

**MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Wednesday, December 5, 2007**

The Otter Tail County Board of Adjustment met Wednesday, December 5, 2007, with the following persons in attendance:

Les Estes	Michael Harris	Paul Larson
Randall Mann	Steve Schierer	Carl Zick
Wayne Roisum, Land and Resource Management		

Called to Order – Steve Schierer, Vice Chair called the meeting of the Board of Adjustment to order at 6:30 p.m.

Minutes Approved - The Board of Adjustment approved the minutes of the November 1, 2007 meeting as mailed.

The Board of Adjustment considered the following applications for variance:

Joyce Larson – Approved the variance as requested. (6:30 p.m.)

Joyce Larson, Lot 8 Abie's Acres Second Addition, Star Lake in Dora Township, requested a variance of 68.5' from the required ordinary high water level setback of 100' for the construction of a new dwelling 31.5' from the ordinary high water level. Todd and Janice Larson represented the applicant at the public hearing. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Carl Zick made a motion second by Michael Harris and unanimously carried, to approve a variance of 68.5' from the required ordinary high water level setback of 100' for the construction of a new dwelling 31.5' from the ordinary high water level of the creek as depicted on the applicant's drawing dated October 17, 2007. The Board noted that the proposed location (near the middle of the lot) is the best location for the proposed development and the variance as requested and as approved will provide the applicant with a reasonable use of her property.

Orison Chaffee III – Approved Project No. 1 and Project No. 3 and Denied Project No. 2 (6:35 p.m.)

Orison Chaffee III, Lots 18 and 19 Camp Hatton, Otter Tail Lake in Amor Township, requested the following: I am requesting variances for three proposed projects to the home: Project One – a 6' by 13' front entryway NW corner 1' into right of way, SW corner 2' into right of way and 3' into 50' side lot line setback; Project Two – a 10' by 24' screened in porch 11' into 75' ordinary high water level from a lakeshore beach cut out; Project Three – an 18' wide decorative dormer for the living room lake side to match existing roof peek 18' into 50' side lot line setback. Steve Langlie, Surveyor with Anderson, Howe & Langlie, Inc. appeared with the applicant at the public hearing. The applicant noted that Project One would be 1' into the road right-of-way setback and not 1' into the road right-of way. The audience was polled with no one speaking for or against the variance as requested. A letter from Charles Grotte, Assistant County Engineer, requesting that the 20' road right-of-way setback be maintain was read for the record. After discussion and consideration, Les Estes made a motion second by Michael Harris to approve the variance as requested for the proposed development as depicted on the applicant's drawing dated October 7, 2007 with the condition that no more than 25% of the total eligible area can be covered with impervious surfaces. This motion failed with Paul Larson, Randall Mann, Steve Schierer and Carl Zick voting no. After additional discussion and consideration, Paul Larson made a motion to approve a 1' variance from the required road right-of-way setback of 20', a variance of 2' from the required road right-of-way setback of 20' and a variance of 3' from the required side lot line setback of 50' for the placement of 6' by 13' entryway (Project One) 19' from the road right-of-way at the northwest corner, 18' from the road right-of-way at the southwest corner and 47' from the side lot line as depicted on the drawing submitted with the variance application; to deny the variance as requested for Project Two as the granting of the variance would establish precedence and to approve a variance of 18' from the required side lot line setback of 50' for the placement of an 18' wide decorative dormer for the living room lake side to match existing roof peek 32' from the side lot line with the condition that no more than 25% of the total eligible area can be covered with impervious surfaces.

Richard H. Lange – Approved the variance as requested. (6:53 p.m.)

Richard H. Lange, part of Government Lots 2 and 3, Section 33 of Tumuli Township by South Ten Mile Lake, requested a variance of 50' from the required ordinary high water level setback of 100' for the placement of a new dwelling 50' from the ordinary high water level. The existing cabin is located 38' from the ordinary high water level. The proposed structure would be 38' wide and would be setback 50' from the ordinary high water level and 30' from the road. The property is 118' deep and contains 24,780 square feet of area. The applicant noted that the depth of the lot is 125'. The audience was polled with Larry Goetzinger speaking for the variance as requested. After discussion and consideration, Steve Schierer made a motion to deny the variance as requested. The motion died for lack of a second. After additional discussion, Les Estes made a motion, second by Michael Harris, to approve the variance as requested. This motion failed with Randall Mann, Steve Schierer and Carl Zick voting no. After additional discussion and consideration, motion was made by Steve Schierer, second by Paul Larson and carried with Michael Harris voting no, to approve a variance of 50' from the required ordinary high water level setback of 100' for the placement of a new dwelling 50' from the ordinary high water level with the understanding that the Board's approval is based on the applicant voluntarily agreeing to remove the top portion of the existing boathouse. The Board noted that no more than 25% of the eligible area can be covered with impervious surfaces.

