

**MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Wednesday, July 3, 2002**

The Otter Tail County Board of Adjustment met Wednesday, July 3, 2002, with the following persons in attendance:

Cecil Femling	Paul Larson
Randall Mann	Steve Schierer
Robert Schwartz	Mark Steuart
Pat Eckert, Land and Resource Management	David Hauser, 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 June 13, 2002 meeting was approved as mailed.

The following variance requests were heard:

Steven and Sharon Mondt – Approved as modified (place 12' by 12' storage building on back lot) and with condition. (6:32 p.m.)

Steven and Sharon Mondt, Pelican Rapids, MN, requested a variance of 125' from the required ordinary high water level setback of 200' for the placement of a dwelling 75' from the ordinary high water level and behind the existing string line, a variance of 10' from the required road right-of-way setback of 20' for the placement of 12' by 12' metal storage structure 10' from the road right-of-way, and a variance to place an outhouse meeting all setback requirements on the back lot identified as "Parcel B" on the applicants' drawing. The property is described as Lot 6, Block 2, Yaquina Bay and part of Government Lot 4, Section 8 of Dead Lake Township by Dead Lake. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Cecil Femling, second by Steve Schierer and unanimously carried, to approve a variance of 125' from the required ordinary high water level setback of 200' for the placement of a dwelling 75' from the ordinary high water level and to approve the placement of the 12' by 12' shed and the 10' by 15' outhouse on Parcel "B", as identified on the applicant's drawing, so long as both structures meet all setback requirements. It was noted that the proposed dwelling will be behind the existing building line/string line and the variances as approved will provide the applicants with the ability to enjoy the same rights and privileges as others in this immediate area. Hardship is a substandard lot of record.

Kevin J. Nelson – Approved as requested. (6:44 p.m.)

Kevin J Nelson, Alexandria, MN, requested a variance of 97' from the required ordinary high water level setback of 200' for the placement of a double wide home 13' ahead of the string line or approximately 103' from the ordinary high water level. The property is described as Lot 5, Minn-Kota Beach Second Addition, Dead Lake in Maine Township. Tony Nelson appeared 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 Robert Schwartz, second by Paul Larson and carried with Randall Mann and Steve Schierer voting no, to approve a variance of 97' from the required ordinary high water level setback of 200' for the placement of a double wide home 13' ahead of the string line, which is approximately 103' from the ordinary high water level. It was noted that the proposed structure would be placed no closer to the ordinary high water level than the existing mobile home. Hardship is a substandard lot of record.

Sterling and Patricia Tucker – Approved as requested. (6:56 p.m.)

Sterling and Patricia Tucker, Battle Lake, MN, requested a variance of 65' from the required ordinary high water level setback of 100' for the replacement of an existing dwelling with a new 26' 8" by 54' 8" dwelling 35' from the ordinary high water level. The property is described as Lot 15, Silver View Park, Silver Lake in Everts Township. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Cecil Femling, second by Robert Schwartz and unanimously carried, to approve a variance of 65' from the required ordinary high water level setback of 100' for the replacement of an existing dwelling with a new 26' 8" by 54' 8" dwelling 35' from the ordinary high water level. It was noted that this would be an improvement as the existing structure is only 22' from the ordinary high water level. It was also noted that the proposed structure is behind the string line. Hardship is a substandard lot of record.

John J. Radlinger – Approved with condition. (7:20 p.m.)

John J. Radlinger, Et Al, Frazee, MN, requested a variance of 43' from the required ordinary high water level setback of 100' for proposed changes to the roof line of an existing dwelling located 57' from the ordinary high water level at its closest point. The property is described as part of Government Lot 6, Section 21 of Hobart Township by Rose Lake. 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 Paul Larson and Cecil Femling voting no, to approve a variance of 43' from the required ordinary high water level setback of 100' for changes to the roof line of an existing dwelling located 57' from the ordinary high water level, at its closest point, with the condition that, on or before October 31, 2002, the existing fish cleaning shed must be either removed or placed in a location that complies with all of the setback requirement of the shoreland management ordinance. Hardship is a substandard lot of record.

