

**Becker County Board of Adjustments
February 8th, 2024**

Present: Members: Acting Chairman Dan Josephson, Acting Vice Chair Craig Hall, Delvaughn King, Kohl Skalin, Larry Knutson, and Planning and Zoning Administrator Kyle Vareberg.

Absent: Roger Boatman and Mike Sharp

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

Introductions were given.

Acting Chairman Dan Josephson 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: Rustin L & Jodi L Summers 16307 Sugar Island Rd Audubon, MN 56511 **Project Location:** 16307 Sugar Island Rd Audubon, MN 56511 **Tax ID Number:** 02.0332.000 **LEGAL LAND DESCRIPTION:** Section 32 Township 139 Range 042; SUGAR ISLAND NLY 5 FT OF LOT 11; & LOT 12; Audubon Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to add a deck onto an existing dwelling to be located sixty-four (64) 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.

No one was present to speak to this application, so it was moved to later in the meeting. Vareberg attempted a phone call at the end of the meeting to the applicant, but no one could be reached, so the board decided to table the application.

SECOND ORDER OF BUSINESS: APPLICANT: Mark & Colleen Dubord 5420 12th St S Fargo, ND 58104 **Project Location:** 20662 Co Hwy 22 Detroit Lakes, MN 56501 **Tax ID Number:** 17.0749.000 **LEGAL LAND DESCRIPTION:** Section 27 Township 138 Range 042; ISTHMUS BEACH 138 42 Block 002 LOT 2; Lake Eunice Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a variance to replace a concrete patio with a pervious deck to be located thirty-eight (38) feet from the Ordinary High Water (OHW) mark and to construct an addition onto an existing dwelling with the addition to be located fifty-two (52) feet

43 from the OHW; both deviating from the required setback of one hundred (100) feet on a
44 Recreational Development Lake due to lot size and setback issues.

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46 Mark Dubord presented the application and explained that he wanted to remove the concrete
47 patio and replace it with a pervious deck. He said he wants to do a new addition and a deck on
48 the back. He stated that he will also be putting in a new well and septic. He commented that
49 while the cabin is close to the water, it was constructed in 1957.

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51 Hall asked if any of the requests would be closer than what it is now.

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53 Dubord said no.

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55 Vareberg said the deck on the roadside could be setback averaged.

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

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59 Hall thinks it fits the character and harmony of the locality and that it won't be a detriment to the
60 area.

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62 Skalin Agrees.

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64 Hall commented that it will be further from the water than the current structure sits now.

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66 **Motion: Hall** motioned to **approve** the variance as submitted based on the findings of fact that
67 that it meets the harmony and intent of the ordinance, it fits the character of the locality, and it
68 will improve property values for the owner and the neighborhood. **Skalin seconded.** All in favor.
69 **Motion carried.** Variance **approved.**

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73 **THIRD ORDER OF BUSINESS: APPLICANT: Thomas S & Beverly A Foltz 1808**
74 **Heritage Dr Detroit Lakes, MN 56501 Project Location: 27241 Chippewa Shore Rd Detroit**
75 **Lakes, MN 56501 Tax ID Numbers: 16.0334.000 & 16.0335.000 LEGAL LAND**
76 **DESCRIPTIONS: Section 06 Township 140 Range 040; CHIPPEWA SHORES 1ST 6-140-40**
77 **LOT 23 CHIPPEWA SHRS 1ST. PT GOVT LOT 8, 9. PT SEC 7 NW1/4 NE1/4: BEG SW**
78 **COR CHIPPEWA SHRS, N 253.91', NWLY 1963.42', S 42.3', SELY 1925.65', S 323.85', E**
79 **33.14', N 97.69' TO POB. LESS .96AC (TRACTS A3-A17). & CHIPPEWA SHORES 1ST LOT**
80 **24; Holmesville Township. APPLICATON AND DESCRIPTION OF PROJECT: Request to**
81 **amend variance recorded document number 460190 for garage door placement.**

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83 This application was moved to the end of the meeting.

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86 **FOURTH ORDER OF BUSINESS: APPLICANT: Paul Bakken Et Al 31166 St Hwy 34**
87 **Detroit Lakes, MN 56501 Project Location: 18462 315th Ave Detroit Lakes, MN 56501 Tax ID**
88 **Number: 10.0322.004 LEGAL LAND DESCRIPTION: Section 21 Township 139 Range 040;**

89 21-139-40 PT SE1/4 NW1/4, PT SW1/4 NE1/4: COMM E QTR COR SEC 21, W 1946.27' TO
90 POB; N 1317.7', W 2082.96', S 1318.87', E 465.94', N 210', E 880', S 210', E 738.84' TO POB.
91 TRACT A.; Erie Township. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a
92 variance to allow a thirty-three (33) foot wide easement to serve more than two (2) tracts.
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94 Vareberg said the township road ends approximately half a mile before the private easement
95 begins. He explained that this request isn't for a development, but for estate planning, so he can
96 subdivide off a shop on the property.
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98 Hall asked if there was any plan to turn it into a township road.
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100 Bakken said no.
101

102 There was one letter received before the meeting and that is entered below:
103

To whom it may concern,

I am not able to attend the hearing today, but wanted to submit my written support for a variance request submitted by my neighbor Paul Bakken. I don't believe he should be hindered in the use of his land by this ordinance, if it prevents him from using it as he sees fit for himself and his family.

