

**MINUTES OF THE MEETING  
OF THE  
OTTER TAIL COUNTY BOARD OF ADJUSTMENT  
Wednesday December 1, 2004**

The Otter Tail County Board of Adjustment met Wednesday, December 1, 2004, with the following persons in attendance:

Rod Boyer  
Cecil Femling  
Randall Mann  
Mark Ronning, Land and Resource Management  
David Hauser, County Attorney

Michael C. Conlon  
Paul Larson  
Steve Schierer

**Called to Order – Randall Mann, Chair called the meeting of the Board of Adjustment to order at 6:30 p.m.**

**Minutes Approved -**

The membership of the Board of Adjustment approved the minutes of the November 4, 2004 meeting as mailed.

**The Board of Adjustment considered the following applications for variance:**

**James Shaver – Approved the variance as requested with a condition. (6:30 p.m.)**

James Shaver, Lot 7 Cedar Park Club, Swan Lake in Dane Prairie Township, requested the following: An agreement has been reached for the sale of Lot 7. Lot 7 consists of 150' of lakeshore. Current owner of Lot 6, a non-conforming lot of record, is buying the adjacent 20' of shoreland of Lot 7 and permanently attaching said 20' to Lot 6 to increase the total shoreland of Lot 6 to 95' total and increasing the area of Lot 6. The remaining 130' of shoreland of Lot 7 is being sold to another individual. Variance is requested to avoid platting requirements under the ordinance. If variance is granted, would want Lot 7 to be considered a buildable lot. The applicant is requesting a variance to subdivide an existing substandard lot. Platted lots on a recreational development lake required 150' of frontage and 40,000 square feet of area. Bruce Thom and Craig Vaughn represented the applicant at the public hearing. Randall Mann, Chair, polled the audience with no one speaking for or against the variance as requested. After consideration and discussion, Steve Schierer made a motion, seconded by Paul Larson and unanimously carried, to approve the conveyance of 20' from Lot 7 for permanent attachment to Lot 6 and to declared Lots 6 and 7 buildable lots with the condition that all existing development and any new development must meet all setback requirements. The Board noted that the variance as granted would improve Lot 6 without negatively affecting Lot 7. The Board also noted that all the lots in this immediate area are substandard and that the variance as granted does not create any additional building site.

**Dean and Linda Volness – Approved the variance as requested with conditions. (6:38 p.m.)**

Dean and Linda Volness, Lot 8 Block 3, Lizzie View Estates and Lot 4 Peterson Survey Lots of Government Lot 5, Section 28 of Dunn Township by Lake Lizzie, requested a variance of 50' from the required ordinary high water level setback of 100' for the placement of a dwelling 50' from the ordinary high water level. Randall Mann, Chair, polled the audience with no one speaking for or against the variance as requested. After consideration and discussion, Michael Conlon made a motion, seconded by Steve Schierer and unanimously carried, to approve a variance of 50' from the required ordinary high water level setback of 100' for the placement of a dwelling 50' from the ordinary high water level with the following conditions: 1.) no more than 25% of the total lot area can be covered with impervious surfaces and 2.) the top portion of the existing boathouse (from the floor of the top story to the top of the roof) must be removed before a site permit can be issued for the proposed dwelling.

**Jon W Anderson – Approved the variance as requested with a condition. (6:45 p.m.)**

Jon W. Anderson, part of Lot 9 Block 2 and Lot 5 Block 1, Oak Haven Second Addition, Tamarac Lake in Scambler Township requested the following: I am requesting to attach a portion of Parcel "B" (100' by 150' as noted on plan) to Parcel "A" my current lake lot. I want to build a new home on Parcel "A" and need the extra space from Parcel "B" for a septic system, drain field and a storage garage. Proposed split to be done without creating a plat and the remainder of Parcel "B" is to be considered a buildable lot. Randall Mann, Chair, polled the audience with no one speaking for or against the variance as requested. After consideration and discussion, Randall Mann made a motion, seconded by Michael Conlon and unanimously carried, to approve the proposed subdivision of Parcel "B" with the following conditions: 1.) the area in that portion of Parcel "B" (100' by 150' which is being attached to Parcel "A" cannot be used when calculating impervious surface coverage for Parcel "A" development, 2.) the development on Parcel "A" cannot exceed 25% impervious surface coverage, 3.) that portion of Parcel "B" (100' by 150') which is being attached to Parcel "A" is restricted to non-dwelling structures and 4.) a registered surveyor's drawing must be provided when Parcel "B" is subdivided.

