

**MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Thursday, June 6, 2002**

The Otter Tail County Board of Adjustment met Thursday, June 6, 2002, with the following persons in attendance:

Cecil Femling	Paul Larson
Randall Mann	Joe Maske
Steve Schierer	Mark Steuart
Pat Eckert, Land and Resource Management	Deven Nice, 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 May 2, 2002 meeting was approved as mailed.

The following variance requests were heard:

Louis Swigert – Approved as requested. (6:30 p.m.)

Louis Swigert, Richville, MN, requested a variance to have a back lot, which was platted in 1976, declared a buildable lot. A 1992 change to the Shoreland Management Ordinance resulted in back lots, platted after October 1971 and before February 1992, being declared as nonbuildable unless they are at least twice the size of a standard front lot for the applicable lake classification. The property is described as Lot 2, Block 2, Carr's Subdivision, Otter Tail and Walker Lakes in Amor Township. The audience was polled with James Owen McAllister speaking in support of the applicant's request. After consideration, motion was made by Steve Schierer, second by Joe Maske and unanimously carried, to approve the variance as requested noting a pre-existing building on this property.

Stirling Tomlin – Approved with condition. (6:43 p.m.)

Stirling Tomlin, Morris, MN, requested the following: add bedroom to east side of present structure, add handicap accessible deck to west side of present structure and add concrete foundation to main structure. A variance from deck to Leaf River of 50'. The property is described as part of Reserve Block A and part of abandoned Highway No. 9, Leaf Lake Pleasure Grounds, West Leaf Lake in Leaf Lake Township. Robert Stevenson 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 Cecil Femling and unanimously carried, to approve the addition of a 12' by 14' bedroom to the east side of the present structure, the addition of a handicap accessible deck to the west side of the present structure and the addition of a concrete foundation to the main structure with the condition that none of the proposed improvements can be within 50' of the ordinary high water level (river) as determined by the Land and Resources Department.

Leonard Walton – Tabled. (6:52 p.m.)

Leonard Walton, Dent, MN, requested a variance to cover 28.69% of the total front lot area with impervious surfaces. The maximum allowable impervious surface coverage is 25%. The property is described as Lot 27, Crystal Beach, West McDonald Lake in Dora Township. 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 Randall Mann, second by Steve Schierer and unanimously carried, to table the applicant's request for a determination, by the Land and Resource Department, as to the amount of area between the property stakes on the lake side of the applicant's lot and the ordinary high water level.

Thomas A Johnson – Approved with condition. (7:12 p.m.)

Thomas A Johnson, Dalton, MN, requested a variance of 85' from the required ordinary high water level setback of 200' for the replacement of an existing open deck with a 12' by 14' three season porch 115' from the ordinary high water level (lake). The property is described as a 3.4 acre tract in the Southwest Quarter of the Southwest Quarter and in Government Lot 4, Section 33 of Dane Prairie Township by Rose Lake. 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 carried with Cecil Femling and Randall Mann voting no, to approve a variance of 85' from the required ordinary high water level setback of 200' for the replacement of an existing open deck with a three season porch 115' from the ordinary high water level with the condition that the three season porch must be no bigger than the existing open deck.

Earl C. Mickelson – Approved with conditions. (7:17 p.m.)

Earl C. Mickelson, Dent, MN, requested a variance to subdivide an existing 3.66-acre parcel into three lots. Lot 1 as identified on the applicant's drawing would be approximately 15,050 square feet, Lot 2 as identified on the applicant's drawing would be approximately 21,112 square feet and Lot 3 as identified on the applicant's drawing would be approximately 123,267 square feet. The minimum size for newly created metes and bounds parcels within the shoreland area is 5 acres and the minimum size for newly created platted back lots within the shoreland area is 40,000 square feet of area and 200' of width. The property is described as a 3.66-acre parcel in Government Lot 2, Section 35 of Dora Township by Star Lake. Tom Ferguson and Dale Salberg, potential purchasers of two of the proposed three lots, appeared 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 Cecil Femling, second by Steve Schierer, and unanimously carried, to approve the proposed subdivision of an existing 3.66 acre parcel with the following conditions: 1.) a registered surveyor's drawing must be provided, 2.) the green colored area, as identified on the applicant's drawing, must be permanently attached to Lot 5, Abie's Acres Second Addition, 3.) the yellow colored area, as identified on the applicant's drawing, must be permanently attached to Lot 4, Abie's Acres Second Addition, and 4.) the blue color area, as identified on the applicant's drawing meets the minimum size requirements for a platted back lot and has access to a public road, therefore, it can remain as a separate buildable lot.

Bradley and Sheena Smith – Approved with condition. (7:24 p.m.)

Bradley and Sheena Smith, Parkers Prairie, MN, requested a variance to subdivide an existing 7.02-acre parcel into two parcels. Parcel "A" as identified on the applicant's drawing would be 3 acres and Parcel "B" as identified on the applicant's drawing would be 4.02 acres. The minimum size for newly created metes and bounds parcels within the shoreland area is 5 acres and the minimum size for newly created platted back lots within the shoreland area is 40,000 square feet of area and 200' of width. The property is described as a 7.02-acre parcel in Government Lot 1, Section 27 of Parkers Prairie Township by Lake Adley. Kelly Simonson appeared 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 Randall Mann, second by Cecil Femling and unanimously carried, to approve the subdivision of an existing 7.02-acre parcel into two parcels, as identified on the applicants' drawing, with the condition that a registered surveyor's drawing must be provided at the time of conveyance. It was noted that both parcels meet the minimum size requirement for platted back lots and that both parcels have access to a public road.