Thank you,

Mike and Jessica Erb

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106 As there was no one to speak for or against the application, testimony was closed.
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108 Skalin said this application makes sense.
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111 **Motion: Knutson** motioned to approve the application. **Skalin seconded.** All in Favor. **Motion**
112 **carried. Variance approved.**
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115 **FIFTH ORDER OF BUSINESS: APPLICANT: Scott J Olds** 14680 W Lake Sallie Dr Detroit
116 Lakes, MN 56501 **Project Location:** TBD Maple Ridge Rd Audubon, MN 56511 **Tax ID**
117 **Numbers:** 17.0975.000 & 17.0976.000 **LEGAL LAND DESCRIPTIONS:** Section 04
118 Township 138 Range 042; MAPLE RIDGE BCH 2ND LOTS 17 AND 18 & MAPLE RIDGE
119 BCH 2ND LOT 19; Lake Eunice Township. **APPLICATION AND DESCRIPTION OF**
120 **PROJECT:** Request a variance to construct a detached structure to be located ten (10) feet from
121 the Right-of-Way (ROW) of a township road deviating from the required setback of twenty (20)

122 feet and to be located ten (10) feet from the rear property line deviating from the required
123 setback of twenty (20) feet all due to lot size and setback issues.

124

125 Scott Olds presented the application.

126

127 Hall asked what his plan is to deal with water run-off.

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129 Olds didn't think it would be a problem. He stated that neighbors have pushed snow in there in
130 the past and he's not sure where that water went.

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132 Hall asked if he would have any problem doing a steel roof with snow bars, so it doesn't slide off
133 in the spring and go onto the neighbor's property as well as gutters on both sides into French
134 drains.

135

136 Olds said that would be fine.

137

138 Knutson commented that it is a large building and will stick out in that area. He said that water
139 will need to be controlled.

140

141 Skalin stated that this is a setback issue and not a height issue.

142

143 Rick Anderson, neighbor, spoke and shared his concerns about how this will impact neighboring
144 homes. He talked about the snow and wind coming off of that property. He shared concerns
145 about the effect on property taxes, water runoff, structure use, and size.

146

147 Olds said he would be okay with lowering the proposed height to twenty-three (23) feet.

148

149 Dave Jones, neighbor, spoke and stated that he thought this property was non-buildable. He
150 shared his concerns with water runoff even if French drains are installed.

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152 Letters received were read before the meeting and are entered in to record below:

153

February 7, 2024

County of Becker
Planning and Zoning
915 Lake Ave
Detroit Lakes, MN 56501

Subject: Scott J. Olds Variances Request
TBD Maple Ridge Rd, Audubon, MN 56511
Tax ID #'s 17.0975.000 and 17.0976.000

To whom it may concern,

I received the notice from Becker County Planning and Zoning and have reviewed the Variance Application Permit 337 from Scott Olds for the location stated above. This letter is in opposition to this request.

Setback requirements are established for many reasons and specifically in this case, there are many that come to mind.

This commercial structure would sit high above the existing road and residential homes. Allowing minimal setbacks will increase the runoff from this building causing greater erosion and flood damage to the road and neighboring properties. The impact could be more prevalent in the spring, fall, and winter with the normal freeze / thaw cycles creating dangerous ice conditions along with a pocket for snow to drift.

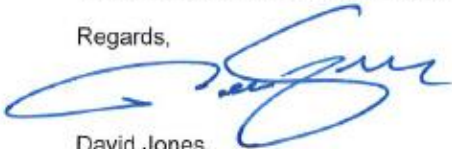
Having a structure built this close to the roadway concerns me as to the safety of pedestrians and local traffic. Occasionally, there will be guests parked along the shoulder leaving limited room. Minimizing the required setback will undoubtedly increase the potential for someone to get injured.

This property is located in a residential area and what is being proposed is a large pole barn. From an aesthetic point of view, this steel structure would tower over our neighborhood as it would sit on a hill that's approximately 6' above the roadway making the top of the building 36' in height. There is a place for these types of structures but not on the proposed lot. Specifically, there are a number of these types of lots/structures further to the north of our neighborhood. These are pole barn type structures sitting on large lots with the correct setbacks.

In closing, a variance allowed for this project would have a huge negative impact on our neighborhood's welfare and safety.

