



# COUNTY OF BECKER

## Planning and Zoning

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

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### Becker County Board of Adjustments Thursday, December 10, 2015

#### Agenda

- I. Roll Call of Members
- II. Minutes Approval for November Meeting.
- III. Old Business
- IV. New Business
  1. **Applicant: Cynthia Lura. Application:** Request a Variance to construct a detached garage 12 feet from the road instead of the required 20 feet from the road right of way. **Legal Description: Tax ID number:** 191467000, LOTS 3 AND 4, MUNSON BEACH; Section 05, TWP 138, Range 41, Lake View Township. **Project Location:** The property is located on Munson Lake at 15619 W. Munson Lane.
  2. **Applicant: Richard Callender. Application:** Request a Variance to construct an addition onto a nonconforming dwelling which is 77 feet from the OHWM of the lake instead of the required 100 feet. **Legal Land Description:** Tax ID number: 100201000, PT LOT 2 BEG 1096.8' SE & 71' W OF N1/4 SEC COR TH S AL RD 212.19' W 232.10' NE AL LK 265.15' & E 112.49' TO BEG; Section 12, TWP 139, Range 40, Erie Township. **Project Location:** The property is located on Cotton Lake at 20858 Co Highway 29.
- V. **Set Tentative Date For Next Informational Meeting**
  1. **Tentative Date For Informational Meeting**  
Thursday, January 7, 2016, 7:00 am; 3<sup>rd</sup> Floor Zoning Meeting Room
- VI. Other Discussion
- VII. Adjournment

**Becker County Board of Adjustment  
November 12, 2015**

**Present:** Members Roger Boatman, Jim Kovala, Jim Bruflodt, Lee Kessler, Steve Spaeth and Zoning Staff Debi Moltzan.

Chairman Bruflodt called the meeting to order at 7:00 p.m. Debi Moltzan took minutes.

Kovala made a motion to approve the minutes. Spaeth second. All in favor. Motion carried.

Bruflodt explained the protocol for the meeting and Spaeth read the criteria for which a variance could be granted. Bruflodt also announced that the applications for Randy and Debbie Stevens and John Drewes would not be heard tonight. Stevens had withdrawn their application and the Drewes application had been settled administratively.

**FIRST ORDER OF BUSINESS: Lannie and Ann Runck.** 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 for the property described as: 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.

The Runck's explained the application to the Board. After the last meeting, they went back to the drawing board to see how they could gain more space without changing the footprint and increase impervious. They have reduced the impervious to 26%, but could possibly remove some more.

Boatman questioned the boat ramp into the lake and what is was constructed of. Runck's stated that was primarily dirt with a little bit of concrete or asphalt, all of which was there prior to them buying the property. The Runck's further stated that they want to move to the lake permanently and need more room, but the lot does not allow for much, also, the retaining wall holds the water back so that no run off gets into the lake.

Spaeth stated that the impervious material needs to be less than 25% so no additional variances would be required.

No one spoke in favor of the application. No one spoke against the application. At this time, testimony was closed and further discussion was held.

Spaeth stated that the house partially in the shore impact zone but the lot is very narrow; the impervious material is being reduced and there are practical difficulties with the size of the lot. Kovala stated that the owners were willing to remove more impervious. Spaeth stated that the existing house is not excessive in size being only 22 ft. in width. Kessler stated that the owners have worked hard to do all they could to make this project work and the project would not alter the character of the neighborhood.

**Motion:** Kessler made a motion to approve the variance to allow a second story addition onto an existing dwelling, which is forty-six (46) feet from the ordinary high water mark of the lake based on the fact that the structure conforms to the surrounding area, incompliance with the rest of the buildings in the area, the size of the substandard size lot of record and the fact that the owner is willing to mitigate and reduce the impervious coverage with the stipulation that the sidewalk from the house to the lake be removed, the boat ramp be removed and restored to a natural state with a berm installed and the house guttered and runoff directed to the road right of way. Spaeth second. All in favor. Motion carried.

**SECOND ORDER OF BUSINESS: Brian Nelson.** Request an Administrative Decision Appeal- Appeal the Order to cease and desist issued 08/18/15 for the property described as: Tax ID numbers: 25.0238.000 and 25.0243.000, Lot 5 and Lot 6; Section 11, TWP 142, Range 38, Round Lake Township. The property is an island in Juggler Lake with access by easement from S Juggler Lake Road.

Attorney Carl Malmstrom and Brian Nelson explained the application to the Board. Malmstrom explained that Nelson was issued a cease and desist order to cease renting his single family lake home. This matter is dealing with interpretation of administrative decisions and the Board should not show favoritism to the Zoning Office. The law is clear and if there is doubt, you must side with the owner. Malmstrom stated that the cease and desist order does not reference which section of the Ordinance has violated.

Malmstrom presented a letter from Terry Kalil with concerns about rental properties, as she rents her property out on occasion. Malmstrom also presented a copy of case law from a similar situation.

Nelson explained that they have owned the property for some time. It is a single family home, a vacation home. When his family is not using the cabin, they have rented it out. Malmstrom pointed out different definitions in Chapter 10, along with excerpts from the Planned Unit Development portion of the Ordinance. Malmstrom stated that the Zoning Office was attempting to extend the restrictions by using portions of the Ordinance that do not apply. Malmstrom then

referred to a court case in Douglas County that was similar to this situation, and the courts sided with the homeowners.

Boatman questioned the easement and if there was enough room for everyone to park. Nelson said it would park several cars and has a dock. Boatman then asked if the cabin was being advertised on the website. Nelson stated that his son had set it up on a couple of different websites to rent from 4 to 10 days.

