



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501
Phone: 218-846-7314 ~ Fax: 218-846-7266

Becker County Board of Adjustments Thursday, November 12, 2015

Agenda

I. Roll Call of Members

II. Minutes Approval for October Meeting.

III. Old Business

1. **Applicant:** ~~Randy and Debbie Stevens.~~ **Description of Project:** ~~Original request of a Variance to construct a dwelling 50 ft from the OHW of a tributary river. The amended request is for 82 ft from the OHW. Legal Land Description: Tax ID number: 080894000, Ernie's Beach, N Part Lot 7 Begin 115' on Lk and 170' on Rd; Section 11, TWP 139, Range 41, Detroit Township. Project Location: The property is located on Little Floyd Lake at 27338 Little Floyd Lake Road. Withdrawn by Applicant.~~

2. **Applicant:** Lannie and Ann Runck. **Description of Project:** Original request of a Variance to construct an addition 50 ft from the edge of the county road and 46 ft from the OHWM of the lake was tabled by the applicant. The amended request is for second story addition onto the existing structure, which is 42 ft from the OHWM of the lake. **Legal Land Description:** Tax ID number: 170776000, Lot 1 and E 45 feet of Lot 2 Isthmus Beach Third Addition; Section 27, TWP 138, Range 42, Lake Eunice Township. **Project Location:** The property is located on Maud Lake at 20630 Co Hwy 22.

IV. New Business

1. **Applicant:** Brian Nelson. **Description of Project:** Request an Administrative Decision Appeal- appeal the Order to cease and desist issued 08/18/15. **LEGAL DESCRIPTION:** PID number: 250238000 and 25.0243.000, Lot 5 and Lot 6; Section 11, TWP 142, Range 38, Round Lake Township. **Project Location:** The property is an island in Juggler Lake with access by easement from S Juggler Lake Road.

2. **Applicant:** Nancy Peterson. **Description of Project:** Request a Variance to construct a dwelling 60 feet from the ordinary high water mark of the lake. **Legal Land Description:** PID number: 340196000, LOT 4, Block 2, FOREST POINTS; Section 14, TWP 141, Range 36, Two Inlets Township. **Project Location:** The property is located on Two Inlets Lake across the road from 31301 & 31305 Two Inlets Drive.

3. **Applicant:** Bruce and Ann Kindseth. **Description of Project:** Request a Variance to construct a dwelling 52 feet from the ordinary high water mark of the lake. **Legal Land**

Description: PID number: 090060000, LOT 1 Less Plats; Section 12, TWP 142, Range 39, Eagle View Township. **Project Location:** The property is located on Elbow Lake at 38743 S Elbow Lake Road.

4. Applicant: John Drewes. Description of Project: Request a Variance to construct a 2400 sq ft addition onto a 3200 sq ft existing structure that is 370 ft from the ordinary high water mark of the lake instead of the required 400 feet from the ordinary high water mark of the lake for a structure of that size. **Legal Land Description: Tax ID number: 030287002**, PT NW1/4 SE1/4, PT SW1/4 SE1/4, PT GOVT LOT 4: COMM SE COR N 1485.44', W 1064.10' TO POB; W 99.07', SW 188.02' TO TH 10, NW AL HWY 173.87', SW 10', NW AL HWY 433.77', NE 161.60', SE 354.2', SE 445.65', SW 112.63' TO POB; Section 28, TWP 138, Range 40, Burlington Township. **Project Location:** The property is located on Town Lake at 31694 US Hwy E.

V. Set Tentative Date For Next Informational Meeting

- 1. Tentative Date For Informational Meeting**
Thursday, December 3, 2015, at 7:00 am; 3rd Floor Zoning Meeting Room

VI. Other Discussion

VII. Adjournment



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501
Phone: 218-846-7314 ~ Fax: 218-846-7266

BOARD OF ADJUSTMENT NOTICE OF PUBLIC HEARING

****HEARING DATE AND LOCATION****

Thursday, November 12, 2015 @ 7:00 P.M.
Commissioner's Room-Becker County Courthouse
Detroit Lakes, MN. 56501
****RENOTIFICATION****

APPLICANT: Lannie and Ann Runck
4901 39th Ave South
Fargo, ND 58104

Project Location: 20630 Co Hwy 22

APPLICATION AND DESCRIPTION OF PROJECT:

Original request of a Variance to construct an addition fifty (50) feet from the edge of the county road and forty-six (46) feet from the ordinary high water mark of the lake was tabled by the applicant. The amended request is for second story addition onto the existing structure, which is forty-two (42) feet from the ordinary high water mark of the lake.

LEGAL LAND DESCRIPTION: Tax ID number: 170776000

Maud Lake

Lot 1 and E 45 feet of Lot 2 Isthmus Beach Third Addition; Section 27, TWP 138, Range 42, Lake Eunice Township.

Replies/Comments: Interested parties are invited to submit to the Becker County Department of Planning, Zoning, and Land Use, written facts, arguments or objectives before the scheduled date of the Hearing. These statements should bear upon the suitability of the location and the adequacy of the Project and should suggest any appropriate changes believed to be desirable. Replies may be addressed to:

PLANNING AND ZONING DEPARTMENT

915 Lake Avenue
Detroit Lakes, MN. 56501

FAX Number 218-846-7266

EMAIL: zoning@co.becker.mn.us

If you have questions about the Project, feel free to call 218-846-7314.

Jurisdiction: This Project comes under the Regulatory Jurisdiction of the Becker County Zoning Laws.

Regulatory Authority: This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance. The decision whether to issue a Permit will be based on an evaluation of the probable impact including cumulative impacts, of the proposed activity. That decision will reflect the concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, will be considered including the cumulative effects: Land Use, Shoreline Protection, Water Supply and Conservation, Safety, Economics, in General, the Needs and Welfare of the People.

**** Weather conditions may change the Hearing date and time. If bad weather occurs, please listen to the local Detroit Lakes Radio Stations or contact the Zoning Office, by 4:30 PM on day of Hearing, for possible rescheduling of the Hearing.**



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501
Phone: 218-846-7314 ~ Fax: 218-846-7266

NOTICE OF PUBLIC HEARING OUTCOME

APPLICANT: Lanny and Ann Runck

PROJECT LOCATION: 20630 Co Hwy 22

LEGAL LAND DESCRIPTION: Tax ID number: 17.0776.000, Lot 1 and E 45 ft of Lot 2, Isthmus Beach 3rd; Section 27, TWP 138, Range 42, Lake Eunice Township.

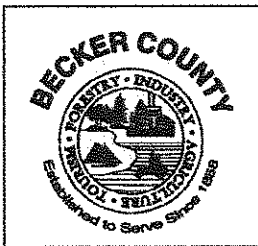
APPLICATION REQUEST: Request a Variance to construct an addition onto an existing dwelling fifty (50) feet from the edge of the county road and forty-six (46) feet from the ordinary high water mark of the lake.

HEARING DATE: September 10, 2015

ACTION TAKEN: The application was tabled by the applicant.

The decision of the Board shall be final, except that any person having an interest affected by the decision shall have the right to appeal to the District Court, provided the appeal is instituted within thirty days after receipt of the decision of the Board of Adjustment.

MAILING DATE: September 14, 2015



Application for Site Permit
Becker County Planning and Zoning
915 Lake Ave, Detroit Lakes, MN 56501
Phone: 218-846-7314 Fax: 218-846-7266
www.co.becker.mn.us

PARCEL	
APP	SITE
YEAR	
SCANNED	

Property will be staked by _____
Date: _____

Please Print or Type All Information

Parcel Number (s)	Property (E911) Address	**911 Address Needed	Legal Description
170 776 000	20630 Co. Hwy 22	Detroit Lakes MN	15TH MUS Beach 3rd Lot 1 + E 45' of Lot 2

Lake/River Name	Lake/River Class	Township Name	Section	TWP No.	Range
Maud Lake		LAKE EUNICE	27	138	042

Property Owner	Last Name	First Name	Mailing Address	Phone
LANNIE ANN RUNCLE	4901	39th Ave. S.	Fargo, ND 58104	701-741-2259
Contractor Name Lic #	KEVIN Lefebvre Construction LLC # BC 635 703			

Proposed Project (Check those that apply)

<input type="checkbox"/> New Dwelling	<input checked="" type="checkbox"/> Addition to Dwelling	<input type="checkbox"/> Replacement Dwelling*	<input type="checkbox"/> Mobile/Manfac. Home
<input type="checkbox"/> Attached Garage	<input type="checkbox"/> Detached Garage	<input type="checkbox"/> Storage Structure	<input type="checkbox"/> Addition to Non-dwelling
<input type="checkbox"/> Stairway	<input type="checkbox"/> Deck	<input type="checkbox"/> Recreational Unit	<input type="checkbox"/> Water Oriented Structure
<input type="checkbox"/> Fence	<input type="checkbox"/> Other	<input type="checkbox"/> Non Conforming Replacement (identify) _____	

*Existing Dwelling to be removed prior to _____

Onsite Water Supply () Deep Well (X) Shallow Well Well Depth _____
MN Rules Chapter 4725 (MN well code) requires a 3' minimum structure setback to well

Onsite Sewage Treatment System
Type of System TANK to Gravity Drain Field Date of Installation _____ Last Date Certified _____
Must have current certificate of compliance on septic system prior to issuance of a permit

Lot Information Shoreland ☒ (X) Riparian () Non Riparian Non Shoreland _____

Lot Area 11,330 sq ft or _____ acres Water Frontage 110 ft Bluff () Yes () No

Impervious coverage refers to anything water cannot pass through. Structures, areas covered by a roof, concrete, asphalt, Class 5, sidewalks, patio pavers, etc. should all be included in this calculation. Decks should be included in this calculation if they have plastic underlayment or impervious surface underneath. Anytime you exceed 15% lot coverage a stormwater management plan and/or mitigation is required. **INCLUDE PROPOSED STRUCTURES IN CALCULATION.**

Please Note: Unless otherwise provided, a minimum of a 12 foot wide driveway from the nearest road right of way to the proposed structure must be included in both your plan and impervious surface calculation.

Impervious Surface	Dimensions	Sq. Footage	Impervious Surface	Dimensions	Sq. Footage
On property			On property		
Ex: Patio	10 x 12	120			
DRIVEWAY	20 x 35	700			
EXISTING CABIN	22 x 84	1848			
PATIO	12 x 16	192			
Sidewalks		256			
			Total Impervious Material		

Impervious Lot Coverage $\frac{2976}{11,330} = .26$ x 100 = 26% %
Total Impervious Lot Area Impervious Coverage Percentage

Topographical Alteration/Earth moving

() None (X) 10 cubic yards or less () 11- 50 cubic yards () over 50 cubic yards
Project over 50 cubic yards a storm water management plan must be included.

Characteristics of Proposed Dwelling/Dwelling Additions/Attached Garage/Decks		Cost of Project
<input checked="" type="checkbox"/> Dwelling _____ ft by _____ ft <input type="checkbox"/> Attached Garage _____ ft x _____ ft Outside Dimension <input type="checkbox"/> Deck/Patio _____ ft x _____ ft <input type="checkbox"/> Addition to existing _____ ft x _____ ft	\$ <u>100,000-</u>	
Setback to Side Lot Line _____ ft & Rear Lot Line _____ ft Setback to Bluff _____ Setback to Wetland _____ Setback to OHW (straight horizontal distance) <u>46'</u> Setback to septic tank <u>15'</u> Total No. Bedrooms _____ Roof Change <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>ABOVE GARAGE</u>	Setback to Road Right of Way _____ ft Type of road <u>Country Hwy</u> Is wetland protected <input type="checkbox"/> Yes <input type="checkbox"/> No Elevation above OHW (Straight vertical distance) _____ Setback to drainfield <u>25-30</u> Maximum height proposed _____ # of Stories <u>2</u> Basement <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Walkout Basement <input type="checkbox"/> Yes <input type="checkbox"/> No	

Characteristics of Proposed Non Dwelling/Non Dwelling Additions/Detached Garages/Storage Sheds		Cost of Project
<input type="checkbox"/> Garage _____ ft by _____ ft <input type="checkbox"/> Storage Shed _____ ft x _____ ft <input type="checkbox"/> Fence _____ ft long x _____ high <input type="checkbox"/> other _____ ft x _____ ft Outside Dimension <input type="checkbox"/> Addition to existing structure _____ ft x _____ ft <input type="checkbox"/> Fence _____ ft x _____ ft	\$ _____	
Setback to Lot Line _____ ft & Rear Lot Line _____ ft Setback to Bluff _____ Setback to Wetland _____ Setback to OHW (straight horizontal distance) _____ Setback to septic tank _____ Roof Change <input type="checkbox"/> Yes <input type="checkbox"/> No Bathroom proposed <input type="checkbox"/> Yes <input type="checkbox"/> No	Setback to Road Right of Way _____ ft Type of road _____ Is wetland protected <input type="checkbox"/> Yes <input type="checkbox"/> No Elevation above OHW (Straight vertical distance) _____ Setback to drainfield _____ Maximum height proposed _____ # of Stories _____ Sleeping Quarters proposed <input type="checkbox"/> Yes <input type="checkbox"/> No	

***Garages and storage sheds cannot contain amenities for independent human habitation**

Characteristics of Proposed Water Oriented Structure*	Cost of Project \$
<input type="checkbox"/> Stairway <input type="checkbox"/> Deck <input type="checkbox"/> Boathouse <input type="checkbox"/> Screen Porch <input type="checkbox"/> Gazebo <input type="checkbox"/> Storage Structure	
Outside Dimension _____ ft by _____ ft Sq ft _____ Setback to Lot Line _____ ft & _____ ft Setback to Bluff _____ Setback to OHW (straight horizontal distance) _____ Elevation above OHW (Straight vertical distance) _____ Setback to septic tank _____ Setback to drainfield _____ Maximum height proposed _____	

***Sleeping facilities or water supplies are not permitted in these structures**

THIS IS A SITE PERMIT ONLY AND DOES NOT CONSTITUTE A BUILDING PERMIT
AS SET FORTH IN MN STATE STATUTES.

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge. I also understand that, once issued, a permit is valid for a period of one (1) year from the date of issuance. If my property is located within the shoreland district, I understand that it is my responsibility to inform the Planning & Zoning Office once the building footings have been constructed. A Site Permit may be revoked at any time upon violation of said Ordinances and approved setbacks. Any changes to this site permit results in nullification of this permit and a new permit will have to be obtained.

<u>Ann Rande / Lannie D Rande</u>	<u>10/19/15</u>
Signature	Date



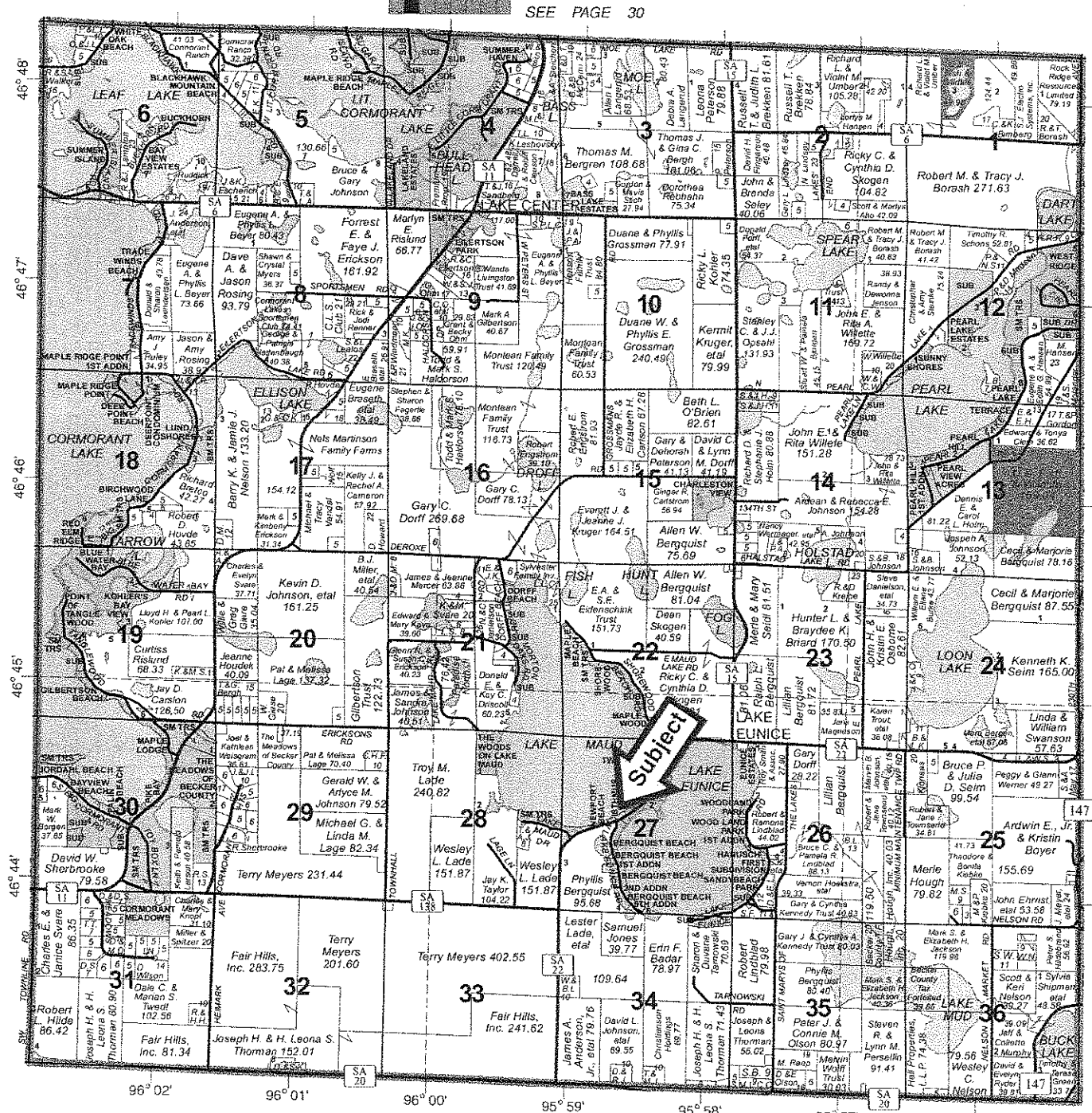
LAKE EUNICE

T.138N.-R.42W.

SEE PAGE 30

160
150
140
130
120
110
100

SEE PAGE 10



SEE PAGE 16

© 2009 Rockford Map Publs., Inc.

OTTER TAIL COUNTY

Becker County, MN

170 180 190 200 210 220 230

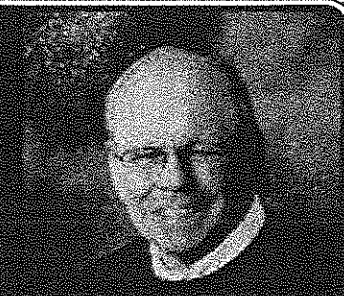
DetroitLakes.com

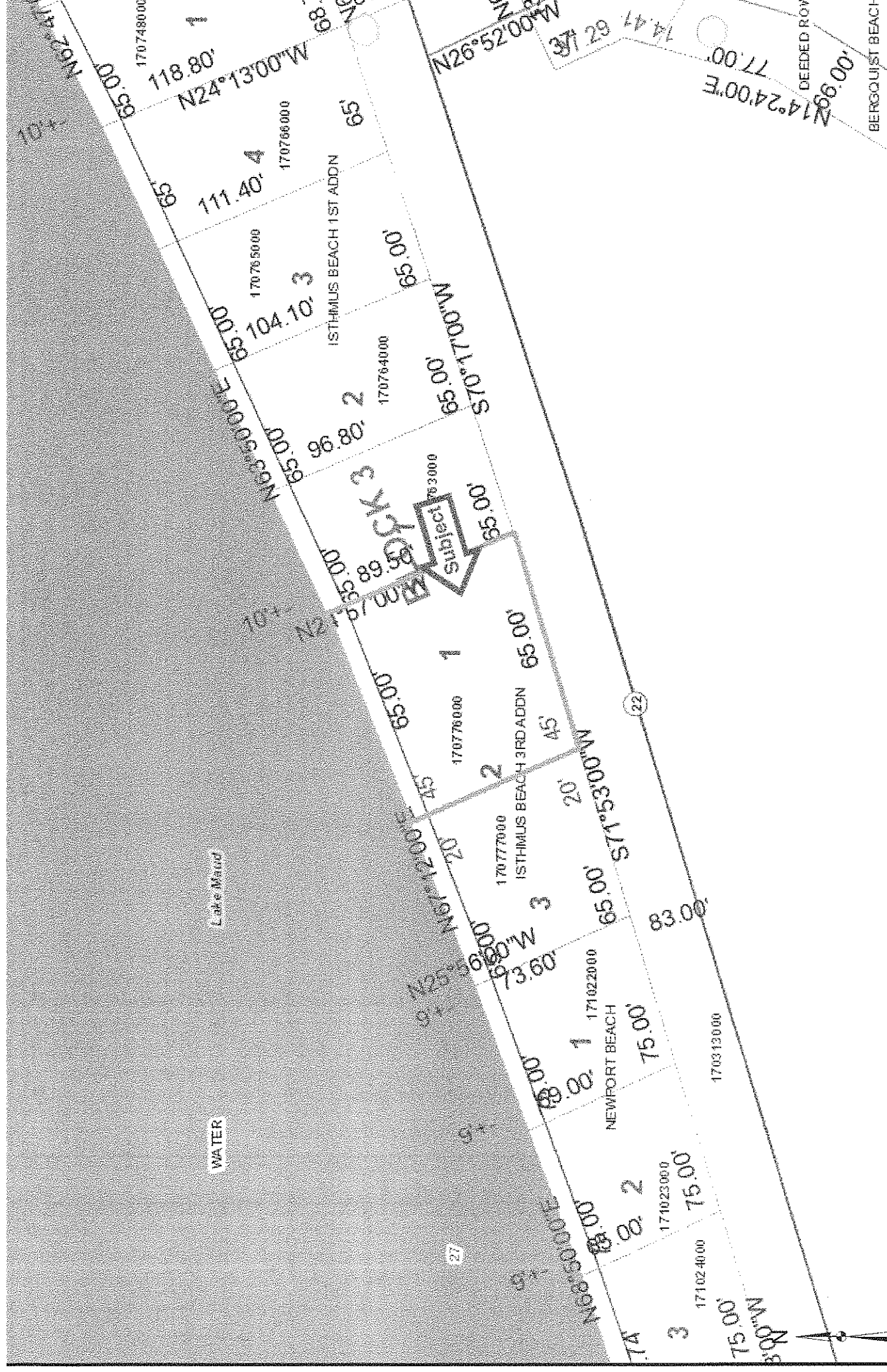
421 Main Street West • Detroit Lakes, MN 56501

Office: 218.844.5557 • Fax: 218.844.5558

Cell: 218.841.2238 • rjcarr121@hotmail.com

Dick Carr
Broker / Agent





Becker County



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.



