



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501

Phone: 218-846-7314

BOARD OF ADJUSTMENT NOTICE OF PUBLIC HEARING **HEARING DATE AND LOCATION**

May 12th, 2022 @ 6:00 P.M.

****Commissioner's Room – Becker County Courthouse****

APPLICANT: Patrick & Katherine De La Pointe
615 S 9th St
Fargo, ND 58103

Project Location: 13705 Barbara Beach Ln
Detroit Lakes, MN 56501

APPLICATION AND DESCRIPTION OF PROJECT:

1. Request a variance to construct a second story addition onto an existing non-conforming dwelling, to be located at four (4) feet from the side lot line, deviating from the required setback of five (5) feet from the side lot line, due to setback issues.
2. Requesting to be at 30% lot coverage, deviating from the allowed coverage of 25% on an agricultural zoned lot, due to lot size.

LEGAL LAND DESCRIPTION: Tax ID number: **19.0798.000**; Lake Sallie
Section 18 Township 138 Range 041; BARBARA BEACH 138 41 LOT 5; Lake View Township

Replies/Comments: Interested parties are invited to submit to the Becker County Department of Planning and Zoning written facts, arguments, or objectives before the scheduled date of the hearing. There 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

EMAIL: nicole.hultin@co.becker.mn.us

To view all application information on this project please visit:

https://www.co.becker.mn.us/government/meetings/planning_zoning/board_adjustments/

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, and 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 the day of the hearing for possible rescheduling of the hearing.

Variance Application Review

Permit # VAR2022-232

Property and Owner Review

Parcel Number(s): **190798000**

Owner: **PATRICK&KATHERINE DE LA POINTE**

Township-S/T/R: **LAKE VIEW-18/138/041**

Mailing Address:

**PATRICK&KATHERINE DE LA POINTE
615 S 9TH ST
FARGO ND 58103**

Site Address: **13705 BARBARA BEACH LN**

Lot Recording Date: **Prior to 1971**

Original Permit Nbr: **SITE2022-1768**

Legal Descr: **BARBARA BEACH 138 41 LOT 5**

Variance Details Review

Variance Request Reason(s):

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

If 'Other', description:

Requesting to be at 30% lot coverage, deviating from the allowed coverage of 25% on Ag zoned lots.

Description of Variance Request: **1.) Request a variance to construct a second story addition on to an existing non-conforming dwelling, to be located at four (4) feet from the side lot line, deviating from the required setback of five (5) feet from the side lot line., due to setback issues. 2.) Requesting to be at 30% lot coverage, deviating from the allowed coverage of 25% on an agricultural zoned lot, due to lot size.**

OHW Setback:

Side Lot Line Setback: **4' from side lot line**

Rear Setback (non-lake):

Bluff Setback:

Road Setback:

Road Type: **Township**

Existing Imp. Surface Coverage: **30%**

Proposed Imp. Surface Coverage: **30%- No change second story addition**

Existing Structure Sq Ft: **Exsiting attached garage 16x20=320**

Proposed Structure Sq Ft: **380 sq ft (Second story addition)**

Existing Structure Height: **11.5' (3/12 pitch 8' sidewalls)**

Proposed Structure Height: **20' tp Peak**

Existing Basement Sq Ft: **NA**

Proposed Basement Sq Ft: **NA**

Change to roofline? **N/A**

Change to main structural framework? **N/A**

Other Questions Review

1. Is the variance in harmony with the purposes and intent of the ordinance? **Yes**

Explain: **Yes, we are varying very minimally from the Ordinance requirements. The allowed setback from the side lot on a lot of record 50' wide is five (5) feet. We are asking to be four (4) feet. The request is meeting all other setbacks requirements. We are respecting the OHW, road and north side lot setbacks.**

2. Is the Variance consistent with the Becker County Comprehensive Plan? **Yes**

Explain: **Yes, we are not negatively impacting anyone's views or enjoyment of the lake. The location is also well away from the road easement so it would not create any road side hazards. The location meets or exceeds the required lake setback of seventy-five (75) feet. The request is for a second story addition, we are building within the same footprint, therefore, it will not increase the impervious coverage. We are just improving upon the existing structures. The request is well outside of the shore impact zone. It is a**

reasonable request.

3. Does the proposal put the property to use in a reasonable manner? **Yes**

Explain: **Yes, this lot is being used for seasonal residential purposes and is in a residential neighborhood. The space will be used for a open rec area/office space for grandpa. Example drafting table, stereo, tv, etc.. The family is growing and we need to accommodated visiting friends and extended family. It is building within the same footprint. We would like to keep with in the character of the existing cabin and surrounding cabins. It fits within the essential character of the locality.**