Discussion was held regarding the use of the single family dwelling, the definitions, and different sections of the Ordinance that may or may not apply to this situation.

No one spoke in favor of the application. Speaking in opposition to the application is Terry Forehand, who was concerned about the parking, garbage, septic system and noise; and Deborah Thyen, who was concerned for safety, parking, septic system and garbage. Written correspondence in opposition was received from Art Ruud, Marv Gunderson and James and Cecilia Marotzke. At this time, testimony was closed and further discussion was held.

Brufloft reminded the Board that their job is to either uphold or reverse the cease and desist order. Is this a commercial operation or not.

Kovala questioned why the public access was being used for parking instead of the easement. Nelson stated that the easement is rough, but easily direct people to use the easement rather than the access. Spaeth stated that he could not find anything in the Ordinance that specifically addresses rental of single family dwellings; everything in front of them addresses PUD's and multiple dwellings.

Spaeth made a motion to reverse the cease and desist order because there was nothing in the Ordinance that addresses the rental of single family dwellings and that Nelson can address the parking and noise issues. There was no second, so the motion died for the lack of a second.

Further discussion was held. Brufloft stated that the County has its work cut out for them to make this type of situation more clear (black and white) in the Ordinance, but until then, there is nothing in the Ordinance that specifically addresses rentals of single family dwellings. Kessler questioned what the harm would be to get a conditional use permit to rent out the house. Brufloft stated that there is no harm. Discussion was held regarding the definitions and sections of the Ordinance regarding commercial and whether or not they apply; the need for changes in the Ordinance and whether or not the cease and desist should be reversed.

**Motion:** Spaeth made a motion to reverse (appeal/vacate) the cease and desist order because there is nothing in the Ordinance that specifically addresses the rental of single family dwellings. Kessler second. All in favor except Boatman. Majority in favor. Motion carried.

**THIRD ORDER OF BUSINESS: Nancy Peterson.** Request a Variance to construct a dwelling sixty (60) feet from the ordinary high water mark of the lake for the property described as: Tax ID number: 340196000, Lot 4, Block 2, Forest Points; Section 14, TWP 141, Range 36, Two Inlets Township. The property is located on Two Inlets Lake across the road from 31301 and 31305 Two Inlets Drive.

Jeff Peterson and Dan Erdahl explained the application to the Board. After further looking at the site, it is possible to move the structure back to 80 feet instead of 60 feet from the ordinary high water mark of the lake. Peterson stated that the shoreline would be touched and left natural. The new cabin would be for family, who could use the established beach on the other lot. Peterson further stated that they wanted to build in a location that they could see the lake. Erdahl stated that with the indentation of the bay, it limits the location in which the house can be placed. Erdahl stated that they first though about placing the house at 72 feet and the deck at 60 feet, now they would like to push the house back to 84 feet and the deck at 72 feet.

No one spoke in favor of the application. No one spoke in opposition of the application. Written correspondence was received from Susan Wolters in opposition to the application and Dennis and Teresa Goodrum in favor of the application. At this time, testimony was closed.

Brufloft stated that, no matter where you built on the lot, there is not a view of the lake and felt that there was adequate room to construct a dwelling without a variance. Peterson stated that the surveyor told him that the County would allow him to build at 80 feet, but should ask for 60 feet. Erdahl stated that this is an odd shaped lot. Spaeth stated that the request was for one setback and now they are changing the request. Spaeth suggested tabling the application and coming back with a more concrete plan. Kessler stated that the drawing should be precise and scaled, not rough drawn. At this time, Peterson asked to table the application.

**FOURTH ORDER OF BUSINESS: Bruce and Ann Kindseth.** Request a Variance to construct a dwelling fifty-two (52) feet from the ordinary high water mark of the lake for the property described as: Tax ID 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.

Kindseth explained the application to the Board. Kindseth would like to remove an existing cabin and replace the cabin, which is 52 feet from the ordinary high water mark of the lake. The

lot is 35 acres, which is mainly wooded and away from the lake, which there is 250 feet of lakeshore separated from the rest of the property by a private road.

Spaeth questioned if the road could be moved. Kindseth stated that it may be possible, but would require court action.

Further discussion was held regarding the amount of lakeshore frontage (discrepancy between Zoning Office records and homeowner's statement); why the structure could not be moved to the 100 ft. setback; whether or not the property meets duplex lot size; current size of the house that will remain; current size of the cabin to be removed; whether or not two houses can be allowed on the parcel of land. Brufloft stated that the request is only for replacing a cabin at 52 feet, nothing about allowing for a guest house or a guest house exceeding the allowable square footage. Kindseth stated that it was not marked on the application but referred to in the attachments.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Rodger Hemphill, DNR Area Hydrologist in opposition to the application and Gary Buckley, with concerns about the application. At this time testimony was closed and further discussion was held.

Brufloft stated that the first thing that needs to be done is to find out exactly how much lakeshore frontage there is. The amount of lakeshore will dictate which direction the Board must go. Spaeth felt that there is 34 acres of land; the structure could be relocated to meet the 100 foot setback. Kessler felt that if the road was vacated, the structure could be moved further back and the funnel would not be there to allow further run off to the lake. Spaeth felt there were several things to consider and many unanswered questions.

At this time, Kindseth asked to table his application.

**FIFTH ORDER OF BUSINESS: Informational Meeting.**

The next informational meeting is scheduled for Thursday, December 3, 2015 at 7:00 a.m. in the 3<sup>rd</sup> Floor Meeting Room of the Original Courthouse.