Becker County



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1:1,390

Date: 10/26/2015

This map is not a substitute for a professional survey or other land-related information and should not be relied upon for legal purposes.



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501
Phone: 218-846-7314 ~ Fax: 218-846-7266

BOARD OF ADJUSTMENT NOTICE OF PUBLIC HEARING

****HEARING DATE AND LOCATION****

Thursday, November 12, 2015 @ 7:00 P.M.
Commissioner's Room-Becker County Courthouse
Detroit Lakes, MN. 56501

APPLICANT: Brian Nelson
2302 Ann St
West Fargo, ND 58078

Project Location: S Juggler Lake Island

APPLICATION AND DESCRIPTION OF PROJECT:

Request an Administrative Decision Appeal- appeal the Order to cease and desist issued 08/18/15.

LEGAL LAND DESCRIPTION: Tax ID number: 250238000 and 25.0243.000
Lot 5 and Lot 6; Section 11, TWP 142, Range 38, Round Lake Township.

Juggler Lake

Replies/Comments: Interested parties are invited to submit to the Becker County Department of Planning, Zoning, and Land Use, written facts, arguments or objectives before the scheduled date of the Hearing. These statements should bear upon the suitability of the location and the adequacy of the Project and should suggest any appropriate changes believed to be desirable. Replies may be addressed to:

PLANNING AND ZONING DEPARTMENT
915 Lake Avenue
Detroit Lakes, MN. 56501

FAX Number 218-846-7266
EMAIL: zoning@co.becker.mn.us

If you have questions about the Project, feel free to call 218-846-7314.

Jurisdiction: This Project comes under the Regulatory Jurisdiction of the Becker County Zoning Laws.

Regulatory Authority: This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance. The decision whether to issue a Permit will be based on an evaluation of the probable impact including cumulative impacts, of the proposed activity. That decision will reflect the concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, will be considered including the cumulative effects: Land Use, Shoreline Protection, Water Supply and Conservation, Safety, Economics, in General, the Needs and Welfare of the People.

**** Weather conditions may change the Hearing date and time. If bad weather occurs, please listen to the local Detroit Lakes Radio Stations or contact the Zoning Office, by 4:30 PM on day of Hearing, for possible rescheduling of the Hearing.**



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501
Phone: 218-846-7314 ~ Fax: 218-846-7266



Administrative Decision Appeal

Form must be legible and completed in ink.

Applicant Name(s): see attached Notice of Appeal Phone: see attached

Street Address: see attached City: _____ State: _____ Zip Code: _____

Property Identified as: Parcel Number see attached Township Name Round Lake

Property address No address

The Applicant is appealing the following administrative decision concerning Chapter _____
Section _____ of the Becker County Zoning Ordinance:

See attached Notice of Appeal. The Order to Cease and
Desist did not cite any provision / section / chapter of
the Zoning Ordinance.

The date of the administrative decision was: August 18, 2015

The grounds for requesting the appeal are as follows:

See attached Notice of Appeal

I hereby swear and affirm that the information supplied to the Becker County Planning and Zoning Department is accurate and true. I acknowledge that this application is rendered invalid and void should the County determine that information supplied by me, the applicant, in applying for this appeal, is inaccurate or untrue.

Per [Signature] a Attorney for Brian Nelson 9-3-15
Signature of Applicant Date

Office Use Only:

Date received: _____ Rec'd by: _____ Receipt #: _____

Date heard by Board of Adjustment: _____

Board of Adjustment Action: _____

NOTICE OF APPEAL

In the matter of:

Brian W. Nelson

Property Located at Juggler Lake, Becker County, Minnesota

Tax Parcel Nos: 25.0238.000 and 25.0243.000

TO: The Board of Adjustment
c/o Becker County Planning and Zoning Department
915 Lake Ave.
Detroit Lakes, MN 56501

Please be advised that Brian W. Nelson does hereby appeal the Order to Cease and Desist made by the Becker County Zoning Department dated August 18, 2015 signed by Julene Hodgson, Zoning Technician, a copy of which is attached hereto. The appeal is taken for the following reasons:

1. The Order to Cease and Desist does not specify or make reference to any specific provision of the Becker County Zoning Ordinance that the property is in violation of;
2. The Order to Cease and Desist wrongly precludes a lawful use of the property.

Date: August 21, 2015

Carl E. Malmstrom
Thorwaldsen & Malmstrom
Attorneys for Appellant, Brian W. Nelson
1105 Hwy 10 E., P.O. Box 1599
Detroit Lakes, MN 56502
Phone: (218) 847-5646



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501
Phone: 218-846-7314 ~ Fax: 218-846-7266

ORDER TO CEASE AND DESIST

08/18/15

BRIAN W NELSON
2302 ANN ST
WEST FARGO ND 58078

Re Property: 25.0238.000 and 25.0243.000

Dear Brian and Tyler:

It has come to our attention that the above property is being advertised and utilized as a short-term rental property. The Ordinance allows one single family residence and short-term rental to different families is an incorrect use of the property. This is considered a violation of the property.

You are immediately to cease the improper renting of the property.

It is your privilege to apply for a Conditional Use Permit to request a rental property. This is a public hearing process but past requests of this sort have been denied. Any questions, please contact our office. Thank you.

Julene Hodgson

A handwritten signature in cursive script, appearing to read "Julene Hodgson", is written over the printed name.

Zoning Technician

PROOF OF SERVICE BY MAIL

STATE OF MINNESOTA)
)ss.
COUNTY OF BECKER)

Re: In the Matter of Brian W. Nelson
 Tax Parcel Nos: 25.0238.000 and 25.0243.0000

The undersigned, being first duly sworn, says that a copy of the:

NOTICE OF APPEAL

was mailed to:

The Board of Adjustment
c/o Becker County Planning and Zoning Department
915 Lake Ave.
Detroit Lakes, MN 56501

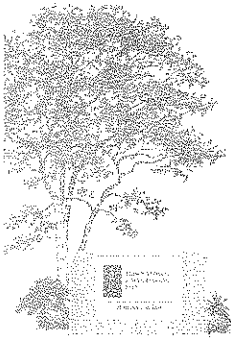
by enclosing the same in an envelope addressed to said Board of Adjustment at the above address with postage fully prepaid and by depositing said envelope in a United States Postal Service mailbox in Detroit Lakes, Minnesota, on the 3rd day of September, 2015.

Rhonda Shaw

Subscribed and sworn to before me
this 3rd day of September, 2015.

Susan A. Como
Notary Public, State of Minnesota





THORWALDSEN & MALMSTROM, PLLP
ATTORNEYS AT LAW

PAUL R. THORWALDSEN ♦
CARL E. MALMSTROM ♦
ROBERT P. THORWALDSEN
BETH A. WALKER
JOHN C. QUAM, Retired
MARY G. SORUM, Retired

Phone: (218) 847-5646
FAX (218) 847-3950

POST OFFICE BOX 1599
1105 HIGHWAY 10 EAST
DETROIT LAKES, MN 56502-1599

September 3, 2015

Julene Hodgson
Becker County Planning and Zoning
915 Lake Ave.
Detroit Lakes, MN 56501

Re: In the Matter of Brian W. Nelson
Tax Parcel Nos: 25.0238.000 and 25.0243.0000

Dear Julene:

Please find enclosed and sent to the County of Becker Planning and Zoning Department for service on the Chairman of the Board of Adjustments, a Notice of Appeal submitted on behalf of Brian W. Nelson regarding your Order to Cease and Desist dated August 18, 2015. I would appreciate meeting with you, or someone from your Department, regarding this matter prior to the hearing in front of the Board of Adjustment to discuss and perhaps resolve this matter. On my review of the Ordinance I was not able to locate any specific provision of the Ordinance that the property is in violation of. Perhaps you could specify the exact provisions of the Ordinance that you believe are in question.

I also note on the Order to Cease and Desist that reference is made to an Application for a Conditional Use Permit to request a rental property and that past requests of this sort have been denied. If we need to pursue a conditional use permit regarding this matter, I am very much interested in reviewing the minutes of past Board of Adjustment meetings that have addressed this particular issue in order to determine what the concerns of the Board have been and the reasons for either allowing or denying this specific request.

I look forward to hear from you soon. Thank you.

Yours truly,


Carl E. Malmstrom

enc.

rs

c. Brian W. Nelson w/enc.
Gretchen Thilmony, Becker County Attorney w/enc.



NOTICE OF APPEAL

In the matter of:

Brian W. Nelson

Property Located at Juggler Lake, Becker County, Minnesota

Tax Parcel Nos: 25.0238.000 and 25.0243.000

TO: The Board of Adjustment
c/o Becker County Planning and Zoning Department
915 Lake Ave.
Detroit Lakes, MN 56501

Please be advised that Brian W. Nelson does hereby appeal the Order to Cease and Desist made by the Becker County Zoning Department dated August 18, 2015 signed by Julene Hodgson, Zoning Technician, a copy of which is attached hereto. The appeal is taken for the following reasons:

1. The Order to Cease and Desist does not specify or make reference to any specific provision of the Becker County Zoning Ordinance that the property is in violation of;
2. The Order to Cease and Desist wrongly precludes a lawful use of the property.

Date: August 21, 2015

Carl E. Malmstrom
Thorwaldsen & Malmstrom
Attorneys for Appellant, Brian W. Nelson
1105 Hwy 10 E., P.O. Box 1599
Detroit Lakes, MN 56502
Phone: (218) 847-5646



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501

Phone: 218-846-7314 ~ Fax: 218-846-7266

ORDER TO CEASE AND DESIST

08/18/15

BRIAN W NELSON
2302 ANN ST
WEST FARGO ND 58078

Re Property: 25.0238.000 and 25.0243.000

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It is your privilege to apply for a Conditional Use Permit to request a rental property. This is a public hearing process but past requests of this sort have been denied. Any questions, please contact our office. Thank you.

Julene Hodgson

A handwritten signature in cursive script, appearing to read "Julene Hodgson", written over a horizontal line.

Zoning Technician

PROOF OF SERVICE BY MAIL

STATE OF MINNESOTA)
)ss.
COUNTY OF BECKER)

Re: In the Matter of Brian W. Nelson
 Tax Parcel Nos: 25.0238.000 and 25.0243.0000

The undersigned, being first duly sworn, says that a copy of the:

NOTICE OF APPEAL

was mailed to:

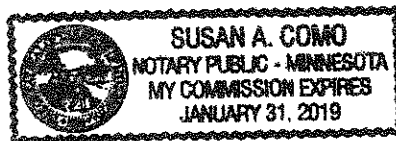
The Board of Adjustment
c/o Becker County Planning and Zoning Department
915 Lake Ave.
Detroit Lakes, MN 56501

by enclosing the same in an envelope addressed to said Board of Adjustment at the above address with postage fully prepaid and by depositing said envelope in a United States Postal Service mailbox in Detroit Lakes, Minnesota, on the 3rd day of September, 2015.

Rhonda Shaw

Subscribed and sworn to before me
this 3rd day of September, 2015.

Susan A. Como
Notary Public, State of Minnesota





COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501

Phone: 218-846-7314 ~ Fax: 218-846-7266

Brian Nelson property:

Parcel #	Description	Size	Zoned	Taxed	Classified
250238000	Lot 6 11/142/38	15.65 Acres	Agricultural	Seasonal Residential Recreational	Non- homestead
250243000	Lot 5 14/142/38	1.60 Acres	Agricultural	Seasonal Residential Recreational	Non- homestead

Zoned Agricultural- Residential in nature.

Chapter 5 B. Residential Uses page 36 States: Single-family residence- one per lot.

Chapter 5 E. Commercial and Industrial Uses: Commercial, general page 37 shows a Conditional Use Permit is required for Commercial Use on a property.

Chapter 1 Section 5 page 8 Scope A. **After the effective date of this Ordinance the following activities in Becker County shall conform to this Ordinance:**

- A. **The use of all property** and every structure or portion of a structure erected, altered, added to or relocated;
- B. The platting or subdivision of any lot, tract or parcel of land; and
- C. The location, design, installation, use, and maintenance of individual subsurface sewage treatment systems.

Any existing building or structure and any existing use of property that does not conform to this Ordinance may be continued, extended or changed only as provided by the provisions of this Ordinance relating to nonconforming uses and Minnesota Statutes Chapter 394.

Definitions Chapter 10:

Pg 136 **Commercial use.** The use of land or buildings for the sale, lease, rental or trade of products, goods or services.

Pg 136 **Commercial Planned Unit Development.** A planned unit development that provides transient short-term lodging spaces, rooms or parcels. For example, hotels, motels, resorts, recreational vehicle and camping parks.

Pg 137 **Conditional use.** A land use or development that would not be appropriate generally but may be allowed with appropriate controls upon a finding that certain conditions as detailed in this Ordinance exist.

Pg 138 Dwelling unit. Any structure or portion of a structure, or other shelter designed as short or long term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

Pg 147 Shoreland conservation subdivision development. A planned unit development consisting of sites or units that are sold, lease for periods longer than 28 days, or any other method of transferring long term rights to lodging spaces, rooms, RV sites, or parcels shall be considered permanent.

Pg 143 Multi unit development (M.U.D.). A type of development that is characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, clustering of these units or sites to provide areas of common open space, density increases, and mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster developments of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Pg 145 Resort. A development of one or more buildings for lease or rent as temporary residences on one tract of land for the purpose of providing recreation and entertainment especially to vacationers.

Pg 148 Single family residential use. The use of the land or buildings for a single-family dwelling.

Pg 151 Unit site. An area controlled by owner including but not limited to structures, parking area, lawn, garden, patios, etc.

Pg 151 Use. The purpose to which land, premises, or a structure or building thereon is designated, arranged, or intended, or for which it is or may be occupied or maintained.

Pg 32 Cause to Issue a Notice of Violation. Any person, firm, agent, or corporation who violates any of the provisions of this Ordinance, or who fails, neglects, or refuses to comply with the provisions of this Ordinance, including violations of conditions and safeguards, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by Minnesota State Statutes. Each day that a violation exists shall constitute a separate offense.

Pg 33 c.Cease and Desist Orders. Cease and desist orders may be issued when the Department has probable cause that an activity regulated by this or any other County Ordinance is being or has been conducted without a permit or in violation of a permit. When work has been stopped by a cease and desist order, the work shall not resume until the reason for the work stoppage has been completely satisfied, any administrative fees paid, and the cease and desist order lifted.

Pg 117 Section 9 Commercial Planned Unit Developments

A. Purpose and applicability. The purpose of this Section is to establish procedures and criteria to evaluate commercial/transient multi-unit developments. It is intended to provide a relationship between buildings, and between building and sites, that cannot be accomplished by the one building-one lot application of the land use provisions of this Ordinance. In order to encourage well-designed building groups, this Section provides for the development of more than one structure upon a single lot or tract as well as the integral development of one or more lots as a single tract.

- B. **Where allowed.** Commercial/transient multi-unit developments (MUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, conversions of existing buildings, resorts, campsites and land use.
- C. **Definition.** Commercial/transient multi-unit developments consist of sites or units that allow transient occupancy of short-term lodging spaces, rooms, RV sites or parcels. "Transient occupancy" means occupancy when it is the intention of the parties that occupancy will be temporary. There is a rebuttable presumption that, if the unit occupied is the sole residence of the guest, the occupancy is not transient. There is a rebuttable presumption that, if the unit occupied is not the sole residence of the guest, the occupancy is transient.
- D. **Applicability to licensed resorts, parks and campgrounds.** Existing licensed resorts, RV parks and campgrounds that are licensed, with the Minnesota Department of Health as of April 26, 2005, *and continue to operate as a resort*, are only subject to the provisions of Section 10.
- E. **Review process for Shoreland Commercial/Transient MUDs.**
1. **Conditional use permit required.** Shoreland commercial/transient multi-unit developments shall be processed as conditional use permits meeting the provisions of Chapter 8, Section 11 of this Ordinance.
 2. **Pre-application meeting.** In order to avoid costly revisions of plans and plats, the subdivider or the subdivider's representative, must have preliminary meetings with the Planning and Zoning and Environmental Review Technical Panel to insure that the applicant is informed of the procedural requirements or limitations imposed by other County ordinances or plans, prior to the development of the commercial/transient multi-unit development. Applicants shall present a conceptual plan to the Planning and Zoning Department and Environmental Review Technical Panel prior to the filing of the commercial/transient multi-unit development plans.
 3. **Pre-application.** The developer shall submit a pre-application conceptual plan to the Planning and Zoning Department for review of project plans. Conceptual plans shall contain, at a minimum, the following information:
 - a. The project scope and number of units proposed;
 - b. The size and configuration of the parcel;
 - c. The presence and proximity to wetlands and lakes;
 - d. Significant topographical or physical features including the general land contour, bluffs and low areas;
 - e. Near shore aquatic conditions including vegetation, water depth, and lake bottom sediments;
 - f. The presence of significant historic sites and past land use;
 - g. The site suitability for individual subsurface sewage treatment systems, if they are to be installed;
 - h. North arrow;
 - i. Scale; and
 - j. Vicinity map.

4. **Written authorization to proceed.** Applicant will receive written authorization from the Planning and Zoning Department to proceed with the preparation of the multi-unit development plan. This authorization may contain comments identifying particular issues, concerns and items to address in the multi-unit development plan. No commercial/transient multi-unit development application will be accepted for review without this written authorization.
5. **Environmental review.** The Department, along with the assistance of the Environmental Review Technical Panel, may recommend that a discretionary Environmental Assessment Worksheet (EAW) be prepared for the proposed project or a project that meets mandatory threshold requirements for an EAW. If the Environmental Review Technical Panel recommends that an EAW is to be completed and the County Board of Commissioners approves this recommendation, the EAW must be completed prior to the commercial/transient multi-unit development conditional use permit application.
6. **Conditional use permit application.** The following documents must be submitted with a commercial/transient multi-unit conditional use permit application:
 - a. **Site plan or plat.** A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographical contours at two foot (2') intervals or less.
 - b. **Documents.** Deed restrictions, covenants, permanent easements or other enforceable instruments that:
 - (1) Properly address vegetative and topographic alterations and maintenance;
 - (2) Properly address the construction of additional buildings, if allowed;
 - (3) Properly address the regulation of shore recreation facilities and watercraft docking;
 - (4) Properly address the construction of commercial buildings, if allowed;
 - (5) Ensure the long-term preservation and maintenance of open space and shore impact zone;
 - (6) Protect wetlands from any future draining or filling;
 - c. **Master plan.** A master plan/drawing describing the project and the site plan for the dedicated area of each site.
 - d. **Additional information.** Those additional documents as requested by the Planning and Zoning Department and the Planning Commission that are necessary to explain the commercial/transient MUD design and function.
- F. **Suitable area and density calculation.** The suitable area and density will be calculated for each commercial/transient MUD conditional use application according to the following provisions.
 1. **Structure free zone.** The structure free zone is the area, which is designated and is consistent with the required lake classification structure setback from the ordinary high water level of the lake. This area shall remain free of all structures.
 2. **Suitable area.** The suitable area shall be calculated by excluding from the area all wetlands, bluffs, public road right of ways, easements, or land below the ordinary high water level of public waters. All suitable area of the project must be located within the

shoreland district. For density calculation, there shall be a maximum tier depth of two (2) times the lake frontage width.

3. Density determination.

- a. The number of units allowed will be determined by the amount of suitable area divided by the appropriate division factor determined by the amount of lakeshore frontage. Table 8-6, below, contains the division factors by lake classification for each lake frontage category.
- b. All structures or sites will be placed behind the structure free zone.

Table 8-6 Density division factors for commercial/ transient multi-unit developments

Division factors by lake class	Lake frontage length				
	300 ft to 599 ft	600 ft to 899 ft	900 ft to 1199 ft	1200 ft to 1499 ft	1500 ft plus
General Development lakes	30,000	25,000	20,000	15,000	10,000
Recreational Development lakes	35,000	30,000	25,000	20,000	15,000
Natural Environment lakes	40,000	35,000	30,000	25,000	20,000

G. Open space requirements. Commercial/transient multi-unit developments must contain open space meeting all of the following requirements:

1. At least fifty percent (50%) of the total project area shall be preserved as open space, and the design of the open space shall conform to the following:
 - a. Dwelling units or sites, road right-of-ways, or land covered by road surfaces, parking areas, or structures, are developed areas and shall not be included in the computation of minimum open space;
 - b. Open space shall include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
 - c. Open space may include outdoor recreational facilities;
 - d. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and
 - e. The shore impact zone must be included as open space. At least seventy percent (70%) of the shore impact zone must be a preservation area or a restoration area.

