

**Becker County Board of Adjustments  
September 12th, 2019**

**Present:** Members: Chairman Jim Bruflodt, Lee Kessler, Jim Kovala, Harry Johnston, Delvaughn King, Zoning Technician Joseph Doll and E911/Zoning Technician Rachel Bartee. Absent were Roger Boatman and Brad Bender.

Chairman 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 August 8<sup>th</sup>, 2019 minutes with changes made as submitted. **Johnston** 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:**

**FIRST ORDER OF BUSINESS: APPLICANT: John Drewes** 10331 Eagle Lake Rd Frazee, MN 56544 **Project Location:** Us Hwy 10 Frazee, MN 56544 **LEGAL LAND DESCRIPTION: Tax ID Number: 03.0285.003; APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to construct a (48'x80') 3,840 sq. ft storage structure to be located at 350 feet from the OHW of a lake, deviating from the required setback of 400 feet from the ordinary high-water mark of a lake for a detached storage structure over 2400 square feet, due to setback issues.

Doll presented the application.

John Drewes was present. Drewes explained variance to construct a (48'x80') 3,840 sq. ft storage structure to be located at 350 feet from the OHW of a lake. Drewes stated the request is for a warehouse for commercial use on a six (6) acre lot. Drewes stated this issue is with the lake and ROW setbacks. Bruflodt asked if the storage shed could be made even with the other building. Drewes replied it would be too close to the easement row, noting the stake was placed at 85 feet from the easement. Kovala stated at first the Board was wondering what the practical difficulty was, however, on the tour, it was clear it was due to the commercial nature of the lot. Kessler asked if the 85-foot setback was part of county zoning. Doll stated the 85-foot setback requirement is from the Us Hwy. Drewes asked if he could place the new building inline with the other building. Kovala stated this would bring the structure further from the lake. Bruflodt asked if Drewes was going to keep the berm on the west side and the doors facing the west. Drewes replied yes. Johnston asked about the berm to the north. Drewes replied that will stay. Kessler asked if they are going to increase the berm. Drewes replied if they are allowed to move the

44 building inline with the other building they will not have to move as much earth. Drewes noted  
45 they intend on controlling stormwater runoff.

46  
47 No one spoke for or against the application. There was no written correspondence for or against  
48 the application. At this time, testimony was closed. Chairman Brufloft opened the matter for  
49 disussion by the Board.

50  
51 Kessler stated he was in favor of moving the structure in line with the showroom, adding it was a  
52 good plan.

53  
54 **Motion: Kessler** made a motion to **approve** the application as modified, to construct a  
55 (48'x80') 3,840 sq. ft storage structure to be located at 365 feet (**varying from the proposed**  
56 **request of 350 feet**) from the OHW of a lake, deviating from the required setback of 400 feet  
57 from the ordinary high-water mark of a lake for a detached storage structure over 2,400 square  
58 feet, due to setback issues, due to the fact the structure would not negatively impact the  
59 neighbors and is in the best placement on the property, with the stipulation the structure be no  
60 greater than 85 feet from the ROW.

61  
62 **Kovala second.** All in favor. **Motion carried.** Variance **approved.**

63  
64 **SECOND ORDER OF BUSINESS: APPLICANT: David and Leanne Pladson** 4318  
65 Riverwood Dr Fargo, ND 58102 **Project Location:** 41286 Co Rd 126 Detroit Lakes, MN 56501  
66 **LEGAL LAND DESCRIPTION: Tax ID Number: 28.0279.000;** Section 30 Township 140  
67 Range 038, GRANNER SHORES, LOTS 4 & 5 **APPLICATION AND DESCRIPTION OF**  
68 **PROJECT:** Request a variance to construct a dwelling to be located at eighty-two (82) feet and  
69 a deck to be located at seventy (70) feet from the OHW of a recreational development lake,  
70 deviating from the required setback of one hundred (100) feet from the OHW of a recreational  
71 development lake. Also, requesting a variance to construct a dwelling to be located at forty-four  
72 (44) feet and an attached garage to be located at thirty-eight (38) feet from the ROW of a county  
73 road, deviating from the required setback of forty-five (45) feet from the ROW of a county road,  
74 due to setback issues and lot size.

