MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Thursday, April 10, 2003

The Otter Tail County Board of Adjustment met Thursday, April 10, 2003, with the following persons in attendance:

Rod Boyer
Paul Larson
Steve Schierer
Cecil Femling
Randall Mann
Mark Steuart
Pat Eckert, Land and Resource Management
Bill Kalar, Director Land and Resource Management
David Hauser, County Attorney

Call to Order –

Randall Mann, Chairman, called the meeting of the Board of Adjustment to order at 5:30 p.m.

Minutes Approved -

Hearing no corrections or additions the minutes of the April 3, 2003 meeting was approved as mailed.

The following variance requests were heard:

Connor F. Schmid and R. Murrary Partnership – Tabled. (5:30 p.m.)

Connor F. Schmid and R. Murrary Partnership, LLP, Government Lots 4 and 6, Section 19, part of Government Lot 3 and all of Government Lots 4, 5, 6, 7, 8, 9 and 10, Section 20, Government Lots 1 and 2, Section 29, Government Lot 1, Section 30, requested the following: 1. Maximum Height of Structure: "Non-dwellings within 400' from ordinary high water level 20' " – The existing barns will be rehabbed for Blue Heron Bay Club uses, including community, dining, social activity facilities and locker rooms, workout rooms and athletic spaces. One or both barns currently exceed 20 feet in height. **2.** "One (1) water-oriented accessory structure per lot will be allowed provided: 1. The structure is 10' or less in height as measured from the lowest adjoining ground level. 2. The structure is 260 square feet or less in area. 3. The maximum width of the structure is 20 feet as measured parallel to the shoreline. 4. The structure is setback from the ordinary high water level at least 20 feet. 5. The structure must not be used for human habitation or have water or sewer connections." A variance is requested to include four water-oriented accessory structures at three locations (the rehabbed original boat house, the lake-side swimming facility and the marina itself), with one structure 530 square feet in size, two at 1,000 square feet and another a 1,400 square feet. Some of these structures exceed ten feet in height, have a maximum width that exceeds 20 feet as measured parallel to the shoreline, are less than 20 feet from the ordinary high water level and/or would include water or sewer connections. **3.** Dwelling Unit Density Evaluation. a). Water Frontage Requirement. One dwelling per 100'. The project features 28,770' of Dead Lake Frontage. Maximum equals 287 units. b.) Tier Density Calculation. Maximum equals 139 units. The ordinance is unclear and has been inconsistently applied as to how the two calculations are balanced and reconciled. Land and Resources advises that a variance is necessary for more than 139 units, while 151 units are proposed for the cluster development. **4.** "The number of spaces provided for continuous beaching, mooring or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier." The project proposes a total of 151 dwelling units. The docks have been clustered at 3 principal facilities, with 20, 40 and 61 slips respectively, and 5 neighborhood sites with 6 slips each, for a total of one dock for each dwelling unit.

Representing Otter Tail County, in addition to the Board of Adjustment membership, were the following:

David Hauser, County Attorney, and
Bill Kalar, Land and Resource Director.

Also in attendance was Debra J. Nelson, Court Report with Nelson Reporting Service.

Representing the application were the following:

Tony Stoll, Baker, Hogan and Houx (Architecture and Planning), and
James C. Erickson, R Murray Partnership,
Robert L. Russell, Attorney

Those representing the application discussed the following issues:

1. The only issue before the Board of Adjustment this evening is variance request number 1. This deals with the height of two existing barns.
2. Variance request number 2 (water oriented accessory structures) and variance request number 4 (boat docking areas/boat slips) were reviewed for the edification of the Board of Adjustment. However it was noted the applicants wish to have these two requests tabled until the May 8, 2003 meeting of the Board of Adjustment.
3. Variance request number 3 is being officially withdrawn.
4. The condition, height, design and potential uses of the two existing barns were reviewed.
5. It was noted that neither structure is within 200' of the ordinary high water level.
6. The main barn has a height of approximately 28', the silo has a height of approximately 35' and the long barn has a height of approximately 20' to 24'.
7. It was noted that unless the variance is approved the barns couldn't be put to a reasonable use on this property.
8. It was noted that there is a need to transform these structures to a commercial use.
9. The potential use of the barns is not an issue for the Board of Adjustment to address.
10. The applicants did not create the hardship that exists.
11. The general characteristics of the property will change if the variance is not granted.
12. Hardships were discussed from a practical standpoint, as well as, from a legal view.
13. Letters dated March 18, 2003 and April 2 2003 were reviewed.

