

**MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Thursday, May 2, 2002**

The Otter Tail County Board of Adjustment met Thursday May 2, 2002, with the following persons in attendance:

Rod Boyer
Paul Larson
Steve Schierer
David Hauser, County Attorney

Cecil Femling
Randall Mann
Mark Steuart
Pat Eckert, Land & 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 April 11, 2002 meeting was approved as mailed.

The following variance requests were heard:

Christopher Sieg – Tabled for Bluff Impact Zone Determination. (6:30 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. 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.

Erhardt Krabbenhoft Jr. – Denied. (6:45 p.m.)

Erhardt Krabbenhoft Jr., Pelican Rapids, MN, requested a variance to subdivide three substandard platted back lots. Lots 4 and 5 will be will conveyed to the owner of Lot 3, Sunset Beach Second Addition. The owner would retain Lot 6. The lots will not be used for residential purposes. The property is described as Lots 4, 5 and 6, Block 2, Lizzie View Estates, Lake Lizzie in Dunn Township. The audience was polled with Jamie Schreiner speaking for the variance as requested. After consideration and discussion, motion was made by Randall Mann, second by Rod Boyer and unanimously carried, 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 also noted that the plat requires that these back lots must be attached to front lake lots and that the applicant must attach all three lots to one or more of the front lots all at the same time.

Earl L and Barbara A Petersen – Approved with condition. (7:10 p.m.)

Earl L and Barbara A Petersen, Vergas, MN, requested a variance of 100' from the required ordinary high water level setback of 200' for the construction of a new dwelling 100' from the ordinary high water level. Also requesting a variance to add a 12' by 24' addition to the existing garage, which would be behind the proposed dwelling. The property is described as Lot 13, Block 1, Y & M Properties, Lake Ida in Candor Township. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by Steve Schierer, second by Paul Larson and unanimously carried, to approve the garage addition as depicted on the applicants' drawing and to approve construction of a new dwelling with the condition that no part of the new dwelling construction can be closer to the ordinary high water level than the existing porch. The variance as approved will provide the applicants with a reasonable use their property.

United Sportsman Club – Denied. (7:15 p.m.)

United Sportsman Club, West St. Paul, MN, requested a variance of 94' from the required ordinary high water level setback of 200' for the construction of a 26' by 32' garage 106' from the ordinary high water level. The property is described as part of Government Lots 3 and 4 and the North Half of the Northeast Quarter, Section 27 of Dead Lake Township by Dead Lake. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by Randall Mann, second by Cecil Femling and unanimously carried, to deny the variance as requested as no adequate hardship had been shown and other reasonable alternatives exist for the placement of a 26' by 32' garage 200' from the ordinary high water level. It was noted that this is a very large (118.9 acres) parcel, which should provide opportunities for the placement of a 26' by 32' garage, which would not, required a variance from the required setbacks.

John and Bonnie Nordstrom – Approved as requested. (7:22 p.m.)

John and Bonnie Nordstrom, Pelican Rapids, MN, requested a variance to place the southwest corner a 28' by 26' garage 13' from the back lot line, the southeast corner of the garage will be 20' from the back lot line and the northwest corner of the garage will be 73' from the ordinary high water level (lake). The required road right-of-way setback is 20' and the required ordinary high water level setback is 100'. Per the applicant's drawing the southwest corner of the garage will be 13' from the lot line, the southeast corner of the garage will be 20' from the lot line and the northwest corner of the garage will be 73' from the ordinary high water level. The property is described as Lots 13A and 14A of Government Lot 10, Section 7 of Hobart Township by Lake Seven. A letter from Diane Bruhn, Clerk of Hobart Township, noting that the road in question is not a township road was read for the record. A letter from Terry Dimmer 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 and discussion, motion was made by Cecil Femling, second by Steve Schierer and unanimously carried, to approve the placement of the proposed 28' by 26' garage in the location as depicted on the applicants' drawing. The granting of the variance to place the proposed garage 73' from the lake and 13' from the back lot line at its nearest point will provide the applicants with a reasonable use of their property.

Don Lundrigan – Approved as modified. (7:28 p.m.)

Don Lundrigan, Pelican Rapids, MN, requested a variance of 30' from the required top of bluff setback of 30' for the placement of an addition to an existing dwelling 0' from the top of the bluff. The property is described as Lots 23 and 24, Block 4, Lida Shores, Lake Lida in Lida Township. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by Steve Schierer, second by Randall Mann and carried with Cecil Femling abstaining, to permit modifications/alterations only to the existing footprint, including the foundation. It was noted that the variance as modified will provide the applicant with the ability to maintain his property and will provide the applicant with a reasonable use of his property.

Thomas Colman – Approved with modifications. (7:55 p.m.)