H. Other design requirements. In addition to other design requirements of this Section, commercial/transient multi-unit developments must meet all of the following requirements:

1. **Minimum unit site dimensions.** A minimum of two thousand five-hundred (2,500) square feet is allowed per unit site. The unit site will be a minimum of fifty feet (50') wide.
2. **Side lot setback.** Structures must be ten feet (10') from the side lot line of the unit site.
3. **Shore recreation area.** A contiguous thirty percent (30%) of the shore impact zone or two hundred feet (200'), whichever is the most restrictive, may be used for shore recreation facility purposes. Evaluation for suitability of shore recreation areas must include consideration of land slope, water depth, upland and aquatic vegetation, presence of wetlands, soils, depth to ground water and bedrock or other relevant factors;
4. **Minimum setback.** There shall be a minimum setback of twenty feet (20') between any property line and any use within the development. The setback area shall be landscaped

and screened by a fence or screen plantings of sufficient size to permit complete privacy for the residents of the development and adjacent properties; and

5. **Maximum impervious surface.** Impervious surface coverage cannot exceed twenty-five percent (25%) of commercial/transient MUD suitable area.
- I. **Erosion control and stormwater management.** Commercial/transient MUDs must have storm water management and grading plans that are approved by the Planning and Zoning Department. The storm water management controls shall be constructed and maintained to effectively manage storm water runoff. This requirement does not substitute for review and permit requirements of other entities including MPCA, Watersheds, etc.
- J. **Centralization and design of facilities.** Centralization and design of facilities and structures must be done according to the following standards:
 1. **Utilities.** Commercial/transient multi-unit developments shall be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems shall be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Chapter 4, Section 10, of this Ordinance. On-site sewage treatment systems shall be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors shall be provided for a replacement soil treatment system for each sewage system.
 2. **Dwellings.** Dwelling units or sites shall be clustered into one or more groups and located on suitable areas of the development. They must be designed and located outside of the structure free zone.
 3. **Shore recreation areas.** Shore recreation areas, including but not limited to swimming areas, docks and watercraft mooring areas must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, upland and aquatic vegetation, presence of wetlands, soils, depth to ground water and bedrock or other relevant factors.
 4. **Docks.** The number of spaces provided for continuous docking of watercraft shall not exceed one and one-half for each allowable dwelling unit as established by the conservation subdivision development provisions in Chapter 8, Section 7, subsection I.4, of this Ordinance. Launching ramp facilities, including a small dock for short-term loading and unloading equipment, may be provided, if suitable, for use by the occupants of the development.
 5. **Screened from lake view.** Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from Protected Waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
 6. **Accessory structures and facilities.** Accessory structures and facilities must be located outside the structure free zone and must be centralized.
 7. **Minimum street width.** Non-public streets shall be a minimum of fourteen feet (14') in width one-way and twenty-four feet (24') in width two-way to permit ease of access, without causing damage to or otherwise jeopardizing the safety of any occupants in the development.
- K. **Criteria for evaluation of commercial/transient MUD conditional use applications.** Before re-recommending the approval of the preliminary development plan and conditional use permit for a commercial/transient MUD, the Planning Commission shall find that all of the following criteria are satisfied:

1. The MUD conforms to the regulations of the land use district in which it is proposed to be located;
2. The MUD or unit thereof is of sufficient size, composition and arrangement that its construction, marketing and operation are feasible as a complete unit without dependence upon any subsequent unit;
3. The MUD will not create an excessive burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the multi-unit development;
4. The minimum area of land to be included in the MUD shall be as designated in the land use district in which it is proposed to be located; and
5. Adequate provisions are developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.

L. Maintenance and administration requirements.

1. **Open space preservation.** Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means shall be provided to ensure long-term preservation and maintenance of open space. The instruments shall include all of the following protections:
 - a. Vegetation topographic alterations shall be prohibited in the shore impact zone and restoration area except as part of an approved vegetation restoration plan;
 - b. Construction of additional buildings or storage of vehicles and other materials is prohibited;
 - c. Uncontrolled beaching of watercraft is prohibited; and
 - d. All wetlands in the parcel shall be identified with signs and protected against alterations of any type.

M. Design changes during development.

1. **Minor design changes.** During the development of the approved commercial/transient MUD, the Planning and Zoning Department may approve minor changes in the location, placement and height of buildings, if such changes are required by engineering or other circumstances not foreseen at the time the preliminary plan was approved.
2. **Changes not allowed.** Changes in uses, rearrangement of lots, block and building tracts, or any changes in the provisions of the common open space require re-submission and re-approval of the preliminary plan by the Planning Commission.

N. Conversions of existing uses. Existing resorts or other land uses and facilities may be converted to conservation subdivision developments meeting provisions of Chapter 8, Section 7 of this Ordinance, and provided that the land is reclassified to the residential use category and all of the following standards are met:

1. **Application and correction of deficiencies.** At the time of conversion, the plan meets the conservation subdivision development application and general regulation standards in Chapter 8, Section 7 of this Ordinance and includes the correction of all site deficiencies such as water supply, sewer systems, storm water management, shoreline and bluffs;
2. **Density.** At the time of conversion, the plan must meet conservation subdivision density standards in Chapter 8, Section 7, subsection E, of this Ordinance.
3. **Brought into conformity with regulations.** At the time of conversion, the site is brought into conformity including: removal of buildings, units and recreational vehicle sites to the approved density, centralization of shore recreation facilities, restoration of the shore impact zone and all other open space requirements;

4. **Future replacement sites designated for nonconformities.** At the time of conversion, the plan designates a future site for replacement of each nonconforming unit including cabins, cottages, and recreational vehicle sites. Thus, a purchaser acquires an existing structure and the rights to a specific location for future replacement building or recreational vehicle site. The nonconforming structures can continue to be utilized until such time when a rebuild or replacement is proposed and then must comply with all Ordinance standards at the pre-designated site, not to exceed ten years from the date of the approved conversion. Exterior expansions, normal maintenance or replacement of existing structures are allowed only if the structures is already located on its designated future site meeting the required lake classification setbacks.

O. Phasing of development.

1. **Details and timing.** Any application for a commercial/transient MUD proposed to be constructed in phases shall include full details of the proposed phasing. The application shall state the time for beginning and completion of each phase.
2. **Assurances required.** The landowner or developer shall make such easements, covenants and other arrangements and shall furnish such performance bond or bonds as may be determined by the County Planning Commission and County Board of Commissioners to be reasonably required to assure performance and completion of private streets and utilities, landscaping and privately owned and maintained recreational facilities in accordance with the plan and to protect the public interest in the event of abandonment of the plan before completion.

- P. Minor modification to design.** The uniqueness of each proposal for a commercial/transient MUD requires that specifications and standards for streets, utilities and services may be subject to minor modifications from the specifications and standards established in this and other County ordinances governing their construction. The County Board may therefore, waive or modify the specifications or standards if it is found that they are not required in the interests of the residents or of the County. The plans and profiles of all streets, utilities and services shall be reviewed, modified, if necessary, and approved by the County Engineer prior to the final approval of the MUD plan by the County Board.

Pg 125 Section 11 Conditional Use Permits

- A. **Conditional uses allowed.** Conditional use permits may be issued only for the conditional uses allowed in the zoning district in which the land in the application is located. Conditional uses for each zoning district are specified in Chapter 5, Section 1, Table 5-1.
- B. **Application.** An application for a conditional use permit shall be filed with the Zoning Administrator on a form prescribed by the Board of County Commissioners. The application shall be accompanied by such plans, elevations and site plans as prescribed by the County Planning Commission.
- C. **Planning Commission public hearing.** Upon receipt in proper form of the application and other requested material, the Becker County Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. Such public hearing shall conform to the provisions in Chapter 8, Section 2 of this Ordinance.
- D. **Planning Commission report to the County Board.** For each application for a conditional use, the County Planning Commission shall report to the Board of County Commissioners its findings and recommendations, including the stipulation of additional conditions and guarantees that these conditions will be complied with when they are necessary for the protection of the public interest.

- E. **County Board action.** Upon receipt of the report of the Planning Commission, the Board of County Commissioners shall hold whatever public hearings it deems advisable and shall decide whether to grant or deny a Conditional use permit.
- F. **Findings and criteria.** No conditional use shall be recommended by County Planning Commission or granted by the Board of County Commissioners unless the Commission or the Board shall find that all of the following criteria are met:
1. **Affect on surrounding property.** That the conditional use will not harm the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.
 2. **Affect on orderly, consistent development.** That establishing the conditional use will not impede the normal, orderly development and improvement of surrounding vacant property for uses predominant in the area.
 3. **Adequate facilities.** That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
 4. **Adequate parking.** That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
 5. **Not a nuisance.** That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance, and to control lighted signs and other lights so that no disturbance to neighboring properties will result.
 6. **Additional criteria for shoreland areas.** In Shoreland areas, it shall be found that adequate measures have been or will be taken to assure that:
 - a. **Pollution.** Soil erosion or other possible pollution of public waters will be prevented, both during and after construction;
 - b. **View from public waters.** That the visibility of structures and other facilities as viewed from public waters will be limited;
 - c. **Adequate utilities.** That the site is adequate for water supply and on-site sewage treatment; and
 - d. **Watercraft.** That the types, uses, and number of watercrafts that the project will generate can be safely accommodated.
- G. **Report to DNR.** If an application for conditional use is for property located within the limits of the shoreland of public waters, the application shall be filed with the Commissioner of Natural Resources for comments at least 10 days before the official public hearing. A copy of the decision granting or denying the conditional use application shall be sent to the State Commissioner within ten (10) days of the action.
- H. **Continuing compliance with terms required.** Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity with the terms and conditions of the permit.
1. **Expiration.** If two years after the date that the conditional use permit is granted and the use has not been implemented, the conditional use permit shall be null and void, unless a request for extension of time in which to complete the work has been granted by the Board of Commissioners. The request must be placed on the Board of Commissioners agenda prior to the expiration of the conditional use permit to request a one year extension with no limit on extension requests. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. If the permitted use was

implemented, but the use has been discontinued for a period of two years, the conditional use permit shall also be null and void. This does not pertain to conditional use permits issued prior to December 1, 2009.



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501

Phone: 218-846-7314 ~ Fax: 218-846-7266

ORDER TO CEASE AND DESIST

08/18/15

BRIAN W NELSON
2302 ANN ST
WEST FARGO ND 58078

Re Property: 25.0238.000 and 25.0243.000

Dear Brian and Tyler:

It has come to our attention that the above property is being advertised and utilized as a short-term rental property. The Ordinance allows one single family residence and short-term rental to different families is an incorrect use of the property. This is considered a violation of the property.

You are immediately to cease the improper renting of the property.

It is your privilege to apply for a Conditional Use Permit to request a rental property. This is a public hearing process but past requests of this sort have been denied. Any questions, please contact our office. Thank you.

Julene Hodgson

A handwritten signature in cursive script that reads "Julene Hodgson".

Zoning Technician



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From **\$250** Per night [Detailed Price](#)

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Sleeps	8
Bedrooms	3
Bathrooms	2
Property type	cabin
Minimum Stay	2 - 4 nights



Tyler Nelson

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Member since: 2015
Speaks: english

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Response time: **Within a day**
Response rate: **100%**
Calendar last updated: **July 1, 2015**

Call Owner



Book with confidence

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Three services to protect your trip:

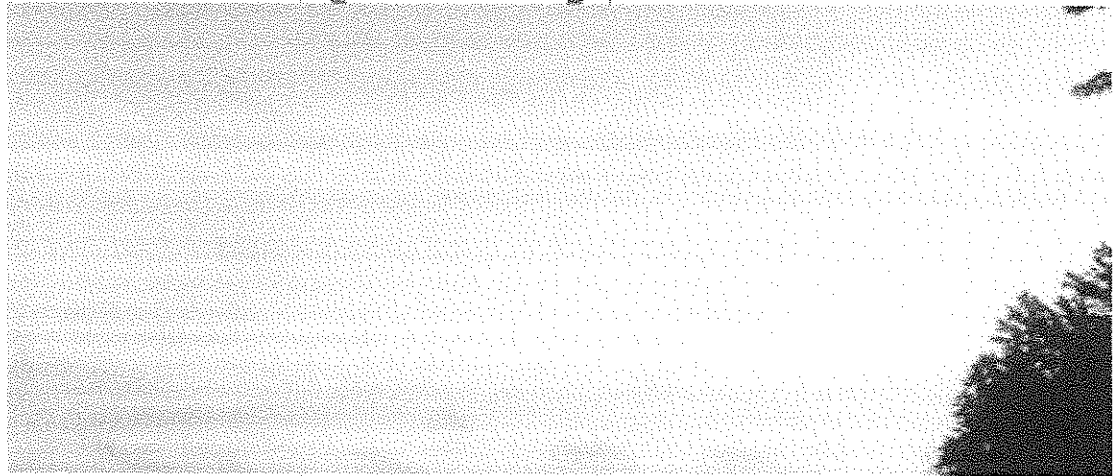
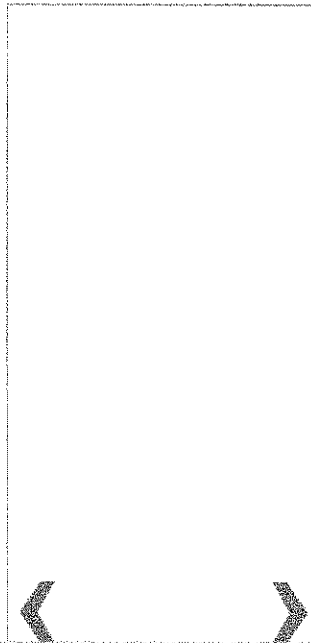
Protect your payments in case you need to cancel.

Guarantee the rental meets your expectations

Ensure you're prepared in case of accidental damage.

Get it now

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Sunrise from the front deck. - Detroit Lakes cabin rental

1 of 24

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Sleeps
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8
3
2
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Other Vacation Properties



\$1,580 - \$1,950 per week

3 - 6 night min stay

- 3 BR,
- 2 BA,
- Sleeps 10



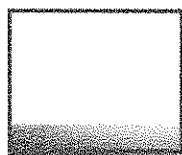
\$750 per week

3 night min stay

- 4 BR,
- 2 BA,
- Sleeps 13

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Other Vacation Properties



\$1,580 - \$1,950 per week

FEEDBACK

3 - 6 night min stay

- 3 BR,
- 2 BA,
- Sleeps 10



\$750 per week

3 night min stay

- 4 BR,
- 2 BA,
- Sleeps 13

×

Contact the Owner

Tell the owner when you would like to travel.

Arrival

Departure

☐ My travel dates are flexible.

Tip: Enter approximate travel dates to help speed up the booking process

First Name*

Last Name*

United States (+1)



Phone Number

Email Address*

Adults

2

Children

0

Message to owner

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Tyler

Private Island with Gorgeous Cabin

Juggler Lake, MN, United States

★★★★★

★★★★★ (3)



Entire home/apt



8 Guests



3 Bedrooms



6 Beds

Request to Book ⚡ Instant Book

\$225

Per Night

Check In

Check Out

mm/dd/yyyy

mm/dd/yyyy

Guests

1

Request to Book ⚡ Instant Book

[♥ Save to Wish List](#)
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About this listing

Cabin on private island on Juggler Lake complete with 18 acres of old growth forest. Excellent fishing and exceptionally clean lake that is perfect for swimming. Forest is full of wildlife and perfect for hiking. Located near Itasca State Park.

Contact Host

The Space

Room type: Entire home/apt
 Property type: Island (/s/Juggler-Lake--MN?type=island)
 Accommodates: 8
 (/explore/juggler-lake--mn//large-groups)

Bedrooms: 3
 Bathrooms: 2
 Beds: 6

Amenities

Kitchen

Internet

Kitchen

Internet

TV

Essentials

Shampoo

Heating

Air-Conditioning

Washer

Dryer

Free Parking on Premises

Wireless Internet

TV

Essentials

+ More

 Suitable for Events
 (/s/juggler-lake--mn?amenity=event-space)

Smoking Allowed

Wheelchair Accessible

Elevator in Building

Indoor Fireplace

Buzzer/Wireless Intercom




Doorman

Pool

Hot Tub

Gym

Smoke Detector

	 Cable TV	Carbon-Monoxide-Detector
	Breakfast	First-Aid-Kit
	 Pets Allowed	Safety-Card
	 Family/Kid Friendly	Fire-Extinguisher
Prices	Extra people: No Charge Cleaning Fee: \$100 Security Deposit: \$500	Weekly Price: \$1400 /week Cancellation: Flexible (/home/cancellation_policies#flexible)

Description**The Space**

The cabin is on a private island complete with 18 acres of old growth forest on Juggler Lake, Minnesota...3 hours and 50 minutes from Minneapolis and 1 hour and 30 minutes from Fargo. Ideal for a romantic weekend or a family vacation the kids will never forget. The cabin is an A-frame with 20 Ft. ceilings in the main room, three bedrooms, six beds (one king, two doubles, and 3 singles) and two bathrooms. The cabin includes a jetted tub in the master bedroom, a fully equipped kitchen with two refrigerators and two freezers, a Webber grill, a stone fireplace, and three patios facing North, West, and South. The cabin comes equipped with satellite TV, Wi-Fi, and a diving dock.

The lake is exceptionally clean and is perfect for swimming, boating, and water sports. The lake has excellent fishing especially in the spring and fall. You can catch fish right off the docks, but for bigger fish you will want to take the boat out. You can expect to catch Sun Fish, Perch, Walleye, Northern, and Bass.

The forest is full of wildlife and great for hiking. The island is 18 totally private acres of old growth forest, undeveloped and wild- explore the woods!! This is the only home on the island!! There are maples, birch, elm, white pines, and more types of trees. You can find morels in early May. There are wild strawberries, wild ginger, and lady slippers in summer. There is stunning foliage in fall. There are porcupines, deer, beavers, eagles, cranes, loons, hummingbirds, owls, birds, and squirrels on the island.

The island is twenty minutes from Itasca State Park where you can rent bikes and visit the headwaters of the Mississippi!!

Need a boat? We can rent you our pontoon for \$100 a stay and we will meet you at the dock with the pontoon to give you tips on operation.... or you can bring your own boats to fish or ski. There will be a metal canoe for your use.

There are parking spots at the public access and a dock to easily load up the boat when you arrive. The island is about a three minute boat ride from the dock at the public access... or about six hundred feet from mainland.

You have the entire island to yourself to hike, play, fish, pick wild strawberries, or just relax in total seclusion!!

Guest Access

Guest will have access to jetted tub, fireplace, fire wood, satellite tv, docks, floating diving dock, and Weber grill. We encourage guest to bring their own boats, but we can provide access to various boats depending on the needs of the guest.

Interaction with Guests

The guest will park their cars at the public access to the lake where they can launch any boats. We recommend arriving during daylight hours to help navigate the roads from the highway to the lake. We will try to meet guests for the transfer, but when that is impossible we will be available to give directions over the phone.

[+ More](#)

Availability

4 nights minimum stay

[View Calendar](#)

[See all 28 photos](#)

★★★★★
3 Reviews★★★★★

Summary

Accuracy

★★★★★
★★★★★
★★★★★

Location

★★★★★

Check In

★★★★★

Value

★★★★★

Communication

★★★★★

Cleanliness

★★★★★
★★★★★


</users/show/15785203>

David

[\(/users/show/15785203\)](/users/show/15785203)

Great experience with super-helpful, accomodating hosts.

+ More

August 2015

Helpful


</users/show/12778311>

Zachary

[\(/users/show/12778311\)](/users/show/12778311)

Tyler and his parents were great. They were very helpful and gave a great rate for an awesome place. I almost don't want to leave a review because I want to keep this place our secret! The views from three sides of the cabin look out into the lake and each has a nice deck and chairs. There are two docks with great fishing, for novice fisherman like us fishing off the dock with lures we caught some great fish! The lake is very clear and there is a fantastic swimming area. I can't say enough good things about the place. Thanks for hosting!

+ More

August 2015

Helpful


</users/show/24550048>

Eric

[\(/users/show/24550048\)](/users/show/24550048)

The hosts we're amazing and very good at working with our schedule. They met us at a flexible time and guided us into the property and showed us everything. They offered us full use of their boats, pantry, and everything that was there. They were very cordial and made sure they answered the phone with the questions we encountered. The lake was beautiful and we were pretty much the only boat on the lake for an entire week! The kids and adults had both adventure and relaxation. Fishing and boating were a blast.

+ More

July 2015

Helpful

About the Host, Tyler


</users/show/157443354>

West Fargo, North Dakota, United States
Member since May 2014

Response rate: 90%

Response time: within an hour

[Contact Host](#)

Connections

Are you or your friends connected with this host?

[f Connect with Facebook \(https://www.facebook.com/v2.0/dialog/oauth?client_id=138566025676&redirect_uri=https%3A%2F%2Fwww.airbnb.com%2F\)](https://www.facebook.com/v2.0/dialog/oauth?client_id=138566025676&redirect_uri=https%3A%2F%2Fwww.airbnb.com%2F)

Trust

4

Reviews

[\(/users/show/157443354\)](/users/show/157443354)


Listing Location

Minnesota, (/s/Minnesota--United-States)United States (/s/United-States)

Similar Listings



Explore other options in and around Juggler Lake

More places to stay in Juggler Lake: Apartments (/s/Juggler-Lake--MN?type=apartment) · Houses (/s/Juggler-Lake--MN?type=house) · Bed & Breakfasts (/s/Juggler-Lake--MN?type=bnb) · Lofts (/s/Juggler-Lake--MN?type=loft) · Villas (/s/Juggler-Lake--MN?type=villa)

People also stay in St Paul (/s/St-Paul--MN?type=island) · Winnipeg (/s/Winnipeg--Canada?type=island) · Chicago (/s/Chicago--IL?type=island) · Denver (/s/Denver--CO?type=island) · Boulder (/s/Boulder--CO?type=island)

English ▼

USD ▼

Company

About (/about/about-us)
Careers (/careers)
Press (/press/news)
Blog
(http://blog.airbnb.com)
Help (/help)
Policies (/policies)
Disaster Response
(/disaster-response)
Terms & Privacy
(/terms)

Discover

Trust & Safety (/trust)
Invite Friends (/invite?r=6)
Gift Cards (/gift)
Airbnb Picks
(/wishlist/airbnb_picks)
Mobile (/mobile)
Support NYC
(https://www.airbnbny.com)
Business Travel
(/business)
Site Map (/sitemap)

Hosting

Why Host (/host)
Hospitality (/hospitality)
Responsible Hosting
(/help/responsible-hosting)
Home Safety (/home-safety)

Join Us On

      
(https://www.airbnb.com/rooms/3218826?s=olji)

© Airbnb, Inc.

T.142N.-R.38W.

The map displays land ownership in Becker County, Minnesota, with sections numbered 1 through 36. Key features include the White Earth Reservation, several lakes (Elbow Lake, Pike Lake, Beaver Lake, Many Point Lake, Deep Hole Lakes, Camp Seven Lake), and various landowners including the State of MN, Becker County, and private individuals. A red arrow points to a specific parcel in section 11, labeled 'Subject'. The map includes a coordinate grid and a scale bar.

Section 11 (Subject): JUGGLER BEACH, State of MN DNR 763.54, Becker County Tax Forfeited 481.37.

Section 12: BECKER COUNTY TAX FORFEITED 519.01, State of MN DNR 120.71.

Section 13: BECKER COUNTY TAX FORFEITED 436.59, State of MN DNR 153.53.

Section 14: BECKER COUNTY TAX FORFEITED 414.63, State of MN DNR 155.74.

Section 15: BECKER COUNTY TAX FORFEITED 482.96, State of MN DNR 161.28.

Section 16: BECKER COUNTY TAX FORFEITED 562.75, State of MN DNR 20.51.

Section 17: BECKER COUNTY TAX FORFEITED 404.83, State of MN DNR 21.13.

Section 18: BECKER COUNTY TAX FORFEITED 476.02, Paul G. Schiller 102.03.

Section 19: BECKER COUNTY TAX FORFEITED 396.05, State of MN DNR 11.30.

Section 20: BECKER COUNTY TAX FORFEITED 281.20, State of MN DNR 11.30.

Section 21: BECKER COUNTY TAX FORFEITED 481.02, State of MN DNR 11.30.

