

**MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Thursday, October 10, 2002**

The Otter Tail County Board of Adjustment met Thursday, October 10, 2002, with the following persons in attendance:

Cecil Femling	Paul Larson
Randall Mann	Steve Schierer
Mark Steuart	Leona Zimmerman
Pat Eckert, Land and Resource Management	
David Hauser, 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 3, 2002 meeting was approved as mailed.

The following variance requests were heard:

Floyd Beecher – Tabled. (6:30 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 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 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.

James and John Kent – Approved with conditions. (6:42 p.m.)

James and John Kent, Ashby, MN, requested a variance of 44’ from the required ordinary high water level setback of 100’ for the placement of a new dwelling 56’ from the ordinary high water level. It should be noted that an existing garage and a trailer/cabin would be removed and replaced with a one-story modular home. It should also be noted that the new home would be placed at the same setback as the existing structures. The property is described as part of Government Lot 1, Section 26 of Clitherall Township by Crane Lake. James Kent appeared before the Board of Adjustment. 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 44’ from the required ordinary high water level setback of 100’ for the placement of a new dwelling (modular, pre-built etc.) 56’ from the ordinary high water level with the condition that the dwelling must be at least 10’ from the side lot lines and with the condition that no more than 25% of the total lot area can be covered with impervious surfaces. Hardship is a substandard lot of record.

Victoria Winters – Approved as requested. (6:48 p.m.)

Victoria Winters, Champlin, MN, requested a variance to have a substandard back lot declared a buildable lot for residential purposes. The property is described as Lot 9, Block 2, Woodland Acres, Loon Lake in Candor Township. 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 declare Lot 9, Block 2, Woodland Acres a buildable lot for residential purposes. It was noted that this is a very large lot that had been residentially developed prior to the 1992 ordinance change that required back lots created after 1972 to be double the size of a front lot in order to be a buildable lot. Hardship is a back lot which, was platted in 1980 and which met the minimum size standards when platted, but has since been declared a non buildable lot because of a 1992 ordinance change.

Harley L. Olson –Approved as requested. (6:53 p.m.)

Harley L. Olson, Fergus Falls, MN, requested a variance of 3 to 5' from the required ordinary high water level setback of 75' for the placement of a new roof on an existing structure located 70 to 72' from the ordinary high water level. The property is described as Lot 1, Sunset Beach and part of Government Lot 3, Section 24 of Elizabeth Township by Jewett Lake. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Steve Schierer, second by Paul Larson and unanimously carried, to approve a variance of 3 to 5' from the required ordinary high water level setback of 75' for the placement of a new roof on an existing structure located 70 to 72' from the ordinary high water level. It was noted that the proposed project is a roof replacement project and not a roof repair project, thereby, requiring a variance since the structure is ahead of the string line, however the roof replacement project is necessary maintenance for this structure. Hardship is a substandard lot of record.

Luverne and Barbara Lovaasen – Approved as requested with a condition. (6:56 p.m.)

Luverne and Barbara Lovaasen, Vergas, MN, requested a variance to subdivide a 2.5-acre tract from and existing 60.25-acre parcel. The property is described as part of Government Lot 2, Section 11 of Dora Township by Sybil Lake. Letters from Burnell and Scott Lovaasen, Tom, Falk, Bertha Sonnenberg, Donald Greenwood and John and Janet Turgeon in support of the applicants' request were read in summary 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 carried with Mark Steuart voting no, to approve the proposed subdivision of a 2.5 acre parcel from an existing 60.25 acre tract with the condition that a registered survey must be presented at the time of conveyance. It was noted that the proposed parcel does have room for two onsite septic systems and does have access to a public road. It was also noted that the granting of the variance would allow the applicants the ability to separate there home from the remaining building on this farm site and that the granting of this variance is consistent with previous actions of the Board of Adjustment in similar situations.

Lois Ringquist – Approved as requested with a condition. (7:08 p.m.)

Lois Ringquist, Minneapolis, MN, requested the following: "In order to build a second floor on my cottage, using the identical footprint, I request: 1. Lot be declared buildable, 2. Setback from OHWL, neighboring structure and lot line and perhaps, road right-of-way variances, 3. Impervious surface variance." It should be noted that the structure is 13' from the ordinary high water level, 19.5' from the Northeast lot line, 0' from the southwest lot line and 25' from the road right of way. It should also be noted that currently 29% of the total lot area is covered with impervious surfaces. The property is described as the Northeast 55' of the Reserve Lot, Camp Corliss, Clitherall Lake in Clitherall Township. The audience was polled with Donald Myers speaking in support of the variance as requested. After consideration, motion was made by Steve Schierer, second by Cecil Femling and unanimously carried, to declared the lot a buildable lot and to grant the variances as requested from the ordinary high water level, the lot lines and the road right-of-way for the construction of a second floor within the existing footprint, which will increase the overall height of the existing structure by no more than 8', with the condition that no more than 25% of the total lot area can be covered with impervious surfaces, as determined by the Land and Resource Department, after completion of the proposed development. Hardship is a substandard lot of record. It was noted that the impervious surface coverage is the only issue that can be brought into compliance with the ordinance.

Donald Myers Et AL – Approved as requested with a condition. (7:35 p.m.)

