sallie Dr Detroit Lakes, MN 56501 **Tax ID Number:**
171 19.0355.011 **LEGAL LAND DESCRIPTION:** Section 18 Township 138 Range 041; THE S 150' OF N
172 750' OF LOT 8 BET LAKE & TWP ROAD; Lake View Township. **APPLICATION AND**
173 **DESCRIPTION OF PROJECT:** Request a variance to construct a patio to be located at forty-eight (48)
174 feet and a dwelling to be located at sixty-three (63) feet from the OHW of the lake, deviating from the
175 required setback of seventy-five (75) feet from a general development lake, due to setback issues and lot
176 size.

177

178 Boatman presented the application.

179

180 Authorized Agents Anthony Boehm and Kevin Lefebvre were present on behalf of owner Chad D. Smoley.
181 Boehm explained the request to construct a patio to be located at forty-eight (48) feet and a dwelling to be
182 located at sixty-three (63) feet from the OHW of the lake. Boehm explained they were unable to use SBA
183 (Setback Averaging) because it is not considered a lot of record per the Ordinance. Sharp stated he was in
184 favor of the presented stormwater management plan of gutters to downspouts to water retention areas.
185 Boatman asked what the impervious was. Boehm replied 17%.

186
187 No one spoke for or against the application. There was no written correspondence for or against the
188 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for
189 discussion by the Board.

190
191 Kessler stated it is a good proposal and is much like the previous request. Sharp noted neighboring lots
192 have similar setbacks.

193
194 **Motion:** Kessler made a motion to approve a variance to construct a patio to be located at forty-eight (48)
195 feet and a dwelling to be located at sixty-three (63) feet from the OHW of the lake, deviating from the
196 required setback of seventy-five (75) feet from a general development lake, due to setback issues and lot
197 size, due to the fact it is a reasonable request, it is consistent with the purposes and intent of the Becker
198 County Ordinance and Comprehensive Plan, it fits within the essential character of the locality, and it will
199 be using the lot in a reasonable manor.

200
201 **Knopf second.** All in favor. **Motion carried.** Variance **approved.**

202
203 **FIFTH ORDER OF BUSINESS: APPLICANT: James Buus & Cheri Marthaller-Buus** 4255 58th St
204 S Fargo, ND 58104 **Project Location:** 20990 Aljoe Ln Rochert, MN 56578 **Tax ID Number:**
205 10.0013.000 & 10.0028.000 **LEGAL LAND DESCRIPTION: 10.0013.000:** Section 02 Township 139
206 Range 040; LOT 3 & **10.0028.000:** Section 03 Township 139 Range 040; E 15' OF LOT 6; Erie
207 Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a
208 detached garage to be located at nine (9) feet from the road ROW, deviating from the required setback of
209 twenty (20) feet from the ROW on a dedicated township road on a riparian lot, due to setback issues.

210
211 Doll presented the application.

212
213 Owner James Buus was present along with contractor Stephan Boehm from Lighthouse Construction.
214 Buus explained to construct a detached garage to be located at nine (9) feet from the road ROW. Boehm
215 referenced the survey provided in the packet noting Aljoe Lane was built as a loop, it does not physically
216 exist how it was designed on the survey. Boehm stated they thought the variance would have to be from
217 the front side where the actual road is, but we must be back from where it is legally surveyed. Boehm
218 noted another hardship is that the lot is shaped like a piece of pie. Hall asked how much fill will be
219 brought in. Boehm replied we do not want to tear into the hill much, we will put a wall in. Buus stated
220 they want to keep it natural and disrupt it as little as possible.

221

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

225
226 Hall stated this is very close to the road ROW, but this is a reasonable request, and this road has minimal
227 use.

228
229 **Motion:** Sharp made a motion to construct a detached garage to be located at nine (9) feet from the road
230 ROW, deviating from the required setback of twenty (20) feet from the ROW on a dedicated township
231 road on a riparian lot, due to setback issues, due to the fact it is a reasonable request, and it is consistent
232 with the purposes and intent of the Becker County Ordinance and Comprehensive Plan, the plight of the
233 landowner is due to circumstances unique to the property (unique lot shape) not created by the landowner,
234 and all neighbors have garages as close or closer than the proposed project.

235
236 **King second.** All in favor. **Motion carried.** Variance **approved.**

237
238 **SIXTH ORDER OF BUSINESS: APPLICANT: Donald J. & Marilyn K. Wold** 12 N Broadway #12
239 Fargo, ND 58102 **Project Location:** 12245 Fern Beach Dr Detroit Lakes, MN 56501 **Tax ID Number:**
240 19.0827.000 & 19.0828.000 **LEGAL LAND DESCRIPTION: 19.0827.000:** Section 19 Township 138
241 Range 041; BIRCH HILL 138 41; BEG AT SW COR LOT 2 TH SE 255' TO SE COR TH NE 20' NW
242 TO W LN & SW 30' TO BEG & **19.0828.000:** Section 19 Township 138 Range 041; BIRCH HILL 138
243 41; N1/2 OF LOT 3; Lake View Township. **APPLICATION AND DESCRIPTION OF PROJECT:**
244 **1.)** Request a variance to construct a deck and 3-season porch to be located at fifty-eight (58) feet from
245 the OHW of the lake, deviating from the required setback of seventy-five (75) feet from the OHW of a
246 general development lake. **2.)** Request a variance to construct a deck and 3-season porch to be located at
247 six (6) feet from the side lot line, deviating from the required setback of ten (10) feet from the side lot
248 line, due to setback issues.

249
250 Boatman presented the application.