Mary J. Shirely – Approved as requested. (7:10 p.m.)

Mary J. Shirley, Hopkins, MN, requested a variance of 8' from the required lot line setback of 10' and a variance of 18' from the required road right-of-way setback of 20' for the construction of a 24' by 24' garage 2' from the rear property line and 2' from the road right-of-way. A letter from Larry Dorn in support of the applicant's request was read for the record. The property is described as Lot 13, Roinez Beach, Otter Tail Lake in Amor Township. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Robert Schwartz, second by Paul Larson and unanimously carried, to approve a variance of 8' from the required lot line setback of 10' and a variance of 18' from the required road right-of-way setback of 20' for the construction of a 24' by 24' garage 2' from the rear property line and 2' from the road right-of-way. Hardship is a substandard lot of record.

Thomas W. Hanson – Denied. (7:20 p.m.)

Thomas W. Hanson, Detroit Lakes, MN, requested a variance to cover more than 25% of the total lot area with impervious surfaces. Per the applicant's drawing the front lot has impervious surface coverage of 42.8% and the back lot has impervious surface coverage of 31.7%. The applicant is proposing the covering of an existing deck on the eastside of the restaurant. The applicant has noted that no additional impervious surface is being created by the proposed project. The property is described as Lots 3 and 4, Otter Tail River Park and part of Government Lot 5, Section 4 of Everts Township by Otter Tail Lake. The audience was polled with Bob Russell, Attorney, speaking against the variance as requested. It should be noted that Mr. Russell was representing Tim and Missy Chisholm. Tim and Missy Chisholm have an interest in the property to the south of Mr. Hanson's property.

Thomas W. Hanson – Denied. (7:20 p.m.) Continued.

Bob Russell, Attorney, noted the following for consideration by the Board of Adjustment: 1) a non-approved deck constructed after the 1995 ice damage, 2) the deck is located 2' from the lot line, 3) previously there was no deck on that side of the building, 4) the use of the deck was expanded by the addition of a door on that side of the building, 5) the expanded use of the deck has been to the detriment of Mr. Russell's clients, 6) the expanded use has allowed for overflow which has added noise and traffic problems, 7) no access to the business from the lake which results in customers trespassing on Mr. Russell's client's property, 8) the increase height of the wall obstruct the view from the adjacent property, and 9) a non-permitted use is being expanded without a conditional use application being submitted for consideration. A letter from Bernard and Shirley Mahrer in opposition to the variance as requested was read for the record. A phone message from Mrs. William Taylor in opposition to the variance as requested was read for the record. The legal status of the existing deck was discussed. Mr. Hanson noted that covering the existing deck would not expanded or change the use of the existing business. After discussion and consideration, motion was made by Steve Schierer, second by Randall Mann to approve a variance to cover more than 25% of the total lot area with impervious surfaces as requested by the applicant. This motion failed to carry with Mark Steuart, Cecil Femling and Robert Schwartz voting no. Those voting for the motion noted that covering the deck would not change the existing condition or the impact on the adjacent property

LeRoy G. Jones – Approved with condition. (8:14 p.m.)

LeRoy G. Jones, Rockford, IL, requested a variance of 70' from the required ordinary high water level setback of 150' and a variance of 10' from the required road right-of-way setback of 10' for the placement of a holding tank 80' from the ordinary high water level and 0' from the road right-of-way. The property is described as the West 700' of Government Lot 1, Section 36 of Star Lake Township by Dead Lake. 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 unanimously carried, to approve a variance of 70' from the required ordinary high water level setback of 150' and a variance of 10' from the required road right-of-way setback of 10' for the placement of a holding tank 80' from the ordinary high water level and 0' from the road right-of-way with the condition that the applicant must obtain a letter of approval from the Star Lake Township Board of Supervisors.

Omar W. and Darlene B. Erslund – Approved as modified with condition. (8:22 p.m.)

