

**MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Wednesday, December 3, 2003**

The Otter Tail County Board of Adjustment met Wednesday, December 3, 2003, with the following persons in attendance:

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| Les Estes | Cecil Femling |
| Paul Larson (Absent) | 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 -

Chairman Mann asked if there were any corrections or additions to the minutes of the November 13, 2003 meeting. Hearing none the minutes stood approved as mailed.

The Board of Adjustment considered the following variance applications:

Michael and Janet Parta – Approved proposed porch addition with a condition. (6:30 p.m.)

Michael and Janet Parta, part of Lots 5 and 6, Big Pine Point and part of Government Lot 3, Section 15 of Pine Lake Township by Big Pine Lake, requested a variance of 2' from the required ordinary high water level setback of 75' for the addition of a porch 73' from the ordinary high water level. Chairman Mann polled the audience with no one speaking for or against the request. After consideration, Steve Schierer made a motion, seconded by Cecil Femling and unanimously carried, to approve a variance for a 16' by 18' porch addition with the condition that the applicants must remove the existing cabin located on the west half of Lot 6 before the issuance of a site permit for the proposed addition. The Board of Adjustment noted that the proposed addition would not obstruct the view from the adjacent properties, is an improvement over the current condition of the property and no variance would have been required if the west half of Lot 6 had been owned by someone other than the applicants.

James Owen McAllister – Approved application as requested. (6:45 p.m.)

James Owen McAllister, Lot 9, Block 2, Carr's Subdivision, Otter Tail Lake in Amor Township, requested a variance to have Lot 9, Block 2, Carr's Subdivision declared a buildable lot for residential purposes. Chairman Mann polled the audience with no one speaking for or against the request. After consideration, Steve Schierer made a motion, seconded by Mark Steuart and unanimously carried, to approve Lot 9, Block 2, Carr's Subdivision as a buildable lot for residential purposes. The Board of Adjustment noted that this is consistent with past actions of the Board.

David L. and Clarice B. Ohman – Approved application as requested. (7:47 p.m.)

David L and Clarice B. Ohman, part of Government Lot 2, Section 20 of Lida Township by North Lida Lake, requested a variance of 7' 8" from the required road right-of-way setback of 20' for the construction of a 26' by 10' addition 12' 4" from the road right-of-way (cartway). Chairman Mann polled the audience with no one speaking for or against the request. After consideration, Cecil Femling made a motion, seconded by Steve Schierer and unanimously carried, to approve a variance of 7' 8" from the required road right-of-way setback of 20' for the construction of a 26' by 10' addition, as depicted on the applicant's drawing, 12' 4" from the road right-of-way. The Board of Adjustment noted that the variance as approved would have very little impact on the road right-of-way.

Ronald and Elinor Wical - Approved the application as requested with conditions. (6:56 p.m.)

Ronald and Elinor Wical, part of Government Lot 6, Section 2 of Scambler Township, requested a variance of 2' from the required north side lot line setback of 10' for remodeling and expanding an existing structure located 8' from the north side lot line. Chairman Mann polled the audience with no one speaking for or against the request. After consideration, Mark Steuart made a motion, seconded by Steve Schierer and unanimously carried, to approve a variance of 2' from the required lot line setback of 10' for remodeling and expanding an existing structure located 8' from the side lot line with the following conditions: 1.) no more than 25% of the total lot area can be covered with impervious surfaces now or in the future, and 2.) if new footings are required for the existing structure then the structure must be placed 10' from the side lot line. Hardship is a substandard lot of record.

Gary Plombon – Approved the application as requested with a condition. (7:11 p.m.)

Gary Plombon, Lot 2, Hilkoske's Second Addition to Pleasure Park, Otter Tail Lake in Otter Tail Township, requested a variance of 14' from the required ordinary high water level setback of 75' for the construction of second story addition above the existing garage and a variance to cover more than 25% of the total lot area with impervious surfaces. Current impervious surface coverage is 42%. After completion of the proposed development impervious surface coverage will still be 42%. Jim Hemelgarn, Contractor, appeared with the applicant at the public hearing. Chairman Mann polled the audience with Ertwin Jones Hermerding speaking for the variance application as requested. After consideration, Steve Schierer made a motion, seconded by Les Estes and carried with Mark Steuart voting no, to approve a variance of 14' from the required ordinary high water level setback of 75' for the construction of a second story addition above the existing garage with the condition that upon completion of the proposed development no more than 30% of the total lot area will be covered with impervious surfaces. Hardship is a substandard lot of record.