4. Are there circumstances unique to the property? **Yes**

Explain: **Barbra Beach Plat was established and developed in 1947, well before Becker County Zoning lot size standards and setbacks were established. The neighboring lot to the south was recently surveyed, that is when we realized the original structure was not meeting the required five (5) setback and is only at 4'. The existing structure was built in the 1960's prior to ownership of the lot in 2005, therefore the plight of the landowner is due to circumstances unique to the property not created by the landowner, and in that duration, it has not caused any hardship or hazard to any neighbor or the public. It is difficult to reduce the impervious surface on the lot. We have a minimal parking pad (10x20) which we share with our neighbor to the north; our decking is pervious, and we cannot remove the sidewalk as it is also a shared walkway with our neighbors to the north so they can gain access to their dwelling. Both cabins were built at the same time by Jack dad. And the side walk was placed on the lot at that time to be shared. If we could removed the sidewalk we would be at 25% coverage and not need that portion of the variance.**

5. Will the variance maintain the essential character of the locality? **Yes**

Explain: **Yes, this is located in a seasonal/residential neighborhood and will continue to be used for seasonal/residential uses. Many other lots in this area are at the same or similar setbacks as this structure. This is a minimal request and will not change the character of the locality. The addition will be aesthetically pleasing.**

Field Review Form (Pre-Insp)**Permit # SITE2022-1768****Property and Owner Review**

Parcel Number: 190798000	Inspector Notes:
Owner: PATRICK&KATHERINE DE LA POINTE	
Township-S/T/R: LAKE VIEW-18/138/041	
Site Address: 13705 BARBARA BEACH LN	Does posted address sign match site address? Y N

Dwelling Proposed Review

Dwelling/related structure (1A): Addition or Repairs to Existing Home	
- Existing Dimensions: 16x20 (Garage)	
- Proposed Dimensions:	
- Proposed Roof Changes? Yes	
Attached Garage (1B): N/A	
- Existing Dimensions:	
- Proposed Dimensions:	
- Proposed Roof Changes?	
Other dwelling related improvements (1C): N/A	
- Existing Dimensions:	
- Proposed Dimensions:	
- Proposed Roof Changes?	
Other dwelling related improvements (1D): N/A	
- Existing Dimensions:	
- Proposed Dimensions:	
- Proposed Roof Changes?	
Additional dwelling related projects/info:	
Inspector Notes:	

Non-Dwelling Proposed Review

Non-dwelling related project (2A):	
- Existing Dimensions:	
- Proposed Dimensions:	
- If water oriented structure, review 1) elevation difference between highest pt. of structure and lot elevation at standard setback; 2) lot location requirements are met	
Non-dwelling related project (2B):	
- Existing Dimensions:	
- Proposed Dimensions:	
- If water oriented structure, review 1) elevation difference between highest pt. of structure and lot elevation at standard setback; 2) lot location requirements are met	
Non-dwelling related project (2C):	
- Existing Dimensions:	
- Proposed Dimensions:	
- If water oriented structure, review 1) elevation difference between highest pt. of structure and lot elevation at standard setback; 2) lot location requirements are met	
Additional non-dwelling related projects/info:	
Inspector Notes:	

Setback Review

Road Type/Measurement From: Public/Township Rd - Right of Way		Shoreland 1000/300? Shoreland-Riparian (Property is bordering a lake, river or stream)	
Road setback: - Dwelling: 20' - Non-dwelling:	Pre-Inspection: - Dwell: - Non:	Lake Name: Sallie (Lake View) [GD] River Name:	
Side setback: - Dwelling: 4' - Variance Requested - Non-dwelling:	Pre-Inspection: - Dwell: - Non:	Pond/Wetland on property? No Bluff? No	
Rear setback: - Dwelling: - Non-dwelling:	Pre-Inspection: - Dwell: - Non:	OHW setback: - Dwelling: 75+ - Non-dwelling:	Pre-Inspection: - Dwell: - Non:
Septic tank setback: - Dwelling: 10+ - Non-dwelling:	Pre-Inspection: - Dwell: - Non:	Pond/wetland setback: - Dwelling: - Non-dwelling:	Pre-Inspection: - Dwell: - Non:
Drainfield setback: - Dwelling: 20+ - Non-dwelling:	Pre-Inspection: - Dwell: - Non:	Bluff setback: - Dwelling: - Non-dwelling:	Pre-Inspection: - Dwell: - Non:
Well setback: - Dwelling: - Non-dwelling: 3+	Pre-Inspection: - Dwell: - Non:		

Inspector Notes:

Other Information Review

Setback Averaging (if applicable):
- Structure type used:
- Setback of LEFT like structure:
- Setback of RIGHT like structure:

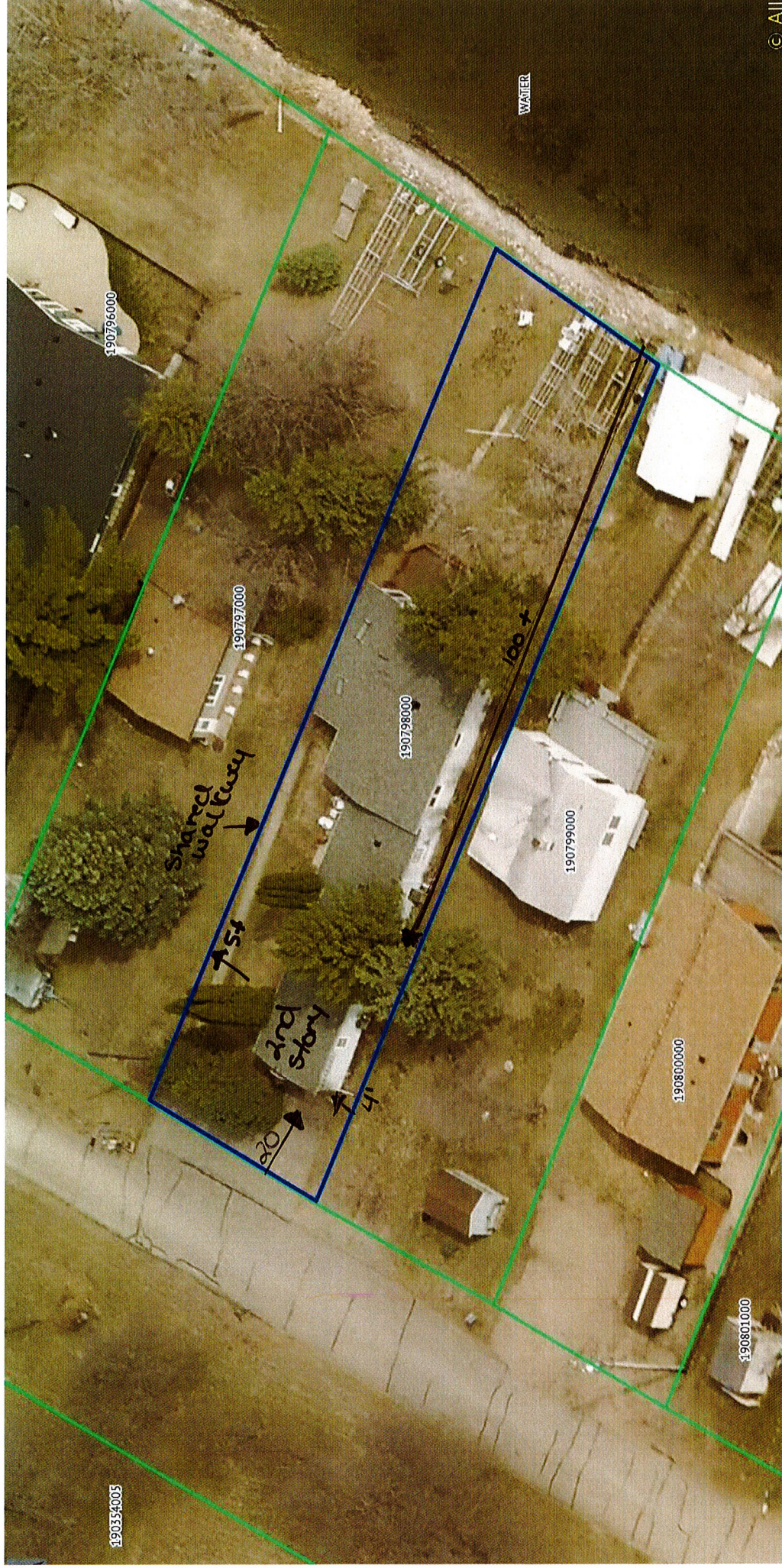
Any other impervious surface coverage not noted on application?

De La Pointe PARCELS 19.0798.000

TOTAL LOT AREA (186.04x50)	9,302			
ALLOWABLE IMPERVIOUS @ 25%	2,326			
		EXISTING	PROPOSED	Without Sidewalk <i>for reference</i>
Dwelling (1089+336+160)		1585	1585	1585
Existing Porch	6x16	96	96	96
Attached Garage	16x20	320	320	320
Concrete Patio		144	144	144
Decks (240+64)				
Sidewalk	150x3	450	450	
Asphalt Driveway	20x10	200	200	200
		2795	2795	2345
		30.0%	30.0%	25.2%

