

**MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Thursday, November 6, 2003**

The Otter Tail County Board of Adjustment met Thursday, November 6, 2003, with the following persons in attendance:

Cecil Femling	Paul Larson
Randall Mann	Steve Schierer
Mark Steuart	David Trites
Eric Babolian, Land and Resource Management	
Cherie L. Clark, Assistant County Attorney	

Call to Order –

Steve Schierer, Vice Chairman, called the meeting of the Board of Adjustment to order at 6:00 p.m.

Minutes Approved -

Hearing no corrections or additions the minutes of the October 9, 2003 meeting was approved as mailed.

The following variance requests were heard:

Elizabeth M. Thompson – Approved as requested. (6:00 p.m.)

Elizabeth M. Thompson, part of Sub Lot B of Government Lot 10, Section 4 of Dora Township by West Loon Lake, requested a variance of 46' from the required ordinary high water level setback of 100' for a 10' by 14' porch addition 54' from the ordinary high water level. Jay and Jeff Thompson represented the applicant at the public hearing. Vice Chairman Schierer polled the audience 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 46' from the required ordinary high water level setback of 100' for a 10' by 14' porch addition 54' from the ordinary high water level. The addition meets the 10' side lot line setback requirement, is behind the existing structure and is not in the shore impact zone. Hardship is a pre-existing older structure.

Mark Brouer – Approved with a condition. (6:08 p.m.)

Mark Brouer, part of the Southeast Quarter of the Northeast Quarter and part of Government Lot 1, Section 13 of Dora Township by West McDonald Lake, requested a variance to have a substandard back lot declared a buildable lot for residential purposes. David Bruhn appeared along with the applicant at the public hearing. Vice Chairman Schierer polled the audience with Duane Lemm speaking to the variance as requested. Mr. Lemm was concerned with the existing condition of the property, the use of the older mobile home and the intended use of the property. Mr. Brouer noted that it was his desire to place a modular home on this parcel for his residential use and that he would like to retain the older mobile home for a storage structure. After discussion and consideration, motion was made by Mark Steuart, second by Paul Larson and unanimously carried, to declare an existing 3.36 acre parcel in Government Lot 1, Section 16 of Dora Township, also know as parcel 16-000-13-0078-002, as a buildable lot for residential purposes with the condition that the existing mobile home must be removed before a site permit can be issued for the new dwelling. The granting of the variance as requested will provide the applicant with the ability to enjoy the same rights and privileges as others in this immediate area and is consistent with previous actions of the Board of Adjustment.

Stephanie Hogan – Tabled (6:20 p.m.)

Stephanie Hogan, part of Government Lot 8, Section 8 of Hobart Township by Rose Lake, requested a variance of 15' from the required road right-of-way setback of 20' for the construction of a 24' by 24' detached garage 5' from the road right-of-way and a variance to exceed the maximum allowable impervious surface coverage. The applicant has noted that due do road easements for County Highway 4 and Lake Seven Road East impervious surface coverage equals 48.2%, however, the total lot area, excluding the road easement areas (buildable area), would have impervious surface coverage of only 16.4%. Chairman Mann polled the audience with no one speaking for or against the variance as requested. A letter from Richard West, County Engineer, recommending that the required road right-of-way setback of 20' be maintained for future road improvements was read for the record. After discussion and consideration, motion was made by Paul Larson, second by Steve Schierer to approve the construction of a 24' by 24' detached garage in a location directly to the west of the location as indicated on the applicant's drawing and at a point which is 10' from the septic tank with the condition that an existing 8' by 12' shed must be placed in a location that complies with the setback requirements of the ordinance and with the condition that a letter of approval must be received from Hobart Township and also to approve the impervious surface coverage as explained in the application. This motion failed with Cecil Femling, Randall Mann, Steve Schierer, Mark Steuart and David Trites voting no. After additional discussion and consideration, motion was made by Randall Mann, second by Mark Steuart and unanimously carried, to table this variance application until the November 13, 2003 meeting of the Board of Adjustment. It was suggest that the applicant consider the possibility of placing the proposed structure in a location directly north of the existing 8' by 12' shed and to consider the placement of the garage doors at a right angle to the road to eliminate the need to back out onto the road.

