

**MINUTES OF THE MEETING  
OF THE  
OTTER TAIL COUNTY BOARD OF ADJUSTMENT  
Thursday, July 3, 2003**

The Otter Tail County Board of Adjustment met Thursday, July 3, 2003, with the following persons in attendance:

Cecil Femling	Paul Larson
Randall Mann	Steve Schierer
Robert Schwartz	Mark Steuart
Mark Ronning, 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 6:30 p.m.

**Minutes Approved -**

Hearing no corrections or additions the minutes of the June 12, 2003 meeting was approved as mailed.

**The following variance requests were heard:**

**Clarence Hodgson – Approved as requested. (6:30 p.m.)**

Clarence Hodgson, Lot 8, Bill's Beach First Addition, Big McDonald Lake in Edna Township, requested a variance of 30' from the required ordinary high water level setback of 100' and a variance of 10' from the required side lot line setback of 10' for the replacement of an existing flat roof over a 16' by 24' garage with a 4' by 12' pitch truss roof system 70' from the ordinary high water level and 0' from the side lot line. The audience was polled with no one speaking for or against the variance as requested. A letter Bob and Audrey Good in support of the variance as requested was read for the record. After discussion and consideration, motion was made by Randall Mann, second by Cecil Femling and unanimously carried, to approve a variance of 30' from the required ordinary high water level setback of 100' and a variance of 10' from the required side lot line setback of 10' for the replacement of an existing flat roof over a 16' by 24' garage with a 4' by 12' pitch truss roof system 70' from the ordinary high water level and 0' from the side lot line. It was noted that the variance as approved would provide the applicant with an opportunity to maintain his existing property. Hardship is a substandard lot of record.

**Gerald and Phyllis Kusnierek – Approved as requested with conditions. (6:34 p.m.)**

Gerald and Phyllis Kusnierek, Reserve Lot A, Denwood Acres First Addition, Pickeral Lake in Maine Township, requested the following: to attach substandard back lot to lake lot so that I can build on back lot. Township road in between presently makes it impossible to "Administratively" attach it to my lake lot. The audience was polled with no one speaking for or against the variance as requested. A letter from Lois Olson stating her support of the variance as requested so long as there is no impact to the public road, which services her property was read for the record. After discussion and consideration, motion was made by Cecil Femling, second by Robert Schwartz and unanimously carried, to approve the variance as requested with the following conditions: 1.) the area in the back lot cannot be used when calculating the impervious surface coverage for front lot development and 2.) the back lot can only be used for nonresidential structures.

**Marcus and Sharyl Richardson – Approved as requested. (6:39 p.m.)**

Marcus and Sharyl Richardson, Lot 20, Block 1, Govern Addition, Dead Lake in Dead Lake Township, requested a variance of 38' from the required side lot line setback of 90' for the placement of a water oriented accessory structure 52' from the side lot line. The audience was polled with no one speaking for or against the variance as requested. A letter from George Kettenacker in support of the variance as requested was read for the record. After discussion and consideration, motion was made by Steve Schierer, second by Paul Larson and unanimously carried, to approve a variance of 38' from the required side lot line setback of 90' for the placement of a 20' by 13' (boathouse) water oriented accessory structure 52' from the side lot line. It was noted that if the proposed structure was placed at the required setback distance from the side lot line it would obstruct views from the adjacent properties and would also be very visible from the lake. The proposed location does not obstruct the view from the neighboring properties and will barely be visible from the lake. Hardship is the terrain and topography of the applicants' property.

**David Gregg – Approved as requested with conditions. (6:44 p.m.)**

David Gregg, part of Government Lots 1 and 2, Section 35 of Girard Township by East Battle Lake, requested a variance to subdivide an existing 5.59 acre parcel into one 2.5 acre lake lot and into one 3.09 acre back lot. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, motion was made by Robert Schwartz, second by Steve Schierer and carried with Mark Steuart voting no, to approve a variance to subdivide an existing 5.59 acre parcel into one 2.5 acre lake lot (Tract C) and into one 3.09 acre back lot (Tract A) with the following conditions: 1) a registered surveyor's drawing must be provided at the time of conveyance, 2) an easement or easements for ingress and egress to Tract C must be legally recorded and 3) no additional variances will be needed for the development of these two tracts. It was noted that both of the proposed lots (lake and back) meet or exceed the minimum size requirements for platted lots in an area classified for recreational development. The variance as approved will provide the applicant with an ability to separate the commercial portion of the property from the residential portion of the property.

**Raymond Ciesielski – Approved as requested with a condition. (6:53 p.m.)**

Raymond Ciesielski, part of Government Lot 5, Section 33 of Tordenskjold Township by Stalker Lake, requested a variance of 75' from the required ordinary high water level setback of 150' for the placement of a septic system 75' from the lake and a variance of 123' from the required ordinary high water level setback of 200' for the replacement of a 12' by 64' manufacture home with a 16' by 64' home 77' from the ordinary high water level. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, motion was made by Paul Larson, second by Cecil Femling and unanimously carried, to approve a variance of 75' from the required ordinary high water level setback of 150' for the placement of a septic system 75' from the lake and a variance of 123' from the required ordinary high water level setback of 200' for the replacement of a 12' by 64' manufacture home with a 16' by 64' home 77' from the ordinary high water level with the condition that the Land and Resource Department must verify that the propose location for the septic system is in fact the best available site. Hardship is a substandard lot of record.