***Proposed is a second story addition; no change in impervious**

De La Pointe





Shared walkway

Shared parking pad

Image printed on 2/14/2022 at 12:25 PM

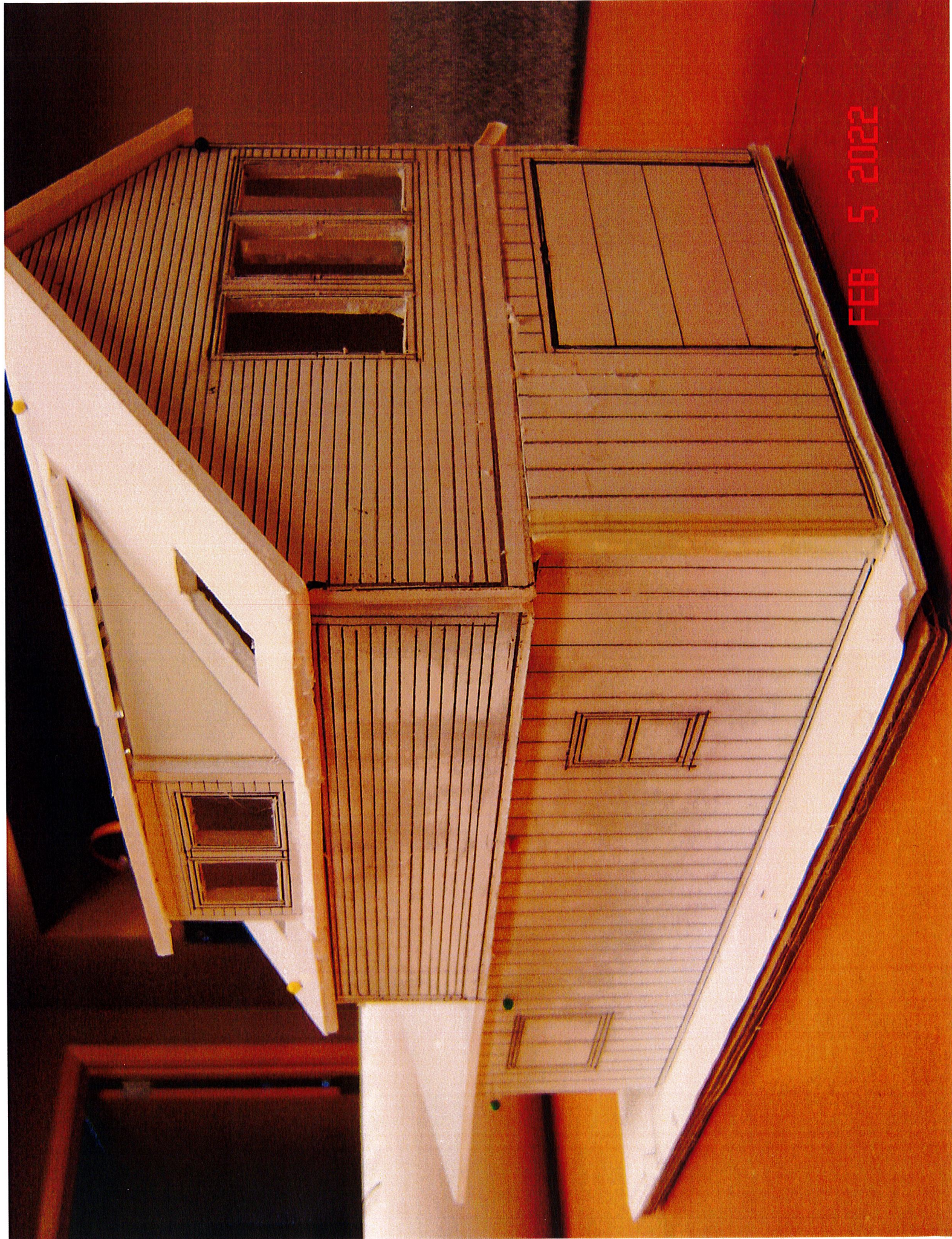
Parcel: 19.0798.000, Photo 2 of 2

Taken: 05/09/2021, Last edit: 06/02/2021

Notes:



property stake



FEB 5 2022

FEB 5 2022

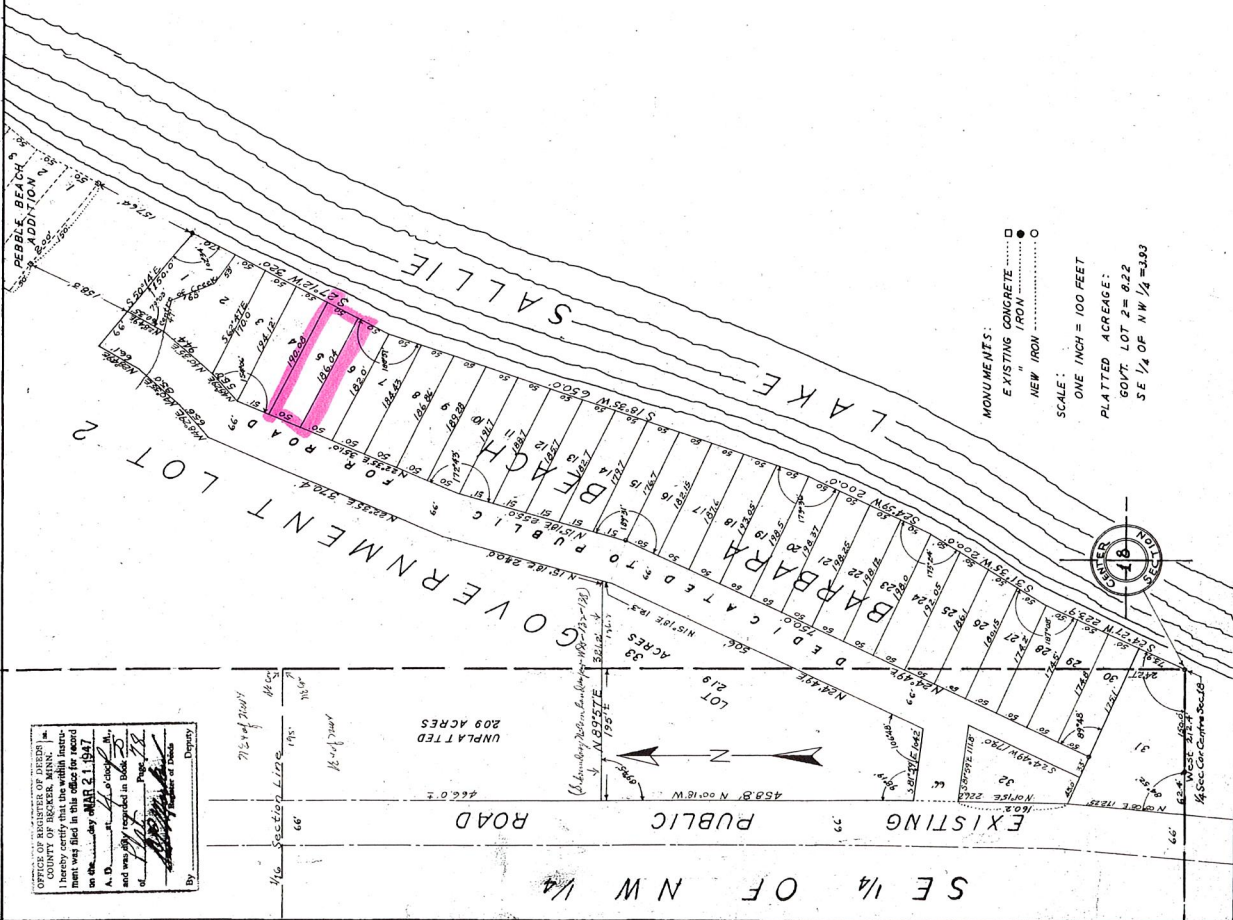


* Lot of record

BARBARA BEACH

177253

OFFICE OF REGISTERED INSTRUMENTS
I hereby certify that the within instrument was filed in this office for record on the 21 day of March, 1947.
A. D. 1947
and was duly registered in Block 2 of 18 pages.
By [Signature] Deputy



BE IT KNOWN THAT I, C. HILLABOE, and Daniel M. Hillaboe, his wife, the undersigned, the owners and proprietors of the certain land in the Southeast Quarter of the Northeast Quarter and in a part of Government Lot 2, Township 18 North, Range 41 West of the 5th P. M. in Becker County, Minnesota, more particularly described in the foregoing instrument, do hereby certify that the within instrument was filed in this office for record on the 21 day of March, 1947, and was duly registered in Block 2 of 18 pages.

Beginning at the Southeast corner of the Northeast Quarter of Section 18, which point is located on the West Shore of Lake Sallie; thence West 212.4 feet along the South line of said NW 1/4 of Section 18 to the East line of a Township road crossing said section in a Northerly-Southerly direction as the same is located and established; thence Northerly along said East line of said Township road 458.6 feet; thence North 89° 57' East 321.2 feet; thence North 15° 16' East 240.0 feet; thence North 28° East 370.4 feet; thence North 48° 28' East 95.6 feet; thence North 40° 35' East 83.0 feet; thence North 28° 45' East 68.1 feet; thence South 50° 14' East 216.0 feet to the Western Shore of Lake Sallie; thence South 27° 12' West 320.0 feet; thence South 18° 35' East 85.0 feet; thence South 24° 59' West 200.0 feet; thence South 31° 35' West 200.0 feet; thence South 24° 27' West 223.8 feet to the point of beginning;

have caused the said land to be surveyed and platted into thirty-three (33) lots to be known as BARBARA BEACH, and have dedicated a tract of land containing 2.38 acres to the public forever for road purposes as designated on this plat.

IN WITNESS WHEREOF, I have caused this plat to be signed this 3rd day of March, 1947 A.D.

WITNESSES:
[Signature]
[Signature]

STATE OF MINNESOTA
COUNTY OF BECKER

On this 3rd day of March, 1947, before me, [Signature], a Notary Public, in and for said county, personally appeared C. Hillaboe & Daniel M. Hillaboe, his wife, who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

(Seal)

I HEREBY CERTIFY, That I made the survey of BARBARA BEACH in accordance with the provisions of the statute pertaining to such surveys; that this plat is a correct representation of the survey, that all distances are correctly shown, that the monuments for guidance of future surveys have been correctly placed as shown, that the Outside Boundary lines are correctly designated, that the topography of the land is correctly shown and that there are no wet lands.

Subscribed and sworn to before me this 20th day of March, 1947 A. D.

(Seal)

The annexed plat is hereby approved by the Board of Commissioners of Becker County, Minnesota, this 5 day of March, 1947 A. D.

