

**MINUTES OF THE MEETING  
OF THE  
OTTER TAIL COUNTY BOARD OF ADJUSTMENT  
Thursday, July 11, 2002**

The Otter Tail County Board of Adjustment met Thursday, July 11, 2002, with the following persons in attendance:

Cecil Femling	Paul Larson
Randall Mann	Steve Schierer
Robert Schwartz	Mark Steuart
Pat Eckert, Land and Resource Management	
Kurt Mortenson, 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 July 3, 2002 meeting was approved as mailed.

**The following variance requests were heard:**

**Richard E Gross – Approved as requested with condition. (6:32 p.m.)**

Richard E Gross, Pelican Rapids, MN, requested a variance of 70' from the required ordinary high water level setback of 100' for the enclosure of a 10' by 22' carport located 30' from the ordinary high water level. The property is described as part of Lots 7 and 8, Henry's Hill, Franklin Lake in Dunn Township. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Steve Schierer, second by Robert Schwartz and carried with Randall Mann and Mark Steuart voting no, to approve a variance of 70' from the required ordinary high water level setback of 100' for the enclosure of a 10' by 22' carport located 30' from the ordinary high water level 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 project would be no closer to the ordinary high water level than the existing cabin. Hardship is a substandard lot or record.

**Marty and Nancy Hanson – Denied. (6:40 p.m.)**

Marty and Nancy Hanson, Pelican Rapids, MN, requested a variance of 29' from the required ordinary high water level setback of 75' for the placement of a dwelling 46' from the ordinary high water level on the east side of the house and a variance of 9' from the required side lot line setback of 10' for the placement of a 6' by 6' by 5' well house 1' from the north side lot line. The property is described as part of Government Lot 4, Section 27 of Lida Township by Lake Lida. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Cecil Femling, second by Robert Schwartz to approve the variance as requested. This motion failed with Paul Larson, Randall Mann, Steve Schierer and Mark Steuart voting no. It was noted that this is an after the fact request and that the applicants should comply with the variances as previously granted on September 13, 2001.

**Michael and Gloria Ryan – Denied. (6:55 p.m.)**

Michael and Gloria Ryan, Fergus Falls, MN, requested a variance of 12' from the required ordinary high water level setback of 200' for the placement of a 30' by 40' pole building 188' from the ordinary high water level. The property is described as Lot 3, Trochman Development, North Turtle Lake in Sverdrup Township. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Randall Mann, second by Mark Steuart and carried with Steve Schierer abstaining, to deny the variance as requested as no adequate hardship had been shown that would allow for the granting of the variance as requested. It was noted that there is adequate area on the applicants' property to place the structure 200' from the ordinary high water level. It was also noted that had the applicants' request been made prior to the start of construction the Board of Adjustment would not have granted the request, as the granting of the variance as requested would have established precedence for this immediate area.

**Darrell and Peggy McMahon – Approved with condition. (7:03 p.m.)**

Darrell and Peggy McMahon, St. Joseph, MO, requested a variance of 45' from the required ordinary high water level setback of 100' and a variance of 4' from the required side lot line setback of 10' for the placement of a deck 55' from the ordinary high water level and 6' from the lot line. The property is described as part of Government Lots 5 and 6, Section 33 of Tordenskjold Township by Stalker Lake. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Paul Larson to table the applicants' variance application for additional information regarding the lot line. This motion died for lack of a second. After additional discussion and consideration, motion was made by Randall Mann, second by Robert Schwartz and carried with Steve Schierer abstaining, to approve the existing deck location with the condition that it must be at least 6' from the side lot line at the front (lakeside) of the deck and at least 10' from the side lot line at the back (roadside) of the deck. It was noted that the new deck is no closer to the ordinary high water level than the existing structure and the deck is not within the shore impact zone.

**Kenneth Nordlund – Approved as requested. (7:18 p.m.)**

Kenneth Nordlund, Evansville, MN, requested a variance of 110' from the required ordinary high water level setback of 200' for the addition of a 37' by 26' three stall garage, with entry way, for the removal of part of the existing dwelling, for the addition of a walkout basement, bedroom with bath and kitchen area being no closer than 90' from the ordinary high water level. The property is described as part of the Southeast Quarter of the Southeast Quarter, Section 24 of Eagle Lake Township by an unnamed lake. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Cecil Femling, second by Steve Schierer and unanimously carried, to approve a variance of 110' from the required ordinary high water level setback of 200' for the addition of a 37' by 26' three stall garage, with entry way, for the removal of part of the existing dwelling, for the addition of a walkout basement, bedroom with bath and kitchen area being at least 90' from the ordinary high water level. It was noted that there are other structures within this immediate area, which are closer than the proposed development. Hardship is the terrain of the applicant's property.

