

**MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Thursday, September 12, 2002**

The Otter Tail County Board of Adjustment met Thursday, September 12, 2002, with the following persons in attendance:

Cecil Femling
Randall Mann
Richard Sha
Pat Eckert, Land and Resource Management
Kurt Mortenson, Assistant County Attorney

Paul Larson
Steve Schierer

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 September 5, 2002 meeting was approved as mailed.

The following variance requests were heard:

Eugene and Janice A Harthun – Approved as requested. (6:32 p.m.)

Eugene and Janice A. Harthun, Dent, MN, requested a variance of 60' from the required ordinary high water level setback of 200' for the addition of a sunroom and a covered porch to an existing dwelling located 140' from the ordinary high water level. The property is described as the Northwest Quarter of the Northwest Quarter, the Southeast Quarter of the Northwest Quarter and Government Lots 2 and 3, Section 33 of Star Lake Township by Mud Lake. The audience was polled with no one speaking for or against the request. After discussion and consideration, motion was made by Steve Schierer, second by Cecil Femling and unanimously carried, to approve a variance of 60' from the required ordinary high water level of 200' for the addition of a sunroom and a covered porch to an existing dwelling located 140' from the ordinary high water level. It was noted that the proposed additions would be no closer to the ordinary high water level than the existing structure.

Kevin R and Phyllis L Brown - Approved as requested. (6:35 p.m.)

Kevin R. and Phyllis L. Brown, Perham, MN, requested a variance to subdivide Lots L and M from Lots N and O. The total area of all four lots is 1.31 acres. It should be noted that the proposed lot combinations would exceed the minimum size for platted lots on a general development lake. The property is described as Lots L, M, N and O, Schmitz N. S. Survey Lots of Government Lots 2 and 3, Section 6 of Rush Lake Township by Marion Lake. The audience was polled with no one speaking for or against the request. After discussion and consideration, motion was made by Cecil Femling, second by Paul Larson and unanimously carried, to approve a variance to subdivide Lots L and M from Lots N and O as proposed by the applicants. It was noted that the lots as created by the approval of this variance request would meet the minimum size requirements for platted lots on a general development lake. It was also noted that both lots have access to a public road and have room for two onsite septic systems.

Tom and Melinda Freier – Approved with condition. (6:42 p.m.)

Tom and Melinda Freier, Bismarck, ND, requested a variance of 52' from the required side lot line setback of 65' for the placement of a water oriented accessory structure 13' from the side lot line and 50' from the ordinary high water level. The required setbacks for water oriented accessory structures located on a recreational development lake are 20' from the ordinary high water level and 65' from the side lot lines. The required setbacks for structures located on a recreational development lake are 100' from the ordinary high water level and 10' from the side lot lines. The property is described as the north 7' of Lot 18 and all of Lots 19 through 21, Sunset Beach, Lake Lizzie in Dunn Township. The audience was polled with no one speaking for or against the request. After discussion and consideration, motion was made by Steve Schierer, second by Richard Sha to approve a variance of 52' from the required side lot line setback of 65' for the placement of a 12' by 20' water oriented accessory structure 13' from the side lot line with the condition that it must be at least 50' from the ordinary high water level. It should be noted that the existing 12' by 20' water oriented accessory structure is being moved from its present location to the location as approved by this variance application. It was also noted that the proposed location is somewhat behind the neighbor's cabin. Placement of the water oriented accessory structure in the proposed location is a significant improvement over its current location. Hardship is the terrain features of the applicant's property.

Janice Moen – Approved as modified. (6:48 p.m.)

Janice Moen, Fergus Falls, MN, requested a variance of 101' from the required ordinary high water level setback of 200' for an addition 99' from the ordinary high water level and a variance of 90' from the required ordinary high water level setback of 200' for the construction of a 28' by 40' garage 110' from the ordinary high water level. The property is described as a 1-acre tract in Government Lot 5, Section 29 of Friberg Township by the West Red River Lake. Linus Katzner appeared along with the applicant at the public hearing. The audience was polled with no one speaking for or against the request. After discussion and consideration, motion was made by Steve Schierer, second by Richard Sha and unanimously carried, to approve a 14' by 49' addition to an existing mobile home being no closer to the ordinary high water level than the rear of the existing mobile home and to approve a variance of 90' from the required ordinary high water level setback of 200' for the construction of a 28' by 32' garage 110' from the ordinary high water level. Hardship is the terrain features of the applicant's property.

Sam and Traci Humann – Approved as requested. (6:56 p.m.)