Since there was no further business to come before the Board, Spaeth made a motion to adjourn the meeting. Kessler second. All in favor. Motion carried. Meeting adjourned.

\_\_\_\_\_  
Jim Brufloft, Chairman

ATTEST

\_\_\_\_\_  
Eric Evenson-Marden, Zoning Supervisor



# 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, December 10, 2015 @ 7:00 P.M.  
Commissioner's Room-Becker County Courthouse  
Detroit Lakes, MN. 56501

APPLICANT: Cynthia Lura  
1022 Oak Street N  
Fargo, ND 58102

Project Location: 15619 W. Munson Lane

#### APPLICATION AND DESCRIPTION OF PROJECT:

Request a Variance to construct a detached garage twelve (12) feet from the road instead of the required twenty (20) feet from the road right of way.

LEGAL LAND DESCRIPTION: Tax ID number: 191467000 Munson Lake  
LOTS 3 AND 4, MUNSON BEACH; Section 05, TWP 138, Range 41, Lake 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.

\*\* 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	2012
SCANNED	

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

First name(s) Cynthia Last Name Lura  
 Mailing Address 1022 Oak St N City, State, Zip Fargo, ND 58102  
 Phone Number 701-235-8478 Project Address: 15619 W. Munson LN  
 Parcel number(s) of property: R191467000 Sect - Twp - Range: 05-138-041  
 Township Name: 13841 Legal Description: KOTA 3 AND 4

### 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) \_\_\_\_\_ feet  
 Lot Line Proposed Distance (setback) 4' 10' feet  
 Road Right of Way (ROW) Proposed Distance (setback) 9' 10' 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:

We would like to move in a garage approx 22 x 28 onto our lot. We don't want the remaining bit on the garage. We would like to build a similar garage.

- 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

RECEIVED  
 JUL 14 2014  
 ZONING

RECEIVED  
 NOV 03 2015  
 ZONING

(CONTINUED ON BACK OF PAGE)

What is the current square footage of the structure? 720

What is the proposed addition square footage? 720 sq ft.

What is the current height of the structure? 15'

What is the proposed height of the structure? 15'

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? No

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

What is the current percentage of lot coverage? 77.0105

What is the proposed percentage of lot coverage? 11%

PARCEL	
APP	Variance
YEAR	

**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.

Cynthia Shura  
Printed Name of Landowner or Agent

Cynthia Shura  
Signature of Landowner or Agent

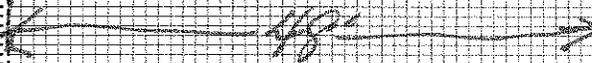
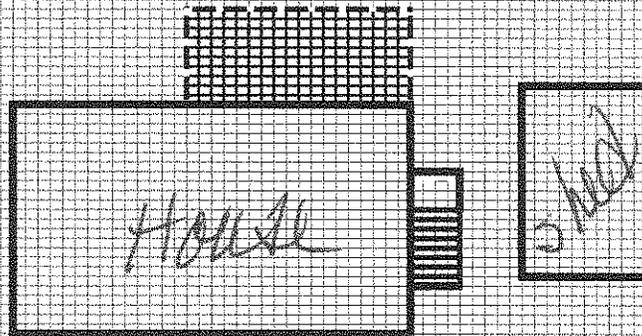
7/14/14  
Date

(Office Use)

Date Received \_\_\_\_\_ Accepted [ ] Rejected [ ] Date \_\_\_\_\_

\_\_\_\_\_  
Zoning Administrator

Lake



41

Edge of Road

42

43



Characteristics of Proposed Dwelling/Dwelling Additions/Attached Garage/Decks		Cost of Project
( ) Dwelling _____ ft by _____ ft ( ) Attached Garage _____ ft x _____ ft		\$ _____
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 <u>15'</u> # of Stories <u>1</u>	
Roof Change ( ) Yes (X) No	Basement ( ) Yes (X) No Walkout Basement ( ) Yes (X) No	

Characteristics of Proposed Non Dwelling/Non Dwelling Additions/Detached Garages/Storage Sheds		Cost of Project
(X) Garage <u>24</u> ft by <u>30</u> 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 <u>12'</u> ft & Rear Lot Line _____ ft	Setback to Road Right of Way <u>12'</u> ft	
Setback to Bluff <u>100'</u>	Type of road <u>Township</u>	
Setback to Wetland <u>N/A</u>	Is wetland protected ( ) Yes ( ) No	
Setback to OHW (straight horizontal distance) <u>125'</u>	Elevation above OHW (Straight vertical distance) <u>30'</u>	
Setback to septic tank <u>52'</u>	Setback to drainfield _____	
Roof Change ( ) Yes (X) No	Maximum height proposed <u>15'</u> # of Stories <u>1</u>	
Bathroom proposed ( ) Yes (X) 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]  
Signature

7/14/14  
Date

# MEADOWLAND SURVEYING INC

1118 Hwy 59 South, Detroit Lakes, Minnesota 56501  
(office) 218-847-4289 (fax) 218-846-1945  
[www.meadowlandsurveying.com](http://www.meadowlandsurveying.com)

May 29, 2015

Cynthia Lura  
1022 Oak Street N  
Fargo, ND 58102

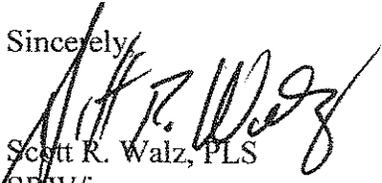
Dear Cindy,

Pursuant to your request, we have monumented your Munson Lake property which is Lots 3 and 4 of MUNSON BEACH in Section 5-138-41, Becker County, Minnesota. Enclosed for your reference is a reduced partial copy of that plat. This plat was created in 1920, and many or most of the plat markers have been destroyed in the 95 years since then. We were able to reconstruct the boundaries of your property based on extensive reconnaissance work our office performed across the entire plat nearly 40 years ago.

