

**MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Thursday, July 10, 2003**

The Otter Tail County Board of Adjustment met Thursday, July 10, 2003, with the following persons in attendance:

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| Cecil Femling | Paul Larson |
| Randall Mann | Steve Schierer |
| Robert Schwartz | Mark Steuart |
| Mark Ronning, Land and Resource Management | |
| Cherie Clark, Assistant 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 3, 2003 meeting was approved as mailed.

The following variance requests were heard:

Charles Odegard – Approved as requested with a condition. (6:30 p.m.)

Charles Odegard, part of the Northwest Quarter of the Southeast Quarter, Section 30 of Audral Township, requested a variance to subdivide, by metes and bounds description, a 1.74 acre buildable tract from an existing 7.64 acre parcel. The minimum size required for metes and bounds parcels outside of the shoreland area is 2.5 acres. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, motion was made by Cecil Femling, second by Steve Schierer and unanimously carried, to approve a variance to subdivide, by metes and bounds description, a 1.74 acre buildable tract from an existing 7.64 acre parcel with the condition that a registered surveyor's drawing must be presented at the time of conveyance. It was noted that the variance as approve is consistent with other development in the immediate area. It was also noted that the applicant's request is reasonable and the granting of the request will provide the applicant with an ability to enjoy the same rights and privileges as others in the immediate area.

Neal and Sheilagh Johnson - Denied. (6:35 p.m.)

Neal and Sheilagh Johnson, Lot 6, Block 1, Rush Bay View, Rush Lake in Otto Township, requested a variance of 3' from the required septic tank setback of 10' for the placement of a septic tank 7' from the dwelling. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, motion was made by Randall Mann, 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. The applicants must move the septic tank to a location that complies with the required setback on or before September 1, 2003. The following was also noted: 1.) the 10' separation is necessary to protect the health of the public, 2.) there is adequate area on the applicants' property to place the septic tank in a location that does not require a variance, and 3.) the only hardship that exists is a self-created hardship.

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James A. and Ann M. Berg – Approved as requested. (6:45 p.m.)

James A. and Ann M. Berg, Lots 69 and 70, Nedberg's Nye Survey Lots of Government Lots 1, 2, and 3, Section 1 of Edna Township by Devils Lake, requested a variance of 8' from the required ordinary high water level setback of 75' for the placement of a 22' by 22' garage 67' from the ordinary high water level and 20' from the road right-of-way. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, motion was made by Steve Schierer, second by Paul Larson and unanimously carried, to approve a variance of 8' from the required ordinary high water level setback of 75' for the placement of a 22' by 22' garage 67' from the ordinary high water level and 20' from the road right-of-way. Hardship is a substandard lot of record.

Groth Tst – Approved as requested with conditions. (6:48 p.m.)

Groth Tst, Lot 11, Block E, Haggstrom's Beach Subdivision and Lot 16, Block E, Haggstrom's Beach Third Addition, Pickerel Lake in Maine Township, requested a variance of 57' from the required ordinary high water level setback of 100' and a variance of 7' from the required shore impact zone setback of 50' for the construction of a three season porch onto an existing cabin 43' 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, motion was made by Steve Schierer, second by Mark Steuart and carried with Paul Larson and Robert Schwartz voting no, to approve a variance of 57' from the required ordinary high water level setback of 100' and a variance of 7' from the required shore impact zone setback of 50' for the construction of a three season porch onto an existing cabin 43' from the ordinary high water level with the following conditions: 1.) the existing 10' by 20' boathouse must be removed prior to a site permit being issued for the proposed porch and 2.) no more than 25% of the total lot area can be covered with impervious surfaces. It was noted that the proposed porch addition is behind the existing building line and that the variance as approved will remove approximately as much structure within the shore impact zone as will be added by the proposed development. Hardship is a substandard lot of record.

Troy Budke – Tabled.

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. 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.

Kenneth and Marlys Jacobson – Tabled. (7:15 p.m. and 9:30 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. 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.

Edward and Barbara Haubrich – Denied. (7:45 p.m.)

