

Becker County Board of Adjustments
July 21st, 2022

Present: Members: Chairman Roger Boatman, Michael Sharp, Delvaughn King, Dan Josephson, Zoning Administrator Kyle Vareberg, and Zoning Technician Nicole Hultin. Absent was Craig Hall and Justin Knopf.

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

Introductions were given.

Josephson made a motion to approve the minutes from the January 13th, 2022, meeting with changes discussed at the July 14th tour meeting. **King** seconded. All in favor, Motion carried.

OLD BUSINESS:

FIRST ORDER OF BUSINESS: APPLICANT: Paul S Hasson 12603 S Abbey Lake Ln Detroit Lakes, MN 56501 **Project Location:** 12603 S Abbey Lake Ln Detroit Lakes, MN 56501 **Tax ID number:** 19.0718.000 **LEGAL LAND DESCRIPTION:** Section 23 Township 138 Range 041; ABBEY LAKE ESTATES Lot 056 Block 001 LOTS 54-57. PT VAC RD NW OF LN: COMM ELY COR LOT 54, NW 39.89' TO POB; NE 66' AND TERM (PARCEL A, .25AC).
APPLICATION AND DESCRIPTION OF PROJECT: Request a variance to construct a deck to be located at 48' from the Ordinary High-Water Mark (OHW). Application was tabled from the June 9th, 2022, hearing.

Paul Hasson presented the application and mentioned that he is working with the Pelican River Watershed to minimize environmental impacts.

Sharp asked what the portion of the deck closest to the lake will be used for.

Hasson stated temporary seating while he tries to get the beach more useable.

Sharp asked why it would be wider than the existing deck.

Hasson explained that after using the existing deck it has been realized that it is very hard to get stuff in and out of the house and with the door open there is not much room to do anything.

Boatman asked how many square feet it ends up being.

Hasson stated eight hundred and thirty-eight (838) square feet and explained that he had discussed with a contractor about doing the deck in two separate pieces but that it was more cost effective to connect them and the corner is where they want to put the seating.

45 Boatman said he still thinks the request is excessive on a Natural Environmental Lake and that it needed to
46 be cut down. He doesn't feel this is much of a compromise.

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48 Hasson stated he's not left with many options given the location of the house.

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50 Sharp commented that he would feel a lot better if the setback was fifty (50) feet and would like to see a
51 ten (10) foot width instead along with the addition of shrubs and trees.

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53 Hasson commented that the deck in back was approved at forty-four (44) feet and all he's asking now is for
54 a forty-seven-to-forty-eight (47-48) foot setback and is going to plant more trees and shrubs.

55
56 Josephson would like to see a fifty (50) foot setback and asked Hasson if he could bring down the size on
57 the north side where the existing steps go up.

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59 Hasson mentioned he already put in two (2) patio doors.

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61 Boatman said that was his problem because he didn't have the permit yet.

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63 Hasson said if he went to ten (10) foot width he would be at the fifty (50) foot setback.

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65 Boatman asked about shortening up the length to thirty-eight (38) feet.

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67 Hasson said if he had to, he could eliminate the corner, but he would like to keep the wrap around option
68 because he has a large family. He asked if the Board would be willing to allow it to be ten (10) feet in width
69 while keeping the L-shape for functionality and family.

70
71 Testimony closed.

72
73 Sharp shared his concerns about the length of the deck but commented on the fact that Hasson is planning
74 to mitigate with shrubs and trees so he's willing if the mitigation is a condition.

75
76 King agreed with sharp.

77
78 **Motion:** Sharp made a motion to **approve** the variance with the adjustment that the deck be at a fifty (50)
79 foot setback and with the condition that plants and trees be planted as indicated in Hasson's diagram based
80 on the findings that it puts the property to reasonable use, it's in harmony with the purposes and intent of
81 the zoning ordinance, it's consistent with the comprehensive plan, and with mitigation it does not alter the
82 character of the locality.

83
84 **King second.** All in favor. **Motion carried.** Variance **approved.**

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87 Chairman Roger Boatman explained the protocol for the meeting.