Our field work for you was performed on March 11 of this year. The only iron monument which we found was at the slight angle point on the road side of your property (the northwest corner of Lot 4). We set new iron monuments at your northwest corner (the northwest corner of Lot 3), on both of your sidelines at the top of the bank, and on both of your sidelines near the water's edge. Your southwest corner (the southwest corner of Lot 4) fell nearly 3 feet into the bituminous road surface, and we set a special magnetic surveyor's nail at that location. Beside each monument, we placed a wood lath with orange flagging. We noted that the house belonging to your neighbor northerly is only 0.7 of a foot north of your north line. A decorative corner fence which appears to belong to this same neighbor is nearly 19 feet onto your property at the road. On the south side of your property, your shed is only 1.1 feet north of your property line. Based on these facts and the faint mow lines which we spotted, it appears that you and your neighbors believed the property lines to be farther south of where they actually are. This is not an uncommon situation for older plats having little remaining monumentation. Fortunately, in this case, the buildings themselves are not encroaching over the property lines.

Also enclosed is a statement for professional services. If you have any questions regarding this work, please feel free to contact our office. Thank you for the opportunity to provide our services.

Sincerely,

  
Scott R. Walz, PLS

SRW/ja

Enclosures

*Surveying the Lakes Area Since 1946*



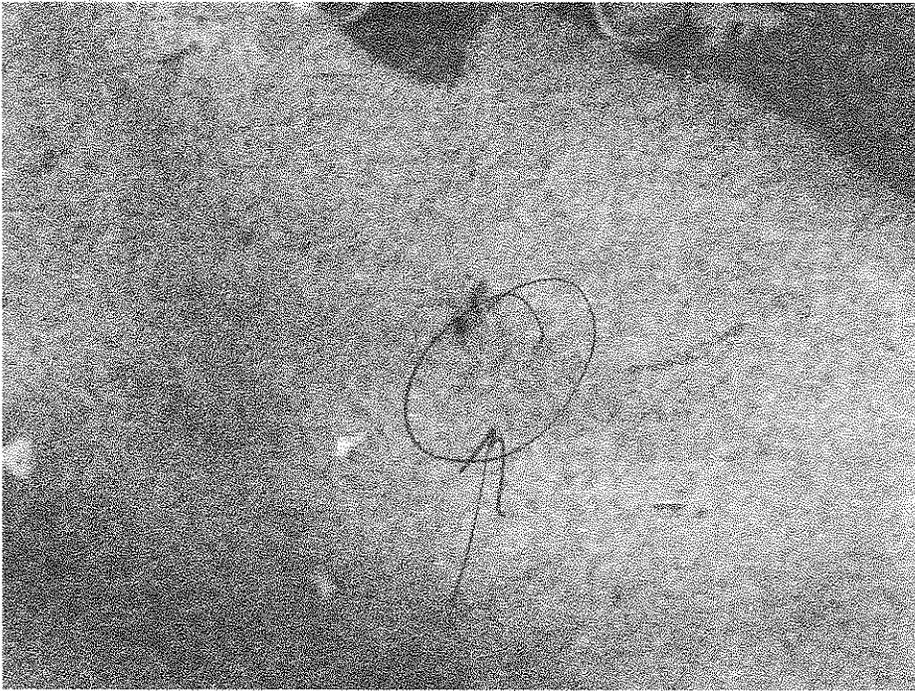
#1  
NW Lot  
Corner



center stake  
#2



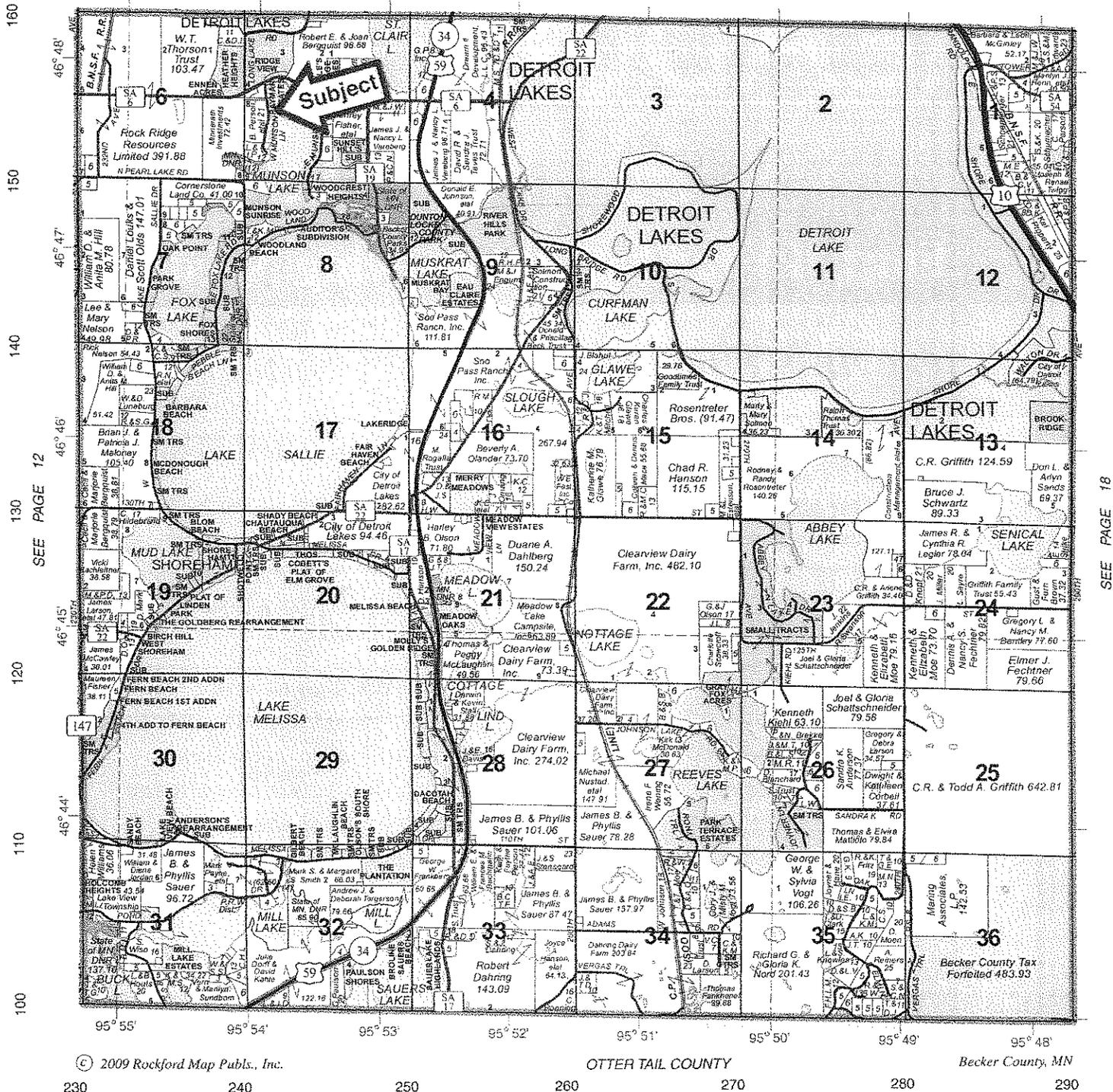
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# LAKE VIEW

# T.138N.-R.41W.

SEE PAGE 32



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OTTER TAIL COUNTY

Becker County, MN

230 240 250 260 270 280 290



## Counselor

**MIKE RING**

ABR, CRS, GRI, Broker

realty.com

P.O. Box 375 • Detroit Lakes, MN 56501

Phone: 218.844.5557 • Fax: 218.844.5558

Cell: 218.234.9734 • MikeRing@arvig.net

CounselorDetroitLakes.com








