Becker County Board of Adjustments
July 13th, 2023

Present: Members: Chairman Roger Boatman, Delvaughn King, Dan Josephson, Kohl Skalin, Craig Hall, Larry Knutson, Planning & Zoning Administrator Kyle Vareberg, and Planning & Zoning Office Support Specialist Janai Seley.

Absent: Michael Sharp

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

Introductions were given.

Knutson made a motion to approve the minutes from the June 8th meeting with no changes. **King** seconded. All in favor, Motion carried.

OLD BUSINESS:

FIRST 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 November 14th, 2022, hearing.

Tweten has tabled his application for the August 10th, 2023 hearing.

Chairman Roger Boatman read the protocol for the meeting.

Dan Josephson read the guidelines of the Minnesota statutes the board must follow in order to support or deny any request.

NEW BUSINESS:

FIRST ORDER OF BUSINESS: APPLICANT: Michael Engen 20118 S Twin Dr. Frazee, MN 56544 **Project Location:** 20118 S Twin Dr. Frazee, MN 56544 **Tax ID number:** 15.0151.000 **LEGAL LAND DESCRIPTION:** 13-139-39 PT GOVT LOT 1: COMM N QTR COR SEC 13, W 410.79' TO CTR RD, SE 150' TO POB; SE AL CTR RD 185.52', SW 163.12' TO S TWIN LK, NW AL LK 213.97', NE 132.60' TO POB. TRACT A; Height of Land Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a balcony deck onto an existing house with the deck being located at fifty-eight (58)

feet from the ordinary high water (OHW) mark of a Recreational Development (RD) Lake, deviating from the required setback of one hundred (100) feet due to setback issues.

Michael Engen presented the application. He expressed his desire to construct a deck onto the existing home. He noted the lot's unique shape made it impossible to meet setbacks as the lot is wider than it is deep.

Vareberg recommended the board remove the word "balcony" from the request so as not to cause confusion.

Testimony closed.

Motion: Knutson motioned to **approve** the variance to construct a deck onto an existing house fifty-eight (58) feet from the Ordinary High Water (OHW) mark on a recreational development lake. Based on the findings of fact that the proposal puts the property to use in a reasonable manner and does not alter the character of the locality.

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

SECOND ORDER OF BUSINESS: APPLICANT: Richard W & Gail M Hokenson 21048 Co Hwy 32 Rochert, MN 56578 **Project Location:** 21048 Co Hwy 32 Rochert, MN 56578 **Tax ID number:** 10.0027.000 **LEGAL LAND DESCRIPTION:** PT GOV'T LOT 6 BEG 845.84' W & 459.58' N OF SE COR SEC 3;TH S 211',E 184.81' TO RD, NE AL RD 78.39',NE 119.80' TO LK,NW AL LK TO PT E OF BEG,& W 283.50' TO BEG; Erie Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a garage fifty-five (55) feet from the centerline of a county highway.

Richard Hokenson has withdrawn his application.

THIRD ORDER OF BUSINESS: APPLICANT: RSV Properties LLC 525 Caddy Ave #4 Moorhead, MN 56560 **Project Location:** 29985 Lake Six Rd Frazee, MN 56544 **Tax ID number:** 03.0313.000 **LEGAL LAND DESCRIPTION:** PT LOT 5 BEG 435.09' S OF NE COR TH SW 295.47' SE 71.60' TO LK NE AL LK TO PT S OF BEG & N TO BEG; Burlington Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a two-hundred and forty (240) square foot shed to be forty (40) feet from the ordinary high-water mark, deviating from the required setback of 100 feet on a Recreational Development Lake.

Rick Vanraden presented the application. He explained the need for storage for water toys on the lot. He noted the unique shape of the property makes it impossible to reach setbacks.

Boatman agreed that the lot shape does not allow the ordinance to be met.

Vanraden pointed out there are no other storage structures on the lot.

King agreed there is a definite hardship on the property given the unique shape of the parcel.

Testimony closed.

Motion: Hall motioned to **approve** the variance to construct a two-hundred and forty (240) square foot shed to be forty (40) feet from the ordinary high-water mark, deviating from the required setback of 100 feet on a Recreational Development Lake, given the lot's unique shape. Additionally, the request does not alter the character of the locality and puts the property to reasonable use.

