Becker County Board of Adjustments
November 9th, 2023

Present: Members: Acting Chairman Michael Sharp, Delvaughn King, Dan Josephson, Larry Knutson, Craig Hall, and Planning and Zoning Administrator Kyle Vareberg.

Absent: Roger Boatman and Kohl Skalin

Acting Chairman Michael Sharp called the meeting to order at 6:00 p.m. Planning & Zoning Technician Nicole Bradbury recorded the minutes.

Introductions were given.

Acting Chairman Michael Sharp read the protocol for the meeting.

Acting Vice Chairman Craig Hall 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: Erik J Rockstad & Gretchen B Rockstad 2806 190th Ave Ada, MN 56510 **Project Location:** 29712 387th St Waubun, MN 56589 **Tax ID Number:** 20.0546.000 **LEGAL LAND DESCRIPTION:** Section 08 Township 142 Range 040; NEMEC BEACH 142 40 08-142-040 LOT 1 & PT GOVT LOT 1: BEG MC #94 TH W 105.37' TO NW COR PLAT, NE 27.40', E 132.94' TO WHITE EARTH LK, SLY AL LK TO S LN GOVT LOT 1, W 30.77' TO POB REF: PT 20.0235.000 IN 2012; Maple Grove Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct an addition to a dwelling to be located forty-five (45) 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.

Erik & Gretchen Rockstad presented the application.

Sharp said the application seemed pretty straight forward and commented that they are not building any closer than the existing cabin. He also stated there are other structures in the area that sit closer to the water.

Hall asked if a survey had been done to determine if they are for sure six (6) feet from the property line.

They stated yes.

As there was no one to speak for or against the application, testimony was closed.

Hall thinks it's a very reasonable request as they are not asking to be any closer to the lake and they are remaining under the allowable twenty-five (25) percent impervious surface coverage.

Motion: Hall motioned to **approve** the variance as submitted based on the findings of fact that it does fall within the harmony and intent of the ordinance, it will not change the character of the locality or harm the neighboring properties. **King seconded.** All in favor. **Motion carried.** Variance **approved.**

SECOND ORDER OF BUSINESS: APPLICANT: Roslyn F Johnson Revocable Trust & Douglas & Cynthia Boese 2217 Baihly Summit Dr SW Rochester, MN 55902 **Project Location:** 40183 Hunters Rd Ponsford, MN 56575 **Tax ID Number:** 25.0015.000 **LEGAL LAND DESCRIPTION:** Section 07 Township 141 Range 038; W 5 RDS OF E 25 RDS OF LOT 1; Round Lake Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct an addition to be located at thirty-nine (39) feet from the OHW mark deviating from the required setback of one hundred (100) feet on a Recreational Development Lake due to setback issues.

Steve and Roslyn Johnson presented the application. They stated they would like to make some improvements to the cabin reflecting the way cabins are used today.

Sharp asked if the addition is to the rear of the cabin away from the lake.

Johnson stated yes.

There was one letter received in favor of the application and is entered below:

Dear Nicole,

We received the notification of hearing for the variance application from Roslyn F Johnson Trust and Douglas & Cynthia Boese for the property at 40183 Hunters Road. We are the owners of the property at 40165 Hunters Road which is directly adjacent to the property toward the West. We have reviewed the plans that were included in the hearing pack available online as well as the staked area on property and would like to write to encourage you to approve this variance. It is our belief that the plans will improve both the usage and value of the property and will in no way impede on our enjoyment of our property. The owners have been thoughtful in the design and planning and we believe will maintain the visual integrity of the existing cabin and will enhance the overall aesthetics of the property.

We are unable to attend the hearing on November 9th, please consider this writing as our endorsement of the project as stated in the application. We are happy to answer any questions you may have.
Brenda 701-261-0402
Tom 701-261-7624

Tom and Brenda Levos
40165 Hunters Road
Ponsford, MN 56575

As there was no one to speak for or against the application, testimony was closed.

Hall said the request seems straightforward and reasonable.

Knutson said it's all close to the lake, but you can't change that.

Hall said it fits in with the community.

