

**MINUTES OF THE MEETING  
OF THE  
OTTER TAIL COUNTY BOARD OF ADJUSTMENT  
Thursday, August 14, 2003**

The Otter Tail County Board of Adjustment met Thursday, August 14, 2003, with the following persons in attendance:

Cecil Femling	Frank Lachowitz
Paul Larson	Randall Mann
Steve Schierer	Mark Steuart
Pat Eckert, Land and Resource Management	
Kurt Mortenson, Assistant County Attorney	

**Call to Order –**

Randall Mann, Chairman, called the meeting of the Board of Adjustment to order at 6:30 p.m.

**Minutes Approved -**

Hearing no corrections or additions the minutes of the August 7, 2003 meeting was approved as mailed.

**The following variance requests were heard:**

**James W. Dodds – Approved as modified. (6:30 p.m.)**

James W. Dodds, part of Government Lot 3 and part of Government Lot 4, Section 23 of Parkers Prairie Township by Augusta Lake, requested a variance of 50' from the required ordinary high water level setback of 200' for the construction of a new dwelling and for the placement of a septic system 150' 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, motion was made by Steve Schierer, second by Cecil Femling and unanimously carried, to approve a variance of 40' from the required ordinary high water level setback of 200' for the construction of a new dwelling 160' from the ordinary high water level. It should be noted that the septic system will be 200 plus feet from the ordinary high water level. Hardship is the terrain and the shape of the applicant's property. It was also noted that the State of Minnesota requires only a 150' setback from the ordinary high water level on lakes classified as natural environment lakes.

**Scott and Roberta Schake – Approved Ordinary High Water Level Variance. Denied Side Lot Line Variance. (6:36 p.m.)**

Scott and Roberta Schake, Lot 1, Shady Nook Beach, Pickerel Lake in Maine Township, requested a variance of 27' from the required ordinary high water level setback of 100' and a variance of 4 to 9' from the required side lot line setback of 10' for the placement of a dwelling 73' from the ordinary high water level and 1 to 6' from the east side lot line. The northeast/front corner of the proposed dwelling would be 6' from the lot line and the southeast/rear corner of the proposed dwelling would be 1' from the lot line. Also, requesting a variance of 6' from the required side lot line setback of 10' for the placement of a 7' by 10' shed 4' from the lot line. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, motion was made by Mark Steuart, second by Frank Lachowitz and carried with Steve Schierer voting no, to approve a variance of 27' from the required ordinary high water level setback of 100' for the placement of a dwelling 73' from the ordinary high water level and to deny all side lot line variances as requested as other alternatives/options are available to the applicants which would not require variances from the required 10' side lot line setback.

**Robert L. Tenney – Approved as modified. (6:53 p.m.)**

Robert L. Tenney, part of Reserve Lot G, Dursch's Silver Bay, Silver Lake in Everts Township, requested a variance of 30' from the required ordinary high water level setback of 100' for the placement of a shed 70' 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, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, to approve the replacement of an existing 8' by 8' shed with a new 10' by 10' shed (same location as the existing 8' by 8' shed) being no closer to the ordinary high water level than the existing 8' by 8' shed and meeting all other setback requirements. Hardship is the terrain of the applicant's property.

**David and Sonja Kosler – Approved as requested. (7:00 p.m.)**

David and Sonja Kosler, Lot 9 Peaches Silent Lake Beach, East Silent Lake in Dora Township, requested a variance of 18' from the required wetland setback of 50' for the placement of a holding tank 32' from the wetland. Peter Paul, Contractor, represented 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, motion was made by Cecil Femling, second by Frank Lachowitz and unanimously carried, to approve a variance of 18' from the required wetland setback of 50' for the placement of a holding tank 32' from the wetland. Hardship is the terrain and a substandard lot of record. It was noted that even though this is an after the fact variance request had this request come before the Board of Adjustment before the installation of the holding tank it would have been approved. It was noted that this is the best location, if not, the only location on the applicants' property for the installation of a holding tank.