ATTEST:

[Signature]
County Auditor

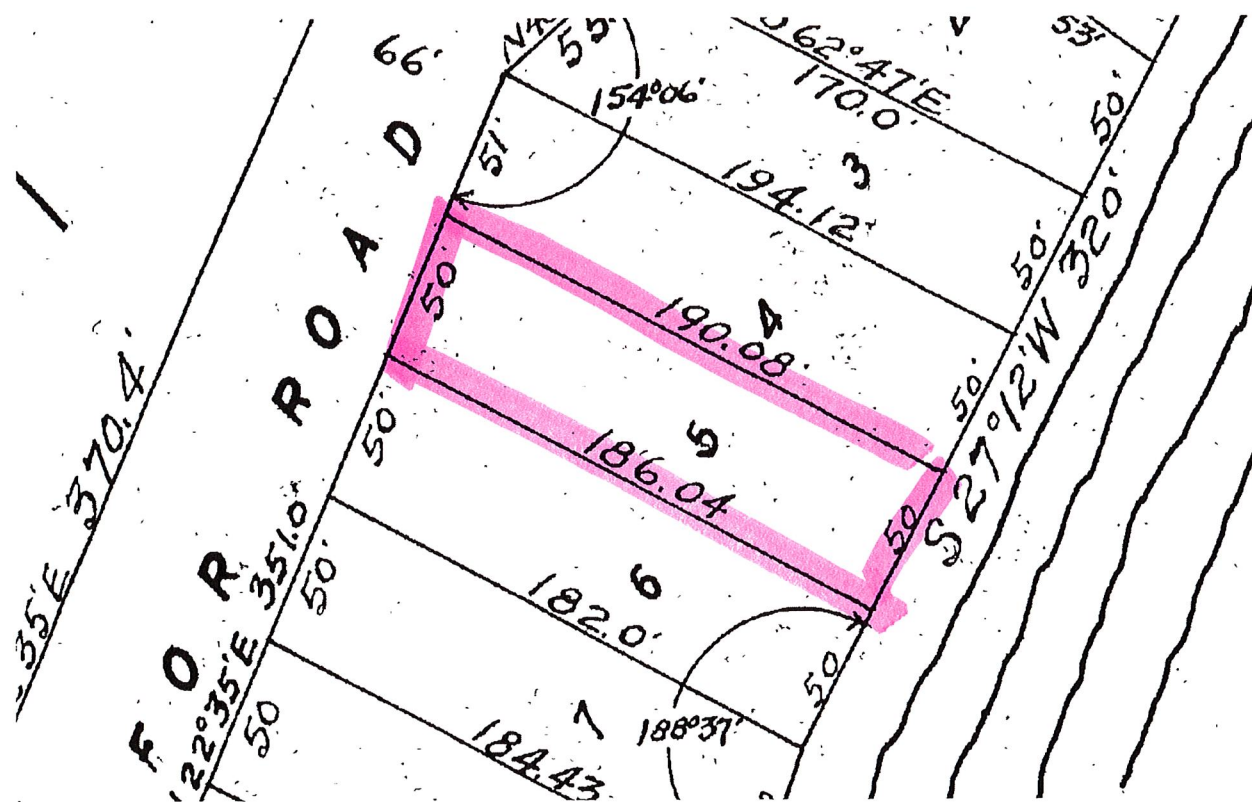
(Seal)

[Signature]
Chairman of County Board

I hereby certify that taxes for the year 1946 on the lands described within were paid on 23 of March, 1947.

[Signature]
Deputy

Original



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FDIC

EQUAL HOUSING LENDER

**Construction Loans • Lot Purchase
Ag Loans • Commercial Loans
Home Finance**



FDIC 

Township 138N - Range 41W

[illegible]

230 240 250 260 270 280 290 15



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501

Phone: 218-846-7314

BOARD OF ADJUSTMENT NOTICE OF PUBLIC HEARING

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

May 12th, 2022 @ 6:00 P.M.

****Commissioner's Room – Becker County Courthouse****

APPLICANT: KBCB Properties LLC
4963 35th Ave S
Fargo, ND 58104

Project Location: 54602 St Hwy 34
Osage, MN 56570

APPLICATION AND DESCRIPTION OF PROJECT:

1. Request a variance to be ten (10) feet from the rear property line, deviating from the required setback of forty (40) feet from a rear property line due to setback issues.
2. Request a variance to exceed the allowable thirty (30) percent impervious surface coverage on a commercially zoned lot due to lot size and parking requirements.

LEGAL LAND DESCRIPTION: Tax ID number: **21.0435.000, 21.0435.001, & 21.0434.000**

Section 20 Township 140 Range 036; TOWNSITE OF OSAGE Block 002 LOTS 1 & 2; TOWNSITE OF OSAGE Lot 003 Block 002; TOWNSITE OF OSAGE Lot 004 Block 002; Osage Township

Replies/Comments: Interested parties are invited to submit to the Becker County Department of Planning and Zoning 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:

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EMAIL: nicole.hultin@co.becker.mn.us

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Variance Application Review

Permit # VAR2022-234

Property and Owner Review

Parcel Number(s): 210435001 21.0434.000 2430435.000

Owner: KBCB PROPERTIES LLC

Township-S/T/R: OSAGE-20/140/036

Mailing Address:

KBCB PROPERTIES LLC
4963 35TH AVE S
FARGO ND 58104

Site Address: 54586 ST HWY 34

Lot Recording Date: Prior to 1971

Original Permit Nbr: SITE2021-87438

Legal Descr: Lot 003 Block 002 of TOWNSITE OF OSAGE

Variance Details Review

Variance Request Reason(s):

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

If 'Other', description:

Description of Variance Request: **Request a variance to construct a building to be: 1. 10' from the rear property line (opposite of St Hwy 34). 2. To exceed allowable impervious surface coverage by 53% or a total of 83% of the total area of all three parcels. 3. To vary from the required parking requirements.**

OHW Setback:

Side Lot Line Setback:

Rear Setback (non-lake): 10

Bluff Setback:

Road Setback:

Road Type: State

Existing Imp. Surface Coverage: 79

Proposed Imp. Surface Coverage: 83

Existing Structure Sq Ft: 728

Proposed Structure Sq Ft: 2820

Existing Structure Height: 12

Proposed Structure Height: 30

Existing Basement Sq Ft: N/A

Proposed Basement Sq Ft: N/A

Change to roofline? Yes

Change to main structural framework? Yes

Other Questions Review

1. Is the variance in harmony with the purposes and intent of the ordinance? Yes

Explain: **Commercial districts are intended to have higher impervious surfaces, building heights, and used for retail sales and other commercial use. The existing impervious surface will be minimally increased by 4%.**

2. Is the Variance consistent with the Becker County Comprehensive Plan? Yes

Explain: **Yes, the plan supports locally owned businesses.**

3. Does the proposal put the property to use in a reasonable manner? Yes

Explain: **Yes, the project is located next to an existing grocery store and will be used in a very similar manner in terms of traffic, noise, and parking.**

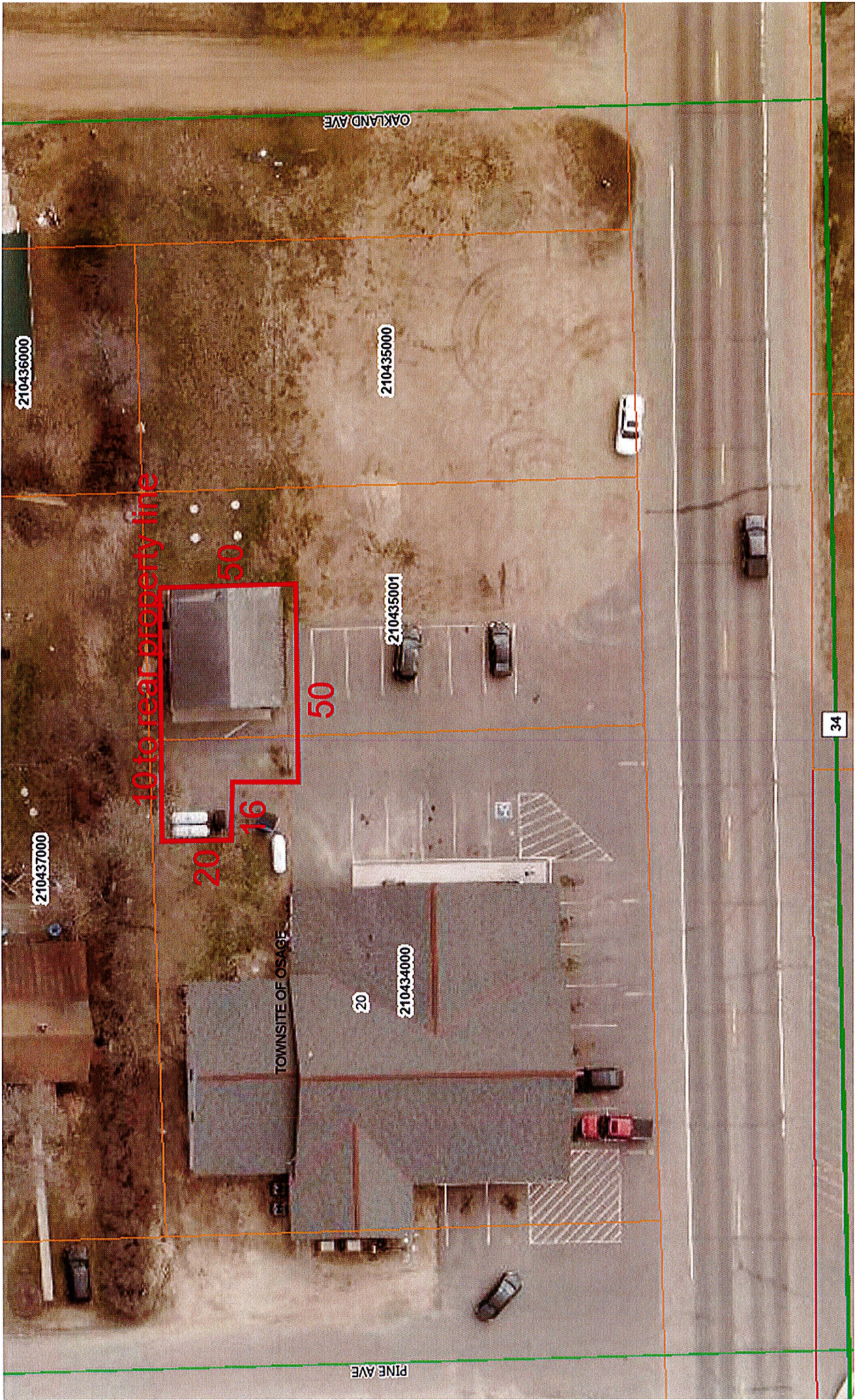
4. Are there circumstances unique to the property? Yes