75  
76 Doll presented the application.

77  
78 David and Leanne Pladson were present. Pladson explained the application. Pladson stated their  
79 desire is to move back from the lake. Pladson stated the current dwelling is located at 30 feet  
80 from the OHW of the lake, noting the proposed dwelling is to be located at 82 feet from the  
81 OHW of the lake, with the deck to start at 70 feet. Pladson stated this would place the nearest  
82 point of the attached garage at 38 feet and the nearest point of the dwelling at 44 feet from the  
83 ROW. Pladson stated the property is located on a busy county road with high speeds. To be  
84 further from the ROW causes them to be closer than the required 100 feet from the OHW. They  
85 intend on having children out to the lake property and would like to have a safe place from them  
86 to play away from the road.

87

88 Kovala asked if they are removing both the current house and garage. Pladson replied yes, they  
89 have interested parties to purchase both current structures. Kovala noted this was a unique request  
90 as most applicants want to move closer to the OHW. Mrs. Pladson stated they want to be further  
91 away to plant trees and prevent moisture issues in the new dwelling.

92  
93 Brufloft re-verified the request. Pladson noted the new garage will be in a very similar location  
94 to the current one.

95  
96 Johnston asked if they planned on having gutters and downspouts. Pladson replied they were not  
97 sure on what water retention plan they were going to use, however he was formally on the Island  
98 Lake Association and wants to be careful with stormwater runoff to prevent undue harm.  
99 Brufloft stated you almost have to use french drains in this case.

100  
101 There was written correspondence presented to the Board from the Island Lake Association:

102  
103 **From:** Island Lake Association <[islandlakeassoc@gmail.com](mailto:islandlakeassoc@gmail.com)>  
104 **Sent:** Wednesday, September 11, 2019 8:18 PM  
105 **To:** 7314VoiceMail <[7314Vm@co.becker.mn.us](mailto:7314Vm@co.becker.mn.us)>  
106 **Subject:** Pladson request for variance- Island Lake

107 We received a copy of the request for variance by David and Leanne Pladson whose lake  
108 home is at 41286 Co Rd 126, Detroit Lakes, on Island Lake.

109 The board of Island Lake Association is of the opinion that, in general, the request for  
110 variance has merit because they plan to move the house further away from the lake by  
111 about 40'. Our main concern is that they wish to increase the impervious surface from  
112 14.46% to 18.93%. Our recommendation is that their impervious surface be reduced to 15  
113 percent &/or mitigation is done to reduce runoff. Specifically, we would recommend  
114 shore restoration by BCSWCD including core logs and a native planting buffer.

115 Sincerely

116 Caroline Brorby for

117 Island Lake Association

118 No one spoke for or against the application. There was no written correspondence for the  
119 application. At this time, testimony was closed. Chairman Brufloft opened the matter for  
120 discussion by the Board.

121  
122 Johnston stated he was in favor of the application because they are moving it back considerably  
123 from the current location.

124  
125 Kovala stated he was in favor of the application.

126

127 **Motion: Johnston** made a motion to **approve** the application as presented, to construct a  
128 dwelling to be located at eighty-two (82) feet and a deck to be located at seventy (70) feet from  
129 the OHW of a recreational development lake, deviating from the required setback of one hundred  
130 (100) feet from the OHW of a recreational development lake. Also, requesting a variance to  
131 construct a dwelling to be located at forty-four (44) feet and an attached garage to be located at  
132 thirty-eight (38) feet from the ROW of a county road, deviating from the required setback of  
133 forty-five (45) feet from the ROW of a county road, due to setback issues and lot size, with the  
134 stipulation gutters, downspouts and an area for water retention are added and they are to leave  
135 the berm along the lake with the ability to increase it, due to the fact the proposal is the best  
136 placement on the lot and the driveway is long enough to provide sufficient parking of a vehicle  
137 and safe access to the road.