88

89
90 **NEW BUSINESS:**
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92 **FIRST ORDER OF BUSINESS: APPLICANT: Jeff Kloos & Pam Kloos** 819 Delores Dr West
93 Fargo, ND 58078 **Project Location:** 14178 Tradewinds Rd Audubon, MN 56511 **Tax ID**
94 **Number:** 17.0815.000 **LEGAL LAND DESCRIPTION:** Section 07 Township 138 Range 042;
95 JOHNSON BROS EAST LOT 6 & VAC PLAT RD DOC#543086 & QCD #552754; Lake Eunice
96 Township **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to be at
97 28.6% impervious surface coverage deviating from the allowable 25% impervious surface
98 coverage within the shoreland district due to lot size.
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100 Jeff Kloos spoke and stated that he would be willing to remove his bituminous driveway which
101 would bring his total impervious surface coverage to less than twenty-five (25) percent.
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103 Since a variance was no longer required Kloos withdrew his application.
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106 **SECOND ORDER OF BUSINESS: APPLICANT: Raymond Reading** 25213 Town & Country
107 Estate Rd Detroit Lakes, MN 56501 **Project Location:** 25213 Town & Country Estate Rd Detroit
108 Lakes, MN 56501 **Tax ID Number:** 08.0131.000 **LEGAL LAND DESCRIPTION:** Section 09
109 Township 139 Range 041; PT LOT 5 BEG 135' W & 2134.5' S OF NW COR LOT 1 OAKLAND
110 BCH TH N 75' E 183.6' S 75' AL LK & W 189.1' TO BEG; Detroit Township **APPLICATION**
111 **AND DESCRIPTION OF PROJECT:** Request a variance to be at 27% impervious surface
112 coverage deviating from the allowable 25% impervious surface coverage within the shoreland
113 district due to lot size.
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115

116 Raymond Reading presented the application. He explained that this home was a seasonal home that they
117 are now making permanent. He stated that right now they can only park in the road right-of-way and a little
118 bit on the drain field, and that the proposed approach going into the property is where this increase in
119 impervious comes into play.
120

121 Boatman asked what the proposed height is going to be.
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123 Reading said twenty-eight (28) feet, and that he will be installing French drains. He also explained the
124 elevation change on the property and noted that they had approved another property on Floyd Lake to be at
125 thirty-four (34) percent impervious surface coverage.
126

127 Sharp asked why they needed three (3) stalls for the garage.
128

129 Reading said there are four (4) people living there.
130

131 Testimony Closed.
132

133 Sharp thinks the size of the garage is excessive but stated that Reading is going above and beyond with his
134 mitigation plan.
135

King agrees.

Josephson commented that they could make it a condition that he must work with the Pelican River Watershed, and that he doesn't see an issue with the impervious.

Motion: Sharp made a motion to **approve** a variance as submitted with the condition that the stormwater be mitigated as indicated with ninety-six (96) credits based on the findings that it puts the property to reasonable use, it's consistent with the purposes and intent of the zoning ordinance, it won't alter the character of the locality as it will conform to all other setback related standards, and the property has unique circumstances as it was created before the adoption of the zoning ordinance and is narrow in width.

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

THIRD ORDER OF BUSINESS: APPLICANT: Robert H Hedlund 25687 E Cozy Cove Rd Detroit Lakes, MN 56501 **Project Location:** 25687 E Cozy Cove Rd Detroit Lakes, MN 56501 **Tax ID number:** 08.0063.000 **LEGAL LAND DESCRIPTION:** Section 04 Township 139 Range 041; PT LOT 9 BEG 697' W 269.1' NE & 976' NW OF MC#24 TH SW 353.14' NW 994.98' N 660' NE 266.3' & SE 1000.1' AL LK TO BEG; Detroit Township **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to allow a thirty-three (33) foot wide easement to access more than two (2) tracts for ingress and egress.

Robert Hedlund presented the application and mentioned that someone wanted to purchase a portion of his land and that is why he is requesting this variance.

