

**MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Thursday, June 5, 2008**

The Otter Tail County Board of Adjustment met Thursday, June 5, 2008, with the following persons in attendance:

Michael Harris	Paul Larson	Randall Mann
Joe Maske	Steve Schierer	Carl Zick
Chris Stuber, Assistant County Attorney		
Scott Ellingson, Land and Resource Management		

Called to Order – Randall Mann 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 May 1, 2008 meeting as mailed.

The Board of Adjustment considered the following applications for variance:

Jason Tester – Denied/Motion Withdrawn/Tabled (6:30 p.m.)

Jason Tester, Lot 15 and part of Lot 16 Bowery Beach, Pelican Lake in Dunn Township, requested the following: Requesting general building line setback from ordinary high water level. Lot is too shallow to move back behind the shore impact zone of 37' 6". Setback will be approximately 25' behind the ordinary high water level. The audience was polled with no one speaking for or against the variance as requested. Andrea and Jody Arneson appeared with the applicant at the public hearing. A letter from Eulyn M. Feist opposing the variance as requested was read for the record. Also, an unsigned letter was noted for the record, but was not read as the contents did not provide any significant information for the decision making process. After consideration and discussion, Randall Mann made a motion, second by Steve Schierer and carried with Paul Larson and Carl Zick voting no, to deny the variance as requested as there are other options available that would keep the proposed structure out of the shore impact zone and the development as proposed, which does not depict a driveway or parking area, will result in impervious surface coverage greater than the allowable 25%. After additional discussion, Randall Mann made a motion, second by Steve Schierer and unanimously carried, to rescind and withdraw the previous motion to deny. After additional discussion and consideration, Randall Mann made a motion, second by Michael Harris and unanimously carried, to table with the verbal permission of the applicant, this variance application hearing until the next scheduled meeting of the Board of Adjustment to provide the applicant with an opportunity to consider other alternatives, to review the driveway/parking area requirements with the Land and Resource Department and to determine what impact those requirements will have on the impervious surface calculation.

Keith and Doris Kosse – Approved the variance application as modified. (6:55 p.m.)

Keith and Doris Kosse, Lot 17 Viken Bay Beach, Pelican Lake in Dunn Township, requested the following: Current lot impervious coverage is at approximately 49%. The proposal is to remove about 765 square feet of impervious to construct a single stall garage. This change will result in approximately 39% impervious coverage. This request is seeking a variance of 14% difference from the desired 25% coverage. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, Steve Schierer made a motion, second by Paul Larson and unanimously carried, to approve the proposed development with the condition that no more than 25% of the total eligible lot area can be covered with impervious surfaces. It was noted that it would be a significant improvement if the applicant could reduce the overall impervious surfaces to 30%. The proposed development is reasonable and the variance as approved will benefit the lake by reducing the overall impervious surface area, which will reduce the runoff into the lake and will provide the applicants with a reasonable use of their property.

Thomas Greenagel – Approved the variance as requested. (7:06 p.m.)

Thomas Greenagel, part of Government Lot 1, Section 34 of Girard Township by East Battle Lake, requested the following: Request a variance of 20' from the required ordinary high water level setback of 100' in order to replace and augment with insulation roof over existing dwelling and to "tie-in" roof of a proposed addition behind (on back) existing cabin. Addition walls will be 104' from the ordinary high water level. Diane Greenagel appeared with the applicant at the public hearing. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, Steve Schierer made a motion, second by Joe Maske and unanimously carried, to approve the proposed development as described in the variance application dated April 17, 2008 and as depicted on the drawing submitted with the variance application. It was noted that none of the proposed development is ahead of the existing development.

Gary Schroeder – Withdrawn

Gary Schroeder, part of Government Lot 1, Section 10 of Elizabeth Township by Long Lake, requested a variance of 20' from the required ordinary high water level setback of 100' for new construction (entry and stairway) 80' from the ordinary high water level. A letter from Shirley and Willis Stelter in support of the variance as requested was noted for the record. On June 3, 2008 the Secretary of the Board of Adjustment received a phone call from Mr. Gary Schroeder noting that his plans had changed and that he was withdrawing his variance application.

Scott and LuAnn Vigen – Approved the variance as requested with a condition. (7:08 p.m.)