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.

1:2,780

Date: 11/18/2015



# COUNTY OF BECKER

## Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501

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

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### BOARD OF ADJUSTMENT

#### NOTICE OF PUBLIC HEARING

#### \*\*HEARING DATE AND LOCATION\*\*

Thursday, December 10, 2015 @ 7:00 P.M.

Commissioner's Room-Becker County Courthouse  
Detroit Lakes, MN. 56501

APPLICANT: Richard Callender  
367 Edgewater Drive  
West Fargo, ND 58078

Project Location: 20858 Co Highway 29

#### APPLICATION AND DESCRIPTION OF PROJECT:

Request a Variance to construct an addition onto a nonconforming dwelling which is seventy-seven (77) feet from the ordinary high water mark of the lake instead of the required one hundred (100) feet.

LEGAL LAND DESCRIPTION: Tax ID number: 100201000 Cotton Lake  
PT LOT 2 BEG 1096.8' SE & 71' W OF N1/4 SEC COR TH S AL RD 212.19' W 232.10' NE AL LK 265.15' & E 112.49' TO BEG; Section 12, TWP 139, Range 40, Erie Township.

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**PLANNING AND ZONING DEPARTMENT**  
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Detroit Lakes, MN. 56501

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**EMAIL: zoning@co.becker.mn.us**

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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	
APP	Variance
YEAR	
SCANNED	

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

First name(s) Richard F Last Name Callender  
Mailing Address 367 Edgewater Drive City, State, Zip West Fargo, ND 58078  
Phone Number 701-282-6477 Project Address: 20858 Co Hwy 79 Rochester MN 56577  
Parcel number(s) of property: 10-0201-000 Sect - Twp - Range: 12-139-40  
Township Name: Erle Legal Description: Lake Property

### 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:

The existing structure is less than 100' setback from lake

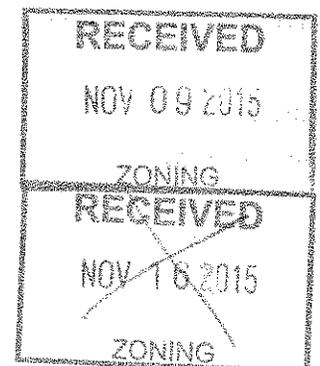
### What are you applying for less than the minimum distance (setback) from?

Setback must include decks and patios, current and proposed.