Omar W and Darlene B Erslund, Fergus Falls, MN, requested a variance of 5' from the required ordinary high water level setback of 75' and a variance of 1' from the required east side lot line setback of 10' for a 4 season room addition to the main floor, as depicted in the application and drawing, located 70' from the ordinary high water level and 9' from the side lot line at its closets point. The property is described as part of Government Lot 4, Section 13 of Elizabeth Township by Jewett Lake. The audience was polled with Jim Myhre speaking neither for or against the request, but rather seeking clarification regarding the roof line and the height of the proposed project and also indicating that he is considering a project which may also require a side lot line variance because of the angle of the lot line. After consideration, motion was made by Steve Schierer, second by Cecil Femling and carried with Mark Steuart voting no, to approve a variance of 1' from the required side lot line setback of 10' for the placement of a proposed addition 9' from the side lot line and to allow for the placement of the proposed addition no closer to the ordinary high water level than what would be allowed when applying the string line from the southwest corner of the structure on the Jim Myhre property to the corner (point) closest to the lake on the Teresa Shannon structure 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 and the biased lot line.

Marlo Sonnenberg – Approved as requested. (8:37 p.m.)

Marlo Sonnenberg, Perham, MN, requested a variance of 40' from the required ordinary high water level setback of 100' for the location of a building site 60' from the ordinary high water level. The property is described as Lot 5, Jerry – Marg Beach Fourth Addition, Lake 7/Scalp Lake in Hobart Township. A letter from the township indicating that the township had no objection to the applicant's request so long as the applicant was aware of his responsibilities was noted 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 Robert Schwartz and carried with Mark Steuart voting no, to approve a variance of 40' from the required ordinary high water level setback of 100' for the location of a building site 60' from the ordinary high water level. It was noted that the variance as approved would place the applicant's dwelling within the existing building line. Hardship is substandard lot of record.

Paul Sonnenberg - Approved as requested. (8:37 p.m.)

Paul Sonnenberg, Perham, MN, requested a variance of 40' from the required ordinary high water level setback of 100' for the location of a building site 60' from the ordinary high water level. The property is described as Lot 4, Jerry – Marg Beach Fourth Addition, Lake 7/Scalp Lake in Hobart Township. A letter from the township indicating that the township had no objection to the applicant's request so long as the applicant was aware of his responsibilities was noted 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 Robert Schwartz and carried with Mark Steuart voting no, to approve a variance of 40' from the required ordinary high water level setback of 100' for the location of a building site 60' from the ordinary high water level. It was noted that the variance as approved would place the applicant's dwelling within the existing building line. Hardship is substandard lot of record.

Haverty Trust – Approved as modified with a condition. (8:45 p.m.)

Haverty Trust, Richville, MN, requested a variance 15' from the required ordinary high water level setback of 75' for the replacement of an existing dwelling with a new dwelling 60' from the ordinary high water level at its closest point and a variance of 25' from the required ordinary high water level setback of 75' for the placement of a low profile deck 50' from the ordinary high water level at its closest point. The property is described as part of Lots 1 and 2, Blue Heron Beach, Otter Tail Lake in Otter Tail Township. The audience was polled with no one speaking for or against the request. The applicant noted that the variance requested for the deck was no longer necessary as the deck would not exceed the three-foot height limitation. After consideration, motion was made by Randall Mann, second by Steve Schierer and carried with Mark Steuart voting no, to approve the application of the modified string line, as depicted on the applicant's drawing, for the location of a building site which will be approximately 60' from the ordinary high water level at its closest point with the condition that no more than 25% of the total lot area can be covered with impervious surfaces.

Robert Maneval - Approved as modified and with a condition. (8:47 p.m.)

