

**MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Thursday, December 2, 2010**

The Otter Tail County Board of Adjustment met Thursday, December 2, 2010, with the following persons in attendance:

Michael Harris	Paul Larson	Thomas Lee
Randall Mann	Steve Schierer	Rick Wilson
Mark Ronning, Land and Resource Management		
David Hauser, County Attorney		

Called to Order – Randall Mann, Chair called the meeting of the Board of Adjustment to order at 6:30 p.m.

Minutes Approved - The Board of Adjustment approved the minutes of the November 4, 2010 meeting as mailed.

The Board of Adjustment considered the following applications for variance:

Donald and Janet Nelson – Variance approved as requested with a condition. (6:31 p.m.)

Donald and Janet Nelson, part of the Northeast Quarter of the Northeast Quarter, Section 24 of Elizabeth Township by Jewett Lake, requested a variance to subdivide 4.5 acres from an existing 32.54 acre parcel for residential use. The minimum size for metes and bounds parcels within the shoreland area is 5 acres. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Steve Schierer made a motion, second by Thomas Lee and carried with Michael Harris voting no, to approve a variance to subdivide 4.5 acres, depicted as Tract D on the drawing submitted with the variance application, from an existing 32.54 acre parcel for the purpose of residential development with the condition that a registered surveyor's drawing must be presented at the time of conveyance. The parcel has access to a public road and exceeds the required size for platted back lots.

Michael Schnoes - Tabled. (6:38 p.m.)

Michael Schnoes, part of Government Lots 5 and 6, Section 33 of Tordenskjold Township by an unnamed lake, requested the following:

Option A – Construct 40' by 72' by 25' storage building with temporary living quarters, to be removed when dwelling constructed, being approximately 16' from ordinary high water level and one foot from east lot line, structure to exceed 20' non-dwelling allowance – 5' foot variance requested. Future dwelling area of 1,904 square feet. (Shape to be determined at time of construction.) Dwelling approximately 16' from ordinary high water level and 7.5' from west lot line and 13' from easement road. Impervious surface coverage at 20.86%. Variance for septic system being approximately 43' from ordinary high water level (required setback is 150').

Option B – Construct 36' by 72' by 25' storage building with temporary living quarters (to be removed when dwelling constructed) being 16' from ordinary high water level and one foot from east lot line, structure to exceed 20' non-dwelling allowance. 5 foot variance requested. Future dwelling area of 1408 square feet (shape to be determined at time of construction) being approximately 16' from ordinary high water level. Impervious surface coverage at 17.8%. Variance for septic system being approximately 35' from ordinary high water level (required setback is 150').

The audience was polled with Creighton Clemens, Loren Frigaard and Curt Mark expressing concerns with the development as proposed. Emails from Donna Mark and Craig Utterberg in opposition to the variance as requested was read for the record. After consideration and discussion, Steve Schierer made a motion, second by Rick Wilson and unanimously carried, to table, with the applicant's verbal permission, the hearing on this variance application until the next regularly scheduled Board of Adjustment meeting to provide the applicant with an opportunity to consider other development which would require substantially fewer variance request. The general consensus of the Board was that the applicant's property is not large enough to support the development as currently being proposed.

Clifford McLain and Janeen Virnala – Approve variance requests 1 and 3 and denied variance request 2. (6:55 p.m.)

Clifford McLain and Janeen Virnala, Sub Lot 3 of Government Lot 1, Section 27 of Dunn Township by Franklin Lake, requested the following: 1.) Requesting a 30' variance from ordinary high water level for proposed home being 70' from ordinary high water level. Required setback is 100'. 2.) Requesting a 5' variance from septic tank for proposed garage being 5' from septic tank. Required setback is 10'. 3.) Requesting a 32' variance from ordinary high water level for proposed relocated shed being 68' from ordinary high water level. Required setback is 100.' Rob Illg, Surveyor appeared with the applicants at the public hearing. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Thomas Lee made a motion, second by Steve Schierer and unanimously carried, to approve a variance of 30' from the required ordinary high water level setback of 100' for the placement of a dwelling 70' from the ordinary high water level, to approve a variance of 32' from the ordinary high water level setback of 100' for the placement of a 10' by 12' shed 68' from the ordinary high water level and to deny the variance as requested for the placement of the proposed garage 5' from the existing septic tank. The dwelling setback as approved is consistent with other dwellings in this immediate area. The variances as approved do provide the applicants with a reasonable use of their property. Also, the variances as approved do not directly or indirectly grant any other variances for the proposed development.

James and Alan Carlson – Approve ordinary high water level variance and denied lot line variance. (7:02 p.m.)