**Gerald R Bohn – Approved the variance as requested with a condition. (7:00 p.m.)**

Gerald R Bohn, Lot 2 Block 1, Blarney Beach, Otter Tail Lake in Everts Township, requested a variance of 15' from the required road right-of-way setback of 20' for the placement of a structure 5' from the road right-of-way. Randall Mann, Chair, polled the audience with no one speaking for or against the variance as requested. A letter from John W and Dorothy J Weiss and an email from James Crouse expressing concerns with the variance as requested were read for the record. After consideration and discussion, Paul Larson made a motion, seconded by Randall Mann and unanimously carried, to approve a variance of 9' from the required road right-of-way setback of 20' for the placement of a 26' by 24' garage 11' from the road right-of-way and at least 10' from the side lot line with the condition that the two existing shed (7' by 12' and 10' by 18') must be placed behind the string line.

**Larry D and Carol I Nielsen – Approved the variance as requested. (7:13 p.m.)**

Larry D and Carol I Nielsen, part of Government Lot 5, Section 28 of Dunn Township by Lake Lizzie, requested the following: Currently we own a parcel of land with 6.89 acres and 145' of lake frontage on Lizzie Lake. This parcel came into existence by a variance granted August 27, 1986. We will retain the 81, 223 square foot parcel with the existing water frontage and the current structures. We are requesting a variance so we can plat the remainder of the parcel. Our surveyor's drawing shows one large parcel of the required 80,000 square feet (existing wetlands are not included in this square footage) and four smaller 5,000 square foot pieces. A surveyors' drawing is on file with the Otter Tail County Auditor's office. Randall Mann, Chair, polled the audience with Chad Hansen expressing concern with the proposed back lot size. After consideration and discussion, motion was made by Steve Schierer, seconded by Paul Larson and unanimously carried, to approve the variance as requested, which would allow the applicants to submit, for consideration, to the Planning Commission a plat containing 5 back lots and 1 lake lot containing less than the required 150' of water frontage. The frontage would be approximately 143 to 145'.

**Rich Dombeck – Denied. (7:26 p.m.)**

Rich Dombeck, Lot 4 Silent Point, West Silent Lake in Dora Township, requested a variance of 11' from the required 50' separation for the placement of a septic system 39' from an existing well. Randall Mann, Chair, polled the audience with no one speaking for or against the variance as requested. Wayne Stein, Secretary, noted that a phone call had been received from Mark Lang expressing concerns with the location of the septic system relative to the lake. After consideration and discussion, Randall Mann made a motion, seconded by Steve Schierer and unanimously carried, to deny the variance as requested noting health concerns as the reason for the denial.

**Marty and Nancy Hanson – Approved the variance as requested. (7:42 p.m.)**

Marty and Nancy Hanson, part of Government Lot 4, Section 27 of Lida Township by Lake Lida, requested a variance of 70' from the required ordinary high water level setback of 75' for the placement of a second story and new roof on an existing garage located 5' from the ordinary high water level. Randall Mann, Chair, polled the audience with no one speaking for or against the variance as requested. After consideration and discussion, Rod Boyer made a motion, seconded by Michael Conlon and unanimously carried to approve a variance of 70' from the required ordinary high water level setback of 75' for the placement of a second story and new roof on an existing garage 5' from the ordinary high water level. The Board noted that the applicants' proposed plan does not change the footprint of the building nor does it affect the view from the adjacent properties. Hardship is the terrain and topography of the property.

**Ronald M Albrecht – Denied (7:45 p.m.)**

Ronald M Albrecht, Lots 7 and 8, Crystal Hills 3<sup>rd</sup> Addition, Crystal Lake in Lida Township, requested a variance of 7.5' from the required road right-of-way setback of 20' for the placement of a 24' by 40' garage 12.5' from the road right-of-way. Randall Mann, Chair, polled the audience with no one speaking for or against the variance as requested. A letter from Joyce A Valley, Lida Township Clerk, was read for the record. After consideration and discussion, Randall Mann made a motion, seconded by Steve Schierer and unanimously carried, to deny the variance as requested as no adequate hardship unique to the property had been shown that would allow for the granting of the variance as requested. The Board noted that the applicant has adequate room to place the structure 20' from the road right-of-way and noted that had the variance request been submitted prior to construction the variance would not have been granted because the applicant had the ability to obtain a reasonable use of his property without the granting of a variance.