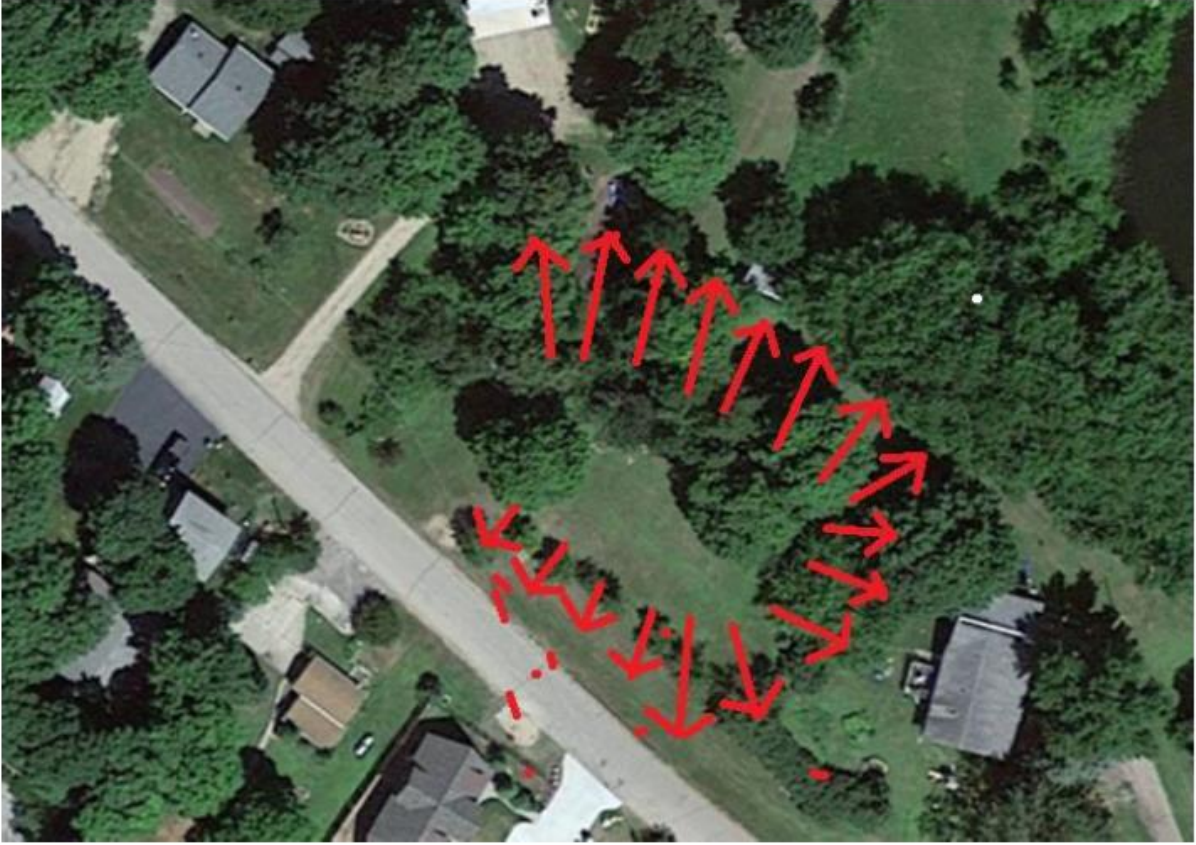
Thanks for taking the time to review my concerns, it's greatly appreciated.

