**Becker County Board of Adjustments**
**November 8th, 2018**

**Present:** Members: Chairman Jim Bruflodt, Lee Kessler, Jim Kovala, Brad Bender, Roger Boatman, Harry Johnston, Delvaughn King, Planning and Zoning Administrator Kyle Vareberg and E911/Zoning Technician Rachel Bartee.

Chairman Jim Bruflodt called the meeting to order at 7:00 p.m. E911/Zoning Technician Rachel Bartee recorded the minutes.

Introductions were given.

**Kovala** made a motion to approve the minutes for the October 11th, 2018 meeting. Kessler seconded. The motion passed unanimously. Motion carried.

**Bruflodt** explained the protocol for the meeting and **Kessler** read the criteria for which a variance could be granted.

**NEW BUSINESS:**

**Bruflodt called for Agenda item #9 Crawford to be moved to the 1st agenda item.**

**FIRST ORDER OF BUSINESS: APPLICANT: WK Crawford Properties LLC** 28249 Meadow Dr. Detroit Lakes MN 56501 **Project Location:** Co Hwy 21 Detroit Lakes MN 56501 **Tax ID Number:** 08.0037.000 **APPLICATION AND DESCRIPTION OF PROJECT:** Request for 24 boat slips to be located on a commercially zoned property, to be for seasonal use.

Vareberg presented the application. Vareberg advised the Board they would have to make 2 motions on this applicant. First, if the use is permissible (by the Planning and Zoning Office) or if it is conditional (by the Planning Commission) in a commercial district and secondly, if they approve the variance to have a dock to be one hundred and ninety-two (192) feet long, deviating from the maximum allowed length of one hundred (100) feet.

Wayne and Kathy Crawford were present. Crawford explained their request for a 192 foot long dock, to lease 18 slips for seasonal use and reserve 6 slips for parking. Crawford added there would be no parking on the County Hwy or ROW, referencing the parking plan submitted in the application. Crawford also read a letter from the Becker County Highway Department stating they did not have any concerns about the proposed application. Crawford stated they had also completed the proper applications required by the DNR, with Rodger Hemphill, local area DNR Hydrologist.

Bender asked why they had asked in the application for 24 slips and are now asking for 18 and 6. Crawford explained the 18 slips are to be for seasonal rental and the remaining 6 will be used for customers of the Sunlite and for the renter of the house on the lot to use. Bender asked if each slip was going to all have a lift. Crawford explained the water is too deep in some spots to accommodate a lift.

Boatman asked how restroom and garbage conditions would be handled. Crawford stated they would be willing to include both garbage and porta potties in their plan. Boatman recommended they install permanent restrooms and a dumpster. Crawford stated they are at a neighboring property 7 days a week and have lived at the lake for 50 years, growing up on Big Floyd Lake and now owning Sunlite Bar and Grill on Little Floyd Lake, noting they intend to maintain the lot.

Bender asked how the slips will be rented. Crawford stated they would have 1 year leases from roughly May to September. Bender asked how zebra mussels would be monitored/controlled. Crawford stated the lifts would be brought up onto the property directly and they were not going to install a boat launch, noting all boats would still be launched at the public access.

Kessler stated the proposed dock jets out far into the lake, asking if other configurations had been considered. Crawford replied they had considered other options; however it would place the dock in shallowed waters. Crawford stated the Pelican River Watershed recommended they used the long dock proposal to leave the shallow areas undisturbed.

Bruflodt asked if they intended on installing any buoys. Crawford replied that the DNR would make that determination, noting there is a water ski course out past the proposed dock area, noting it is a high speed area.

Bender asked the depth of the water. Crawford stated at 80 feet out the depth is 6.5 feet, noting it is likely 12 feet deep at the end of the proposed dock (192 feet). Bender asked why they need more that a one hundred foot dock if it is 6.5 feet deep at 80 feet out. Crawford explained it was so they could accommodate the 24 slips. Bender asked if there was going to be a swimming beach as well. Crawford replied no, just a marina.