**James and Jeannine Dunbar – Approved with conditions. (7:10 p.m.)**

James and Jeannine Dunbar, Lot 12, North Shore, Dead Lake in Star Lake Township, requested a variance of 132' from the required ordinary high water level setback of 200' and a variance of 32' from the required shore impact zone setback of 100' for the placement of a new modular home and basement 68' from the ordinary high water level. Bruce Finkelson appeared along 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, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, to approve a variance of 132' from the required ordinary high water level setback of 200' and a variance of 32' from the required shore impact zone setback of 100' for the placement of a new modular home, with a basement, 68' from the ordinary high water level with the condition that the existing porch and the existing outhouse must be removed before a site permit can be issued for the new dwelling and with the condition that the existing wood shed/garage must be removed by May 31, 2004 and to approve the location of a new garage being no closer to the ordinary high water level than the new dwelling with the condition that all other setback requirements must be met. It was noted that the proposed dwelling, as depicted on the applicants' drawing, will be setback farther from the ordinary high water level than the existing structure. It was also noted that the approved location should place the proposed new dwelling behind the existing building/sight line. Hardship is a substandard lot of record.

**Diane Bachmeier, Renee Dulski and Sandy Tessier – Withdrawn.**

Diane Bachmeier, Renee Dulski, and Sandy Tessier, Lot 5, Rose Lake Beach First Addition, Rose Lake in Hobart Township requested a variance of 60' from the required north side lot line setback of 65' and a variance of 32' from the required south side lot line setback of 65' for the placement of a 8' by 12' by 10' water oriented accessory structure 5' from the north side lot line and 33' from the south side lot line. The audience was polled with no one speaking for or against the variance as requested. A letter from Eldon D. Loibl in support of the variance as requested was read for the record. The Board of Adjustment knowledge and accepted the applicants' verbal request, by phone, to withdraw there variance application.

**Brian Driscoll – Approved as modified. (7:30 p.m.)**

Brian Driscoll, Lot 1, Block 1, Trowbridge Point, Leek Lake in Candor Township, requested a variance of 51' from the required ordinary high water level setback of 100' for the addition of a 10' by 6' mechanical room 49' from the ordinary high water level, a variance of 60' from the required ordinary high water level setback of 100' for the placement of a 9' by 10' shed 40' from the ordinary high water level and a variance of 70' from the required ordinary high water level setback of 100' for the placement of a 28' by 36' garage with a loft 30' 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, motion was made by Cecil Femling, second by Steve Schierer and unanimously carried, to approve a variance of 51' from the required ordinary high water level setback of 100' for the addition of a 10' by 6' mechanical room 49' from the ordinary high water level. It was noted that the proposed mechanical room will be no closer to the ordinary high water level than the existing dwelling. After additional consideration, motion was made by Paul Larson, second by Cecil Femling to approve a variance of 60' from the required ordinary high water level setback of 100' for the placement of 9' by 10' shed 40' from the ordinary high water level. This motion failed with Randall Mann, Steve Schierer and Mark Steuart voting no. Those voting in support of the motion noted that the shed had been placed on an existing foundation. Those voting against the motion noted that they would not have approved this site if the request had been made prior to the placement of the shed. After additional discussion, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, to approve the placement of a 9' by 10' shed at least 50' from the ordinary high water level. After additional discussion and consideration, motion was made by Steve Schierer, second by Frank Lachowitz and unanimously carried, to approve the placement of a garage at least 50' from the ordinary high water level with the condition that all other setback requirements of the Shoreland Management Ordinance must be met. Hardship is a substandard lot of record.

**Siirila Tst and Leaf Lake Township – Tabled.**

Siirila Tst and Leaf Lake Township, part of Reserve Lot E and Lot 15, Block 7, Leaf Lake Pleasure Grounds, requested a variance to dig up and replace an existing drain field with a new drain field in the same location. Extending into the road right-of-way. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, motion was made by Steve Schierer, second by Paul Larson and carried, to table this variance application until the September 4, 2003 Board of Adjustment meeting. It should be noted that this action was taken as there was no one in attendance to represent the application.