251
252 Owner Donald J. Wold was present along with contractor Dave Anderson. Anderson explained the request
253 to construct a deck and 3-season porch to be located at fifty-eight (58) feet from the OHW of the lake and
254 six (6) feet from the side lot line. Hall asked what the roof height will be. Anderson replied eight (8) foot
255 side walls so about fourteen (14) feet at the peak. Anderson explained it is the only spot to build because of
256 the front elevation of the house. Anderson noted the request would not change the footprint of the property,
257 there is already an existing deck in this location. Anderson added aesthetically this would be the best
258 location. Hall stated they are building a porch in the same footprint as the existing deck, however, now you
259 will have a wall where a deck was, so now the neighbors would look into a wall not though a deck. Hall
260 stated once you extend that out, they will see a wall, I am not opposed to the porch I just think it could be
261 moved over. Boatman stated this request would be limiting the neighbors view, I sat on their deck. Boatman
262 asked if they could flip the deck with the porch and place the porch in the center of the building. Sharp and
263 Hall were in favor of this modification. Sharp stated they can build within the footprint without a variance,
264 noting they could replace the deck as is.

265
266 Wold and Anderson exited the Hearing.

267

268 Doll presented a letter about the request to the Board from the Pelican River Watershed. Letters are on file
269 in the Becker County Zoning Office.

270
271 **From:** PRWD Permit <prwdpermit@arvig.net>
272 **Sent:** Thursday, October 14, 2021 8:51 AM
273 **To:** Rachel D. Bartee rachel.bartee@co.becker.mn.us
274 **Cc:** Kyle P. Vareberg <kyle.vareberg@co.becker.mn.us>; 'Tera Guetter' tera.guetter@arvig.net
275 **Subject:** [EXTERNAL]Becker County Board of Adjustments Meeting for October 14, 2021 -
276 PRWD Comments

277
278 Good morning,

279
280 PRWD has two comments on the Agenda for the October 14 Board of Adjustments meeting. Please
281 forward the following comments to the Becker County Board of Adjustments members before the
282 Thursday, October 14 meeting for their consideration.

283
284 **Donald & Marilyn Wold** – 12245 Fern Beach Dr., Detroit Lakes. Regarding request #2, to
285 construct a deck and 3-season porch to be located at six feet from the side lot line, deviating from
286 the required setback of ten feet from the side lot line. PRWD recommends requiring a stormwater
287 management plan if the variance to the side lot line setback is granted to avoid potential stormwater
288 runoff impacts to the nearby adjacent neighboring property structure (swale, infiltration
289 raingarden). PRWD staff would be happy to provide assistance and guidance.

290
291 Thank you for the opportunity to provide comments.
292 Sincerely,
293 Gina Kemper-Water Resource Coordinator
294 Tera Guetter-Administrator
295 ***Pelican River Watershed District***

296
297 No one spoke for or against the application. There was no additional written correspondence about the
298 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for
299 discussion by the Board.

300
301 Hall stated it appeared the applicant was not in favor of relocating it in the center of the building. Knopf
302 asked if they could move it to the middle. Doll stated the variance would have to stipulate that.

303
304 **Motion:** King made a motion to:

305
306 **1.)** Deny a variance to construct a deck and 3-season porch to be located at fifty-eight (58) feet from the
307 OHW of the lake, deviating from the required setback of seventy-five (75) feet from the OHW of a
308 general development lake.

309
310 **2.)** Deny a variance to construct a deck and 3-season porch to be located at six (6) feet from the side lot
311 line, deviating from the required setback of ten (10) feet from the side lot line.

312
313 Due to the fact it will impose on the neighbors view of the lake.

314
315 **Sharp second.** All in favor. **Motion carried.** Variance **denied.**

316
317 **SEVENTH ORDER OF BUSINESS: APPLICANT: Richard & Cindy Hulswit** 3701 Norman Ct S
318 Fargo, ND 58104 **Project Location:** 35397 325th Ave Ogema, MN 56569 **Tax ID Number:** 20.0385.000
319 **LEGAL LAND DESCRIPTION:** Section 26 Township 142 Range 040; PT LOT 7 BEG 142' N OF SE
320 COR LOT 7 TH NW 98.4' NE 81' AL RD SE 120' SW AL LK 71' & NW 14' TO BEG; Maple Grove
321 Township. **APPLICATION AND DESCRIPTION OF PROJECT: 1.)** Request a variance to construct
322 a detached garage to be located at thirty-two (32) feet from the centerline of a public road, deviating from
323 the required setback of thirty-six and a half (36.5) feet from the centerline of a thirty-three (33) foot wide
324 public road on a riparian lot. **2.)** Request a variance to construct a dwelling addition to be located at sixty
325 (60) feet from the OHW of the lake, deviating from the required setback of one hundred (100) feet from
326 the OHW of a recreational development lake, due to setback issues and lot size.

327
328 Boatman presented the application.

329
330 Owner Richard Hulswit was present. Hulswit explained the request to construct a detached garage to be
331 located at thirty-two (32) feet from the centerline of a public road and to construct a dwelling addition to
332 be located at sixty (60) feet from the OHW of the lake. Hulswit stated the request is not encroaching on the
333 road, it only be varying four (4) feet from the required road setback. Hulswit noted if they moved further
334 back it would put them closer to the SIZ. In addition, it would create a longer driveway, which would create
335 a higher impervious putting the lot over the allowed 25%. Hulswit stated the structure is a very small one-
336 bedroom cabin. They would like to add on to the backside, away from the lake, the hardship is the existing
337 cottage is located within the one hundred (100) foot setback from the lake.

338
339 Kessler stated the existing lot coverage is 16% and you are asking for 25%. Hall noted this is a very large
340 addition. Hall asked if they could move it back 4.5 feet from the road so it will not need a roadside variance.
341 Hulswit stated if they move it back it would extend the driveway and increase their coverage over 25%.
342 Hulswit noted the request is like others in the area. Hall stated he was in favor of the garage moving back
343 from the road. Knopf stated he was in favor of moving the garage back from the road and having the lot be
344 over coverage for the driveway. Hall stated you can have a 16'x27.5' driveway that would be reasonable
345 for a sixteen (16) foot door and put your project at 26.17% coverage. Hall stated he would prefer to deny
346 the request from the road ROW and give them a variance for impervious coverage. Hall stated they are
347 looking at not just for your lifetime, but down the road at the future of the lot.

348
349 No one spoke for or against the application. There was no additional written correspondence for or
350 against the application. At this time, testimony was closed. Chairman Roger Boatman opened the matter
351 for discussion by the Board.