David Vareberg, owner of parcel number 08.0050.000, 21360 Co Hwy 21 Detroit Lakes, MN 56501, spoke against the application. Vareberg stated he owned 1800 feet of shoreline, only one small piece away from the proposed project. Vareberg stated in the summer his lot is private and he can hardly see any other cabins, noting he would like to keep that end of the lake that way. Vareberg stated the tranquility of the lake is at risk, noting Crawford already has 3 slips he rents out. Vareberg stated on any given Friday or Saturday night the bar across the street (also owned by Crawford) from the proposed marina is very busy. Vareberg stated the area is a 40 mph zone but

it is still not safe for that type of traffic. Vareberg stated on October 26th, 2018 there was a party at the bar and the west side of the roadway was full of parked cars from the corner to the bar. Vareberg noted Crawford has parking for the bar but it is not enough. Vareberg also noted that there is inadequate lighting, suppling pictures to the Board showing the lack of lighting in the area. Vareberg stated at 7pm on October 26th, 2018 he was coming around the bend going slower than the posted speed limit and noticed someone backing out nearly missing him as they could not clearly see to backup. Vareberg stated the addition of 18 slips is going to increase parking issues and traffic hazards. Vareberg stated the restrooms are a concern. Vareberg noted a conversation he had had with Brent Alcott from the Pelican River Watershed, who stated the last 2 years have had the poorest water quality due to boating. Vareberg stated he has noticed the water quality decline over the last 20 years as the boats have multiplied and gown larger. Vareberg stated the water depth is only 4 feet in the area they are proposing the dock, adding large boats will stir up sediment up to 15 feet. Vareberg also noted the proposed dock will only be 50 feet from the culvert that goes into Little Floyd Lake. Vareberg noted his concerns for invasive species. Vareberg stated when more and more properties develop their lots on this lake it is going to become even more crowded, creating worse water quality throughout the entire watershed and into other lakes. Vareberg noted that per Rodger Hemphill, DNR Hydrologist, Crawford had begun working on the proposed project in the summer months, but did not submit his request to the Becker County Planning and Zoning Office until October 24th, 2018, noting that 85% of the lakes property owners had gone back to their primary residences by this time of year and were not available to comment. Vareberg stated the largest issue is County Highway 21, which he was told by the Becker County Highway Department, was the busiest county highway. Vareberg stated his concern if this property and the bar are not tied together and one sells without the other the additional parking will be lost.

Boatman stated the water skiing course has been on site for years, asking why that has not been an issue for Vareberg. Vareberg stated it is in deep water, noting the marina will likely disrupt the course.

No one spoke for the application. There was written correspondence distributed to the Board from Jack and Lois Christianson, G L Hanson, David and Leah Pettit, Jackie Roberts (2 letters) and the Pelican River Watershed. All letters are on file in the Becker County Zoning Office. At this time, testimony was closed. Chairman Jim Bruflodt opened the matter for disussion by the Board.

Kovala stated after reading the letter from Brent Alcott, Assistant Administrator, Pelican River Watershed, he felt the permit should be made conditional and permitted through a CUP (Conditional Use Permit) through the Becker County Planning Commission. Kovala stated with a CUP there are more conditions that can be placed on the project, noting with the BOA approving it they are just approving the length of the the dock with no project conditions.

Bruflodt stated it is not a common request for the BOA to determine the length of docks. Bruflodt stated he has had a seasonal rental slip at Long Bridge for many years and stated he had not noticed his slip effecting the wild life as there are loons that have nested near there in the same location for years.

Bender noted there is an abundance of lakes in our area, noting in the southern states with limited lakes, marinas are very common place. Bender stated if this request was for a large lake like Big Detroit he feels most would not even think twice about it. Bender noted as this is a smaller lake he is leaning towards recommending this for a CUP so all factors can be considered.

Kessler stated he lives on Long Lake and has been unhappy in the past with the boat traffic, however even though he would like it one way, it is not his lake and is for public use. Kessler stated that the water may get stired up, but did not understand if it was an issue, how it was not brought up with the waterski course years ago.Bruflodt agreed.

Johnston asked David Vareberg how long his dock was. Vareberg replied 100 feet, noting he was allowed to have a dock that length, as he has enough lake shore to accommodate it. Johnston also felt there were not many lots left to develop on this lake. Vareberg noted he may choose to develop his property and add a marina also.