138

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

140

141 **THIRD ORDER OF BUSINESS: APPLICANT: Cynthia Knoll** 43621 218<sup>th</sup> St Osage, MN  
142 56570 **Project Location:** 43621 218<sup>th</sup> St Osage, MN 56570 **LEGAL LAND DESCRIPTION:**  
143 **Tax ID Number: 33.0310.000; THE PINES 139 38 LOT 11 & 66' STRIP ADJ REAR & LOTS**  
144 **12-14; 04/139/038, TOAD LAKE. APPLICATION AND DESCRIPTION OF PROJECT:**  
145 Request a variance to construct an addition to a non-conforming dwelling to be located at sixty-  
146 eight (68) feet from the OHW of a recreational development lake and to be located at fifty-two  
147 (52) feet from a tributary. Also, requesting a variance a to construct a shed to be located at  
148 twelve (12) feet from a tributary. Also, requesting a variance to construct a shed to be located at  
149 sixty-seven (67) feet from the OHW of a recreational development lake and to be located at  
150 sixteen (16) feet from a tributary. All requests are deviating from the required setback of one  
151 hundred feet from the OHW of a recreational development lake and one hundred (100) feet from  
152 a tributary.

153

154 Doll presented the application.

155

156 Cynthia Knoll's husband Tom Knoll was present. Knoll explained his request to add an entryway  
157 onto one of the cabins to make it inline with the cabin they live in, to add a storage unit between  
158 cabin one and cabin two, and to build a new cabin in the place of another, but to be further back  
159 from the creek than where it is now to use for storage.

160

161 Brufloft stated all 3 are the original structures.

162

163 Kessler asked if the new 10x12' shed between cabin one and two could be moved east near 284<sup>th</sup>  
164 Street. Knoll stated it will be located on skids, no foundation so, they can move it up even with  
165 the backs of the cabins. Brufloft stated there is not much room out there.

166

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

170  
171 Burflodt stated the cabins are all on the original footprint and there is not much space to move  
172 them around.

173  
174 **Motion: Kessler** made a motion to **approve** the application as modified, to construct an addition  
175 to a non-conforming dwelling to be located at sixty-eight (68) feet from the OHW of a  
176 recreational development lake and to be located at fifty-two (52) feet from a tributary. Also,  
177 requesting a variance a to construct a shed to be located at twenty feet, varying from the  
178 requested twelve (12) feet, from a tributary. Also, requesting a variance to construct a shed to be  
179 located at sixty-seven (67) feet from the OHW of a recreational development lake and to be  
180 located at sixteen (16) feet from a tributary. All requests are deviating from the required setback  
181 of one hundred feet from the OHW of a recreational development lake and one hundred (100)  
182 feet from a tributary, due to setback issues and lot size. Approved, due to the fact, the request is  
183 the best placement on the lot, with the stipulation to move the proposed 8x10' shed forward even  
184 with the backs of the existing cabins to be located a minimum 20 feet from the creek. Also, all  
185 cabins to be guttered with downspouts, to control stormwater with drainage to flow to the east  
186 and west.

187  
188 **Kovala second.** All in favor. **Motion carried.** Variance **approved.**

189  
190 **FORTH APPLICANT: Jill Rivers** 20745 120<sup>th</sup> Ave Lake Park, MN 56554 **Project Location:**  
191 20745 120<sup>th</sup> Ave Lake Park, MN 56554 **LEGAL LAND DESCRIPTION: Tax ID Number:**  
192 **18.0057.001; PT LOT 1 BEG AT NW COR TH E 740' S 939.93' NW 432.78' SW 382.01' TO**  
193 **LK NW AL LK TO W LN LOT 1 & N TO BEG. APPLICATION AND DESCRIPTION OF**  
194 **PROJECT:** Request a variance for a thirty-three (33) foot wide easement to serve more than  
195 two parcels, deviating from the required width of sixty-six (66) feet for an easement servicing  
196 three (3) or more tracts of land.