Section 22: BECKER COUNTY TAX FORFEITED 521.26, State of MN DNR 11.30.

Section 23: BECKER COUNTY TAX FORFEITED 480.17, State of MN DNR 11.30.

Section 24: BECKER COUNTY TAX FORFEITED 360.48, State of MN DNR 280.67.

Section 25: BECKER COUNTY TAX FORFEITED 240.07, State of MN DNR 11.30.

Section 26: BECKER COUNTY TAX FORFEITED 560.69, State of MN DNR 11.30.

Section 27: BECKER COUNTY TAX FORFEITED 628.21, State of MN DNR 11.30.

Section 28: BECKER COUNTY TAX FORFEITED 593.79, State of MN DNR 11.30.

Section 29: BECKER COUNTY TAX FORFEITED 463.92, Boy Scouts of America 112.94.

Section 30: BECKER COUNTY TAX FORFEITED 112.94, Boy Scouts of America 112.94.

Section 31: BECKER COUNTY TAX FORFEITED 160.31, Viking Council Boy Scouts, Inc. 338.34.

Section 32: BECKER COUNTY TAX FORFEITED 160.31, Viking Council Boy Scouts, Inc. 338.34.

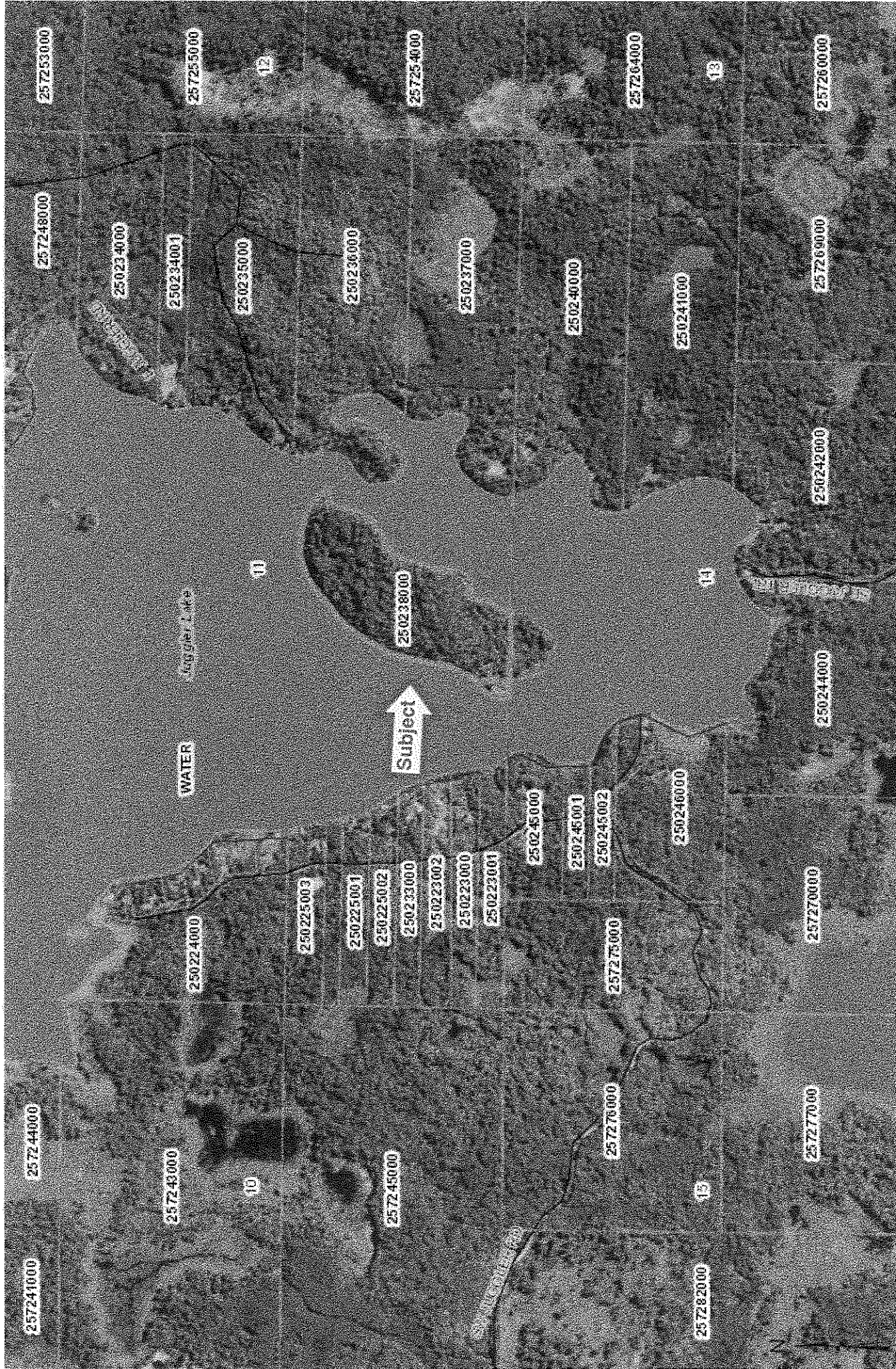
Section 33: BECKER COUNTY TAX FORFEITED 600.27, State of MN DNR 11.30.

Section 34: BECKER COUNTY TAX FORFEITED 556.59, Camp Seven Lake, Mark T. & Mary J. Green 79.50.

Section 35: BECKER COUNTY TAX FORFEITED 593.95, State of MN DNR 11.30.

Section 36: BECKER COUNTY TAX FORFEITED 323.45, David Olmstead, et al 50.00, Jimmy J. & Karen E. Wetters 243.00.

Becker County, MN



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1,9,267	Date: 10/26/2015
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Becker County





COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501

Phone: 218-846-7314 ~ Fax: 218-846-7266

BOARD OF ADJUSTMENT NOTICE OF PUBLIC HEARING

HEARING DATE AND LOCATION

Thursday, November 12, 2015 @ 7:00 P.M.

Commissioner's Room-Becker County Courthouse

Detroit Lakes, MN. 56501

APPLICANT: Nancy Peterson
6006 Erin Ter
Edina, MN 55439

Project Location: across the road from 31301 & 31305
Two Inlets Drive

APPLICATION AND DESCRIPTION OF PROJECT:

Request a Variance to construct a dwelling sixty (60) feet from the ordinary high water mark of the lake.

LEGAL LAND DESCRIPTION: Tax ID number: 340196000 Two Inlets Lake
LOT 4, Block 2, FOREST POINTS; Section 14, TWP 141, Range 36, Two Inlets Township.

Replies/Comments: Interested parties are invited to submit to the Becker County Department of Planning, Zoning, and Land Use, written facts, arguments or objectives before the scheduled date of the Hearing. These statements should bear upon the suitability of the location and the adequacy of the Project and should suggest any appropriate changes believed to be desirable. Replies may be addressed to:

PLANNING AND ZONING DEPARTMENT
915 Lake Avenue
Detroit Lakes, MN. 56501

FAX Number 218-846-7266
EMAIL: zoning@co.becker.mn.us

If you have questions about the Project, feel free to call 218-846-7314.

Jurisdiction: This Project comes under the Regulatory Jurisdiction of the Becker County Zoning Laws.

Regulatory Authority: This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance. The decision whether to issue a Permit will be based on an evaluation of the probable impact including cumulative impacts, of the proposed activity. That decision will reflect the concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, will be considered including the cumulative effects: Land Use, Shoreline Protection, Water Supply and Conservation, Safety, Economics, in General, the Needs and Welfare of the People.

** Weather conditions may change the Hearing date and time. If bad weather occurs, please listen to the local Detroit Lakes Radio Stations or contact the Zoning Office, by 4:30 PM on day of Hearing, for possible rescheduling of the Hearing.



BECKER COUNTY PLANNING & ZONING

915 LAKE AVENUE, DETROIT LAKES, MN 56501

PHONE (218) 846-7314 - FAX (218) 846-7266

VARIANCE APPLICATION

PARCEL	
APP	Variance
YEAR	
SCANNED	

PROPERTY OWNER INFORMATION (as it appears on tax statement, purchase agreement or deed)

First name(s) NANCY Last Name PETERSON
Mailing Address 6006 Erin Ter City, State, Zip Edina, MN 55439
Phone Number _____ Project Address: _____
Parcel number(s) of property: 34.0196.000 Sect - Twp - Range: 14-141-36
Township Name: TWO INLETS Legal Description: _____

Why is the variance being requested? (Mark all sections that apply)

- ☒ Setback Issues ☐ Lot size not in compliance with minimum standards
☐ Alteration to non-conforming structure ☐ Topographical Issues (hills, slopes, bluffs, wetlands)
☐ Other

Please provide a brief description detailing the above variance request:

we would have DECKS 60' BACK FROM Highwater
MARK. House would be 80' BACK FROM Highwater
MARK. Do to property on point

What are you applying for less than the minimum distance (setback) from?

Setback must include decks and patios, current and proposed.

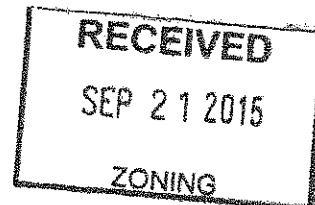
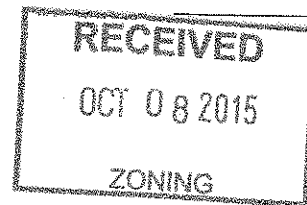
- ☒ Ordinary High Water Mark (OHWM) Proposed Distance (setback) 60' feet
☐ Lot Line Proposed Distance (setback) _____ feet
☐ Road Right of Way (ROW) Proposed Distance (setback) _____ feet
Type of Road [] Township [] County [] State
☐ Crest of bluff Proposed Distance (setback) _____ feet
☐ Impervious Surface Coverage Proposed Impervious Lot Coverage _____ sq ft %

Was the lot recorded prior to 1971? ☒ Yes ☐ No

Was the lot recorded between 1971 & 1992? Yes ☐ No ☐

Was the lot recorded after 1992? Yes ☐ No ☐

Will this be a new lot split? Yes ☐ No ☐



(CONTINUED ON BACK OF PAGE)

What is the current square footage of the structure? 0

What is the proposed addition square footage? 2496

PARCEL	
APP	Variance
YEAR	

What is the current height of the structure? 0

What is the proposed height of the structure? 25'

Is there a basement to the structure? NO (CRAWL SPACE)

Will the proposed addition have a basement? NO

Will the roofline of the existing structure be changed? —

Will the main structural framework of the structure be altered? —

What is the current percentage of lot coverage? 0

What is the proposed percentage of lot coverage? 4.0 %

Explanation of request if not covered in Sections above

OTHER INFORMATION NEEDED TO COMPLETE THE APPLICATION:

1. A copy of the deed from the Recorder's Office;
2. Completed Site Application with sketch showing all setbacks, platted or surveyed dimensions of the lot and all existing and proposed buildings;
3. Non-refundable filing fee of \$326.00. **Make check payable to Becker County Zoning.**
4. Is the variance request after the fact? ☐ Yes ☒ No

If yes, after the fact application fee is an additional \$600.00.

The information provided for this document is truthful and accurate to the best of my knowledge. I understand that this statement is null and void if any of the above information is not supplied or is inaccurate.

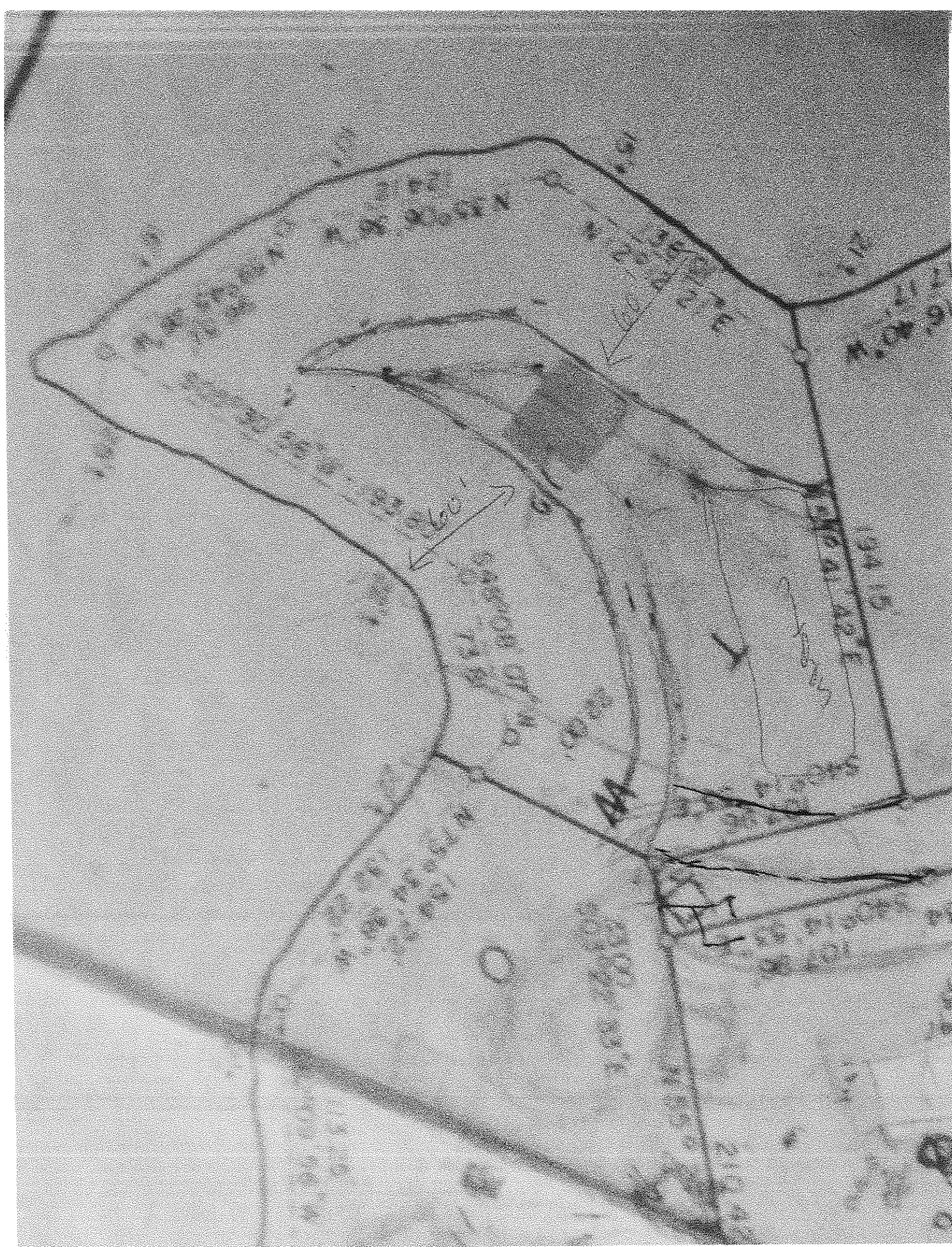
X Nancy Peterson
Printed Name of Landowner or Agent

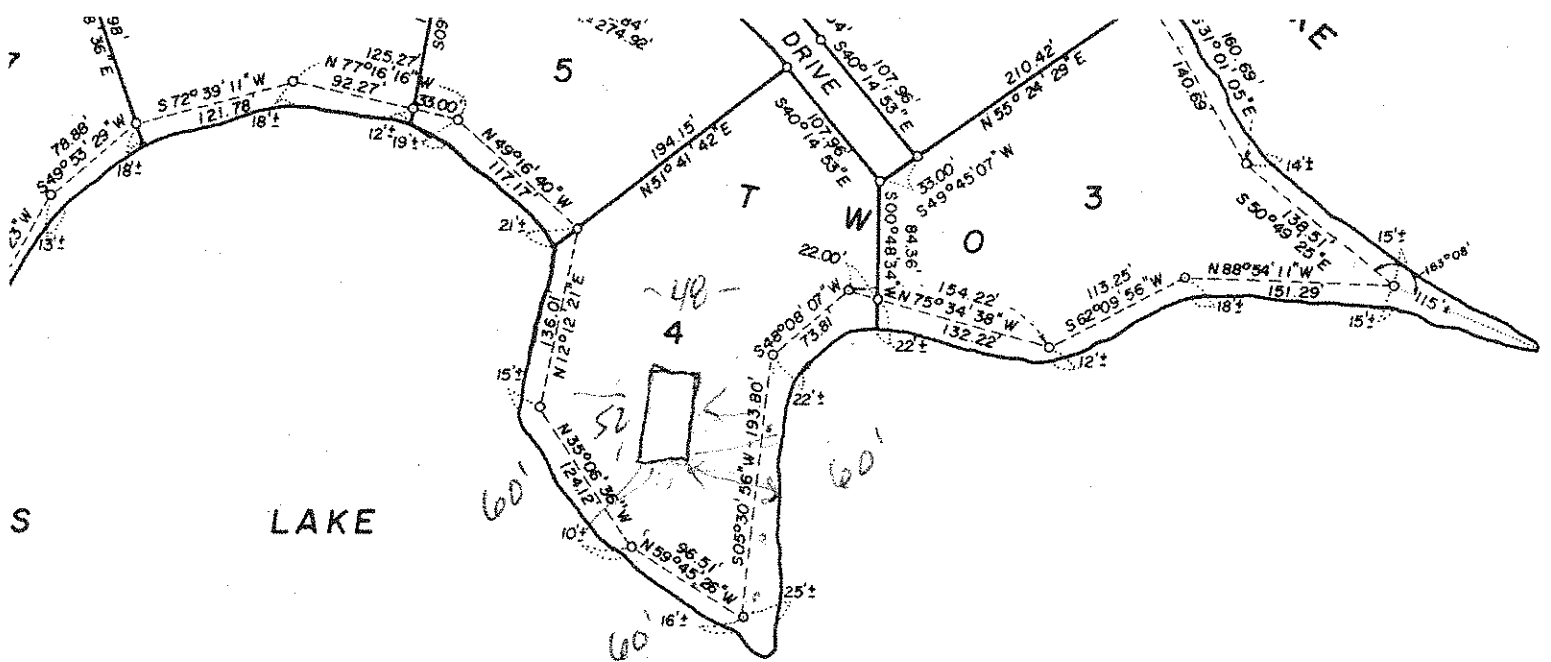
X Don E. Webb Sept 21, 2015
Signature of Landowner or Agent Date

(Office Use)
Date Received 10/8/15 Accepted ☒ Rejected ☐ Date 10/21/15

Hebi Moltzen Supervisor of Inspectors
Zoning Administrator

60 day - 10/20/15





SHEET 1 OF 2 SHE

A detailed site plan required.



Application for Site Permit
Becker County Planning and Zoning
915 Lake Ave, Detroit Lakes, MN 56501
Phone: 218-846-7314 Fax: 218-846-7266
www.co.becker.mn.us

APP	SITE
YEAR	
SCANNED	
Property will be staked by	
Date:	

Please Print or Type All Information

Parcel Number (s)	Property (E911) Address	**911 Address Needed	Legal Description
34.0196.000			

Lake/River Name	Lake/River Class	Township Name	Section	TWP No.	Range
Two Inlets	RD	Two Inlets		14-14-36	

Property Owner	Last Name	First Name	Mailing Address	Phone
Peterson	Peter & Nancy		6006 Erin Ter Edina, MN 55439	
Contractor Name Lic #				

Proposed Project (Check those that apply)

<input checked="" type="checkbox"/> New Dwelling	<input type="checkbox"/> Addition to Dwelling	<input type="checkbox"/> Replacement Dwelling*	<input type="checkbox"/> Mobile/Manfac. Home
<input type="checkbox"/> Attached Garage	<input type="checkbox"/> Detached Garage	<input type="checkbox"/> Storage Structure	<input type="checkbox"/> Addition to Non-dwelling
<input type="checkbox"/> Stairway	<input checked="" type="checkbox"/> Deck	<input type="checkbox"/> Recreational Unit	<input type="checkbox"/> Water Oriented Structure
<input type="checkbox"/> Fence	<input type="checkbox"/> Other	<input type="checkbox"/> Non Conforming Replacement (identify)	

*Existing Dwelling to be removed prior to

Onsite Water Supply () Deep Well () Shallow Well Well Depth

MN Rules Chapter 4725 (MN well code) requires a 3' minimum structure setback to well

Onsite Sewage Treatment System *proposed w/ Backhoe Pete*

Type of System Date of Installation Last Date Certified

Must have current certificate of compliance on septic system prior to issuance of a permit

Lot Information Shoreland ☒ Riparian () Non Riparian Non Shoreland

Lot Area 72,745 sq ft or _____ acres Water Frontage _____ ft Bluff () Yes () No

Impervious coverage refers to anything water cannot pass through. Structures, areas covered by a roof, concrete, asphalt, Class 5, sidewalks, patio pavers, etc. should all be included in this calculation. Decks should be included in this calculation if they have plastic underlayment or impervious surface underneath. Anytime you exceed 15% lot coverage a stormwater management plan and/or mitigation is required. **INCLUDE PROPOSED STRUCTURES IN CALCULATION.**

Please Note: Unless otherwise provided, a minimum of a 12 foot wide driveway from the nearest road right of way to the proposed structure must be included in both your plan and impervious surface calculation.

Impervious Surface	Dimensions	Sq. Footage	Impervious Surface	Dimensions	Sq. Footage
On property			On property		
Ex: Patio	10 x 12	120			
DRIVEWAY	10 x 40	400			
<i>new house</i>		2496			
Total Impervious Material				2896	

Impervious Lot Coverage $\frac{2896}{72745} \times 100 = 4.0\%$

Total Impervious Lot Area Impervious Coverage Percentage

Topographical Alteration/Earth moving

() None (X) 10 cubic yards or less () 11-50 cubic yards () over 50 cubic yards

Project over 50 cubic yards a storm water management plan must be included.