Bruflodt stated Floyd is a general development lake, noting there are only 5 with in the county limits (Detroit is in the City limits). Bruflodt stated these are developed lakes. Bruflodt stated most people use the public access to launch their boats. Bruflodt stated that some boats on the marinas are used and some sit all summer, noting whether they are parking at the marina or not these boats are most likely still going to be on the lake, it is just a different location for them to park.

**Motion: Kessler** made a motion to identify the marina as a permissible use of the property, due to the fact the parcel is zoned commercial and the Board can interpret it to be used in that manor, conditions to be determined by the Becker County Planning and Zoning office.

**Johnston second**. In favor Kessler, Johnston, Boatman, and King. Against Bender and Kovala. **Motion carried**. Use **approved**.

**Motion: Kessler** made a motion to approve a dock to be one hundred and ninety-two (192) feet long, deviating from the maximum allowed length of one hundred (100) feet, design to be as submitted in proposal.

**Johnston second**. In favor Kessler, Johnston, Boatman, and King. Against Bender and Kovala. **Motion carried**. Variance **approved**.

**SECOND ORDER OF BUSINESS: APPLICANT: Roy and Linda Arneson Project Location:** 39452 Archers Acres Waubun, MN 56589 **TAX ID NUMBER:** 09.0473.000 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a water orientated structure (shed), to be a total of one hundred and sixty (160) square feet, deviating from the maximum allowed size of one hundred and twenty (120) square feet, due to topography.

Roy and Linda Arneson were present. Arneson explained the application to construct a water orientated structure (shed), to be a total of one hundred and sixty (160) square feet, deviating from the maximum allowed size of one hundred and twenty (120) square feet, due to topography. Arneson explained the need to increase the size of the shed to accommodate their kayaks. Arneson stated that they want to keep them accessible to the water along with protecting them from wind damage, weathering, and theft. Arneson explained that the living area is 250 feet away from the proposed shed location so it is hard to monitor that area. Arneson added that their shoreline is limited to the topography of the lot, only allowing them a small area at the base of the bluff to construct the shed.

Johnston asked how long the kayaks were. Arneson replied they are 18 feet long, noting they are ocean kayaks. Arneson added that he and his wife are older now and cannot move the kayaks up and down the hill easily. Arneson added the kayaks are valued at $5,000 so they would like to keep them protected in a building.

Kovala agreed it is a very steep bluff to carry them up and down. Johnston added 58 steps. Arneson added he had spoken with the neighbors and they are in favor of the project as they also have the same size structure on their lot.

No one spoke for or against the application. There was no written correspondence for or against the application. At this time, testimony was closed. Chairman Jim Bruflodt opened the matter for disussion by the Board.

Johnston stated along the whole beach this is the only place to construct a shed, adding even through it is not in the center third of the lot, the proposed is the best placement.

**Motion: Boatman** made a motion to approve the application as presented to construct a water orientated structure (shed), to be a total of one hundred and sixty (160) square feet, deviating from the maximum allowed size of one hundred and twenty (120) square feet, due to the fact the topography of the lot is steep and this is the best location for the shed on the lot.

**Kovala second**. All in favor. **Motion carried**. Variance **approved** with stipulations.

**THIRD ORDER OF BUSINESS: APPLICANT: Dale and Diane Ladwig Project Location:** 16142 Maple Ridge Rd Audubon, MN 56511 **TAX ID NUMBER:** 02.0231.000; **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a deck, to be located at forty-three (43) feet from the ordinary high water mark of the lake, deviating from the required setback of one hundred (100) feet from OHW of a recreational development lake, due to setback issues.

Vareberg presented the application.

Dale Ladwig was present. Ladwig explained the application to construct a deck, to be located at forty-three (43) feet from the ordinary high water mark of the lake, deviating from the required setback of one hundred (100) feet from OHW of a recreational development lake. Ladwig stated he would like to have a 2 level deck off of the house facing the lake. Ladwig explained the proposed upper level would come out 8 feet and run the 32 foot length of the house and the lower level is sloped at the ends so it would not run the entire length. Ladwig explained that there had been an existing deck more on the water front that the previous owners had let go. Ladwig stated he had purchased the property roughly a year ago (10/6/2017). Ladwig stated he understood the requested setback is closer to the water than the ordinance allows, explaining the upper deck should not make an impact on the property as the roofline runs off that side. Ladwig stated he has a guttering system and down spouts. Bruflodt replied although he has gutters it is still directing all of the water into the lake and the house is in the shore impact zone. Bruflodt explained that no one can meet the setbacks when they are requesting a variance but the shore impact zone is what the Board is most concerned about protecting, noting that they would like everyone keep out of the first 50 feet from the lake.