**Dale Rastedt – Denied. (7:24 p.m.)**

Dale Rastedt, Ottertail, MN, requested a variance of 38' from the required ordinary high water level setback of 150' for the construction of a new dwelling 112' from the ordinary high water level of the Otter Tail River. The property is described as part of Government Lot 2 and part of the Southeast Quarter of the Northwest Quarter, Section 3 of Otter Tail Township by the Otter Tail River. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Cecil Femling, second by Randall Mann and carried with Robert Schwartz abstaining, to deny the variance as requested as no adequate hardship had been shown that would allow for the granting of the variance as requested. It was noted that there was adequate area to meet the required ordinary high water level setback requirement, that the granting of the variance as requested would establish precedence for new development in this area and it is possible for the applicant to have property released from the CRP program.

**Alvin and Carol Hellerman – Approved as requested. (7:40 p.m.)**

Alvin and Carol Hellerman, St. Paul, MN, requested a variance of 60' from the required ordinary high water level setback of 200' for a 16' by 26' addition to an existing dwelling 140' from the ordinary high water level. The property is described as part of Government Lot 4, Section 18 of Parkers Prairie Township by Nelson 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 a variance of 60' from the required ordinary high water level setback of 200' for a 16' by 26' addition to an existing dwelling 140' from the ordinary high water level. It was noted that the proposed addition will be no closer to the ordinary high water level than the existing structure and that the proposed structure does not obstruct the view from the adjoining properties.

**Ronald and Nanette Wegscheid – Approved with conditions. (7:42 p.m.)**

Ronald and Nanette Wegscheid, Bluffton, MN, requested a variance to subdivide by metes and bounds description a parcel of less than 2.5 acres from an existing 8.2-acre parcel. The proposed parcel would be 2.25 acres. The property is described as part of the Southeast Quarter of the Northwest Quarter, part of Government Lots 4 and 5, Section 6 of Bluffton Township. The audience was polled with Dana Brooks speaking for the variance as requested. After consideration, motion was made by Steve Schierer, second by Robert Schwartz and unanimously carried, to approve a variance to subdivide, by metes and bounds description, a parcel of less than 2.5 acres from an existing 8.2 acre parcel with the condition that a registered surveyor's drawing must be provided at the time of conveyance and with the condition that the 2.25 acre tract must be used as a cemetery and cannot be used for residential building.

**Dennis and Ione Barron – Approved lower deck with condition. Denied upper deck. (7:47 p.m.)**

Dennis and Ione Barron, North Mankato, MN, requested a variance of 49' from the required ordinary high water level setback of 75' for the replacement of two existing decks located 26' from the ordinary high water level (lake). The property is described as Lot 1, Sunset Beach, West Battle Lake in Girard Township. Leonard McNab 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 Paul Larson, second by Robert Schwartz to approve the variance as requested. This motion failed with Randall Mann, Steve Schierer and Mark Steuart voting no. Those voting in favor of this motion noted that the applicants' proposed decks would be no larger than the decks as they currently exist and that the proposed new decks would occupy the same footprint. Those voting against the motion noted that both the existing and the proposed decks obstruct view from the neighboring properties. After additional discussion and consideration, motion was made Steve Schierer, second by Cecil Femling and carried, with Paul Larson and Robert Schwartz voting no, to approve a variance of 49' from the required ordinary high water level setback of 75' for a lower level deck with the condition that the deck must be at least 10' from the side lot line and to deny the upper level deck. It was noted that the variance as approved will provide the applicants with a reasonable use of their property, will not obstruct the view from the adjacent properties and will lessen the impact in the shore impact zone.

**Elizabeth M Klein – Approved as requested. (8:02 p.m.)**

Elizabeth M. Klein, Eagle Bend, MN, requested a variance of 2' 6" from the required east side lot line setback of 10' for the construction of a 6' by 10' entry to the rear of a new addition. The property is described as the west half of Lot 8, Big Pine Point and part of Government Lot 3, Section 15 of Pine Lake Township by Big Pine Lake. 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 and unanimously carried, to approve a variance of 2' 6" from the required east side lot line setback of 10' for the construction of a 6' by 10' entry to the rear of the new addition. It was noted that the granting of this variance request is consistent with past actions of this Board. Hardship is a substandard lot or record.

**Peter and Suzanne Flink – Approved as requested. (8:05 p.m.)**

Peter and Suzanne Flink, Dent, MN, requested a variance of 100' from the required ordinary high water level setback of 200' for the placement of a 12' by 8' storage shed 100' from the ordinary high water level. The property is described as Lot 11, Minn-Kota Beach, Dead Lake in Maine Township. Jeffrey D Skonseng, Attorney, represented the applicants at the public hearing. The audience was polled with no one speaking for or against the request. An email message from Janis and Larry Walker in support of the applicants' request was read for the record. After consideration, motion was made by Cecil Femling, second by Robert Schwartz and carried with Mark Steuart voting no, to approve a variance of 100' from the required ordinary high water level setback of 200' for the placement of a 12' by 8' storage shed 100' from the ordinary high water level. Hardship is a substandard lot or record.

