Becker County Board of Adjustments
September 21st, 2023

Present members: Chairman Roger Boatman, Michael Sharp, Delvaughn King, Dan Josephson, Kohl Skalin, Larry Knutson, Planning & Zoning Administrator Kyle Vareberg. **Absent** members: Craig Hall

Chairman Roger Boatman called the meeting to order at 6:00 p.m. Planning & Zoning Administrator Kyle Vareberg recorded the minutes.

Introductions were given.

Chairman Roger Boatman read the protocol for the meeting.

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

Any written correspondence received was given to the members prior to the hearing.

Old Business:

1. **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 zero (0) feet from the side property line deviating from the required setback of ten (10) feet, to be located two (2) feet from the rear property line deviating from the required setback of twenty (20) feet, and to be at thirty-one (31) percent impervious surface coverage deviating from the allowable coverage of twenty-five (25) percent in the shoreland district due to lot size and setback issues. Application was tabled from the August 10th, 2023, hearing.

Micah Tweten introduced his application to build a 45x25 detached building on his back lot.

Boatman felt the application could be improved from the requested setbacks and impervious coverage.

Tweten stated his septic drain field prohibits the movement of the structure on the lot. He questioned how he could improve the request and noted one of the neighbors is the Minnesota Department of Natural Resources and the other has no complaints about the request.

Boatman said the building footprint could be shrunk to get closer to the allowable 25% impervious surface coverage.

Skalin questioned the previous concerns of Lake View Township.

Tweten said he moved the building to meet the Township Road setback.

Vareberg asked Tweten if Phil Hansen was on board with this request.

Josephson stated as of the last Township meeting, the Supervisors were still against the request.

Sharp mentioned concerns about stormwater.

Skalin agreed.

Knutson said he does not support a zero-foot setback request.

Skalin suggested a five-foot setback minimum.

Tweten said he could move the building from forty feet from the centerline to thirty-five feet to meet the suggestion (this would still meet the township road setback of twenty feet from the right-of-way).

Josephson suggested the board follow the Township opinion of denying the request.

Vareberg acknowledged the Township concern but advised the board that the applicant is meeting the Township Road setback.

Sharp asked if gutters could be utilized to keep stormwater on the applicant's property.

Vareberg suggested gutters and French drains.

Testimony closed.

Boatman proposed both setback request be amended to five feet and French drains be installed.

Josephson stated he does not see a practical difficulty with the size of building.

Boatman stated the building could be smaller.

After discussion by the board and the Zoning Administrator it was determined the original request was for 31%. However, since the original request, dimensions of impervious surfaces have been reduced and the request is now in compliance with the allowable 25% impervious surface limit.

Motion: Skalin motioned to **approve** the variance, with revisions, to construct a detached building to be located five feet from the side and rear property line. Must meet township road setbacks.

King second. In favor: Skalin, King, Boatman, Sharp, Knutson. Opposed: Josephson. **Motion carried.** Variance **approved.**

New Business:

1. **APPLICANT: Colleen Properties LLC** 5420 12th St S Fargo, ND 58104 **Project Location:** 20656 Co Hwy 22 Detroit Lakes, MN 56501 **Tax ID Number:** 17.0748.000 **LEGAL LAND DESCRIPTION:** Section 27 Township 138 Range 042; ISTHMUS BEACH 138 42 Block 002 LOT 1; Lake Eunice Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to 1.) Construct a deck to be located at twenty-four (24) feet from the Ordinary High Water (OHW) mark. 2.) Construct an addition to a dwelling to be located at fifty-three (53) feet from the OHW. Both deviating from the required setback of one hundred (100) feet on a recreational development lake. 3.) Construct an addition to be located five (5) feet and six (6) inches from the side property line, deviating from the required setback of six (6) feet and six (6) inches on a non-conforming lot of record.

Mark Duboard introduced the application, noting the lot coverage is 24.6%

Boatman clarified the shore impact zone (SIZ) is fifty feet.

Duboard said the existing patio is in the SIZ.

Vareberg noted the request includes the removal of sidewalk and patio within the SIZ and replacing the patio with pervious decking. He also mentioned the side yard request is a one-foot deviation.