352
353 **Motion:** Hall made a motion to:

354
355 **1.)** To **DENY** a request to construct a detached garage to be located at thirty-two (32) feet from the
356 centerline of a public road, deviating from the required setback of thirty-six and a half (36.5) feet
357 from the centerline of a thirty-three (33) foot wide public road on a riparian lot.

358
359 **2.)** To **APPROVE** a request a variance to construct a dwelling addition to be located at sixty (60)
360 feet from the OHW of the lake, deviating from the required setback of one hundred (100) feet
361 from the OHW of a recreational development lake, due to setback issues and lot size.

362

363 3.) Also modified to **APPROVE** a variance to exceed allowable impervious surface, to be at 26.17%
364 lot coverage.

365
366 All due to setback issues, due to the fact the request is consistent with the purposes and intent of the
367 Becker County Ordinance and Comprehensive Plan, it will not alter the character of the locality, and the
368 request will be out of the ROW, with the stipulation the driveway will be no larger than 16'x27.5'.
369

370 **Knopf second.** All in favor. **Motion carried.** Variance **approved.**

371
372 **EIGHTH ORDER OF BUSINESS: APPLICANT: Jamie T. & Rena L. Stenseth** 709 Wyndemere Dr
373 West Fargo, ND 58078 **Project Location:** 21737 Co Hwy 32 Rochert, MN 56578 **Tax ID Number:**
374 10.0034.001 **LEGAL LAND DESCRIPTION:** Section 03 Township 139 Range 040; 3-139-40 PT
375 GOVT LOT 1: BEG SW COR LOT 1 BLK 1 STROBEL SHRS, W 78.49' TO CTR CSAH 32, S AL
376 CTR HWY 145.86', ELY 265.05' TO COTTON LK, N AL LK 99.94', W 261.13' TO POB.; Erie
377 Township. **APPLICATION AND DESCRIPTION OF PROJECT: 1.)** Request a variance to construct
378 a porch to be located at sixty-seven (67) feet and a dwelling addition to be located at eighty-four (84) feet
379 from the OHW of the lake, deviating from the required setback of one hundred (100) feet from a
380 recreational development lake. **2.)** Request a variance to construct an attached garage to be located at
381 eighty-nine (89) feet from the centerline of a county highway, deviating from the required setback of
382 ninety-five (95) feet from the centerline of a county highway. **3.)** Request a variance to construct an
383 attached garage to be located fourteen (14) feet from a drainfield, deviating from the required setback of
384 twenty (20) feet. All due to setback issues and lot size.

385
386 Boatman presented the application.

387
388 Owners Jamie T. & Rena L. Stenseth were present. Stenseth explained the request to construct a porch to
389 be located at sixty-seven (67) feet and a dwelling addition to be located at eighty-four (84) feet from the
390 OHW of the lake and to construct an attached garage to be located at eighty-nine (89) feet from the
391 centerline of a county highway and fourteen (14) feet from a drainfield. Stenseth stated that the addition
392 will be for a rec room and breezeway. Stenseth stated they are observing the ten (10) foot setback from the
393 side lot line. Stenseth stated the proposed sketch shows everything I will ever want to construct on the lot.
394 Stenseth stated this is a tough lot to meet both the road and the OHW setbacks. Stenseth stated this is the
395 best plan for the lot. Stenseth stated he could turn the garage as well. Boatman asked if it would go over the
396 drainfield. Stenseth replied, no. Boatman stated this request would put him at 25% coverage. Stenseth
397 replied yes and they will control their stormwater.

398
399 No one spoke for or against the application. There was no written correspondence for or against the
400 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for
401 discussion by the Board.

402
403 Sharp stated this a lot of stuff on a small lot; however, they are at the allowable 25% coverage. Hall stated
404 concern for the stormwater running to the neighbor's lot. Stenseth replied they will have gutters that will
405 drain to the west and take it back, adding they changed the rafters on the garage to accommodate
406 stormwater management. Kessler stated they have a good stormwater management plan and was in favor
407 of the berm between the house and lake. Stenseth noted that at the previous variance Hearing he promised
408 to install two (2) feet of gutter around the corner, stating he installed it for now, even though it will be

409 removed if this project is approved, because it was a part of the plan. Boatman stated it is a difficult
410 driveway. Stenseth stated they plan to get everything in place and then properly deal with the stormwater.
411 Stenseth noted there is an easement for that driveway. Stenseth added we want to be able to back out and
412 pull out onto the road, it is a dangerous road so this is more concrete than we wanted originally.
413

414 **Motion:** Sharp made a motion to:

- 415 1.) **Approve** a variance to construct a porch to be located at sixty-seven (67) feet and a dwelling
416 addition to be located at eighty-four (84) feet from the OHW of the lake, deviating from the
417 required setback of one hundred (100) feet from a recreational development lake.
- 418 2.) **Approve** a variance to construct an attached garage to be located at eighty-nine (89) feet from the
419 centerline of a county highway, deviating from the required setback of ninety-five (95) feet from
420 the centerline of a county highway.
- 421 3.) **Approve** a variance to construct an attached garage to be located fourteen (14) feet from a
422 drainfield, deviating from the required setback of twenty (20) feet.

