



# COUNTY OF BECKER

## *Planning and Zoning*

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TO: Zoning Ordinance Advisory Committee  
FROM: Eric Evenson-Marden, Zoning Supervisor  
RE: Next meeting  
DATE: May 29, 2015

We have scheduled a meeting for Thursday, June 11, 2015 at 9:00 am. The agenda reflects the items for discussion. If you're unable to attend please contact the office. Thank you.

ZSOAC Meeting

June 11th, 2015

9:00 a.m.

3rd Floor Meeting Room of the Original Courthouse

### Agenda

- I. Consider the Agenda
- II. Minute approval from last meeting
- III. Nonconforming Deck Addition
- IV. Limitation on number of tracts to be done with certificate of survey
- V. Changing requirements of non-riparian lots
- VI. Clarification of Chapter 8, Section H 5, 2e and 5 J2 (these sections did not get amended with the changes approved in 2012, changed in one location but not the second location of the Ordinance.)
- VII. Adjourn

**Becker County Zoning Ordinance Review Committee  
May 12, 2015**

**Present:** Scott Walz, John Postovit, Barbs Hanson, Eric Evenson-Marden, Harry Johnston, Dave Knopf, Larry Knutson, Roy Smith, Barry Nelson, Peter Mead, Rodger Hemphill and Debi Moltzan.

Chairman Johnston called the meeting to order and introduced the new Zoning Administrator, Eric Evenson-Marden.

**Consideration of Agenda**

No changes were made to the agenda.

**Minute Approval**

Walz made a motion to approve the minutes from the April 8, 2015 meeting. Hanson second. All in favor. Motion carried.

**Nonconforming Deck Addition**

Moltzan explained that it was questioned as to why this was taken out of the Ordinance. Moltzan explained the history leading up to the removal and provided the former language allowing nonconforming deck additions.

Vlasak stated that it is not a given right to have a deck. Knopf stated that the most used portion of the house in the summer months is the deck. Walz stated that there was a study done and it showed that more people watch the water rather than use the water. Knopf further stated that ADA requires more than the landing allowed by current ordinance.

Further discussion included not allowing a deck in the shore impact zone, the fact that there is a definition for a pervious deck in the Ordinance, using a percentage rather than a set size, using a set size rather than a percentage, allowing a deck for all structures or just structures constructed prior to a certain year, pervious material, erosion control, decks on upper levels versus decks on lower levels and applying for a variance when no practical difficulty exists.

After much discussion, the following motion was made: Walz made a motion to allow nonconforming deck additions that go no closer to the lake than twelve (12) feet of the current structure setback or required setback for new construction; the deck must be made of pervious material; the ground underneath the deck must remain pervious (in the case of an upper story

deck, the ground must remain pervious unless there is evidence of pre-existing impervious material in this location); the deck addition may never be roofed, screened or enclosed and have the Zoning Office draft the language for approval at the next meeting. Knopf second. All in favor. Motion carried.

### **Variance Language**

Postovit stated he attended a seminar and found out that Douglas County was considering changing their ordinance language concerning variances, spelling out criteria for a variance. Government Training Services has a formula for granting variances that would help in documentation in case of a challenge. Postovit handed out this information and the group looked at it.

Walz questioned if this could be incorporated into the application. Moltzan stated that most of the questions on the handout are already on the application.

Nelson felt that if it is not in print, it can't be defensible and maybe there should be more training on documentation. Evenson-Marden stated that an incomplete application is different from a poorly completed application and there must be findings in case of a challenge.

Discussion was held regarding what properly documented means, findings, if the criteria can be stated at the start of the meeting or if it needs to be done for each application, what is defensible and what is not defensible.

Knutson and Evenson-Marden felt that this was a procedural review and discouraged changing the Ordinance at this time.

### **Natural Environment Lot Sizes**

Johnston stated that lot sized on the natural environments was on the last agenda and discussion began on this item. However, it was dropped when Mead stated that there would be a study completed within 18 months as part of the comp plan. Johnston felt that there should have been a motion to either delay the discussion or continue the discussion.

Knutson stated that the group waited 2 – 3 years for state shoreland ordinance changes and nothing came about – he would be hesitant to wait. Mead explained the water plan process and need for update.

Walz stated that he would like this revisited because the current lake sizes are double or triple of what the State requirements are. Nelson stated that everyone felt that cluster developments were

the way to go which would have worked with the larger sizes. Postovit felt that a full discussion was needed on this subject. Consensus of the group was to place it back on the agenda for next month.

### **Other Items**

Knutson stated he would like to see the language on back lots revisited. He referred to a situation that had a bluff behind the lots (across the road) in which they wanted to divide it up and be attached to lake lots in order to try to protect the bluff. The current ordinance states that the lots need to be a minimum of 5000 sq ft of lot area. What is the difference what size they are or if their buildable if they are attached to lake lots and cannot be used in the calculations of impervious on the lakeside.

Knutson asked that the Zoning Office come up with some preliminary language be drafted and brought to the next meeting for discussion.

Knutson also brought up the issue of a certificate of survey allowing three (3) lots without platting. Some people do a survey for three (3), then another survey for three (3) and another survey for three (3). Discussion was held that a time frame should be placed on how often this could be done and if it were to be done sooner than that time period, a plat would have to be done.

Knutson asked that the Zoning Office come up with some preliminary language be drafted and brought to the next meeting for discussion.

The next meeting is scheduled for Thursday, June 11, 2015 from 9:00 am until 11:00 am to wrap up the issues on the agenda, but not to start anything new.

Walz made a motion to adjourn the meeting. Vlasak second. All in favor. Motion carried.