RECEIVED
SEP 21 2015
ZONING

Characteristics of Proposed Dwelling/Dwelling Additions/Attached Garage/Decks		Cost of Project
<input checked="" type="checkbox"/> Dwelling <u>48</u> ft by <u>58</u> ft () Attached Garage _____ ft x _____ ft		\$ <u>250,000</u>
Outside Dimension () Deck/Patio <u>12</u> ft x <u>48</u> ft () Addition to existing _____ ft x _____ ft		
Setback to Side Lot Line <u>30</u> ft & Rear Lot Line _____ ft	Setback to Road Right of Way <u>50(+)</u> ft	
Setback to Bluff _____	Type of road <u>Two-lane</u>	
Setback to Wetland _____	Is wetland protected () Yes () No	
Setback to OHW (straight horizontal distance) <u>60'</u>	Elevation above OHW (Straight vertical distance) _____	
Setback to septic tank <u>15</u>	Setback to drainfield <u>25</u>	
Total No. Bedrooms <u>3</u>	Maximum height proposed <u>30</u> # of Stories <u>2</u>	
Roof Change () Yes () No	Basement () Yes <input checked="" type="checkbox"/> No Walkout Basement () Yes <input checked="" type="checkbox"/> No	

Characteristics of Proposed Non Dwelling/Non Dwelling Additions/Detached Garages/Storage Sheds		Cost of Project
() Garage _____ ft by _____ ft () Storage Shed _____ ft x _____ ft () Fence _____ ft long x _____ high () Other _____ ft x _____ ft		\$ _____
Outside Dimension () Addition to existing structure _____ ft x _____ ft () Fence _____ ft x _____ ft		
Setback to Lot Line _____ ft & Rear Lot Line _____ ft	Setback to Road Right of Way _____ ft	
Setback to Bluff _____	Type of road _____	
Setback to Wetland _____	Is wetland protected () Yes () No	
Setback to OHW (straight horizontal distance) _____	Elevation above OHW (Straight vertical distance) _____	
Setback to septic tank _____	Setback to drainfield _____	
Roof Change () Yes () No	Maximum height proposed _____ # of Stories _____	
Bathroom proposed () Yes () No	Sleeping Quarters proposed () Yes () No	
*Garages and storage sheds cannot contain amenities for independent human habitation		

Characteristics of Proposed Water Oriented Structure*	Cost of Project \$
() Stairway () Deck () Boathouse () Screen Porch () Gazebo () Storage Structure	
Outside Dimension _____ ft by _____ ft	Sq ft _____
Setback to Lot Line _____ ft & _____ ft	Setback to Bluff _____
Setback to OHW (straight horizontal distance) _____	Elevation above OHW (Straight vertical distance) _____
Setback to septic tank _____	Setback to drainfield _____
Maximum height proposed _____	
*Sleeping facilities or water supplies are not permitted in these structures	

THIS IS A SITE PERMIT ONLY AND DOES NOT CONSTITUTE A BUILDING PERMIT
AS SET FORTH IN MN STATE STATUTES.

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge. I also understand that, once issued, a permit is valid for a period of one (1) year from the date of issuance. If my property is located within the shoreland district, I understand that it is my responsibility to inform the Planning & Zoning Office once the building footings have been constructed. A Site Permit may be revoked at any time upon violation of said Ordinances and approved setbacks. Any changes to this site permit results in nullification of this permit and a new permit will have to be obtained.

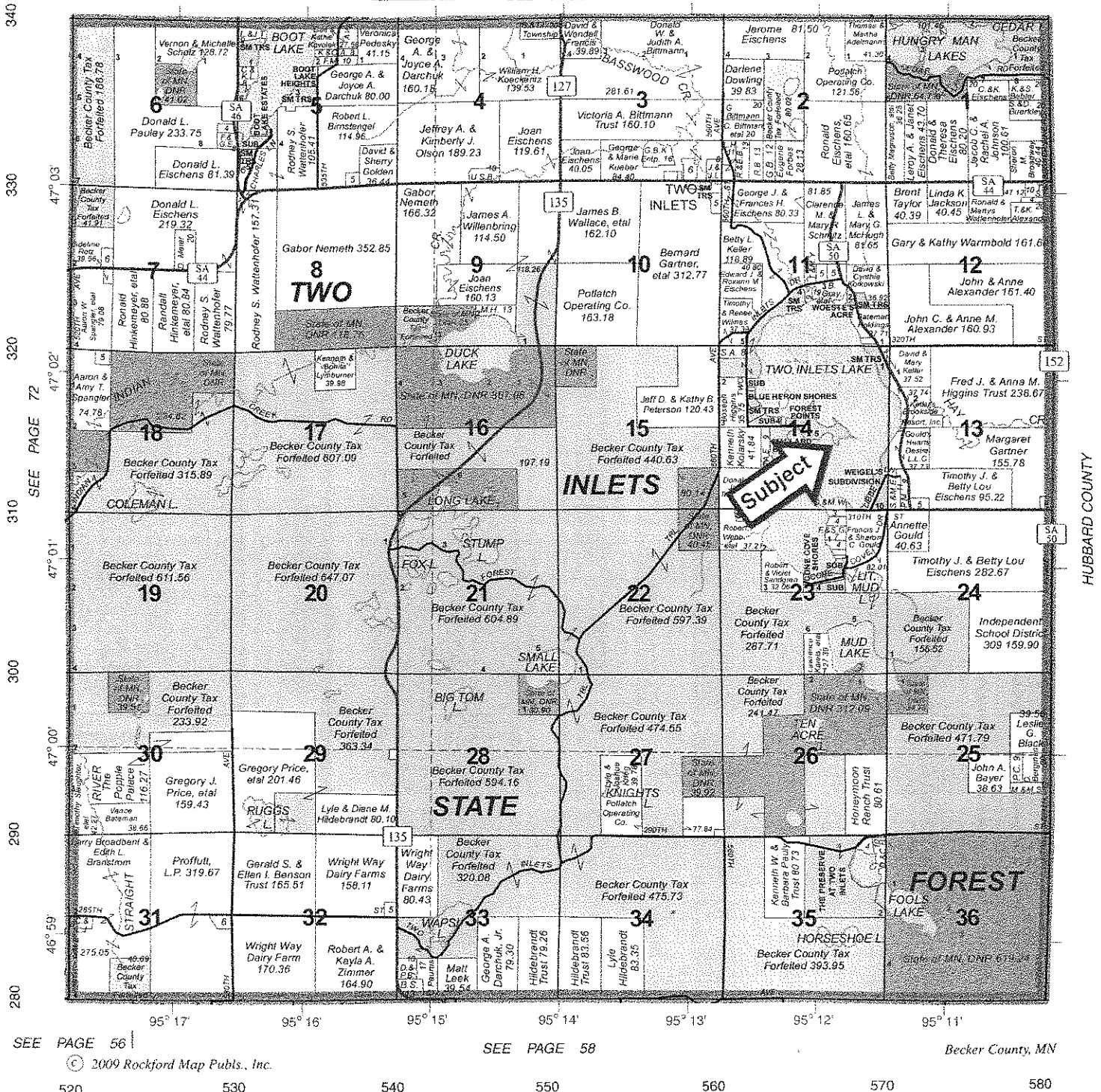
Signature

Date

TWO INLETS

T.141N.-R.36W.

SEE PAGE 50

**We Make:**

- Wood Flooring
- Log Siding
- Lap Siding
- V-Groove

We Sell:

- Lumber • Doors
- Windows • Trusses

TWO INLETS MILL & BUILDING SUPPLY

11 Miles North of Park Rapids on 71 • 3 1/2 Miles West to Two Inlets

FREE ESTIMATES

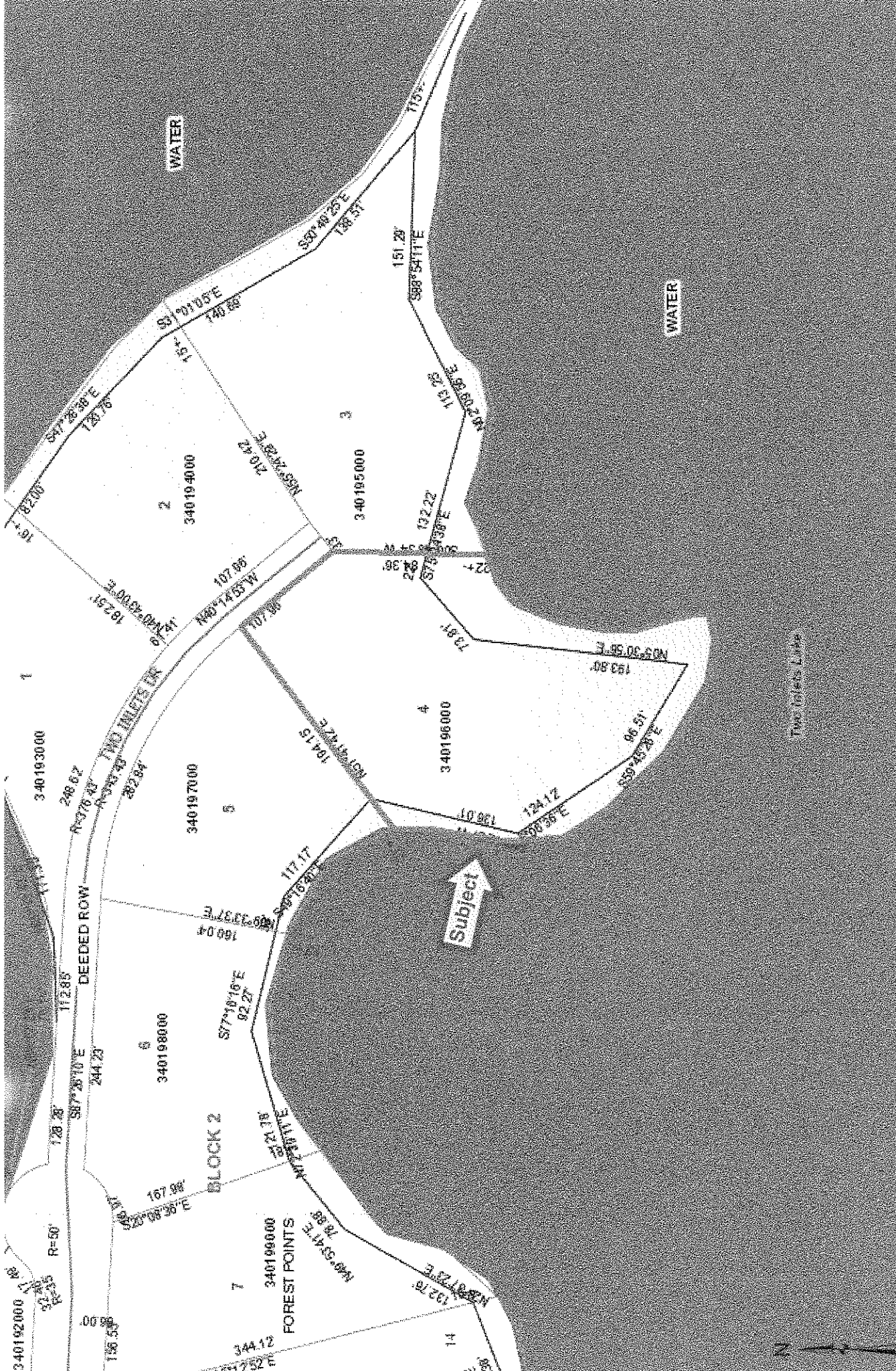
732-7229

1-800-210-7229

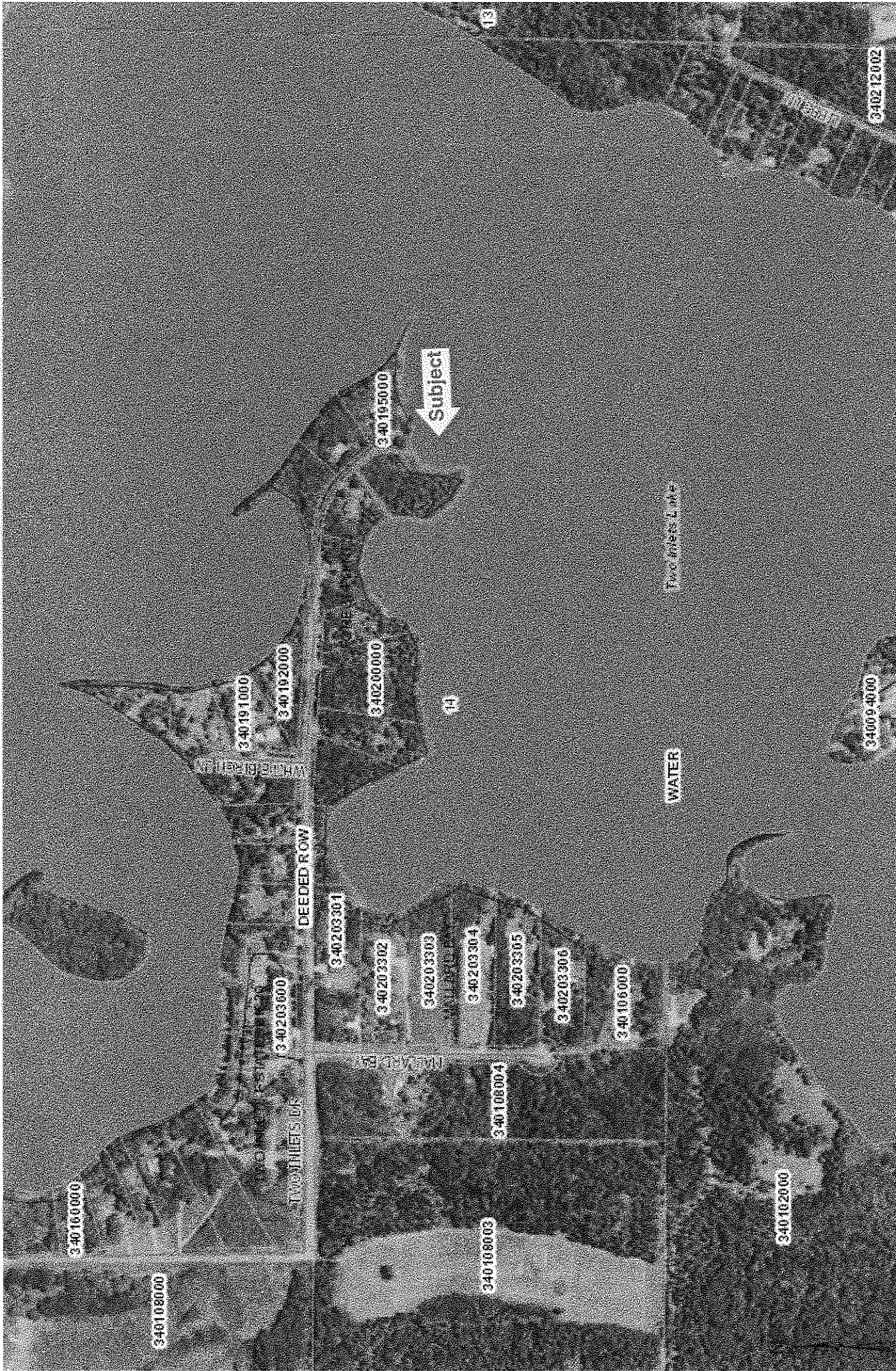
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<p>These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.</p>	<p>1:1,390</p>
<p>Date: 10/23/2015</p>	<p>This map is not a substitute for appropriate field surveys or for location actual remarks lines and any adjacent features.</p>



<p>These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.</p>		<p>Becker County</p> 
<p>1:5,792</p>	<p>Date: 10/23/2015</p>	<p>This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.</p>



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501
Phone: 218-846-7314 ~ Fax: 218-846-7266

BOARD OF ADJUSTMENT NOTICE OF PUBLIC HEARING

****HEARING DATE AND LOCATION****

Thursday, November 12, 2015 @ 7:00 P.M.
Commissioner's Room-Becker County Courthouse
Detroit Lakes, MN. 56501

APPLICANT: Bruce and Ann Kindseth
2114 4th St NE
Jamestown, ND 58401

Project Location: 38743 S Elbow Lake Road

APPLICATION AND DESCRIPTION OF PROJECT:

Request a Variance to construct a dwelling fifty-two (52) feet from the ordinary high water mark of the lake.

LEGAL LAND DESCRIPTION: Tax ID number: 090060000 Elbow Lake
LOT 1 Less Plats; Section 12, TWP 142, Range 39, Eagle View Township.

Replies/Comments: Interested parties are invited to submit to the Becker County Department of Planning, Zoning, and Land Use, written facts, arguments or objectives before the scheduled date of the Hearing. These statements should bear upon the suitability of the location and the adequacy of the Project and should suggest any appropriate changes believed to be desirable. Replies may be addressed to:

PLANNING AND ZONING DEPARTMENT
915 Lake Avenue
Detroit Lakes, MN. 56501

FAX Number 218-846-7266
EMAIL: zoning@co.becker.mn.us

If you have questions about the Project, feel free to call 218-846-7314.

Jurisdiction: This Project comes under the Regulatory Jurisdiction of the Becker County Zoning Laws.

Regulatory Authority: This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance. The decision whether to issue a Permit will be based on an evaluation of the probable impact including cumulative impacts, of the proposed activity. That decision will reflect the concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, will be considered including the cumulative effects: Land Use, Shoreline Protection, Water Supply and Conservation, Safety, Economics, in General, the Needs and Welfare of the People.

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BECKER COUNTY PLANNING & ZONING

915 LAKE AVENUE, DETROIT LAKES, MN 56501

PHONE (218) 846-7314 - FAX (218) 846-7266

VARIANCE APPLICATION

PARCEL	09.0060.00
APP	Variance
YEAR	2015
SCANNED	

PROPERTY OWNER INFORMATION (as it appears on tax statement, purchase agreement or deed)

First name(s) BRUCE & ANN Last Name KINDSETH
Mailing Address 2114 4th ST NE City, State, Zip JAMESTOWN, ND 58401
Phone Number 701-952-2235 Project Address: 38743 S ELBOW LAKE RD
WAUBUN, MN 56589
Parcel number(s) of property: 09.0060.00 Sect - Twp - Range: 12-142-039
Township Name: EAGLE VIEW Legal Description: TAX ID# 09.0060.00; BIG ELBOW
LAKE 34.52 ACRES, SECTION 12-TOWNSHIP 142, Range 039, Lot 1 Ex PLATS, EAGLE VIEW TOWNSHIP.

Why is the variance being requested? What is the practical difficulty? (Mark all sections that apply)

☒ Setback Issues ☐ Lot size not in compliance with minimum standards
☐ Alteration to non-conforming structure ☐ Topographical Issues (hills, slopes, bluffs, wetlands)
☐ Other (explain) _____

Which setbacks will you be deviating from (minimum distance required for the variance)?

Setback must include decks and patios, current and proposed.

☒ Ordinary High Water Mark (OHWM) Proposed Distance (setback) ~52 feet
☐ Lot Line Proposed Distance (setback) _____ feet
☐ Road Right of Way (ROW) Proposed Distance (setback) _____ feet
Type of Road [] Township [] County [] State
☐ Crest of bluff Proposed Distance (setback) _____ feet
☐ Impervious Surface Coverage Proposed Impervious Lot Coverage _____ sq ft
_____ %

Please provide a brief description detailing the above variance request:

PLEASE SEE ATTACHMENT #1 AS WELL AS REFERENCES TO
ATTACHMENT #2 AND ATTACHMENT #3.

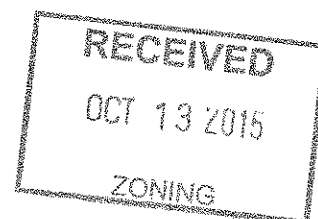
Was the lot recorded prior to 1971? ☒ Yes ☐ No

Was the lot recorded between 1971 & 1992? ☐ Yes ☒ No

Was the lot recorded after 1992? ☐ Yes ☒ No

Will this be a new lot split? ☐ Yes ☒ No

(CONTINUED ON BACK OF PAGE)



What is the current square footage of the structure? 16x32 = 512 Sq Ft

PARCEL	09,0060.00
APP	Variance
YEAR	2015

What is the proposed addition square footage? NEW @ 32x60 = 1920 Sq Ft (EXAMPLE)

What is the current height of the structure? SINGLE STORY ~ 14 FT (SEE ATT #2)

What is the proposed height of the structure? ~ 16 ft if SINGLE STORY

Is there a basement to the structure? 16x32 CABIN HAS FULL BASEMENT (WALKOUT)

Will the proposed addition have a basement? NEW WILL HAVE FULL BASEMENT & WALKOUT

Will the roofline of the existing structure be changed? NOT APPLICABLE

Will the main structural framework of the structure be altered? NOT APPLICABLE

What is the current percentage of lot coverage? SMALL WHEN CONSIDERING 34.52 ACRE LOT

What is the proposed percentage of lot coverage? SMALL WHEN CONSIDERING 34.52 ACRE LOT

Explanation of request if not covered in Sections above

OTHER INFORMATION NEEDED TO COMPLETE THE APPLICATION:

1. A copy of the deed from the Recorder's Office;
2. Completed Site Application with sketch showing all setbacks, platted or surveyed dimensions of the lot and all existing and proposed buildings;
3. Non-refundable filing fee of \$326.00. **Make check payable to Becker County Zoning.**
4. Is the variance request after the fact? [] Yes [X] No
If yes, after the fact application fee is an additional \$600.00.

The information provided for this document is truthful and accurate to the best of my knowledge. I understand that this statement is null and void if any of the above information is not supplied or is inaccurate.

BRUCE KINDSETH ANN KINDSETH

Printed Name of Landowner or Agent

Bruce Kindseth Ann Kindseth OCT 8, 2015
Signature of Landowner or Agent Date

(Office Use)

Date Received 11/13/15 Accepted [X] Rejected [] Date 11/21/15

Heki Moltz Supervisor of Inspectors
Zoning Administrator

60 day 12/20/15

Attachment #1 to Kindseth variance request.

Request a variance to construct a new & larger permanent retirement home in approximately the same location as the existing 16 by 32 cabin on the west side of the Golden Rule addition. The existing 16 by 32 cabin as shown in attachment# 2 has a full walkout basement and is located approximately 50 feet from the lake shore as shown in attachment# 3. The new and larger home will require the removal of the existing 16X32 cabin and it's attached deck and stairs. The new home will not infringe on the Shore Impact Zone but due to the site difficulties will have some of the structure around 52 feet from lake shore.

The site location is restricted on the North side by the location of the septic tank and on the southeast by an easement for a private road "one rod" wide which provides egress and ingress to the cabin adjacent to and south of the existing 16X32 cabin. On the southeast side of the road there is an existing septic system drain field. A buffer from the private road to the new home structure is planned to be approximately 25 feet from the center of the road. The proposed location for the new home deviates from the structures to be located behind the established string line on a standard sized parcel.

The other cabin (the former resort) that is currently on parcel 09.0060.00 is used by us for seasonal use and is located away from the lake and is on a township road and not visible from the lake. It is being requested to have that cabin remain in it's current configuration to allow it to be used for occasional guests or as a "guest cabin" even though it exceeds the 700 square feet maximum requirement for a guest cabin. The 26X38 foot cabin is located on a portion of the 34.52 acres property and is outside of the area of interest for the new lakeside home. As an alternate, the cabin could be made into only "sleeping quarters" but due to the distance between 26X38cabin and new lake home it is not reasonable to expect any guests with small children to have to come to the new lake home for heating of bottles of milk or other snacks, etc.