423 All due to setback issues and lot size. All due to the fact it is a reasonable request, it fits within the
424 essential character of the locality as there are neighbors that are as close or closer, and it is consistent with
425 the purposes and intent of the Becker County Ordinance and Comprehensive Plan.
426

427 **Kessler second.** All in favor. **Motion carried.** Variance **approved.**
428

429 **NINTH ORDER OF BUSINESS: APPLICANT: Cody & Anna Wittrock** 7437 Country Hills Dr
430 Bismarck, ND 58503 **Project Location:** 23593 Foxview Ln Detroit Lakes, MN 56501 **Tax ID Number:**
431 19.1544.000 **LEGAL LAND DESCRIPTION:** Section 07 Township 138 Range 041; OAK POINT 138
432 41; LOT 8 & PT GVT LOT 8: BEG MOST NLY COR LOT 7 TH NW 13.10' TO RD, TH NLY 66.44'
433 TO N LN LOT 9, TH NE 12.29', TH SW 77.06' TO MOST NLY COR LOT 7 & POB AKA .018 ACRE;
434 Lake View Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to
435 construct a deck to be located at fifty-four (54) feet and a dwelling to be located at sixty-six (66) feet from
436 the OHW of the lake, deviating from the required setback of one hundred (100) feet from a recreational
437 development lake, due to setback issues and lot size.
438

439 Boatman presented the application.
440

441 Owner Cody Wittrock was present. Wittrock explained the request to construct a deck to be located at fifty-
442 four (54) feet and a dwelling to be located at sixty-six (66) feet from the OHW of the lake. Wittrock stated
443 the original cabin burned down in January. Wittrock noted they have had five different plans drawn up and
444 the best and flattest spot to rebuild is in the same location of the previous building, however it does not
445 meet the current Ordinance requirements. Wittrock stated it will have a deep well and a year-round septic
446 installed. Boatman asked where the septic will be located. Wittrock replied to the mound will be placed in
447 the back part of the lot by the shed and the well up towards the front between the neighbor to the south.
448

449 Doll presented a letter about the request to the Board from the Pelican River Watershed. Letters are on file
450 in the Becker County Zoning Office.
451

452 **From:** PRWD Permit <prwdpermit@arvig.net>
453 **Sent:** Thursday, October 14, 2021 8:51 AM
454 **To:** Rachel D. Bartee rachel.bartee@co.becker.mn.us

455 **Cc:** Kyle P. Vareberg <kyle.vareberg@co.becker.mn.us>; 'Tera Guetter' tera.guetter@arvig.net
456 **Subject:** [EXTERNAL]Becker County Board of Adjustments Meeting for October 14, 2021 -
457 PRWD Comments

458
459 Good morning,

460
461 PRWD has two comments on the Agenda for the October 14 Board of Adjustments meeting. Please
462 forward the following comments to the Becker County Board of Adjustments members before the
463 Thursday, October 14 meeting for their consideration.

464
465 **Cody & Anna Wittrock-23593 Foxview Lane, Detroit Lakes.** Requesting to construct a deck to
466 be located at fifty-four feet and dwelling to be located at sixty-six feet from the OHW of the
467 lake, deviating from required setback of 100 feet from a recreational development lake. The
468 proposed new structures will increase the impervious surface lot coverage (from 10.4 % to 18.7
469 % lot coverage) and the lot topography is adequate to meet the required setbacks (no bluffs,
470 ravines, other structures, etc.) and would not require any variances.

471
472 Thank you for the opportunity to provide comments.

473 Sincerely,

474 Gina Kemper-Water Resource Coordinator

475 Tera Guetter-Administrator

476 ***Pelican River Watershed District***

477

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

481

482 **Motion:** Kessler made a motion to construct a deck to be located at fifty-four (54) feet and a dwelling to
483 be located at sixty-six (66) feet from the OHW of the lake, deviating from the required setback of one
484 hundred (100) feet from a recreational development lake, due to setback issues and lot size, due to the fact
485 it is a reasonable request and makes good use of the land, it is consistent with the purposes and intent of
486 the Becker County Ordinance and Comprehensive Plan, it is in line with the rest of the neighborhood
487 maintaining the essential character of the locality.

488

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

490

491 **TENTH ORDER OF BUSINESS: APPLICANT: Lynn Breitenfeldt RT ET AL** 47976 County Hwy
492 51 Perham, MN 56573 **Project Location:** 43289 218th St Osage, MN 56570 **Tax ID Number:**
493 33.0355.000 **LEGAL LAND DESCRIPTION:** Section 04 Township 139 Range 038; 3RD ADD TO
494 PINES LOTS 17 & 18; Toad Lake Township. **APPLICATION AND DESCRIPTION OF PROJECT:**
495 Request a variance to construct a shed to be located at twenty (20) feet from the OHW of the lake,
496 deviating from the required setback of one hundred (100) feet from a recreational development lake, due
497 to setback issues.

498

499 Boatman presented the application.

500

501 Owners Lynn and Steve Breitenfeldt were present. Breitenfeldt explained the request to construct a shed
502 to be located at twenty (20) feet from the OHW of the lake. Breitenfeldt stated they want to replace the
503 10'x12' shed. Sharp agreed the existing shed is in bad shape and needs to be replaced. Hall asked if they
504 could move it back to be even with the house where it would not impede on the neighbors' views or move
505 it onto the back lot across the road. Breitenfeldt replied they are not 100% sure of the lot line but believe
506 that moving it back would only leave a narrow passageway and it would also require them to remove a
507 tree. Hall stated per the aerial it appears there is room, however the Board would like the structure out of
508 the SIZ and in harmony with the rest of the structures in the area. Breitenfeldt asked if they could get a
509 survey. Doll noted they could table their request or place it where the Board allows for now and pay and
510 request another variance in the spring once they get the survey. Bartee noted they could replace in the
511 footprint per state statute.

512
513 No one spoke for or against the application. There was no written correspondence for or against the
514 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for
515 discussion by the Board.

516
517 **Motion:** Hall made a motion to **approve a variance as modified**, to construct a shed to be located no
518 closer to the OHW than the southwest corner of the existing house, modified from the requested twenty
519 (20) feet from the OHW of the lake, deviating from the required setback of one hundred (100) feet from a
520 recreational development lake, due to setback issues, all due to the fact it is consistent with the purposes
521 and intent of the Becker County Ordinance and Comprehensive Plan, it is in harmony with the
522 community and it will be an improvement to the lot.