Scott and LuAnn Vigen, Lot 8 Elmwood Subdivision, Loon Lake in Candor Township, requested a variance of 20' from the required road right-of-way setback of 20' for the placement of an 18' by 20' shop 0' from the road right-of-way (on the property line). The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, Michael Harris made a motion, second by Steve Schierer and unanimously carried, to approve a variance of 20' from the required road right-of-way setback of 20' for the placement of an 18' by 20' shop 0' from the road right-of-way as depicted on the drawing submitted with the variance application with the condition that no more than 25% of the total eligible lot area can be covered with impervious surfaces. It was noted the proposed development will be improvement over the location of the existing structure which is in the road right-of-way.

Arlin and Bonnie Henkelman – Approved the variance as requested with conditions. (7:13 p.m.)

Arlin and Bonnie Henkelman, Lots 7 and 8 Philip Burseth Beach, Wall Lake in Dane Prairie Township, requested the following: We would like to replace our existing variance for a 16' by 72' manufactured home, 51' from shoreline to a 28' by 52' approximately 47' from the ordinary high water level as we feel it would be a more positive appearance. The audience was polled with no one speaking for or against the variance as requested. Karen Iverson appeared with the applicants at the public hearing. After consideration and discussion, Steve Schierer made a motion, second by Randall Mann and unanimously carried, to approve the location and size of the new dwelling as depicted on the drawing submitted with the variance application with the condition that no more than 25% of the total eligible lot area can be covered with impervious surfaces and with the condition that the propose garage cannot exceed 780 square feet.

Darle and Melva Miller – Tabled (7:25 p.m.)

Darle and Melva Miller, Lots 41 and 42 Block 1 Crystal Beach, West McDonald Lake in Dora Township, requested a variance of 13' from the required road right-of-way setback of 20' for the placement of a dwelling 7' from the road right-of-way, a variance of 50' from the required ordinary high water level setback of 100' for a 36' by 60' irregular shape addition 50' from the ordinary high water level and variance of 56' from the required ordinary high water level setback of 100' for the placement of a 10' by 24' deck 44' from the ordinary high water level. The audience was polled with no one speaking for or against the variance as requested. A letter from the Dora Towns Board of Supervisors in opposition to the variance as requested was read for the record. At the hearing it was noted that the variance from the road right-of-way would be 14' instead of 13'. After discussion and consideration, Randall Mann made a motion, second by Steve Schierer and unanimously carried, to table with the verbal permission of the applicant, this variance application hearing until the next scheduled meeting of the Board of Adjustment to provide the applicants with an opportunity to review there proposed development with the Dora Town Board of Supervisors.

Bruce Melin and Kathryn M. Kenna – Denied. (7:40 p.m.)

Bruce Melin and Kathryn M. Kenna, part of Government Lot 6, Section 26 of Candor Township by Loon Lake, requested a variance of 25' from the required ordinary high water level setback of 100' for the location of a structure 75' from the ordinary high water level. The audience was polled with no one speaking for or against the variance as requested. A letter from Leslie Sass in support of the development as proposed was read for the record. After consideration and discussion, Carl Zick made a motion, second by Steve Schierer and unanimously carried, to deny the variance as requested as no adequate hardship unique to the property and/or practical difficulties had been shown that would allow for the granting of the variance as requested and noting that the applicants can obtain a reasonable use of their property without the granting of the variance as requested as the applicants have a large lot that would appear to have other suitable building locations that would meet the required setback from the ordinary high water level.

Janet M. Berg – Tabled. (7:50 p.m.)

Janet M. Berg, part of Lots 15 and 16 Beauty Beach on Deer Lake in Everts Township, requested a variance of 3' from the required lot line setback of 10' for the placement of 6' by 6' addition 7' from the lot line. The audience was polled with Tom Volden speaking for the variance as requested. After consideration and discussion, Steve Schierer made a motion, second by Joe Maske and unanimously carried, to table with the verbal permission of the applicant, this variance application hearing until the next scheduled meeting of the Board of Adjustment to provide the applicant with an opportunity to consider other alternatives and to consider the voluntary removal/relocation of the existing shed and toilet/outhouse. It was noted that there is adequate room on the property to place the proposed development in a location that would not require a variance.

North Central Camp Cherith – Approved. (8:05 p.m.)