**Roger and Kathie Silkey – Approved the variance as requested. (7:58 p.m.)**

Roger and Kathie Silkey, Lot 1 Pancratz Beach, Big Pine Lake in Pine Lake Township, requested the following: change roofline from flat roof to peaked roof. This would apply only to the 20' by 20' addition. Maintain Option 2 Variance as approved July 3, 2003. Existing Dwelling is 58' from the ordinary high water level. Randall Mann, Chair, polled the audience with no one speaking for or against the variance as requested. After consideration and discussion, Steve Schierer made a motion, seconded by Cecil Femling and unanimously carried, to approve the variance as requested in the applicants' application and as depicted on the applicants drawing. The Board noted that there would be no change to the footprint of the existing building.

**Duwayne and Gladeen Schafer – Approved the variance as requested with a condition. (7:58 p.m.)**

Duwayne and Gladeen Schafer, part of Government Lot 3, Section 13 of Elizabeth Township by Jewett Lake, requested the following: The Schafers are seeking an after-the-fact variance for failure to obtain site permits prior to making repairs and improvements. The Schafers similarly are seeking the variance for setback violations that pre-existed their purchase of the property. Randall Mann, Chair, polled the audience with no one speaking for or against the variance as requested. After consideration and discussion, Steve Schierer made a motion, seconded by Rod Boyer and unanimously carried, to approve the variances necessary for the mobile home roof replacement and for the screen deck projects with the condition that the 8' 3" by 16' 3" shed located on the west side of the lot must be reduced to a size, which is large enough to hold the well mechanics, however, the size cannot exceed 5' by 5'. The Board noted that the variance as approved does not grant any setback variances for the 14' by 22' shed, does not directly or indirectly grant any other setback variances other than the variances necessary for the projects stated above and does not grant a variance from the impervious surface requirement. The Board also noted that the variance as granted does provide the applicants with reasonable use of their property.

**Richard and Kathy Arntson – Approved the variance with a modification. (8:15 p.m.)**

Richard and Kathy Arntson, part of Lot 15, Outlet Beach Forsgren's First Addition, Lake Lida in Lida Township, requested a variance of 18' from the required ordinary high water level setback of 75' for a 26' by 28' addition to an existing cabin 57' from the ordinary high water level. The existing 16' by 20' part of the cabin will need new roof with a 6' to 8' overhang to match in with new roofline. Randall Mann, Chair, polled the audience with no one speaking for or against the variance as requested. A letter from Keith Streyle in support of the variance as requested was read for the record. After consideration and discussion, Cecil Femling made a motion, seconded by Steve Schierer to approve the variance as requested. The motion failed with Rod Boyer, Paul Larson and Randall Mann voting no. Those voting in favor of this motion noted that the proposed development would be no closer to the ordinary high water level than the existing structure. After additional discussion, Randall Mann made a motion, seconded by Steve Schierer to approve an addition being no closer to the ordinary high water level than the 16' by 20' portion of the existing structure, which should place the proposed addition 65' from the ordinary high water level with the condition that no other variances will be granted for the proposed addition. The Board noted that the variance as granted would provide the applicants with a reasonable use of their property. Hardship is the terrain and topography of the property.

**Charles E and Barbara B Keeler – Approved the variance as requested. (8:35 p.m.)**

Charles E and Barbara B Keeler, part of Lot 17 and Lot C, Shirley Beach, Otter Tail Lake in Amor Township, requested the following: correction of scaled drawing of variance requested on 07/13/2004 and approved on 08/12/2004 to construct a 314 square foot addition at rear of existing cabin continuing 6' north with existing east wall, which is between 2.5 and 3' west of east lot line. Randall Mann, Chair, polled the audience with no one speaking for or against the variance as requested. After consideration and discussion, Randall Mann made a motion, seconded by Steve Schierer and carried with Cecil Femling and Paul Larson voting no, to approve the variance as requested and as depicted on the drawing dated November 8, 2004.

