

**MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Thursday, November 1, 2001**

The Otter Tail County Board of Adjustment met Thursday, November 1, 2001, with the following persons in attendance:

Cecil Femling
Randall Mann
Mark Steuart
Pat Eckert, Land and Resource Management

David Holmgren
Steve Schierer
Leona Zimmerman
Deven Nice, 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 October 11, 2001 meeting was approved as mailed.

The following variance requests were heard:

Robert Streed – Approved with conditions as a water oriented accessory structure.

Robert Streed, Apple Valley, MN, requested a variance of 30' from the required ordinary high water level setback of 100' for the addition of an 8' by 42' porch on the lakeside of the existing cabin. The property is described as Lot 19, Martee Beach, Blanche Lake in Everts Township. A letter from Donald and Karen Hauck 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 and discussion, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, to approve, as the water oriented accessory structure for this property, the addition of a porch onto the lakeside of the applicant's cabin with the following conditions: 1) it must be placed at least 70' from the ordinary high water level, 2) it cannot exceed 10' in height and 3) the total area cannot exceed 260 square feet. It should be noted that the variance as approved does allow the proposed porch to exceed the 20' maximum width requirement of a water oriented accessory structure and does vary the required side lot line setbacks for a water oriented accessory structure. Hardship is a substandard lot of record.

John and Bonnie Nordstrom – Approved the addition to the dwelling and denied the garage addition.

John and Bonnie Nordstrom, Pelican Rapids, MN, requested a variance of 41' from the required ordinary high water level setback of 100' for a 22' by 24' addition to an existing cabin and a variance of 27' from the required ordinary high water level setback of 100', variances from the required road right-of-way setback of 20' and a variance of 5' from the required drain field setback of 20' for the placement of a 24' by 30' garage 73' from the ordinary high water level, 8 to 15' from the road and 15' from the drain field. The property is described as part of Government Lot 10, Section 7 of Hobart Township by Lake Seven. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by Steve Schierer, second by David Holmgren and unanimously carried, to approve a variance of 41' from the required ordinary high water level setback of 100' for a 22' by 24' addition to the existing cabin and to deny the variances as requested for the proposed garage addition as there is adequate space to meet the required 20' road right-of-way setback in and alternative location on the applicant's property. Hardship for the dwelling addition is the terrain of the applicants' property.

Alvin Vogt – Denied.

Alvin Vogt, Battle Lake, MN, requested a variance of 1.5' from the required septic tank setback of 10' for the placement of a new mobile home 8.5' from the septic tank. The property is described as part of Government Lot 3, Section 15 of Eagle Lake Township by Eagle Lake. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by David Holmgren, second by Steve Schierer and unanimously carried, to deny the variance as requested noting that had the applicant requested a variance prior to the placement of the mobile home 8.5' from the septic tank the Board of Adjustment would not have granted that request. It was also noted that maintaining the 10' separation is consistent with past actions of the Board of Adjustment.

Kim and Terry Anderson - Approved with condition.

Kim and Terry Anderson, Windom, MN, requested an encroachment into the structure setback line of approximately 1' to 5' for the construction of an addition onto the existing cabin. The property is described as part of Government Lot 5, Section 21 of Leaf Lake Township by West Leaf Lake. Ken Anderson represented the applicants at the public hearing. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by David Holmgren, second by Steve Schierer and unanimously carried, to approve the proposed addition with the condition that it can be no closer than the existing cabin, excluding the deck, to the ordinary high water level. Hardship is a substandard lot of record and the terrain features of the applicant's property

Verle Blaha – Approved as requested.

Verle Blaha, North Oaks, MN, requested the following: "The variance requested is to the minimum Shoreland Ordinance Standards. A variance is requested of approximately 86 feet to the required 150 feet setback from the OHWL. The addition will be no closer to the Otter Tail River or the river canal than the existing structure. Maximum depth of the lot is approximately 160 feet and is a legal substandard lot or record. If needed, I am requesting a variance to allow the replacement of two of the windows in the existing structure to be bay windows. These windows would protrude towards the river canal about 18 inches. The existing structure has a 2-foot overhang on the roof so the bay windows would not be closer to the river canal than the existing roofline." The property is described as part of Lot 22 and all of Lot 23, Channel View, Otter Tail River in Otter Tail Township. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by Steve Schierer, second by Cecil Femling and unanimously carried, to approve the variance as requested noting that the proposed addition would be no closer to the ordinary high water level than the existing structure. Hardship is a substandard lot of record.

Jerome and Patricia Kirscht – Denied.