197  
198 Doll presented the application.

199  
200 Jill Rivers and Eric Melby were present. Rivers explained the application for a thirty-three (33)  
201 foot wide easement to sever more than two parcels. Rivers stated the property has been in her  
202 family for 50 years. Rivers stated she can no longer afford to maintain the current property and  
203 would like to sell 3 acres and keep the remaining acres to build a cabin on in 10-12 years so she  
204 can keep a piece of the land in the family. Rivers stated they do not want to do any additional  
205 subdividing.

206

207 Brufloft asked why they cannot get a 66' wide easement. Rivers stated the neighbors do not  
208 want to grant a wider easement. Rivers stated there is minimal traffic on the easement, noting  
209 when the church was active it was busier. Rivers stated her father currently owns the Spirit of  
210 Life Church noting, when he passes away, they will most likely sell it to another church, which  
211 may increase traffic.

212  
213 Kessler asked how many properties does the easement service. Rivers replied Dan and Nadine  
214 Anderson, when they are there on the weekend, Rivers, her two sons, her father, and the visitors  
215 to the cemetery at this time.

216  
217 King asked who maintains the easement. Rivers stated her dad maintains the gravel and she  
218 mows.

219  
220 Johnston asked if the two parcels it serves are in the same ownership. Rivers replied no, one is in  
221 her name and the other is in the name of the church.

222  
223 Dan Anderson, owner of parcel 18.0052.001 on Co Hwy 10, spoke against the application. Dan  
224 stated the proposal has no limits to how many parcels it can be divided into. Dan stated they  
225 should have to buy the area for an easement and put in a proper township road. Kovala asked if  
226 Dan owned the property between Rivers and Hwy 10. Dan replied yes, the easement is on his  
227 property.

228  
229 Jim Anderson was present, owner of parcel number 18.0056.000, 12241 US Hwy 10. Anderson  
230 stated that River's father currently maintains the easement and Rivers currently mows, however  
231 what is to happen when she moves away, and her father passes away. Anderson stated the  
232 easement gets very difficult to pass in the winter when the wind blows, and the snow builds up.  
233 Anderson stated if he cannot get out, who is he supposed to call. Kovala asked where Anderson  
234 lived. Anderson replied straight east surrounded by his mother's land.

235  
236 Paul Highness, owner of 18.005.000, 18.0114.000, 18.0102.000, 18.0054.001, and 18.0054.000  
237 and 12210 Sand Lake Rd, was present to speak against the application. Highness stated he lived  
238 directly across the lake from the church. Highness stated the easement requested would not limit  
239 the amount of development. Highness stated his concern for the maintenance of the easement, for  
240 example if busses need to pass down there, the township would have to maintain it. The cost  
241 would fall back on the taxpayer to maintain what Highness considers a "subpar" development.  
242 Kovala asked if Highness used the road. Highness replied he is part of the Buffalo River  
243 Watershed and he uses the road to check the water level.

244  
245 Kessler asked if he was out there when they were on their tour. Highness replied that was Harlan,  
246 another neighbor who is trying to keep the culvert open from the beavers.

247  
248 There were three written correspondence against the application provided to the Board.

249 **Letter #1**

250 September 3, 2019

251 County of Becker

252 Planning and Zoning

253 915 Lake Ave

254 Detroit Lakes, MN 56501

255 Variance request for Tax ID number 18.0057.001

256 I would like to like to register my objection to the above-mentioned variance request for the  
257 property of Jill Rivers. The property currently has access via an easement through my private  
258 property. Allowing the Rivers property to be subdivided without access via a township or county  
259 road is not a proper approach to land development planning and I feel that it will also decrease  
260 the value and personal enjoyment of my property. There is nothing preventing the current  
261 property owner from selling her property as a whole parcel. I believe the 66 ft. easement  
262 regulation should remain in force. Thank you.

263 Daniel & Nadine Anderson

264 3402 21<sup>st</sup> St. S.