523
524 **Knopf second.** All in favor. **Motion carried.** Variance **approved.**

525
526 **ELEVENTH ORDER OF BUSINESS: APPLICANT: Sarah A Merwin ET AL** 11434 Lake Eunice
527 Rd Detroit Lakes, MN 56501 **Project Location:** TBD S Lake Eunice Rd Detroit Lakes, MN 56501 **Tax**
528 **ID Number:** 17.0297.004 **LEGAL LAND DESCRIPTION:** Section 26 Township 138 Range 042; PT
529 GOVT LOT 3 & PT NE1/4 SW1/4 & PT SE1/4 SW1/4; COMM NELY COR LOT 16 HANUSCH 1ST
530 SUB TH E 953.07' TO CTR LN RD, TH SW 431.57' AL RD, WLY 27.46', SE 150.24', SELY 9.79', SE
531 51.76' TO POB; CONT SE 163.55' AL RD, S 247.33', SWLY 220.58' TO S LN GVT LOT 3, E 231.35', S
532 674.05', E 29.10' TO ST MARYS RD, TH N 140.70', NLY 406.52', TH NE 163.30', E 97.39', N 594.97',
533 TH W 551.32' TO POB AKA TRACT C-2 REF: PT 17.0297.001 – 2008; Lake Eunice Township.
534 **APPLICATION AND DESCRIPTION OF PROJECT: 1.)** Request a variance to construct a detached
535 garage to be located at sixty (60) feet from the OHW of a tributary, deviating from the required setback of
536 one hundred (100) feet from the OHW of a tributary, due to setback issues. **2.)** Request a variance to
537 construct a detached garage to be located at eighteen (18) feet from a wetland, deviating from the required
538 setback of fifty (50) feet from a wetland on a riparian lot. **3.)** Request a variance to construct a detached
539 garage to be located at sixteen (16) feet from the road ROW, deviating from the required setback of
540 twenty (20) feet from the road ROW of dedicated public road.

541
542 Doll presented the application.

543

544 Susan Kotte, mother to Sarah A Merwin, was present. Kotte explained the request a variance to construct a
545 detached garage to be located at sixty (60) feet from the OHW of a tributary, a detached garage to be located
546 at eighteen (18) feet from a wetland, and sixteen (16) feet from the road ROW. Hall stated the request is
547 too close to the wetland and asked if the owner would move it closer towards the trailers. Kotte replied yes.
548 Boatman stated it was all fill here at one time, unsettled ground. Kotte stated they are aware of that. Hall
549 stated he was in favor of modifying the request to move it back seventeen (17) feet to the north, from the
550 wetland towards the trailers and tributary. It would center the structure on the cleared off land. Hall added
551 moving it back would eliminate the need for a variance from the ROW. Doll noted this would place it closer
552 to the river, in the SIZ of the tributary. Doll clarified the request would be modified to place the structure
553 at thirty-five (35) feet from a wetland and forty-three (43) feet from a tributary.

554
555 No one spoke for or against the application. There was no written correspondence for or against the
556 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for
557 discussion by the Board.

558

559 **Motion:** Kessler made a motion to:

- 560 1.) Deny the request to construct a detached garage to be located at sixteen (16) feet from the road ROW,
561 deviating from the required setback of twenty (20) feet from the road ROW of dedicated public road.
562 2.) Approve a variance, as modified, to construct a detached garage to be located at forty-three (43) feet,
563 modified from the requested sixty (60) feet, from the OHW of a tributary, deviating from the required
564 setback of one hundred (100) feet from the OHW of a tributary.
565 3.) Approve a variance to construct a detached garage to be located at thirty-five (35) feet, modified from
566 the requested eighteen (18) feet from a wetland, deviating from the required setback of fifty (50) feet
567 from a wetland on a riparian lot.

568

569 All due to lot size, due to the fact the lot is unique is constricted by both a tributary and wetland.

570

571 **Knopf second.** All in favor. **Motion carried.** Variance **approved as modified.**

572

573 **TWELFTH ORDER OF BUSINESS: APPLICANT: Erik S. & Lisa M. Hopperstad** 200 4th Ave N
574 #309 Fargo, ND 58102 **Project Location:** 20709 Co Hwy 22 Detroit Lakes, MN 56501 **Tax ID**
575 **Number:** 17.0768.000 & 17.0767.001 **LEGAL LAND DESCRIPTION: 17.0768.000:** Section 27
576 Township 138 Range 042; ISTHMUS BEACH 2ND Block 001; LOT 2 & **17.0767.001:** Section 27
577 Township 138 Range 042; ISTHMUS BEACH 2ND Block 001; E'LY 35' OF LOT 1; Lake Eunice
578 Township. **APPLICATION AND DESCRIPTION OF PROJECT: 1.)** Request a variance to construct
579 a deck and a dwelling with attached garage to be located at thirty-seven and a half (37.5) feet from the
580 OHW of a lake, deviating from the required setback of seventy-five (75) feet from the OHW of a general
581 development lake, due to setback issues. **2.)** Request a variance to construct a dwelling with attached
582 garage to be located at eighteen (18) feet from the road ROW, deviating from the required setback of
583 forty-five (45) feet from the ROW of dedicated county road. **3.)** Request a variance to be at 30.39% lot
584 coverage, deviating from the allowed coverage of 25%, due to lot size.

585

586 Boatman presented the application.

587

588 Owners Erik S. & Lisa M. Hopperstad were present. Hopperstad explained the request to 1.) Request a
589 variance to construct a deck and a dwelling with attached garage to be located at thirty-seven and a half

590 (37.5) feet from the OHW of a lake, construct a dwelling with attached garage to be located at eighteen (18)
591 feet from the road ROW and to be at 30.39% lot coverage. Hopperstad stated they purchased the lot in 2018
592 and would like to put their kids in school here and make it their year-round dwelling. Hopperstad stated
593 they need a larger main level to accommodate wheelchair accessibility. Hopperstad stated they are working
594 with BBH Architecture to make it functional. Hopperstad stated they are reducing the impervious coverage
595 from 40% to 30.39%, pulling structures out of the SIZ, and we understand we must control our stormwater
596 runoff.