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

FOURTH ORDER OF BUSINESS: APPLICANT: Dale & Patricia Robins 14114 W Lake Sallie Dr Detroit Lakes, MN 56501 **Project Location:** 14101 W Lake Sallie Dr Detroit Lakes, MN 56501 **Tax ID number:** 19.0106.002 **LEGAL LAND DESCRIPTION:** Section 07 Township 138 Range 041 PT OF LOT 5 BEG AT PT 1479.02' E 661.68' N OF SW COR SEC 7 TH S 661.68', E 850', N 494.56', E 157.43' TO LK, N AL LK TO PT E OF POB TH W TO BEG; Lake View Township **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a garage forty-four (44) feet from the centerline of a township road, deviating from the required setback of fifty-three (53) feet.

Dale Robins presented the application. He explained the original plan for the lot included a house and garage, both at 43 feet from the centerline of the road. However, at the time the home was built, they decided not to pursue the garage. He expressed the need for storage on the property.

Skalin asked for clarification on the setback, as the request said 44 but the homeowner said 43.

Robins said the house is at 43, and the garage will be the same setback from the road.

Phil Hansen spoke on behalf of Lake View township. He explained the township would like the applicant to drive into the roadway versus back up onto the road.

Hall asked if the applicant would be willing to add onto the driveway to make a backup spot.

Robins said yes.

Hall thinks the request is reasonable.

Testimony closed.

Motion: Skalin motioned to **approve** an amended request to construct a detached garage 43 feet from the centerline of a township road, given it fits the locality and the existing home is at the same setback to the road.

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

FIFTH ORDER OF BUSINESS: APPLICANT: Steven Sjostrand 3305 320th Ave Lancaster, MN 56735 **Project Location:** TBD SW Juggler Rd Waubun, MN 56589 **Tax ID number:** 25.0245.002 **LEGAL LAND DESCRIPTION:** 14-142-038 PT GOVT LOT 4: COMM NW COR SEC 14 TH E 660.23', TH S 503.28' AL EAST LINE OF WEST 20 AC TO POB; CONT S 156.97', TH E 1073.61' TO JUGGLER LK, NWLY 267.33' AL LK, W 823.54' TO POB AKA TRACT B-2; Round Lake Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a home seventy-five (75) feet from the ordinary high-water mark, deviating from the required setback of 100 feet on a Recreational Development Lake.

Steven Sjostrand presented the application. He explained the road running through the property constrains the building area and creates setback issues.

Josephson asked whether the proposed setback is to the deck or to the home.

Sjostrand confirmed the 75-foot setback is to the proposed deck.

Testimony closed.

Motion: Hall motioned to **approve** the request to construct a home seventy-five (75) feet from the ordinary high-water mark, given the request puts the property to use in a reasonable manner, does not alter the character of the locality, and is consistent with the intents of the ordinance.

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

SIXTH ORDER OF BUSINESS: APPLICANT: APPLICANT: Kory Cooper 24299 Co Hwy 6 Detroit Lakes, MN 56501 **Project Location:** 24299 Co Hwy 6 Detroit Lakes, MN 56501 **Tax ID number:** 19.1725.000 **LEGAL LAND DESCRIPTION:** Block 001 of RAYMAR EST 1ST ADD; LOT 3. Lake View Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct an addition to a garage thirty-six (36) feet from the right of way on a county road.

Kory Cooper presented the application. He expressed the need for more garage space with new drivers in the home. He noted the home is at an angle on the lot, making it difficult to meet setbacks.

Vareberg spoke with the Becker County Highway Department, who had no opposition to the proposal.

Testimony closed.

Motion: Skalin motioned to **approve** the variance request, to add onto a garage thirty-six feet from the right-of-way on a county road. Based on the findings of fact the proposal will not alter the character of the locality, will make the property more functional, and is within the intents and purposes of the ordinance.

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

SEVENTH ORDER OF BUSINESS: APPLICANT: Tim H Kivi Revocable Trust 47520 Co Hwy 58 Ponsford, MN 56575 **Project Location:** 32600 Kivi Dr Ogema, MN 56569 **Tax ID number:** 32.0333.509 **LEGAL LAND DESCRIPTION:** Lot 009 Block 001 of KIVI'S SUBDIVISION; Sugar Bush Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to add onto an existing deck fifty-two (52) feet from the ordinary high-water mark.

Tim Kivi presented the application. He expressed his desire to add onto the existing deck at fifty-two feet from the OHW. He noted the area where the proposed deck would be has substantial water drainage, and a deck would greatly improve the usability of the area.