Boatman mentioned the deck could be adjusted to be wider and remove some distance from the lake and get closer to the SIZ setback of fifty feet.

Josephson said the proposal is a bigger structure in the SIZ then what is existing.

Knutson acknowledged the size difference, but stated the request will be changing from impervious to pervious, with no decrease in lake setback, and noted all the neighbors share a similar setback.

King agreed.

Sharp asked if the applicant was open to a reduction in width.

Duboard said he was open to it but ultimately would like to keep the design.

Boatman suggested to table the application and reconsider the plan.

Skalin said they will never get the proposal out of the SIZ.

Duboard reiterated the removal of imperious surface within the SIZ and said he would like to move forward tonight.

Testimony closed.

Sharp said there is an opportunity to get further out of the SIZ with structures however this request is a benefit by removing impervious surface. Ultimately, he supports the request.

Motion: Sharp motioned to **approve** the variance as requested, based on the following: The request is consistent with comprehensive plan and the zoning ordinance. The request puts the property to use in a reasonable manner. The request creates no change to the locality and there will be a reduction in impervious to get the property back into compliance beneath the allowable 25% surface coverage.

Skalin second. In favor: Skalin, King, Boatman, Sharp, Knutson. Opposed: Josephson. **Motion carried.** Variance **approved.**

2. **APPLICANT: Craig A & Wanda K Runck** 3730 163 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 a deck 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 lot size and setback issues.

Craig Runck introduced the application.

Skalin noted the request is not in the SIZ, so he does not have a concern.

Testimony Closed.

Motion: Knutson motioned to **approve** the variance as requested.

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

3. **APPLICANT: Peter A Stensgard** 1904 9th St S Moorhead, MN 56560 **Project Location:** 20159 E Maud Lake Rd Detroit Lakes, MN 56501 **Tax ID Number:** 17.0249.000 **LEGAL LAND DESCRIPTION:** Section 22 Township 138 Range 042; 22-138-42 PT GOVT LOT 1: BEG MOST ELY COR LOT 1 MAPLE BCH, SE AL SW LN RD 64.28', SW 170.36' TO LK MAUD, NWLY AL LK 41.88', NE 150.09' TO POB.; Lake Eunice Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a deck to be located three (3) feet from the side property line deviating from the required setback of ten (10) feet and to be located sixty-five (65) feet from the Ordinary High Water (OHW) mark deviating from the required setback of one-hundred feet on a Recreational Development Lake all due to lot size and setback issues.

Stensgard introduced his application.

Skalin confirmed the existing structure is currently three feet from the side yard property line and outside of the SIZ.

Testimony closed.

Motion: Sharp motioned to approve the variance as requested, based on the following: The request maintains the character of the locality, is aligned with the neighboring setbacks, and is consistent with the comprehensive plan and zoning ordinance.

King second. All in favor (Skalin stepped out of the hearing). **Motion carried.** Variance **approved.**

4. **APPLICANT: Richard E & Arlene S Lillis** 25139 Englewood Dr Detroit Lakes, MN 56501 **Project Location:** 25139 Englewood Dr Detroit Lakes, MN 56501 **Tax ID Number:** 08.0853.000 **LEGAL LAND DESCRIPTION:** Section 09 Township 139 Range 041; ENGLEWOOD LOT 6; Detroit Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a deck to be located forty-nine (49) feet from the Ordinary High-Water (OHW) mark deviating from the required setback of seventy-five (75) feet on a General Development Lake due to setback issues.

Arlene Lillis introduced her application.

Lillis stated she worked with the Minnesota Department of Natural Resources to create a buffer of native plants along the shore to control run off and ensure the shoreline integrity.

Skalin noted the topography on the lot directs the water away from the lake.

Lillis said the Pelican River Watershed District confirmed the ordinary high-water mark.

Testimony Closed.

Motion: Skalin motioned to approve the variance as requested, based on the fact the request is in harmony of the neighborhood.