597
598 Hall stated he was concerned there will be a family of six residing there year-round with no drainfield.
599 Hopperstad stated there will be four members full time and one elderly member and we will have two 1,600
600 gallon holding tanks and are willing to incur the expenses related to maintaining them. Boatman said you
601 have only had a small amount of time to experience the traffic of that road. Hopperstad stated they have
602 been there for four seasons and the speed limit is 30mph. Boatman replied they go much faster than that.
603 Boatman added you are on a non-conforming lot, and you are trying to stuff an awful lot on a small lot even
604 at 30%. Boatman stated eighteen (18) feet from the ROW with the traffic on that road is a safety hazard.
605 Boatman stated the Board did not measure the project to be located outside of the SIZ. Hopperstad stated it
606 was hard to stake out. Boatman stated that is a lot of house for that lot, the ordinance allows you to be at
607 25% coverage. Hopperstad stated they are trying to improve it and reduce coverage by 10%.

608
609 Kessler stated we must agree on these numbers, we did not get thirty-seven and a half (37.5) feet from the
610 OHW during the tour. Hopperstad stated my architect measured it and we had Meadowland mark the OHW
611 for us by placing a nail in a tree. Boatman stated Hopperstad could table the request and clearly mark the
612 OHW for the Board to review. Lisa M. Hopperstad asked if that was the Boards only concern. Boatman
613 stated they should lower the coverage. Lisa M. Hopperstad stated they are reducing it by 10%. Knopf replied
614 you could reduce the size of the dwelling. Knopf added he felt they exaggerated the existing coverage, they
615 included square footage for decking and landscaping in their calculation that normally is considered
616 pervious. Doll noted the Ordinance considers it impervious due to the fact there is plastic under those
617 features on this lot. Hall noted concern for pumping the septic and how the lot will handle parking and
618 backing out onto a busy street. Hopperstad noted the proposed garage will be farther back than the existing
619 garage making it safer.

620
621 Hopperstad requested to table the application until the November Hearing.

622
623 **THIRTEENTH ORDER OF BUSINESS: APPLICANT: Terrill K. & Karla M. Klein 4402 27th St**
624 **N. Unit 3 Fargo, ND 58102 Project Location: 41450 Co Rd 126 Detroit Lakes, MN 56501 Tax ID**
625 **Number: 28.0206.000 LEGAL LAND DESCRIPTION: Section 30 Township 140 Range 038; PT**
626 **LOT 3, BEG 419.91' NW OF MOST WLY COR L1B1 GRANNER BCH TH NW 150' AL ROAD NE**
627 **160.14' TO LK SE AL LK TO PT NE OF BEG & SW 212.69' TO BEG; Shell Lake Township**
628 **APPLICATION AND DESCRIPTION OF PROJECT: Request a variance to construct a detached**
629 **garage to be located at five (5) feet from the road right of way of a county highway, deviating from the**
630 **required setback of forty-five (45) feet from the road ROW of a county highway, due to setback issues**
631 **and lot size.**

632
633 Boatman presented the application.

634
635 Owner Terrill K. Klein was present. Klein explained the request to construct a detached garage to be
636 located at five (5) feet from the road right of way of a county highway. Hall stated Klein was at the
637 Hearing in June and they agreed upon eleven (11) feet from the ROW, that was what was approved. Klein

638 replied at eleven (11) feet the garage, at twenty-four (24) feet wide, would be almost on top of the
639 drainfield. Klein added they would also have to remove lots of beautiful trees. Klein stated he was not
640 going to cut down the trees but cut out the soffit around it. Hall stated the tree removal is not a concern to
641 the Board when they have a drainfield and a public road to be concerned with, noting five (5) feet from
642 the road ROW on a hill is too close. Hall asked Klein how much fill will have to be brought in. Klein
643 replied I will use landscape fabric. Klein stated he could make the garage slightly smaller and be at nine
644 (9) feet from the ROW. Boatman stated we all agreed on eleven (11) feet in June. Klein restated concern
645 for the drainfield setback. Hall stated when you are trying to cram that much stuff into a small space these
646 are the issues that occur. Klein stated he could resize the garage. Hall replied, Klein can build a different
647 size if it meets the previously agreed upon eleven (11) foot setback.

648

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

652

653 Sharp stated the required setback is forty-five (45) feet, adding he is ok with the previously approved
654 eleven (11) feet. Sharp stated Kline can change the size of the building to fit that setback as he sees fit.

655

656 **Motion:** Sharp made a motion to **Deny** a variance to construct a detached garage to be located at five (5)
657 feet from the road right of way of a county highway, deviating from the required setback of forty-five
658 (45) feet from the road ROW of a county highway, due to safety concerns.

659

660 **Hall second.** All in favor. **Motion carried.** Variance **Denied.**

661

662 **FORTEENTH ORDER OF BUSINESS: APPLICANT: Brock J. Webber** 26862 Co Hwy 32 Detroit Lakes,
663 MN 56501 **Project Location:** 37334 Sunset Dr Ponsford, MN 56575 **Tax ID Number:** 12.0215.000 **LEGAL**
664 **LAND DESCRIPTION:** Section 18 Township 142 Range 037; SCHILLERS SHORES Block 001 LOT 10; Forest
665 Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct patio to be
666 located at sixty-three (63) feet and a second patio to be located at sixty-seven (67) feet from the OHW of the lake,
667 deviating from the required setback of one hundred (100) feet on a recreational development lake, due to topography
668 and setback issues.

669

670 Boatman presented the application.

671

672 Owner contractor Wes Pare, from Lakes Area Landscaping was present. Pare explained the request to
673 construct a patio to be located at sixty-three (63) feet and a second patio to be located at sixty-seven (67)
674 feet from the OHW of the lake. Pare explained that there is no other flat place on the lot to create a seating
675 area. Pare stated one area will have a table and chairs and the other will be for the kids at night to roast
676 marshmallows and things. Kessler stated although it is a larger wooded lot, the house is long and cockeyed
677 on the lot and then there is a hill and only two flat spots for seating areas on the lake side. Hall stated it is
678 hard to say yes when it is physically only thirty (30) feet back from the lake, however the OHW is out
679 thirty-four (34) feet into the lake.

