

**MINUTES OF THE MEETING  
OF THE  
OTTER TAIL COUNTY BOARD OF ADJUSTMENT  
Thursday, October 3, 2002**

The Otter Tail County Board of Adjustment met Thursday, October 3, 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	
Kurt Mortenson, 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 September 12, 2002 meeting was approved as mailed.

**The following variance requests were heard:**

**Roger Mickelson – Denied. (6:30 p.m.)**

Roger Mickelson, Dalton, MN, requested a variance of 50' from the required ordinary high water level setback of 100' for the construction of a 24' by 30' addition to an existing garage located 50' from the ordinary high water level. The property is described as Lots 26 through 32, Sater Humphrey Ranch Camp, Ten Mile Lake in Tumuli 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 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 a reasonable use the applicant's property could be obtained without the granting of a variance, as there are other locations available for the proposed development, which would not require the granting of a variance. It was also noted that if the applicant's drawing accurately represents the location of the proposed garage the addition would be ahead of the building line.

**Delores R Weitzel – Approved as modified. (6:40 p.m.)**

Delores R. Weitzel, Wahpeton, ND, requested a variance of 100' from the required ordinary high water level setback of 200' for the construction of a 56' by 30' storage building 100' from the ordinary high water level of Beauty Shore Lake. The property is described as a 2.5-acre parcel in Government Lot 3, Section 20 of Girard Township by West Battle Lake and Beauty Shore Lake. Bill Weitzel appeared along with the applicant at the public hearing. A letter from Virginia Hermann stating that the proposed location would be aesthetically incompatible with the surrounding area 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 Randall Mann and unanimously carried, to approve the placement of a 780 square foot garage at least (no closer than) 100' from Beauty Shore Lake and it must meet the required ordinary high water level setback from West Battle Lake. Hardship is that the applicant's property is located being two bodies of water and the terrain of the applicant's property. The 780 square foot structure, as approved, will provide the applicant with a reasonable use of her property. It was also noted that a 56' by 30' structure is an oversized structure for lakeshore property.

**Jerry Bommersbach – Approved with condition. (6:57 p.m.)**

Jerry Bommersbach, Wahpeton, ND, requested a variance of 25' from the required side lot line setback of 65' for the placement of a water oriented accessory structure 40' from the side lot lines. The property is described as part of Government Lot 2, Section 13 of Amor Township by Walker Lake. Sharon Bommersbach appeared with the applicant at the public hearing. A letter from William and Janet Schicker in opposition to 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 Randall Mann, second by Cecil Femling and unanimously carried, to approve a variance of 25' from the required side lot line setback of 65' for the placement of a water oriented accessory structure 40' from the side lot lines and at the location as depicted on the drawing submitted with the applicant's application with the condition that an existing 8' by 16' shed must be removed before a permit can be issued for the new structure. It was noted that the proposed location would not obstruct the view from the adjacent properties. Hardship is the terrain of the applicant's property and a substandard lot of record.

**Susan Lane Stutlien-Forney – Approved with condition. (7:11 p.m.)**

Susan Lane Stutlien-Forney, Dent, MN, requested a variance of 80' from the required ordinary high water level setback of 100' for a 26' by 44' addition to an existing dwelling located 20' from the ordinary high water level. The property is described as Lots 5 and 6, Kozelnik's Beach, Big McDonald Lake in Edna Township. James Forney represented that 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 Cecil Femling and carried with Leona Zimmerman voting no, to approve a variance of 80' from the required ordinary high water level setback of 100' for a 26' by 44' second story addition to an existing structure located 20' from the ordinary high water level with the condition that the (two) decks on the east and west sides of the existing structure must be removed 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. It was noted that the runoff from the new roof would be the same as the runoff from the existing roof.

**James P Wold – Denied. (7:23 p.m.)**

James P. Wold, Pelican Rapids, MN, requested a variance of 13' and a variance of 6' from the required wetlands setback of 50' for the placement of lift tank 37' from one wetland and 44' from the other wetland. The property is described as Lots B, C, D, E and a 25' wide strip south of these lots, Section 12 of Scambler Township by Pelican Lake. Nate, a representative from Hough Inc., 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 Mark Steuart and unanimously carried, to deny the variance as requested as the request would not have been approved had the request been made prior to the completion of the project. It was noted that there is no adequate hardship unique to the property that would allow for the granting of the variance as requested and that other alternatives not requiring the granting of a variance are available to the applicant.

**Thomas and Heidi Klosterman – Denied. (7:30 p.m.)**

Thomas and Heidi Klosterman, Wyndmere, ND, requested the following: Proposal "A" - "To exchange current 14' by 68' trailer home, 3 bedrooms for 3 bedroom 28' by 58' 8" double wide model from Harvest Homes. This would be much more attractive and in harmony with the other units on the family owned site (2 adjoining lots, 25 and 26). This is the only 'trailer' in the area; has been on site since 1960, being 'grandfathered in'. The new model would be five feet further back from the road, on the rear lot, and in line with neighbors garages." This is a second dwelling on the lots or Proposal "B" – "To improve existing trailer house to bring it into harmony with the other units on 2 adjoining family owned lots. 1. Replace existing doors and windows. 2. Replace deck; same dimensions or less. 3. Matching pitched roof, using same shingles as other units; to stay 190' from shore. 4. Siding to match other units on site, supported by 2" studs. 5. Improve looks of front by replacing trailer front' and existing bay window with new bay window and a flat lower front." This is a second dwelling on the lots. The property is described as part of Government Lot 2, Section 1 of Everts Township by Otter Tail Lake. Letters from Richard Haire, Ray and Peggy DeBoever, Betty and Don Freese, Tom and Rachel Klosterman and Ron and Marilee Tisiher 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 Randall Mann and unanimously carried, to deny the variance as requested as the applicants' request is for a prohibited use, therefore, the Board of Adjustment cannot grant a variance.