**Kenneth W. and Gale C. Raiber – Approved as requested with a condition. (7:45 p.m.)**

Kenneth W. and Gale C. Raiber, part of Government Lot 9, Sections 10 and 15 of Friberg Township by Heilberger Lake, requested a variance to move the holding tank currently encroaching on state land north to a location no less than 1' from the south property line and not less than 4' from the southerly shed and to replace the current camper with one of up to 399 square feet, with the current 62' setback. I would like to place a water oriented storage shed of less than 30 square feet 20' from the shore. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, motion was made by Paul Larson, second by Frank Lachowitz and unanimously carried to approve the placement of a holding tank no less than 1' from the south property line and not less than 4' from the southerly shed as depicted on the applicants' drawing and to replace the current camper with a unit that does not exceed 400 square feet and 40' in length with the condition that it must be at least 62' from the ordinary high water level. Hardship is the terrain of the applicants' property. It was noted that the variance as approved provides the applicant with a reasonable use of his property.

**Thomas and Polly Musacchia – Approved as modified with a condition. (8:04 p.m.)**

Thomas and Polly Musacchia, part of Government Lot 2, Section 27 of Dunn Township by Franklin Lake, requested a variance of 70' and 80' from the required ordinary high water level setback of 100' for the replacement of an existing dwelling with a deck 20' from the ordinary high water level and with a dwelling 30' 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, motion was made by Steve Schierer, second by Frank Lachowitz and unanimously carried, to approve the placement of a dwelling at least 50' from the ordinary high water level with the condition that all other setback requirements of the Shoreland Management Ordinance must be met. It was also noted that the variance as approved will provide the applicant with a reasonable use of his property. Hardship is a substandard lot of record.

**Jerome Humann – Approved as requested. (8:14 p.m.)**

Jerome Humann, Lot 1, Van Santen's Beauty Beach, Eagle Lake in Eagle Lake Township, requested a variance of 29' from the required ordinary high water level setback of 75' for the placement of a structure 46' from the ordinary high water level. It should be noted that this will place the structure's northwest corner approximately 15' in front of the sting line test. The audience was polled with no one speaking for or against the variance as requested. A letter from Robert G. Wiedeman, President, Eagle Lake Lakeshore Association, requesting that the variance application be denied was read for the record. After consideration and discussion, motion was made by Paul Larson, second by Steve Schierer and carried with Frank Lachowitz voting no, to approve a variance of 29' from the required ordinary high water level setback of 75' for the placement of a structure 46' from the ordinary high water level. It was noted that the variance as approved will place the new structure approximately 10 to 15' behind the building line/line of sight. Hardship is a substandard lot of record.

**Bricker and Jan Johnsen – Approved with a condition. (8:25 p.m.)**

Bricker and Jan Johnsen, Lot 8, Birch Haven First Addition, South Turtle Lake in Sverdrup Township, requested a variance of 17' from the required ordinary high water level setback of 100' for the replacement of an existing deck 83' from the ordinary high water level. It should be noted that the proposed replacement deck would extend an additional 10' to the east. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, to approve a variance of 17' from the required ordinary high water level setback of 100' for the replacement of an existing deck and for a 10' extension of the existing deck 83' from the ordinary high water level with the condition that if more than 25% of the total lot area is covered with impervious surfaces than the applicants cannot extend the existing deck, but can only make repairs to the existing deck. Hardship is a substandard lot of record. It was also noted that the proposed deck extension would not be any closer to the lake than the existing deck and dwelling.