Ladwig asked if he could have a balcony. Bruflodt stated a balcony would still add water runoff and noted the lot is very narrow. Bruflodt recommended Ladwig run the pipes into french drains and not into the lake so it doesn't shed off the land, noting a berm should also be constructed. Bruflodt asked if there were any other variances in the file for the construction of a deck. Bartee replied there were several variances in the file including one to build a house at 46 feet from the OHW, but not one for a deck. Bruflodt stated the previously existing deck must have been unpermitted at that distance. Vareberg stated there was a deck on the previous tax records, but it had been removed for more than one year, therefore per state statue they are not allowed to replace it.

There was written correspondence from the Audubon Township Supervisor Jerry Lunde against the application. Vareberg read the letter:

Due to the proposed project at 16142 Maple Ridge Rd, Audubon MN not being able to meet the required setbacks from the Ordinary High Water Mark and the Shoreland Impact Zone, the Supervisory Board of Audubon Township would ask that this variance request not be approved.

Sincerely,

Jerry Lunde

No one spoke for or against the application. There was no written correspondence for the application. At this time, testimony was closed. Chairman Jim Bruflodt opened the matter for disussion by the Board.

Boatman stated he would respect the Audubon Township Boards wished not to allow constrcution in the shore impact zone, noting it is a direct violation for what the BOA is about.

Vareberg stated in the previous application, the BOA allowed for an extra 40 square feet to be allowed in the SIZ, 20 feet from the OHW, and this structure is impervious unlike the previous owners shed.

Kovala stated he agreeded with Boatman to deny the application, adding the owner should still do something to control his stormwater runn off into the lake.

Bender agreed with Kovala stating the house is already too close, adding the owner should also remove the lakeside firepit and add french drains as nothing is stopping the water from running into the lake.

Bruflodt said it would take a sizeable berm to control the water. He also recommended they take out the fire pit and add french drains.

Kessler stated he agreed with the above members.

**Motion: Boatman** made a motion to **deny** the application as presented to construct a deck, to be located at forty-three (43) feet from the ordinary high water mark of the lake, deviating from the required setback of one hundred (100) feet from OHW of a recreational development lake, due to setback issues, due to the fact the proposal fails to be out of the shore impact zone and there is a serious deficiency of water retention on the property.

**Bender second**. All in favor. **Motion carried**. Variance **denied**.

**FORTH ORDER OF BUSINESS: APPLICANT: Danny and Carolyn Cossette Project Location:** 16129 W Little Cormorant Rd Audubon, MN 56511 **TAX ID NUMBER:** 02.0292.000 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a revision to document number 442147 recorded on August 20, 1998 in the office of the Becker County Recorder, a variance to construct a garage to be located thirty-four (34) feet from the centerline of the township road, deviating from the required setback of fifty-three (53) feet from the centerline of a township road due to the topography of the lot and the size of the lot, requesting revision to **remove** the previous variance stipulation that the entry to the garage is not directly from the road, but parallel to the road.

Vareberg presented the application.

Danny and Carolyn Cossette were present. Cossette explained the application to **remove** the previous variance stipulation that the entry to the garage is not directly from the road, but parallel to the road. Cossette explained due to the stipulation they are only able to access their garage by entering through their neighbor's property/driveway, noting their neighbors would like them to find an alternate access. Cossette stated currently if the neighbors park their truck in their driveway it prevents the Cossette's from entering or exiting their garage. Cossette stated they have new neighbors since the original variance was approved which is what is causing them to revisit the location of the garage doors. Cossette stated they are the 5th house from the end of a dead-end road, noting there is little traffic.

Kessler asked what the distance was from the proposed door to the ROW. Johnston replied 8 feet. Vareberg stated the pins are at the edge of the road but they were unable to locate them, we estimated them at 20 feet.

Audubon Township Supervisor, Jerry Lunde, spoke against the application. Lunde stated that Cossette received the original variance in 1998; they revisited the matter again in 2008 when they built the garage, adding that Cossette had to be reminded about the door location at that time, and now again in 2018 the issue is revisited again. Lunde stated nothing has changed since 1998, there is still concern for their safety, snow removal, and road maintenance. Lunde stated they are not in favor of the application.