Regards,

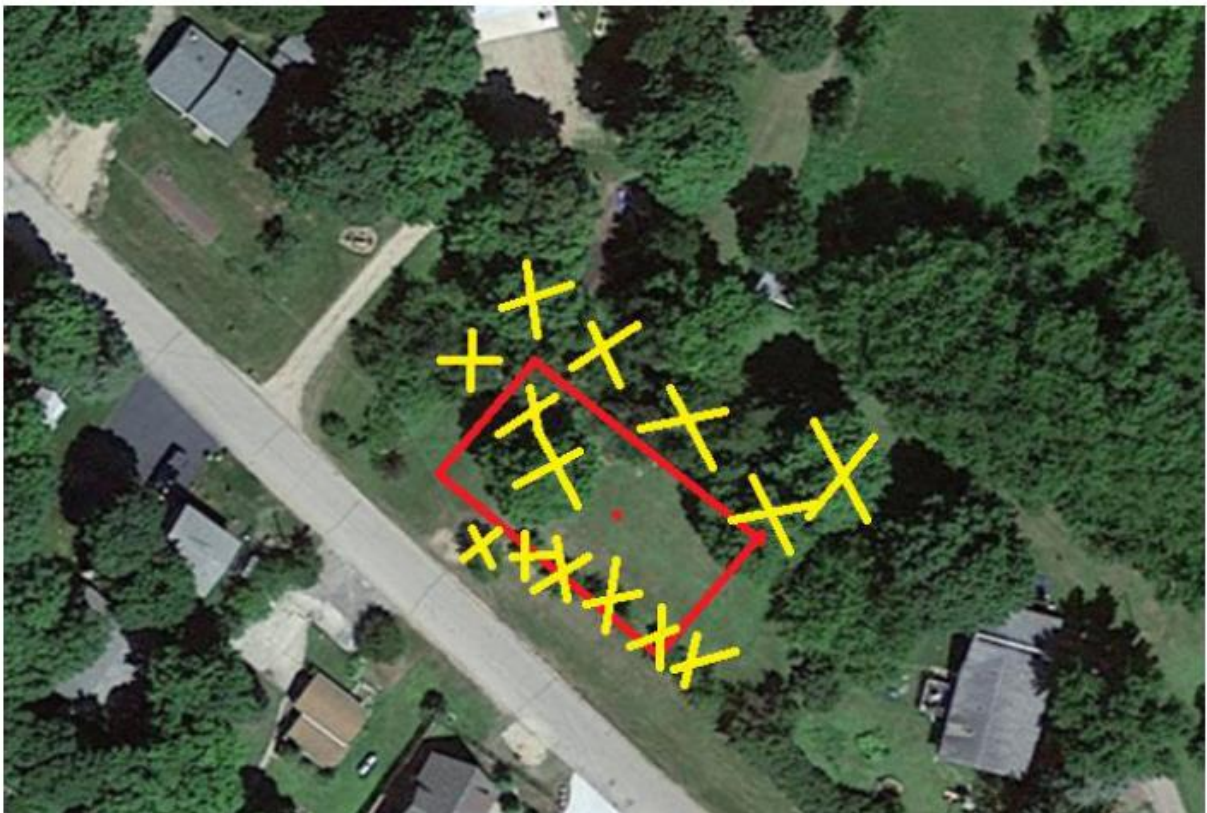
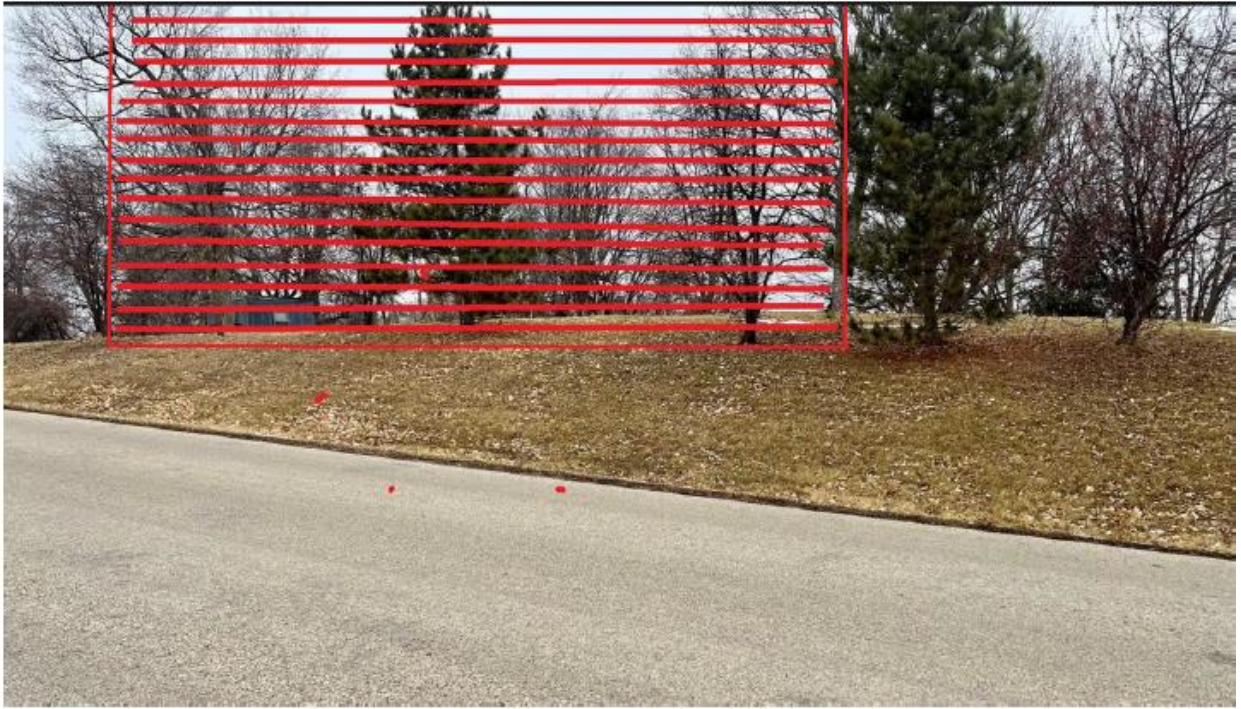


David Jones
15659 Maple Ridge Rd
Audubon, MN 56511

Attachment







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My husband and I live at 15601 Maple Ridge Road . We are against this variance setback project because of the following reasons:

*it's not suitable for our neighborhood, we don't know what this detached structure will be except that it's huge and believe it won't add to the aesthetics of our neighborhood homes!

*a building this size would very likely block snow and cause our roads to not be open all year around, many of our neighbors have year round residents.

*our property will loose its value with this eyesore of a building.

*we understand this applicant has other property he could build on as well.

*we are against the variance setback and this project!!!

please confirm our email

Sincerely,

David & Ellen Salisbury

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Good Morning Nicole,

I am requesting the board to deny the variance request for Scott Olds on Little Cormorant Lake, Maple Ridge Road. I am emailing you because I can not attend Thursday's meeting.

