

**MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Thursday, August 1, 2002**

The Otter Tail County Board of Adjustment met Thursday, August 1, 2002, with the following persons in attendance:

Cecil Femling	Frank Lachowitz
Paul Larson	Randall Mann
Steve Schierer	Mark Steuart
Pat Eckert, Land and Resource Management	
David Hauser, 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 July 11, 2002 meeting was approved as mailed.

The following variance requests were heard:

David and Karen Ohlde- Approved ordinary high water level setback with conditions. (6:30 p.m.)

David and Karen Ohlde, Dent, MN, requested a variance of 60' from the required ordinary high water level setback of 100', a variance of 7' from the required side lot line setback of 10' and a variance of 6' from the required drain field setback of 20' for the placement of an attached garage 40' from the ordinary high water level, 3' from the northeast lot line and 14' from the drain field. The property is described as Lot 5, Engstrom's Beach Third Addition, West McDonald Lake in Edna Township. The audience was polled with Judy Seifert addressing the variance request. After consideration, motion was made by Cecil Femling, 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 garage 40' from the ordinary high water level with the condition that the proposed garage must meet all other setback requirements 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 variance as granted should provide the applicants with a reasonable use of their property. Reasons for not granting the variance as requests were as follows: 1.) the area is very crowded, 2) the location of the attached garage to the drain field causes health concern, and 3.) the proposed development is within the shore impact zone. Hardship is a substandard lot of record.

Marion R. Gill – Approved as requested. (6:47 p.m.)

Marion R. Gill, Perham, MN, requested a variance to take 2.74 acres out of the 122-acre farm with out a plat. The property is described as part of the South Half of the Northeast Quarter and part of Government Lots 2 and 3, Section 6 of Perham Township by Devils Lake. 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 a variance to subdivide a 2.74 acre buildable lot out of the existing 122 acre parcel. It was noted that the granting of the variance as requested would not establish precedence for this area.

George Flett – Approved as requested. (6:55 p.m.)

George Flett, Minnetonka, MN, requested a variance of 20' from the required ordinary high water level setback of 75' for the replacement of a foundation, for replacement of two walls and for the replacement of half of the roof on an existing structure located 55' from the ordinary high water level. The property is described as Sub Lot 1 of Government Lot 5, Section 1 of Star Lake Township by Star Lake. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Frank Lachowitz, second by Paul Larson and unanimously carried, to approve a variance of 20' from the required ordinary high water level setback of 75' for the replacement of a foundation, for replacement of two walls and for the replacement of half of the roof on an existing structure located 55' from the ordinary high water level. It was noted that none of the proposed development would be any closer than the existing structure to the ordinary high water level. It was also noted that all of the proposed development would be done within the existing footprint of the existing structure.

Donald and Nancy Hoogland – Approved as requested. (6:57 p.m.)

Donald and Nancy Hoogland, Breckenridge, MN, requested a variance to build a sun or screen porch attached to the existing structure. This is within the shore impact zone and behind the string line of the two existing neighboring cabins. The edge of the structure will be 40 feet 4 inches from the water edge. It will be built on an existing cement slab that existed before we purchased the property in 1978. The property is described as part of Government Lot 9, Section 1 of Sverdrup Township by East Lost Lake. 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 variance as requested and as depicted on the applicants' drawing noting that the proposed addition will be behind the string line and will be placed on an existing cement slab. It was noted that the proposed addition would be no closer than the existing structure to the ordinary high water level. Hardship is a substandard lot of record.

Gerald and Mary Nielsen – Denied. (7:00 p.m.)

Gerald and Mary Nielsen, Ottertail, MN, requested a variance to subdivide a platted lot into two tracts. One lot would have 32,500 square feet of area and the other lot would have 57,154 square feet of area. The property is described as Lot 3, Block 1, Ivy Acres, Buchanan Lake and Rush Lake in Rush Lake Township. The audience was polled with Mark Heino expressing concerns with the variance as requested. A letter from Gary and Colleen Millard opposing the variance as requested was read for the record. After consideration, motion was made by Mark Steuart, 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. It was also noted that should this lot be subdivided there may not be a building site on each lot because of the wetlands and the elevation of the lot. It was suggested that the applicants should submit an application to the Planning Commission for review of the proposed subdivision to determine if there is in fact adequate area on each lot for development.