Thomas Colman, Sauk Rapids, MN, requested a variance of 16' 6" from the required road right-of-way setback of 20' and a variance of 1' from the required lot line setback of 10' for the construction of a 5' 3" by 6' addition to the rear of the existing structure and for 3 new roofs on the existing structure. The property is described as Lot 8, Otter Tail River Park, Otter Tail Lake in Everts Township. Jay Pepple appeared along with the applicant at the public hearing. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by Steve Schierer, second by Cecil Femling and unanimously carried, to approve a variance of 16' 9" from the required road right-of-way setback of 20' for the placement of a new roof 3' 3" from the road right-of-way and a variance of 1' from the required lot line setback of 10' for the construction of a 5' 9" by 6' addition to the rear of the existing structure 1' from the lot line. It was noted that the applicant's proposal includes three new roofs. One of which is 3' 3" from the road right-of-way.

Eraine Patrias – Approved as requested. (8:00 p.m.)

Eraine Patrias, Vining, MN, requested a variance to subdivide Lot "B", as identified on the applicant's drawing, from an existing 52.04 acre parcel and also a variance to have this 2.5 acre parcel declared a buildable lot. It should be noted that Lot "B" will be convey to Richard Phelps who already owns Lot "C" as identified on the applicant's drawing. It should also be noted that Mr. Phelps also has a 1/3 interest in Lot "B". The property is described as part of Government Lots 6 and 7, Section 3 of Nidaros Township by Stuart Lake. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by Steve Schierer, second by Paul Larson and unanimously carried, to approve a variance to subdivide Lot "B", as identified on the applicant's drawing, from an existing 52.04 acre parcel and also a variance to have this 2.5 acre parcel declared a buildable lot. It was noted that the proposed parcel meets the minimum size of a platted lot for this lake, is equal in size to the three previously created metes and bounds parcels and this parcel would have met the required size for a metes and bounds parcel had it been created as a separate parcel when the other three tracts were created. The granting of the variance as requested provides the applicant with an opportunity to enjoy the same rights and privileges as the other three parcels within the immediate area.

Karen J. Anderson – Approves with conditions. (8:16 p.m.)

Karen J. Anderson, Maple Grove, MN, requested a variance to replace an existing 8' by 18' porch with an 8' by 24' enclosed structure on the East Side of the existing cabin. The existing cabin is approximately 75' from the ordinary high water level. Requesting a variance of 25' from the required ordinary high water level setback of 100'. The property is described as Lots 1 and 2, Wall's Lost Lake Beach, East Lost Lake in Sverdrup Township. Wes Anderson represented the applicant at the public hearing. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by Randall Mann, second by Cecil Femling and unanimously carried, to approve a variance to replace an existing 8' by 18' porch with an 8' by 24' enclosed structure on the east side of the existing cabin with the condition that an existing 10' by 10' shed and an existing 10' by 10' cement pad must be removed prior to the issuance of a site permit and with the condition that after completion of the proposed addition no more than 25% of the total lot area can be covered with imperious surfaces.

Peter J and Any E Babler – Denied. (8:23 p.m.)

Peter J and Any E Babler, Perham, MN, requested the following: “A variance is sought from the 100-foot setback required from the Ordinary High Water Level Lotline of the Shoreland Management Ordinance of Otter Tail County. Based on the plat survey, a variance will be needed in the amount of 89 feet from the North shoreline and 89’ from the South shoreline (including proposed deck). A variance is requested to construct a 38 foot long by 28 foot wide home (proposed structure”). The proposed structure will be a 1.5 story, two-bedroom, log sided home. A proposed deck will add 8 feet to the front of the proposed structure increasing the overall length to 46 feet. In addition, the proposed deck will add 4 feet to either side of the proposed structure, thus increasing the overall width to 36 feet. The proposed structure will be set back 49 feet at its nearest point from the road right-of-way.” Total impervious surface coverage will be 2.59%. It should be noted that any sewer constructed on the property will be in compliance with the Sanitation Code of Otter Tail County for a two-bedroom home and any well on the property will be constructed and maintained in accordance with Water Well Construction Code of the Minnesota Department of Health. The property is described as Lot 9, McDonald Shores First Addition, Big McDonald/Schwartz lakes in Edna Township. It was noted that the requested ordinary high water level variance should be 11’ instead of 89’. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by Cecil Femling, second by Mark Steuart and carried with Rod Boyer voting no, to deny the variance as requested. It was noted that this is a fairly recent plat and each lot within this plat should have had a building site, which met all the required setbacks.

Arden and Lori Shulstad – Approved as modified with condition. (8:35 p.m.)