265 Fargo, ND 58104

266

267 **Letter # 2**

268 **From:** Abby Anderson <[anderson\\_56554@yahoo.com](mailto:anderson_56554@yahoo.com)>

269 **Sent:** Thursday, September 05, 2019 11:09 PM

270 **To:** 7314VoiceMail <[7314Vm@co.becker.mn.us](mailto:7314Vm@co.becker.mn.us)>

271 **Subject:** Variance requested by Jill Rivers 20745 120th Ave. Lake Park MN

272 It is not our recommendation to allow the variance on the easement, using a 33 ft. driveway as a  
273 public road into a development. This variance would set precedence to any other person looking  
274 to use a driveway easement for land development. Who will be maintaing this road, it is not the  
275 66 ft. road requirement for the township to provide service? Who will be responsible for the  
276 snow removal and added gravel it will need? This driveway is not equipped to handle a multi  
277 parcel development. The driveway is already considered not accessible to public bus service, it is  
278 a natural environmental area, it is a dead-end driveway, not needing a variance to use the 33ft.  
279 drive as a 66 ft. road. We also have concerns about the property that is owned by the Spirit and  
280 Life Church, a church that no longer holds services, when that property is sold or changes hands,  
281 can that land be developed and also accessed by the 33 ft. driveway? We James and Abby  
282 Anderson are against the variance requested by Jill Rivers. Thank you!

283 Letter # 3

ZONING

Becker Co. Planning & Zoning  
I object to changing the width  
of this driveway to property owned  
by Jill Rivers. It has been  
good enough for the 40+ years  
I've lived here.  
I'm also concerned what the  
plan is for serving '3 or more tracts'  
If that means more homes - as  
that property I don't seem  
appropriate for that purpose -  
with water on 3 sides.  
If I wished to have a less  
neighbour moving into town would  
be a better choice.  
I object!!!

284  
285

286 No one spoke for the application. There was no written correspondence for the application. At  
287 this time, testimony was closed. Chairman Brufloft opened the matter for discussion by the  
288 Board.

289  
290 Rivers stated she did not plan to do any further subdividing of the property, noting they would  
291 like to have a cabin later. Rivers stated she is not moving far, just to Detroit Lakes, and will still  
292 be close enough to maintain the easement and the cemetery. Kovala asked how many lots she  
293 wanted. Rivers stated she would like to have two lots, one for her and one to sell. Doll clarified  
294 that currently the easement services Rivers property and the church, a total of two lots. If they  
295 subdivided Rivers lot, it would service 3 lots.

296  
297 Dan Anderson stated the easement states the owner (Rivers) is responsible to maintain the  
298 easement.

299  
300 Highness stated how can you stop the people in the future who purchase the lots from  
301 subdividing it. Highness added, Rivers may want to sell more property in a few years if she has  
302 another hardship.

303



304 Kessler stated there is a fair amount of land there with the ability to make a 66' wide easement.  
305 Kessler added that approving the application would set a precedent for future development,  
306 noting he was not in favor of the project.

307

308 Johnston was concerned they would come back and what more parcels in the future.

309

310 Kovala stated the church is not currently in operation but that land may be developed further in  
311 the future and they will need to have a 66' wide easement to service it.

312

313 Brufloft asked what the hardship is. Rivers stated she had a divorce causing an economic  
314 hardship. Rivers stated she wants to keep a piece of the land for her children. Rivers stated if she  
315 is unable to split the land, she would have to give it back to her father and would not maintain  
316 the easement. Brufloft stated that is not a hardship, what is wrong with a 66' wide easement,  
317 would you still put your house there if you had to get one. Johnston stated that Rivers may need  
318 to purchase some property in order to get the 66' wide easement.

319

320 **Motion: Kessler** made a motion to **deny** a variance for a thirty-three (33) foot wide easement to  
321 sever more than two parcels, deviating from the required width of sixty-six (66) feet for an  
322 easement servicing three (3) or more tracts of land, due to the fact, the request sets a precedence  
323 that it would be difficult to say no to future requests and future development and there is no  
324 proven hardship.