- Ordinary High Water Mark (OHWM) Proposed Distance (setback) 77' 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)



PARCEL	
APP	Variance
YEAR	

What is the current square footage of the structure? 2208

What is the proposed addition square footage? 6/56

What is the current height of the structure? 21'

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? YES

Will the main structural framework of the structure be altered? \_\_\_\_\_

What is the current percentage of lot coverage? 15

What is the proposed percentage of lot coverage? 15

**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.

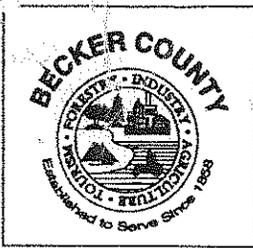
Richard Celler  
 Printed Name of Landowner or Agent

[Signature] 11-15-15  
 Signature of Landowner or Agent Date

(Office Use)  
 Date Received \_\_\_\_\_ Accepted [ ] Rejected [ ] Date \_\_\_\_\_

\_\_\_\_\_  
 Zoning Administrator





**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
10-5201-000	20858 Co Hwy 29		Rochert, MN

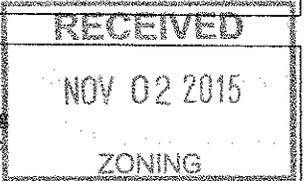
Lake/River Name	Lake/River Class	Township Name	Section	TWP No.	Range
Cotton Lake	RD	Eric	12	139	40

Property Owner	Last Name	First Name	Mailing Address	Phone
Callender, Richard			367 Edgewater Drive West Fargo ND 58078	701-282-6477
Contractor Name Lic #	Darrell Carr Const. LLC BC 636080			

**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 ( ) Shallow Well Well Depth \_\_\_\_\_  
 MN Rules Chapter 4725 (MN well code) requires a 3' minimum structure setback to well

**Onsite Sewage Treatment System** *Proposed new / Failing*  
 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 23,667 sq ft or \_\_\_\_\_ acres Water Frontage 117' 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 On property	Dimensions	Sq. Footage	Impervious Surface On property	Dimensions	Sq. Footage
Ex: Patio	10 x 12	120			
DRIVEWAY	12 x 15	540	Deck	8 x 24	196
Driveway	12 x 15	540	shed	12 x 12 8x6	144
House	24 x 36	2208			
	24 x 36				
	24 x 29				
			<b>Total Impervious Material</b>		<b>3564</b>

Impervious Lot Coverage  $\frac{3564}{23667} = .15$  x 100 = 15 %

Total Impervious      Lot Area      Impervious Coverage Percentage

**Topographical Alteration/Earth moving**

( ) None (  ) 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.

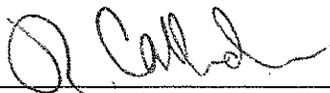
Characteristics of Proposed Dwelling/Dwelling Additions/Attached Garage/Decks		Cost of Project
( ) Dwelling ____ ft by ____ ft	( ) Attached Garage <del>10</del> ft x <del>20</del> ft	\$ <u>110,000</u>
Outside Dimension ( ) Deck/Patio ____ ft x ____ ft	(X) Addition to existing <u>12</u> ft x <u>16.5</u> ft	
Setback to Side Lot Line <u>65</u> ft & Rear Lot Line ____ ft	Setback to Road Right of Way <u>47</u> ft	
Setback to Bluff _____	Type of road <u>County</u>	
Setback to Wetland _____	Is wetland protected ( ) Yes ( ) No	
Setback to OHW (straight horizontal distance) <u>164</u>	Elevation above OHW (Straight vertical distance) _____	
Setback to septic tank <u>10</u>	Setback to drainfield <u>30</u>	
Total No. Bedrooms <u>3</u>	Maximum height proposed <u>20</u> # of Stories <u>2</u>	
Roof Change (X) Yes ( ) No	Basement ( ) Yes (X) No Walkout Basement ( ) Yes ( ) No	

Characteristics of Proposed Non Dwelling/Non Dwelling Additions/Detached Garages/Storage Sheds		Cost of Project
(X) Garage ____ ft by ____ ft	( ) Storage Shed ____ ft x ____ ft	( ) Fence ____ ft long x ____ high ( ) other ____ ft x ____ ft
Outside Dimension (X) Addition to existing structure <u>14</u> ft x <u>20</u> ft	( ) Fence ____ ft x ____ ft	
Setback to Lot Line <u>45</u> ft & Rear Lot Line ____ ft	Setback to Road Right of Way <u>51</u> ft	\$ <u>10,000</u>
Setback to Bluff _____	Type of road <u>County</u>	
Setback to Wetland _____	Is wetland protected ( ) Yes ( ) No	
Setback to OHW (straight horizontal distance) <u>164</u>	Elevation above OHW (Straight vertical distance) _____	
Setback to septic tank <u>40'</u>	Setback to drainfield <u>10</u>	
Roof Change (X) Yes ( ) No	Maximum height proposed <u>10</u> # of Stories <u>1</u>	
Bathroom proposed ( ) Yes (X) No	Sleeping Quarters proposed ( ) Yes (X) 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.

