

**MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Thursday, August 8, 2002**

The Otter Tail County Board of Adjustment met Thursday, August 8, 2002, with the following persons in attendance:

Cecil Femling	Frank Lachowitzer
Paul Larson	Randall Mann
Steve Schierer	Mark Steuart
Pat Eckert, Land and Resource Management	

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 August 1, 2002 meeting was approved as mailed.

The following variance requests were heard:

Wayne M Pieske – Denied. (6:30 p.m.)

Wayne M. Pieske, Ottertail, MN, requested a variance of 6” from the required 20’ maximum allowable height of a non-dwelling structure for a 40’ by 64’ structure having an overall height of 20’ 6”. The property is described as Lot 4, Block 1, Spanswick Addition, Hanson Lake in Girard Township. Emails from Tom and Patti Baker and from Rita Kettgen in support of the applicant’s request were read for the record. A letter from Dennis J. Poppenhagen in support of the applicant’s request was also read for the record. The audience was polled with Richard Spanswick and Marcella Buirge speaking in support of the variance as requested. After consideration, motion was made by Frank Lachowitzer, second by Paul Larson to approve the variance as requested. The vote on the motion was a tied voted with Randall Mann, Steve Schierer, and Mark Steuart voting no, therefore, the motion to approve failed to pass. Those voting in support of the motion noted the distance the structure was from the lake, its location within a wooded area, the relationship of the structure to adjacent neighbors and the applicant’s large lot. Those voting against the motion to approve noted that had the request been presented before the project had been completed it would not have been approved, the granting of the variance would establish precedence for this area, the granting of the variance would not be consistent with recent actions of the Board of Adjustment and no adequate hardship had been shown that would allow for the granting of this after the fact variance request.

James and Linda Matter – Approved as requested with a condition. (6:45 p.m.)

James and Linda Matter, Fergus Falls, MN, requested the following: “We have always wanted to have a 4-season sunroom and have designed one to fit in with the architecture of our house. The sunroom would replace the deck off our main floor family room and the shady, nonfunctional area beneath it. The proposed size of the sunroom is 16’ wide and 14’ 2” deep. The proposed structure would consist of 2 stories, a ground floor basement level and a main floor level. The depth of the existing deck, including the railing, is 12’ 8”, but the square footage of the proposed sunroom is significantly less than the existing deck. Our second, much less desirable option would be to build the sunroom with one level supported by stilts like the present deck structure. The distance from the sunroom to the adjacent slope would be 26’ instead of the required 30’, therefore requiring a variance. Even with the addition, our house is set further back than our adjacent neighbors.” The property is described as Lot 8 and the West 80’ of Lot 9, Block 1, Birchwood River Estates, Otter Tail River in Aurdal Township. The audience was polled with no one speaking for or against the request.

James and Linda Matter – Approved as requested with a condition. (6:45 p.m.) Continued.

After consideration, motion was made by Randall Mann, second by Steve Schierer and unanimously carried to approve option 1 as requested and as depicted in the applicants' drawing and application with the condition that before a site permit can be issued for the proposed development the applicants' gazebo must be moved out of the bluff impact zone. It was noted that the proposed development would have little or no impact on the bluff impact zone and that there is a significant amount of distance from the toe of the bluff to the river.

Joe and Ellen Muehlegger – Approved with a condition. (6:55 p.m.)

Joe and Ellen Muehlegger, St. Paul, MN, requested the following: "Pat from the Land and Resource Management office indicated that I need to apply for a variance for two reasons 1. new enclosed porch and new deck are too close to the lake, 2. impervious surface (with driveway) is over 25%. Notes: The new enclosed porch and covered deck is 60' smaller than what was replaced and 2' back further from the lake. Both neighbors on north and south approve of the replacement." Per the applicant's drawing the enclosed porch and the covered open deck are approximately 41' from the ordinary high water level and 27.07% of the total lot area is covered with impervious surfaces. The property is described as Lot 73, Nedberg-Nye Survey Lots, Section 1 of Edna Township by Devils Lake. Letters from Craig and Vicki Wendt and Penny Moos in support of the variance as requested were read for the record. 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 approve an after the fact variance for the location of the enclosed porch and covered deck with the condition that no more than 25% of the total lot area can be covered with impervious surfaces. It was noted that the applicants must be in compliance with the 25% impervious surface rule by September 30, 2002. Hardship is a substandard lot of record.

Franklin D and Karan A Jones – Approved as requested. (7:08 p.m.)

