Becker County Board of Adjustments
September 15th, 2022

Present: Members: Chairman Roger Boatman, Michael Sharp, Delvaughn King, Dan Josephson, Craig Hall, and Justin Knopf. Zoning Administrator Kyle Vareberg, and Office Support Specialist Janai Seley.

Chairman Roger Boatman called the meeting to order at 6:00 p.m. Office Support Specialist Janai Seley recorded the minutes.

Introductions were given.

King made a motion to approve the minutes from the July 21st, 2022, meeting with no changes. **Josephson** seconded. All in favor, Motion carried.

OLD BUSINESS:

FIRST ORDER OF BUSINESS: APPLICANT: Richard & Charlotte Magnuson 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).; Sugar Bush Township. **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. All deviating from the required setback of one hundred (100) feet on a recreational development lake due to setback and topographical issues. Tabled from the July 21st, 2022, Board of Adjustments hearing.

Richard and Charlotte Magnuson presented their application and explained their proposed site plan with a 60-foot setback.

Boatman asked for clarification on the setback. Magnuson explained the proposed setback to the deck is 60 feet, and 72 feet to the house.

Magnuson stated the previous landowner had cleared the proposed building area and explained he would like to preserve as much vegetation as possible on the lot by utilizing the already cleared space.

Hall asked Magnuson where the septic and drain field will be located on the property.

Magnuson explained it would be North-East of the proposed garage, and at least 150 feet from the ordinary high-water mark.

Josephson asked when the applicants will begin construction on the home. Magnuson stated they hope to begin construction in the next year.

Boatman asked Vareberg whether the proposed garage with a 60-foot setback would be in the shore impact zone.

Vareberg said the shore impact zone on Big Sugarbush lake is 50 feet.

Sharp commented that he does not see the practical difficulty of the applicant and explains there is room to build the structures so that they conform with zoning standards.

Magnuson explained he would like to preserve as many trees as possible and work with the natural topography of the land while implementing a walk-out basement.

Knopf commented there is room to move the house back on the lot while implementing a walk-out basement plan with the use of retaining walls.

Josephson asked Magnuson why the shop needs to be in the proposed location on the property.

Magnuson said the existing driveway would best accommodate the proposed shop placement on the property.

Testimony closed.

Sharp mentioned there is room on the property to conform to the zoning ordinance and does not see the practical difficulty for a variance.

Hall stated that the applicant was trying to make the best use of the property without drastically altering the topography.

Boatman asked if the applicant would reconsider structure placement on the property.

Magnuson said he would be open to negotiation.

Hall suggested moving the structure back 10 feet, resulting in an 82-foot setback.

Larry Michelson spoke on behalf of the Big Sugarbush Lake Association and township board. He shared concerns about the water quality of the lake.

Motion: Sharp made a motion to **deny** the variance as presented based upon the lack of practical difficulty presented by the applicant, and the ability to conform to the setback standard.

Josephson second. Sharp, Josephson, and Boatman approve; Hall, King, Knopf opposed. Motion failed for lack of majority. Board agreed to reconsider after protocol.

Chairman Roger Boatman explained the protocol for the meeting.

Vice Chairman Michael Sharp read the guidelines of the Minnesota statutes the board must follow in order to support or deny any request.

Motion: Hall made a motion to **approve** the amended variance with the adjustment that the dwelling be constructed at 85 feet from the OHW, and to construct the deck at 75 feet from the OHW due to topographical difficulties and environmental concerns.

King second. Sharp, Boatman, King, Hall, and Knopf approve; Josephson opposed. **Motion carried**. Variance **approved.**

NEW BUSINESS:

FIRST ORDER OF BUSINESS: APPLICANT: Karl A & Camay A Blakely 6307 Painted Turtle Rd, Lino Lakes MN 55014 **Project Location:** 43265 218th St, Osage MN 56570 **Tax ID Number:** 33.0030.000 **LEGAL LAND DESCRIPTION:** Section 04 Township 139 Range 038 4-139-38 PT GOVT LOT 5: COMM SHORE TOAD LK 160' E W LN GOVT LOT 4, N 250', E 50', S 250', W AL LK TO POB. & PT COMM: MEANDER LN TOAD LK 210' W OF W LN GOVT LOT 5, E 100', N TO S LN RD, E 100', S TO LK, W TO POB. & PT COMM MEANDER LN TOAD LK, 210' E W LN GOVT LOT 4, N TO S LN RD AND POB; E 100', N 250', W 100', S TO POB. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a detached garage to be located seventy (70) feet from the Ordinary High-Water Mark (OHW), deviating from the required setback of one-hundred (100) feet on a recreational development lake.