Edward and Barbara Haubrich, part of Government Lot 8, Section 3 of Nidaros Township by Stuart Lake, requested a variance to have a substandard back lot declared a buildable lot for residential purposes. We would like to build a 30' by 40' dwelling and a detached 24' by 30' garage. The lot is 1.68 acres or approximately 73,180 square feet. The width of the lot parallel to the lake is 325.02'. The audience was polled with no one speaking for or against the variance as requested. A letter from Scott Ailts expressing concerns with the variance as requested was noted for the record. A letter from John E. and Pamela J. Winkler, potential purchasers, withdrawing the variance application was read for the record. After discussion and consideration, motion was made by Steve Schierer, second by Cecil Femling and unanimously carried, to deny the variance as requested noting that the variance application had been signed by Edward and Barbara Haubrich and not the individuals requesting that the variance application be withdrawn. It should be noted that John E. and Pamela J. Winkler do have an agreement with Edward and Barbara Haubrich to act as their agent in this matter, but that the Board of Adjustment Secretary felt that for the purpose of the records it would be best to deny the variance as requested and note for this action the letter received from the Winklers.

Fargo National Bank and Trust Co. – Approve as requested with a condition. (7:47 p.m.)

Fargo National Bank and Trust Co., Lot 44, Barry's Addition to Killarney Beach, Pelican Lake in Dunn Township, requested a variance of 17' from the required ordinary high water level setback of 75' for the location of a screen porch and a deck 58' from the ordinary high water level. Terry Meyer represented the application. The audience was polled with William and Helen DeHollander and Carol Mikkelson speaking for the variance as requested. Letters from Helen DeHollander and Jean Mikkelson in support of the variance as requested were read for the record. After discussion and consideration, motion was made by Steve Schierer, second by Cecil Femling to approve the variance as requested with the condition that the existing guesthouse must be removed. This motion failed with Robert Schwartz, Randall Mann and Cecil Femling voting no. After additional discussion, motion was made by Randall Mann to approve the conversion of the existing guesthouse to a non-dwelling structure, to grant a 5' variance for the placement of a garage 5' from the side lot line and to require that the new screen porch and deck must be reduced down to the size of the previous footprint (10' by 12'). This motion died for lack of a second. After additional discussion and consideration, motion was made by Robert Schwartz, second by Cecil Femling and carried with Randall Mann voting no, to approve the variance as requested with the condition that the existing garage must be removed on or before August 1, 2003.

Bruce Mikkelson – Approved as modified. (8:13 p.m.)

Bruce Mikkelson, part of Block F, Leaf Lake Pleasure Grounds, East Leaf Lake in Leaf Lake Township, requested a variance of 12' 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 of 14' from the required road right-of-way setback of 20' for the placement of two sheds 88' from the ordinary high water level, 6' from the lot line and 6' from the easement. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, motion was made by Paul Larson, second by Cecil Femling and unanimously carried, to approve a variance of 12' from the required ordinary high water level setback of 100' for the placement of two sheds 88' from the ordinary high water level, 10' from the side lot line, 10' from the easement road and at least 10' from the septic tank.

Kenneth L. Barnes – Approved as requested. (8:23 p.m.)

Kenneth L. Barnes, part of Government Lot 4, Section 9 of Maplewood Township by Lake Lida, requested a variance of 5' from the required side lot line setback of 10' for the removal and replacement of a roof located 5' from the side lot line. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, motion was made by Cecil Femling, second by Steve Schierer and unanimously carried, to approve a variance of 5' from the required side lot line setback of 10' for the removal and replacement of a roof located 5' from the side lot line. It was noted that the applicant's proposed project is normal maintenance. Hardship is a substandard lot or record.

Douglas L. Lorentz – Approved as modified. (8:26 p.m.)

Douglas L. Lorentz, Lot 20, Block 4, Lida Shores, Lake Lida in Lida Township, requested a variance of 15' from the required road right-of-way setback of 20' and a variance of 7' from the required side lot line setback of 10' for the placement of a 24' by 30' garage 5' from the road right-of-way and 3' from the side lot line. The audience was polled with no one speaking for or against the variance as requested. A letter from Robert T. Christie stating that he had no objection to the variance as requested was read for the record. A letter from Joyce A. Valley, Clerk of Lida Township stating that the Lida Town Board has no objections to the proposed encroachment into the 20' road right-of-way setback area for the construction of a proposed garage, provided that no part of the garage is constructed within the right-of-way was read for the record. After discussion and consideration, motion was made by Steve Schierer, second by Robert Schwartz and unanimously carried, to approve a variance of 5' from the required side lot line setback of 10' for the placement of a 24' by 30' garage 5' from the north lot line and not infringing into road right-of-way, as requested by the township, with the condition that all other requirement of the ordinance must be met. It was noted that the proposed garage would not obstruct the view from the neighboring properties. The variance as granted will provide the applicant with a reasonable use of his property.

David Penrose – Approved as modified. (8:35 p.m.)