David A. Schliesman – Approved the variance as requested. (7:10 p.m.)

David A. Schliesman, Lot 17 Block 1 Marion Lake Lodge, Marion Lake in Dead Lake Township, requested the following: We are requesting a string line setback for our proposed new structure. Meeting the existing setback would obstruct our lake view due to the existing structures on the adjacent properties. No part of our proposed structure will be closer to the lake's high water mark than our existing structure or the adjacent neighbors. We are proposing a 2 – story structure that is similar in character to the other recently constructed buildings in the neighborhood. We request the same rights and privileges as our adjacent neighbors and surrounding properties. Appearing with the applicant were Jay Schliesman and David's Father. The audience was polled with no one speaking for or against the variance as requested. A letter from Steve and Laura Kolar in support of the variance as requested was read for the record. After discussion and consideration, Michael Harris made a motion second by Steve Schierer and unanimously carried, to approve the proposed development as described in the variance application dated November 8, 2007 and as depicted on the drawing submitted with the application. It was noted that the variance as approved does not directly or indirectly grant any other variances for the proposed development.

Harvey and Bonnie Gilbertson – Denied. (7:15 p.m.)

Harvey and Bonnie Gilbertson, Lot 50 Provan Beach and Lot 2 Block 2 Black Dog Addition to Provan Beach, Pelican Lake in Dunn Township, requested the following: Requesting the square footage for the 25% impervious surface be calculated on the legal lot side of 66' by 198' (13,068 square feet), rather than from the high water mark (12, 267 square feet). This would provide additional 201 square feet for landscaping. (201 square feet additional impervious) Steve Langlie, Surveyor with Anderson, Howe & Langlie, Inc. appeared with the applicant at the public hearing. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Michael Harris made a motion, second by Steve Schierer and unanimously carried to deny the variance as requested as no adequate hardship unique to the property has been shown that would allow for the granting of the variance as requested and the granting of the variance as requested would establish precedence.

David and Joyce Ramage – Denied. (7:25 p.m.)

David and Joyce Ramage, Lots 4 and 5 Martin Knoll, Pelican Lake in Scambler Township, requested a variance of 7' from the required side lot line setback of 40' for the placement of a 14' by 16' deck 33' from the side lot line. John Strinden represented the applicants at the public hearing. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Michael Harris made a motion, second 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 and noting that had this after the fact request been submitted prior to the placement of the deck in its current location a variance would not have been given for a location which did not meet the required side lot line setback.

Judith Backhaus – Approved the variance as requested. (7:40 p.m.)

Judith Backhaus, part of Sub Lot 8 of the Subdivision of Government Lots 1, 2, 3, and 4 Section 14 of Clitherall Township by Clitherall Lake, requested the following: For the front line of a planned addition to my 1968 vintage cabin, I seek variance of 46' from the required ordinary high water level setback of 100'. This setback line would be used to locate the addition in such a way as to help alleviate inharmonious effects (hardships) presented my property by the uniquely placed house (19798 Peninsula Trail) adjacent to my lot:

Built (in 1998) just 38' from the lakes ordinary high water level, the 115' house protrudes 45' ahead of my cabin's front line. The two story protruding section of the house contains a number of windows whose fields of view include, through my front windows, large areas of my cabin's interior.

With the setback line requested lying farther from the lake than the line connecting the nearest lakeside corners of my adjacent neighbors' houses; the addition will not alter the essential character of the locality, nor damage the rights or property values of these same neighbors. Doug Backhaus represented the applicant at the public hearing. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Michael Harris made a motion, second by Steve Schierer and unanimously carried, to approve the proposed development as described in the variance application dated November 13, 2007 and as depicted on the drawing labeled Exhibit A which was submitted with the variance application. The Board noted that the applicant's proposal would place the proposed development behind the building/sight line.

Keith and Elizabeth Keller – Approved the variance as requested with conditions. (7:50 p.m.)