ATTACHMENT # 3
Google PROPERTY ID# 09.0060.00



KINDSETH VARIANCE

Daktel <kindseba@daktel.com>
To: kindseba@daktel.com
Picture

October 7, 2015 3:22 PM

ATTACHMENT #2
PROPERTY ID #09.0060.00

1 Attachment, 192 KB



Sent from my iPhone

"KINDSETH VARIANCE"

EXISTING 16 X 32 CABIN
WITH ATTACHED DECK
AND STAIRS.

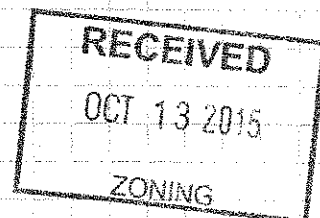
OCT 9, 2015

TWO SITE APPLICATIONS ARE
BEING PROVIDED SINCE THE
FINAL SIZE ETC. HAS NOT
BEEN DETERMINED. BOTH OPTIONS
ARE AT LEAST 52 ft from the
LAKE SHORE STAYING OUT OF
THE "SHORE IMPACT ZONE" AND
BOTH ARE APPROXIMATELY 16 ft
FROM THE RIGHT OF WAY OF THE
1 ROD WIDE PRIVATE ROAD.

THANKS FOR YOUR ATTENTION
IN THIS MANNER.

Sincerely,

Bruce [Signature]





Application for Site Permit (OPTION #1)
Becker County Planning and Zoning
915 Lake Ave, Detroit Lakes, MN 56501
Phone: 218-846-7314 Fax: 218-846-7266
www.co.becker.mn.us

PARCEL	09.0060.00
APP	SITE
YEAR	2015
SCANNED	
Property will be staked by	
Date:	

Please Print or Type All Information

Parcel Number (s)	Property (E911) Address	**911 Address Needed	Legal Description
09.0060.000	38743 S. ELBOW LAKE RD, WAUBUN MINN	56589	Lot 1 EX PLATS

Lake/River Name	Lake/River Class	Township Name	Section	TWP No.	Range
ELBOW LAKE	RD	EAGLEVIEW	12	142	039

Property Owner	Last Name	First Name	Mailing Address	Phone
KINDSETH, BRUCE & ANN			2114 4TH ST NE JAMESTOWN, ND 58401	701-952-2235
Contractor Name Lic #				

Proposed Project (Check those that apply)

<input checked="" type="checkbox"/> New Dwelling	<input type="checkbox"/> Addition to Dwelling	<input checked="" type="checkbox"/> Replacement Dwelling*	<input checked="" type="checkbox"/> Mobile/Manfac. Home
<input type="checkbox"/> Attached Garage	<input type="checkbox"/> Detached Garage	<input type="checkbox"/> Storage Structure	<input type="checkbox"/> Addition to Non-dwelling
<input type="checkbox"/> Stairway	<input type="checkbox"/> Deck	<input type="checkbox"/> Recreational Unit	<input type="checkbox"/> Water Oriented Structure
<input type="checkbox"/> Fence	<input type="checkbox"/> Other	<input type="checkbox"/> Non Conforming Replacement (identify) _____	

*Existing Dwelling to be removed prior to BEGINNING EXCAVATION.

Onsite Water Supply () Deep Well () Shallow Well Well Depth _____
MN Rules Chapter 4725 (MN well code) requires a 3' minimum structure setback to well
WELL IS NOT CURRENTLY IN PLACE

Onsite Sewage Treatment System
Type of System SEPTIC TANK WITH DRAINFIELD Date of Installation 1997 Last Date Certified _____
Must have current certificate of compliance on septic system prior to issuance of a permit

Lot Information Shoreland ☒ () Riparian () Non Riparian Non Shoreland _____

Lot Area _____ sq ft or 34.52 acres Water Frontage 250 ft Bluff () Yes (X) No
Impervious coverage refers to anything water cannot pass through. Structures, areas covered by a roof, concrete, asphalt, Class 5, sidewalks, patio pavers, etc. should all be included in this calculation. Decks should be included in this calculation if they have plastic underlayment or impervious surface underneath. Anytime you exceed 15% lot coverage a stormwater management plan and/or mitigation is required. **INCLUDE PROPOSED STRUCTURES IN CALCULATION.**

Please Note: Unless otherwise provided, a minimum of a 12 foot wide driveway from the nearest road right of way to the proposed structure must be included in both your plan and impervious surface calculation.

Impervious Surface	Dimensions	Sq. Footage	Impervious Surface	Dimensions	Sq. Footage
On property			On property		
Ex: Patio	10 x 12	120			
DRIVEWAY	12 x 40	480	PRIVATE ROAD	16 x 200	3200
Home	32 x 60	1920			
Deck/Patio	10 x 12	120			
			Total Impervious Material <u>OVER 5700</u>		

*SEE ATTACHMENT #1 (EXAMPLE)

Impervious Lot Coverage $\frac{5700}{34.52 \text{ ACRES}} \times 100 = \text{SMALL}$ %
Total Impervious Lot Area Impervious Coverage Percentage

Topographical Alteration/Earth moving

() None () 10 cubic yards or less (X) 11- 50 cubic yards () over 50 cubic yards
Project over 50 cubic yards a storm water management plan must be included. LOT IS SLOPED IN TWO DIRECTIONS

RECEIVED
OCT 13 2015

ZONING

Characteristics of Proposed Dwelling/Dwelling Additions/Attached Garage/Decks**Cost of Project**

☒ Dwelling 32 ft by 60 ft * ☐ Attached Garage _____ ft x _____ ft

\$ 250,000

* See ATTACHMENT #1 (EXAMPLE BEING CONSIDERED).

Outside Dimension ☒ Deck/Patio 10 ft x 12 ft ☐ Addition to existing _____ ft x _____ ft

Setback to Side Lot Line 38 ft & Rear Lot Line 100 ft

Setback to Road Right of Way ~16 ft

Setback to Bluff N/A

Type of road PRIVATE

Setback to Wetland N/A

Is wetland protected ☒ Yes ☐ No

Setback to OHW (straight horizontal distance) 52

Elevation above OHW (Straight vertical distance) ~6 to 8 ft

Setback to septic tank 10 ft

Setback to drainfield 600

Total No. Bedrooms 3

Maximum height proposed 16 # of Stories 1

Roof Change ☐ Yes ☒ No NOT APPLICABLE (NEW) Basement ☒ Yes ☐ No Walkout Basement ☒ Yes ☐ No

Characteristics of Proposed Non Dwelling/Non Dwelling Additions/Detached Garages/Storage Sheds

☐ Garage _____ ft by _____ ft ☐ Storage Shed _____ ft x _____ ft ☐ Fence _____ ft long x _____ high ☐ Other _____ ft x _____ ft

Outside Dimension ☐ Addition to existing structure _____ ft x _____ ft ☐ Fence _____ ft x _____ ft

Cost of Project

Setback to Lot Line _____ ft & Rear Lot Line _____ ft

Setback to Road Right of Way _____ ft

\$ _____

Setback to Bluff _____

Type of road _____

Setback to Wetland _____

Is wetland protected ☐ Yes ☐ No

Setback to OHW (straight horizontal distance) _____

Elevation above OHW (Straight vertical distance) _____

Setback to septic tank _____

Setback to drainfield _____

Roof Change ☐ Yes ☐ No

Maximum height proposed _____ # of Stories _____

Bathroom proposed ☐ Yes ☐ No

Sleeping Quarters proposed ☐ Yes ☐ No

*Garages and storage sheds cannot contain amenities for independent human habitation

Characteristics of Proposed Water Oriented Structure***Cost of Project \$** _____

☐ Stairway ☐ Deck ☐ Boathouse ☐ Screen Porch ☐ Gazebo ☐ Storage Structure

Outside Dimension _____ ft by _____ ft

Sq ft _____

Setback to Lot Line _____ ft & _____ ft

Setback to Bluff _____

Setback to OHW (straight horizontal distance) _____

Elevation above OHW (Straight vertical distance) _____

Setback to septic tank _____

Setback to drainfield _____

Maximum height proposed _____

*Sleeping facilities or water supplies are not permitted in these structures

THIS IS A SITE PERMIT ONLY AND DOES NOT CONSTITUTE A BUILDING PERMIT

AS SET FORTH IN MN STATE STATUTES.

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge. I also understand that, once issued, a permit is valid for a period of one (1) year from the date of issuance. If my property is located within the shoreland district, I understand that it is my responsibility to inform the Planning & Zoning Office once the building footings have been constructed. A Site Permit may be revoked at any time upon violation of said Ordinances and approved setbacks. Any changes to this site permit results in nullification of this permit and a new permit will have to be obtained.

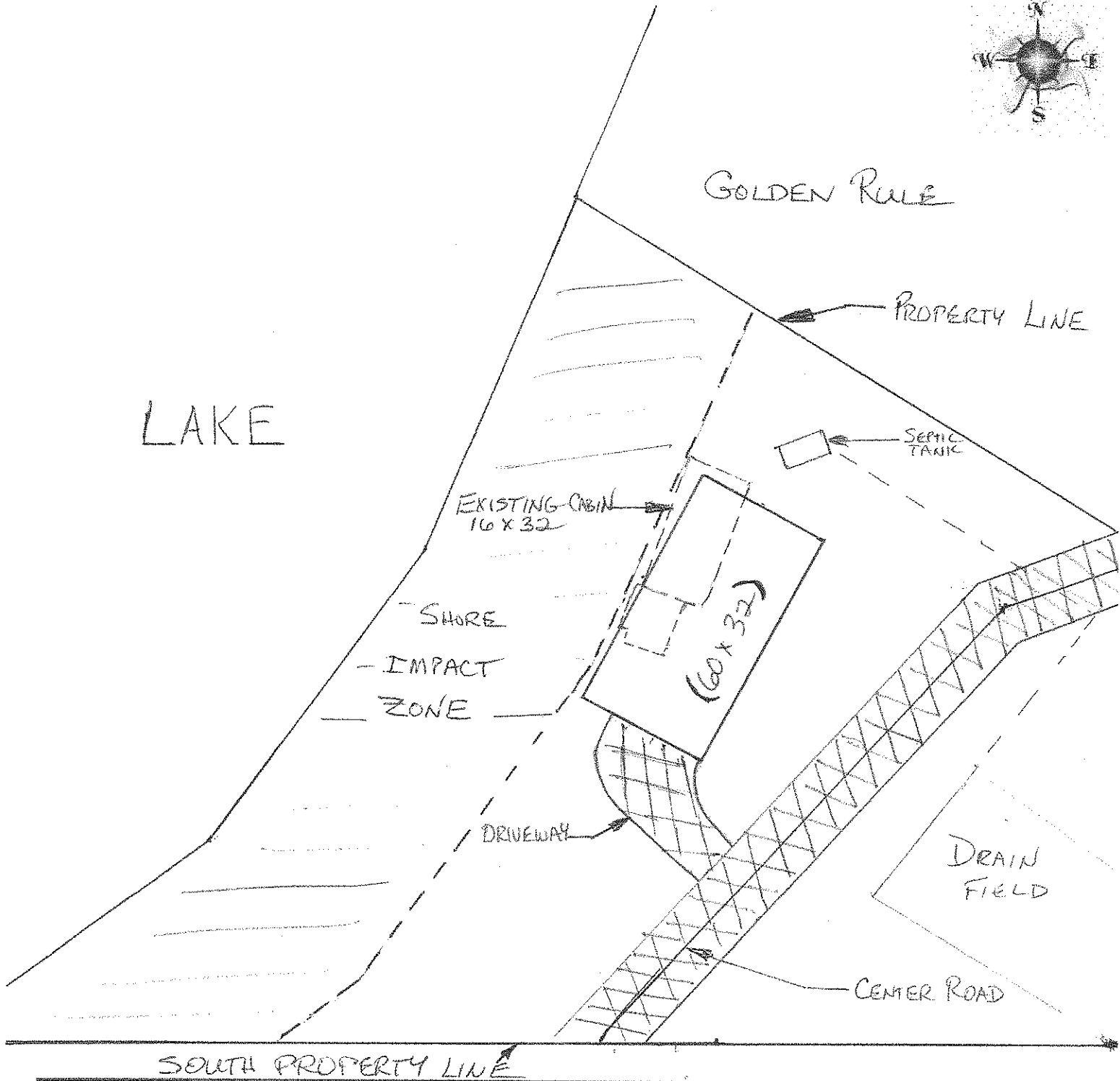
Bruce [Signature] 10/9/2015
Signature Date

SKETCH OF PROPERTY

OPTION #1 (32x60 HOME)

PARCEL	09.0060.00
APP	SITE
YEAR	2015

1. Please sketch all impervious coverage on your property; include dimensions.
2. Sketch roadways adjacent to property - **Include driveway location.**
3. If you will be exceeding 15% impervious surface coverage, include a copy of your stormwater management plan. This applies to ANY lot that exceeds 15% coverage.
4. If proposed project is a detached garage/storage shed that *will exceed 1 story*, include detailed design.



Remember EROSION CONTROL!

Please use best management practices and/or silt fence to control erosion on all projects.



Fosston, MN
218-435-1828

www.homarkhomes.net
kelly@homarkhomes.net

ATTACHMENT #1 OF KINDSETH SITE PERMIT
HOMARK HOMES (Oct 2015)



Royal American Mod 976P w/ Porch

Approx. 1800 Sq Ft 60x32

3 Bedroom, 2 Bath, Front Kitchen/DR/LR

Optional Features in this Home

Log Siding w/ Brown Soffit, Fascia

Special Floor Plan

16" Added to the home

8' Sidewall, 5/12 Hinged Roof

Stairwell Ready

Green Exterior Doors

6-Panel Door w/ 1 Lite & Internal Blind (front)

Brown Full View Storm Door

Vinyl Patio Door-Porch w/ 2 Bronze Porch Light

Brown Hayfield Windows—

-Dbl Pane/Argon/Foam Filled

Trane Gas Furnace

50 Gal Electric water Heater

Deluxe Electric Range -Black

23' SxS Fridge w/ Ice & Water -Black

Upgrade Dishwasher-Black

Spacesaver Microwave-Black

Black Undermount Sink

Plumb for softener

Special Kitchen Layout

-2 Level Peninsula/Glass Pantry Door

Rustic Hickory Cabinets T/O

-Soft Close Drawer Guides

1 Roll Out Tray, Pot and Pan Drawer

Automatic Light Switch in Pantry

Optional Master Bath:

Linen Closet IPO Corner Tub, 48" Shower/
bronze shower door, raised vanity, one
piece marble sink top, beveled mirror, can
light over shower.

Optional Door to utility

Bullnose Corners Wallspray on Ceiling

High Resolution Countertop-Kitchen

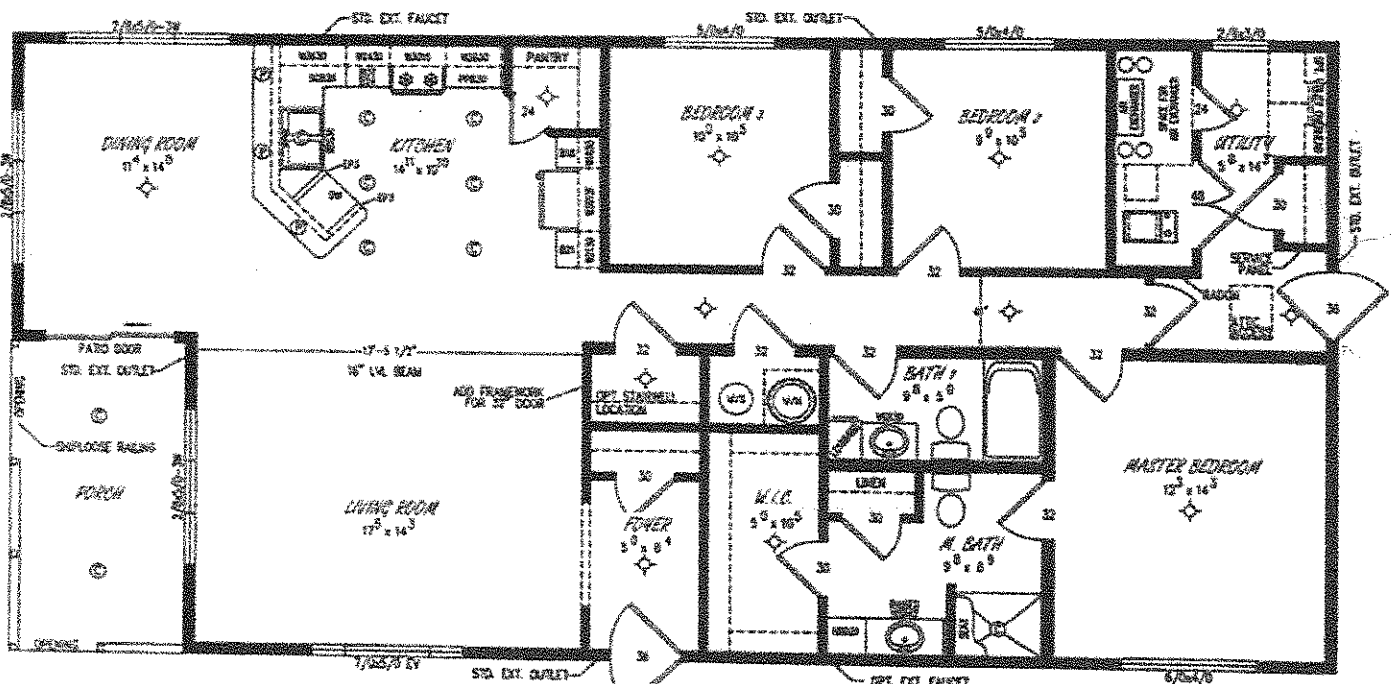
Profile Pine Trim T/O,

Pine Window Jambs/Sills

6-Panel Knotty Pine Interior Doors

Upgrade Carpet & Linoleum-T/O

4) TV Jacks, 3) Phone Jacks



www.homarkhomes.net



Application for Site Permit (OPTION #2)
Becker County Planning and Zoning
915 Lake Ave, Detroit Lakes, MN 56501
Phone: 218-846-7314 Fax: 218-846-7266
www.co.becker.mn.us

PARCEL	09.0060.00
APP	SITE
YEAR	2015
SCANNED	
Property will be staked by	
Date:	

Please Print or Type All Information

Parcel Number (s)	Property (E911) Address	**911 Address Needed	Legal Description
09.0060.00	38743 S. ELBOW LAKE RD, WAUBUN MN	56589	LOT 1 EX PLATS

Lake/River Name	Lake/River Class	Township Name	Section	TWP No.	Range
ELBOW LAKE	RD	EAGLE VIEW	12	142	039

Property Owner	Last Name	First Name	Mailing Address	Phone
KINDSETH	BRUCE	ANNE	2114 4TH ST NE JAMESTOWN, ND 58401	701-952-2235
Contractor Name Lic #	TBD			

Proposed Project (Check those that apply)

<input checked="" type="checkbox"/> New Dwelling	<input type="checkbox"/> Addition to Dwelling	<input checked="" type="checkbox"/> Replacement Dwelling*	<input type="checkbox"/> Mobile/Manfac. Home
<input type="checkbox"/> Attached Garage	<input type="checkbox"/> Detached Garage	<input type="checkbox"/> Storage Structure	<input type="checkbox"/> Addition to Non-dwelling
<input type="checkbox"/> Stairway	<input type="checkbox"/> Deck	<input type="checkbox"/> Recreational Unit	<input type="checkbox"/> Water Oriented Structure
<input type="checkbox"/> Fence	<input type="checkbox"/> Other	<input type="checkbox"/> Non Conforming Replacement (identify) _____	

*Existing Dwelling to be removed prior to: BEGINNING EXCAVATION

Onsite Water Supply () Deep Well () Shallow Well Well Depth _____
MN Rules Chapter 4725 (MN well code) requires a 3' minimum structure setback to well
NO CURRENT WELL

Onsite Sewage Treatment System
Type of System SEPTIC TANK & DRAIN FIELD Date of Installation 1997 Last Date Certified _____
Must have current certificate of compliance on septic system prior to issuance of a permit

Lot Information Shoreland ☒ () Riparian (X) Non Riparian Non Shoreland _____

Lot Area _____ sq ft or 34.52 acres Water Frontage 250 ft Bluff () Yes (X) No

Impervious coverage refers to anything water cannot pass through. Structures, areas covered by a roof, concrete, asphalt, Class 5, sidewalks, patio pavers, etc. should all be included in this calculation. Decks should be included in this calculation if they have plastic underlayment or impervious surface underneath. Anytime you exceed 15% lot coverage a stormwater management plan and/or mitigation is required. **INCLUDE PROPOSED STRUCTURES IN CALCULATION.**

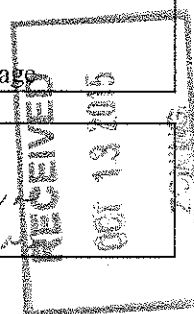
Please Note: Unless otherwise provided, a minimum of a 12 foot wide driveway from the nearest road right of way to the proposed structure must be included in both your plan and impervious surface calculation.

Impervious Surface	Dimensions	Sq. Footage	Impervious Surface	Dimensions	Sq. Footage
On property			On property		
Ex: Patio	10 x 12	120			
DRIVEWAY	12 x 40	480	PRIVATE ROAD	16 x 200	3200
Home	33 x 48	1584			
POULCH	7 x 46	322			
		336			
Total Impervious Material				OVER 5000	

Impervious Lot Coverage OVER 5000 ÷ 34.52 ACRES = _____ x 100 = SMALL %
Total Impervious Lot Area Impervious Coverage Percentage

Topographical Alteration/Earth moving

() None () 10 cubic yards or less (X) 11- 50 cubic yards () over 50 cubic yards LOT IS SLOPED IN TWO DIRECTIONS
Project over 50 cubic yards a storm water management plan must be included.