Motion: Hall motioned to **approve** the variance as submitted based on the findings of fact that that it does fall within the harmony and intent of the ordinance, it will not change the character of the locality or harm the neighboring properties, and it will improve the area. **Knutson seconded.** All in favor. **Motion carried.** Variance **approved.**

THIRD ORDER OF BUSINESS: APPLICANT: Spirit & Live Evangelistic 3103 Village Green Dr Moorhead, MN 56560 **Project Location:** TBD 120th Ave Lake Park, MN 56554 **Tax ID Number:** 18.0057.002 **LEGAL LAND DESCRIPTION:** Section 08 Township 139 Range 043; 8-139-43 PT GOVT LOT 1: COMM NW COR GOVT LOT 1, S 200', SE 628.91', SE 595.48', E 234.16', ELY 281.18', S 254.76' TO SAND LAKE AND POB; N 254.76', WLY 281.18', W 234.16', NW 162.72', N 540.29', W 454.92', N AL DRVIE 500.54', W 38.47', S 1050.07' TO SAND LK, SLY & ELY AL SAND LK TO POB. INCL TRACT B.; Lake Park Township. **APPLICATON AND DESCRIPTION OF PROJECT:** Request a variance to allow a thirty-three (33) foot wide easement to serve more than two (2) tracts.

Lisa Piche and Jill Melby presented the application. They stated that they want to sell the property to one individual, but want to split off the cemetery, and they would need approval for a road to service more than two (2) tracts in order to do that. They said they are keeping the cemetery portion as small as needed.

Vareberg asked if they have any intentions to further subdivide the parcel.

Piche said no. She said they may do a boundary line adjustment with another neighbor, but there will not be any subdividing, and stated that they already told the potential buyers that it is not a possibility.

Hall asked if they could put a restriction on how many tracts it could serve.

Vareberg said yes.

Dan Anderson, neighbor, spoke and shared his concerns about a potential subdivision, but said that if the only split is for the cemetery, then he has no problems with the request, but he would like it in writing.

Amber Knutson, neighbor, spoke and stated that she lives right next to the cemetery. She said she has the right of first refusal on a piece of the land is also concerned about a potential subdivision. She said if it's just the cemetery being split off, then she has no issues.

All letters received were reviewed by the Board members before the meeting and are entered into record below:

I am sending this email to inform you that I am the landowner of that owns the property with the easement to the above referenced property and to let you know that I am opposed to the proposed variance request. I was opposed to it when the request was previously heard and denied, and nothing has changed in the four years since that has caused me to reconsider my position. I plan to attend the meeting on Thursday. Thank you.

Dan Anderson

In regards to the request for variance to allow a 33 ft wide easement to serve more than 2 tracts, we Abby and Jim Anderson are not in favor of this granting. This driveway has not been built for heavier traffic, it is a no/minimum maintenance driveway, cared for only by the resisdents living there. If it were to pass, who would do the maintenance and the improvements, and snow removal needed on this driveway?? This variance could and would set a presidance for all future applications..... it is a driveway..... there is no public bus service on this road to provide transportation to public schools, it is an enviromental area. This drive is not equiped to handle more traffic, it is a dead end driveway, allowing more traffic on this 33ft. driveway would cause accelerated deterioration. Our recommendation is to not allow the variance for tax ID # 18.0057.002 Spirit and Life Evangelistic Center, (which has not been in operation for years) , to use the driveway to service for more than 2 tracts. Thank you Abby and Jim Anderson

Good Morning Nicole,

I am writing regarding the zoning application letter we received from Becker County for Spirit & Life Evangelistic. We purchased our home in 2020 and our home is right next to the cemetery. In the application it states they are wanting the easement so they can have the land surveyed. I know they have intentions of selling the property around the cemetery, but we have concerns about that. We would like a bit more clarity on the seller's intentions. Specifically, due to the fact that we have a written right of first refusal on a piece of the land they are intending to sell. Are they intending to split the lots and allow multiple people to purchase the land and build out here? Also, who is and will be responsible for the road maintenance? Currently we plow the road in the winter. I am not certain if any of this is relevant in regards to their request but if possible some clarification on their intentions would be greatly appreciated.

Amber Knutson | Credit Manager | **Wallwork Truck Center, Inc.**

Testimony closed.

Knutson said that limiting the number of parcels to be served would be a good solution and recommended limiting it to three (3).

Josephson asked if it would restrict future Board of Adjustments requests for a subdivision.

Vareberg said no, they would still be able to come back and make a request.

Hall thinks stipulating three (3) parcels is a good way to handle the concerns.

