

**MINUTES OF THE MEETING  
OF THE  
OTTER TAIL COUNTY BOARD OF ADJUSTMENT  
Thursday, November 7, 2002**

The Otter Tail County Board of Adjustment met Thursday, November 7, 2002, with the following persons in attendance:

Les Estes	Cecil Femling
Paul Larson	Randall Mann
Steve Schierer	Mark Steuart
Wayne Roisum, Land and Resource Management Department	
Kurt Mortenson, Assistant County Attorney	
Cherie Clark, Assistant County Attorney	

**Call to Order –**

Randall Mann, Chair, 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 October 10, 2002 meeting was approved as mailed.

**The following variance requests were heard:**

**Earl and Linda Foss – Approved as requested with a condition. (6:30 p.m.)**

Earl and Linda Foss, Ottetail, MN, requested a variance to amend the 1996 variance approval which required the removal of campers from the campsite between November 1 and April 1. This creates an undo hardship to campers and unfair competition to our resort as no other resort or campground has this restriction. The property is described as the North 222.4' of the East 879.9' on North Line of Sub Lot 5 and 6 of Government Lot 3 and 4, Section 23 of Rush Lake Township by Rush Lake. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by Cecil Femling, second by Steve Schierer and unanimously carried, to remove the following condition from the August 1, 1996 Board of Adjustment minutes, "that units can only be placed on these campsites during the period of April 1 through November 1", with the understanding that all other conditions and setback requirements of the August 1, 1996 minutes must be met. It was noted that this variance application is a reasonable request as no other resort is subject to the condition that was stated in the August 1, 1996 minutes. It was also noted that the granting of this request would provide the applicants with the ability to enjoy the same rights and privileges as other resort operators within Otter Tail County.

**Caryn and Greg Tauer – Approved proposed project with conditions. (6:38 p.m.)**

Caryn and Greg Tauer, Golden Valley, MN requested a variance of 54' from the required ordinary high water level setback of 75' and a variance of 16.5' from the required shore impact zone setback of 37.5' for the lifting of an existing cabin and for the placement of either a slab or footing 21' from the ordinary high water level. It should be noted that the cabin substructure is settling and rotting. The proposed project calls for the replacement of rotten joists, plates, decking, studs and siding. It was also noted that the cabin would be placed in the same location but perhaps raised 1 or 2'. The property is described as the East 25' of Lot 6 and the west half of Lot 7, William Reese's Lakeshore, Rush Lake in Rush Lake Township. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by Steve Schierer, second by Cecil Femling and unanimously carried, to approve the applicants' proposed project as stated in the variance application with the condition that the repaired structure must be placed at least 37.5' from the ordinary high water level and must be placed at least 10' of the side lot lines. It was noted that the variance as approved is consistent with past actions of the Board of Adjustment.

**Gary and Audrey Erdmann – Approved as requested. (6:53 p.m.)**

Gary and Audrey Erdmann, Dent, MN, requested a variance of 139' from the required ordinary high water level setback of 200' and a variance of 39' from the required shore impact zone setback of 100' for the placement of a 9' by 24' addition on the west side of the existing dwelling 61' from the ordinary high water level. The property is described as Lots 23, 24, and 25, Block 1, Brightwood Shoreline, Dead Lake in Star Lake Township. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by Cecil Femling, second by Steve Schierer and unanimously carried, to approve a variance of 139' from the required ordinary high water level setback of 200' and a variance of 39' from the required shore impact zone setback of 100' for the placement of a 9' by 24' addition on the west side of an existing dwelling 61' from the ordinary high water level. It should be noted that the proposed addition would be no closer to the ordinary high water level than the existing structure. It was also noted that the variance as approved is consistent with past actions of the Board of Adjustment.