**James and Cheri Zajac – Approved the variance as requested with conditions. (9:00 p.m.)**

James and Cheri Zajac, part of Government Lot 4, Section 28 of Tordenskjold Township by Stalker Lake, requested the following: request to create a split of our property – Section Parcel C retaining 20' by 40.71' of north section of this parcel which leaves our property at greater than 25% impervious surface. After split, remaining part of Section Parcel C to be sold to neighbor Gwen Houpt, property 58-000-28-0194-002, with intent that both lots be buildable lots. We request split without survey. Additional information and a drawing are on file in the County Auditor's office for public inspection. Randall Mann, Chair, polled the audience with no one speaking for or against the variance as requested. After consideration and discussion, Steve Schierer made a motion, seconded by Cecil Femling and carried with Rod Boyer voting no, to approve the variance as requested and as depicted on the applicants' drawing dated November 9, 2004 with the following conditions: 1.) a registered surveyor's drawing must be presented at the time of the subdivision, 2.) the Zajac property (the currently developed property) cannot exceed 25% impervious surface coverage after the proposed subdivision, 3.) no more than 25% of the Gwen Houpt property can be covered with impervious surfaces after the proposed subdivision, and 4.) both the Houpt and the Zajac properties would be considered buildable lots after the completion of the proposed subdivision.

**Special Note** – The motion as approved specifically implies that before the proposed subdivision can be recorded the Zajac property must demonstrate that the property will not have more than 25% impervious surface coverage as calculated without the area that is to be conveyed to the adjacent property.

**Jeffrey W Tigges – Approved the variance as requested with conditions. (9:16 p.m.)**

Jeffrey W Tigges, Lot 7 Silver Shores and Lot 7 Silver Shores Second Addition, Silver Lake in Everts Township, requested a variance of 35' from the required ordinary high water level setback of 100' for an addition to the road side of an existing structure 65' from the ordinary high water level. Randall Mann, Chair, polled the audience with Robert Krava speaking for the variance as requested. After consideration and discussion, Randall Mann made a motion, seconded by Michael Conlon and unanimously carried, to approve a variance of 35' from the required ordinary high water level setback of 100' for an addition to the road side of an existing structure 65' from the ordinary high water level with the following conditions: 1.) there are no side lot line variances being granted and 2.) no more than 25% of the total lot area can be covered with impervious surfaces. Hardship is a substandard lot of record.

**Joel Dontzenrod – Approved the variance request as modified. (9:30 p.m.)**

Joel Dotzenrod, Lot 20, Beauty Beach on Deer Lake in Everts Township, requested the following: the way my neighbor's cabin is situated on its lot makes the closest corner to the property line a corner back from the lake. The result is the string test moves the front line for a replacement cabin on my lot back over 20' from where it would be if the corner closest to the lake were used. I request the corner closest to the lake be used for the string test. The integrity of the test would still be intact. Proposed structure would be about 80' from the lake. The required setback is 100'. Randall Mann, Chair, polled the audience with no one speaking for or against the variance as requested. After consideration and discussion, Michael Conlon made a motion, seconded by Steve Schierer and unanimously carried, to approve development being no closer to the ordinary high water level than what would be authorized when using the modify string line as depicted in red on the applicant's drawing dated November 10, 2004. **Special Note** – The string line as approved by the Board of Adjustment and as noted in red on the applicant's drawing is different then the string line as requested by the applicant. The Board noted that the variance as approved is consistent is past variance approvals. Hardship is a substandard lot of record.