The audience was polled with the following individuals speaking:

Bob Deutschman
Pat Eckert
Donald Fondrick
Michael Harris
Terrence R. Lejcher, Area Hydrologist – Minnesota Department of Natural Resources, and
Terryll Sullivan

These individuals shared the following information for the Board of Adjustments consideration:

1. The Dead Lake Property Owner's Association is opposed to any variances being granted for this new development.
2. Concerns were expressed over the recently filed lawsuit and whether or not that would prevent any additional action on this project.
3. Concern was expressed with the property owner notification process.
4. Concern about the height of the silo was expressed.
5. Printed information provided by the applicants and the availability of that information to the Dead Lake Property Owners was discussed.
6. The potential uses for these two barns were an issue to the property owners and the noise that might accompany certain types of uses was also a concern.

Connor F. Schmid and R. Murrary Partnership – Tabled (Continued). (5:30 p.m.)

7. It was noted that any height variance granted should apply only to the existing structures as they currently exist and should not apply to any expansion of those structures or for any new construction should these structures be torn down.
8. A question was raised as to exactly how many structures are being considered for a height variance.
9. Consideration needs to be given to an adequate hardship that would allow for the granting of variance as requested.
10. Additional information regarding the current height of these structures needs to be made available.

In addition to the above comments a letter from Doug Martin in opposition to the variance as requested was read for the record.

The following summarizes the actions as taken by the Board of Adjustment:

1. Per the applicants' request, a motion was made by Steve Schierer, second by Cecil Femling and unanimously carried, to table action on variance request number 2 and on variance request number 4 until the May 8, 2003 meeting of the Board of Adjustment with the condition that the applicants must provide the secretary of the Board of Adjustment with a letter granting the Board of Adjustment authority to table these issues.

2. After discussion, public input and consideration, motion was made by Cecil Femling, second by Steve Schierer to accept the height variance application with the following conditions: 1.) the two existing barns, including the silo cannot exceed a height of 30', and 2.) the allowed height of 30' only applies to the existing structures, including the silo, and does not apply to new construction or to structure expansions.

3. After additional consideration and per the applicants' request, the above motion was withdrawn and the following motion was made by Randall Mann, second by Steve Schierer and unanimously carried, to table action on variance request number 1 until the May 8, 2003 meeting of the Board of Adjustment with the condition that the applicants must provide the secretary of the Board of Adjustment with a letter granting the Board of Adjustment authority to table this issue.

Donna Odegaard – Approved as requested. (7:00 p.m.)

Donna Odegaard, Lot 1, Pelican Lake Park, part of Reserve Block, Pelican Lake Park First Addition and part of Government Lot 6, Section 5 of Dunn Township by Pelican Lake, requested a variance of 21' from the required ordinary high water level setback of 75' for the location of a proposed dwelling 54' from the ordinary high water level. It should be noted that the location as requested would allow the proposed dwelling to be in a location similar to that of other dwellings in the immediate area. The proposed location will also keep the proposed structure away from the road and the septic tank. Robert Odegaard appeared along with the applicant at the public hearing. Letters from Earl and Dorothy Foster and from Frank Pearson in support of the applicant's request were read for the record. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, to approve the placement of the proposed dwelling no closer to the ordinary high water level then what would be allow when applying the string line from the dwellings located on either side of the applicant's property. It was acknowledged that there is a vacant lot on one side of the applicant's property, however the string line is to be applied to the structure on the next lot over. It was also noted that no variance is being granted for the second dwelling. The issue of a second dwelling might need to be resolved before a permit can be issued for the proposed dwelling. The applicant was encouraged to work with the Land and Resource Department to resolve the second dwelling issue.