Vareberg mentioned that in the state the road is in, that Detroit Township would never want to maintain it. He explained that it basically becomes a "buyer beware" type of situation where new property owners need to understand it is a private road.

Boatman asked Hedlund how many saleable lots there are.

Hedlund said none; that this is his first sale. He stated that he has nineteen (19) acres.

Testimony closed.

Josephson said the zoning ordinance states sixty-six (66) feet wide if servicing three (3) or more properties, and if this variance is passed it would be like basically telling whomever going forward that its fine to keep this path going into the properties.

Vareberg reiterated that this would be a "buyer beware" situation and commented that a lot of counties don't regulate easement width.

Sharp stated that he is in favor of the approval.

Motion: Sharp made a motion to **approve** the variance as submitted based on the findings that it puts the property to reasonable use, its consistent with the purposes and intent of the zoning ordinance and the comprehensive plan, and that it will not alter the character of the locality.

King second. Sharp, Boatman, and King in favor; Josephson opposed. **Motion carried.** Variance **approved.**

FOURTH ORDER OF BUSINESS: APPLICANT: Richard Magnuson & Charlotte 3011 4th St NW West Fargo, ND 58078 **Project Location:** 29349 N Sugar Bush Hts Rd Ogema, MN 56569 **Tax ID Number:** 32.0402.000 **LEGAL LAND DESCRIPTION:** Section 08 Township 141 Range 040; SUGAR BUSH HGTS 3RD PT LOT 1 N OF LN: COMM SE COR LOT 1, N 210.46' TO POB; W 20', NW 494.51' TO SUG BUSH LK AND TERM. & PT: COMM SE COR LOT 1, N 210.47', W 20', NW 449.25', TO BIG SUG BUSH LK, S AL LK TO PT NW OF POB, SE 354.88' TO POB (TRACT A).; **APPLICATION AND DESCRIPTION OF PROJECT: 1.)** Request a variance to construct a dwelling to be located sixty (60) feet from the Ordinary High-Water Mark (OHW). **2.)** Request a variance to construct a deck to be located fifty (50) feet from the OHW deviating from the required setback of one hundred (100) feet on a recreational development lake all due to setback and topographical issues.

Richard Magnuson presented the application and explained that he would like to use the area where it is cleared in order to not have to remove any more trees than necessary. He commented on the shape of the property and how the peninsula makes the setbacks hard.

Boatman commented that he is out of the shore impact zone.

King asked if where he had staked was where he was wanting to build.

Magnuson said yes, it was a rough build area. He said he hasn't met with a contractor yet, so there are no finalized plans.

Sharp stated that the property does have some challenges but given the amount of space out there he struggles with finding the hardship.

Josephson asked how big the staked area is.

Magnusson said roughly thirty (30) by fifty (50) feet.

Boatman thinks it's hard to discuss without them being able to see what size of a home he's planning to put there.

Josephson thinks given the topography he could just go higher, and he wouldn't be losing any view.

Magnusson said the one hundred (100) foot mark would be going the other way, that the septic will need to fit, and he doesn't want to build ten (10) feet from the neighboring property line.

King thinks he would be better off moving it back to eighty (80) feet.

Vareberg commented that if he wants to table that he could meet him on the property to review setbacks.

Magnuson tabled the application till the September 2022 hearing.