Jerome and Patricia Kirscht, Parkers Prairie, MN, requested a variance of 18' from the required road right-of-way setback of 20' for the location of two columns 2' from the road right-of-way. The property is described as a 60.8 acre parcel in Northeast Quarter of the Northwest Quarter and in Government Lot 1, Section 16 of Effington Township by Block Lake. A letter from Richard West, Otter Tail County Highway Department, opposing the granting 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 and discussion, motion was made by David Holmgren, 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 the letter of opposition which has been received from the Otter Tail County Highway Department. The two columns must be placed in compliance on or before June 1, 2002.

Daniel G. Mickelson and Kimberly R. Kelly – Denied.

Daniel G. Mickelson and Kimberly R. Kelly, Fargo, ND, requested a variance to rebuild a 20' 4" by 21' 8" boathouse located on the waterfront and approximately 2.2' from the lot line. The applicants will replace footings and concrete block with poured concrete to rebuild foundation walls. The property is described as Lot 9, Anderson Beach Addition, Pelican Lake in Scambler Township. The audience was polled with Richard Schmit, contractor, and Erling Opskar speaking in support of the variance as requested. After consideration and discussion, motion was made by Mark Steuart, second by Steve Schierer and carried with Leona Zimmerman voting no, to deny the variance as requested noting that the approval of the variance as requested would not be consistent with past actions of the Board of Adjustment.

Kevin and Linda Hays – Approved as requested.

Kevin and Linda Hays, Lindstrom, MN, requested a variance to sell 30' off the east end of my property to my neighbor. The property is described as Reserve Lot A, Hoffman's Beach, West McDonald Lake in Dora Township. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by David Holmgren, second by Cecil Femling and carried with Mark Steuart voting no, to approve a variance to subdivide 30' off the east end of the applicants' property for conveyance and permanent attachment to Lot 22. The granting of the variance as requested will improve an adjoining substandard lot without significantly impacting the applicants' substandard lot.

Robert M. Diederich – Denied.

Robert M. Diederich, Ottertail, MN, requested a variance to have a substandard lot platted in 1986 declared a buildable lot. The property is described as Lot 8, Block 1, Otter Tail River Estates, Otter Tail River in Otter Tail Township. The audience was polled with Ross Bleichner expressing an interest in the applicant's plans for the property. After consideration and discussion, motion was made by Cecil Femling, second by David Holmgren and unanimously carried, to deny the variance as requested noting that there is significant low area on the applicant's lot which provides very little useable area for development.

Terrence E and Diane H Reard – Approved with condition.

Terrence E and Diane H Reard, Underwood, MN, requested a variance to have a substandard back lot, by current ordinance standards, declared a buildable lot. This lot met and exceeded the requirement of the ordinance when the plat was developed in 1983. The property is described as Lot 4, Block 1, Fawn Run Estates, Pickerel Lake in Maine Township. A letter from Sandra Wieser-Matthews opposing the granting of the variance was noted for the record. A letter from Wayne and Laurel Terry in support of the variance as requested was noted for the record. The audience was polled with Sandra Wieser-Matthews speaking to the request. After consideration and discussion, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, to declare Lot 4, Block 1, Fawn Run Estates, as a buildable lot with the condition that Lot 4, Block 1, Fawn Run Estates must be permanently attached to a 3.62 acres tract which lies behind Lot 4, Block 1, Fawn Run Estates and is a part of Lot 19, Block 1. Fawn Run Estates.

Kevin and Leilyn Honeyman – Denied.

Kevin and Leilyn Honeyman, West Fargo, ND, requested a variance of 25' from the required ordinary high water level setback of 100' for the construction of a 30' by 60' house 75' from the ordinary high water level. The property is described as Lot 13, Freedom Flyers Estates, Long Lake in Hobart Township. The audience was polled with Terry Stoa expressing interest in the applicants' development plans. After consideration and discussion, 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 and also there appears to be adequate room on this lot to meet the required 100' setback. It was also noted that the granting of this variance as requested has the potential to establish precedence for this area.

William and Diane Masloski – Denied.

William and Diane Masloski, Anoka, MN, requested a variance of 4' from the required top of bluff setback of 30' and a variance of 4' from the required ordinary high water level setback of 100' for the placement of a 12' by 38' park model unit 26' from the top of the bluff and 96' from the ordinary high water level. The property is described as Lots 14 and 15, Bergsten's North Shore Park, Crane Lake in Clitherall 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 variances as requested noting that there is sufficient room to move the proposed unit 4' further back thereby meeting both the bluff setback and the ordinary high water level setback. It was also noted that the applicants should consider locations other than the proposed location, which may not require the granting of variances.