Steve Nelson – Approved as requested. (7:12 p.m.)

Steve Nelson Et. Al., part of the Northwest Quarter of the Northwest Quarter, Section 9 of Perham Township, requested a variance to subdivide, by metes and bounds description, an existing 5-acre parcel into two tracts. One tract would be 3.5 acres and the other tract would be 1.5 acres. A letter from the City of Perham advising the applicant of the need to comply with the City of Perham's airport zoning ordinance was read for the record. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Cecil Femling, second by Paul Larson and carried with Rod Boyer voting no, to approve a variance to subdivide, by metes and bounds description, an existing 5 acre parcel into two tracts as identified on the registered surveyor's drawing, which was submit with the applicant's variance application.

Jim and Tom Mueller – Denied. (7:20 p.m.)

Jim and Tom Mueller, Lot 46, Minnie H. Barry's Addition to Killarney Beach, Pelican Lake in Dunn Township, requested the following: We are requesting a side (west) setback of 6' rather than 10' so that the east and west walls of the proposed 18' by 22' garage will continue the same line as the existing guest house part of the structure. The proposed 18' by 22' garage would have a north-facing door. This would preserve our view of the yard and as much green space as possible. The steep hill in back and the location of the septic system necessitate construction in the proposed area. It also makes for continued easy entry to the back yard and easier vehicle maneuvering. Paul Horvick represented the applicants at the public hearing. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Steve Schierer, second by Mark Steuart 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 noting that there is adequate room to place the proposed structure 10' from the side lot line. It should be noted that the Board of Adjustment did express concern over the amount of impervious surfaces and did questions whether the maximum allowable coverage would be exceeded by the addition of the proposed garage.

Mary A. Smith – Approved as requested. (7:28 p.m.)

Mary A. Smith, Lot 8, Kimber Beach, Blanche Lake in Girard Township, requested a variance of 4' from the required west side lot line setback of 10' for the enclosure of an existing deck and for an 11' by 29.4' deck extension each being located 6' from the lot line. Rick Bladow represented the applicant at the public hearing. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Steve Schierer, second by Rod Boyer and unanimously carried, to approve a variance of 4' from the required west side lot line setback of 10' for the enclosure of an existing deck and for an 11' by 29.4'deck extension each being located 6' from the lot line. It was noted that the applicant's proposed project will be no closer to the side lot line than the present structure and that the proposed development does not obstruct the view from the neighboring properties.

James and Margaret Huebsch – Denied. (7:32 p.m.)

James and Margaret Huebsch, part of the North Half of the Southeast Quarter, Section 22 of Perham Township, requested the following: Applicants have entered into a purchase agreement to sell a portion of their tract of land to Productive Alternative, Inc., owner of an adjacent tract, for the subject tract to be included as part of the Productive Alternatives, Inc. tract. A variance is requested from Section VII of the Subdivision Controls Ordinance and a variance from the Subdivision Plat requirements to convey a 50' by 200' portion of the applicant's tract of land using a metes and bounds legal description to the adjacent landowner's parcel. The applicant will retain the balance of the applicant's existing parcel. A copy of the survey drawing showing the applicant's tract, the tract involved in the variance application and the tract of Productive Alternative, Inc. is on file in the County Auditor's office. Because the proposed tract to be conveyed would be attached to an existing tract, variance, is also requested from the requirement there be adequate area for two septic systems and adequate access to a public road for the tract to be conveyed. The variance requested is to create two parcel of less than 2.5 acres in size. Representing the application were James Huebsch, property owner, Dwayne Huebsch, Kent Mattson, Attorney and Darren Toso, Productive Alternative, Inc. The audience was polled with Steve Melgaard speaking against the variance as requested. Mr. Melgaard noted that there is another alternative. After consideration, motion was made by Steve Schierer to approve the variance as requested noting that both parcels in questions are currently less than 2.5 acres and noting that the granting of this variance would not change the general characteristics of the neighborhood. This motion died for lack of a second. After additional consideration and discussion, motion was made by Mark Steuart, second by Rod Boyer and carried with Steve Schierer and Randall Mann voting no, 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 another alternative, to the west, does exist for Productive Alternatives proposed expansion project.