Anthony Wayne Snyder – Approved as modified with conditions. (7:13 p.m.)

Anthony Wayne Snyder, Richville, MN, requested a variance of 65' from the required ordinary high water level setback of 200', a variance of 10' from the required road right-of-way setback of 20' and a variance of 2' from the 20' maximum height of a non-dwelling structure for the construction of a 32' by 34' garage 135' from the ordinary high water level, 10' from the road right-of-way and having an overall height of 22'. The property is described as Lot 8, First Addition to Freeman Beach, Dead Lake in Dead Lake Township. A letter from Mervin L and Phyllis I Freeman in support 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, motion was made by Steve Schierer, second by Mark Steuart to deny the variance as request. After additional discussion the previous motion was withdrawn. Motion was then made by Steve Schierer, second by Mark Steuart and unanimously carried, to approve the placement of a non-dwelling structure at least 120' from the ordinary high water level with the condition that it meets all other requirements of the ordinance and with the condition that no more than 25% of the total lot area can be covered with impervious surfaces after completion of the proposed development. It was noted that there is adequate space to meet the required road right-of-way setback.

Charlotte Ladwig – Approved as requested. (7:30 p.m.)

Charlotte Ladwig and Pelican Township, Pelican Rapids, MN, requested a variance to install a 250 square foot drain field in that part of the dedicated road that is outline on the plat enclosed with this application. The area that we are proposing to install the drain field is presently outside of any existing roadbed. We will need to cross Jacob's Beach Trail with one insulated sewer line that will run from the septic tank on Lot 15 to the drain field in the proposed area. The Pelican Township Board has reviewed our intention and their approval has been documented in the enclosed letter. The property is described as Lot 15, Jacobs Beach First Addition, Prairie Lake in Pelican Township. Chuck Watkins, contractor, appeared along with the applicant. A letter from Pelican Township addressing the variance as requested was 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 Frank Lachowitz and carried with Mark Steuart voting no, to approve the installation of a 250 square foot drain field in that part of the dedicated road that is outline on the drawing which was enclosed with the applicant's application. It was noted that this is perhaps the best location for the installation of a drain field and that it will greatly improve the existing situation. Hardship is a substandard lot of record.

Stephen and Carol Askew – Approved request number 2. (7:36 p.m.)

Stephen and Carol Askew, Coon Rapids, MN, requested a variance from the 5-acre minimum requirement of the Subdivision Controls Ordinance that requires metes and bounds parcels to be 5 acres for residential building in the shoreland area. We have 2 lots, Lot A is 1.2 acres and Lot B is 1.2 acres. Request number 1 is to have each lot declared buildable for residential use as a separate lot. If that is not possible, request number 2 is for the combined lots, Lots A and B, to be declared buildable for residential use as one parcel. The lots would be in conformance with the shoreland-zoning ordinance in all other regards. The property is described as part of Government Lot 1, Section 14 of Pine Lake Township by Big Pine Lake. The audience was polled with Rick Miller speaking to the variance as requested. After consideration, motion was made by Steve Schierer, second by Frank Lachowitz and unanimously carried, to approve (request number 2) combined Lots A and B, as depicted on the applicant drawing, as a buildable lot for residential purposes. It should be noted that the variance as granted does not restrict the applicants from applying to the Planning Commission for the platting of their property into two lots.

Stan Zierke – Approved as requested. (7:47 p.m.)

Stan Zierke, Pelican Rapids, MN, requested a variance of 9" from the required septic tank setback of 10' and a variance of 9" from the required road right-of-way setback of 20' for the placement of a single stall garage 9' 3" from the septic tank and 19' 3" from the road right-of-way. The property is described as Lot 2, Dunneden Beach, Lake Lizzie in Dunn Township. The audience was polled with Marshall Gauer speaking in support of the request. After consideration, motion was made by Cecil Femling, second by Steve Schierer and unanimously carried, to approve a variance of 9" from the required septic tank setback of 10' and a variance of 9" from the required road right-of-way setback of 20' for the placement of a detached single stall garage 9' 3" from the septic tank and 19' 3" from the road right-of-way. It was noted that the proposed structure would be in line with other like structures within this immediate area. Hardship is a substandard lot of record.