**Peter O Lienke - Denied as requested. Approved as modified. (7:02 p.m.)**

Peter O Lienke, ET AL, Lot 7 and part of Lot 6, Pebble Bay, West Leaf Lake in Leaf Lake Township, requested a variance of 68' from the required ordinary high water level setback of 100' for the construction of a 30' by 34' garage 32' from the ordinary high water level. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, motion was made by Cecil Femling, second by Steve Schierer and unanimously carried, to deny the variance as requested as the proposed structure would be within the shore impact zone and because there are other alternatives available to the applicant. After additional discussion and consideration, motion was made by Steve Schierer, second by Randall Mann and unanimously carried, to approve a 600 square foot garage being no closer to the ordinary high water level than the back/road (north) side of the existing dwelling. It was noted that the variance as granted would provide the applicant with a reasonable use of his property. Hardship is a substandard lot of record.

**Break 7:13 to 7:30 p.m.**

**Dennis Trudell – Approved as requested with a condition. (7:30 p.m.)**

Dennis Trudell, Lot 10, Minn-Kota Beach Second Addition, Dead Lake in Maine Township, requested a variance of 108' from the required ordinary high water level setback of 200' and a variance of 8' from the required shore impact zone setback of 100' for the placement of a dwelling 92' from the ordinary high water level. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, motion was made by Paul Larson, second by Steve Schierer and unanimously carried, to approve a variance of 108' from the required ordinary high water level setback of 200' and a variance of 8' from the required shore impact zone setback of 100' for the placement of a dwelling 92' from the ordinary high water level with the condition that the existing 12' by 16' boathouse must be placed behind the dwelling. It was noted that the applicant's proposed location is behind the existing building line. It was also noted that the removal of the boathouse (square footage) from the shore impact zone would offset some, if not all, of the proposed dwelling (square footage) which will be within the shore impact zone as depicted on the applicant's drawing. Hardship is a substandard lot of record.

**Teresa J. Shannon – Approved as requested with a condition. (7:35 p.m.)**

Teresa J. Shannon, part of Government Lot 4, Section 13 of Elizabeth Township by Jewett Lake, requested a variance to modify an existing structure attached to my home with a setback of approximately 54' to the waterline and less than 10' from the west lot line. I do not wish to increase the area of the existing foundation but only to change the two sides of the attached A-frame cabin to make the walls perpendicular to the ground with a new roof to match the pitch of the newer section of the house. The variance is also requested because of the difficulty in working within the normal guidelines due to the lot size being a substandard 75' of shoreline. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, motion was made by Randall Mann, second by Steve Schierer and unanimously carried to approve the variance as requested and as depicted on the applicant's drawing with the condition that the existing impervious surface must be reduced from its current coverage of 38% (as stated by the applicant) to no more than 30% before a site permit for the proposed development can be issued. It was noted that the graveled driveway does not have to be included as impervious surface when calculating the amount of impervious surface coverage on the applicant's property because the driveway is currently sustaining plant growth.

**Keith and Debra Mickelson – Denied. (7:45 p.m.)**

Keith and Debra Mickelson, Lots 73, 74, 75 and 76, Sater-Humphrey Ranch Camp, Ten Mile Lake in Tumuli Township, requested a variance to build a 32' by 32' garage, 8, feet from the drain field instead of the recommended 20' setback. We have met all the other requirements on setbacks for our project. We will erect a temporary snow fence around drain field during construction so the drain field is not damaged. This will allow us to attach to our existing dwelling. We will be constructing the garage on the existing slab and driveway to stay within the 25% imperious surface. We have looked at other locations on our lot and they would obstruct the view of the lake from the road and we would be over the recommended 25% imperious surface. The audience was polled with Harland Martinson speaking for the variance as requested. After discussion and consideration, motion was made by Mark Steuart, second by Cecil Femling and unanimously carried, to deny the variance as requested as the applicants' request would establish a precedence that the Board of Adjustment does not wish to establish by placing an attached garage less than 20' from a drain field. It was noted that a reasonable use of the applicants' property could be obtained without the granting of the variance as requested.

**Roger and Kathleen Grewatz – Approved as requested. (7:56 p.m.)**

Roger and Kathleen Grewatz, part of Sub Lot A of Government Lot 1, Section 17 of Hobart Township by Rose Lake, requested a variance of 30' from the required wetland setback of 50' for the location of a drain field 20' from the wetland. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, motion was made by Randall Mann, second by Robert Schwartz and carried with Cecil Femling voting no, to approve a variance of 30' from the required wetland setback of 50' for the location of a drain field 20' from the wetland. It was noted that the approval of this request is being based on Kyle Westergard's statement that this is the only available location for the drain field and that the proposed system meets all other requirements including the vertical separation requirement. It was also noted that based on the information provided by Kyle Westergard the same motion would have been made had the variance request come before the Board of Adjustment prior to the start of the installation of the system.