Lowell E. and Marcia O. Lee – Approved with a condition. (6:38 p.m.)

Lowell E and Marcia O Lee, Lot 12, Sanda's Beach, East Battle Lake in Girard Township, requested a variance of 37.5' from the required ordinary high water level setback of 100' for the conversion of an existing 16' by 7.5' cedar deck, with existing metal roof and wrought iron railing, into a glass enclosed, three season porch, with a wood and asphalt shingle roof being 62.5' from the waters edge and 56' from the lakeside property line. Chairman Mann polled the audience with no one speaking for or against the variance as requested. After discussion and consideration, motion was made by Steve Schierer, second by David Trites and carried with Cecil Femling and Mark Steuart voting no, to approve a variance of 37.5' from the required ordinary high water level setback of 100' for the conversion of an existing 16' by 7.5' cedar deck, with existing metal roof and wrought iron railing, into a glass enclosed, three season porch, with a wood and asphalt shingle roof being 62.5' from the waters edge and 56' from the lakeside property line with the condition that an existing 6' by 4' boat shed must be placed in a location, which is no closer to the ordinary high water level than the north side of the existing house and which meets all other setback requirements of the ordinance. The applicants' proposed development will not obstruct the view from the adjacent properties. Hardship is a substandard lot of record.

LeRoy and Valreen Mude – Approved as requested. (6:50 p.m.)

LeRoy and Valreen Mude, Lot 1, Block 2, Hill and Vale Acres, South Ten Mile Lake in Tumuli Township, requested a variance to have Lot 1, Block 2, Hill and Vale Acres declared a buildable lot for residential development. Chairman Mann polled the audience with Isabelle Sellner speaking for the variance as requested. After discussion and consideration, motion was made by Cecil Femling, second by Steve Schierer and unanimously carried, to declare Lot 1, Block 2, Hill and Vale Acres as a buildable lot for residential development purposes. The granting of the variance as requested will provide the applicants with the ability to enjoy the same rights and privileges as others in this immediate area and is consistent with previous actions of the Board of Adjustment.

Neil and Carmen Qualey – Approved with condition. (6:52 p.m.)

Neil and Carmen Qualey, Lot 21, Shirley Beach, Otter Tail Lake in Amor Township, requested a variance of 21' from the required ordinary high water level setback of 75' for a 20' by 22' two-story addition 54' from the ordinary high water level. Chairman Mann polled the audience 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 carried with David Trites voting no, to approve a variance of 21' from the required ordinary high water level setback of 75' for a 20' by 22' two story addition 54' from the ordinary high water level with the condition that the existing 8' by 10' shed must be place in a location which is at least 10' from the side lot line and behind the building line. The applicants' proposed development is behind the existing cabin and is not within the shore impact zone.

Joseph and Iliana Clauson – Approved as requested. (7:00 p.m.)

Joseph and Iliana Clauson, part of Government Lot 7, Section 7 of Gorman Township by Silver Lake, requested a variance of 45' from the required ordinary high water level setback of 200' for a 14' by 24' lakeside addition 155' from the ordinary high water level. The applicants are also proposing a 10' by 10' entryway addition, which is, located approximately 186' from the ordinary high water level. Chairman Mann polled the audience with no one speaking for or against the variance as requested. After discussion and consideration, motion was made by Steve Schierer, second by Cecil Femling and unanimously carried, to approve the variance as requested and as depicted on the applicants' drawing dated September 29, 2003. The proposed development will not obstruct the view from the adjacent properties. Hardship is a substandard lot of record.

Paul Gramith – Approved modified plan, dated November 6, 2003, with conditions. (7:05 p.m.)

