

**MINUTES OF THE MEETING  
OF THE  
OTTER TAIL COUNTY BOARD OF ADJUSTMENT  
Thursday, August 7, 2003**

The Otter Tail County Board of Adjustment met Thursday, August 7, 2003, with the following persons in attendance:

Cecil Femling	Frank Lachowitz
Paul Larson	Randall Mann
Steve Schierer	Mark Steuart
Pat Eckert, Land and Resource Management	
David Hauser, County Attorney	

**Call to Order –**

Randall Mann, Chairman, 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 July 10, 2003 meeting was approved as mailed.

**The following variance requests were heard:**

**Robert F. and Sharon B. Rubeck – Denied. (6:30 p.m.)**

Robert F. and Sharon B. Rubeck, Lot 37, Lakeview Beach, Pelican Lake in Scambler Township, requested a variance of 9'6" from the required side lot line setback of 10' for the placement of a mobile home 6" from the side lot line. Letters from Stephanie Baker and Debora Olafson in support of the variance as requested were read for the record. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, motion was made by Steve Schierer to approve a variance of 5' from the required south side lot line setback of 10' for the placement of a dwelling 5' from the south lot line and at least 10' from the north lot line and meeting all other setback requirements of the ordinance. This motion died for lack of a second. After additional consideration, motion was made by Paul Larson to continue the motion of the August 13, 1998 Board of Adjustment meeting for an additional two years. This motion was withdrawn based on the language contained within the August 13, 1988 minutes. After additional discussion, motion was made by Mark Steuart, second by Frank Lachowitz and carried with Steve Schierer voting no, to deny the variance as requested as the minutes of the August 12, 1998 Board of Adjustment meeting are very clear and there is adequate room to provide the applicants with a reasonable use of their property without the continuance of the previously granted variance. It should be noted that the previously granted variance expires on August 13, 2003.

**Duane A. and Barbara A. Seifert – Approved with conditions. (6:50 p.m.)**

Duane A. and Barbara A. Seifert, part of Government Lot 4, Section 29 of Dunn Township by Lake Lizzie, requested a variance to subdivide a parcel of less than 5 acres from an existing 11.61 acre parcel for the purpose of conveyance and permanent attachment to Lot 32, Seifert Beach. Larry Lepird represented the applicant at the public hearing. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, motion was made by Cecil Femling second by Steve Schierer and unanimously carried, to approve a variance to subdivide a parcel of less than 5 acres from an existing 11.61 acre parcel for the purpose of conveyance and permanent attachment to Lot 32, Seifert Beach with the condition that a registered surveyor's drawing must be provided at the time of conveyance and with the condition that the area contained within the proposed back lot cannot be used when making the 25% impervious surface calculation for front lot development. It was noted that the proposed subdivision is consistent with other development within this immediate area.

**Ricky and Judy Graupmann - Denied. (6:55 p.m.)**

Ricky and Judy Graupmann, part of Government Lot 4, Section 2 of Dead Lake Township by Marion Lake requested a variance to exceed the 25% rule. Our current property already exceeds the 25% rule and our current garage does not meet current setback requirements and is going to collapse. We would like to remove/tear down the current garage and replace it with a new garage that meets setback requirements. Current impervious surface coverage is 26%. Proposed impervious surface coverage would be 31%. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, motion was made by Cecil Femling, second by Mark Steuart and carried with Paul Larson and Steve Schierer voting no, to deny the variance as requested as the granting of the variance would increase the amount of impervious surface and no adequate hardship had been shown. Those voting for the motion indicated a desire to be consistent with past actions and not to establish precedence. Those voting against the motion noted that only the portion of the applicants' property located between the road and the lake should be used when making the impervious surface calculation. They noted that had the road not been a part of the applicants' property they would be very close to the 25% limit. They also indicated an example where the Board did previously allow for the exclusion of the road when determining the 25% surface coverage.

**David and Carol Place – Denied. (7:09 p.m.)**

David and Carol Place, part of Government Lot 4, Section 11 and part of Government 1, Section 14 of Eagle Lake Township by Eagle Lake, requested a variance of 61' from the required ordinary high water level setback of 75' for the construction of a bay window and a loft deck on the lakeside of the cabin 14' from the ordinary high water level and without a site permit. The audience was polled with no one speaking for or against the variance as requested. Letters from Gerald and Gail Coleman and John and Shar Moe in support of the variance as requested were read for the record. A letter from Robert G. Wiedeman, Eagle Lake Lakeshore Association, requesting that the application be denied was read for the record. After consideration and discussion, 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 and noting that it should have been very evident to the applicants from discussions at prior Board of Adjustment meetings that the Board did not desire to place any additions to the existing structure that would advance towards the ordinary high water level.