Paul Gramith – Approved as requested. (7:48 p.m.)

Paul Gramith, Lot 3, Stalker View Acres, Stalker Lake in Tordenskjold Township, requested the following: the lot is presently classified as a substandard lot size for building. I would like a variance granted to have the lot reclassified as a buildable lot. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Steve Schierer, second by Cecil Femling and unanimously carried, to classify Lot 3, Stalker View Acres as a buildable lot. The granting of this variance as requested will provide the applicant with a reasonable use of his property.

Randall Christiansen – Denied. (7:52 p.m.)

Randall Christiansen, part of the Southwest Quarter of the Northeast Quarter, Section 22 of Parkers Prairie Township by Lake Adley, requested the following: I applied for a building permit and cannot get one because my sewer system was condemned. I do not have a problem with installing a new sewer system. But the City of Parkers Prairie is planning on annexing my property and at that time city water and sewer will be available to my property. The City Administrator told me that the annexation process would be completed in approximately two-years. My request for a variance is one of economics. I don't want to have to pay for a new sewer system and then in two years have to hook up to the city's system. **April 2, 2003 Meeting -**The audience was polled with no one speaking for or against the request. An email from David Campbell, Parkers Prairie City Administrator, in support of the applicant's request was read for the record. Due to weather conditions the applicant was unable to attend the public hearing. After consideration, motion was made by Steve Schierer, second by Paul Larson and unanimously carried, to tabled this variance request until the May 1, 2003 Board of Adjustment meeting so long as the applicant provides, by April 10, 2003, a written statement authorizing the Board's action to table this hearing, otherwise, the variance as requested by the applicant is denied. **April 10, 2003 Meeting –** After discussion and consideration, motion was made by Randall Mann, second by Steve Schierer and carried with Paul Larson voting no, to deny the variance as request as no adequate hardship had been shown. It was noted that this is a health related issue and that the granting of a variance would not be appropriate and would establish precedence. It was also noted that there is an alternative for the property owner and that the proposed annexation, which was discussed is not sometime that will immediately happen.

Allan and Karen Dammann – Denied. (8:10 p.m.)

Allan and Karen Dammann, Lots 48 and 49, Block 1, Crystal Beach, West McDonald Lake in Dora Township, requested a variance of 18' from the required road right-of-way setback of 20' and a variance of 68' from the required ordinary high water level setback of 100' for the placement of a structure 2' from the road right-of-way and 32' from the ordinary high water level of Brown Lake. Brian the applicant's son also appeared with the applicants at the public hearing. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Cecil Femling, second by Steve Schierer and unanimously carried, to deny the variance as requested as in the opinion of the Board of Adjustment impervious surface coverage would exceed 25%, some of the project is within the shore impact zone and the property cannot support this much development.

Lee A Roberts – Request denied. Approved Lot Combination. (8:17 p.m.)

Lee A. Roberts, Lots 8 and 9, Block 2, Whispering Sands, Big Pine Lake in Pine Lake Township, requested a variance of 4' from the required side lot line setback of 10' for an addition 6' from the northwest lot line of lot 9. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Steve Schierer, second by Rod Boyer and unanimously carried, to deny the side lot line variance as requested, but rather to approve the permanent combination of Lots 8 and 9, Block 2, Whispering Sands, thereby, eliminating the need for the side lot line variance. It should also be noted that no variance is being granted for the installation of a septic system.

Gary and Kimberly Kamrowski – Approved as requested. (8:24 p.m.)