Kovala stated there is a neighbor who parks in front of the Cossette's garage door on the property line and they are being denied reasonable access to their garage. Kovala asked what concerns Lunde with snow removal. Lunde replied when they plow there and a car is parked in front of the garage, or they sell and the new owners' park in the driveway or ROW instead of the garage it will cause issues.

Richard Ellsworth, Audubon Township Supervisor, spoke against the application. Ellsworth asked why Becker County was willing to litigate the matter 10 years ago when the Cossette's were constructing the garage with the door in the incorrect location and required them to follow

the variance, but now the Board is willing to allow them to move it. Bruflodt explained the new neighbors are no longer are allowing them to use their driveway as access to the garage. Ellsworth replied people are parking cars and boats in this area right on the ROW. Ellsworth replied they just re-graveled the road and if people slide they are going to bounce off a car. Ellsworth stated this is not a parking area or driveway, people are putting peat rock on the ROW and claiming it because they have substandard lots and are grasping at any land that they can. Ellsworth explained 33 feet from the centerline of the road in both directions should be cleared, as it is a road, not living space. Ellsworth asked if there is an easement Cossette can get from his neighbor instead. Ellsworth added that everyone on this block is going to have the same issue, asking if the Board intends to give everyone the same exception, and if so why was it ever stipulated by the Board in the first place.

Kessler stated the drainfield is on the other side of the garage and drips down, preventing them from relocating the door on the other side of the garage. The other two garages on the property are on the property line.

Ellsworth asked when they built the garage, why was it not built back further from the ROW. Cossette replied the house is directly behind the garage. Ellsworth replied the garage could have been built to the side of the house with a variance to the side property line instead of to the ROW.

Boatman asked if Cossette got an easement from the neighbor when the variance was approved in 1998. Cossette replied no, they had not.

Kyle read a letter from Jim and Kathy Ruebke of 16123 W Little Cormorant Rd, owner of parcel 020291000.

> Good afternoon,
>
> We recently received notice that Carolyn (&Dan) Cossette at 16129 W Little Cormorant Rd have requested to remove a variance stipulation regarding placement of entry to their garage.
>
> We recommend your office grant this request in that it eliminates the need for Carolyn (&Dan) Cossette to drive over our property to gain access to their garage. We are somewhat limited in parking of our vehicles due to this fact since we need to provide room on our property for them to maneuver into their garage.
>
> Thank you for your consideration.

Jim and Kathy Ruebke

Johnston asked where do you park now. Cossette replied in the garage, when we can, in the ROW when we cannot get into the garage.

Kovala stated it must be stipulated if we allow them to move their garage door they must park in the garage. Bender asked how many garage stalls they had on the property. Cossette replied they have 4 stalls.

No one spoke for or against the application. There was no written correspondence for the application. At this time, testimony was closed. Chairman Jim Bruflodt opened the matter for disussion by the Board.

Johnston asked Ellsworth if it was stipulated Cossette must park in the garage would he be in favor. Ellsworth replied yes.

**Motion:** Kessler made a motion to **approve** the revision as submitted to document number 442147 recorded on August 20, 1998 in the office of the Becker County Recorder, a variance to construct a garage to be located thirty-four (34) feet from the centerline of the township road, based on the topography of the lot and the size of the lot, requesting a revision to remove the previous variance stipulation that the entry to the garage is not directly from the road, but parallel to the road, with a new stipulation they must park in the garage and not in the ROW.

**Kovala second**. All in favor. **Motion carried**. Variance **approved** with stipulations.

**FIFTH ORDER OF BUSINESS: APPLICANT: Barbie & Larry Cooper Project Location:** 11755 Fern Beach Dr Detroit Lakes, MN 56501 **TAX ID NUMBER:** 19.1327.000 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a dwelling on a non-conforming lot, to be located at 4 feet from the northern township road right of way and twenty (20) feet from the eastern township road right of way, deviating from the required setback of forty-five (45) feet from a township road for a dwelling on a non-riparian lot.

Vareberg presented the application.