Sam and Traci Humann, Richville, MN, requested a variance to install a septic tank 76' from the ordinary high water level and to install a drain field 75' from the ordinary high water level. It should be noted that the required ordinary high water level setback is 150'. The property is described as part of Government Lots 6 and 8, Section 25 of Dead Lake Township by Dead and Alice Lakes. A letter from John Matteson, Chair of the Liaison Committee of the Otter Tail County Lakes Association, in opposition to the granting of the variance as requested was read for the record. The audience was polled with Robert Deutschman speaking against the variance as requested. After discussion and consideration, motion was made by Paul Larson, second by Cecil Femling and unanimously carried, to approve a variance to install a septic tank 76' from the ordinary high water level and to install a drain field 75' from the ordinary high water level as depicted on the applicant's drawing. It was noted that the drain field is a great distance above the water table and that the system will be installed on a high area away from the lake. It was also noted that this is a system upgrade and is a substantial improvement over the existing system. Hardship is the terrain of the applicant's property.

Peggy R. Bochewski – Approved as requested. (7:06 p.m.)

Peggy R. Bochewski, Coon Rapids, MN, requested a variance of 50' from the required ordinary high water level setback of 100' for the placement of a dwelling 50' from the ordinary high water level and a variance of 8.5' from the required lot line setback of 10' for the installation of a mound system 1.5' from the lot line. The property is described as Lot 6, Sanda's Beach Second Addition, East Battle Lake in Girard Township. The audience was polled with Darrel Ritcher expressing concerns with drainage unto his property from the adjacent properties. After discussion and consideration, motion was made by Steve Schierer, second by Paul Larson and unanimously carried, to approve a variance of 50' from the required ordinary high water level setback of 100' for the placement of a dwelling 50' from the ordinary high water level and a variance of 8.5' from the required lot line setback of 10' for the installation of a mound system 1.5' from the lot line. It was noted that the new dwelling will be further from the ordinary high water level than the existing structure and that the proposed mound system will be an improvement over the existing septic system. Hardship is a substandard lot of record.

Break 7:18 p.m. to 7:30 p.m.**John and Joan McMillen – Denied. (7:30 p.m.)**

John and Joan McMillen, Pelican Rapids, MN, requested a variance of 4' from the required road right-of-way setback of 20' for the construction of a 22' by 28' garage 16' from the road right-of-way at its closest point. The property is described as a parcel adjacent to Lot 7 of Lucky Horse Shoe Bay in Section 27 of Lida Township by Lake Lida. The audience was polled with no one speaking for or against the request. After discussion and consideration, motion was made by Steve Schierer, second by Randall Mann and carried with Cecil Femling and Richard Sha voting no, 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 and a reasonable use of the applicants' property can be obtained without the granting of a variance as there is adequate room for a double car garage, which can be placed in a location that will not require the granting of a variance.

Louise Wyborny – Approved as requested. (7:45 p.m.)

Louise Wyborny, Detroit Lakes, MN, requested a "variance from general requirement Section IV Par. 3. Impact replacement out of minor water shed. Have approval from Planning Commission." No wetland replacement in minor watershed available. I wish to purchase wetland credits outside of minor watershed. The property is described as part of Government Lot 1, Section 20 of Hobart Township by Rose Lake. Gary Frankot represented the applicant at the public hearing. The audience was polled with no one speaking for or against the request. After discussion and consideration, motion was made by Richard Sha, second by Steve Schierer and carried with Cecil Femling voting no, to approve the variance as requested.

Randall Punt/Martin Punt – Approved building setback. Denied Septic System Setback. (7:55 p.m.)

Randall Punt 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 dwelling 50' from the ordinary high water level and a variance of 25' from the required septic system setback of 75' for the placement of a septic system 50' from the ordinary high water level. The property is described as Lots L and M of Government Lot 1, Section 23 of Girard Township by East Battle Lake. A letter from John Matteson, Chair of the Liaison Committee of the Otter Tail County Lakes Association, in opposition to the granting of the variance as requested was read for the record. A letter from Hub Nordgren 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 discussion and consideration, motion was made by Steve Schierer, second by Cecil Femling and unanimously carried, to approve a variance of 50' from the required ordinary high water level setback of 100' for the placement of a dwelling 50' from the ordinary high water level and to deny the variance as requested for the location of a septic system 50' from the ordinary high water level. It was noted that the proposed cabin is in line with other structures within the immediate area. Hardship is a substandard lot of record.

Todd H and Robin K Larson – Approved as requested with condition. (8:08 p.m.)