Gary and Kimberly Kamrowski, part of Government Lot 3, Section 24 of Elizabeth Township by Jewett Lake, requested a variance of 1' from the required side lot line setback of 10' for the enclosure of a 6' by 18' second level deck located 9' from the side lot line. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Steve Schierer, second by Cecil Femling and unanimously carried , to approve a variance of 1' from the required side lot line setback of 10' for the enclosure of a 6' by 18' second level deck located 9' from the side lot line.

Sheldon L. Ellig – Approved as requested. (8:27 p.m.)

Sheldon L. Ellig, Lot 1, Block 2, Engstrom Beach and part of Government Lot 1, Section 19 of Edna Township by Big McDonald Lake, requested a variance of 50' from the required ordinary high water level setback of 100' for the placement of a 12' by 12' concrete slab, with a sun porch above the slab, 50' from the lake. Big McDonald Lake has a 100' setback and the garage is currently 62' from the lake. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Randall Mann, second by Steve Schierer and carried with Mark Steuart voting no, to approve the variance as requested for the placement of 12' by 12' concrete slab, with a sun porch, in front of the applicant's existing garage. It was noted that the proposed structure would be considered the water oriented accessory structure for this property, therefore, the proposed structure cannot exceed 260 square feet of area, cannot have a width greater than 20' and cannot exceed 10' in height.

James and Janice Prondzinski – Approved as modified. (8:35 p.m.)

James and Janice Prondzinski, Lot 21, Broadwater Beach Second Addition, Pelican Lake in Dunn Township, requested the following: My lot is 50' wide and 170' deep. It is a high elevation lot with the existing cottage approximately 30' above the water. On the northwest corner, at water level, is a boathouse that is the subject of the variance application. The south wall of the boathouse is built into the hill that rises from the water. Over the years, the soil has shifted, causing the south wall to move and destabilize the boathouse. I have to undertake a partial demolition of the boathouse removing the roof deck and ceiling joists, all doors and windows, upper level flooring and damaged masonry block construction. This will enable a contractor to place equipment into the boathouse and install helical anchors through the south wall to stabilize the soil. I then want to repair and restore the boathouse to its original form. Following is a list of the variances that are needed for my boathouse (WOAS):

1. Ordinary high water level setback (minimum requirement is 20'). The original structure was originally used as a boathouse and was built at water level. There is no plan to move or displace the original building. 2. Lot line setback (minimum requirement is 40'). Given that my lot is 50' wide, I will not be able to meet this requirement with any new construction, but a variance will allow me to leave the existing boathouse in its present location. 3. Structure height (maximum allowed is 10'). The boathouse is approximately 16' tall (two stories) with a railing around the top deck. Even with that height, the cottage is still higher than the boathouse. Neighbors on the east and west of the property have two story boathouses and none of them are blocking the view of the lake and surrounding property. 4. Structure size (maximum allowed is 260 square feet). The boathouse has two stories and is larger than 260 square feet. The comments in the preceding paragraph apply to this request for variance. 5. Only one structure is allowed in the Shore Impact Zone. When I purchased the property in September 1997, I had a property survey done. It was discovered that my neighbor had inadvertently built a corner of his deck onto my property. I have legally given him the right to continue using that small piece of land. 6. Only allowed one WOAS on each lot. The comments in the preceding paragraph also apply to this variance request. Bret Anderson, the project engineer, appeared with the applicant at the public hearing. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Randall Mann, second by Steve Schierer to approve the variance as requested. It was noted that this is a very delicate situation, it is the best solution to fix both the building and to stabilize the lot, removing the boat house would perhaps cause more damage to the property, similar structure can be found on the lots on either side of the applicant and terrain features of the applicant's property create a hardship for the applicant. This motion failed with Rod Boyer, Cecil Femling, Paul Larson and Mark Steuart voting no. Those voting against this motion noted that approving the variance as requested would establish precedence. After additional consideration, motion was made by Mark Steuart, second by Rod Boyer to deny the variance as requested. This motion also failed with Paul Larson, Randall Mann and Steve Schierer voting no. Paul Larson then introduced a motion to table this application to allow the applicant an opportunity to consider other possible solutions. After additional discussion this motion was withdrawn. After additional discussion and consideration, motion was made by Steve Schierer, second by Paul Larson and carried with Cecil Femling voting no, to approve the variances necessary for the repair/replacement of the lower level of the existing structure only. The property owner and the engineer will need to design a plan, which will stabilize the upper part of the applicant's property.