Jason Bristlin, Agent from The Real Estate Company, was present to represent the Coopers. Bristlin explained the request to construct a dwelling on a non-conforming lot, to be located at 4 feet from the northern township road right of way and twenty (20) feet from the eastern township road right of way. Bristlin explained they want to move 5 feet closer to the ROW to the northern portion of Fern Beach Blvd, than they current house sits. Bristlin explained the current lot is non-conforming with roads running along 3 sides. Bristlin added that Cooper also has lake access to the east and enjoy the view from their current porch location looking over the water. Bristlin

stated Cooper would like to rebuild the cabin a bit larger and 5 feet closer to the ROW with a second story living area over the porch area to view the lake. Bristlin stated the current foundation is 1200 sq ft and the proposed foundation is 1800 square feet. Bristlin stated the Ordinance would allow them to add on to the existing house but not move it closer to the ROW without a variance.

Bruflodt asked if the porch was enclosed. Bristlin replied it is currently screened in.

Kovala asked if Bristlin was aware of the Townships plans to redo the road and that they are not in favor of the proposal. Kovala added the sketch in the proposal is not well drawn.

Boatman stated he is not in favor of a 4 foot ROW setback and agrees with the township. Boatman stated there is plenty of room on the lot to move the proposed house further south.

Kessler stated, although the Coopers are set on the view, the BOA is not going to approve a variance to have a house located 4 feet from the ROW, this is not a hardship. Bristlin asked if he could modify his request to build the house to begin at 9 feet from the ROW on the northern portion of Fern Beach Blvd to match the previous variance of the porch. Bristlin stated they would keep the porch on the first story and build a living room above it, needing a variance for only the top portion.

Kovala advised Bristlin he had the ability to table his request and come back after consulting with his clients. Bruflodt noted the Board does not meet again until April of 2019. Bruflodt added this would also provide him time to compile a better sketch.

Bristlin requested to **table** the application to consult with his clients and redesign his proposal to be farther away from the ROW.

**SIXTH ORDER OF BUSINESS: APPLICANT: Trustees of the Goodman Memorial Chapel Project Location:** 24263 N Melissa Dr. Detroit Lakes, MN 56501 **Tax ID Number: 19.7025.000 APPLICATION AND DESCRIPTION OF PROJECT:** Request an after the fact variance to construct a 19'x32' shelter area to be at 31% lot coverage, deviating from the allowed lot coverage of 25% due to lot size.

Vareberg presented the application.

No one from Shoreham Chapel was present to explain the application. Bartee explained the applicant had explained to the Zoning Office they had built a patio area without a permit, increasing their lot coverage over the allowed 25% to be at 31%, and they would also like to construct a covered shelter area over the existing patio area.

Bruflodt stated they already have a patio structure and there are anchors onsite the Board saw at the tour, indicating they were using temporary tents/structures. Bartee explained they would like to make the roof area a permit structure. Bruflodt asked it if was a variance for an after the fact patio. Bartee replied yes, if the variance is not approved to be at 31% lot coverage they will have to remove the patio. Bruflodt stated he did not favor giving them a permit roof/shelter area; however he was in favor of allowing the existing patio. Bruflodt stated they can have tents/temporary shelters with a patio which will not increase the stormwater runoff to the lake, but a permit shelter area would shed much more water.

No one spoke for or against the application. There was no written correspondence for the application. At this time, testimony was closed. Chairman Jim Bruflodt opened the matter for disussion by the Board.

**Motion:** Kessler made a motion to **approve** the request for an after the fact variance to be at 31% lot coverage, deviating from the allowed lot coverage of 25%, due to lot size, with the stipulation the increase from 25% to 31% is covered only with a patio and not a covered shelter area, due to concerns of stormwater runoff into the lake.

**Boatman second**. All in favor. **Motion carried**. Variance **approved** with stipulations.

**SEVENTH ORDER OF BUSINESS: APPLICANT: Lepine Lake Property Project Location:** 11416 Co Hwy 11 Audubon, MN 56511 **Tax ID Number:** 17.0418.502 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a dwelling to be located at eighty (80) feet, a deck to be located at seventy (70) feet, and a patio to be located at sixty (60) feet from the OHW of a recreational development lake, deviating from the required setback of one hundred (100) feet from the OHW of a recreational development lake due to setback issues.

Vareberg presented the application.