**Larry Kroshus – Approved with conditions. (8:40 p.m.)**

Larry Kroshus, Lot 15, Shady Acres, McDonald Lake in Edna Township, requested a variance of 56' from the required setback of 100' from the ordinary high water level in order to replace the roof on the existing dwelling, square up the structure and porch and cover with a roof of 1200 square feet. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, motion was made by Randall Mann, second by Cecil Femling and unanimously carried, to approve the proposed development being no closer to the ordinary high water level than the lakeside of the existing cabin, excluding the existing lakeside porch, with the condition that the existing lakeside porch must be removed and with the condition that an existing 8' by 8' boathouse currently located 5' from the shoreline must be removed as stated on the applicant's drawing. Hardship is a substandard lot of record.

**Goldie Hansen and Edna Township – Approved as requested. (8:50 p.m.)**

Goldie Hansen and Edna Township, Lot 9, Block 2, Engstrom Beach, Big McDonald Lake in Edna Township, requested a variance to located two holding tanks substantially within the road right-of-way. The holding tanks will extend 9' 10" into the road right-of-way. It should be noted that the proposed location will place the holding tanks 50' from the well and 11' from the cabin. Steve and Julie Boe appeared along 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, motion was made by Paul Larson, second by Steve Schierer and unanimously carried, to approve the variance as requested noting the township's letter of approval. Hardship is a substandard lot of record.

**Head Lake Camp Association – Tabled. (8:55 p.m.)**

Head Lake Camp Association, part of Government Lot 1, Section 20 and part of Government Lots 3 and 4, Section 21 of Rush Lake Township by Head Lake, requested a variance of 128 to 164' from the required ordinary high water level setback of 200' for the placement of 9 various sized trailers 36 to 72' from the ordinary high water level as individually stated for each trailer in the application. Jim Hoyt and Kristian Svingen, Attorney, represented the application at the public hearing.. The audience was polled with the following individuals speaking for the variance as requested: Hillary Barry, Karen Munson, Eric Roggenkamp, Curtis and Linda Welk, Donna and Virgil Munson and Corrly Hoyt, Letters from Jon Westrick, Steven and Sheila Saatzer and Bob and Connie Hanyzewski were read for the record. After consideration and discussion, motion was made by Steve Schierer, second by Randall Mann and unanimously carried, to table this variance application until the September 4, 2003 Board of Adjustment meeting for the purpose of having Bill Kalar, Land and Resource Director, in attendance to provide information concerning this development and concerning statements that may have been made to the property owners regarding what development they could or could not do without variances.

**Red Lantern Resort – Approved as requested. (9:40 p.m.)**

Red Lantern Resort, part of Lot 13 and all of Lots 14 and 15, Shirley Beach and Lot C north of Lots 12, 13, 14, and 15, Shirley Beach Re-survey of Reserve Lots 1 and 2, Otter Tail Lake in Amor Township, requested a variance of 5' from the required lake setback of 75' and 4' from the required side lot setback for a cluster development of 50' to remove and rebuild an existing resort store attached to principle dwelling, enlarging the building 4' to the west, 6' to the lake and 8' to the north, placing the rebuilt store on new frost footings and adding a second story over dwelling/store. The existing structure is approximately 73' from the ordinary high water level. The proposed structure would not extend any closer to the lake than existing foundations, decks or stairs. We will be removing an 11' by 3.5' existing porch to reduce the existing infringement on the sideline setback requirement. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, motion was made by Paul Larson, second by Cecil Femling and unanimously carried, to approve as stated in the variance application and as depicted in the drawing submitted with the application a variance of 5' from the required lake setback of 75' and 4' from the required side lot setback for a cluster development of 50' to remove and rebuild an existing resort store attached to principle dwelling, enlarging the building 4' to the west, 6' to the lake and 8' to the north, placing the rebuilt store on new frost footings and adding a second story over dwelling/store. It was noted that this is consistent with past action of the Board of Adjustment as it is an upgrade (repair/maintenance) to an existing residential/commercial building.

With no further business Randall Mann, Chairman, declared the meeting adjourned at 9:45 p.m.