OPTION #2 KINDSETH

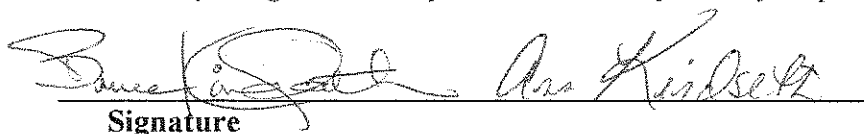
Characteristics of Proposed Dwelling/Dwelling Additions/Attached Garage/Decks		Cost of Project
(X) Dwelling <u>28</u> ft by <u>48</u> ft * () Attached Garage _____ ft x _____ ft		\$ <u>250,000 to 275K</u>
* See ATTACHMENT #1 FOR ADDITIONAL INFO FOR CONSIDERATION.		
Outside Dimension (X) Deck/Patio <u>7</u> ft x <u>66</u> ft () Addition to existing _____ ft x _____ ft		
Setback to Side Lot Line <u>40</u> ft & Rear Lot Line <u>100</u> ft	Setback to Road Right of Way <u>16</u> ft	
Setback to Bluff <u>N/A</u>	Type of road <u>GRAVEL PRIVATE RD (1) RD WIDE</u>	
Setback to Wetland <u>N/A</u>	Is wetland protected () Yes () No <u>N/A</u>	
Setback to OHW (straight horizontal distance) <u>52+</u>	Elevation above OHW (Straight vertical distance) <u>~6 to 8 ft</u>	
Setback to septic tank <u>10 ft</u>	Setback to drainfield <u>~60 ft</u>	
Total No. Bedrooms <u>3</u>	Maximum height proposed <u>~25 ft</u> # of Stories <u>1 1/2</u>	
Roof Change (X) Yes () No	Basement (X) Yes () No Walkout Basement (X) Yes () No	

Characteristics of Proposed Non Dwelling/Non Dwelling Additions/Detached Garages/Storage Sheds		Cost of Project
() Garage _____ ft by _____ ft () Storage Shed _____ ft x _____ ft () Fence _____ ft long x _____ high () Other _____ ft x _____ ft		\$ _____
Outside Dimension () Addition to existing structure _____ ft x _____ ft () Fence _____ ft x _____ ft		
Setback to Lot Line _____ ft & Rear Lot Line _____ ft	Setback to Road Right of Way _____ ft	
Setback to Bluff _____	Type of road _____	
Setback to Wetland _____	Is wetland protected () Yes () No	
Setback to OHW (straight horizontal distance) _____	Elevation above OHW (Straight vertical distance) _____	
Setback to septic tank _____	Setback to drainfield _____	
Roof Change () Yes () No	Maximum height proposed _____ # of Stories _____	
Bathroom proposed () Yes () No	Sleeping Quarters proposed () Yes () No	
*Garages and storage sheds cannot contain amenities for independent human habitation		

Characteristics of Proposed Water Oriented Structure*	Cost of Project \$
() Stairway () Deck () Boathouse () Screen Porch () Gazebo () Storage Structure	_____
Outside Dimension _____ ft by _____ ft	
Setback to Lot Line _____ ft & _____ ft	Sq ft _____
Setback to OHW (straight horizontal distance) _____	Setback to Bluff _____
Setback to septic tank _____	Elevation above OHW (Straight vertical distance) _____
Maximum height proposed _____	Setback to drainfield _____
*Sleeping facilities or water supplies are not permitted in these structures	

THIS IS A SITE PERMIT ONLY AND DOES NOT CONSTITUTE A BUILDING PERMIT
AS SET FORTH IN MN STATE STATUTES.

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge. I also understand that, once issued, a permit is valid for a period of one (1) year from the date of issuance. If my property is located within the shoreland district, I understand that it is my responsibility to inform the Planning & Zoning Office once the building footings have been constructed. A Site Permit may be revoked at any time upon violation of said Ordinances and approved setbacks. Any changes to this site permit results in nullification of this permit and a new permit will have to be obtained.


Signature

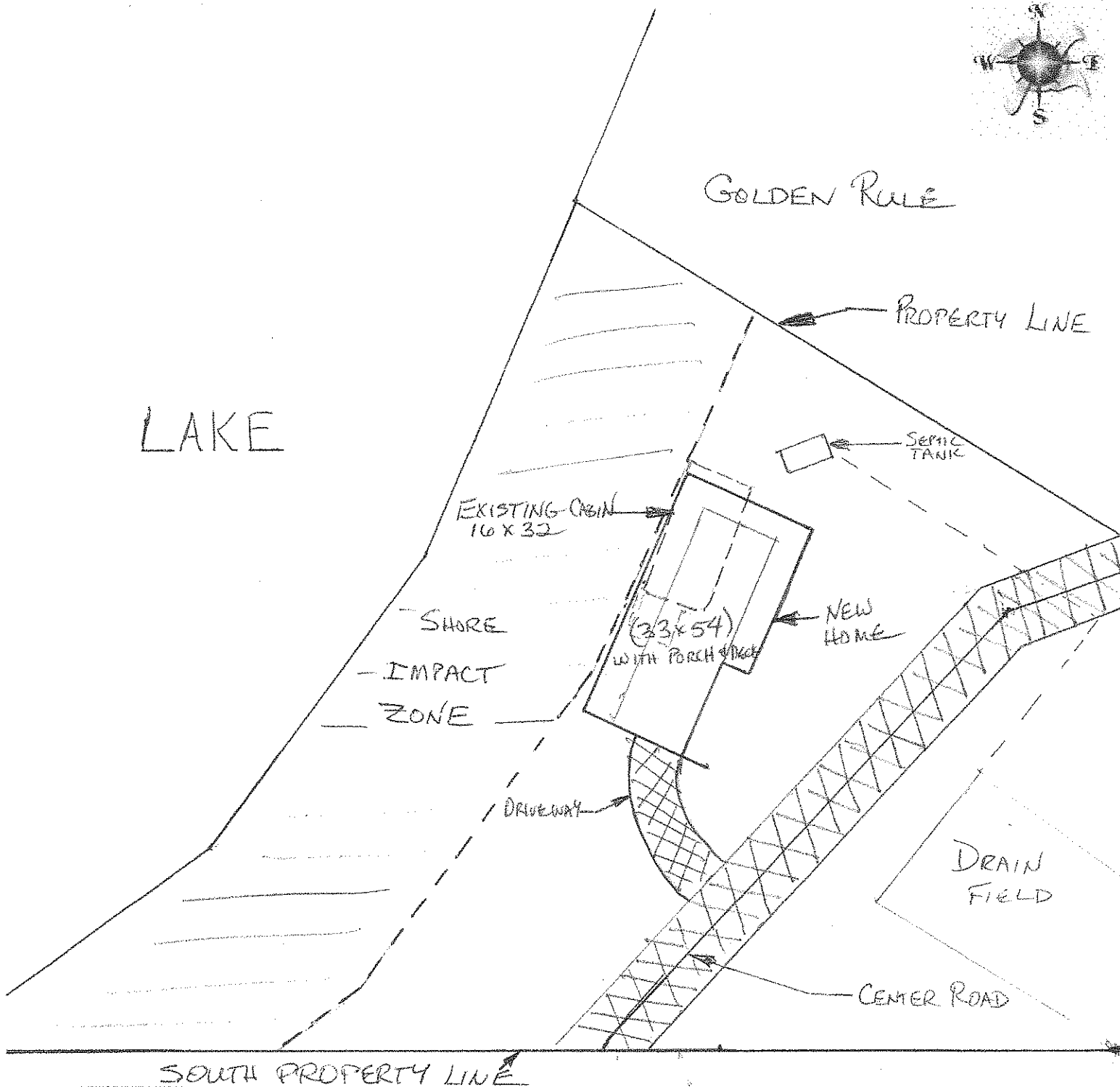
10/9/2015
Date

SKETCH OF PROPERTY

OPTION #2 (48x28 Home)

PARCEL	09.0060.00
APP	SITE
YEAR	2015

1. Please sketch all impervious coverage on your property; include dimensions.
2. Sketch roadways adjacent to property - **Include driveway location.**
3. If you will be exceeding 15% impervious surface coverage, include a copy of your stormwater management plan. This applies to ANY lot that exceeds 15% coverage.
4. If proposed project is a detached garage/storage shed that will exceed 1 story, include detailed design.

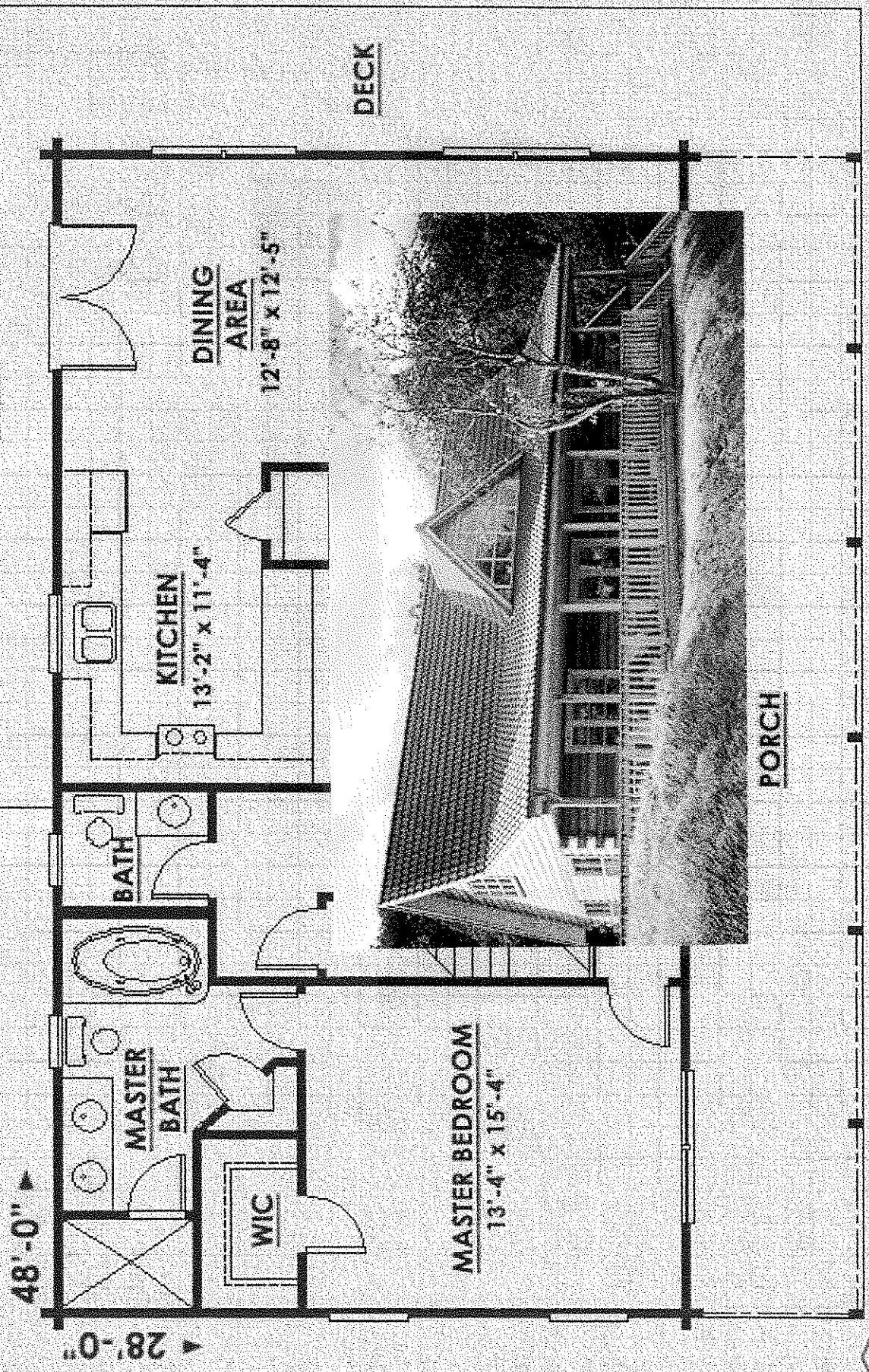


Remember EROSION CONTROL!

Please use best management practices and/or silt fence to control erosion on all projects.

ATTACHMENT #1 to KINDERHILL SITE PERMIT (06/20/05)
(OPTION #2)

Carriage Run

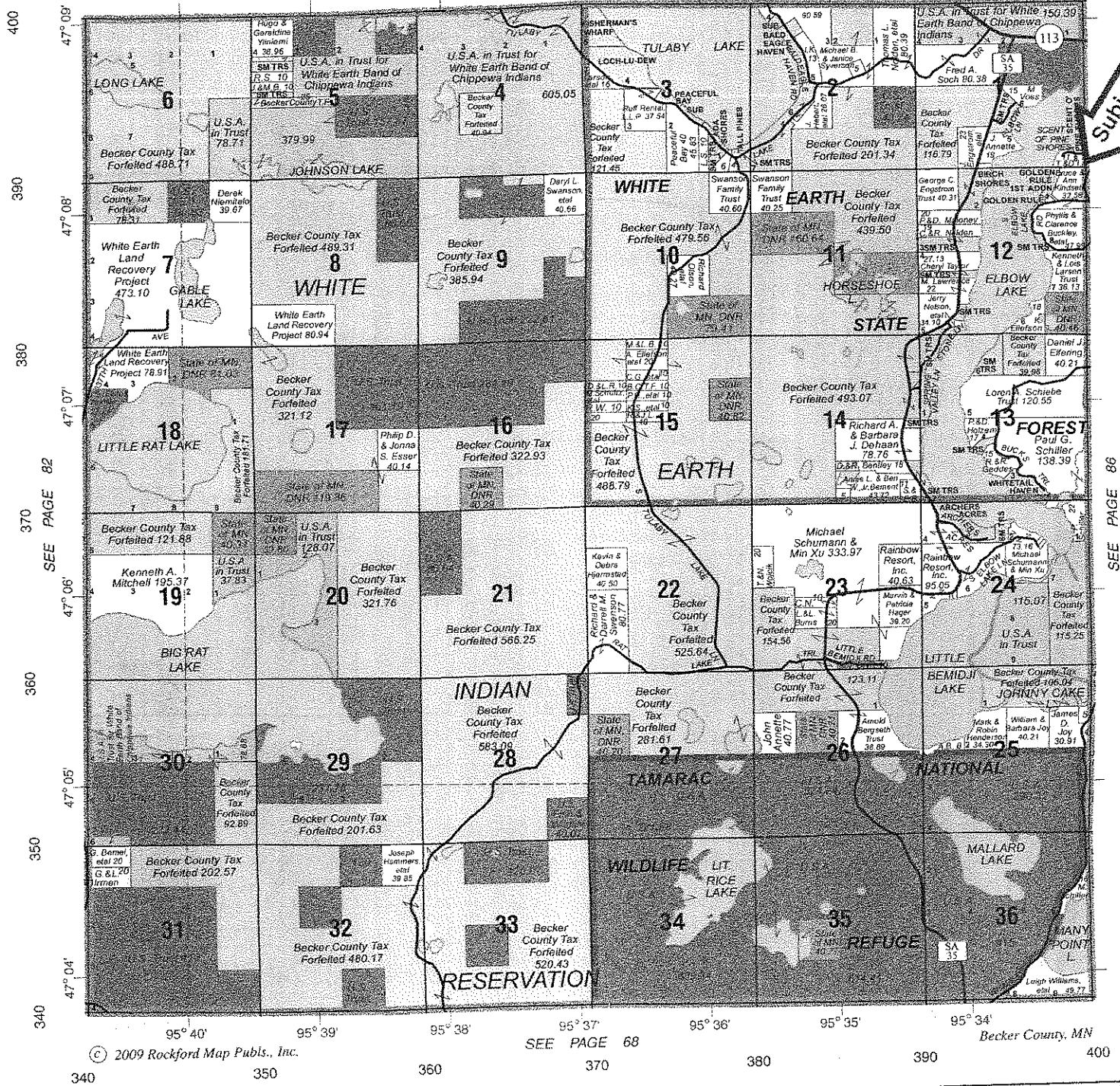


FIRST FLOOR PLAN

EAGLE VIEW

T.142N.-R.39W.

MAHONOMEN COUNTY

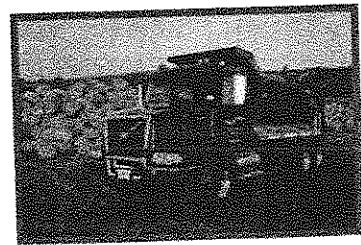


Washed Sand • Aggregates • Base Gravel • Dirt & Peat • Sand & Gravel

Ernest C. Anderson
GRAVEL INC.

(218) 847-4614

DETROIT LAKES





COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501
Phone: 218-846-7314 ~ Fax: 218-846-7266

BOARD OF ADJUSTMENT NOTICE OF PUBLIC HEARING

****HEARING DATE AND LOCATION****

Thursday, November 12, 2015 @ 7:00 P.M.
Commissioner's Room-Becker County Courthouse
Detroit Lakes, MN. 56501

APPLICANT: John Drewes
10331 Eagle Lake Road
Frazee, MN 56544

Project Location: 31694 US Hwy E

APPLICATION AND DESCRIPTION OF PROJECT:

Request a Variance to construct a 2400 sq ft addition onto a 3200 sq ft existing structure that is 370 ft from the ordinary high water mark of the lake instead of the required 400 feet from the ordinary high water mark of the lake for a structure of that size.

LEGAL LAND DESCRIPTION: Tax ID number: 030287002

Town Lake

PT NW1/4 SE1/4, PT SW1/4 SE1/4, PT GOVT LOT 4: COMM SE COR N 1485.44', W 1064.10' TO POB; W 99.07', SW 188.02' TO TH 10, NW AL HWY 173.87', SW 10', NW AL HWY 433.77', NE 161.60', SE 354.2', SE 445.65', SW 112.63' TO POB; Section 28, TWP 138, Range 40, Burlington Township.

Replies/Comments: Interested parties are invited to submit to the Becker County Department of Planning, Zoning, and Land Use, written facts, arguments or objectives before the scheduled date of the Hearing. These statements should bear upon the suitability of the location and the adequacy of the Project and should suggest any appropriate changes believed to be desirable. Replies may be addressed to:

PLANNING AND ZONING DEPARTMENT
915 Lake Avenue
Detroit Lakes, MN. 56501

FAX Number 218-846-7266
EMAIL: zoning@co.becker.mn.us

If you have questions about the Project, feel free to call 218-846-7314.

Jurisdiction: This Project comes under the Regulatory Jurisdiction of the Becker County Zoning Laws.

Regulatory Authority: This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance. The decision whether to issue a Permit will be based on an evaluation of the probable impact including cumulative impacts, of the proposed activity. That decision will reflect the concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, will be considered including the cumulative effects: Land Use, Shoreline Protection, Water Supply and Conservation, Safety, Economics, in General, the Needs and Welfare of the People.

**** Weather conditions may change the Hearing date and time. If bad weather occurs, please listen to the local Detroit Lakes Radio Stations or contact the Zoning Office, by 4:30 PM on day of Hearing, for possible rescheduling of the Hearing.**



BECKER COUNTY PLANNING & ZONING

915 LAKE AVENUE, DETROIT LAKES, MN 56501
PHONE (218) 846-7314 - FAX (218) 846-7266

VARIANCE APPLICATION

PARCEL	
APP	Variance
YEAR	
SCANNED	

PROPERTY OWNER INFORMATION (as it appears on tax statement, purchase agreement or deed)

First name(s) John Last Name Drewes
Mailing Address 10331 Eagle Lk Rd City, State, Zip Fratee, MN 56544
Phone Number 218-334-2202 or 218-371-3370 Project Address: 31694 U.S. Hwy 10 E
Parcel number(s) of property: 030287002 Sect - Twp - Range: 28 138 040
Township Name: Burlington Legal Description: In the NW 1/4 - SE 1/4, In the SW 1/4 - SE 1/4 and in GOW Lot 4

Why is the variance being requested? (Mark all sections that apply)

- ☒ Setback Issues ☐ Lot size not in compliance with minimum standards
☐ Alteration to non-conforming structure ☐ Topographical Issues (hills, slopes, bluffs, wetlands)
☐ Other

Please provide a brief description detailing the above variance request:

This is a commercial business that needs to expand.
Due to location of existing structure, nature of business
a separate building would not be feasible. The addition
will not be going any closer to lake than existing building
Zoning Reg Changed in 2013 preventing me from completing addition

What are you applying for less than the minimum distance (setback) from?

Setback must include decks and patios, current and proposed.

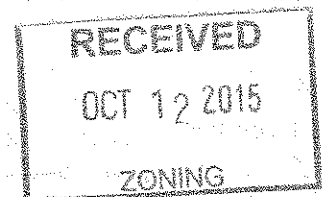
- ☒ Ordinary High Water Mark (OHWM) Proposed Distance (setback) 370' feet
☐ Lot Line Proposed Distance (setback) _____ feet
☐ Road Right of Way (ROW) Proposed Distance (setback) _____ feet
Type of Road [] Township [] County [] State
☐ Crest of bluff Proposed Distance (setback) _____ feet
☐ Impervious Surface Coverage Proposed Impervious Lot Coverage _____ sq ft %

Was the lot recorded prior to 1971? Yes ☐ No ☒

Was the lot recorded between 1971 & 1992? Yes ☐ No ☒

Was the lot recorded after 1992? Yes ☒ No ☐

Will this be a new lot split? Yes ☐ No ☒



(CONTINUED ON BACK OF PAGE)

What is the current square footage of the structure? 3,200 sq ft.

What is the proposed addition square footage? 2,400 sq ft.

What is the current height of the structure? _____

What is the proposed height of the structure? _____

Is there a basement to the structure? NO

Will the proposed addition have a basement? NO

Will the roofline of the existing structure be changed? _____

Will the main structural framework of the structure be altered? NO

What is the current percentage of lot coverage? _____

What is the proposed percentage of lot coverage? _____

Explanation of request if not covered in Sections above

OTHER INFORMATION NEEDED TO COMPLETE THE APPLICATION:

1. A copy of the deed from the Recorder's Office;
2. Completed Site Application with sketch showing all setbacks, platted or surveyed dimensions of the lot and all existing and proposed buildings;
3. Non-refundable filing fee of \$326.00. **Make check payable to Becker County Zoning.**
4. Is the variance request after the fact? [] Yes [X] No

If yes, after the fact application fee is an additional \$600.00.

The information provided for this document is truthful and accurate to the best of my knowledge. I understand that this statement is null and void if any of the above information is not supplied or is inaccurate.

