

1 **Becker County Board of Adjustments**
2 **May 11th, 2023**

3
4 **Present:** Members: Chairman Roger Boatman, Michael Sharp, Delvaughn King, Dan Josephson,
5 Kohl Skalin, Craig Hall, Larry Knutson, and Zoning Administrator Kyle Vareberg.

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7 Chairman Roger Boatman called the meeting to order at 6:00 p.m. Planning & Zoning Technician
8 Nicole Hultin recorded the minutes.

9
10 Introductions were given.

11
12 **King** made a motion to approve the minutes from the April 20th meeting with changes. **Hall**
13 seconded. All in favor, Motion carried.

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16 **OLD BUSINESS:**

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18 **FIRST ORDER OF BUSINESS: APPLICANT: Robert Lieberg Revocable Trust 2241**
19 **Clarke Dr Lake Havasu City, AZ 86403-3743 Project Location: 20967 Co Hwy 32 Rochert,**
20 **MN 56578 Tax ID number: 10.0033.000 LEGAL LAND DESCRIPTION: Section 03**
21 **Township 139 Range 040; W 100' OF E 325' OF LOT 6; APPLICATION AND**
22 **DESCRIPTION OF PROJECT: Request a variance to construct a garage twenty feet (20)**
23 **from the right-of-way and 5' from the side property line. This application was tabled from the**
24 **April 20th, 2023, hearing.**

25
26
27 Robert Lieberg presented the application. He stated that the Highway Department put in stakes
28 marking the road right-of-way (ROW).

29
30 After discussion regarding concerns from the Highway Department and visibility concerns from
31 the neighbor, Lieberg decided to table the application, so he could have time to meet with the
32 Highway Department to determine an option that might be more acceptable to all parties.

33
34 Josephson requested to have impervious information for the June hearing.

35
36
37 Chairman Roger Boatman read the protocol for the meeting.

38 Mike Sharp read the guidelines of the Minnesota statutes the board must follow in order to
39 support or deny any request.

40
41 **NEW BUSINESS:**
42

43 **FIRST ORDER OF BUSINESS: APPLICANT: Dale & Joan Cook** 41248 Co Rd 126 Detroit
44 Lakes, MN 56501 **Project Location:** 41268 Co Rd 126 Detroit Lakes, MN 56501 **Tax ID**
45 **number:** 28.0278.000 **LEGAL LAND DESCRIPTION:** Section 30 Township 140 Range 038
46 GRANNER SHORES LOTS 2 & 3; Shell Lake Township, Island Lake. **APPLICATION AND**
47 **DESCRIPTION OF PROJECT:** Request a variance to construct an addition and deck onto
48 existing home. Addition to be located eighty-six and a half (86.5) feet from the ordinary high-
49 water mark and eight and a half (8.5) feet from the side property line, deviating from the required
50 setback of one hundred (100) feet on a recreational development lake and ten (10) feet from the
51 side property line on an agriculturally zoned lot.

52
53

54 Dale Cook presented the application. He shared the history of the house and how it has been
55 deteriorating. He stated the rest of the house that was built in 1980 is in decent condition. He
56 mentioned that the house sits at an angle, so for a small portion of the house it would be only
57 eight and a half (8.5) feet from the side property line. He feels that rebuilding will create a home
58 that conforms better with other homes in the area.

59

60 Testimony Closed.

61

62 Hall thinks it's a reasonable request.

63

64

65 **Motion:** Hall motioned to **approve** the applications based on the findings of fact that it falls within
66 the harmony and intent of the ordinance, it will improve the neighborhood, and will not be a
67 detriment to any neighboring properties.

68

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

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71

72 **SECOND ORDER OF BUSINESS: Robert A Lesage & Richard L Lesage** PO BOX 458
73 Redwood Falls, MN 56283 **Project Location:** 30414 Co Hwy 35 Ponsford, MN 56575 **Tax ID**
74 **Number:** 25.0074.002 **LEGAL LAND DESCRIPTION:** Section 20 Township 141 Range 038
75 PT GOVT LOT 1: COMM SE COR, N 130.12', W 236.16' TO CTR RD, NLY AL RD 729.61',
76 SW 517.21', W 104.89' TO LK, SLY AL LK 330.97', NE 195.15', SE 388' E 54.05' TO POB;
77 Round Lake Township, Ice Cracking Lake. **APPLICATION AND DESCRIPTION OF**
78 **PROJECT:** Request a variance to construct a dwelling sixty-five (65) feet from the ordinary
79 high-water mark on a natural environment lake, deviating from the required setback of one
80 hundred and fifty (150) feet due to topographical issues.

81

82

83 Doug Lesage presented the application and explained that because of a creek running through the
84 property this is the only place they can place this home.

85

86 After lots of discussion of concerns with it being located in the shore impact zone, Doug Lesage
87 made the decision to table his application until the June hearing.