Eleanor Twardowski – Approved as modified. (7:26 p.m.)

Eleanor Twardowski, Lot 22, Bergstens North Shore Park, Crane Lake in Clitherall Township, requested a variance of 66' from the required ordinary high water level setback of 100' for the placement of an addition approximately 34' from the ordinary high water level, which will be up to, but not past the general building line. The applicant is proposing the use of the general building line instead of the formal string line. Ralph Twardowski and Troy Rupp, Contractor, appeared along with the applicant. Chairman Mann polled the audience with no one speaking for or against the request. After consideration, Randall Mann made a motion, seconded by Steve Schierer and unanimously carried, to approve an addition on either the left, right or road side of the existing structure with the following conditions: 1) the proposed addition must be at least 10' from the side lot line, 2) the proposed addition must be at least 20' from the road right-of-way, 3) no more than 25% of the total lot area can be covered with impervious surfaces, 4) the proposed addition can be no closer to the ordinary high water level than the main cabin and 5) the 8' by 12' utility shed must be relocated to the rear of the existing cabin. The Board of Adjustment noted that the variance as granted will not affect the adjacent properties and will provide the applicant with a reasonable use of her property.

Valera Horak Trust – Approved the application as requested with a condition. (7:43 p.m.)

Valera Horak Trust, part of Lot 13 and all of Lot 14, Sandy Haven Development, Stalker Lake in Tordenskjold Township, requested a variance of 28' from the required ordinary high water level setback of 100' for the location of a building site 72' from the ordinary high water level. Douglas E. and Ann M. Etten represented the applicant at the public hearing. Chairman Mann polled the audience with Gary and Sue Leitch speaking for the variance as requested. David Hauser, County Attorney, read for the record a letter from Loren and Mary Ann Romberg in support of the variance requested. After consideration, Les Estes made a motion, seconded by Randall Mann and unanimously carried to approve a variance of 28' from the required ordinary high water level setback of 100' for the location of a building site 72' from the ordinary high water level with the condition that the Land and Resource Management Department must establish the ordinary high water level and the 72' setback mark. The Board of Adjustment noted that the variance as approved will provide the applicants with a reasonable use of their property and will allow them to enjoy the same rights and privileges as others in the immediate area. Hardship is a substandard lot of record.

Peder R. Becken – Denied the application as requested and approved a lot line variance with a condition. (8:02 p.m.)

Peder R. Becken, Lot 47, Eldorado Beach and part of Government Lot 3, Section 23 of Amor Township by Otter Tail Lake, requested a variance of 2' from the required ordinary high water level setback of 75' and a variance of 26' from the required top of bluff setback of 30' for the repair of an existing screen area, which is located 73 from the ordinary high water level and 4' from the top of the bluff. Chairman Mann polled the audience with James Bergerson speaking for the variance as requested. After consideration, Randall Mann made a motion, seconded by Cecil Femling and unanimously carried, to deny the variance as requested, but to approve a variance of 3' from the required lot line setback of 10' for the placement of an addition 7' from the west lot line with the following conditions: 1) the addition can be no closer to the ordinary high water level than the existing cabin, 2.) the 6' by 8' shed must be removed, and 3.) the 10' by 18' screen area must be removed. The Board of Adjustment noted that the variance as approved would provide the applicant with a reasonable use of his property.

Michael and Dawn Ackley – Withdrew their request as of November 24, 2003.

Michael and Dawn Ackley, Lots 4 and 5, Philip Burseth Beach First Addition, Wall Lake in Dane Prairie Township, requested a variance of 4" from the standard 24" separation between highest known water table and/or ordinary high water level at beginning elevation of mound. **November 13, 2003 meeting -** Chairman Mann polled the audience 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 public hearing for additional information and for consideration of other alternatives until the December 3, 2003 Board of Adjustment meeting. **December 3, 2003 meeting –** After consideration, Steve Schierer made a motion, seconded by Mark Steuart and unanimously carried, to accept Michael S. and Dawn Ackley's letter withdrawing their variance application effective November 24, 2003.

With no further business, Randall Mann, Chairman declared the meeting adjourned at 8:35 p.m.

Wayne Stein, Secretary