FIFTH ORDER OF BUSINESS: APPLICANT: 6367/Boat Properties LLC 24147 Wine Lake Rd Detroit Lakes, MN 56501 **Project Location:** 24147 Wine Lake Rd Detroit Lakes, MN 56501 **Tax ID number:** 08.0320.000 **LEGAL LAND DESCRIPTION:** Section 20 Township 139 Range 041; 20-139-41 PT GOVT LOT 6 IN SEC 20 OF FOLL PARCEL: COMM SW COR SEC 20, NE 334.6' TO POB; NE 514.5' AL LK, ELY 245' TO SW ROW RD, SE 804.7' TO NE LN RR, NW TO N LN SEC 29, E TO PT 200' N OF RR, NW TO POB. **Tax ID number:** 08.0319.001 **LEGAL LAND DESCRIPTION:** Section 20 Township 139 Range 041; 20-139-41 PT GOVT LOT 6 SEC 20 OF FOLL PARCEL: COMM SW COR SEC 20, E 755.86', SELY 189.57', SE 38.2' TO POB; NW 856.81' TO CTR RD, SELY AL RD 1388.34', NWLY 712.52' TO POB. & PT GOVT LOT 6 SEC 20 OF FOLL PARCEL: COMM SW COR SEC 20, E 755.86', SELY 189.57', SE 38.2' TO POB; NW 856.81' TO CT RD, SELY AL RD 1388.34', NWLY 712.52' TO POB. **APPLICATION AND DESCRIPTION OF PROJECT:**

- 1.) Request a variance to construct an addition to an existing building to be located eighty-nine (89) feet from the Ordinary High-Water (OHW) deviating from the required setback of one hundred and fifty (150) feet on a Natural Environment Lake due to lot shape.

Kevin Tinjum presented the application.

Josephson commented on the defined wall between the existing show room and the shop and stated there would likely be a lot of work involved to move the showroom closer to the other building.

Tinjum confirmed it would be.

Boatman asked how high the airport would allow him to go.

King asked if he would be higher than the existing building.

Tinjum said no.

Vareberg said it could be a condition that they meet the height regulations set by the FAA.

Vareberg stated that the measurement for the setback would actually be eighty-four (84) feet instead of the eighty-nine (89) feet in the request.

Testimony Closed.

Josephson asked to include that he works with the Pelican River Watershed.

Motion: Josephson made a motion to **approve** the variance with the setback being at eighty-four (84) feet, and the conditions that they meet the height regulations set forth by the FAA and work with the Pelican River Watershed.

King second. All in Favor. **Motion carried.** Variance **approved.**

SIXTH ORDER OF BUSINESS: APPLICANT: Steven G & Lori A Mitchell 3839 Kensington Dr West Fargo, ND 58078 **Project Location:** 19309 428th Ave Frazee, MN 56544 **Tax ID number:** 33.0298.000 **LEGAL LAND DESCRIPTION:** Section 17 Township 139 Range 038; MARK'S BEACH 139 38 LOT 13. **APPLICATION AND DESCRIPTION OF PROJECT:**

- 1.) Request a variance to be at 27% impervious surface coverage deviating from the allowable 25% impervious surface coverage within the shoreland district due to lot size.

Lori and Steven Mitchell presented the application and explained that they would like to build a new garage with doors that face the road instead of sideways. They stated that they currently share an approach with the neighbors, but if they have a garage with doors facing the road, they would like to take out the existing approach and put in a new one. They have gotten approval from the township to do that.

Josephson asked by how many square feet they were over the twenty-five (25) percent allowable impervious surface coverage.

Vareberg said three hundred and fourteen (314) square feet.

Sharp asked what they were going to mitigate. He asked if they plan to do gutters into French drains.

Boatman said if they did French drains off the garage, they could leave the driveway the way it is.

Vareberg explained that some of the house may need to be guttered as well.

The Applicant's agreed to gutter the house and garage both into French drains.

Testimony closed.

Motion: Sharp made a motion to **approve** a variance with the condition that French drains be installed on the garage and house, and that they work with Becker County Zoning to determine the number of gutters and French drains needed for stormwater mitigation based on the findings that it puts the property to reasonable use, it's consistent with the purposes and intent of the zoning ordinance and the comprehensive plan, and it does not alter the character of the locality as the new garage simply replaces an existing.

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322 **Josephson second.** All in favor. **Motion carried.** Variance **approved.**

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325 As there was no further business to come before the Board, **King** made a motion to adjourn the meeting.

326 **Sharp** second. All in favor. Motion carried. Meeting adjourned at 7:41 pm.

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Chairman Roger Boatman ATTEST _____

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Kyle Vareberg,
Planning and Zoning Administrator

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