**Eric Pierskalla – Approved as requested. (7:18 p.m.)**

Eric Pierskalla, part of Lots 6 and 7, Palubicki's Beach, Little Pine Lake in Gorman Township, requested a variance of 2'5" from the required septic tank setback of 10' for the placement of a new roof 7' 7" from the septic tank. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, motion was made by Steve Schierer, second by Frank Lachowitz and unanimously carried, to approved a variance of 2' 5" from the required septic tank setback of 10' for the placement of a new roof 7' 7" from the septic tank. It was noted that the applicant's request is normal maintenance/repair to an existing roof, which was already located 7' 7" from the septic tank.

**Greg and Kathy Goodijohn – Approved as requested. (7:20 p.m.)**

Greg and Kathy Goodijohn, Lot 1, Block 1, Ivy Acres, Rush Lake in Rush Lake Township, requested a variance of 49' from the required ordinary high water level setback of 75' for the construction of a 35' by 28' addition 26' from the ordinary high water level and a variance for the placement of a 10' by 18' addition no closer to the lake than the existing structure. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, motion was made by Steve Schierer, second by Cecil Femling and carried with Paul Larson abstaining, to approve a variance of 49' from the required ordinary high water level setback of 75' for the construction of a 35' by 28' addition 26' from the ordinary high water level and a variance for the placement of a 10' by 18' addition no closer to the lake than the existing structure as depicted on the applicant drawing. It was noted that the proposed additions will not obstruct the view from the neighboring properties and that the proposed additions will be behind or even with the existing building line. Hardship is the erosion that has impacted the property,

**Clark Stahlecker – Approved with a condition. (7:32 p.m.)**

Clark Stahlecker, Lot 5, Lillis Survey Plat of Government Lots 2 and 3, Section 16 of Dead Lake Township by Dead Lake, requested a variance of 128' from the required ordinary high water level setback of 200' for the placement of a 14' by 64' mobile home 72' from the ordinary high water level. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, motion was made by Randall Mann, second by Steve Schierer and carried with Frank Lachowitzer voting no and with Mark Steuart abstaining, to approve a variance of 128' from the required ordinary high water level setback of 200' for the placement of a 14' by 64' mobile home 72' from the ordinary high water level with the condition that an existing shed located between the current dwelling and the lake must be placed between the rear of the proposed new mobile home location and the road and in an area that complies with the setback requirements of the ordinance before a site permit can be issued for the new 14' by 64' mobile home. It was noted that the variance as granted should place the new mobile home in the exact same location as the existing structure.

**David J. and Kathryn A. Bull – Approved with a condition. (7:40 p.m.)**

David J. and Kathryn A. Bull, Lot 4, Channel View, Otter Tail River in Otter Tail Township, requested a variance of 75' from the required ordinary high water level setback of 150' for the replacement of an existing dwelling and deck with a new dwelling and deck 75' from the ordinary high water level. The audience was polled with no one speaking for or against the variance as requested. A letter from Ron and Joyce Thompson in support of the variance as requested was read for the record. After consideration and discussion, motion was made by Steve Schierer, second by Frank Lachowitzer and carried with Mark Steuart voting no, to approve a variance of 75' from the required ordinary high water level setback of 150' for the replacement of an existing dwelling and deck with a new dwelling and deck 75' from the ordinary high water level with the condition that the existing fish cleaning house/storage shed must be placed in a legal location before a site permit can be issued for the proposed development. It was noted that the proposed building site is within the general building line in this immediate area.

**James Palashewski – Denied. (7:47 p.m.)**

James Palashewski, part of Government Lot 3, Section 9 of Pine Lake Township by Big Pine Lake, requested a variance of 2' from the 20' maximum allowable height of a non-dwelling structure for the construction of 36' by 78' pole barn having an overall height of 22'. The audience was polled with no one speaking for or against the variance as requested. The applicant presented a letter from Mark and Mary Dreier in support of the applicant's request. After consideration and discussion, motion was made by Randall Mann, second by Frank Lachowitzer 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 the Board's desire to be consistent with past Board of Adjustment actions. It was also noted that the applicant does have reasonable use of his property without the granting of the variance as requested and that the proposed structure can be built with a height that does not exceed 20'.