88

89 Hall asked Lesage to consider reaching out to Ed Clem with Becker County Soil and Water to
90 determine if moving the waterway would be an option.

91

92

93 **THIRD ORDER OF BUSINESS: APPLICANT: Anthony W & Kim M Matter** 2333 Hillcrest
94 Ln, Hawley MN 56549 **Project Location:** 33648 S Cotton Lake Rd, Rochert MN 56578 **Tax ID**
95 **Numbers:** 10.0595.000 & 10.0179.002 **LEGAL LAND DESCRIPTIONS:** Section 11 Township
96 139 Range 040 COTTON LAKE BEACH LOTS 12 & 13; Section 11 Township 139 Range 040
97 PT GOVT LOT 5, 7, PT S1/2: COMM SW COR SEC 11, E 3299.47', NELY 734.01', NLY
98 349.12', NLY 330' TO POB; N 576.73', NE 131.74', N 255.46', NELY 93.79', NWLY 150.27',
99 ELY AL RD 140.57', ELY AL RD 533.04', S 1130.68', W 813.01' TO POB. Cotton Lake, Erie
100 Township. **APPLICATION AND DESCRIPTION OF PROJECT: 1.** Request a variance to
101 create a half-acre backlot to be attached 215 feet from a riparian lot deviating from the 200-foot
102 requirement. **2.** Request a variance to create a 28-foot-wide easement deviating from the required
103 width of 33 feet.

104

105

106 Kyle explained that if this were a backlot within two-hundred feet, it would only need to be five
107 thousand (5000) square feet in size, and what they are requesting is approximately four (4) times
108 larger. Vareberg also stated there is no way to get to thirty-three (33) feet there.

109

110 Anthony Matter presented the application.

111

112 Knutson said essentially, he is creating a substandard lot in an agricultural zone.

113

114 Knutson asked what the required lot size would be for a split.

115

116 Vareberg stated forty thousand (40,000) square feet behind conforming lots, and sixty thousand
117 (60,000) square feet behind non-conforming lots.

118

119 Vareberg noted that his would have to be permanently attached to his lake lot, he could never build
120 a home on it, and it could never be a stand-alone property.

121

122 There were two (2) letters received regarding this application and are entered into record below:

123

124

Brother Robert Minch and I have no objections to this application and recommend it should be granted. Our property is at 33712 S. Cotton Lake Road. Please take this into account and let the applicants know our approval. Thanks. We will not be at the hearing.

125

126

Leo Keane and Gail Leonard
33774 South Cotton Lake Road
May 5, 2023

Dear Board of Adjustment,

Thank you for the information regarding the Anthony and Kim Matter proposal on South Cotton Lake Road. Our property is several hundred yards east on South Cotton Lake Road and we appreciate being informed of changes to our lake neighborhood.

We have no objection to the Matter's proposal for a personal use storage shed on this property. If the storage is or may intended to be for commercial use, then we would have a concern and object to commercial development along South Cotton Lake Road and adjacent to lakeshore properties. Commercial development is out of character on South Cotton Lake Road given the likelihood of increased noise, traffic, dust and diminishment of the overall natural qualities that make lake property so very appealing. Therefore, if the Matter's storage building is for their own personal us, then our only comment regarding this proposal is to suggest they be limited to this one storage building on the half-acre lot and further request they maintain as much of the natural tree cover as possible. The storage building appears to cover a small portion of the lot thereby offering the possibility of keeping a greater portion in natural tree coverage. We feel this is consistent with the surrounding properties and with the natural beauty of our neighborhood. Thank you for your consideration.

Sincerely,

Leo Keane and Gail Leonard

127

128

129

130 Testimony Closed.

131

132 Josephson asked what it does to the neighbor's parcel that the easement would go across.

133

134 Matter said it doesn't do anything. He just has to get permission from the neighbor.

135

136 Hall said if the property owner who is selling doesn't have any opposition, then two hundred (200)
137 feet or two hundred and fifteen (215) feet is arbitrary.

138

139

140 **Motion:** Sharp motioned to approve the application with the stipulation that it must be
141 permanently attached to Anthony and Kim Matter's riparian parcel with the exception that it could
142 be allowed for an adjacent non-riparian owner or a riparian owner to purchase the parcel.

143

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

145

146 **FOURTH ORDER OF BUSINESS: APPLICANT: Jerry J Gunderson** 17565 220th St,
147 Audubon MN 56511 **Project Location:** 41306 Co Rd 126 Detroit Lakes, MN 56501 **Tax ID**
148 **number:** 28.0280.000 **LEGAL LAND DESCRIPTION:** Section 30 Township 140 Range 038
149 GRANNER SHORES LOTS 6 & 7, Shell Lake Township, Island Lake. **APPLICATION AND**
150 **DESCRIPTION OF PROJECT:** Request a variance to construct a 26'x 60' home to be located

151 forty-five (45) feet from the ordinary high-water (OHW) mark and six point eight (6.8) feet from
152 the right-of-way on a county road.