Motion: Knutson motioned to **approve** the variance with the stipulation that the easement can not serve more than three (3) tracts. **Hall seconded.** All in favor. **Motion carried.** Variance **approved.**

FOURTH ORDER OF BUSINESS: APPLICANT: Soo Pass Ranch Inc; Lake Sallie Homes, LLC 900 Wayzata Blvd E Suite 130 Wayzata, MN 55391 **Project Location:** TBD Lake Ridge Ln Detroit Lakes, MN 56501 **Tax ID Numbers:** 19.0320.000, 19.0338.002, 19.0338.001, and 19.1433.000 **LEGAL LAND DESCRIPTIONS:** Sections 16 & 17 Township 138 Range 041; 16-138-41 GOVT LOT 5. GOVT LOT 6 LESS S 34.75'. LESS 1.06AC (PT 19-321-1).; PT GOVT LOT 1; BEG AT MOST WLY COR OUTLOT A OF LAKERIDGE PLAT TH N 24.56', NW 164.85' TO LK, SWLY AL LK 100', & E 200.62' AL N LN OF OUTLOT A TO POB.; N 600 FT OF LOT 1 EX .40 AC TR.; LAKERIDGE Block 001 OUTLOT A.; Lake View Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance for sixteen (16) dock slips for a proposed shoreland conservation subdivision.

Vareberg stated that if they did a lot and block subdivision, they would be allowed many slips per lot. They would be allowed to do fourteen (14) lots by a lot and block subdivision, but there is no limit on how many docks and slips you have for a residential home, but by ordinance, for a conservation subdivision, when you cluster these developments, the intent is to have a lot of green space and a one-dock type system. The ordinance says you are allowed 1-1/2 slips per allowed residential home in the first tier. He stated that the first tier on this property is predominantly bluff. In theory, by this property doing a cluster development they are almost being punished in the restrictions of how many slips they can have. That is why they are requesting the variance.

Scott Walz with Meadowland Surveying spoke and explained density calculations and what needed to be eliminated because of the first tier being predominantly bluff. He said they are choosing to do a conservation shoreland subdivision for good reasons, but in doing so, they are only allowed six (6) slips. He said they will not move forward with the request for the subdivision if they can't get approval for the slips. He said that he spoke with Rodger Hemphill from the Department of Natural Resources (DNR), they reviewed the area and an ideal spot was chosen for slips to minimize impact to vegetation.

Hall asked for verification of the location and asked if they own the land to the North.

Walz said yes.

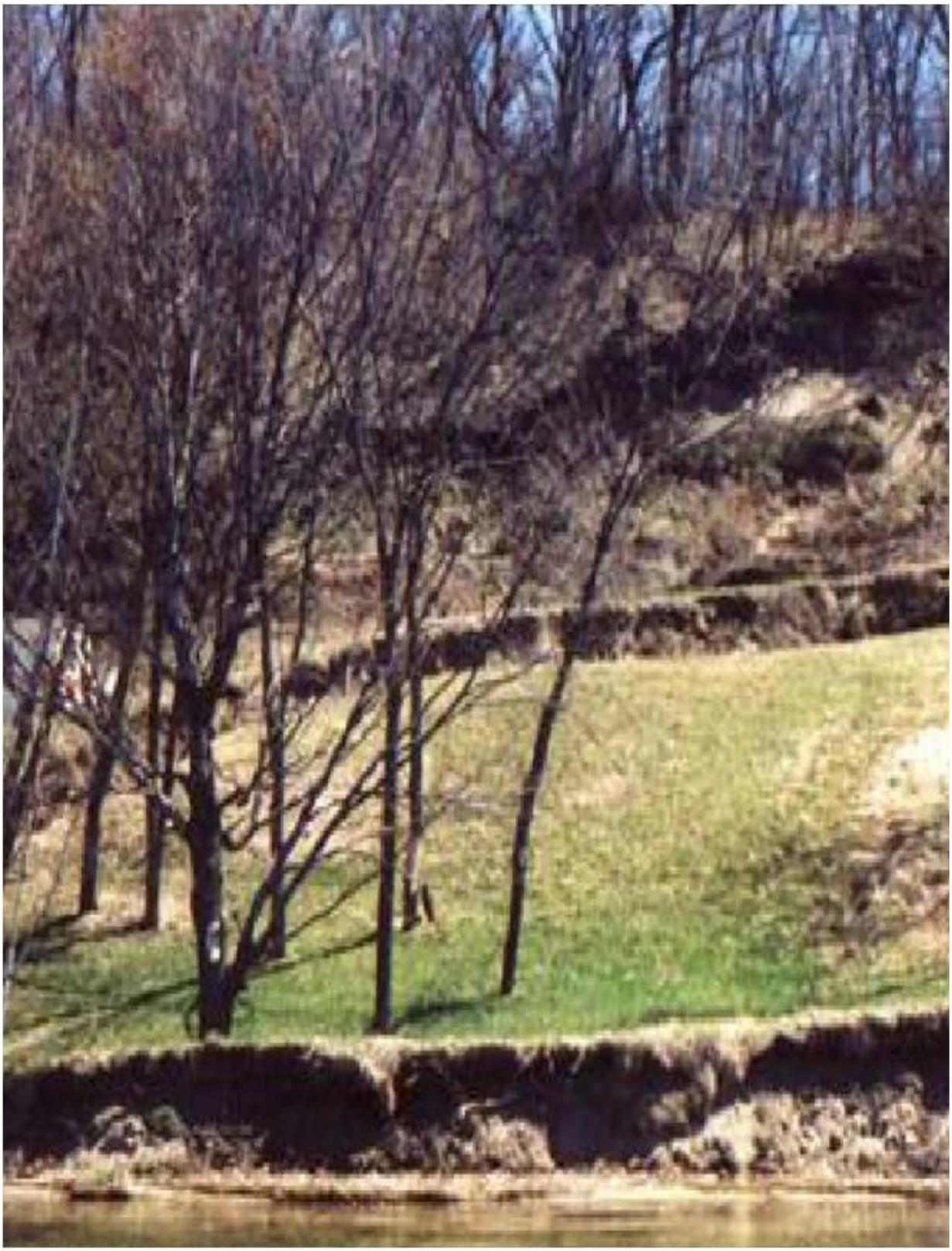
One letter was received and reviewed before the meeting and is entered into record below:

Hi Nicole,

Here are the PRWD's comments for the BOA Meet on November 9th, 2023.

Applicant: Soo Pass Ranch Inc. Lake Sallie Homes, LLC **Project Location:** TBD Lake Ridge Lane, Detroit Lakes

Comment: PRWD recommends when considering a conservation subdivision for this property, it was discussed at the tech review panel meeting to recommend including a special protection conservation easement on the bluff area (the toe of the bluff to the top of the bluff- bluff impact zone), and to conduct additional soil testing (Geo-Technical) as this area in the past has had structural slumping issues (see attached photo).



Thank you,

Gina Kemper
Permitting/Water Resource Coordinator
Pelican River Watershed District
Wells-Fargo Bldg – Suite 201
211 Holmes Street West
Detroit Lakes, MN 56501
E-mail: prwdpermit@arvig.net
Website: www.prwd.org
Phone: (218) 846-0436

As there was no one to speak for or against the application, Testimony was closed.

Hall said it will make good use of the property, and that the slips won't affect others. He said the request makes sense.

Motion: Hall motioned to approve the application based on the facts it makes good use of the property, it falls in line with the harmony and intent of the ordinance, and that it won't negatively affect the community.

Vareberg requested that they add that it would be one (1) slip per household with the practical difficulty being the fact that the majority of the first tier is bluff.

Hall accepted the amendment to the motion. **Knutson seconded.** All in Favor. **Motion carried.** Variance **approved.**

FIFTH ORDER OF BUSINESS: APPLICANT: Casey & Carolyn Beckerleg 606 Westminster Dr Moorhead, MN 56560 **Project Location:** 20808 400th Ave Detroit Lakes, MN 56501 **Tax ID Number:** 15.0139.000 **LEGAL LAND DESCRIPTION:** Section 12 Township 139 Range 039; PT LOT 2; BEG 486.39' W OF NE COR TH SW 691.97', S 132.70', W 162.45' TO LK, N AL LK & E 330.42' TO BEG; Height of Land Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a dwelling and attached garage to be located fifty-five (55) feet from the OHW mark deviating from the required setback of one hundred feet on a Recreational Development Lake and to be located twenty (20) feet from the side property line deviating from the required setback of thirty (30) feet on a commercially zoned lot located next to a different zoning district all due to setback issues.

Casey Beckerleg presented the application. He said he doesn't understand why it's zoned commercial.

Vareberg asked Knutson if there was a former business there.

Beckerleg said the adjacent property had a resort.

Knutson said he doesn't know either how it ended up commercial.

Because of the uncertainty of the location of the rear property line, Vareberg said the wording for this request would actually be fifty (50) feet from the Ordinary High-Water (OHW) mark, and thirty (30) feet from any lot line.

As there was no one to speak for or against the application and no letters received, testimony was closed.

Hall said it's a big lot and a very reasonable request.

Sharp stated that neighbors have similar setbacks.

Motion: Knutson motioned to **approve** the variance to be located thirty (30) feet from any property line, and to be fifty (50) feet from the OHW based on the fact that it is further from the lake than the existing, its in harmony with the purposes and intent of the ordinance and it puts the property to good use. **King seconded.** All in favor. **Motion carried.** Variance **approved.**

As there was no further business to come before the Board, **Hall** made a motion to adjourn the meeting. **King** seconded. All in favor. Motion carried. The meeting adjourned at 6:40 pm.

_____ ATTEST _____

Chairman Roger Boatman

Kyle Vareberg,
Planning and Zoning Administrator