North Central Camp Cherith, Lot 21 Sky Blue Water Beach, Lake Six in Hobart Township, requested the following: Camp Cherith had their storage shed used for waterfront and safety equipment/life jackets/fishing poles/etc. destroyed by a tree last fall. We would like to put a 12' by 18' storage shed on the south edge of the property to replace it. We are applying for a lot line variance since our lot is only 100' wide. It will be 65' from the North lot line and only 15' from the south lot line. Requesting a variance of 50' from the required 65' South lot line setback for the construction of a 12' by 18' structure, which will be built as Water-Oriented Accessory Structure 15' from the south property lot line. The audience was polled with no one speaking for or against the variance as requested. An email from Emily and Brian Kuehne in support of the variance as requested was read for the record. After consideration and discussion, Paul Larson made a motion, second by Steve Schierer and unanimously carried, to place a 12' by 18' storage shed 65' from the north property lot line and 15' from the south property lot line and at least 20' from the ordinary high water level.

John P. Staskiewicz – Approved the variance as modified with conditions. (8:12 p.m.)

John P. Staskiewicz, part of Government Lot 3, Section 16 of Dead Lake Township by Dead Lake, requested a variance of 110' from the required ordinary high water level setback of 200' for the placement of a 30' by 30' garage 90' from the ordinary high water level. The audience was polled with Ernie West speaking for the variance as requested. After consideration and discussion, Michael Harris made a motion to approve the variance as depicted in the drawing dated May 20, 2008 with the condition that the required 3' vertical separation from the finished floor must be maintained. This motion died for lack of a second. After additional discussion and consideration, Steve Schierer made a motion, second by Joe Maske and unanimously carried, to approve a variance of 100' from the required ordinary high water level setback of 200' for the placement of a garage 100' from the ordinary high water level with the condition that the required 3' vertical separation from the finished floor must be maintained and with the condition that prior to the issuance of a site permit the existing 24' by 14' structure and the 8' by 8' structure must be removed. It was noted that the applicant can place a reasonably sized structure at the 100' setback area that will provide the applicant with a reasonable use of his property.

Jerry J. and Melissa Hamm Aanerud – Denied. (8:20 p.m.)

Jerry J. and Melissa Hamm Aanerud, Lot 3 Ed's Sunrise Beach, Ten Mile Lake in Tumuli Township, requested the following: We are requesting a variance of 5' (from the ordinary height requirement of 35') allowing us to set our house that is 38' tall on a 2' foundation, for a total of 40'. Bladow and Sons Construction will be the contractor for this project, which will include some new construction and remodeling of our 1905 Victorian house. The audience was polled with Sam Cross expressing concerns with the height of the proposed structure. After consideration and discussion, Paul Larson made a motion, second by Michael Harris 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 proposed structure does not fit the general/immediate neighborhood and the granting of the variance would establish precedence that the Board does not want to establish.

Gerud and Michelle Hetland – Approved the variance as modified with a condition. (8:28 p.m.)

Gerud and Michelle Hetland, Lot 15 Block 1 Pelican Heights Subdivision, Little Pelican Lake in Dunn Township, requested a variance of 53' from the required ordinary high water level setback of 100' for the placement of the east side of a 27' 8" by 54' 8" structure 47' from the ordinary high water level. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, Michael Harris made a motion, second 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 the east side of a new dwelling 50' from the ordinary high water level with the condition that no more than 25% of the total eligible lot area can be covered with impervious surfaces.

Linda Moore – Approved the variance as requested. (8:31 p.m.)

Linda Moore, part of Government Lot 2, Section 26 of Girard Township by East Battle Lake, requested a variance to have a back lot declared buildable for residential purposes. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, Paul Larson made a motion, second by Michael Harris and unanimously carried, to declare the applicant's back lot as a buildable lot for residential purposes.

Marilyn Harbaugh – Approved the variance as requested. (8:40 p.m.)

Marilyn Harbaugh, part of Government Lot 5, Section 2 of St. Olaf Township by Long Lake, requested a variance of 6' from the required ordinary high water level setback of 100' for the placement of a 6' by 25' deck 94' from the ordinary high water level. The existing deck is 90' from the ordinary high water mark. Kurt Maethner appeared with the applicant at the public hearing. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, Steve Schierer made a motion, second by Paul Larson and unanimously carried, to approve a variance of 6' from the required ordinary high water level setback of 100' for the placement of a 6' by 25' deck 94' from the ordinary high water level. It was noted that the proposed deck will be further back from the ordinary high water level than the existing deck.

Chuck Snyders – Denied. (8:45 p.m.)