680

681 Doll presented a letter in favor of the request to the Board from Joel and Jane Schock, owners of parcel
682 12.0216.000 located at 37388 Sunset Dr Ponsford, MN 56575. Letters are on file in the Becker County
683 Zoning Office.

684

From: Joel Schock <joelfs55@gmail.com>
Sent: Monday, October 11, 2021 4:25 PM
To: Rachel D. Bartee <rachel.bartee@co.becker.mn.us>
Subject: [EXTERNAL]Project Location: 37334 Sunset Dr Ponsford, MN 56575

Board of Adjustment,

We own the adjacent property, 37388 Sunset Dr Ponsford, MN, to the proposed project at 37334 Sunset Dr Ponsford.MN. We are in favor of the proposed project and support the approval of the variance as requested.

Thank you,

Dr. Joel and Jane Schock

685
686
687
688
689

Doll presented a letter about the request to the Board from Rolf & Barb Christiansen, owners of parcel 12.0102.000 located at 37696 Sunset Dr Ponsford, MN 56575. Letters are on file in the Becker County Zoning Office.

From: Christiansen <rbchristiansen@arvig.net>
Sent: Thursday, October 14, 2021 10:40 AM
To: Rachel D. Bartee <rachel.bartee@co.becker.mn.us>
Subject: [EXTERNAL]BOA meeting tonight

To Becker County Board of Adjustments,

This letter is in regard to the Webber variance application at 37334 Sunset Drive, Ponsford, on Bad Medicine Lake. I am writing to the BOA committee to make sure they understand that Bad Medicine Lake has no inlets or outlets. I have lived on this lake since 1962 and the water levels have fluctuated greatly over the years. This property has a low slope to the shore and if the water were to go up several feet again, these patios may be very close or in the water.

Thank you for considering this and working with the property owners to see if other options are available.

Sincerely,
Barb Christiansen
37696 Sunset Drive
Ponsford, MN 56575

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698
699

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

Kessler stated if the water comes up the worst that could happen is that the patios get covered up. Hall agreed they are just flagstone, basically just rock.

Motion: Kessler made a motion to approve a variance to construct a patio to be located at sixty-three (63) feet and a second patio to be located at sixty-seven (67) feet from the OHW of the lake, deviating from

700 the required setback of one hundred (100) feet on a recreational development lake, due to topography and
701 setback issues, due to the fact it is a reasonable request.

702

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

704

705 **FIFTENTH ORDER OF BUSINESS: APPLICANT: Michael J. & Sherry L. Williams** 11556 E Lake
706 Eunice Rd Detroit Lakes, MN 56501 **Project Location:** 11543 E Lake Eunice Rd Detroit Lakes, MN
707 56501 **Tax ID Number:** 17.0297.003 **LEGAL LAND DESCRIPTION:** Section 26 Township 138
708 Range 042; PT GOVT LOT 3, PT NE1/4 SW1/4 & PT VAC ACCESS RD: COMM NELY COR LOT 16
709 HANUSCH 1ST ADDN TH E 112.58' TO POB; CONT E 665.92' TO POINT A, CONT E 174.57' TO
710 CTR LN PUB RD, TH SW 431.57', WLY 175.32' TO NELY LN ACCESS RD, NW 56.29', NWLY
711 157.75', TH NW 49.82' TO POB; Lake Eunice Township. **APPLICATION AND DESCRIPTION OF**
712 **PROJECT: 1)** Request a variance to construct a dwelling, deck and attached garage to be located at two
713 (2) feet from the road right of way, deviating from the required setback of forty-five (45) feet from the
714 road ROW of a dedicated public road, due to setback issues and lot size. **2.)** Request a variance to
715 construct a dwelling, deck and attached garage to be located at six (6) feet from the rear property line,
716 deviating from the required setback of forty (40) feet from the rear lot line for a dwelling related structure.

717

718 Boatman presented the application.

719

720 Owner Michael J. Williams was present. Williams explained the request to construct a dwelling, deck and
721 attached garage to be located at two (2) feet from the road right of way and six (6) feet from the rear property
722 line. Williams stated they have an existing garage which they have a previous variance for, that we have
723 outgrown. Williams stated they would like to rebuild in the same location with a slightly larger footprint to
724 go over the existing concrete slab. Williams stated after they located the property pins, they realized they
725 had less room than they initially thought putting them six (6) feet from the rear lot line, however there is a
726 farm field to the north and the owner, Bob Lindblad is aware of the request and is in favor of the request.
727 Williams stated although this is a 1.4 acre lot, it is a unique shape that narrows on my end, Williams noted
728 he shares the property with another neighbor who also has a shed on the property. Hall asked Williams if
729 Lindblad would sell him any of the land to the north. Williams replied he asked for a forty (40) foot strip
730 so they could meet the rear property setback, however Lindblad stated it was not worth the trouble to him
731 as it would cost more to survey it than it is worth.

732

733 Hall asked if they could move it to the deeper part of the lot. Williams replied they would like to build it in
734 the same location as he has a lake lot directly across from the existing shed. Williams stated the proposal
735 will also have a loft area for the grandkids to hang out and they would like them to be close. Williams also
736 noted there is fill down there so they would have to look closer at a location that would be suitable to build.
737 Hall stated he was concerned about snow removal and the house being damaged. Williams stated they are
738 following the same footprint of the existing building and have not had issues with snow removal with the
739 existing building. Williams offered to remove the existing blue spruce if the Board thought it would help
740 with site lines. Hall stated everything about this is bad. Williams offered to slide the structure over six (6)
741 feet, making it eight (8) feet to the road ROW. King stated that still might create issues, we are considering
742 the effects this request may have in the future. Boatman stated this is not a sound proposal, noting it could
743 be placed on the wider part of the lot. Hall asked if the old building would be torn down. Williams replied
744 they are selling it. Kessler stated there is more room to build on the other side of the lot. Williams replied
745 he would still need a variance for the building but would come back next month with a new proposal.