Stuart S. and Corinne D. Peterson – Approved as requested with a condition. (9:07 p.m.)

Stuart S. and Corinne D. Peterson, Government Lot 2, Section 2, part of Government Lot 5, all of Government Lots 6, 7 and 8 and the Northwest Quarter of the Southeast Quarter, Section 3 of Star Lake Township by Star Lake, requested the following: We are seeking approval to rebuild/renovate an existing seasonal cabin on Star Lake, preserving an existing large field stone fire place and living room area. The large fireplace represents an historic early example of immigrant stone work built by Oscar Peterson around 1910 for the Stockstrom family, early settlers on the lake. The existing south-facing living room area, based on survey, is 10' too close to the lake's 75' required setback from the ordinary high water mark. The specific request of this variance application is to allow us to rebuild the living room area on the existing "foot print" as a part of this project. Because of the deteriorated condition of the logs comprising the existing walls of the cabin , "saving" the original log walls most likely is impractical. The additional living space over and above the existing building footprint will comply with all required setbacks. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Cecil Femling, second by Rod Boyer and unanimously carried, to approve the variance application as requested and in the location as depicted on the drawing, which was submitted with the variance application, with the condition that the structure identified on the drawing to be removed must be removed.

Ralph and Judith Hemmerlin – Denied. (9:12 p.m.)

Ralph and Judith Hemmerlin, part of Government Lot 1 and part of the Northwest Quarter of the Northeast Quarter, Section 28 of Parkers Prairie Township by Adley Lake, requested a variance to place self contained motor home closer to lake than the 75' setback. The motor home will be on said lot May 1st through October 1st. Request due to rough and uneven terrain at points where the setbacks could be met. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Cecil Femling, second by Rod Boyer and carried with Paul Larson voting no, 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. It was noted that the granting of the variance as requested would establish precedence for this immediate area and that the applicants have a very large parcel which does provide other alternatives for the placement of the proposed unit in a location that would not required the granting of a variance. A reasonable use of the property can be obtained without the granting of the requested variance.

Mark and Amy Cory – Approved as requested. (9:18 p.m.)

Mark and Amy Cory, Lot 6, Klar Jo Beach, West Battle Lake in Clitherall Township, requested a variance to build deck onto existing home with a portion of the structure inside the ordinary high water level setback requirements, measuring 7' in depth by 30' in length. Request a variance of 7' from the required ordinary high water level setback of 75' for the placement of a deck addition located 68' from the ordinary high water level. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Paul Larson, second by Steve Schierer and carried with Randall Mann abstaining, to approve a variance of 7' from the required ordinary high water level setback of 75' for the addition of a deck, as depicted on the applicants' drawing, 68' from the ordinary high water level. It was noted that when the original house and deck were permitted the 75' setback was met, however, do to a change in the ordinary high water level the same location no longer meets the 75' setback requirement thereby creating a hardship for the property owners.

Greg and Jenny Maue – Approved with conditions. (9:22 p.m.)