Donald Myers Et AL, Moorhead, MN, requested the following: “in order to put on second story, using identical footprint. Declared a buildable lot, setback from lake is 13’ rather than 100’, setback from neighbor, impervious surface is 36.7% rather than 25%.” It should be noted that the structure is 13’ from the ordinary high water level, 0’ from the Northeast lot line, 21.5’ from the road right-of-way and 12’ from the southwest lot line. The property is described as the Southwest 45’ of the Reserve Lot, Camp Corliss, Clitherall Lake in Clitherall Township. 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 declared the lot a buildable lot and to grant the variances as requested from the ordinary high water level, the lot lines and the road right-of-way for the construction of a second floor within the existing footprint, which will increase the overall height of the existing structure by no more than 8’, with the condition that no more than 25% of the total lot area can be covered with impervious surfaces, as determined by the Land and Resource Department, after completion of the proposed development. Hardship is a substandard lot of record. It was noted that the impervious surface coverage is the only issue that can be brought into compliance with the ordinance.

Dennis and Carol Simenson – Approved as requested with condition. (7:43 p.m.)

Dennis and Carol Simenson, Bismarck, ND, requested the following: “The Westbys purchased this tract of land (indicated by the gray triangular shaded area on the attached map) from Clark and Violet Lien in 1989 but neglected to get a deed properly recorded at that time. This parcel of land has part of the Westby’s drain field on it and their garage would be inside of the 10-foot setback. Consequently I sold the gray shaded area to the Westby’s on 8-26-02 and offered a quit claim deed to them to correct the situation, recognizing that my lot (which has no permanent structures or septic system) is less than 5 acres. I request the Board to respectively accept this request for this application for variance. The gray area would than be permanently attached to Lot 1174-002 and then the Westby’s garage and septic system would be all back 10 feet from the proposed new lot line.” The property is described as part of Lot 23, Crystal Hills Seventh Addition, Crystal Lake in Lida Township. Norman and Joy Westby represented the applicant at the public hearing. A letter from Deb Sjostrom, AFC Licensing Social Worker for Otter Tail County, 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 Steve Schierer, second by Paul Larson and unanimously carried, to approve the proposed subdivision as requested in the application with the condition that a registered survey must be provided at the time of conveyance. It was noted that this is a very small parcel, which is being conveyed between the two parties, and that it will not negatively impact the sellers.

Brain Schwantz – Approved as requested with a condition. (7:54 p.m.)

Brian Schwantz, Ottertail, MN, requested the following: “We are requesting a variance to keep our lot buildable after selling approximately 6,000 square feet of our property to our neighbors. They now have 1.91 acres and we have 3.1 acres. We would then have approximately 2.95 acres and they would have 2.05 acres.” The property is described as part of the Northeast Quarter of the Northeast Quarter and part of Government Lot 1, Section 27 of Otter Tail Township by Pickerel Lake. Cami Schwantz represented the applicant at the public hearing. Christopher O’Kane appeared along 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 Cecil Femling, second by Paul Larson and carried, with Steve Schierer abstaining and with Mark Steuart and Leona Zimmerman voting no, to approve the variance as requested with the condition that a registered land survey must be provided at the time of conveyance.

Tom and Lisa Leuthner - Approved as requested with a condition. (8:00 p.m.)

Tom and Lisa Leuthner, Underwood, MN, requested a variance of 15' from the required side lot line setback of 50' for the construction of a dwelling 35' from the side lot line. The property is described as part of Government Lot 8, Section 2 of Sverdrup Township by East Lost Lake. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Mark Steuart, second by Leona Zimmerman and unanimously carried, to approve a variance of 15' from the required side lot line setback of 50' for the construction of a dwelling 35' from the side lot line with the condition that the cabin as identified for removal in the conditional use permit must be removed before a permit can be issued for the construction of a new dwelling. Hardship is the terrain and topography of the applicants' property.

Herb Knuti – Approved as requested with a condition. (8:05 p.m.)

Herb Knuti, Ottertail, MN, requested the following: I would like to raise the six cabins (cabins 1, 3 –7) 3 blocks high to get them off the ground and to eliminate flooding in the cabins. Cabins 3-7 are less than 50' from the side lot line. I would also like to put a 500-gallon tank in for fish guts, along my driveway on the south side 400' from the lake. It would be a holding tank and I would have it pumped on a regular bases. A letter from Lynn Schmiedeker in support of the variance as requested was read for the record. The property is described as part of Government Lot 1, Section 26 of Rush Lake Township by Rush Lake. The audience was not polled as there was no one in the audience at the time of this hearing. After consideration, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, to allow the applicant to raise six cabins (1, 3-7) and the office three block high, to approve a variance to allow cabins 3-7 and the office to remain in there present location, which is less than 50' from the ordinary high water level as depicted on the applicant's drawing, and to approve a variance, if necessary, for the placement of a 500 gallon holding tank at least 400' from the ordinary high water level and meeting all over setback requirements with the condition that the existing fish cleaning house must be placed at least 10' from the side lot line after the lot line is established by a survey that is in the process of being completed. It was noted that the raising of the cabins and the placement of the holding tank could proceed before the survey is completed. It was noted that the granting of this variance is consistent with prior action of the Board of Adjustment as it relates to resorts within this immediate area.

With no further business, Chairman Mann, declared the meeting adjourned at 8:22 p.m.

Wayne Stein, Secretary