Randall J and Loretta M Punt – Denied. (7:52 p.m.)

Randall J and Loretta M Punt, Montevideo, MN, and Martin Punt, Montevideo, MN, requested a variance of 50' from the required ordinary high water level setback of 100' for the placement of a cabin 50' from the ordinary high water level and a variance of 8 to 9' from the required side lot line setback of 10', a variance of 10' from the required wetlands setback of 50' and a variance of 25' from the required ordinary high water level setback of 75' for the placement of a septic system 1 to 2' from the lot line, 40' from a wetland and 50' from the ordinary high water level. The property is described as Lot L and Lot M of Government Lot 1, Section 23 of Girard Township by East Battle Lake. The audience was polled with no one speaking for or against the request. A letter from the Otter Tail County Lakes Association expressing concerns with the proposed development was read for the record. After consideration, motion was made by Steve Schierer, second by Frank Lachowitz and unanimously carried, to deny the variances as requested noting that the proposed development requires too many variances and that the proposed development is too much development for a lot of this size and condition.

Douglas and Robyn Forys – Approved with conditions. (8:04 p.m.)

Douglas and Robyn Forys, Henning, MN, requested a variance of 52' from the required ordinary high water level setback of 100' for a 14' by 20' two story addition 48' from the ordinary high water level. The property is described as Lots 5 and 6, Pleasant View Beach, East Battle Lake in Girard 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 approve the proposed two story addition with the condition that it must be at least 50' from the ordinary high water level 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 variance as approved would keep the development out of the shore impact zone and behind the string line.

Goldie Hansen – Approved as modified and with conditions. (8:12 p.m.)

Goldie Hansen, Tower City, ND, requested the following: “proposed addition to add 27.97 square feet to top (R) corner of existing building and 97.91 square feet to bottom (R) corner of existing building to be constructed on top of a portion of an already existing sidewalk.” Per an onsite inspection one of the proposed additions would be approximately 30’ from the ordinary high water level and per the applicant’s drawing it appears that the other addition will be 10’ from the road right-of-way. It should also be noted that after completion of the proposed project 28.5% of the total lot area would be covered with impervious surfaces. The property is described as Lot 9, Block 2, Engstrom Beach, Big McDonald Lake in Edna Township. Julie Bow appeared along with the applicant 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 Paul Larson and unanimously carried, to approve the proposed addition to add 27.97 square feet to top (R) corner of the existing building and to approve the proposed addition to add 97.91 square feet to bottom (R) corner of the existing building as depicted on applicant’s drawing with the condition that the existing concrete pad must be removed and with the condition that no more than 25% of the total lot area can be covered with impervious surface after completion of the proposed additions. Hardship is a substandard lot of record.

Christopher Sieg – Denied. (8:18 p.m.)

Christopher Sieg, St. Paul, MN, requested a variance of 50 to 75’ from the required ordinary high water level setback of 200’ for the temporary location of a travel trailer 125 to 150’ from the ordinary high water level (lake). The property is described as Lot 10, Block 1, Riverview Development, West Red River Lake in Friberg Township. **May 2, 2002 Meeting** - The audience was polled with no one speaking for or against the request. After consideration and with the verbal consent of the applicant, motion was made by Steve Schierer, second by Paul Larson and unanimously carried, to table the applicant’s request for a bluff impact zone determination. The applicant was directed to contact the Land and Resource office for assistance with the bluff impact zone determination. **June 6, 2002 Meeting** – After discussion, motion was made by Randall Mann, second by Steve Schierer, and unanimously carried, per the applicant request, to table this application until the July 3, 2002 meeting of the Board of Adjustment. **July 3, 2002** – After discussion, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, per the applicant written request, to table this application until the July 11, 2002 meeting of the Board of Adjustment. **August 1, 2002** – The audience was not polled as this request had its original hearing on May 2, 2002. After additional discussion and consideration, motion was made by Steve Schierer, second by Mark Steuart and unanimously carried, to deny the variance as requested noting that no adequate hardship had been shown that would allow for the granting of the variance as requested and to required that the structure must be placed in a location that complies with the setback requirements of the ordinance on or before October 31, 2002.

With no further business, Randall Mann, Chairman declared the meeting adjourned at 8:27 p.m.

Wayne Stein, Secretary