Franklin D and Karan A Jones, Laguna Hills, CA, requested a variance to replace an existing non-complying sewage system: Plan A: The drain field will be 2' from an existing garage and 2' from the road right-of-way (required setback is 10'). Plan B: The drain field will be 9' into the road right-of-way (setback to road right-of-way is 10'). Maine Township has approved both plans. The property is described as part of Government Lot 3, Section 12 of Maine Township by Pickerel Lake. Julian Wold represented the applicants at the public hearing. A letter from the Maine Town Board addressing the variance as requested was noted for the record. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Frank Lachowitz, second by Steve Schierer and unanimously carried to approve (Plan B) the placement of the drain field 9' into the road right-of-way noting the township acceptance of this location/plan.

Gregory A Hanson – Approved as requested. (7:15 p.m.)

Gregory A. Hanson, Fargo, ND, requested a variance of 5' from the required side lot line setback of 10' for a replacement dwelling located 5' from the south property line. The property is described as Parcel "E" in Government Lot 1, Section 33 of Lida Township by Lake Lida. Mike Hanson appeared along with the applicant at the public hearing. The audience was polled with Gale Pfeiffer speaking in support of the variance as requested. After consideration, motion was made by Cecil Femling, second by Paul Larson and carried with Mark Steuart and Steve Schierer voting no, to approve a variance of 5' from the required side lot line setback of 10' for the placement of a mobile home 5' from the south property line. It was noted that there is a 10' lake access area adjacent to the south lot line which will not be developed thereby leaving an adequate separation from the next occupied lot to the south. Hardship is a substandard lot of record.

Gladson Tst, Donald D and Janice B Gladson – Approved as requested. (7:22 p.m.)

Gladson Tst, Donald D and Janice B Gladson, Underwood, MN, requested a variance to subdivide 3.62 acres from an existing 13.8 acre parcel. The proposed parcel would be 250' by 630'. The minimum size for metes and bounds parcels within the shoreland area is 5 acres. The property is described as part of Government Lot 1, Section 6 of Sverdrup Township by East Lost Lake. The applicants' daughter (Linda) appear with Janice Gladson 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 Randall Mann to table the applicants' request for additional information. After additional discussion and consideration the motion to table was withdrawn and the following motion was made by Paul Larson, second by Cecil Femling and carried with Steve Schierer and Mark Steuart voting no, to approve a variance to subdivide a 3.62 acre parcel from an existing 13.8 acre parcel. It was noted that this is a cluster development. The applicants were also advised that the subdivision of their property might require a review of the permit, which authorized the cluster development.

Jean and Dennis Johnson – Approved as requested. (7:55 p.m.)

Jean and Dennis Johnson, Dent, MN, requested a variance to build a 28' by 24' handicap accessible garage suitable to hold 2 vans, attached to existing garage. Using the existing 1960 east garage wall brings addition to 16' 6" of road right-of-way. Lot itself has less than 100' between ordinary high water level and road right-of-way, so garage is within 60' of ordinary high water level. Proposed placement is closer to road right-of-way due to location of existing garage. To the west of proposed structure is a ridge containing numerous mature oak trees. Placement of structure further west could necessitate tree removal. Ridge also promotes runoff to wetland area rather than to the lake. Addition of garage makes property better suited for year round habitation. Requires a variance of 3' 6" from the required road right-of way setback of 20' and a variance of approximately 40' from the required ordinary high water level setback of 100'. The property is described as Lots 12 through 16, Peach's Silent Lake Beach, East Silent Lake in Dora Township. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Cecil Femling, second by Frank Lachowitz and carried with Mark Steuart voting no, to approve a variance to build a 28' by 24' handicap accessible garage in the location as depicted on the applicants' drawing. It was noted that the proposed structure will not be very visible from the lake and that the run off from the building will drain towards the wetland and not towards the lake. Hardship is a substandard lot of record.

Rick Freitag – Denied. (8:15 p.m.)

Rick Freitag, Sauk Centre, MN, requested a variance of 4' from the required ordinary high water level setback of 75' for the placement of a deck 71' from the ordinary high water level. The property is described as Lot 16, Okeson Beach and Lot 16, Block 1, Okeson Beach First Addition, Eagle Lake in Eagle Lake Township. An unsigned letter was noted for the record. Mark Knoblock represented the applicant at the public hearing. Letters from Tami and Jerry Westman, George and Mary Hartz and from Earlet and Alton Johnson in opposition to the variance as requested and questioning the applicant's measurement were read for the record. The audience was polled with Mary Hartz seeking information regarding the ordinary high water level and expressing concerns with the measurements as provided by the applicant. After consideration, motion was made by Paul Larson, second by Cecil Femling and unanimously carried, to deny the variance as requested noting that had the request been submitted prior to the completion of the project the variance would not have been approved as no adequate hardship unique to the property had been shown that would allow for the granting of the variance as requested.