King asked if the applicant would be removing a mature tree in the proposed building area.

Kivi said no, he is planning to incorporate the tree into his deck design.

Boatman asked for clarification on the setback.

Hall said when the setback was measured at the tour meeting, the closest proposed point on the deck was 41 feet from the OHW.

Hall asked if the applicant would be willing to reshape his deck so that no point extends closer than 52 feet to the OHW.

Kivi agreed to redesign the deck so that no point extends beyond the existing 52-foot setback to the OHW.

Testimony closed.

Motion: Knutson motioned to **approve** the request to add onto an existing deck fifty-two feet from the ordinary high-water mark. Based on the findings of fact that the deck will not alter the character of the locality and will make the property more functional.

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

EIGHTH ORDER OF BUSINESS: APPLICANT: Paul V Ivesdal Et Al 10149 77th St NE Edmore, ND 58330 **Project Location:** 22093 Co Hwy 32 Rochert, MN 56578 **Tax ID number:** 16.0236.000 **LEGAL LAND DESCRIPTION:** Section 34 Township 140 Range 040 34-140-040 PT GOVT LOT 7: COMM S QTR COR SEC 34 TH E 524.41' TO MC NO. 1, TH N 1330.32', NW 26.08', SW 469.67', S 50.02' TO POB; S 100.64' TO CTR LN W COTTON LK RD, SLY 221.04' AL RD, SWLY 51.98' AL RD TO CTR LN CSAH #32, NWLY 403.56' AL RD, E 269.78' TO POB AKA TRACT I; Holmesville Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to build seventy (70) feet from the centerline of a county road and forty-eight (48) feet from the centerline of a township road.

Paul Ivesdal presented the application. He explained that the existing buildings on the property have been torn down and expressed his desire to construct a shop on the property.

Vareberg said the Becker County Highway Department had no issues with the proposal and setbacks from the road. Additionally, the township did not oppose it.

Knutson thinks the request is reasonable and a good use of the property.

King asked for clarification on the height of the proposed shop.

Ivesdal said the shop has a 16-foot sidewall.

Testimony closed.

Hall thinks the request is a very good use of the property and will not impact the safety or character of the locality.

Motion: Knutson motioned to **approve** the variance as requested, based on the fact that the proposal puts the property to reasonable use and does not alter the character of the locality.

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

NINTH ORDER OF BUSINESS: APPLICANT: Lyle S Pederson & Correen Pederson 7640 550th St Dumont, MN 56236 **Project Location:** TBD Two Inlets Dr, Park Rapids MN 56470 **Tax ID number:** 34.0061.001 **LEGAL LAND DESCRIPTION:** Section 11 Township 141 Range 036 11-141-36 PT GOVT LOT 3: COMM NW COR GOVT LOT 3, S 705.22' TO CTR RD AND POB: WLY AL RD 760.16', SLY 30.27', SW 88.19', SLY 300.39' TO LK, SWLY AL LK TO W LN GOVT LOT 3, N TO POB. LESS PT S & W OF CREEK AND LN: COMM NW COR GOVT LOT 3, S 887.8', E 239.03', SLY TO LK AND POB; N TO CTR CREEK AND TERM. TRACT 1. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a recreation court thirty (30) feet from the OHW of a tributary.

Lyle Pederson presented the application. He explained they have been using the area for recreation for many years and would like to pour concrete for a pickleball court. He noted there is very little tar and cement on the property so impervious surface coverage isn't a concern.

Skalin asked if the applicant would be able to turn the court 90 degrees to move further from the tributary.

Pederson said he is unable to move the court as there is a low-lying marshy area that would not be suitable for building.

Vareberg mentioned de minimis exemptions to fill in a wetland in the shoreland, but such exemptions would likely not apply to the request.

Hall asked if the applicant could move the court closer to the house.

Pederson said there are mature trees that would need to be cut down to move the court closer to the house.

Pederson tabled his application for the August 10th, 2023, hearing to rework the site plan and determine whether the marshy area on the property is a wetland.

As there was no further business to come before the Board, **King** made a motion to adjourn the meeting. **Skalin** second. All in favor. Motion carried. Meeting adjourned at 6:58 pm.

_____ ATTEST _____

Chairman Roger Boatman

Kyle Vareberg,
Planning and Zoning Administrator