Jim and Joyce Lepine were present. Lepine explained stated that their request had modified slightly since they submitted their application. Lepine submitted a new proposal for the Board to review, on file in the Planning and Zoning Office. Lepine explained they would like to begin portions of the house to be at seventy (70) feet from the OHW of the lake, instead of at eighty (80) feet from the OHW of the lake, as they would like cutouts to come out into the patio section in areas.

Bruflodt asked why they could not move back 20 feet. Lepine explained there is a highline wire easement with the electric company along the roadside. Also they need room for parking as guests cannot park along Co Hwy 11. Lepine described an accident that recently occurred in front of their home adding that it is a high speed area (55-60mph) near a bend in the road that

people come around quickly, noting they would like to be as far back from the road as possible for safety reasons. Lepine added they are conforming to other lake homes on the lakeside. Boatman replied string line is no longer allowed per the Ordinance, the requirement is setback averaging plus twenty feet.

Bruflodt asked if the shed to the north was included on the impervious coverage calculation. Lepine explained with the proposed plan they are planning on cutting out part of the parking area to reduce the impervious coverage. Lepine stated the shed square footage was included with the area of the driveway as it is located on top of it. Lepine stated that the current lot has poor stormwater control and they would like to fix it. Lepine stated the rain comes down off of the highway and driveway and the rain water washes ruts in the sand. Lepine stated they would like to build the lot up and create a water stop and swale on the roadside, install french drains, and add another swale on the lakeside with a pond.

Bender asked on the proposal by the garage you are showing decking, why? Lepine replied it is for the upper level, there will be a bonus room above the garage for when the grandchildren come to visit, and it will be a 1.5 story carriage house with storage in the lower level for tools and boats. Bruflodt noticed the proposal showed the impervious coverage to be exactly 25%, but he is calculating 27%. Lepine stated when we rebuild we will remove what is needed to make the lot meet the 25% coverage.

Kovala asked why the proposed house cannot be moved closer to the road. Lepine explained they need to leave room to make a swale to control the road water runoff, as it is the best way to deal with all of the water, currently it runs right into the lake. Boatman agreed there needs to be a stormwater retention plan, noting the letter submitted from the Cormorant Watershed recommends they do so as well.

Vareberg read a letter from the Cormorant Watershed District:

> November 7, 2018
>
> Becker County Planning & Zoning
> 915 Lake Ave.
> Detroit Lakes, MN 56501
>
> Re: Lepine Lake Property
>
> Greetings:
>
> After review at our last monthly meeting, the Cormorant Lakes Watershed District has requested that the applicant has the ordinary high water mark confirmed by a licensed surveyor or engineer. The plan submitted is not provided by a licensed surveyor or

engineer and therefore our organization would like that mark confirmed. In addition, it was suggested that the applicant commence upon a water retention plan or water runoff reduction plan. The area in question could have intensive water runoff issues into Big Cormorant Lake

Please let me know if there are any questions.

Liz Larson

CLWD Administrator

No one spoke for or against the application. There was no written correspondence for the application. At this time, testimony was closed. Chairman Jim Bruflodt opened the matter for disussion by the Board.

Vareberg stated this project is in Pikes Bay area where many residences have also requested variances. Bruflodt agreed.

Rodger Hemphill, local area DNR Hydrologist was present and spoke on the applications. Hemphill stated there are many stormwater methods to be used instead of a swale. Hemphill recommended they contact a stormwater designer to determine exactly how much room they need to verify the house cannot be moved back. Lepine replied they would rather have retention too big than too small and they also need the road setback for safety purposes. Boatman stated he would like to see a water retention plan to see what setbacks would be required to accommodate them. Bruflodt agreed that the setbacks could vary dependent upon the retention plans, noting once it is created the Board will be able to approve what setbacks should be allowed. Bender stated the Cormorant Watershed should design and mark the property. Vareberg stated the Board could stipulate the requirement for the watershed to create a plan in the variance and approve it that way, instead of tabling it until April.

Bender stated the location of the property on the curve of Co Hwy 11 is dangerous and people go faster than they should. Bender added he is in favor of their desire to control stormwater runoff and that they are requesting to be 10 feet out of the shore impact zone.