Arden and Lori Shulstad, Vergas, MN, requested the following: “The house has a flat roof. We would like to change it to a barn style roof, adding additional space and eliminating roof leakage problems. We are living here full time and the house is quite small – 20’ by 22’. We purchased this property Feb 7, 2001. A copy of the real estate disclosure from the previous owner is included. Please note that there have been significant roof problems. If a barn style roof were not acceptable, I would like to install a standard 4 –12 roof. Please note that 2nd floors have been added to the two cabins south of ours. We are also doing major upgrades to the sewer and electrical systems and would like to log side the house when complete. I would also like to rebuild the decks exactly as it is in the same location. I want to add a second story to this cabin. It is approximately 11’ from the water. Also the cabin is approximately 6 –7’ from the side lot line.” The property is described as Lot 4, Block 1, Trowbridge Point, Leek Lake in Candor Township. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by Steve Schierer, second by Cecil Femling and unanimously carried, to approve the replacement of the existing roof with a 4-12 pitch roof and to allow reconstruction of the existing decks (same size and in the same location as the existing decks) with the condition that the old outhouse must be removed. It was noted that the variance as approved would provide the applicants with a reasonable use of their property.

Ronald and Marilee Tischer – Denied. (8:45 p.m.)

Ronald and Marilee Tischer, Breckenridge, MN, requested a variance of 2' 6" from the required 20' maximum height of a non-dwelling for the construction of a garage with an overall height of 22' 6". The property is described as part of the Southeast Quarter of the Northeast Quarter, part of Government Lots 1 and 2, Section 1 of Everts Township by Otter Tail Lake. An email from Don and Betty Freese seeking information regarding the request was noted for the record. An email from Colleen Macheledt requesting that the variance as requested be denied was read for the record. Letters from Ray DeBower and from Edith R. Cook in support of the applicants' request were read for the record. The audience was polled with Richard and Jo Haire speaking for the request. After consideration and discussion, motion was made by Steve Schierer, second by Cecil Femling to approve the variance as requested. The motion failed with Mark Steuart, Randall Mann, Paul Larson and Rod Boyer voting no. Those voting against the motion noted that had the request been presented before the structure was built they would not have approved the request. Those voting for the motion noted that the distance the structure was from the lake, the fact that it did not obstruct the view from the adjoining property and a previously granted variance in the Clitherall Lake area.

Dale and Mary Jane Langseth – Approved as modified and with a condition. (9:06 p.m.)

Dale and Mary Jane Langseth, Glyndon, MN, requested a variance of 40' from the required ordinary high water level setback of 100' for the replacement of a 6' by 16' porch with a 12' by 28' three season porch being located 60' from the ordinary high water level. The applicant is also replacing an existing 6' x 3' entrance on the West Side of the existing structure with a 6' by 10' entrance. The property is described as part of Lot 10 and all of Lots 11 and 12, Jacob's Beach, Prairie Lake in Pelican Township. A letter from Irene Lewis in support of the applicants' request was read for the record. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by Randall Mann, second by Rod Boyer and unanimously carried, to approve an addition to the existing structure being no closer than the existing main structure to the ordinary high water level with the condition that an existing 8' by 10' shed must be removed. It was noted that if the variance was approved as requested it would place the proposed addition ahead of the string line. It was also noted that there is adequate space on the sides of the dwelling for the proposed addition. The variance as approved allows the existing front porch to remain in its present location and to be maintained.

Lori Wheelright – Approved as requested. (9:17 p.m.)

Lori Wheelright, Dent, MN, requested a variance of 57' from the required ordinary high water level setback of 100' for the location of a building site 43' from the ordinary high water level, which meets the string line test, and a variance of 65' from the required ordinary high water level setback of 100' for the location of a deck 35' from the ordinary high water level, which also meets the string line test. The property is described as Lots 5 and 6, Bill's Beach First Addition, Big McDonald Lake in Edna Township. The audience was polled with no one speaking for or against the request. After consideration and discussion, motion was made by Paul Larson, second by Steve Schierer and carried with Cecil Femling voting no, to approve a variance of 57' from the required ordinary high water level setback of 100' for the location of a building site 43' from the ordinary high water level and a variance of 65' from the required ordinary high water level setback of 100' for the location of a deck 35' from the ordinary high water level. It was noted that the placement of the proposed structure in the location as approved would place the proposed dwelling in the building line with the adjacent properties. It was also noted the variance as approved would provide the applicant with an ability to enjoy the same rights and privileges as others in the immediate area. It is also an improvement as the proposed new dwelling will be setback 12' further than the original structure.

Additional Discussion –

Thomas W. Hanson – Impervious Surfaces

There was a discussion concerning a previously granted variance which did not provide for covering more than 25% of the property with impervious surfaces. There was discussion as to whether or not the outcome would have been different had they known that the impervious surface coverage exceeded 25%. There was only discussion and no action was taken. A general opinion was that a new application would need to be submitted since the applicant previously stated that he did not need a variance to exceed the 25% limitation.

With no further business, Randall Mann, Chairman declared the meeting adjourned at 9:34 p.m.

Wayne Stein, Secretary