**Steven Davis Et. Al. – Approved with a condition. (7:58 p.m.)**

Steven Davis, Et. Al., part of Government Lot 2, Section 5 of Girard Township by Ethel Lake, requested a variance of 17' from the required ordinary high water level setback of 100' for the replacement of an existing mobile home with a 28' by 64' dwelling 83' from the ordinary high water level. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, motion was made by Steve Schierer, second by Cecil Femling and unanimously carried, to approve a variance of 17' from the required ordinary high water level setback of 100' for the replacement of an existing mobile home with a 28' by 64' dwelling 83' from the ordinary high water level with the condition that the existing mobile home on the applicant's lot must be moved to the adjacent vacant lot and placed at least 100' from the ordinary high water level. It was noted that if the condition of the above motion is complied with the applicant's proposed location will be behind the string line.

**Craig A. Johnson – Approved as requested. (8:03 p.m.)**

Craig A. Johnson, Et. Al., Lot 29 and part of Out Lot B, Block 1, Timberlane Hills and Lot 11, Timberlane Beach Rearrangement, Round Lake in Everts Township, requested a variance to construct a 40' by 60' nonresidential building on a non-buildable back lot. The audience was polled with no one speaking for or against the variance as requested. An email from Tom and Betty Stevenson in support of the variance as requested was read for the record. A letter from Peggy and Brian Bladow in opposition to the variance as requested was read for the record. After consideration and discussion, motion was made by Steve Schierer, second by Frank Lachowitz and unanimously carried, to approve the placement of one 40' by 60' nonresidential structure, on this lot, in the location as depicted on the applicant's drawing. It was noted that this action is consistent with past actions of the Board of Adjustment and will provide the applicant with a reasonable use of his property.

**Grant Rockswold – Approved as requested. (8:10 p.m.)**

Grant Rockswold, Lot 5, Comstock Beach, East Battle Lake in Girard Township, requested a variance of 53' from the required ordinary high water level setback of 100' for a roof line change which will accommodate a second level room on the existing dwelling located 47' from the ordinary high water level. It should be noted that there would be no change to the foundation of the existing dwelling and that the overall height of the improved structure would be approximately 25'. It should be noted that the applicant is also proposing the placement of 6' by 8' or 6' by 10' deck on the backside of the existing dwelling and an 8' by 16' deck on the front (lake) side of the existing dwelling which would be 39' from the ordinary high water level. Jerry Eckhoff represented the applicant at the public hearing. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, motion was made by Paul Larson, second by Steve Schierer and unanimously carried, to approve a variance as requested and as depicted on the applicant's drawing. It was noted that the proposed development will be behind the existing building line.

**Troy Budke – Approved as requested. (8:15 p.m.)**

Troy Budke, part of Government Lot 8, Section 2 of Lida Township by Crystal Lake, requested a variance of 48' from the required ordinary high water level setback of 100' for the placement of a 28' by 32' garage 52' from the ordinary high water level at its closest point and a variance of 35' from the required ordinary high water level setback of 100' for the placement of a 27' by 57' dwelling 65' from the ordinary high water level at its closest point. **July 10, 2003 Meeting** -The audience was polled with Deonne Crow seeking information about the variance as requested and what impact there might be to the creek. After discussion and consideration, motion was made by Steve Schierer, second by Paul Larson and unanimously carried, with the applicant's verbal permission, to table this variance request until the August 7, 2003 meeting for the review of a neighboring developed lot and for additional review by both the Land and Resource Department and the Department of Natural Resources. **August 7, 2003 Meeting** - After consideration and discussion, motion was made by Steve Schierer, second by Randall Mann and unanimously carried, to approve a variance of 48' from the required ordinary high water level setback of 100' for the placement of a 28' by 32' garage 52' from the ordinary high water level at its closest point and a variance of 35' from the required ordinary high water level setback of 100' for the placement of a 27' by 57' dwelling 65' from the ordinary high water level at its closest point. It should be noted that this variance request is being approved based on information provided at the hearing by the Land and Resource Department. Hardship is a substandard lot of record, the terrain of the applicant's property and the creek.