Blakely presented the application. He explained that the property will be used as a primary residence instead of a seasonal home, citing the need for a garage.

Josephson asked why the applicant does not construct the garage on the back lot of the property.

Blakely explained that the back lot is marshy and not suitable for construction.

Boatman asked the applicant to explain the practical difficulty requiring a 30x36 garage.

Blakely explained that the only other storage on the property is a small shed near the lake, and a larger garage will better equip the property for year-round inhabitance.

Josephson asked if the shed can be removed upon construction of the garage.

Blakely agreed to remove the shed after construction of the garage is completed.

Testimony closed.

Motion: Hall made a motion to **approve** the party's request for variance given removal of the shed from the shore impact zone.

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

SECOND ORDER OF BUSINESS: APPLICANT: Dale E Nordick & Darcy M Nordick 2909 Eagle Dr Moorhead, MN 56560 **Project Location:** 37806 SW Height Of Land Dr, Rochert MN 56578. **Tax ID Number:** 15.0060.002 **LEGAL LAND DESCRIPTION:** Section 09 Township 139 Range 039 PT GOVT LOT 1: BEG 867.43' N & 701.41' NW OF E QTR COR, TH SW 34.50' TO CTR PUB RD, NW 341.64' AL RD, TH NE 268.52'TO LK, E 350' AL LK & SW 311.35' TO POB. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a dwelling to be located fifty (50) feet from the Ordinary High-Water (OHW) mark, deviating from the required setback of one hundred (100) feet on a recreational development lake due to topography issues.

Nordick presented the application. He explained that due to the unique shape of the lot and topographical issues, it would be easiest to build a dwelling in the same area as an existing concrete slab.

Nordick explained that the back of the lot is wetland and building any further back than 50 feet would place his home in an unsuitable spot for construction

Boatman asked Vareberg what the shore impact zone is on Height Of Land Lake.

Vareberg responded 50 feet.

Knopf asked the applicant for clarification on the proposed structure location

Nordick said the existing slab is located 45 feet from the OHW at one corner, and 52 feet at the other. He added they would be comfortable moving the entire structure back to 50 feet from the OHW.

Josephson asked why the applicant does not build 75 or 80 feet from the OHW.

Nordick explained that would result in the back corner of the dwelling to be on the wetland part of the lot.

Testimony closed.

Motion: Sharp made a motion to **approve** the variance request as presented, based upon the fact that the request puts the property to use in a reasonable manner, that is consistent with the purposes and intent of the zoning ordinance and comprehensive plan, and there are practical difficulties in the form of a wetland that borders the property which prevents the applicant from conforming to the standard.

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

THIRD ORDER OF BUSINESS: APPLICANT: Christopher Nord 15216 E Munson Dr Detroit Lakes MN 56501 **Project Location:** 15216 E Munson Dr Detroit Lakes, MN 56501. **Tax ID Number:** 19.1152.000 **LEGAL LAND DESCRIPTION:** Section 05 Township 138 Range 041; R S DUTTON'S SUB DIV LOTS 34 & 35; Lake View Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a garage to be located sixty (60) feet from the Ordinary High-Water (OHW) mark, deviating from the required setback of one hundred (100) feet on a recreational development lake.

Nord presented the application. He explained the size had been amended since the tour date and changed in the request from 26x40 to 30x40. He says there is a small garden shed in the shore impact zone he is planning to remove as part of the renovation on his lot.

Boatman asked the applicant what the distance will be from the garage to the roadway.

Nord says the garage will be set back at least 50 feet from the road.

Boatman asked if the applicant would move the garage 15 feet closer to the road to be further from the OHW.

Nord agreed that constructing the garage at 75 feet from the OHW would be reasonable.

Testimony closed.

Motion: Hall made a motion to **approve** the amended application for variance of a 30x40 garage to be constructed at 75 feet from the OHW, given the practical difficulty of lot size.

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

FOURTH ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for September 22nd at 8:00 a.m. in the 3rd Floor Zoning Meeting Room of the Original Courthouse.

As there was no further business to come before the Board, King made a motion to adjourn the meeting. Sharp second. All in favor. Motion carried. Meeting adjourned at 7:24 pm.

_____ ATTEST _____

Chairman Roger Boatman

Kyle Vareberg,
Planning and Zoning Administrator