I have a place on Sherman Shores, and go for daily walks and drives at all times of the year and/or day while we are there. It seems with the lot size, the elevation that these lots are on, and the right of way along with the ditch (or lack thereof), there is not enough room for snow. And quite frankly, a very large building, that will look so out of place, by size AND location. But most importantly, with potentially not enough room for snow, I'm concerned for safety while there is snow with the amount of traffic AND people walking on the road, even in the winter, like I said, I am one of those walkers. Its not like its a narrow building along the road, where some of the snow can go on either side of the building. That snow has to go someplace.

If you have any questions, please let me know. Thank you!

Greg and Sarah Borders

19361 S Sherman Shores Ln

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Good Evening Ms. Bradbury,

We wish to submit our written objection to variance application #337, which requests setback variances at Lots 17 - 19, Maple Ridge Beach 2nd Addition. The hearing is scheduled for February 8th, 2024.

We feel the proposed structure is unreasonable for its location in size and height. Our concerns surround safety, maintaining neighborhood character, drainage, and increased commercial traffic. Specifically, here are our concerns:

- We feel the proposed structure is too large to be located so close to the right of way. We are concerned the structure will block sightlines along Maple Ridge Rd. There are young children in the area.
- We have doubts regarding the residential nature of the structure, due to the applicant's residence not being in the vicinity of the parcel. The size of the structure and the owner's primary address suggest a commercial use, we suspect multi-tenant leased storage space.
- While there are indeed multiple detached storage structures in the area, few of those structures are comparable in size to the proposed building; those that are do not encroach on right of way setbacks.
- While we are not directly affected, we have concerns about our neighbors experiencing runoff. We worry that a structure of this size would require extensive alteration to the existing site, creating erosion and drainage onto adjacent parcels.

We certainly do not wish to prohibit the applicant from building on his property. There may come a day when we need a variance, and require the support of the applicant. We would support approval of a variance that accommodates what we would consider a more reasonable structure, such as a modest multi-stall detached garage.

Respectfully,

James & Chelsea Haley
15609 Maple Ridge Rd
Audubon, MN 56511

February 6, 2024

Becker County Planning and Zoning Department
Attn: Board of Adjustments
915 Lake Avenue
Detroit Lakes, MN 56501

Electronically delivered to email: nicole.bradbury@co.becker.mn.us

Re: Scott J Olds variance request Maple Ridge Rd, Audubon, MN 56511, 17.0975.000 and 17.0976.000

To whom it may concern;

This letter is in opposition to the variance request related to the above noted parcels.

We are adjacent property owners and this would literally be right in our backyard. We live here year around. We do not want to look at some huge storage shed every time we do dishes or use our back deck. We bought lake property to enjoy our view, not to look at a huge storage shed built by someone who doesn't even live here. It would be 10 ft from our property line on two sides of it.

We are also concerned as to negative effects on the drainage of heavy rain or snow melt onto our property. Would it run down the hill and into our basement?

The required setbacks were put there to establish a buffer with the intent on safety and protection of all the homeowners.

This would be a huge negative impact on all of the property owners who live in this area. We feel that our property value would be negatively impacted by it.

We request that this variance be denied.

Thank you for your consideration of our concerns,

Charles and Susan Hoggarth
15696 Maple Ridge Rd

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This letter is in opposition of the request for variance related to the above noted parcels and dated as applied by Scott J. Olds.

We boarder (2) sides of parcels located at 15632 Maple Ridge Rd. Property description in records, property information pin: 17.0974.000.. The safety risk for parcel line makes a hazard to have a structure, to obstruct our site line, exiting our driveway onto the street traffic roadway. Water(form) runoff will cause more drainage and flooding down onto our property. This structure is out of place and doesn't fit the foot print of the the site in question. Aesthetic changes to openings to enjoy our views!!, and change the resell of the neighborhood, this building belongs in a similar location.

The current applicant has done no water engineering to said above property, and/or erosion schematic of snow blockage and who will be responsible for that damage. For all reasons requested for variance should be denied and to hear the concerns of the neighborhood and the owner of property that boarders the parcel in question.

Thank you
Jerry and Nancy Wermager
15632 Maple Ridge Rd
Audubon MN. 56511

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February 1, 2024

Becker County Planning and Zoning Department
Attn: Board of Adjustments
915 Lake Avenue
Detroit Lakes, MN 56501

Electronically Delivered to EMAIL: nicole.bradbury@co.becker.mn.us

RE: Tax ID 17.0975.000 & 17.0976.000 Variance Request, hearing date February 8, 2024

Dear Board of Adjustments:

This letter is in opposition to the request for a variance related to the above noted parcels and hearing date as applied for by Scott J. Olds.

We are adjacent property owners located at 15623 Maple Ridge Road which has been in our family since 1975.