Paul Gramith, Lot 13, Peterson Survey Lots of Government Lot 3, Section 26 of Tordenskjold Township by Stalker Lake, requested variances of 3.5' and 4' from the required side lot line setback of 10, a variance of 9' from the required road right-of-way setback of 20' and a variance of 47' from the required ordinary high water level setback of 100' for the placement of a 24' by 30' garage 6.5' from the south lot line at the road side corner of the garage, 6' from the south lot line at the lakeside corner of the garage, 11' from the road right-of-way and 53' from the ordinary high water level. Also, requesting a variance of 68' from the required ordinary high water level setback of 100' for the location of a fireplace 32' from the ordinary high water level. **October 2, 2003 meeting** - The audience was polled with Charles Bitzan expressing concerns with water drainage and property lines. After discussion and consideration, motion was made by Paul Larson, second by Randall Mann to deny the variance as requested. After additional discussion this motion was withdrawn and the following motion, with the verbal consent of the applicant, was offered by Paul Larson, second by Randall Mann and unanimously carried, to table the this variance request until the November 6, 2003 meeting of the Board of Adjustment so that the applicant's can consider other plans/alternatives. **November 6, 2003 meeting** – Chairman Mann polled the audience with Jerry Begley speaking in support of the variance as requested. After consideration and discussion, motion was made by Steve Schierer, second by Paul Larson and unanimously carried, to approve the revised plan dated November 6, 2003 with the following conditions: 1. a letter from Tordenskjold Township approving the placement of the proposed garage 11' 6" and 11' 8" from the road right-of-way must be filed with the Land and Resource Department, 2. the proposed fireplace addition can be no closer to the ordinary high water level than what would be permitted by the string line and 3.) the existing 8' by 12' shed must be moved to a location, which is no closer to the ordinary high water level than the existing cabin.

Neil and Kathryn Lorfald – Withdrawn

Neil and Kathryn Lorfald, Lots 10 and 11, Block 4, Lida Shores and part of Government Lot 2, Section 15 of Lida Township by Lake Lida, requested the following: request permission to combine Lots 10 and 11 into one site and establish an easement across west 20' of Lot 10 for back lot lake access. This would not be a controlled access because the primary use of combined Lots 10 and 11 will be for residential use only. Also, requesting a variance of 31' from the required ordinary high water level setback of 75' for the construction of a 32' by 28' garage 44' from the ordinary high water level. **October 9, 2003 meeting** - The audience was polled with Myron Brandner speaking against the proposed easement variance as requested. A letter from Neil and Kathy Lorfald requesting the Board of Adjustment to table there request for one month was read for the record. A letter from David Hauser addressing a portion of the applicant's request was also read for the record. After discussion and consideration, motion was made by Steve Schierer, second by Paul Larson and unanimously carried, to table this variance hearing until the November 6, 2003 meeting as requested by the applicants. **November 6, 2003 meeting** – Neil Lorfald contacted the office on Wednesday, November 5, 2003 to inform the Board of Adjustment's secretary of their intention to withdraw there variance request.

Elaine C. Skjerven – Denied. (7:17 p.m.)

Elaine C. Skjerven, Lot 9, Tanglewood Shores, Little Pelican Lake in Dunn Township, requested a variance of 2.5' from the 10' maximum allowable height of a water oriented accessory structure for an existing gazebo having an overall height of 12.5'. **October 9, 2003 meeting** - 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 table this hearing until the November 6, 2003 meeting of the Board of Adjustment. It should be noted that this action was taken because no one appeared at the public hearing to represent the application. **November 6, 2003 meeting** – David Skjerven represented the applicant at the public hearing. Mr. Skjerven also presented three letters of support from his neighbors. After discussion and consideration, motion was made by Mark Steuart, second by Steve Schierer and carried with David Trites voting no, 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 granting of the variance as requested would establish precedence and would not be consistent with past actions of the Board of Adjustment as those actions relate to water oriented accessory structures.

With no further business, Randall Mann, Chairman declared the meeting adjourned.

Wayne Stein, Secretary