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

5. **APPLICANT: Jason G Makela & Janel E Makela** 50504 180th St Osage, MN 56570 **Project Location:** 17891 510th Ave Menahga, MN56464 **Tax ID Number:** 37.0101.000 **LEGAL LAND DESCRIPTION:** Section 26 Township 139 Range 037; NW1/4 NW1/4 LESS PT: COMM NW COR, S 164.24' TO POB; S 387.79', NE 188.08', NE 142.06', NW 137.66' TO POB. (TRACT A - .48 AC); Wolf Lake Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a deck and porch to be located sixty-three (63) feet from the Ordinary High-Water (OHW) mark deviating from the required setback of one hundred fifty (150) feet on a Natural Environment Lake due to setback issues.

Jason Makela introduced his application. He stated the old cabin was torn down and replaced. He said the old cabin had a deck of approximately four hundred square feet in size.

Knutson asked when the previous building was built.

Makela stated it was constructed in 1980 on concrete pillars and was beginning to lean towards the lake.

Josephson asked if the previous deck could be rebuilt.

Vareberg stated yes but only in the same footprint.

Makela said the plan flipped the footprint, however the footprint is smaller.

Knutson asked if the porch would be living area.

Makela said no.

Testimony closed.

Josephson said this is a covered porch in the SIZ.

Skalin mentioned it would be nice to control water runoff.

Sharp said they could flip the porch to the other side.

Makela said there is a spruce tree on that side limiting the width to eight (8) feet however he was open to the idea.

King suggested guttering the structure.

Knutson said he is not fond of these situations but noted it is a small structure.

Motion: Knutson motioned to approve the variance as requested with the stipulation he use French drains to control storm water based on the following: The request will not harm the lake; it is in harmony with the purposes and intent of the zoning ordinance and is a reasonable use of the property.

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

6. **APPLICANT: Eagle Lake Resort LLC** 2543 Willow Rd N Fargo, ND 58102 **Project Location:** 30886 Eagle Lake Rd Frazee, MN 56544 **Tax ID Number:** 03.0331.000 **LEGAL LAND DESCRIPTION:** Section 32 Township 138 Range 040; 32-138-40 PT GOVT LOT 4: COMM MC#33 N 251.3', SW 597.05', S 38.06' TO CTR RD, W 17.03' TO POB; N 398.4', NE 119.94' TO EAGLE LK, ELY AL LK 400.51', S 403.62' TO CTR RD, WLY AL RD 354.19' TO POB. TRACT B.; Burlington Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a second story on a dwelling to be located two (2) feet, five (5) inches from the side property line due to setback issues.

Terry Duval introduced his application.

Skalin confirmed the building is existing with a proposed second story.

King questioned if the applicant was comfortable with the existing foundation.

Duval said they may add footing on the exterior wall of the existing first story and supports would cantilever on to the footings.

Kevin Solwold spoke against the application. He said the previous owner had agreed to take the building down after a 15-year timeline expired, this was part of a boundary line adjustment agreement. He is not in favor of the overhang being with in ten inches of his property.

The board questioned the overhang location. Duval confirmed it would be ten inches from the line.

Board discussion occurred about the cantilever supports being outside of the footprint and even closer to the side property line then what is proposed.

Boatman questioned if the footprint was changing.

Vareberg said yes, the foundation would be expanding outside of the footprint.

Both Josephson and Skalin shared no concerns if the expansion would only occur on the existing footprint.

Kevin Solwold spoke again. He mentioned the boundary line agreement that occurred previously, water and snow run off concerns and the IRC building code could be a conflict with the proposal.

Skalin suggested changing the roof pitch to a flat angled design.

Josephson asked about a deck.

Duval said there would be a second story balcony with dimensions of four by eight.

Testimony closed.

Boatman stated the board is learning more as the application goes on and he would look for an alternate route. The structure is getting closer to the property line and dimensions are changing outside of the existing footprint.

Sharp suggested tabling the application to research new options for footings and structure stability.

Duval tabled his application.

