

**Becker County Board of Adjustments
November 14th, 2022**

Present: Members: Craig Hall, Delvaughn King, Dan Josephson, Kohl Skalin, and Justin Knopf and Zoning Administrator Kyle Vareberg

Absent: Chairman Roger Boatman, Michael Sharp

Craig Hall called the meeting to order at 6:00 p.m. Zoning Administrator Kyle Vareberg recorded the minutes.

Introductions were given.

King made a motion to approve the minutes from the September 15th and 26th meetings with no changes. **Josephson** seconded. All in favor, Motion carried.

Dan Josephson explained the protocol for the meeting.

Zoning Administrator Kyle Vareberg read the guidelines of the Minnesota statutes the board must follow in order to support or deny any request.

OLD BUSINESS:

FIRST ORDER OF BUSINESS: APPLICANT: Roger & Kathleen Wacker 13263 460th Ave Frazee, MN 56544 **Project Location:** 43178 Co Hwy 56 Frazee, MN 56544 **Tax ID Number:** 33.0285.302 **LEGAL LAND DESCRIPTION:** Section 21 Township 139 Range 038 INDIAN HILL 139 38 LOT 2 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a garage to be located seventy (70) feet from the Ordinary High-Water (OHW) mark on a Recreational Development (RD) lake due to setback issues. Application was tabled from the October 20th, 2022, hearing.

Kyle Vareberg read aloud the application on behalf of Roger and Kathleen Wacker.

Josephson asked if there was any correspondence relating to the project.

Vareberg said there was no correspondence.

Justin Knopf asked for clarification on the size of the garage.

Vareberg responded the garage will be twenty-four by twenty-two feet.

Testimony closed.

Motion: Knopf motioned to **approve** the variance as submitted based on the findings that the request does not alter the essential character of the locality and is in harmony with the intent of the zoning ordinance and comprehensive plan.

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

SECOND ORDER OF BUSINESS: APPLICANT: Craig A & Wanda K Runck 3730 163rd Ave SE Mapleton, ND 58059 **Project Location:** 11443 Lake Maud Dr Detroit Lakes, MN 56501 **Tax ID Number:** 17.0325.000 **LEGAL LAND DESCRIPTION:** Section 28 Township 138 Range 042 PT GOVT LOTS 2 & 3: COMM SE COR SEC 28 TH N 2553.55' AL E LN, TH W 33', NW 141.79' TO POB; CONT NW 45.29', TH SWLY 13.92' SW 31.48', TH NW 13.10', TH NELY 35.73', NW 43.37', TH N 148' TO LK MAUD, SE AL LK 110.72', TH S 130.51' TO POB; Lake Eunice Township **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct an addition onto an existing house with the addition being located at seventy (70) feet from the Ordinary High-Water (OHW) mark of a Recreational Development (RD) lake due to setback issues. Application was tabled from the October 20th, 2022 hearing.

Craig Runck presented the application. He explained the addition to his home will be used for storage, citing the need for a place to store his boat.

Testimony closed.

Josephson asked Vareberg if there was any correspondence related to the application.

Vareberg responded that there is no correspondence.

Motion: Skalin motioned to approve the variance as requested, based on the findings that the request puts the property to use in a reasonable manner, does not alter the character of the locality, and is in harmony with the intents and purposes of the zoning ordinance and comprehensive plan.

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

THIRD ORDER OF BUSINESS: APPLICANT: Brian Joseph Dingmann RLT & Melissa Dingmann RLT 1545 W Summerwood Trl Dilworth, MN 56529 **Project Location:** 38930 Notebloom Ln Waubun, MN 56529. **Tax ID Number:** 09.0522.003 **LEGAL LAND DESCRIPTION:** Section 12 Township 142 Range 039 GOLDEN RULE 1ST ADD Block 001 LOT 2; Eagle View **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a 22'x30' deck to be located sixteen (16) feet from the top of a bluff. Application was tabled from the October 20th, 2022, hearing.