Robert Maneval, Vergas, MN, requested a variance to subdivide five substandard contiguous back lots into three lots for purpose of residential development. The applicant is proposing the combination of Lots 1, 2 and 3, Block 2, Y&M Properties into one lot and is requesting that Lots 4 and 5, Block 2, Y&M Properties be considered as separate buildable lots. The property is described as Lots 1, 2, 3, 4 and 5, Block 2, Y&M Properties, Lake Ida in Candor Township. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Robert Schwartz, second by Mark Steuart to deny the variance as requested. This motion failed with Steve Schierer, Paul Larson and Randall Mann voting no. After additional discussion and consideration, motion was made by Paul Larson, second by Steve Schierer and carried with Mark Steuart and Robert Schwartz voting no, to approve a variance to subdivide five substandard contiguous back lots into two buildable residential lots with the condition that each lot must have 144,600 square feet of area or approximately half of the total area contained within the five lots. It was noted that these two lots would be have approximately 90% of the required area and significantly more than the required frontage and lot width.

Mary Beth Brandt – Approved as modified. (9:07 p.m.)

Mary Beth Brandt Et Al, Clitherall, MN, requested a variance of 124' from the required ordinary high water level setback of 200' for the construction of a 10' 5" by 24' screen porch (enclose existing deck) 76' from the ordinary high water level: a variance of 75' from the required ordinary high water level setback of 200' and a variance of 5' from the required road right-of-way setback of 20' for the construction of an 8' by 10' storage shed 125' from the ordinary high water level and 15' from the road right-of-way. The property is described as Lot 6, Stewarts Oak Harbor, Belmont Lake in Clitherall Township. M Kaye Parnell appeared along with the applicant at the public hearing. The applicant submitted a revised plan, which eliminates the need for a variance from the road right-of-way. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Robert Schwartz, second by Paul Larson and unanimously carried, to approve a variance of 124' from the required ordinary high water level setback of 200' for the construction of a 10.5' by 24' screen porch (enclose existing deck) 76' from the ordinary high water level and a variance of 100' from the required ordinary high water level setback of 200' for the placement of a 8' by 10' storage building 100' from the ordinary high water level as depicted on the applicant's revised drawing. Hardship is a substandard lot of record. It was noted that the variance as approved would provide the applicants with the ability to enjoy the same rights and privileges as others in this immediate area.

Bruce Vistad – Approved as requested. (9:13 p.m.)

Bruce Vistad, Fergus Falls, MN, requested a variance of 1 to 1.5' from the required 10' setback for the location of a septic tank 8.5 to 9' from the garage foundation. The property is described as Lot 14, Nelson's Oakwood Park Beach, Jewett Lake in Elizabeth 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 approve a variance of 1 to 1.5' from the required 10' setback for the location of a septic tank 8.5 to 9' from the garage foundation. It was noted that there is adequate area to maintain and service the tank. Hardship is a substandard lot of record.

Sharon Vaughn – Approved with condition. (9:23 p.m.)

Sharon Vaughn, Fergus Falls, MN, requested a variance to replace existing structure, screen porch, shed, cement slabs and walkways with a new structure and a garage. It should be noted that the proposed new structure would be placed on the existing slab and that the existing sewer lift would be moved to comply with the ordinance. Presently 26.7% of the applicant's total lot area is covered with impervious surfaces. After completion of the proposed project 27.3% of the total lot area will be covered with impervious surfaces, therefore, a variance of 2.3% from the maximum allowable impervious surface coverage of 25% is required. The property is described as Lot 10, Cedar Park Club, Swan Lake in Dane Prairie Township. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Cecil Femling, second by Robert Schwartz and carried with Steve Schierer abstaining to approve the placement of a new structure within the footprint as identified on the applicant's drawing with the condition that no more than 25% of the total lot area can be covered with impervious surfaces.

Kenneth Hanson – Approved as requested. (9:35 p.m.)

Kenneth Hanson, Moorhead, MN, requested the following: "Infringement 5' into road right of way due to substandard lot, current drain field is inadequate. The original drain field was not up to code and should not have been certified. Previous application records were inaccurate." The property is described as Lot 5, Engstrom Beach Second Addition, West McDonald Lake in Edna Township. 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 unanimously carried, to approve the variance as requested noting the letter of support from the township and noting that the granting of the variance as requested will not establish a precedence. Hardship is a substandard lot of record.