The objection to this variance request is based upon the following:

1. The setback requirements have been established to provide a buffer with the intent on safety and protection. Additionally, setbacks are designed to provide access in the event of an emergency or natural disaster as well as maintenance access for utilities. The request to reduce the setbacks on these properties will pose a safety risk as it pertains to the current roadway and surrounding neighbors. There are many walkers along this roadway in the summer months as well as parking for guests on the shoulder of the roadway. Having a structure 10 feet from the roadway will impede sightlines and create a traffic safety hazard for property owners and others utilizing the roadway. Furthermore, in the winter months a structure of this size and this close to the roadway could potentially increase snow drifting into the roadway causing a significant safety hazard.
2. This location is surrounded by seasonal and permanent homes. These are modest in size and all are well maintained. A large structure, as proposed, will be out of place in this neighborhood. A storage building does not fit the uniformity of this neighborhood given the current use as homes and seasonal cabins. A proper buffer is needed to maintain this uniformity which is why the existing setbacks are established and needed.

For the reasons noted above, I request that this variance be denied, and the property owner be required to comply with the current setback requirements as well as all zoning and building requirements.

Thank you for your consideration,

Rachel Pederson
3461 28th St. S. #306
Fargo, ND 58104

County of Becker

Planning and Zoning

915 Lake Ave.

Detroit Lakes, MN 56501

RE: Scott J Olds Variance Request, TBD Maple Ridge Rd, Audubon, MN 56511 17.0975.000
and 17.0976.000

To whom it may concern, I received the variance request to construct a detached structure at the above address that deviates from standard county required setbacks. I personally am very opposed to the Variance request to the current setbacks. The setbacks are there for a reason, as a member of this community I expect those rules to be followed. There are many reasons why that I would be opposed to the variance request of the current setbacks, whether they apply to the current request or not.

1. Safety. Safety concern for the people that occupy this neighborhood. Also, for the people that use this road, as the line of site will be affected. This could create a lot more traffic than is now, there are children that live in this community as well, we need to think of them and their safety.
2. Financial. I spoke to my son who is a relator for Beyond realty. He stated that it would Negitvly impact the value of our properties on Maple Ridge Road having a structure that close to the road. Therefore, again I would be asking for a denial of the variance request.
3. Snow. If the request to the variance set back were to be approved, in my experience all buildings that face south can and will create snow loading that could cover Maple Ridge Road and make it unpassable. This could also happen with strong winds.

Thank you for taking the time to review and address my concerns.

Sincerely,

Rick Anderson

15627 Maple Ridge Rd, Audubon, MN 56511

February 4, 2024

County of Becker
Planning and Zoning
915 Lake Ave.
Detroit Lakes, MN 56501

RE: Scott J Olds Variance Request, TBD Maple Ridge Rd, Audubon, MN 56511 17.0975.000
and 17.0976.000

To whom it may concern, we received the variance request to construct a detached structure at the above address that deviates from standard county required setbacks at 10 feet instead of the required 20 feet. As new homeowners with a property adjacent to the subject property and are directly impacted by the potential allowances for the variance, we do not support the request for approval due to a variety of different reasons. Approval of this variance would have a direct negative impact on us personally and to all the other homeowners on Maple Ridge Rd.

It is very likely this is not being built for personal use and is simply to make it a more marketable property to sell. The current owner does not live near or on Maple Ridge Rd. From what I have been told, the requestor is going to either use it for either a rental property or to sell the property. The existing owner's intentions are not for improvement of the neighborhood but for personal financial gain only.

The variance does not address the fact that he has included two parcels to meet the required square footage maximum of 25%. If this structure was built, what would stop him from selling the adjacent lot as a separate parcel. From talking with existing neighbors, he has not maintained the property for the past several years indicating his lack of concern for the existing neighborhood with limited mowing and not cleaning up the property.

The closeness of the subject request to the road will have a negative impact on the marketability for resale of the neighboring properties. Neighboring properties are all residential and the addition of a commercial property does not fit in with the neighborhood of the subject property combined with issues due to the close proximity to the road it would create. The typical resident does not want to purchase a home that is next to a commercial property with excessive traffic. The main concern is for safety and concerns on how it does not fit within the neighborhood aesthetically.

The requested setback creates the potential for blind zones for oncoming traffic. Many pedestrians and children use the road for walking and biking activities. Additional traffic from this property will produce extra traffic that could potentially create larger issues and the property owner is creating an additional liability that is not needed.

The variance raises a question if there will be sufficient room for snow removal/storage when a typical snow season occurs? It also raises questions if there is enough room for a medium or large vehicle, especially if they are pulling anything. With the layout of the road including curves and changes in elevations, it significantly raises the concern over safety if the variance is granted. The road is designed for backing up trailers and other personal vehicles without potential safety issues with oncoming traffic.

This potential property variance will generate additional traffic for the neighborhood that will negatively impact the integrity of the road which will create additional repairs and maintenance.

Thanks for your time. We feel the variance would negatively impact the neighborhood and should not be granted.