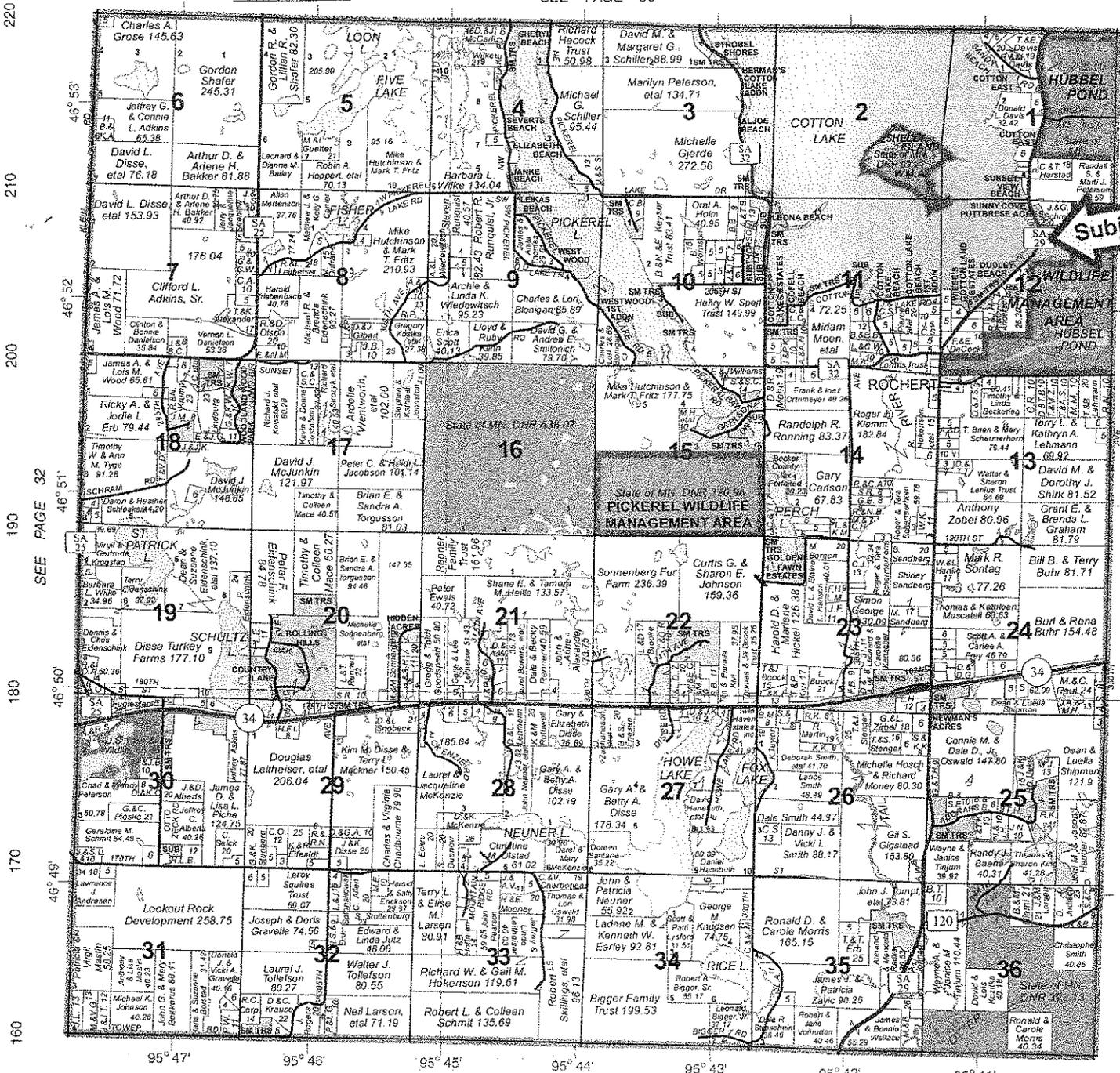
I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge. I also understand that, once issued, a permit is valid for a period of one (1) year from the date of issuance. If my property is located within the shoreland 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.