Keith and Elizabeth Keller, part of Government Lot 4, Section 20 of Girard Township by West Battle Lake, requested a variance to subdivide a 1 acre parcel, containing 185' of frontage, from an existing 4.44 acre parcel for non-residential development purposes. The proposed parcel will be permanently attached to Lots 18 and 19, Beauty Shore Summer Resort. Milt Paulson represented the applicants at the public hearing. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Steve Schierer made a motion, second by Les Estes and unanimously carried, to approve a variance to subdivide a 1 acre parcel, containing 185' of frontage, from an existing 4.44 acre parcel for non-residential development purposes with the following conditions: 1) a registered surveyor's drawing must be provided at the time of conveyance, 2) this 1 acre parcel must be permanently attached to Lots 18 and 19 and 3.) the area contained within this one acre tract cannot be used when calculating the impervious surface coverage of Lots 18 and 19.

Mary Beth Hanson Trust Et Al –Approved the variance as modified with a condition. (7:55 p.m.)

Mary Beth Hanson Trust Et Al, part of Government Lot 3, Section 5 of Edna Township and part of Government Lot 5, Section 32 of Hobart Township on Sybil Lake, requested a variance of 48' from the required ordinary high water level setback of 100' for the relocation of 12' 6" by 19' 6" garage 52' from the ordinary high water level and a variance of 53' from the required ordinary high water level setback of 100' for a new rear addition and roof to existing home 47' from the ordinary high water level. Kelli Wegscheid, Architect, represented the applicant at the public hearing. The audience was polled with Jim Sandau seeking additional information regarding the applicant's proposed development. After discussion and consideration, Michael Harris made a motion, second by Steve Schierer and unanimously carried, to approve the proposed new addition to the existing dwelling, the proposed garage addition to the new addition and the roof to the existing home as depicted on the drawing submitted with the variance application and also, to approve the relocation of the existing garage to the area depicted on drawing with the condition that the proposed addition and the proposed patio cannot be added to the relocated garage unless the garage is relocated to a location which complies with the setback requirements of the ordinance. It should be noted that the variances as approved for the proposed development does not directly or indirectly grant any other variances for the proposed development.

John and JeLain Lund – Tabled (8:05 p.m.)

John and JeLain Lund, Lot 6 Inlet Beach Third Addition, Lake Lida in Lida Township, requested a variance of 35' from the required ordinary high water level setback of 75' and a variance of 4.2' from the required side lot line setback of 10' for the placement of a new dwelling 40' from the ordinary high water level and 5.8' from the side lot line. Also, requesting a variance from the required ordinary high water level setback to repair existing walkout retaining wall. Proposed roof of new cabin not to exceed 35' height, now stepping away from lake. Kelli Wegscheid, Architect, represented the applicants at the public hearing. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Michael Harris made a motion, second by Carl Zick to deny the variance as requested. After additional discussion the motion to deny was withdrawn and Steve Schierer made a motion, second by Carl Zick and unanimously carried to table, with the verbal permission of the applicant's representative, this variance application until the next schedule meeting of the Board of Adjustment to allow the applicants and their architect an opportunity to consider other development plans that would require lesser and/or fewer variances. Concerns were expressed with the side lot line setback, the ordinary high water level setback and imperious surface coverage.

Walter and Ethelyn Zitzow – Denied. (8:15 p.m.)

Walter and Ethelyn Zitzow, tract of land between Lot 1 Bills Beach and west line of Section 18 of Edna Township by (West) Big McDonald Lake, requested the following: 1.) Allow the subdivision and platting of 3 substandard, residential lots with approximately 29,750 square feet instead of required 80,000 square feet, 2.) Allow the width of platted lots to be 170', instead of 300', 3.) Allow private road easement to serve the platted lots, with width of 33' or less instead of dedicated road of 66' in width and 4.) Allow residential construction on all 3 proposed lots. The proposed plan would be for the subdivision of the 3 back lots, one for each of the three children of Walter and Ethel Zitzow, with the area identified as swamp wetland and the lake frontage owned in common by the 3 children. Ownership of the back lot would allow access across the swamp wetland and the lake frontage. There would be a common well for the 3 back lots, located in the swamp wetland area. When Walter and Ethel Zitzow die, the lake cabin would be removed from the frontage, which would benefit the lake by moving development away from the lake. Frank Schindler appeared with the applicants at the public hearing. The audience was polled with Steve Langlie, Celeste and Frank Tadin and Dennis Chaika speaking to the variance as requested. After discussion and consideration, Les Estes made a motion, second 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 and noting that granting of the variance as requested would result in the creation of substandard lots and would establish precedence.

Cora J. Werve – Approved a variance for a building site at 75' from the ordinary high water level and denied the variances as requested for the campers. (8:30 p.m.)