**Rick and Janis Kasper – Approved as modified. (8:12 p.m.)**

Rick and Janis Kasper, Fargo, ND, requested a variance to screen in a patio on an existing removable platform, which is 13' from the shoreline. 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, motion was made by Randall Mann, second by Paul Larson and unanimously carried, to approve the variances necessary to screen in an existing patio area with the following conditions: 1.) the existing outhouse must be removed before a site permit can be issued, 2.) the screen area cannot exceed 260 square feet, and 3.) the screen area cannot go outside of the existing footprint of the patio area. Hardship is a substandard lot of record and the terrain features of the applicants' property.

**Virgil and Eilenn Schmit – Approved as requested. (8:31 p.m.)**

Virgil and Eileen Schmit, Dalton, MN, requested a variance of 58' from the required ordinary high water level setback of 100' for the enclosure of a 12' by 7' 8" cement patio area located 42' from the ordinary high water level. The property is described as part of Lot 2 and all of Lot 3, Sandy Haven Development, Stalker Lake in Tordenskjold Township. The audience was polled with Ann Etten and Victorine Thomas speaking in support of the applicants' variance application. After consideration, motion was made by Paul Larson, second by Cecil Femling and unanimously carried to approve a variance of 58' from the required ordinary high water level setback of 100' for the enclosure of a 12' by 7' 8" cement patio area located 42' from the ordinary high water level. It was noted that the area proposed for enclosure is no closer to the ordinary high water level than the existing structure. Hardship is a substandard lot of record.

**Janet Bengtson – Denied. (8:36 p.m.)**

Janet Bengtson, Battle Lake, MN, requested a variance "to have my house moved so it is on the line of an easement road that is not being used. I am in need of this due to a substandard lot and it would be too close to the existing septic holding tank. Approximately 9'." The property is described as Tract C of Government Lot 3, Section 10 of Eagle Lake Township by Eagle Lake. The audience was polled with Clarence Johnson speaking against the variance as requested. It should be noted that Mr. Johnson provided a significant handout to support his position. This handout will be incorporated by reference into the minutes of this meeting. After consideration, motion was made by Cecil Femling, second by Steve Schierer and unanimously carried, to deny the variance as requested as no adequate hardship unique to this property had been shown that would allow for the granting of this request and noting the Board of Adjustments continued support for the variance as it was approved on September 10, 1998. It was also noted that the current situation is a self-created hardship since the applicant did not comply with the previously granted variance.

### **Swenson and Kay Tsts - Withdrawn**

Swenson and Kay Tsts., Vergas, MN, requested a variance of 38' from the required side lot line setback of 40' and a variance of 5 to 10' from the required ordinary high water level setback of 20' for the repair and placement of a boathouse back on its existing foundation which is located 2' from the side lot line and 10 to 15' from the ordinary high water level. The property is described as Lot 4, San Dee Cove Beach, Lake Lida in Lida Township. Prior to the scheduled hearing the application was withdrawn by the applicants.

### **Oscar Kawlewski – Denied. (9:00 p.m.)**

Oscar Kawlewski, Ottertail, MN, requested a variance to create four non-residential back lots of 22,500 square feet without platting. The proposed back lots will be attached to the lake lots adjacent in Channel View. The property is described as part of Government Lot 5, Section 34 of Rush Lake Township by the Otter Tail River. Jim Peterson, Anderson Land Surveying, represented the applicant at the public hearing. The audience was polled with Donald Schaap and other residents of the Channel View Development expressing an interest in why these lots were being developed. After consideration, motion was made by Robert Schwartz, second by Cecil Femling to approve the proposed subdivision with the same conditions as were required in the variance which was approved on Thursday, October 14, 1999. This motion failed with Randall Mann, Paul Larson, Steve Schierer and Mark Steuart voting no. Those members voting in favor of this motion noted that the front lots in Channel View would have an opportunity for improvement with the addition of these proposed back lots. Those voting against the motion noted that there was no adequate hardship to grant a variance from the County's platting requirements.

### **Thomas R and Patricia L Dew – Approved with conditions. (9:20 p.m.)**

Thomas R and Patricia L. Dew, Ottertail, MN, requested a variance to place a 32' by 66' manufactured home 50' from the harbor (water) and property lines. Also, tear down existing house and garage and replace house with a double car garage and car port 25' from water. The property is described as part of Government Lot 7, Section 4 of Otter Tail Township by Otter Tail Lake. The audience was not polled, as there was no one in attendance at the time of this public hearing. After consideration, motion was made by Paul Larson, second by Robert Schwartz and unanimously carried, to approve the variances as requested and with the setbacks as stated in the variance application and as depicted in the applicants' drawing with the following conditions: 1.) within six months after the construction of the proposed 32' by 66' dwelling the old house must be converted into the proposed garage and carport, 2.) within six months after the construction of the proposed 32' by 66' dwelling the old garage must be torn down and 3.) any camping activities, which have been, allow under any existing conditional use permits must cease to exist.

With no further business, Chairman Mann, declared the meeting adjourned at 9:37 p.m.

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Wayne Stein, Secretary