Terry and Debra Jellison – Approved with conditions. (8:35 p.m.)

Terry and Debra Jellison, Fargo, ND, requested a variance of 20' from the required ordinary high water level setback of 75' for the purpose of constructing a permanent home by connecting the house and garage and a variance to permanently attach approximately 28' of Lot 17 and part of Lot 18 to Lot 16 to provide legal area for the 25% impervious surface rule. It should be noted that Lot 17 and the remaining part of Lot 18 will retain 100' of lot width and will have 20,000 square feet of area. The property is described as Lot 16, 17 and the east 30' of Lot 18, Sunny Beach Resort, Little Pine Lake in Gorman Township. The applicants' architect appeared along with 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 Randall Mann, second by Steve Schierer and unanimously carried, to approve the proposed development as requested with the following modification and conditions: 1.) no portion of the proposed development can be closer to the ordinary high water level than the main portion of the existing dwelling (for reference this has been circled in red on the applicant's drawing), 2.) the two existing sheds down by the water must be either removed or placed in locations which meet all of the setback requirements of the ordinance, 3.) each of the applicants' proposed lots, after the shifting of area from lot 17 to lot 16, must have at least 100' of lake frontage/width and must have at least 20,000 square feet of area, and 4.) each lot must have impervious surface coverage of 25% or less after completion of the project. It was noted that after completion of the project there should be two standard sized lots.

Otter – 1 Properties – Approved with conditions. (9:00 p.m.)

Otter – 1 Properties, Fergus Falls, MN, requested a variance from Section VII of the Subdivision Controls Ordinance and a variance from the subdivision plat requirement to subdivide, by metes and bounds description, a one acre tract of land from an existing 4.5 acre parcel. It should be noted that access to the one-acre parcel would be through an easement reserved over the main parcel to County Road 1. The 3.5-acre balance of the existing parcel will be sold and the current owner will retain the one-acre parcel. The planned use of the one-acre parcel will be for the construction of a 40' by 64' storage building. The property is described as part of the Northeast Quarter of the Southeast Quarter, Section 30 of Aurdal Township. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Steve Schierer, second by Paul Larson and unanimously carried, to approve the proposed subdivision with the condition that in addition to the one acre tract a 40' wide area, as depicted on the applicant's drawing, must be retained, by Otter – 1 Properties, from the proposed one acre tract to the public road and with the condition that a registered surveyor's drawing must be provided at the time of conveyance. Hardship is the unique shape of the property. It was also noted that this area is a commercially developed area and that the granting of this variance will not establish precedence for this immediate area.

Daniel and Nancy Iacarella – Approved as requested with a condition. (9:13 p.m.)

Daniel and Nancy Iacarella, and Jeff and Beth Jones, Ramsey, MN, requested the following: splitting a 7.2-acre tract (282' of lake frontage) on Big Pine Lake into 2 – 3.6 acre parcels. The westerly parcel is being permanently attached to the Iacarella's other property. The remaining easterly parcel is to be used for single family residential use by Jeff and Beth Jones. The minimum size for metes and bounds subdivision within the shoreland management area is 5 acres. The property is described as part of Government Lot 2, Section 22 of Pine Lake Township by Big Pine Lake. Jeff and Beth Jones appeared along with 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 Cecil Femling, second by Paul Larson and unanimously carried, to approve the proposed subdivision as requested with the condition that a registered surveyor's drawing must be provided at the time of conveyance.

Gerald V and Susan M Dow – Approved as requested with conditions. (9:20 p.m.)

Gerald V and Susan M Dow, Fargo, ND, requested a variance of 60' from the required ordinary high water level setback of 100' for a replacement home located 40' from the ordinary high water level. The property is described as Lot 1, Grobe Beach, Little Pelican Lake in Dunn Township. The audience was not polled, as there was no one other than the applicant in attendance at the time of this public hearing. After consideration, motion was made by Frank Lachowitz, second by Steve Schierer and unanimously carried to approve a variance of 60' from the required ordinary high water level setback of 100' for the placement of a dwelling 40' from the ordinary high water level with the condition that an existing 40 square foot shed must be removed prior to the issuance of a site permit and with the condition that no more than 25% of the total lot area can be covered with impervious surfaces. It was noted that the proposed building site will be further back from the ordinary high water level than the existing structure and that it will be in line with the dwelling to the east.

With no further business, Chairman Mann, declared the meeting adjourned at 9:27 p.m.

Wayne Stein, Secretary