**Dennis Splittgerber – Approved as requested with a condition. (8:07 p.m.)**

Dennis Splittgerber, part of the Northeast Quarter, Section 6 of Friberg Township by an unnamed lake, requested a variance to subdivide, by metes and bounds description, three parcels from an existing 80.52 acre tract. Two parcels would have 2.5 acres each and the other parcel would have 3 acres. Minimum size for metes and bounds parcels within the shoreland area is 5 acres, Bud Nelson, realtor, 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 discussion and consideration, motion was made by Cecil Femling, second by Randall Mann and carried with Mark Steuart voting no, to approve a variance to subdivide, by metes and bounds description, three parcels as depicted on the drawing submitted with the variance application from an existing 80.52 acre tract with the condition that a registered surveyor's drawing must be presented at the time of conveyance. It was noted that the proposed lots meet and/or exceed the minimum size requirements for platted back lots in a general development area. It was also noted that this action of the board is consistent with past actions.

**Randall J. Stoick – Approved as modified and with a condition. (8:18 p.m.)**

Randall J. Stoick, part of Government Lot 4, Section 27 of Lida Township by Lake Lida, requested a variance of 4.5' from the required side lot line setback of 10' for a 12' by 20' addition to an existing structure being 5.5' from the side lot line at its nearest point. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, motion was made by Paul Larson, second by Steve Schierer and unanimously carried, to approve a variance of 5' from the side lot line setback of 10' for the placement of a 14' by 20' addition to the main portion of the cabin 5' from the side lot line with the condition that an existing 8' by 9' shed and an existing 8' by 25' shed must be removed before a site permit can be issued for the proposed development. Hardship is a substandard lot of record.

**Earl Mickelson – Approved as requested. (8:30 p.m.)**

Earl Mickelson, part of Government Lot 2, Section 35 of Dora Township by Star Lake, requested a variance to subdivide, by metes and bounds description, a 2.33 acre parcel into two separate parcels. Parcel "A" as identified on the registered surveyor's drawing would have approximately 48,720 square feet of area and the width of the parcel parallel to the lake would be approximately 247.72'. Parcel "B" as identified on the registered surveyor's drawing would have approximately 52,710 square feet of area and the width of the parcel parallel to the lake would be approximately 246.49'. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, motion was made by Cecil Femling, second by Robert Schwarts and carried with Mark Steuart voting no, to approve a variance to subdivide, by metes and bounds description, a 2.33 acre parcel into two separate parcels as depicted on the registered surveyor's drawing submitted by the applicant with his application.

**Janet K. Strunic – Approved as requested with a condition. (8:42 p.m.)**

Janet K. Strunic, part of Government Lot 1, Section 30 of Henning Township by East Battle Lake, requested a variance to have a substandard back lot declared a buildable lot. The audience was polled with John Dunn speaking for the variance as requested. After discussion and consideration, motion was made by Steve Schierer, second by Paul Larson 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. The variance as granted will give the applicant the ability to enjoy the same rights and privileges as others in this immediate area.

**Joseph and Colleen Fjelstad – Approved as requested with a condition. (8:55 p.m.)**

Joseph and Colleen Fjelstad, Lot 17, San-Dee Cove Beach, Lake Lida in Lida Township, requested a variance of 5' from the required side lot line setback of 10' for the placement of a 24' by 36' garage 5' from the lot line. The audience was polled with no one speaking for or against the variance as requested. Letters from Norma Plath and from William and Monica Stutsman in support of the variance as requested were read for the record. After discussion and consideration, motion was made by Steve Schierer, second by Paul Larson and unanimously carried, to approve a variance of 5' from the required side lot line setback of 10' for the placement of a 24' by 36' garage 5' from the lot line at its closest point with the condition that before a site permit can be issued an existing 8' by 16' boathouse must be removed. Hardship is a substandard lot of record.

**Roger and Kathleen Silkey – Denied Option 1. Approve Option 2 as modified and with a condition. (9:06 p.m.)**

Roger and Kathleen Silkey, Lot 1, Pancratz Beach, Big Pine Lake in Pine Lake Township, requested the following: Option I – Roof line change (25' lake setback variance on existing cabin). Option II – Remove existing structure and rebuild in same location (25' lake setback). (prefer Option II). Letters from Robert Cavanagh and from Dennis and Diane Kragnes in support of the variance as request were read for the record. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, motion was made by Steve Schierer, second by Randall Mann and unanimously carried, to approve a variance of 15' from the required ordinary high water level setback of 75' for the placement of a new dwelling 60' from the ordinary high water level with the condition that all other requirements of the Shoreland Management Ordinance must be met. After additional discussion, motion was made by Paul Larson, second by Robert Schwartz to approve Option 1. This motion failed with Cecil Femling, Randall Mann and Steve Schierer voting no.

With no further business Randall Mann, Chairman, declared the meeting adjourned at 9:30 p.m.