Brian Dingmann presented the application. He explained that the cabin was built and the pylons poured for the deck before the county adopted its current ordinance surrounding construction around bluffs. He said he was unaware of the bluff when he constructed his cabin.

Vareberg explained to the board that the current ordinance surrounding bluffs was implemented in 2018, and new technology for identifying bluffs has caused the bluff on Dingmann's property to be recently identified.

Testimony closed.

Josephson thinks the request is reasonable.

Knopf asked for clarification of what the pylons were from the applicant.

Dingmann explained the pylons were concrete anchors for the deck, but more would need to be poured for the proposed deck.

Motion: Knopf motioned to approve the variance as requested, given the request aligns with the comprehensive plan and puts the property to use in a reasonable manner.

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

FOURTH ORDER OF BUSINESS: APPLICANT: Micah & Manda Tweten 3658 4th St E West Fargo, ND 58078 **Project Location:** 24511 Woodland Ln Detroit Lakes, MN 56501 **Tax ID Number:** 19.0791.000 **LEGAL LAND DESCRIPTION:** Section 08 Township 138 Range 041 AUD PLAT 138 41 LOT 17; Lake View **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a shop to be located 0' from the rear property line, 5' from the side property line, 30' from the centerline of the road, and to be at 31% impervious surface coverage. Application was tabled from the October 20th, 2022, hearing

Micah Tweten presented the application.

Josephson asked if there were any opinions from the township in this matter.

Vareberg attempted to call the township but was unable to reach them.

Knopf proposed re-visiting the design and working with the layout of the structure on the property so that it can be more conforming with the setbacks.

Josephson agreed with Knopf that the applicant would be wise to consider different options for the location and orientation of the structure.

Tweten agreed to table the application and seek out alternative structure placement before returning to the Board of Adjustment.

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NEW BUSINESS:

117 **FIRST ORDER OF BUSINESS: APPLICANT: Steven G Alley & Linda L Alley** 1140 Eagle
118 Park Dr S Fargo, ND 58104 **Project Location:** 17744 Co Hwy 6 Lake Park, MN 56554 **Tax ID**
119 **Number:** 17.0070.003 **LEGAL LAND DESCRIPTION:** Section 06 Township 138 Range 042
120 6-138-42 PT GOVT LOT 8: COMM MC #47 TH W 250.47', N 337.35' TO POB; NWLY 156.77'
121 TO LEAF LK, NLY 157.43', ELY 54.12', SLY 348.89', SW 118.46', SLY 174.89', E 102.92',
122 NELY 202.30', SWLY 97.35', SW 95.54', S 86.36', E TO E LN SEC 6, S 33' TO S LN SEC 6, W
123 1282.41', N 337.35' TO POB AKA 3.30 AC AKA TRACTS A-1, A-2 & A-3; Lake Eunice
124 Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Requesting a variance to
125 construct a storage shed with the closest point of the proposed shed being located at sixty (60) feet
126 from the Ordinary High Water (OHW) mark of a Recreational Development (RD) lake, deviating
127 from the required setback of one hundred (100) feet due to setback issues.

128 Steven Alley presented the application. He explained the need for cold storage on his lot.

129 King asked if the applicant had plans to flatten the ground on his lot, citing the current topographical state
130 would put the garage on a hill.

131 Alley said he would be willing to flatten the terrain if the variance is approved.

132 Testimony closed.

133 **Motion:** Knopf made a motion to **approve** the party's request for variance as submitted, given the request
134 is in harmony with the intents and purposes of the comprehensive plan, and puts the property to use in a
135 reasonable manner.