Christopher Sieg – Tabled per applicant’s written request.

Christopher Sieg, St. Paul, MN, requested a variance of 50 to 75’ from the required ordinary high water level setback of 200’ for the temporary location of a travel trailer 125 to 150’ from the ordinary high water level (lake). The property is described as Lot 10, Block 1, Riverview Development, West Red River Lake in Friberg Township. **May 2, 2002 Meeting** - The audience was polled with no one speaking for or against the request. After consideration and with the verbal consent of the applicant, motion was made by Steve Schierer, second by Paul Larson and unanimously carried, to table the applicant’s request for a bluff impact zone determination. The applicant was directed to contact the Land and Resource office for assistance with the bluff impact zone determination. **June 6, 2002 Meeting** – After discussion, motion was made by Randall Mann, second by Steve Schierer, and unanimously carried, per the applicant request, to table this application until the July 3, 2002 meeting of the Board of Adjustment. **July 3, 2002** – After discussion, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, per the applicant written request, to table this application until the July 11, 2002 meeting of the Board of Adjustment.

Leonard Walton – Approved as modified and with condition. (9:50 p.m.)

Leonard Walton, Dent, MN, requested a variance to cover 28.69% of the total front lot area with impervious surfaces. The maximum allowable impervious surface coverage is 25%. The property is described as Lot 27, Crystal Beach, West McDonald Lake in Dora Township. The audience was polled with no one speaking for or against the request. After consideration and with the verbal consent of the applicant, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, to table the applicant’s request for a determination, by the Land and Resource Department, as to the amount of area between the property stakes on the lake side of the applicant’s lot and the ordinary high water level. **July 3, 2002 meeting** – After discussion and consideration, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, to approve the use of the area between the property stakes on the lake side of the applicant’s lot and the ordinary high water level when determining the 25% impervious surface calculation. However, it should be noted that the applicant’s proposed project cannot cover more than 25% of the total lot area as determine when adding this additional space to the area of the lot.

Additional Discussion –

From The April 4, 2002 Meeting.

Walter and Sandra Morton, Richville, MN, requested a variance to subdivide a parcel of less than 5 acres (150’ by 150’) from an existing 9.8 acre parcel for the purpose of permanent attachment to the adjacent lake lot currently owned by Walter Morton, Jr. The 150’ by 150’ parcel contains the drain field for the above referenced lake lot. The property is described as a 9.8 acre tract in the West 500’ of Government Lots 7 and 8 lying North of County Road 14 and a lake lot (.28 of an acre) in Government Lot 8, Section 25 of Dead Lake Township by Dead Lake. Pat Johnson, Century 21, represented the applicants at the public hearing. The audience was polled with Bob Deutschman speaking for the request. After consideration, motion was made by Steve Schierer, second by Paul Larson and unanimously carried, to approve the subdivision of a 150’ by 150’ parcel from an existing 9.8 acre parcel with the condition that it must be permanently attached to the adjacent lake lot, which is currently owned by Walter Morton, Jr. and with the condition that a registered surveyor’s drawing must be provided. It was noted that the granting of this variance would enhance a substandard lot and will also join the property, which contains the drain field with the lake lot, which is currently being served, by the drain field.

Amended July 3, 2002 –

After additional discussion, review and consideration regarding the balance of the property, motion was made by Steve Schierer, second Randall Mann and unanimously carried, to amend the April 4, 2002 minutes to read as follows:

to approve the subdivision of a 150' by 150' parcel from an existing 9.8-acre parcel with the following conditions 1.) the 150' by 150' parcel must be permanently attached to the adjacent lake lot, which is currently owned by Walter Morton, Jr., 2) a registered surveyor's drawing must be provided at the time of recording, and 3.) the approximately 9.28 acres remaining after the proposed subdivision will remain a buildable lot for residential purposes.

With no further business, Randall Mann, Chairman declared the meeting adjourned at 10:02 p.m.

Wayne Stein, Secretary