325

326 **Kovala second.** In favor were Kessler, King, and Kovala. Opposed was Johnston. **Motion**  
327 **carried.** Variance **denied.**

328

329 **FIFTH ORDER OF BUSINESS: APPLICANT: Jason Schenck** 22691 28<sup>th</sup> Ave N Hawley,  
330 MN 56549 **Project Location:** 12150 Tanglewood Rd **LEGAL LAND DESCRIPTION: Tax**  
331 **ID Number: 17.0685.000; APPLICATION AND DESCRIPTION OF PROJECT:** Request a  
332 variance to construct a detached garage, to be located at eight (8) feet from the road right of way  
333 of a township road, deviating from the required setback of twenty (20) feet from the ROW for a  
334 township road, due to setback issues.

335

336 Doll presented the application.

337

338 Marty Schenck was present to represent Jason Schenck. Schenck stated he was asked to help  
339 design the project. Schenck stated they originally thought there was enough room to build the  
340 project as planned within the setbacks. Schenck stated after the lot was surveyed, they realized  
341 they did not meet the setbacks because of the non-vacated road. Schenck stated they would like  
342 to place the garage closer to the ROW to leave a play area for the children between the house and  
343 garage. Schenck stated there is no room for a play area on the lake side due to erosion. Schenck

344 noted the variance proposal would not alter the character of the area and stated they have added  
345 riprap on the lakeside to maintain it.

346  
347 Brufloft asked what is preventing the Schenck's from placing the garage on the existing concrete  
348 area. Schenck replied they want to be able to place a well and septic tank in that area. Schenck  
349 stated they will be removing about half of the concrete to stay under the 25% lot coverage.  
350 Schenck stated the hardship is the previously existing road.

351  
352 Brufloft asked where they would enter from. Schenck replied roadside. Brufloft stated the Board  
353 has never allowed anyone to be that close. Johnston stated they could put it at a 90-degree angle  
354 it should work without a variance. Brufloft asked how far from the house is from the ROW.  
355 Schenck replied 106 feet. Schenck stated they want to be 66 feet between the two structures to  
356 have area to play. Kessler asked if they would still build the garage if they can. Brufloft stated  
357 he does not see the hardship. Kessler noted if they vacated the road, they would have more room  
358 to build. Schenck replied they thought the road had been vacated in the past.

359  
360 No one spoke for or against the application. There was no written correspondence for or against  
361 the application. At this time, testimony was closed. Chairman Brufloft opened the matter for  
362 discussion by the Board.

363  
364 Brufloft stated past practice we require a minimum of 20 feet for a parking pad. Brufloft notes  
365 the concrete slab will have to be moved anyway and they can place a garage there with a 20 foot  
366 setback and they would have more than enough room to build without needing a variance.

367  
368 Kessler stated he did not see a hardship. Kovala added they have room to move the garage  
369 toward the house. King added he felt the same, the garage could be build on the existing concrete  
370 area, away from the road. Kovala stated you cannot park a car on 8 feet of land, it would be in  
371 the ROW.

372  
373 **Motion: Kessler** made a motion to **deny** a variance to construct a detached garage, to be located  
374 at eight (8) feet from the road right of way of a township road, deviating from the required  
375 setback of twenty (20) feet from the ROW for a township road, due to setback issues and lot size,  
376 due to the fact, there is a lack of proven hardship and the garage can be moved reasonably  
377 elsewhere on the property.

378  
379 **Kovala second.** All in favor. **Motion carried.** Variance **denied.**

380  
381 **SIXTH Informational Meeting.** The next informational meeting is scheduled for Thursday,  
382 October 3<sup>rd</sup>, 2019 at 8:00 a.m. in the 3<sup>rd</sup> Floor Meeting Room of the Original Courthouse.

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

385

386 \_\_\_\_\_ ATTEST \_\_\_\_\_

387 Chairman Brufloft

Kyle Vareberg,

388

Planning and Zoning Administrator

389