136 **King second.** All in favor. **Motion carried.** Variance **approved.** 50:34

137 **SECOND ORDER OF BUSINESS: APPLICANT: Morrison Family Revocable Living Trust**
138 20469 Oakland Beach Rd Detroit Lakes, MN 56501 **Project Location:** 20469 Oakland Beach Rd
139 Detroit Lakes, MN 56501 **Tax ID Number:** 17.0325.000 **LEGAL LAND DESCRIPTION:**
140 Section 28 Township 138 Range 042
141 PT GOVT LOTS 2 & 3: COMM SE COR SEC 28 TH N 2553.55' AL E LN, TH W 33', NW 141.79'
142 TO POB; CONT NW 45.29', TH SWLY 13.92' SW 31.48', TH NW 13.10', TH NELY 35.73', NW
143 43.37', TH N 148' TO LK MAUD, SE AL LK 110.72', TH S 130.51' TO POB; Lake Eunice
144 Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to
145 construct a detached garage to be located at eight (8) feet from the road right of way (ROW) of a
146 township road, deviating from the required setback of twenty (20) feet due to setback issues.

147 Mike Morrison presented the application. He explained the need for a larger garage in order to
148 store vehicles.

149 Josephson asked for clarification from the applicant on whether the existing garage would be
150 removed from the property.

151 Morrison said yes, he is looking to replace the garage with a larger one.

152 Josephson raised concerns regarding impervious surface coverage on the lot, explaining the
153 applicant might be approaching maximum impervious percentage with the construction of a larger
154 garage.

155 Morrison explained the impervious percentage after construction of a larger garage will be around
156 21%, and they have no immediate plans to further add to the impervious coverage of the lot.

157 Testimony closed.

158 **Motion:** Skalin made a motion to **approve** the variance request as presented, based upon the fact that the
159 request puts the property to use in a reasonable manner, that is consistent with the purposes and intent of
160 the zoning ordinance and comprehensive plan.

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

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164 **THIRD ORDER OF BUSINESS: APPLICANT: Kevin P Byer** PO Box 261 Osage, MN
165 56570 **Project Location:** 54958 & 54980 St Hwy 34 Park Rapids, Mn 56470 **Tax ID numbers:**
166 21.0172.000 & 21.0173.001 **LEGAL LAND DESCRIPTION:** Section 20 Township 140 Range
167 036; SE1/4 OF SE1/4 LYING E OF LK & RIVER LESS 7.36 AC TO STATE LESS HWY &
168 TR SOLD; PT SE1/4 OF SE1/4 BEG 293.6' N & 33' W OF SE COR SE1/4; TH W 75', S TO
169 HWY, NE'LY 93' TO N 120' TO BEG; Osage Township. **APPLICATION AND**
170 **DESCRIPTION OF PROJECT:** Request a variance to place a structure located zero (0) feet
171 from the road right-of-way (ROW), five (5) feet from the rear property line, and zero (0) feet
172 from the side property line, and a variance to be at 75% lot coverage due to setback issues.
173 Application was tabled from the September 26th, 2022 hearing.

174 Kyle Vareberg presented the application on behalf of Kevin Byer. He explained Byer is looking to get as
175 close as possible to the property line with a zero-foot setback.

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177 Vareberg explained that Byer is working with the MPCA in this project.

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179 Josephson says the zero-foot setback is unreasonable.

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181 Knopf commented that the proposed Phase 3 building wastes space due to the unique L-shape.

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183 Vareberg said that Phase 3 may not be built, and the applicant is only building one at a time to gauge
184 interest.

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186 Vareberg proposed a 65-foot setback from the centerline of the county road, and 70 percent impervious lot
187 coverage being a fair compromise.

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189 Testimony closed.

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191 **Motion: Knopf** made a motion to **approve** the amended application for variance where the building is 0
192 feet from the road right-of-way, 65 feet from the centerline of a county road, and the all-encompassing
193 development plan to not exceed 75 percent impervious lot coverage with an approved SWIP plan from a
194 licensed engineer, but **deny** the variance request for 0-foot side lot setback.

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196 **Skalin second.** All in favor. **Motion carried.** Variance **approved.**

197 As there was no further business to come before the Board, King made a motion to adjourn the meeting.
198 Skalin second. All in favor. Motion carried. Meeting adjourned at 7:08 pm.

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201 _____ ATTEST _____
202 Chairman Roger Boatman Kyle Vareberg,
203 Planning and Zoning Administrator