David Penrose, Southeast Quarter of the Northeast Quarter and part of the North Half of the Southeast Quarter, Section 14 of Parkers Prairie Township by an unnamed lake, requested a variance 169' from the required ordinary high water level setback of 200' and a variance of 69' from the required shore impact zone setback of 100' for the placement of 32' by 20' post and steel structure 31' from the ordinary high water level at its closest point. Also appearing at the public hearing were Todd Lorsung and Arvid Hoppe. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, to approve a variance of 150' from the required ordinary high water level setback of 200' for the placement of a 32' by 20' post and steel special use structure as described in the variance application 50' from the ordinary high water level and to also approve the appropriate fencing from this special use structure to the lake. It was noted that this structure will have no septic system and will have no residential use.

Allan W. and Jean D. Pettit Trust – Approved as requested with a condition.

Allan W. and Jean D. Pettit Trust, part of Lot 39, Block 1, Jackson and McKee's Addition and part of Government Lot 1, Section 23 of Pine Lake Township by Big Pine Lake, requested the following: To retain the use of a guest house facility that is located on the second story of the garage, and has been in use since 1979. Applicant proposes that the variance not run with the land, be personal to the occasional use by Alan Pettit and Jean Pettit, and that they would install a compliant sewage system. When their ownership ends, the water and septic will be disconnected and the second floor converted to storage space. Robert Bigwood, Attorney, represented the applicants at the public hearing. The audience was polled with no one speaking for or against the variance as requested. A letter from Sylvester and Louise Knapp in support of the variance as requested was read for the record. After discussion and consideration, motion was made by Randall Mann, second by Steve Schierer to approve a variance which would allow for the personal and occasional use, by Allan W. and Jean D. Pettit, of the guesthouse facility located on the second story of the garage with the condition that this occasional and personal use cannot exceed five years or the date when the ownership of property transfers from Allan W. and Jean D. Pettit Living Trust whichever is less. This motion failed with Mark Steuart, Cecil Femling and Paul Larson voting no and with Robert Schwartz abstaining. After additional discussion and consideration, motion was made by Steve Schierer, second by Cecil Femling to approve a variance which would allow for the personal and occasional use, by Allan W. and Jean D. Pettit, of the guesthouse facility located on the second story of the garage with the condition that this occasional and personal use cannot exceed two years or the date when the ownership of the property transfers from Allan W. and Jean D. Pettit Living Trust whichever is less with the condition that a complaint septic system must be installed by September 1, 2003. . This motion passed with Cecil Femling, Randall Mann and Steve Schierer voting yes and with Robert Schwartz abstaining. Hardship is a substandard lot of record.

Gallagher Tst – Approved as requested. (9:15 p.m.)

Gallagher Tst, Lot 1 and Lot 3, Block 2, and an undivided interest in Reserve A, Block 1, Juniper Hills, Marion Lake in Dead Lake Township, requested a variance to have a substandard back lot declared buildable. The audience was polled with Harold Jelleberg speaking against the variance as requested. Letters from Richard and Janet Howells and from Gene Ormberg in opposition to the variance as requested were read for the record. After discussion and consideration, motion was made by Steve Schierer, second by Robert Schwartz and unanimously carried, to approve the variance as requested noting that this approval is consistent with past actions of the Board of Adjustment. It was also noted that Dead Lake Township has plans to assess these parcels for there road improvement project which indicates that the township see value in these parcels.

Mike and Bonnie Espeland – Denied.

Mike and Bonnie Espeland, Lot 13, Block 1. Lenius Beach First Addition, Little McDonald Lake in Edna Township, requested the following: remove existing patio totaling 260 square feet and replace with new patio totaling 508 square feet. Need variance to extend patio 15' in the bluff impact zone and keystone stairway. Remove rock on slope and replace with keystone, retaining walls and steps. Install keystone steps from patio to wood stairway. Total cubic yards of soil to be moved around 16 to 18 yards. **June 12, 2003 Meeting** -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 this request until the July 10, 2003 meeting of the Board of Adjustment. It should be noted that the action to table was taken because no one appeared at the scheduled public hearing to represent the application. **July 3, 2003 Meeting** – It should be noted that once again no one appeared at the scheduled public hearing. It was also noted that a letter was sent to the applicants to advise them of the meeting date and time. No communications have been received from the applicants. After discussion, motion was made by Mark Steuart, second by Steve Schierer and unanimously carried, to deny the variance as requested noting the failure of the applicants to appear at either hearing or to communicate with the Board.

With no further business, Randall Mann, Chairman declared the meeting adjourned at 9:45 p.m.

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Wayne Stein, Secretary