10/31/15

Signature

Date



Subject

SEE PAGE 32

SEE PAGE 36

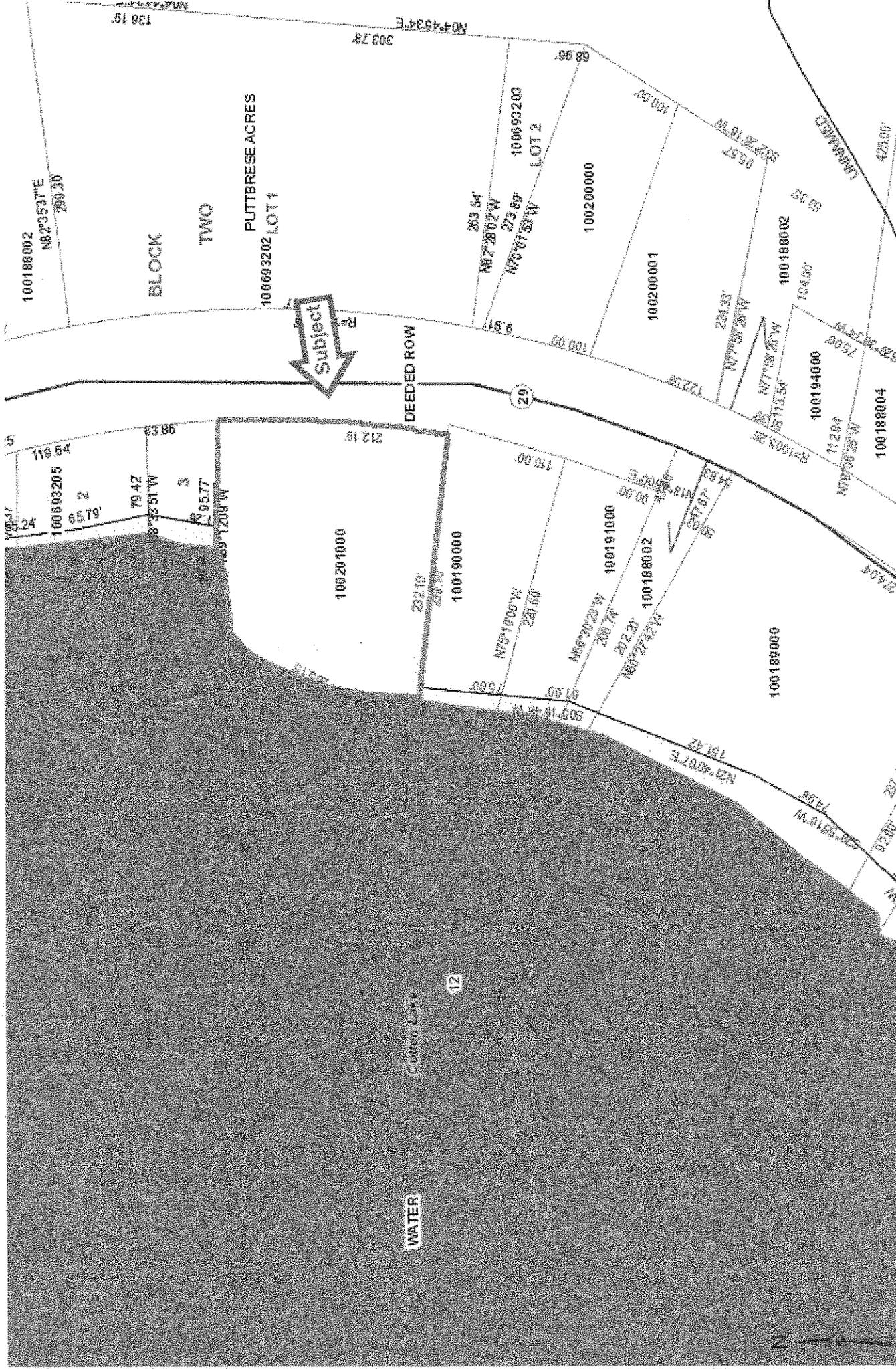
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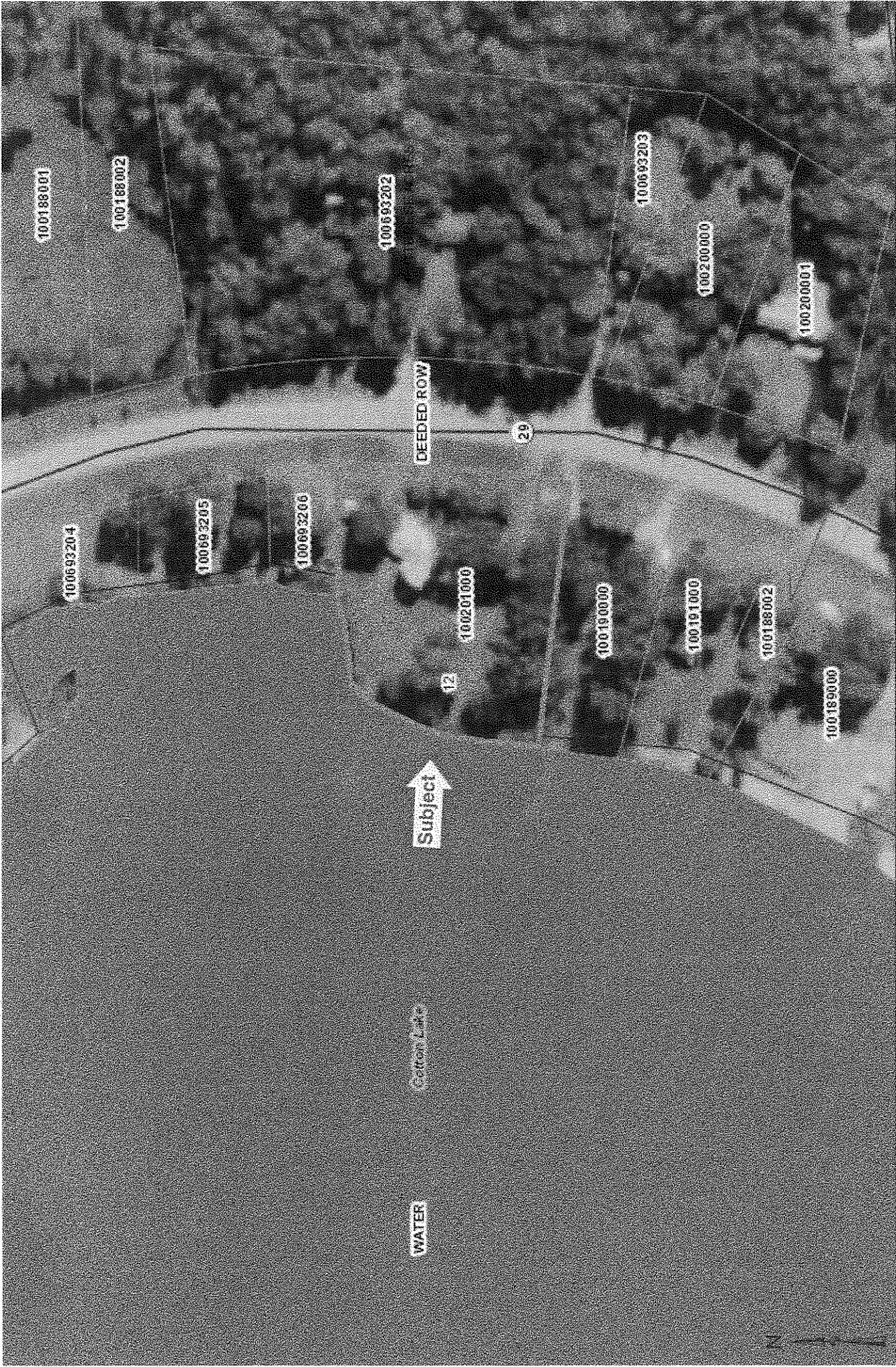
Becker County

1:1,390

Date: 11/18/2015

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



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