**Estate of Arthur L. Christianson - Approved with conditions. (6:56 p.m.)**

Estate of Arthur L. Christianson, C/O Sandra L. Elton, Fargo, ND, requested a variance to split Lot 1, Block 1 of Stony Bar Estates into two pieces, attaching the easterly portion of Lot 1, Block 1 to Lot 27, Block 1, resulting in a single lot with one building site on Lot 27. The westerly portion of Lot 1, Block 1, will be approximately 105 feet in width, and will be attached to either Lot 2, Block 1 or to Lot 26, Block 1. If attached to Lot 2, Block 1, the combined property would be suitable for one single-family residence. If the westerly portion of Lot 1, Block 1, were attached to Lot 26, Block 1, the combined property would be suitable for one residence. The approximate location of the dividing line is shown on the applicant's drawing. Lots 26 and 27 are currently in separate ownership, and Lots 1, 2, 26 and 27 are all currently separate buildable lots. The net result of granting the variance will be to eliminate one of these building sites. A surveyor's drawing will be provided at the time of recording. The property is described as Lot 1, Stony Bar Estates, Lake Lida in Lida Township. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by Steve Schierer, second by Cecil Femling and unanimously carried, to approve the permanent attachment of the westerly 105' of Lot 1, Block 1, Stony Bar Estates, to Lot 26, Block 1, Stony Bar Estates, with the condition that the westerly 105' of Lot 1, Block 1, Stony Bar Estates cannot be used for the placement of a dwelling and to approve the permanent attachment of the remain portion of Lot 1, Block 1, Stony Bar Estates to Lot 27, Block 1, Stony Bar Estates with the condition that the existing older structure on Lot 1, Block 1, must be removed.

**Stacy Montella – Approved as requested with a condition. (7:07 p.m.)**

Stacy Montella, Ottertail, MN, requested a variance to have a substandard back lot declared a buildable lot for residential purposes. The property is described as Lot 1, Block 2, Carr's Subdivision, Otter Tail Lake in Amor Township. The audience was polled with Roger Kilmeyer, Louis Swigert, Jon Gunderson and the owner of Lots 8, 9, 10 and 11 speaking to the variance as requested. After consideration, motion was made by Randall Mann, second by Cecil Femling and carried with Paul Larson voting no, to declare Lot 1, Block 2, Carr's Subdivision, a buildable lot for residential purposes with the condition that all other setback requirements must be met. It was noted that the granting of the variance as requested will provide the applicant with a reasonable use of her property and will be consistent with similar property uses within this immediate area.

**David Donley – Approved as requested with condition. (7:18 p.m.)**

David Donley, Ottertail, MN requested a variance to change the property lines from east and west to north and south. So driveways enter lots from Round Lake Drive. To create Lots 1 and 2, B&K Acres into two 2.5 acre parcels. The property is described as Lots 1 and 2, B&K Acres, Round Lake in Rush Lake Township. Jon Gunderson and Tom Decock represented the applicant at the public hearing. The audience was polled with no one speaking for or against the request. After consideration and discussion, 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 land survey describing and depicting the newly described parcels must be provided. It was noted that the proposed lot configurations would address public safety concerns by preventing direct access from the lots to State Highway No. 78

**Alwyn Martinson – Approved as requested. (7:30 p.m.)**

Alwyn Martinson, Vergas, MN, requested a variance of 18' from the required ordinary high water level setback of 200' for the construction of a 20' by 60' storage building 182' from the ordinary high water level. The property is described as the West Half of the Southwest Quarter of the Southwest Quarter, Section 21 of Dora Township by an unnamed lake. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by Cecil Femling, second by Paul Larson and unanimously carried, to approve a variance of 18' from the required ordinary high water level setback of 200' for the construction of a 20' by 60' storage building 182' from the ordinary high water level. It was noted that the proposed structure does not restrict view from the adjacent properties and will be no closer to the ordinary high water level than other structure on this established farm site. It was also noted that an existing lean-to would be removed.