Chuck Snyders, Lot 4 Klein's Beach, Marion Lake in Rush Lake Township, requested a variance of approximately 30' from the required side lot line setback of 40' for the following: 1.) remove existing boathouse roof, 2.) add 2' to existing boathouse (height) roof, and 3.) build a deck on top of new (proposed) boathouse roof. This proposed deck will be 4' above the new roof. This 4' height is the measurement to the top of the top railing of new deck from top of new roof. The boathouse is 22' for the ordinary high water level and approximately 10' from the lot line. The audience was polled with no one speaking for or against the variance as requested. Darold Woessner represented the applicant at the public hearing. A letter from John and DiAnn Kehrwald in opposition to the variance as requested was read for the record. After consideration and discussion, Paul Larson made a motion, second by Michael Harris and unanimously carried, to deny the variance as requested as no adequate hardship and/or practical difficulties unique to the property had been shown that would allow for the granting of the variance as requested and noting that the proposed development would obstruct the view from the adjacent property and the variance as requested would establish a precedence that the Board does not want to establish.

Roger Sondag – Approved the variance with conditions. (8:54 p.m.)

Roger Sondag, part of Government Lot 5 and part of the Southeast Quarter of the Northeast Quarter, Section 6 of Dunn Township by Pelican Lake requested the following: Proposing to demolish building #1 and to leave existing building #2 in place. Future plans to construct building #3 on site. Variance request is to allow two dwelling onsite. Shoreland Management Ordinance allows only one dwelling per lot. Currently dwelling to be demolished is located approximately 75' from ordinary high water level. New dwelling will use building line or meet required 75' setback whichever is closer to ordinary high water level. Brent and Laurel Nelson, new owners of the property, appeared at the public hearing. The audience was polled with no one speaking for or against the variance as requested. A letter from I.C. and Mary Dahl in support of the variance as requested was read for the record. After consideration and discussion, Paul Larson made a motion, second by Carl Zick and unanimously carried, to approve the use of the string line for the placement of the proposed approximately 6,400 square foot dwelling and to allow the other existing buildings on this property to remain in their current locations with the condition that the existing approximately 600 square foot structure must be converted to a non-dwelling structure/use, with the condition that the approximately 1,440 square foot structure must be removed prior to the issuance of a building permit for the proposed new dwelling and with the condition that no more than 25% of the total eligible lot area can be covered with impervious surfaces.

Joan Martin Stobie – No Action Taken.

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, December 5, 2007, January 3, 2008, April 3, 2008 and May 1, 2008 meetings** – No hearing held as the applicant requested in October 2007 to have their hearing tabled until June 2008. **June 5, 2008 meeting** – The applicant was not in attendance. After consideration, Michael Harris made a motion, second by Joe Maske and unanimously carried, to deny the variance as requested due to the failure of the applicant to appear at the June 5 meeting and due to the fact the Board has no written permission to table the applicant's application past June of 2008.

Nicholas D. Mariotti – Approved (9:06 p.m.)

Nicholas D. Mariotti, West 50' of Lot 7, Parkdale Beach, Swan Lake in Dane Prairie Township, requested a variance of 10' from the required road right-of-way setback of 10', a variance of 10' from the required lot line setback of 10' and a variance of 4' from the required dwelling setback of 10' for the location of a holding tank 0' from the road right-of-way, 0' from the property line and 6' from the dwelling. **May 1, 2008 meeting** - The audience was polled with no one speaking for or against the variance as requested. Emails from Tim and Susan Atkinson and from Warren Johnson expressing concerns with the requested variance application were read for the record. After discussion and consideration, Randall Mann made a motion, second by Steve Schierer and unanimously carried, to table with the verbal permission of the applicant, this variance application until the next scheduled meeting of the Board of Adjustment to provide the applicant with an opportunity to consider other alternatives and to review the possibility of obtaining an easement to use the property on the other side of the road. **June 5, 2008 meeting** – Erika Mariotti appeared with the applicant at the public hearing. The applicant reported that he no longer required a variance from the dwelling. After discussion and consideration, Steve Schierer made a motion, second by Paul Larson and carried with Joe Maske abstaining, to approve a variance of 10' from the required road right-of-way setback of 10' and a variance of 10' from the required lot line setback of 10' for the location of a holding tank 0' from the road right-of-way and 0' from the property line. It was noted that the property has been surveyed and the property lines have been established.

With no further business, Randall Mann, Chairman declared the meeting adjourned at 9:20 p.m.

Prepared by:

Wayne Stein, Secretary

The minutes were mailed on Friday, June 6, 2008 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.