Cora J. Werve, part of Government Lot 1, Section 16 of Dead Lake Township by Dead Lake, requested the following: We would request a variance of 125' off the required 200'. This would allow buildings to be placed at 75' from ordinary high water. We would also request a variance to allow the cabin to remain and for 2 camper trailers to remain parked on the property. The hardship is that the erosion of the shoreline has decreased the size of the lot and the large wetland uses a lot of the property. Both campers would apply for conditional use permits if approved being behind 75' setback and cabin at 20' from ordinary high water level. Steve Langlie, Surveyor with Anderson, Howe & Langlie, Inc. represented the applicant. The audience was polled with Don Douglas expressing concerns with the current use and development of the applicant's property. Letters from Leo J. Kluch and Don C. Douglas expressing concerns with the variance as requested were read for the record. After discussion and consideration, Paul Larson made a motion, second by Michael Harris and unanimously carried, to deny the variance as requested for the campers and to approve a variance of 125' from the required ordinary high water level setback of 200' for the placement of one (1) residential structure 75' from the ordinary high water level with the condition that before any permits can be issued for the new development the existing cabin and non permitted/non complying campers must be removed. It should be noted that the variance as approved does not directly or indirectly grant any other variances for the applicant's property.

Michael Harrington Tst. – Approved as modified with conditions. (8:45 p.m.)

Michael Harrington Tst, part of the North Half of the Southeast Quarter, Section 30 of Aurdal Township, requested a variance to subdivide 1 acre from an existing 8.09 acre parcel and to have the one acre parcel declared buildable for commercial purposes. Tom Harrington appeared with the applicant. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Steve Schierer made a motion, second by Paul Larson and unanimously carried, to approve, as a buildable lot, the subdivision of a parcel containing at least 2.5 acres from an existing 8.09 acre parcel with the following conditions: 1.) the majority of the low/wetland area located to the south of the original 1 acre parcel as shown on the registered surveyor's drawing must be included within the approved 2.5 acre parcel and 2.) a registered surveyor's drawing must be provided at the time of conveyance. The Board noted that the applicant's property is located in an area which is generally commercial in nature. It should also be noted that although the variance as approved has declared this lot a buildable lot the variance does not directly or indirectly grant any other variances for future development.

Joan Martin Stobie – No Hearing Held.

Joan Martin Stobie, Lot 17 and North Half of Lot 18, K-B Beach and Lot 3 Block 1 Tomlinson Oaks, Little Pine Lake in Corliss Township, requested the following: 1) Change roof line of existing 14' by 28' 1 – story. The north portion of home is located 1.5' from the lot line and 58' from the ordinary high water level. Requesting a variance of 8.5' from the required lot line setback of 10' and a variance of 17' from the required ordinary high water level setback of 75', 2) Remove existing middle section of home and construct a 34' by 45' 2 story addition 64' from the ordinary high water level. A variance of 11' from the required ordinary high water level setback of 75', and 3) Change existing 18' by 26' 1½ - story. South portion of home to a full 2-story located 7.5' from the lot line and 64' from the ordinary high water level. A variance of 2.5' from the required lot line setback of 10' and a variance of 11' from the required ordinary high water level setback of 75'.

September 6, 2007 Meeting - The audience was not polled as there was no one in attendance at the time of this public hearing. A letter signed by Lois Bossert, Stephen Fox, Kathy Johnson and Steven Bigler in support of the variance as requested was read for the record. During discussion concern was expressed with the exact location of the side lot lines and the need to have additional information regarding the lot line location before acting upon the requested variances. After consideration and discussion, Steve Schierer made a motion, second by Paul Larson and unanimously carried, to table this hearing until the October 4, 2007 meeting to provide the applicant with an opportunity to provide additional information regarding the location of the side lot lines. **October 4, 2007 Meeting** – Prior to the meeting the applicant submitted a letter requesting the tabling of her application until the June 2008 meeting of the Board of Adjustment. After consideration, Randall Mann made a motion, second by Steve Schierer and unanimously carried, to acknowledge the applicant's letter, to grant the applicant's request and to table this public hearing until the June 2008 meeting of the Board of Adjustment. **November 1, 2007 and December 5, 2007 meetings** – No hearing held as the applicant requested in October to have there hearing table until June 2008.

With no further business, Randall Mann, Chairman declared the meeting adjourned at 9:05 p.m.

Prepared by:

Wayne Stein, Secretary

The minutes were mailed on Monday, December 10, 2007 to the Otter Tail County Board of Adjustment. Official action regarding these minutes will be taken by the Board of Adjustment at the next scheduled meeting.