**Dennis and Loretta Sumstad – Denied road right-of-way setback. Approved Septic Tank Setback. (7:37 p.m.)**

Dennis and Loretta Sumstad, Vining, MN, requested a variance of 10' from the required road right-of-way setback of 20' and a variance of 4' from the required septic tank setback of 10' for the placement of a 4' addition to an existing garage 10' from the road right-of-way and 6' from the holding tank. The property is described as Lot 12, Ukkelberg Beach, West Battle Lake in Girard Township. A letter from Mr. and Mrs. Robert Nelson in support of the variance as requested was 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 Cecil Femling, to approve a variance of 10' from the required road right-of-way setback of 20' and a variance of 4' from the required septic tank setback of 10' for the placement of a 4' addition to an existing garage 10' from the road right-of-way and 6' from the holding tank with the condition that a letter from the township accepting the placement of the garage 10' from the road right-of-way must be obtained. This motion failed with Randall Mann, Mark Steuart, Les Estes, and Steve Schierer voting no. It was noted by those voting no that had the variance application been submitted before the project was started it would not have been approved as there is adequate room for the placement of the addition on the other side of the garage away from the road right-of-way. After additional discussion and consideration, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, to approve a variance of 4' from the required septic tank setback of 10' for the placement of a garage and/or an addition to the garage 6' from the holding tank. It was noted that the variance as granted from the required holding tank setback of 10' for a non-dwelling structure is consistent with prior actions of the Board of Adjustment.

**Weisser Trust – Denied. (7:50 p.m.)**

Weisser Trust, Fargo, ND, requested a variance of 4' from the required septic tank setback of 10' for the construction of a 24' by 18' addition to an existing dwelling 6' from the holding tank. The property is as described Lot 3, Dunneden Beach, Lake Lizzie in Dunn Township. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Mark Steuart, second by Les Estes and unanimously carried, to deny the variance as requested as no adequate hardship unique to the property had been shown that would allow for the granting of the variance as requested and noting that there was adequate room to move the septic tank to a location that would meet the required 10' separation.

**Floyd Beecher – Denied. (7:56 p.m.)**

Floyd Beecher Estate, Battle Lake, MN, requested the following: “Split 60’ lot with cabin. Owner owns 3 adjacent parcels totaling 120’ – requested parcel to be split is a separate tax parcel and has been since 1967. Also, remaining 2 parcels (60’) are subject to a life estate which does not encumber the parcel we are requesting to sell. “ The property is described as part of Government Lot 4, Section 9 and part of Lot 10, Anderson’s Beach, Wall Lake in Dane Prairie Township. Milt Paulson represented the application at the both public hearing. The audience was polled with no one speaking for or against the request. **October 10, 2002 Meeting** - After consideration, motion was made by Steve Schierer, second by Randall Mann and unanimously carried, to table, with the verbal consent of the applicant, this variance application until the November 7, 2002 meeting of the Board of Adjustment for a determination by the County Attorney’s office as to whether or not a life estate interest in a substandard contiguous property creates a separate/different ownership. **November 7, 2002 Meeting** – Kurt Mortenson, Assistant County Attorney, reported that a life estate interest does not create a separate/different ownership, therefore, the three substandard contiguous parcels in questions do have common ownership. After additional discussion and consideration, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, to deny the variance as requested as no adequate hardship unique to the property had been shown that would allow for the granting of the variance as requested, the granting of the variance as requested would create a substandard lot and the denial of the variance as requested is consistent with prior actions of the Board of Adjustment.

**James and John Kent – Clarification**

The variance approval of October 10, 2002 was reviewed for purposes of clarification. After additional discussion and consideration, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, to approve a variance of 2’ from the required road right-of-way setback of 20’ for the placement of a new dwelling 18’ from the road right-of-way with the condition that all other provision of the October 10, 2002 variance approval must be met.

With no further business, Randall Mann, Chairman declared the meeting adjourned at 8:03 p.m.

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Wayne Stein, Secretary