John B Drewes

Printed Name of Landowner or Agent

John B Drewes

Signature of Landowner or Agent

10-12-15

Date

(Office Use)

Date Received 10/12/15 Accepted [] Rejected [] Date 10/21/15

Heidi Moltzen Supervisor of Inspectors
Zoning Administrator

60 day - 12/20/15



Application for Site Permit
Becker County Planning and Zoning
915 Lake Ave, Detroit Lakes, MN 56501
Phone: 218-846-7314 Fax: 218-846-7266
www.co.becker.mn.us

PARCEL	
APP	SITE
YEAR	
SCANNED	
Property will be staked by	
Date:	

Please Print or Type All Information

Parcel Number (s)	Property (E911) Address	**911 Address Needed	Legal Description		
030287002	31694 U.S. Hwy 10 E		Section 28 Township 138 Range 040		
	Frazee, MN 56544		SW 1/4 - SE 1/4, In the SW 1/4 - SE 1/4 and in Gov Lot 404		
Lake/River Name	Lake/River Class	Township Name	Section	TWP No.	Range
N/A	N/A	Burlington	28	138	040

Property Owner	Last Name	First Name	Mailing Address	Phone
	Drewes	John	10331 Eagle Lk Rd	218-334-2202 - Office
Contractor Name Lic #	A1 Clark Construction			701-371-3370 - Personal
John B Drewes will Act as Contractor (Gen)				218-844-5212 - Business

Proposed Project (Check those that apply)			
<input type="checkbox"/> New Dwelling	<input type="checkbox"/> Addition to Dwelling	<input type="checkbox"/> Replacement Dwelling*	<input type="checkbox"/> Mobile/Manuf. Home
<input type="checkbox"/> Attached Garage	<input type="checkbox"/> Detached Garage	<input type="checkbox"/> Storage Structure	<input checked="" type="checkbox"/> Addition to Non-dwelling
<input type="checkbox"/> Stairway	<input type="checkbox"/> Deck	<input type="checkbox"/> Recreational Unit	<input type="checkbox"/> Water Oriented Structure
<input type="checkbox"/> Fence	<input type="checkbox"/> Other	<input type="checkbox"/> Non Conforming Replacement (identify)	
*Existing Dwelling to be removed prior to			

RECEIVED

OCT 08 2015

ZONING

Onsite Water Supply	() Deep Well	() Shallow Well	Well Depth
MN Rules Chapter 4725 (MN well code) requires a 3' minimum structure setback to well			
Onsite Sewage Treatment System			
Type of System	Septic Tank / Dranfield	Date of Installation	Sept 2003
Last Date Certified		Sept 2003	
Must have current certificate of compliance on septic system prior to issuance of a permit			

Lot Information	Shoreland	() Riparian	() Non Riparian	Non Shoreland	<input checked="" type="checkbox"/>
Lot Area	165,528	sq ft	or	3.8	acres
Water Frontage	0	ft	Bluff	() Yes	(X) No
Impervious coverage refers to anything water cannot pass through. Structures, areas covered by a roof, concrete, asphalt, Class 5, sidewalks, patio pavers, etc. should all be included in this calculation. Decks should be included in this calculation if they have plastic underlayment or impervious surface underneath. Anytime you exceed 15% lot coverage a stormwater management plan and/or mitigation is required. INCLUDE PROPOSED STRUCTURES IN CALCULATION.					

Please Note: Unless otherwise provided, a minimum of a 12 foot wide driveway from the nearest road right of way to the proposed structure must be included in both your plan and impervious surface calculation.

Impervious Surface	Dimensions	Sq. Footage	Impervious Surface	Dimensions	Sq. Footage
On property			On property		
Ex: Patio	10 x 12	120			
DRIVEWAY	33' x 110'	3,630	Patio		160
40' x 80' Existing	40' x 80'	3,200			
40' x 60' Proposed	40' x 60'	2,400			
Total Impervious Material				9,390	
Impervious Lot Coverage	9,390	÷ 165,528	=	.06	x 100 = 6 %
Total Impervious		Lot Area		Impervious Coverage Percentage	

Topographical Alteration/Earth moving

() None (X) 10 cubic yards or less () 11-50 cubic yards () over 50 cubic yards
Project over 50 cubic yards a storm water management plan must be included.

Characteristics of Proposed Dwelling/Dwelling Additions/Attached Garage/Decks () Dwelling _____ ft by _____ ft () Attached Garage _____ ft x _____ ft		Cost of Project \$ _____
Outside Dimension () Deck/Patio _____ ft x _____ ft () Addition to existing _____ ft x _____ ft		
Setback to Side Lot Line _____ ft & Rear Lot Line _____ ft	Setback to Road Right of Way _____ ft	
Setback to Bluff _____	Type of road _____	
Setback to Wetland _____	Is wetland protected () Yes () No	
Setback to OHW (straight horizontal distance) _____	Elevation above OHW (Straight vertical distance) _____	
Setback to septic tank _____	Setback to drainfield _____	
Total No. Bedrooms _____	Maximum height proposed _____ # of Stories _____	
Roof Change () Yes () No	Basement () Yes () No Walkout Basement () Yes () No	

Characteristics of Proposed Non Dwelling/Non Dwelling Additions/Detached Garages/Storage Sheds () Garage _____ ft by _____ ft () Storage Shed _____ ft x _____ ft () Fence _____ ft long x _____ high () Other _____ ft x _____ ft		Cost of Project \$ _____
Outside Dimension <input checked="" type="checkbox"/> Addition to existing structure <u>40</u> ft x <u>60</u> ft () Fence _____ ft x _____ ft		
Setback to Lot Line <u>100'</u> ft & Rear Lot Line <u>100'</u> ft	Setback to Road Right of Way <u>110'</u> ft	Cost of Project <u>\$170,000.00</u>
Setback to Bluff <u>N/A</u>	Type of road <u>US HWY 10</u>	
Setback to Wetland <u>250' +</u>	Is wetland protected () Yes () No	
Setback to OHW (straight horizontal distance) _____	Elevation above OHW (Straight vertical distance) _____	
Setback to septic tank <u>40' Approx</u>	Setback to drainfield <u>60' Approx</u>	
Roof Change () Yes (<input checked="" type="checkbox"/>) No	Maximum height proposed <u>20</u> 15 # of Stories <u>1</u>	
Bathroom proposed () Yes (<input checked="" type="checkbox"/>) No	Sleeping Quarters proposed () Yes (<input checked="" type="checkbox"/>) No	
*Garages and storage sheds cannot contain amenities for independent human habitation		

Characteristics of Proposed Water Oriented Structure* () Stairway () Deck () Boathouse () Screen Porch () Gazebo () Storage Structure		Cost of Project \$ _____
Outside Dimension _____ ft by _____ ft	Sq ft _____	
Setback to Lot Line _____ ft & _____ ft	Setback to Bluff _____	
Setback to OHW (straight horizontal distance) _____	Elevation above OHW (Straight vertical distance) _____	
Setback to septic tank _____	Setback to drainfield _____	
Maximum height proposed _____		
*Sleeping facilities or water supplies are not permitted in these structures		

THIS IS A SITE PERMIT ONLY AND DOES NOT CONSTITUTE A BUILDING PERMIT
AS SET FORTH IN MN STATE STATUTES.

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge. I also understand that, once issued, a permit is valid for a period of one (1) year from the date of issuance. If my property is located within the shoreland district, I understand that it is my responsibility to inform the Planning & Zoning Office once the building footings have been constructed. A Site Permit may be revoked at any time upon violation of said Ordinances and approved setbacks. Any changes to this site permit results in nullification of this permit and a new permit will have to be obtained.

Signature

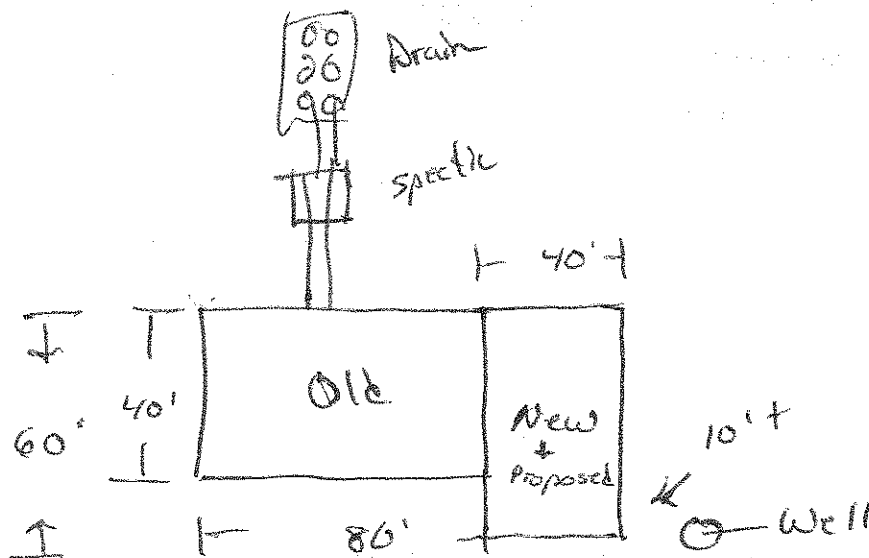
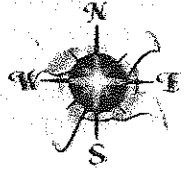
Date

10-8-15

SKETCH OF PROPERTY

1. Please sketch all impervious coverage on your property; include dimensions.
2. Sketch roadways adjacent to property - **Include driveway location.**
3. If you will be exceeding 15% impervious surface coverage, include a copy of your stormwater management plan. This applies to ANY lot that exceeds 15% coverage.
4. If proposed project is a detached garage/storage shed that *will exceed 1 story*, include detailed design.

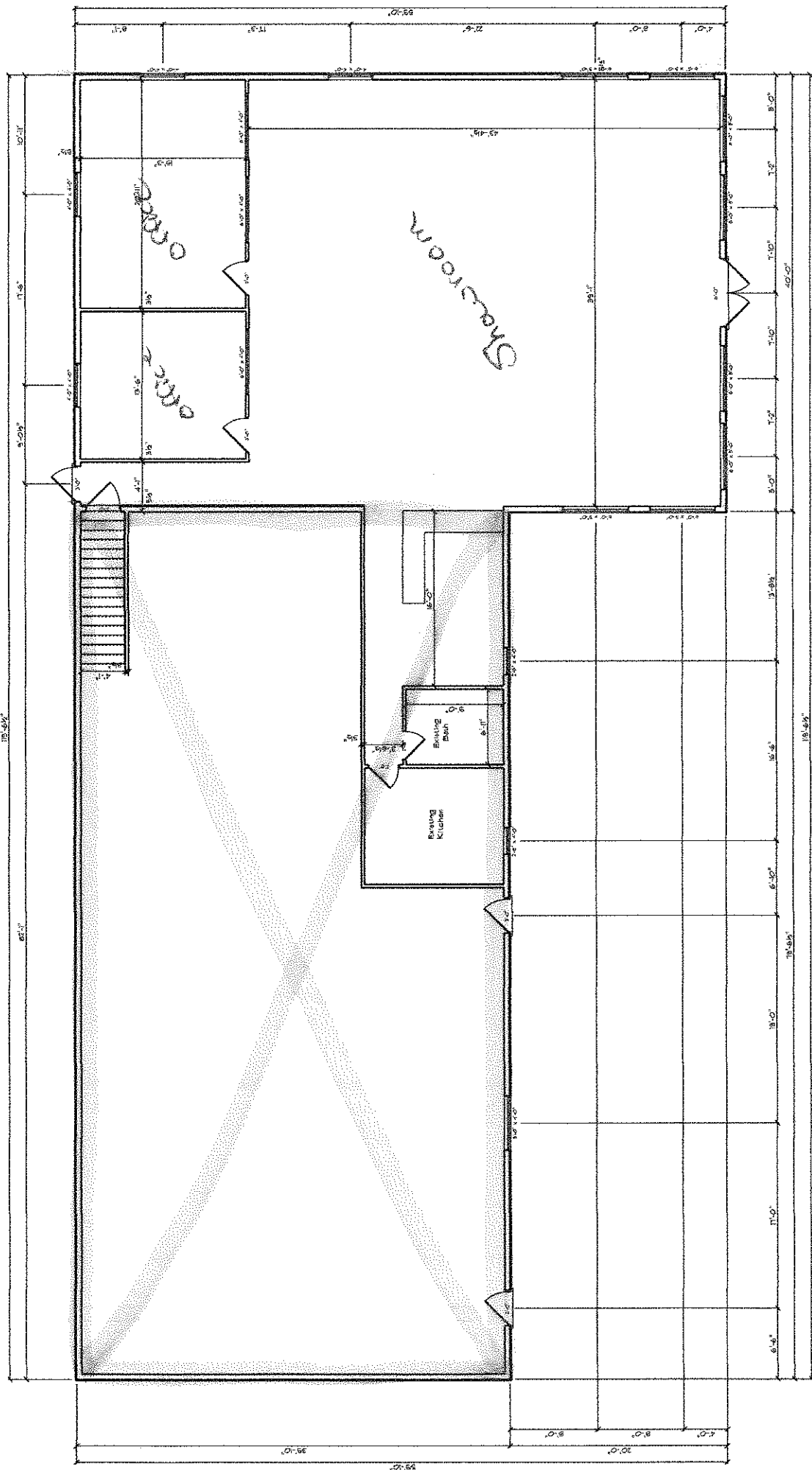
PARCEL	
APP	SITE
YEAR	



US HWY 10

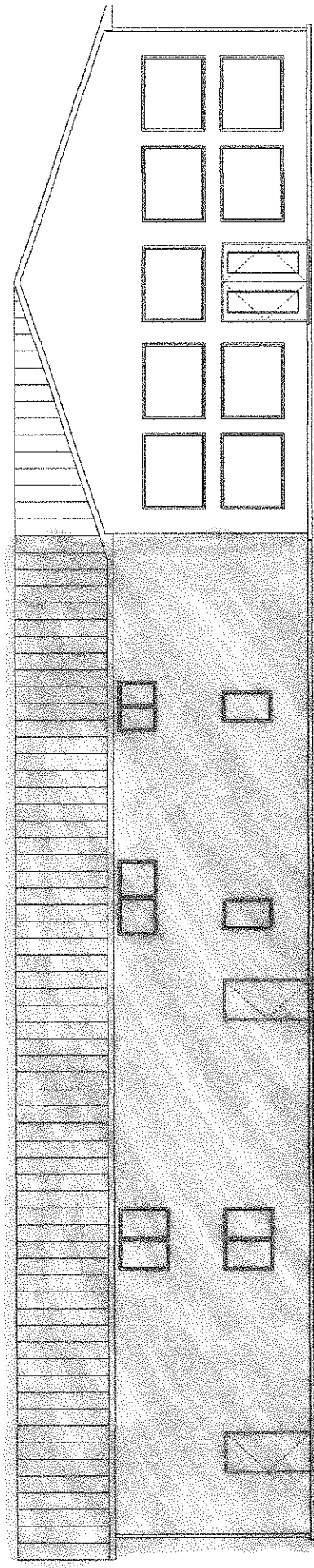
Remember EROSION CONTROL!

Please use best management practices and/or silt fence to control erosion on all projects.



← New →

Existing



FRONT ELEVATION

1-2

New

4

Existing

BURLINGTON

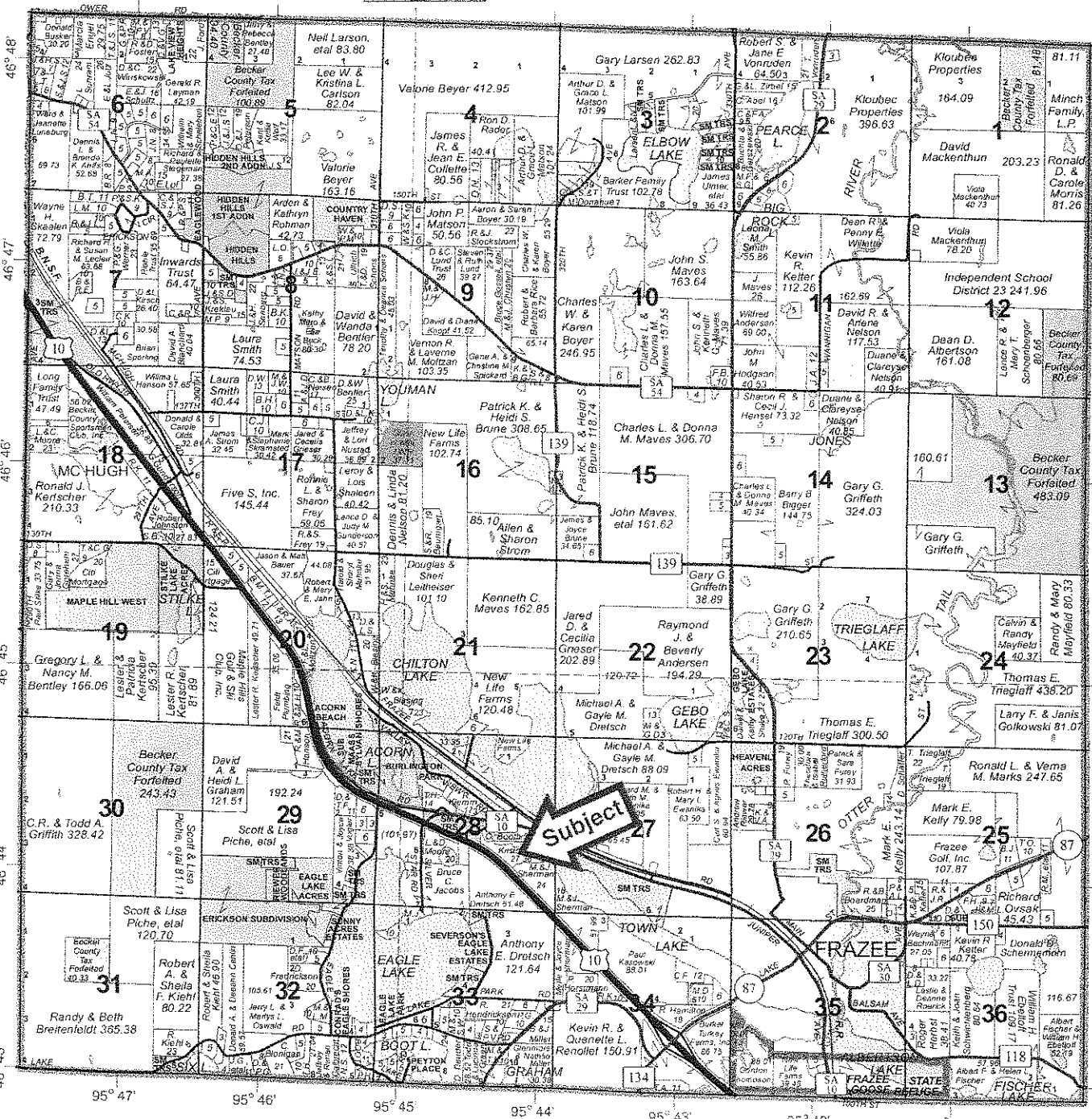
T.138N.-R.40W.

SEE PAGE 34

N160
N150
N140
N130
N120
N110
N100

SEE PAGE 16

SEE PAGE 20



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W290 W300 W310 W320 W330 W340 W350

OTTER TAIL COUNTY

Becker County, MN



UNITED COMMUNITY BANK

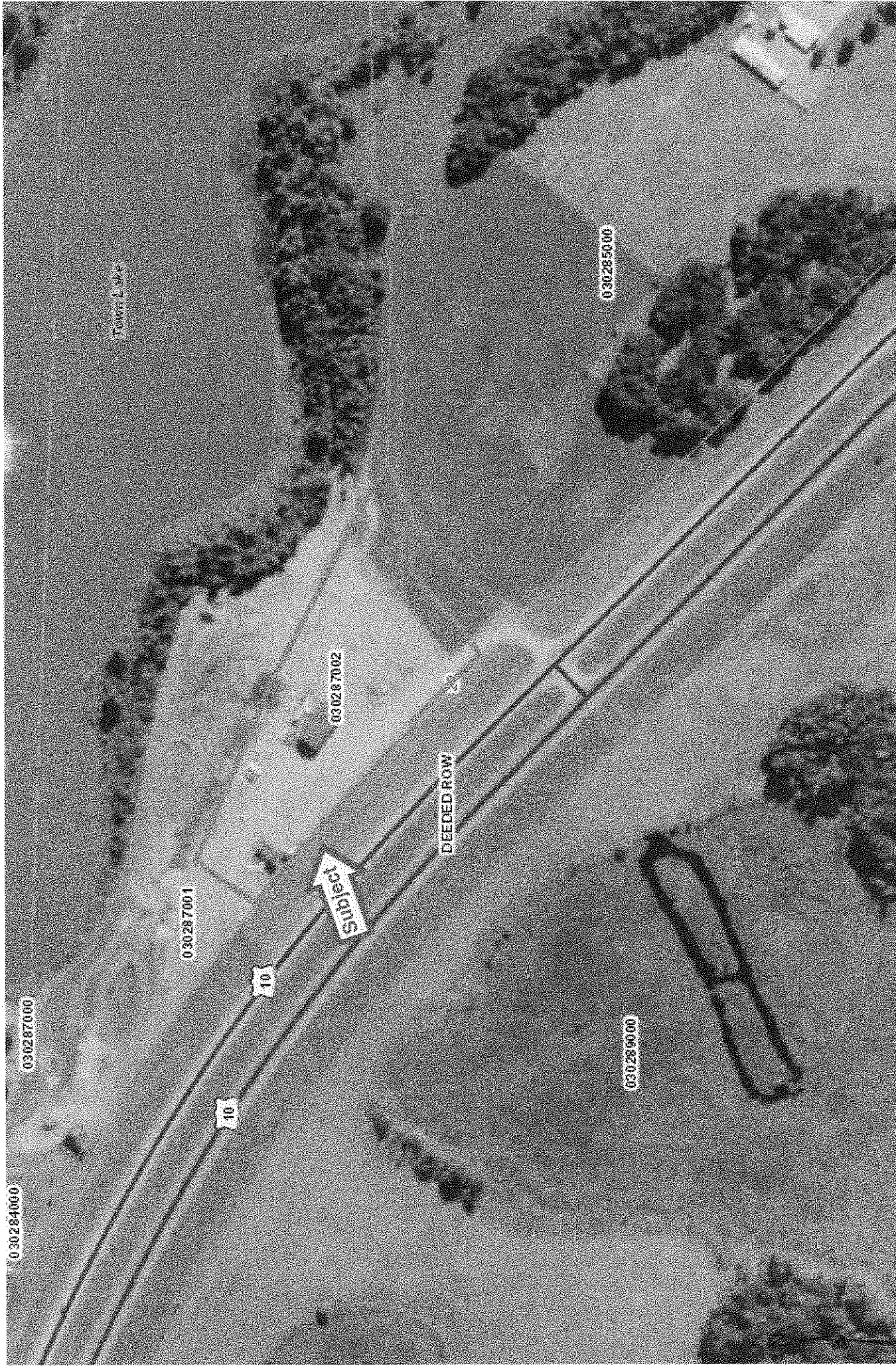
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Becker County



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1:2,780

Date: 10/22/2015

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.