7. **APPLICANT: Kevin Solwold** PO Box 471 Moorhead, MN 56561 **Project Location:** 30864 Eagle Lake Rd Frazee, MN 56544 **Tax ID Number:** 03.0333.000 **LEGAL LAND DESCRIPTION:** Section 32 Township 138 Range 040; 32-138-40 PT GOVT LOT 4: COMM MC 33, N 251.3', SW 597.05', S 38.06' TO CTR RD, W 148.63' AL CTR RD TO POB; E 131.6', NLY 398.4', NE 119.94', W AL EAGLE LK 79.99', SLY 576.25' TO POB. TRACT

A.; Burlington Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct an addition to a dwelling with the closest point being located eighty (80) feet from the Ordinary High-Water (OHW) mark and a patio to be located sixty (60) feet from the OHW both deviating from the required setback of one hundred (100) feet on a Recreational Development Lake due to setback issues.

Solwold introduced his application.

Josephson confirmed with the applicant the existing lake setback will not be decreased.

Sharp questioned the impervious surface not increasing. The Board acknowledged there will be a slight increase.

Testimony closed.

Motion: Skalin motioned to approve the variance as requested, based on the following: The request is in harmony with the neighborhood and there will be no impact to the lake.

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

8. **APPLICANT**: **Ramona Borke** 14512 Tradewinds Rd Audubon, MN 56511 **Project Location:** 14512 Tradewinds Rd Audubon, MN 56511 **Tax ID Number:** 17.1276.000 **LEGAL LAND DESCRIPTION:** Section 07 Township 138 Range 042; TRADE WINDS BEACH LOT 30; Lake Eunice Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to be at twenty-eight point four one (28.41) percent impervious surface coverage deviating from the allowable twenty-five (25) percent within the shoreland district due to lot size.

Jade Carlson and Ramona Borke introduced the application.

Josephson questioned the impervious surface amount and asked if patios could be removed.

Carlson stated the removal of patios on the slope could cause issues. He said they are removing asphalt parking area in the right-of-way that does not technically reduce the Borke impervious percentage but does improve the property. He said adjusting the elevation of the lot to attach the garage will prevent all the current run off going to the lake. Currently the entire lot slopes towards the lake. The change in elevation will send some of the lot run off towards the roadside ditch. He

also stated due to the rise in elevation of Big Cormorant, the Borke lot lost forty feet of lot length, which decreased the allowable impervious surface coverage.

Carlson stated they did remove carpet from a deck in the SIZ at the request of the Cormorant Lakes Watershed District converting 160 square feet of impervious surface back to pervious surface.

Testimony Closed.

Motion: Sharp motioned to approve the variance as requested, based on the following: The request is in harmony with the purposes and intent of the comprehensive plan and zoning ordinance. The request will improve the character of the locality by redirecting run off from the lake and it is a reasonable use of the property.

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

9. **APPLICANT: Thomas & Kjirstin Delaney** 31856 Co Hwy 50 Park Rapids, MN 56470 **Project Location:** 31856 Co Hwy 50 Park Rapids, MN 56470 **Tax ID Number:** 34.0097.000 **LEGAL LAND DESCRIPTION:** Section 14 Township 141 Range 036; S 200' OF N 1100' OF LOT 1; Two Inlets Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a dwelling with an attached garage to be located sixty-four (64) feet from the Ordinary High-Water (OHW) mark with an attached porch to be located at fifty-three (53) feet from the OHW deviating from the required setback of one hundred (100) feet on a Recreational Development Lake due to setback issues.

Thomas Delaney introduced his application. Delaney plans to rebuild the current cabin to accommodate for all four seasons. The current setback will not be decreased to the lake. The additional square footage is needed for utilities and a car port. He said the addition will be built the opposite direction of the lake. Delaney stated there is an existing ice heave/berm in place along the shore to control run off.

Skalin questioned the opposition letters the board received.

Delaney explained the adjacent neighbors are in favor of the project. He said the opposition may not understand that he is rebuilding the current cabin in the footprint with the addition being built away from the lake.

Knutson commented that this is the best effort he has seen on an application.

Testimony Closed

Motion: Knutson motioned to approve the variance as requested, based on the following: The request is an improvement to the lot while giving the applicant more use of the property and not decreasing the current lake setback.

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

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.

_____ ATTEST _____

Chairman Roger Boatman

Kyle Vareberg,
Planning and Zoning Administrator