Special note – After the passage of the above referenced motion, Pat Eckert, Land and Resource Department, noted that there are two bluffs. There is a bluff directly behind the one the applicants were requesting a variance from. Mr. Eckert noted that because of this second bluff a site permit could not be issued unless a variance was granted for the placement of the unit in the second bluff. Based on this new information Deven Nice, Assistant County Attorney, reviewed the options available to the Board of Adjustment. Mr. Nice explained the conditions under which the Board could reconsider an existing application. At the end of the regular variance meeting Randall Mann, Chair, call three times for a motion to schedule a reconsideration hearing. None was offered, therefore, the motion as previously passed would not be reconsidered.

Jeffrey Wayne Mattson - Tabled

Jeffrey Wayne Mattson, Minneapolis, MN, requested a variance of 9' from the required building setback of 10' for the replacement of a seepage pit with a new septic holding tank, which will be 1' from the building, 35' from the ordinary high water level and 7' from the side lot line. The property is described as part of Lot 40 and all of Lot 41, Girard Beach, West Battle Lake in Girard Township. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, to table this variance application until the December 5, 2001 meeting which will provide the applicant with an opportunity to consider other alternatives and to discuss various options with the adjacent property owner.

Limmer's Resort – Approved as requested

Limmer's Resort, Howard and Kathy Manteuffel, Ottertail, MN, requested a variance for the replacement of the existing footings on cottage #1, which had crumbled and were sinking. The dimensions and/or location of the cottage were not changed. The cottage is located 30' from the side lot line and 20' from the lakeshore. The property is described as the northwesterly 740.7' measured from MC #33 of Government Lot 2 lying between the highway and the lake, Section 26 of Rush Lake Township by Rush Lake. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by David Holmgren, second by Steve Schierer and unanimously carried, to approve the variance as requested noting that the structure was raised approximately 16" or two blocks and noting that the structure was placed in the exact same footprint as before the footings were replaced. It was also noted that the existing footings needed repair and had the variance application been submitted before the work was completed the Board of Adjustment would have granted the variance because it was a necessary improvement to an existing structure even though the improvement added a crawl space to that structure.

Charles and Marilyn Morgan – Approved with condition.

Charles and Marilyn Morgan, Eagan, MN, requested a variance of 45' and a variance of 50' from the required ordinary high water level setback of 100' for the construction of a new dwelling 55' from the ordinary high water level and for the placement of a deck 50' from the ordinary high water level. The property is described as Lots 15 and 16, Kimber Beach Addition, Blanche Lake in Girard Township. Rick Bladow, Contractor, represented the applicants 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 David Holmgren and unanimously carried, to approve the proposed development with the condition that the proposed development can be no closer to the ordinary high water level than the structure to the north. The motion as approved means that the applicants' proposed development must be setback the measured distance that the structure to the north is setback from the ordinary high water level and does not necessarily mean that the proposed development will be in line with the structure to the north. Hardship is a substandard lot of record.

Thomas L and Carrie L Hanson – Denied.

Thomas L. and Carrie L. Hanson, Fergus Falls, MN, requested variances of 40 and 60' from the required ordinary high water level setback of 200' for the construction of 30' by 48' garage 140 and 160' from the ordinary high water level. The proposed garage will be 140' from the water to the north and 160' from the water on the west. The property is described as the North 741.95' of the West 320.47' of the Southwest Quarter, Section 23 of Fergus Falls Township by Reedstrom (unnamed) Lake. The audience was polled with no one speaking for or against the request. Mr. Hanson noted that he has water on two side of his property, has had significant loss of land due to high water levels, has terrain and topography features, which create a hardship for the placement of the proposed structure in a location other than the proposed location and that others in the immediate area have structures closer than his proposed structure. After consideration and discussion, motion was made by Cecil Femling, second by David Holmgren to approve variances of 40' and 60' from the required ordinary high water level setback of 200' for the construction of 30' by 48' garage 140' from the ordinary high water level of the water to the north and 160' from the ordinary high water level of the water to the west. The motion failed with Randall Mann, Steve Schierer, Mark Steuart and Leona Zimmerman voting no. It was noted that the applicants' drawing indicates adequate room to the south for the placement of the proposed structure 200' from the ordinary high water level to the north and it was also noted that County Highway No. 27 provides a sufficient buffer from the ordinary high water level to the west.

Jim Heyer – Denied.

Jim Heyer, Fargo, ND, requested a variance to subdivide, by metes and bounds description, back lot parcels of over 5,000 square feet to be permanently attached to corresponding lake lots as depicted on the registered surveyor's drawing on file with the County Auditor's office. The property is described as part of Government Lot 8, Section 4 of Scambler Township by Pelican Lake. Clem Hendrickson, Surveyor, represented the applicant at the public hearing. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by Mark Steuart, 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 a variance from the platting requirements.

With no further business, Randall Mann, Chairman declared the meeting adjourned at 9:55 p.m.

Wayne Stein, Secretary