**Motion:** Kessler made a motion to **approve** the variance as modified to construct a dwelling and deck to be located at seventy (70) feet and a patio to be located at sixty (60) feet from the OHW of a recreational development lake, deviating from the required setback of one hundred (100) feet from the OHW of a recreational development lake due to setback issues, with the stipulation the OHW is to be located and marked, a water retention plan is created by the Cormorant Watershed and if the retention plan allows of the dwelling/deck/patio to be farther away from the OHW they must increase the OWH setback to that distance while still maintaining all other

setbacks, the 20 square foot shed must be removed from the lot, and the impervious must not exceed 25% coverage.

**Johnston second**. All in favor. **Motion carried**. Variance **approved** with stipulations.

**EIGHTH ORDER OF BUSINESS: APPLICANT: Byers Liquors LLC Project Location:** 54561 State Hwy 34 Osage, MN 56570 **Tax ID Number:** 21.0344.000 & 21.0282.000; **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct an addition to an existing non-conforming retail building to be located at nineteen (19) feet from a state highway right of way, deviating from the required setback of eighty-five (85) feet from a state highway right of way due to setback issues and lot size.

Vareberg presented the application.

Kevin and Christy Byer were present. Byer explained they would like to build 19 feet to the east.

Kovala stated he is very familiar with the area noting all of the other buildings are closer to the road than the requested 19 feet. He stated he spoke with locals in the area and all are in favor of the project. Kovala also stated the speed limit is lowered to 30 mph in this section of road.

No one spoke for or against the application. There was no written correspondence for or against the application. At this time, testimony was closed. Chairman Jim Bruflodt opened the matter for disussion by the Board.

**Motion:** Kovala made a motion to **approve** the request to construct an addition to an existing non-conforming retail building to be located at nineteen (19) feet from a state highway right of way, deviating from the required setback of eighty-five (85) feet from a state highway right of way due to setback issues and lot size.

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

**NINTH ORDER OF BUSINESS: APPLICANT: Arron and Teresa Reinholz Project Location:** 34279 323rd Ave Ogema, MN 56569 **Tax ID Number:** 20.0438.000 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to a non-conforming lot to construct a dwelling and attached garage to be located at fourteen (14) feet from the right of way of 323rd Ave, deviating from the required setback of twenty (20) feet from the right of way of a township road for dwelling on a riparian lot, due to setback issues and lot size.

Vareberg presented the application. Vareberg explained before they tore down their existing dwelling Reinholz had discussed the project with staff at the Planning and Zoning office and had the understanding they could complete their plan without a variance, which was incorrect information.

Arron and Teresa Reinholz were present. Reinholz explained the application to construct a dwelling and attached garage to be located at fourteen (14) feet from the right of way of 323rd Ave. Reinholz explained they did not realize they needed a variance until after they already removed the dwelling and had done their best to consult with Planning and Zoning Officials, however due to a misunderstanding it was later determined a variance was required to proceed.

Kovala asked if the driveway was going to drop down. Reinholz replied no, it will be level. Kovala asked if it was going to be a walkout house. Reinholz replied yes.

No one spoke for or against the application. There was no written correspondence for the application. At this time, testimony was closed. Chairman Jim Bruflodt opened the matter for disussion by the Board.

Kessler stated he felt this is the best proposal for this lot.

King stated the dwelling is going to be moved further back than where is was before. Reinholz replied it was in the shore impact zone before and they are moving it out of the SIZ. Vareberg added that they used setback averaging plus 20 feet to meet the OHW setback.

Bender asked what the setback was for Strawberry Lake. Vareberg replied 100 feet.

**Motion:** Johnston made a motion to **approve** the request to a non-conforming lot to construct a dwelling and attached garage to be located at fourteen (14) feet from the right of way of 323rd Ave, deviating from the required setback of twenty (20) feet from the right of way of a township road for dwelling on a riparian lot, due to setback issues and lot size, due to the fact that this is the best placement on the lot, it is in conformity to the rest of the area, and the road has very little traffic.

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

**TENTH ORDER OF BUSINESS: Informational Meeting.** The next informational meeting is scheduled for Thursday, April 11th, 2018 at 7:00 a.m. in the 3rd Floor Meeting Room of the Original Courthouse.

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

_____ ATTEST _____

Chairman Jim Bruflodt Kyle Vareberg,

Planning and Zoning Administrator