746

747 **Application was tabled by the applicant.**

748

749 **SIXTEENTH ORDER OF BUSINESS: APPLICANT: Nathan E. & Cynthia M. Danielson** 12682
750 Dorff Beach Rd Audubon, MN 56511 **Project Location:** 20104 S Twin Dr Frazee, MN 56544 **Tax ID**
751 **Number:** 15.0149.004 **LEGAL LAND DESCRIPTION:** Section 13 Township 139 Range 039; 13-139-
752 39 PT GOVT LOT 1: COMM N QTR COR SEC 13, E 2592.5', SW 2010.24', NW 5.16' TO POB; NE
753 106.41' TO CTR RD, N & W AL RD 940.43', SLY 1198', S 126.29', SLY 43.67', SW 44.8', S 124.81' TO
754 S TWIN LK, S AL LK 535.51', E 181.96', N 171.61', NE 430.18' TO POB. INCL TRACT C, E.; Height
755 of Land Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to
756 construct a three-season porch to be located at seventy-six (76) feet from the OHW of the lake, deviating
757 from the required setback of one hundred (100) feet from a recreational development lake, due to setback
758 issues.

759

760 Boatman presented the application.

761

762 Owner Nathan Danielson was present. Danielson explained the request to construct a 12'x12' three-season
763 porch to be located at seventy-six (76) feet from the OHW of the lake.

764

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

768

769 **Motion:** Sharp made a motion to approve a variance to construct a three-season porch to be located at
770 seventy-six (76) feet from the OHW of the lake, deviating from the required setback of one hundred (100)
771 feet from a recreational development lake, due to setback issues, due to the fact that it is a reasonable
772 request, the porch will be in line with and will be no closer to the lake than the existing structure, the
773 impervious is low and will remain low and it is consistent with intent of the ordinance and the Becker
774 County comprehensive plan.

775

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

777

778 **SEVENTEENTH ORDER OF BUSINESS: APPLICANT: Thomas J. & Gyda Anderson** 1926 21st
779 Ave S Moorhead, MN 56560 **Project Location:** 15090 Summer Island Rd Lake Park, MN 56554 **Tax ID**
780 **Number:** 17.1208.000 **LEGAL LAND DESCRIPTION:** Section 06 Township 138 Range 042;
781 SUMMER ISLAND 138 42 Block 004; LOT 16; Lake Eunice Township. **APPLICATION AND**
782 **DESCRIPTION OF PROJECT:** Request a variance to construct a deck to be located at fifty-one (51)
783 feet and a dwelling and attached garage to be located at sixty (60) feet from the lake, deviating from the
784 required setback of one hundred (100) feet from the Ordinary High Water (OHW) mark of a recreational
785 development lake, due to setback issues.

786

787 Boatman presented the application.

788

789 Owners Thomas J. & Gyda Anderson were present along with their contractor Todd Nelson. Nelson
790 explained the request to construct a deck to be located at fifty-one (51) feet and a dwelling and attached
791 garage to be located at sixty (60) feet from the lake. Nelson stated there is currently an older double wide
792 trailer on the lot and a shed by the lake, all that will be removed and replaced. Nelson stated they included

793 a stormwater management plan in their request. Nelson noted the request will be outside of the SIZ. Nelson
794 stated they need to leave room on the roadside of the lot for the new holding tank and drainfield and did not
795 want to encroach on that.

796
797 Hall asked what the side setback is. Nelson stated six (6) feet from either side. Hall stated it looks close.
798 Nelson replied the pins were recently located by a surveyor. Hall asked if they could move closer to the
799 road. Doll replied with permission from the township they can encroach on the road ROW with the septic.
800 Hall stated the request sticks out compared to the neighboring properties, your request would be closer to
801 the lake. Boatman stated the point of the deck would be in front of the stringline. Nelson asked where the
802 Board would like them to be. Hall noted move it all back fourteen (14) feet, that would fall in line with the
803 neighboring lots and leave you enough space for parking.

804
805 **Application was tabled by the applicant.**

806
807 **EIGHTEENTH ORDER OF BUSINESS: APPLICANT: Big Toad LLC** PO Box 10248 Bozeman,
808 MT 59719 **Project Location:** 21752 Bayview Rd Osage, MN 56570 **Tax ID Number:** 33.0279.302
809 **LEGAL LAND DESCRIPTION:** Section 04 Township 139 Range 038; BAY VIEW 139 38 Block
810 001; LOT 2; Toad Lake Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a
811 variance to construct a pole building to be located at twenty (20) feet from a wetland, deviating from the
812 required setback of fifty (50) feet from a wetland on a riparian lot, due to setback issues and lot size.

813
814 Boatman presented the application.

815
816 Ben Hass was present to represent Big Toad LLC. Hass explained the request to construct a pole building
817 to be located at twenty (20) feet from a wetland. Hall asked if they would like to place it in the same location
818 as it was before the fire. Hass replied yes. Hall stated he was in favor of the request as the grading and fill
819 is already completed.

820
821 No one spoke for or against the application. There was no written correspondence for or against the
822 application. At this time, testimony was closed. Chairman Roger Boatman opened the matter for
823 discussion by the Board.

824
825 **Motion:** Hall made a motion to **approve** a variance to construct a pole building to be located at twenty
826 (20) feet from a wetland, deviating from the required setback of fifty (50) feet from a wetland on a
827 riparian lot, due to setback issues and lot size, due to the fact it is a reasonable request.

828
829 **King second.** All in favor. **Motion carried.** Variance **approved.**

830
831 **NINETEENTH ORDER OF BUSINESS: Informational Meeting.** The next informational meeting is
832 scheduled for Wednesday, November 10th, 2021, at 8:00 a.m. in the 3rd Floor Zoning Meeting Room of
833 the Original Courthouse.

834
835 The Board was all in favor of appointing Craig Hall as the Board of Adjustment Member to serve on the
836 Planning Commission.

837

838 As there was no further business to come before the Board, **King** made a motion to adjourn the meeting.
839 **Knop** seconded. All in favor. Motion carried.

840

841

842 Meeting adjourned at 8:45pm.

843

844

845

846

_____ ATTEST _____

847 Chairman Roger Boatman

Kyle Vareberg,
Planning and Zoning Administrator

848

849

850

851