Respectfully submitted,  
Debi Moltzan

Agenda for June 11, 2015

1. Consider agenda
2. Minute approval
3. Draft language for amending non-buildable back lots and limit the number of lots created by certificate of survey.

## Chapter 5, Section 2

### L. Nonconforming Deck Additions.

A deck addition not meeting the required setback from the ordinary high water level may be allowed without a variance if all of the following criteria and standards are met:

- A. There is no reasonable location for a deck to meet the required setback;
- B. The deck encroachment toward the ordinary high water level does not exceed twelve (12) feet of the current structure setback or required setback for new construction.
- C. The deck addition cannot extend into the shore impact zone;
- D. The deck is constructed in pervious manner, and is not roofed, enclosed or screened; and
- E. The ground underneath the deck must remain pervious (in the case of an upper story deck, the ground underneath the deck must remain pervious unless there is evidence of a pre-existing impervious material in this location).

Current Paragraphs L – Q would be renumbered.

**Chapter 8 – this section needs to reflect the same information as in Chapter 8, Section 4 which was changed in March 2012**

### Section 5 Subdivision of Land

#### 2. Lots.

e. Minimum road frontage. Every lot must have at least sixty-six feet (66') of frontage on a public dedicated road or street other than an alley except that a lot created by a Surveyor's Sketch is not required to have frontage on a public road if access is provided:

- (1) with a fourteen-foot (14') wide driving surface; The easement from the property to a public road must be at least thirty-three (33) feet wide when servicing one (1) or two (2) tracts of land;
- (2) on an easement or on property owned by the developer; and The easement from the property to the public road must be at least sixty-six (66) feet wide when servicing three (3) or more tracts of land; except that this provision does not apply to property that is accessed by a forest management road; and
- (3) that access is to no more than two (2) lots. The easement from the property to the public road has a graded and serviceable driving surface.

J. Subdivision of a tract of land into three or fewer tracts. Applications involving tracts of land that are proposed to be subdivided into three (3) or fewer tracts, but are not exempt from subdivision review under Chapter 8, Section 5, subsection A.2, may be reviewed according to the procedures in this subsection. The design of such subdivisions shall conform to the requirements of this subsection. Within a five (5) year period, a total of three (3) tracts of land may be subdivided from a parent tract by a certificate of survey. Additional tracts may be done by platting.

1. When allowed. Any quarter-quarter section, government lot, or smaller tract of land which was under single ownership on the effective date of this Ordinance may be subdivided into three or fewer tracts without following the preceding provisions for a plat if a surveyor's sketch of the proposed subdivision is submitted and approved in accordance with the procedures in this subsection J.

2. Review procedure.

a. Within a shoreland area.

(1) Administrative review. The surveyor's sketch shall be submitted to the Zoning Administrator for approval. The Zoning Administrator shall approve the surveyor's sketch only if it complies with the requirements of this Ordinance. Approval or disapproval of the proposed subdivision shall be conveyed to the subdivider in writing fifteen (15) days after the submission. If the proposed subdivision is disapproved, the subdivider shall be notified in writing of the reasons for the disapproval. The approval of the proposed subdivision together with a copy of the surveyor's sketch shall be filed with the County Recorder before any conveyances of the subdivided lots shall be valid.

~~(1~~ 2) Review by the Planning Commission. The surveyor's sketch shall be submitted to the Zoning Administrator in the Becker County Planning and Zoning Office. The County Planning Commission shall hold a public hearing on said proposed subdivision. The public hearing shall conform to the provisions of Chapter 8, Section 2, of this Ordinance. The Planning Commission shall approve the subdivision with findings that contain conditions for approval or shall state reasons for denial. A denial of a subdivision by the Planning Commission shall be reviewed by the County Board for final action. In case the proposed subdivision is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the Planning Commission.

~~(2~~ 3) Review by the County Board. After the public hearing and review of the proposed subdivision by the Planning Commission, such proposed subdivision, together with the recommendations of the Planning Commission, shall be submitted to the County Board for consideration. Approval or disapproval of the proposed subdivision shall be conveyed to the subdivider in writing ten (10) days after the meeting of the County Board at which such proposed subdivision was

considered. In case the proposed subdivision is disapproved, the subdivider shall be notified in writing of the reasons for the disapproval. The approval of a proposed subdivision together with a copy of the surveyor's sketch shall be filed with the County Recorder before any conveyances of the subdivided lots shall be valid.

**(This addition is consistent with Section 5, A.2.a.(1), exemption by Tech Panel)**

- M. Non-riparian lots. Non-riparian lots not meeting the required size of the zoning district may be allowed if the following criteria are met;
1. Non-riparian lots described by metes and bounds conveyance must be described by legal description the riparian lot to which it is being attached to and the combined tract cannot be conveyed separately nor separated without county approval;
  2. Non-riparian lots created by platting must include in the plat dedication the legal description of the riparian lot to which it is being attached and that neither can be conveyed separately nor separated without county approval;
  3. The non-riparian lot and riparian lot must be located within two hundred (200) feet of each other;
  4. The non-riparian lot must be at least ~~be greater than~~ five thousand (5000) square feet ~~in area~~;
  5. The minimum road frontage of the non-riparian lot is fifty (50) feet;
  6. All setbacks for the applicable zoning district shall apply to the non-riparian lots;
  7. The lot area of the non-riparian lot cannot be used in the calculations of impervious coverage for the riparian lot;
  8. The maximum lot coverage of the non-riparian lot cannot exceed twenty-five (25) percent of the area of the non-riparian lot.