Rick L. Schake – Approved Ordinary High Water Level Variance. Denied Septic Tank and Drain Field Variances. (7:36 p.m.)

Rick L Schake, Fergus Falls, MN, requested a variance of 12' from the required ordinary high water level setback of 100', a variance of 1.5' from the required septic tank setback of 10' and a variance of 7' from the required drain field setback of 20' for the placement of an addition to an existing structure 88' from the ordinary high water level, 8.5' from the septic tank and 13' from the drain field. The property is described as part of Government Lot 1, Section 31 of Dane Prairie Township by Swan Lake. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Randall Mann, second by Cecil Femling and carried with Steve Schierer abstaining, to approve a variance of 12' from the required ordinary high water level setback of 100' for the placement of an addition to an existing structure 88' from the ordinary high water level noting that the placement of the proposed addition in this location would place it no closer than the existing structure to the ordinary high water level. Motion was also made by Randall Mann, second by Cecil Femling and carried with Steve Schierer abstaining, to deny the septic tank and drain field variances as requested noting no adequate hardship and noting consistency with prior actions of the Board of Adjustment.

James B. Crouse – Approved as requested. (7:48 p.m.)

James B Crouse, Battle Lake, MN, requested a variance to deed the East 44' of Parcel "C" and existing building to the owner of the adjacent property. This will enhance his property and give him needed storage space and still leave me with sufficient space to construct a new building, which will better accommodate my space requirements. The property is described as part of Government Lot 4 and part of the Southwest Quarter of the Southwest Quarter, Section 3 of Everts Township by Otter Tail 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 transfer of the East 44' of Parcel "C" and the existing building on parcel "C" to the owner of the adjacent property. It was noted that the transfer of this property will be an improvement for the adjacent property and that the transfer will not negatively impact the applicant's property.

Reuben Froemming – Approved as requested. (7:50 p.m.)

Reuben Froemming, Perham, MN, requested a variance of 90' from the required ordinary high water level setback of 200' for a proposed basement addition and for a 12' by 12' room addition to an existing cabin located 110' from the ordinary high water level. The property is described as the West 200' of the East 1,720' of the South Half of the Northeast Quarter, Section 9 of Eagle Lake Township by Middle Lake. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Paul Larson, second by Steve Schierer and unanimously carried, to approve a variance of 90' from the required ordinary high water level setback of 200' for a proposed basement addition and for a 12' by 12' room addition to an existing cabin located 110' from the ordinary high water level. It was noted that the basement addition will be no closer than the existing structure to the ordinary high water level and that the room addition is to the rear of the existing structure away from the ordinary high water level.

Blain L. Christianson – Approved with condition. (7:55 p.m.)

Blain L Christianson, Fargo, ND, requested a variance of 3' from the required side lot line setback of 10', a variance of 23' from the required ordinary high water level setback of 75' for a 12' by 23.5' addition 52' from the ordinary high water level and 7' from the lot line. The property is described as Lot 20, Block 2, Jackson and McKees Addition, Big Pine Lake in Pine Lake Township. The audience was polled with no one speaking for or against the request. After consideration, motion was made by Steve Schierer, second by Joe Maske and unanimously carried, to approve a variance of 3' from the required side lot line setback of 10', a variance of 23' from the required ordinary high water level setback of 75' for a 12' by 23.5' addition 52' from the ordinary high water level and 7' from the lot line with the condition that before a site permit can be issued the existing 8.5' by 10.5' storage shed must be either removed or placed in a location that complies with all of the setback requirements.

Len Malberg – Denied. (8:02 p.m.)

Len Malberg, Vergas, MN, requested a variance of 70' from the required ordinary high water level setback of 100' for a 10' by 20' proposed addition 30' from the ordinary high water level. It should be noted that the proposed addition would connect two existing cabins. The property is described as part of Government Lots 3, 4 and 5, Section 35 of Candor Township by Loon Lake. Terry Colton represented 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 Mark Steuart, second by Joe Maske and unanimously carried, to deny the variance as requested noting the following: 1.) no adequate hardship had been shown that would allow for the granting of the variance as requested, 2.) the proposed plat should be finalized, and 3.) new platted lots should not require setback variances.

Robert and Vi Poss – Approved side lot line variance. Denied drain field variance. (8:17 p.m.)

Robert and Vi Poss, Wahpeton, ND, requested a variance of 1' from the required side lot line setback of 10' and a variance of 2' 1" from the required drain field setback of 20' for a proposed addition being 9' from the side lot line at its nearest point and 17' 11" from the drain field. The property is described as part of Government Lot 4, Section 13 of Elizabeth Township by Jewett Lake. 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 a variance of 1' from the required side lot line setback of 10' and to deny the variance of 2' 1" from the required drain field setback of 20' for a proposed addition being 9' from the side lot line at its nearest point and 20' from the drain field. Hardship for the granting of the side lot line variance is the angle of the lot line.

Christopher Sieg – Tabled per applicant's written email request.

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.

With no further business, Randall Mann, Chairman declared the meeting adjourned at 8:26 p.m.

Wayne Stein, Secretary