Greg and Jenny Maue, part of Government Lot 4, Section 11 of Eagle Lake Township by Eagle Lake, requested the following: We respectfully request a variance, per "hardship", from the current "Bluff Impact Zone" requirements to complete the following maintenance and modest improvements to our cabin and property: 1. Existing terraced retaining wall on the backside of cabin is sagging/deteriorating: a.) Eliminate old retaining wall with footing and block wall, which will serve as the new backside of proposed cabin expansion. b.) Eliminate remaining portion of terraced hillside by covering with new attached garage (at grade level). 2. Existing cabin roof has developed leaks, and needs to be replaced: a.) Do not invest in re-roofing existing roof, which has no capability of being insulated. b.) Instead replace roof as part of overall retaining wall elimination and cabin expansion project. 3. Existing sand-point well on lower beach is not "winterizable": a.) Install new frost-depth well on upper portion of property. b.) Cabin expansion to rear of existing dwelling facilitates bringing in the new waterline. Proposed projects are considered to be within the Bluff Impact Zone. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Paul Larson, second by Rod Boyer to approve the variance as requested and as depicted on the applicants' drawing with the following conditions: 1. appropriate stabilization of the bluff must be done during the construction period, 2. no part of the proposed new construction can be within 20' of the road right-of-way, 3. any existing decks or landing, which are not in compliance with the requirements of the ordinance must be brought into compliance, 4. the roadway down to the lake must be stabilized and 5. the existing bank and path near to the structure which leads down to the lake must also be stabilized. It was noted that the proposed development is either in the existing footprint or away from the bluff. It was noted that the foundation would connect the existing structure and the proposed addition. Hardship is the terrain of the applicants' property.

Roger and Elise Erickson – Approved with condition. (9:36 p.m.)

Roger and Elise Erickson, Lot 10, Northland Beach, Big Pelican Lake in Dunn Township, requested a variance of 21' from the required ordinary high water level setback of 75' for the placement of a dwelling 54' from the ordinary high water level. I obtained permits on July 1, 2002 to add a second story addition and a garage to my lake home. When I started work on the additions I discovered that the existing floors and foundation were totally rotted out and would not be able to be saved. At that time I called shoreland management and explained that I had permits for the additions and that I needed to put in new footing and floors. I installed them in the exact same place as the old footings, which were done by my father in 1957. I could not move the structure back because of the need to meet sewer requirements on the roadside of the structure. I am currently setback approximately 8' behind my one neighbor from the lake and approximately 6' in front of my other neighbor on the lakeside. This does not include their deck, which sets approximately 4' in front of my lake home. I am respectfully requesting an after the fact variance for the setback. All other setbacks are met. Letters from Marlene D. Haeffner and Martin Scramstad in support of the applicants' request wre read for the record. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Paul Larson, second by Steve Schierer and unanimously carried, to approve the variance application as requested with the condition that the two sheds in the back of the lot and the boat house must be removed on or before June 1, 2003. It should be noted that the variance as approved does not imply or provide for impervious surface coverage greater than the allowable 25%.

Sherman and Alta Mandt – Approved. (9:58 p.m.)

Sherman and Alta Mandt, part of Government Lot 1, Section 17, part of Government Lot 1 and part of the Southeast Quarter of the Northeast Quarter, Section 18 of Pine Lake Township by Big Pine Lake, requested a variance to subdivide an existing 6.08-acre parcel located in Sections 17 and 18 of Pine Lake Township into two tracts. The parcel in Section 18 would be approximately 4.08 acres and the remaining tract (approximately 2 acres) in Section 17 would be permanently attached to an adjacent parcel owned by Alta Mandt. The adjacent parcel is described as the south half of the southeast quarter of the northeast quarter, Section 18 of Pine Lake Township. **April 3, 2003 Meeting -**The audience was polled with no one speaking for or against the request. After consideration, motion was made by Steve Schierer, second by Cecil Femling and unanimously carried, per the written request of the applicants, to table the applicants' variance hearing until the May 1, 2003 meeting of the Board of Adjustment. **April 10, 2003 Meeting –** After discussion and consideration, motion was made by Cecil Femling, second by Steve Schierer and unanimously carried, to approve the variance as requested with the condition that a registered surveyor's drawing must be provided at the time of conveyance. It was noted that the granting of this variance would eliminate one parcel.

With no further business, Randall Mann, Chairman declared the meeting adjourned at 10:05 p.m.

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Wayne Stein, Secretary