**Brent Folken – Tabled**

Brent Folken, part of Government Lot 3, Section 33 of Girard Township by West Battle Lake, requested the following: I request a setback distance of zero feet from my property line and highway right-of-way for my house and water oriented accessory structure as shown on the diagram submitted with the variance application. This request is due to practical difficulties relating to the irregular shape of my lot resulting from the extra 50' of highway easement width next to my lot. This variance would accomplish the following: 1. Better placement on my property to minimize impact on the lake and 2. Provide larger area for my septic system and drain field at a location further from the lake. **August 12, 2004 Meeting** - Randall Mann, Chair, polled the audience with no one speaking for or against the variance as requested. A letter from the Otter Tail County Highway Department in support of the variance as requested was read for the record. After consideration and discussion, Randall Mann made a motion, seconded by Frank Lachowitz and unanimously carried, to table the variance hearing per the applicant's written request until the September 2, 2004. **September 2, 2004 Meeting** – After consideration and discussion, Steve Schierer made a motion, seconded by Michael Conlon and unanimously carried, to table this variance hearing per the applicant's written request until the October 7, 2004 meeting. **October 7, 2004 meeting** - After consideration and discussion, Steve Schierer made a motion, seconded by Michael Conlon and unanimously carried, to table this variance hearing per the applicant's written request until the November 4, 2004 meeting. **November 4, 2004 meeting** - After consideration and discussion, Steve Schierer made a motion, seconded by Randall Mann and unanimously carried, to table this variance hearing per the applicant's written request until the December 1, 2004 meeting. **December 2, 2004 meeting** - After consideration and discussion, Michael Conlon made a motion, seconded by Cecil Femling and unanimously carried, to table this variance hearing per the applicant's email request until the next regularly scheduled meeting of the Board of Adjustment.

**Raymond J. Mahowald – Approved the variance request as modified. (9:36 p.m.)**

Raymond J. Mahowald, part of Lot 2 and all of Lot 3, Parkdale Beach, Swan Lake in Dane Prairie Township, requested a variance of 26' from the required shore impact zone setback of 50' and a variance of 76' from the required ordinary high water level setback of 100' for the construction of a dwelling 24' from the ordinary high water level. **October 7, 2004 Meeting** - Randall Mann, Chair, polled the audience with no one speaking for or against the variance as requested. After additional discussion and consideration, Randall Mann made a motion, seconded by Steve Schierer and carried with Cecil Femling abstaining, to table, with the verbal permission of the applicant, this hearing until the December meeting of the Board of Adjustment so that the applicant can consider an overall plan for improvements. The applicant was informed that if additional variances are required he must notify the County Auditor's office on or before November 10, 2004. **December 1, 2004 Meeting** - The applicant requested a variance of 65' from the required ordinary high water level setback of 100' for the placement of a dwelling 35' from the ordinary high water level. Randall Mann, Chair, polled the audience with no one speaking for or against the variance as requested. After discussion and consideration, Paul Larson made a motion, seconded by Steve Schierer and carried with Rod Boyer voting no, to approve a variance of 60' from the required ordinary high water level setback of 100' for the placement of a dwelling 40' from the ordinary high water level. The Board noted that the applicant's proposed project will be an improvement to the property and that the variance as approved will place the proposed project behind the existing building line. Hardship is a substandard lot of record.

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**James R Uhl – Approved revised plan with conditions. (9:48 p.m.)**

James R Uhl, part of Government Lot 5, Section 32 of Hobart Township by Sybil Lake, requested a variance of 56' from the required ordinary high water level setback of 100' for the construction of a dwelling 44' from the ordinary high water level and a variance to install a drain field in the road right-of-way. **November 4, 2004 Meeting -** Randall Mann, Chair, polled the audience with no one speaking for or against the variance as requested. Marilyn Skillings submitted a letter expressing concern with the use of the words "road right-of-way" in the application and in the notice. A letter from Hobart Township in support of the variance as requested was read for the record. After consideration and discussion, Randall Mann made a motion, seconded by Steve Schierer and unanimously carried, to table, with the verbal permission of the applicant, this hearing until the December 1, 2004 Board of Adjustment meeting. The applicant is to consider other development alternatives that would required fewer variances and to verify all setback requirements. **December 1, 2004 Meeting - The** applicant submitted two revised plans for consideration by the Board of Adjustment. Randall Mann, Chair, polled the audience with Scott and Vickie Meyer asking questions about the proposed development. After consideration and discussion, Steve Schierer made a motion, seconded by Michael Conlon and unanimously carried, to accept the proposed plan as shown on the drawing placed in the applicants' file and labeled "Original – Accepted by Board on 12-1-04 WS" with the following conditions: 1.) no more than 25% of the total lot area can be covered with impervious surfaces, 2.) no variances are being granted for the placement of the water supply system or the septic system and 3,) no side lot line variances are being granted. Hardship is a substandard lot of record.

With no further business Randall Mann, Chairman, declared the meeting adjourned at 10:04 p.m.

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Wayne Stein, Secretary