153

154

155 Jerry Gunderson presented the application. He clarified that actual measurement for the ROW is
156 twelve (12) feet.

157

158 Knutson commented that it was closer to eighteen (18) feet.

159

160 Boatman asked how far into the shore impact zone he is.

161

162 Vareberg said five (5) feet.

163

164 Knutson asked about rotating the building.

165

166 Boatman asked Gunderson if he discussed rotating the building.

167

168 Gunderson said they asked if he could move the cabin back seven (7) feet on the short side, but in
169 doing so it would only leave five and a half (5.5) feet between the proposed new cabin and the
170 existing garage. He said he was hoping they could keep a distance of at least seven (7) feet.

171

172 Discussion was had about moving it west.

173

174 Gunderson stated that the house itself would be fifty-four (54) feet from the OHW. The deck is
175 what is putting them into the shore impact zone.

176

177 Hall suggested moving closer to the septic tank since he is currently twenty-two (22) feet away
178 and rotating the house so he can be out of the shore impact zone.

179

180 Testimony closed.

181

182 Knutson thinks it's a good compromise and will make the community look nicer.

183

184

185 **Motion:** Hall made a motion to **approve** the variance with taking the existing structure and
186 rotating it so the right corner of the deck is no closer than fifty (50) feet to the OHW, and allow
187 him to rotate the Northeast corner, so that side can get up to five (5) feet closer as long as it stays
188 our of the shore impact zone and also so it doesn't get any closer to the road. Due to the findings
189 of face that it keeps within the harmony and intent of the ordinance and improves the area.

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

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192

193 **FIFTH ORDER OF BUSINESS: APPLICANT: Marlene M Young Trust** 1145 Broadway
194 Fargo, ND 58102 **Project Location:** 23588 S Melissa Dr **Tax ID Number:** 19.0775.000

195 **LEGAL LAND DESCRIPTION:** Section 30 Township 138 Range 041 ANDERSONS
196 REARRANGEMENT LOTS 20 & 21; Lake View Township, Lake Melissa **APPLICATION**
197 **AND DESCRIPTION OF PROJECT:** Request a variance to construct a detached 14' x
198 24' garage 3 feet from the side property line.
199
200

201 Shannon and Matt, Daughter and Son-in-law to Marlene young presented the application. They
202 explained the history of the garage and their reasons for wanting to build it bigger. They stated that
203 what is currently there is not aesthetically pleasing, and they would like to build something that
204 fits in with the neighborhood.
205

206 Knutson asked why they were proposing it to be so high.
207

208 Shannon said they wanted it to be in alignment with the cabin.
209

210 Matt said they were only estimating what they thought it would be, but that is probably too high
211 as it's only going to be a single level garage.
212

213 Hall asked what the side wall height would be.
214

215 Matt said it wouldn't be more than ten (10) feet.
216

217 Boatman asked what height he was thinking.
218

219 Matt said maybe fifteen (15).
220

221 Hall said putting it as twenty (20) feet maximum would be reasonable.
222

223 There was discussion about the use of the Boathouse, and if they would consider removing it.
224

225 They said they use it and would like to keep it.
226

227 There was also discussion about the structures close to the road.
228

229 They said they use all the structures on their property.
230

231 Knutson commented that they are allowed to have a water-oriented structure.
232

233 There was one (1) letter received in regard to this application and is entered into record below:
234

> To: Becker County Department of Planning and Zoning
> From: Catherine and Charles Rydell, 11131 Island Lane, Detroit Lakes MN
>
> These comments are regards to your request for comments on our next-door neighbors plans to replace their existing 10'x20' garage with a new 14'x25' garage.
> Owner: Marlene Young Trust
> Address: 23588 S Melissa Drive, Detroit Lakes MN 56501
>
> We have no objection to the proposed location or size of the new garage. In fact we fully support it and are pleased that they are replacing the existing structure. The fact that the existing garage and the proposed new garage will be 3-4 feet from our property line is not a problem for us. We use the space between our two garages for wood storage.
>
> If you have any questions or need additional information feel free to contact us at:
> wilsonrydell@yahoo.com
> 612-581-5089
>
> Sincerely,
> Catherine and Charles Rydell

235
236

237 Testimony closed.

238
239

240 **Motion: Sharp** made a motion to **approve** the variance due to the findings of fact that it is
241 consistent with purposes and intent of the comprehensive plan and zoning ordinance, it puts the
242 property to use in a reasonable manner, it maintains the character and locality as the existing garage
243 to be replaced has the same side yard setback.

244 **Knutson second.** All in favor. **Motion carried.** Variance **approved.**

245

246 As there was no further business to come before the Board, Hall made a motion to adjourn the
247 meeting. King second. All in favor. Motion carried. The meeting adjourned at 7:24 pm.

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250 _____ ATTEST _____
251 Chairman Roger Boatman Kyle Vareberg,
252 Planning and Zoning Administrator