**Dunn Township and Dave Butenhoff – Approved as requested with condition. (7:45 p.m.)**

Dunn Township, Pelican Rapids, and Dave Butenhoff, Pelican Rapids, MN, requested a variance to install a new drain field in the Dunn Township road right-of-way and a variance to install a new drain field within 5' of the neighbors lot line. The property is described as Lot 30, Seifert Beach, Lake Lizzie in Dunn Township. Letters from Howard Trapp and from Dunn Township in support of the variance as requested were 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 and unanimously carried, to approve the variance as requested and as depicted on the applicant's drawing with the condition that the Land and Resource Department must approve the drain field site before installation of the proposed system. Hardship is a substandard lot of record.

**Kenneth L. Washek – Denied. (7:50 p.m.)**

Kenneth L. Washek, Henning, MN, requested a variance of 5' from the required side lot line setback of 10' for the construction of a detached garage and an addition to an existing dwelling 5' from the side lot line. The property is described as the East 50' of Lot 1, Murgala's Beach, West Battle Lake in Girard Township. A letter from Helen B. Church in support of the applicant's request was read for the record. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Mark Steuart, second by Paul Larson 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. It was noted that the applicant could obtain a reasonable use of his property without the granting of a variance as another alternative for both proposed projects does exist.

**Karl Edward and Kathryn Ann Trainor – Approved as requested with condition. (8:06 p.m.)**

Karl Edward and Kathryn Ann Trainor, Pelican Rapids, MN, requested a variance of 13' from the required road right-of-way setback of 20' for the construction of a 20' by 24' garage 7' from the road right-of-way. The property is described as Lot 6, Poss Survey Lots of Government Lot 7, Section 31 of Dunn Township by Lake Lizzie. 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 13' from the required road right-of-way setback of 20' for the construction of a 20' by 24' garage 7' from the road right-of-way with the condition that a letter of approval must be obtained from the township. Hardship is a substandard lot of record. It was also noted that the granting of the variance as requested would provide the applicants with an ability to enjoy the same rights and privileges as others in this immediate area.

**Gerald W. and Eunice B. Miller – Approved as requested. (8:11 p.m.)**

Gerald W. and Eunice B. Miller, Underwood, MN, requested a variance of 84' from the required ordinary high water level setback of 200' for the construction of a screened in porch 116' from the ordinary high water level. The property is described as all of Sub Lot 6 and part of Sub Lot 1, Section 35 of Maine Township by Leon Lake. 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 a variance of 84' from the required ordinary high water level setback of 200' for the construction of a screened in porch 116' from the ordinary high water level. It was noted that the proposed porch would not obstruct the view from the adjacent properties. It was also noted that the proposed porch is behind the building line, which is established towards the east of the applicants' property.

**Allen & Glenna Fitzgerald – Approved as modified. (8:17 p.m.)**

Allen & Glenna Fitzgerald, Moorhead, MN, requested a variance of 9' from the required side lot line setback of 10' for the installation of a septic system 1' from the lot line. The property is described as Lot 12, Meyers Addition, West McDonald Lake in Dora Township. **September 5, 2002 Meeting** -A letter from Charles Meyer 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 discussion and consideration, motion was made by Steve Schierer, second by Paul Larson and unanimously carried, with the verbal consent of the applicant, to table this variance request until the October meeting of the Board of Adjustment for additional review and consideration by the proposed septic system installer. **October 3, 2002 Meeting** – After consideration, motion was made by Randall Mann, second by Cecil Femling and carried with Leona Zimmerman voting no, to approve a variance of 5' from the required side lot line setback of 10' for the installation of a septic system 5' from the lot line. Hardship is a substandard lot of record.

**Cheryl Boche – Withdrawn.**

Cheryl Boche, Woodbury, MN, requested the following: "a variance of the 10' setback requirement for a sewage holding tank. The proposed cabin addition of 6' would leave the dwelling 6' 5" from the outside edge of the holding tank. The present roofline does not allow for expansion in any other direction without major rebuilding and cost." Request a variance of 3' 7" from the required septic tank setback of 10' for the placement of a 6' by 22.5' addition to an existing dwelling 6' 5" from the septic tank. The property is described as Lot 79, Nedberg-Nye Survey Lots of Government Lots 1, 2 and 3, Section 1 of Edna Township by Devils Lake. **September 5, 2002 Meeting** -The audience was polled with no one speaking for or against the request. After discussion and consideration, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, with the verbal consent of the applicant, to table this variance request until the October meeting of the Board of Adjustment for additional review and consideration by the applicants. **October 3, 2002 Meeting** – After consideration, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, to accept the applicant request to withdraw her variance application.

**Kenneth Nordlund – Modification.**

Pat Eckert, Land and Resource Department, brought forth a slight modification to the building plan which was previously acted upon on Thursday, July 11, 2002. After discussion and consideration, the Board of Adjustment indicated by general consent that the proposed modification as depicted on the revised drawing met the intent of the variance as previously granted and that the applicant could proceed with this minor modification.

With no further business, Randall Mann, Chairman declared the meeting adjourned at 8:20 p.m.

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Wayne Stein, Secretary