Sincerely,

Tracy Winterquist

Tracy and Tara Winterquist
15624 Maple Ridge Rd, Audubon, MN 56511

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January 29, 2024

County of Becker
Planning and Zoning
915 Lake Ave.
Detroit Lakes, MN 56501

RE: Scott J Olds Variance Request, TBD Maple Ridge Rd, Audubon, MN 56511 17.0975.000
and 17.0976.000

To whom it may concern, we received the variance request to construct a detached structure at the above address that deviates from standard county required setbacks. As a homeowner that is directly impacted by the potential allowances for the variance, we do not support the approval. The approval of this variance will have a direct negative impact on us personally and to the other homeowners on Maple Ridge Rd.

The intent of this build is not for personal use. The existing owner does not live near or on Maple Ridge Rd. The intent is for income producing and an investment to either resell for capital gain or rent to tenants. The existing owners intentions are not for improvements of the neighborhood but for personal gain.

The existing owner of the above parcels has demonstrated he does not have a vested interest in the land as it is not taken care of. The grass was mowed two times during the mowing season of 2023. The existing woodpile is a breeding ground for rodents and is rotting. There was a situation in which storage units were removed and mud was drug out onto Maple Ridge Road. It was a safety issue that was resolved by the neighboring residents. Residents of Maple Ridge Road have been accommodating to this point, but we are not supportive of the variance due to the additional issues that will arise.

With a new build that is not taken care of there are concerns for safety of the neighborhood, vandalism, theft and rodents. The closeness of the subject to the road will have a negative impact on the marketability for resale of the neighboring properties. Neighboring properties are primarily residential in nature and the addition of a commercial/industrial property is not the highest and best use of this site. The typical resident does not want to purchase a home that is next to a commercial/industrial property with excessive traffic. The main concern is for safety but also is not aesthetically pleasing.

Without the proper setbacks there is potential for blind zones for oncoming traffic. Multiple pedestrians and children utilize this road and the additional traffic that this commercial/industrial

property will produce will be an additional unneeded liability for safety and the well being of the neighborhood. Blind zones are dangerous.

There are concerns with the needed approach for the driveway to allow for safely backing in and pulling out of very large vehicles. The need to impede on neighboring properties will directly impact the safety and ability to maintain personal property. This small space is not conducive for backing up trailers and other personal vehicles without jeopardizing the safety and wellbeing of the neighboring properties and oncoming traffic.

Heavier traffic will be experienced by this commercial/industrial property and it will negatively impact the integrity of the road which will create additional repairs and maintenance.

Thank you for taking the time to review and address our concerns.

Sincerely,

Matt and Liz Wolter
15630 Maple Ridge Rd, Audubon, MN 56511

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

Hall said he was surprised the township didn't have any comments on the snow.

Josephson said it's a tough situation with the setbacks as it's a large building on this piece of property. He isn't sure why it needs to be so big.

Knutson said it comes down to reasonable use.

Skalin said he doesn't see a blowing snow problem with all the trees and houses. He doesn't think it will make a bigger issue than there already is.

Hall thinks that he needs to do something to control water and snow.

Skalin said he doesn't think ten (10) foot setbacks aren't unreasonable.

Knutson doesn't think it will be aesthetic to the area.

Hall stated there should be a requirement that all stormwater stay on the property.

Olds asked if it would help if he made the building thirty-six (36) feet wide instead of forty (40).

202 Skalin asked if he would be willing to do that.

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204 Olds said yes, and then he can move it from whatever direction.

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206 Skalin thinks it should be moved back from the road right-of-way (ROW).

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209 **Motion: Hall** motioned to **approve** the variance for a thirty-six by sixty (36x60) foot building to
210 be located fourteen (14) feet from the ROW with the stipulation that stormwater has to stay on
211 the property either by method of French drains or whatever is recommended by the County, and
212 that snow rakes/rails be installed to keep snow from coming off based on the following findings:

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Formula for Variance Findings

PID Number: 19.0975.00 & 19.0976.000 Name: Scott Olds

1. Is the request in harmony with the general purposes and intent of the ordinance?

Yes, the property is non-conforming in nature due to the fact it does not meet lot size requirements and it does not have 8500 sq ft of buildable. Allowing the variance will allow the landowner reasonable use of the land. All utilities will be established on the property at the time of construction. All other requirements of the ordinance will be met or exceeded.

2. Would granting the variance be consistent with the comprehensive plan?

Yes, the property is in policy district three which by the comprehensive plan is described as most of the County population and developed lake shore. This property is in a populated shoreland area.

3. Are there practical physical difficulties and circumstances unique to the property not created by the landowners?

Yes, after the required setbacks are implied to the lot there is no square footage of buildable area due to the shallow lot depth.

4. Would granting the variance allow the essential character of the locality to stay the same?

Yes, there are numerous structures in the locality with non-conforming setbacks.

5. Does the property owner propose to use the property in a reasonable manner not permitted by the ordinance?

Yes, the property will be used for private storage which is consistent with other structures in the area.

6. Health and Safety. Variances shall be permitted only if the granting of the variance will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.