James and Alan Carlson, Lot 21 Bergsten North Shore Park, Crane Lake in Clitherall Township, requested a variance of 50' from the required ordinary high water level setback of 100' and a variance of 3.5' from the required side lot line setback of 10' for the placement of a 24' by 24' garage 50' from the ordinary high water level and 6.5' from the lot line. James and Sue Carlson represented the application at the public hearing. The audience was polled with no one speaking for or against the variance as requested. An email from Ralph and Ellie Twardowski requesting a 10' side lot line setback was read for the record. A phone call from Bruce Larson was noted. Mr. Larson expressed concern with impervious surface coverage and wanted to encourage the applicants to make sure they knew where the road right-of-way is located. After discussion and consideration, Paul Larson made a motion, second by Thomas Lee and unanimously carried, to approve a variance of 50' from the required ordinary high water level setback of 100' and to deny the variance as requested from the side lot line for the placement of a garage 50' from the ordinary high water level and at least 10' from the side lot line with the condition that no more than 25% of the total eligible lot area can be covered with impervious surfaces. It should be noted that the variance as approved provides the applicants with the ability to tie the roof of the proposed garage into the roof of the existing cabin. The variance as approved does provide the applicants with a reasonable use of their property.

Reid Bonrud – Approved the variance application as modified. (7:12 p.m.)

Reid Bonrud, part of Government Lot 7, Section 17 of Tumuli Township by North Ten Mile Lake, requested a variance of 182' from the required ordinary high water level setback of 200' for the placement of a 30' by 50' dwelling 18' from the ordinary high water level. Amy Bonrud was also in attendance at the public hearing. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Steve Schierer made a motion, second by Paul Larson and unanimously carried, to approve a variance of 150' from the required ordinary high water level setback of 200' for the placement of a dwelling at least 50' from the ordinary high water level. It was noted that the variance as approved will provide the applicant with a reasonable use of his property. It was also noted that the size of the proposed dwelling is not an issue as long as the setback is at least 50' from the ordinary high water level and as long as no other variances are required.

Steven and Diane Swanson – Approved the variance application as modified with a condition. (7:20 p.m.)

Steven and Diane Swanson, Lot B Danielson Survey Lots of Government Lot 3, Section 7 of Everts Township by Deer Lake, requested a variance to have Lot B Danielson Survey Lots of Government Lot 3 declared buildable for residential purposes and a variance of 24' from the required ordinary high water level setback of 100' for the placement of a dwelling 76' 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, Michael Harris made a motion, second by Paul Larson and unanimously carried, to declare Lot B Danielson Survey Lots of Government Lot 3 buildable for residential purposes and to approve placement of the proposed development no closer to the ordinary high water level than the existing structure, which is approximately 85' from the ordinary high water level with the condition that no more than 25% of the total eligible lot area can be covered with imperious surfaces.

Thomas and Kathleen Sterriker – Approved the variance as requested. (7:27 p.m.)

Thomas and Kathleen Sterriker, Lot 12 Block 1 Get-A-Way Bay Estate on Norway Lake, Norway Lake in Aurdal Township, requested the following: requesting to split off and permanently attach 9,645 square feet to Lot 13. Lot 13 will total 99,040 square feet. Lot 12 will retain 55,487 square feet. This lot line would adhere to the existing fence line that exists on the property line. Scott Moe, Greater Minnesota Credit Union and Linda Stoll, Coldwell Banker represented the applicants. The audience was polled with Doug Green, Town Board Member and neighboring property owner seeking clarification of the variance as requested. After discussion and consideration, Steve Schierer made a motion, second by Rick Wilson and unanimously carried, to approve the variance as requested and as depicted on the drawing submitted with the variance application. It was noted that the proposed subdivision does not create a substandard lot and will result in recorded ownership which will match the property as it is currently occupied.

Mike and Mona Johnson – Approved the variance application as modified. (7:40 p.m.)

Mike and Mona Johnson, Lots 10 and 11 Meyers Second Addition, West McDonald Lake in Dora Township, requested a variance of 14' from the top of a narrow bluff – being 16' from top of bluff. Required setback is 30'. Proposed garage is to abut the toe of bluff. **November 4, 2010 meeting** - There was general discussion regarding this application; however, prior to the hearing date the applicants verbally requested that their application be tabled until a later date. **December 2, 2010 meeting** – After discussion and consideration, Michael Harris made a motion, second by Thomas Lee and unanimously carried, to approve a variance of 4' from the required top of bluff setback of 30' for the placement of a garage 26' from the top of the lower bluff. The variance as approved does not directly or indirectly grant any other variances for the proposed development. The overall size of the garage will depend upon what will fit within the allowable building area.

With no further business, Randall Mann, Chairman declared the meeting adjourned at 8:00 p.m.

Prepared by:

Wayne Stein, Secretary

The minutes were mailed on Friday, December 3, 2010 to the Otter Tail County Board of Adjustment. Official action regarding these minutes will be taken by the Board of Adjustment at their next regularly schedule meeting.