**Kenneth and Marlys Jacobson – Withdrawn. (8:20 p.m.)**

Kenneth and Marlys Jacobson, Lot 2, Block 1, Karinall, Wymer (Wimer) Lake in Hobart Township, requested a variance to permit this buildable lot to be sold. Lots 2 and 4 are substandard lots. Lot 3 is a standard sized lot. All three lots have common ownership. Larry Anderson appeared with the applicant at the public hearing. **July 10, 2003 Meeting** -The audience was polled with no one speaking for or against the variance as requested. A letter from Scott Walz addressing the amount of square footage was read for the record. After considerable discussion it was decided that the applicant and Larry Anderson would like to consider the discussion and then come back before the Board later in the evening. After additional discussion and consideration, motion was made by Paul Larson, second by Cecil Femling, to approve the transfer of enough square footage from Lot 3 for permanent attachment to Lot 2 so that Lot 2 plus the area from Lot 3 would be at least 40,000 square feet and also to declare the combined Lot 2 and Lot 3 as a buildable lot so long as all other requirements are being met with the condition that a registered surveyor's drawing must be presented. After additional consideration and discussion, the previous motion was withdrawn. A motion was then offered by Randall Mann, second by Steve Schierer and unanimously carried, with the applicant's verbal permission, to table this variance request until the August 7, 2003 meeting for a surveyor's drawing that would depict the new lot line, that would indicate a building site that meets the setback requirements and that would also show the total square footage of the lots. **August 7, 2003 Meeting** – Prior to the August 7, 2003 meeting the applicant submitted a letter indicating his desire to withdraw his request. Motion was made by Steve Schierer, second by Frank Lachowitz and unanimously carried, to acknowledge the applicant's letter and to accept with request to withdraw his variance application.

**Thomas and Heidi Klosterman – Denied. (8:30 p.m.)**

Thomas and Heidi Klosterman, part of Government Lot 2, Section 1 of Everts Township by Otter Tail Lake, requested a variance to replace a flat roof on a mobile home with a pitched roof on a lot with two dwellings. Dick Klosterman represented the applicant at the public hearing. The audience was polled with no one speaking for or against the variance as requested. Emails from Ray and Peggy DeBoever and Dick and Jo Haire in support of the variance as requested were read for the record. After consideration and discussion, motion was made by Mark Steuart, second by Frank Lachowitz and carried with Cecil Femling voting no, to deny the variance as requested as the granting of the variance would allow for an improvement to and for the continued use of a prohibited use. It should be noted that there are two dwellings on the applicant's property which is defined within the ordinance as a prohibited use and no variances can be granted for prohibited uses.

**Mary C. Iverson – Approve with conditions. (8:35 p.m.)**

Mary C. Iverson, Res. Lot B, Denwood Acres First Addition, Pickerel Lake in Maine Township, requested a variance to attach a substandard back lot to my lake lot so that in the future it is buildable for non-residential purposes. Joan and Curt Houston represented the applicant at the public hearing. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, motion was made by Steve Schierer, second by Cecil Femling and unanimously carried, to approve the variance as requested with the following conditions: 1.) only one nonresidential structure can be placed on this lot, 2.) all other setback requirements must be met, and 3.) the area within the back lot cannot be used when calculating the 25% impervious surface coverage for front lot development.

**Randall and Kathleen Josephson – Tabled. (8:40 p.m.)**

Randall and Kathleen Josephson, Parcel B of Government Lot 2 and a triangular tract in Parcel A, Section 20 of Dunn Township by Lake Lizzie, requested a variance of 60' from the required ordinary high water level setback of 100', a variance of 4' from the required side lot line setback of 10' and a variance from the required road right-of-way setback of 20' for the replacement of an existing 8' by 33' trailer with a 12' by 33' cabin 40' from the ordinary high water level, 6' from the side lot line and less than 20' from the traveled road surface. Also requesting a variance of 60' from the required ordinary high water level setback of 100' for the replacement of 16' by 10' porch with a 14' by 13' porch 40' from the ordinary high water level. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, with the verbal permission of the applicant, to table this variance requested until the September 4, 2003 meeting of the Board of Adjustment. The application was tabled to allow the applicants an opportunity to consider alternative plans, which might reduce the number of variance being required for the development as currently proposed.

**Additional Discussion –**

**John and Jean Hertsgaard – May 1, 2003 Hearing.**

The variance that was previously granted to John and Jean Hertsgaard on May 1, 2003 was reviewed and discussed by the Board of Adjustment. It was determined that what is stated in the May 1, 2003 minutes was what the Board of Adjustment intended to grant the applicants. If the applicants did not comply with the variance as approved they will either need to bring the development into compliance or file another application for review. However, it should be understood that submitting a new application in no way implies that the application will be approved.

With no further business, Randall Mann, Chairman declared the meeting adjourned at 9:02 p.m.

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Wayne Stein, Secretary