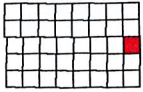
Explain: **Yes, the property is substandard in lot size.**

5. Will the variance maintain the essential character of the locality? Yes

Explain: **Yes, the project is located along a commercial corridor on a state high way with multiple other**

commercial uses in the immediate vicinity to include a gas station/restaurant/bar, liquor store, and grocery store.



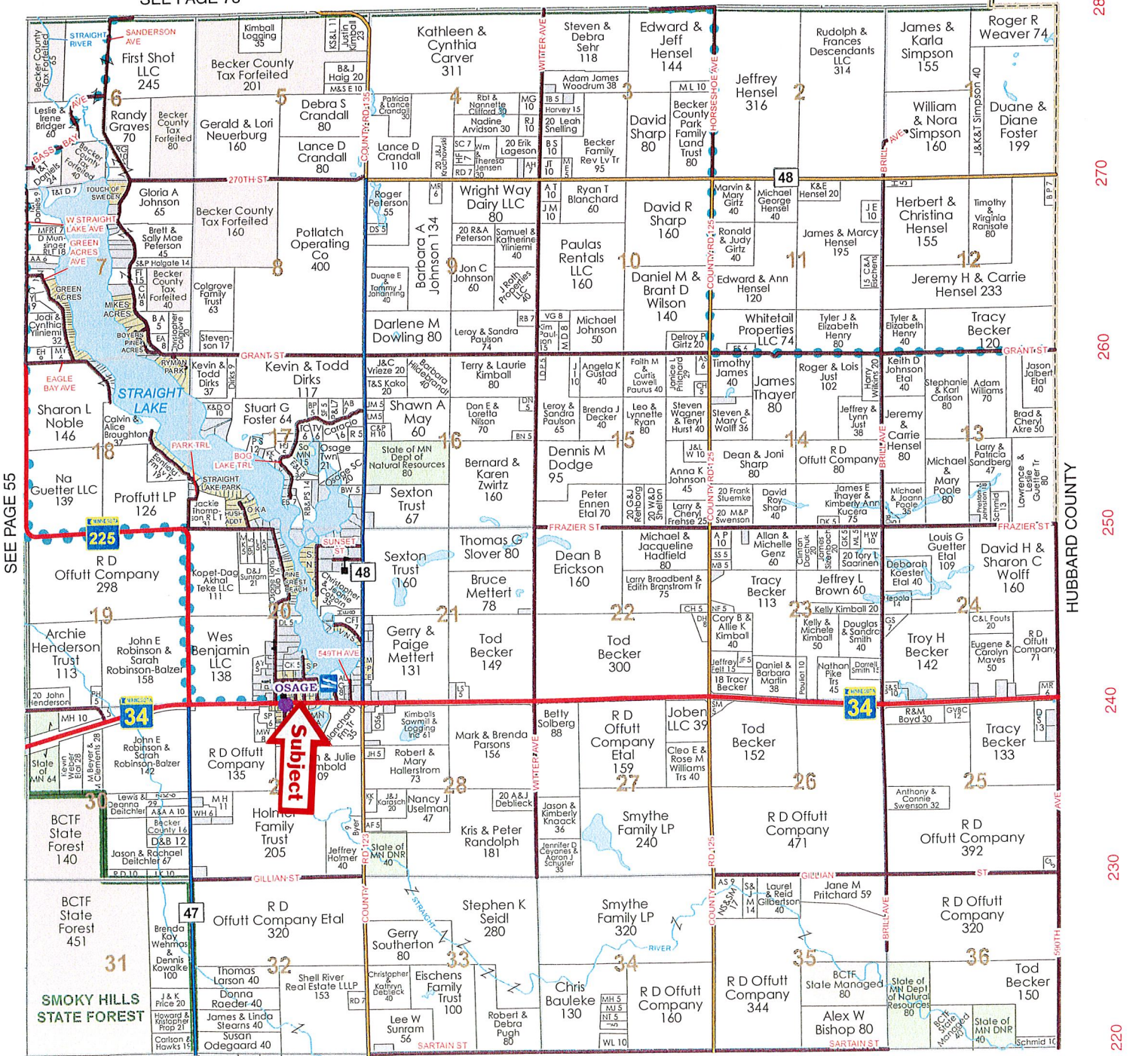


Osage

Township 140N - Range 36W

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SEE PAGE 73



SEE PAGE 41