There are no known potentials to those listed above in the use requested in this application. A driveway approach will be in accord with County and Township requirements. This property has more road frontage than most parcels in the area, this creates more separation for the proposed approach than most of the other approaches currently have between each. Due to the fact this is not a through road, traffic is minimal, and speeds are not excessive given the course of the road is narrow with curves. All parcels in the area are occupied by the same or similar use.

7. Earth Shelter Construction. Variances shall be permitted for earth-sheltered construction as defined in Minnesota Statutes when in harmony with this ordinance.

The request is not a earth shelter. N/A

J. Additional criteria for Shoreland setback variances. Variances to the Shoreland setback provision of the ordinance may be granted under the following circumstances:

1. Alternative sewage treatment method. Where structures incorporate a method of sewage treatment other than soil absorption.

N/A.

2. Setback averaging. Where development exists on both sides of a proposed building site, setbacks may be varied to conform to the existing setbacks.

N/A.

3. Unusual topography. In areas of unusual topography or substantial elevation above the lake level, setbacks may be varied to allow a riparian owner reasonable use and enjoyment of his property.

N/A.

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218 **King seconded.** Knutson, King, Hall, and Skalin in favor. Josephson opposed. **Motion carried.**
219 **Variance approved.**

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222 **SEVENTH ORDER OF BUSINESS: APPLICANT: Donald E II & Nancy Edwards** 21237
223 **Co Hwy 21 Detroit Lakes, MN 56501 Project Location: TBD Co Hwy 21 Detroit Lakes, MN**
224 **56501 Tax ID Number: 08.0052.000 LEGAL LAND DESCRIPTIONS: Section 03 Township**
225 **139 Range 041; 3-139-41 GOVT LOT 8 LYING W OF CTR CSAH 12 & N OF CTR**
226 **CHANNEL BETWEEN FLOYD AND LITTLE FLOYD LAKES.; Detroit Township.**
227 **APPLICATION AND DESCRIPTION OF PROJECT: Request a variance to construct a**
228 **storage structure to be located thirty (30) feet from the Ordinary High-Water (OHW) mark**
229 **deviating from the required setback of seventy-five (75) feet on a General Development Lake**

230 and to be located fifteen (15) feet from the Right-of-Way (ROW) deviating from the required
231 setback of forty-five (45) feet on a County Highway in the shoreland district all due to lot size
232 and setback issues.

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235 Vareberg stated that he met with Jona from the Becker County Highway Department and that he
236 suggested a minimum of ten (10) feet from the ROW/sixty (60) feet from centerline. Jona gave
237 Vareberg a road encroachment for that would need to be signed between Edwards and the
238 Highway department if the Board chooses to approve the application.

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241 **Motion: Skalin** motioned to **approve** the variance to be located thirty (30) feet from the OHW
242 with the requirement he would need to do a Stormwater management plan. If the applicant
243 chooses to be at thirty-five (35) feet, then he would not need to do stormwater management. Also
244 motioned to change the ROW setback from fifteen (15) feet to ten (10) feet with a road
245 encroachment agreement. **Hall seconded.** All in favor. **Motion carried.** Variance **approved.**

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250 **THIRD ORDER OF BUSINESS: APPLICANT: Thomas S & Beverly A Foltz** 1808

251 Heritage Dr Detroit Lakes, MN 56501 **Project Location:** 27241 Chippewa Shore Rd Detroit
252 Lakes, MN 56501 **Tax ID Numbers:** 16.0334.000 & 16.0335.000 **LEGAL LAND**

253 **DESCRIPTIONS:** Section 06 Township 140 Range 040; CHIPPEWA SHORES 1ST 6-140-40
254 LOT 23 CHIPPEWA SHRS 1ST. PT GOVT LOT 8, 9. PT SEC 7 NW1/4 NE1/4: BEG SW
255 COR CHIPPEWA SHRS, N 253.91', NWLY 1963.42', S 42.3', SELY 1925.65', S 323.85', E
256 33.14', N 97.69' TO POB. LESS .96AC (TRACTS A3-A17). & CHIPPEWA SHORES 1ST LOT
257 24; Holmesville Township. **APPLICATON AND DESCRIPTION OF PROJECT:** Request to
258 amend variance recorded document number 460190 for garage door placement.

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There was discussion on the original variance and the reason for wanting to amend the variance.

262 **Motion: Hall** motioned to **approve** the request as submitted based on the findings that it's in
263 harmony with the purposes and intent of the ordinance and it won't alter the character of the
264 locality. **King seconded.** Knutson, King, Josephson, and Hall in favor. Skalin abstained from
265 voting. **Motion carried.** Variance **approved.**

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Vareberg attempted to call Applicant number one (1). Applicant did not answer.

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Application was tabled until March.

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271 As there was no further business to come before the Board, **Hall** made a motion to adjourn the
272 meeting. **Skalin** seconded. All in favor. Motion carried. The meeting adjourned at 7:05 pm.

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Chairman Roger Boatman

ATTEST

Kyle Vareberg,
Planning and Zoning Administrator