Todd H and Robin K Larson, Portland, ND, requested a variance to divide our jointly owned property into two parcels, which will be owned individually. The lake frontage lot will be 5.6 acres and will have 222' of lot width/water frontage. The back lot (parcel with no water frontage) will have 5.77 acres and approximately 120' of width. The minimum width for back lots within the shoreland area is 300'. Requesting a variance to create a back lot having less than the required lot width. The property is described as part of Government Lot 7, Section 27 and part of Government Lot 3, Section 34 of Dunn Township by Franklin Lake. The audience was polled with no one speaking for or against the request. After discussion and consideration, motion was made by Randall Mann, second by Steve Schierer and carried with Paul Larson voting no, to approve a variance to subdivide the applicants jointly owned property into two parcels as depicted on the registered surveyor's drawing, which was submitted with the variance application, with the condition that no further variance can be granted on these two parcels. It was noted that the extra area within the back lot more than compensates for the lack of back lot width. It was also noted that the variance as approved would provide the applicants with a reasonable use of their property.

Steven A and Sharon M Anderson – Approved as requested. (8:23 p.m.)

Steven A. and Sharon M. Anderson, Dalton, MN, requested a variance to create two residential back lots having approximately 240' of lot width (requirement is 300') and less than 80,000 square feet of area. Also permanently attach existing surveyed lake lots (nonresidential use) to each residential back lot. It should be noted that the lake lots are contiguous substandard lots. The property is described as part of Government Lot 3, Section 27 and Lots 117 and 118 of Sater Humphrey Ranch Camp, Ten Mile Lake in Tumuli Township. The audience was polled with no one speaking for or against the request. After discussion and consideration, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, to approve a variance to create two buildable residential back lots. It was noted that the variance as approved is consistent with other actions of the Board of Adjustment in this immediate area. The variance as approved will provide the applicants with an ability to enjoy the same rights and privileges as others in this immediate area.

Dennis and Nancy Peyerl – Approved as requested. (8:33 p.m.)

Dennis and Nancy Peyerl, Henning, MN, requested a variance of 80' from the required ordinary high water level setback of 200' for the construction of a dwelling 120' from the ordinary high water level. The property is described as a ten acre parcel in the north half of the southeast quarter, Section 4 of Henning Township by an unnamed lake. The audience was polled with Manley Nichols and Aaron Peyerl speaking in support of the variance as requested. After discussion and consideration, motion was made by Paul Larson, second by Cecil Femling and unanimously carried, to approve a variance of 80' from the required ordinary high water level setback of 200' for the construction of a dwelling 120' from the ordinary high water level. It was noted that this is an established farm site (100 plus years) with other buildings/structures closer to the ordinary high water level than this new dwelling.

Kent and Claudia Olson – Approved as requested. (8:45 p.m.)

Kent and Claudia Olson, Battle Lake, MN, requested a variance of 5' from the required side lot line setback of 10' for the construction of a roof over an existing deck located 5' from the side lot line. The property is described as Lot 4, Inglewood, Blanche Lake in Girard Township. The audience was polled with no one speaking for or against the request. After discussion and consideration, motion was made by Steve Schierer, second by Randall Mann and unanimously carried, to approve a variance of 5' from the required side lot line setback of 10' for the construction of a roof over an existing deck located 5' from the side lot line. It was noted that the proposed roof is away from the lakeside of the dwelling and is an extension of the applicants' house. Hardship is a substandard lot of record.

Michael J and Joan M Giese – Approved as requested. (8:47 p.m.)

Michael J. and Joan M. Giese, Savage, MN, requested a variance of 7' from the required ordinary high water level setback of 75' for maintenance to an existing foundation, which is located 68' from the ordinary high water level. The property is described as part of Lot 3 and all of Lot 4, Rustic Acres, Otter Tail Lake in Otter Tail Township. The audience was polled with no one speaking for or against the request. After discussion and consideration, motion was made by Paul Larson, second by Cecil Femling and unanimously carried, to approve a variance of 7' from the required ordinary high water level setback of 75' for maintenance to an existing foundation, which is located 68' from the ordinary high water level. It was noted that there would be no changes made to the foot print of the existing building and what is being proposed would be considered normal maintenance to this structure.

BJ Jensen, LLC – Approved as requested. (8:50 p.m.)

BJ Jensen, LLC, Underwood, MN, requested a variance to expand an existing resort by building two 4 bedroom cabins inside the 200' required ordinary high water level setback of West Lost Lake. Requesting a variance of 50' from the required ordinary high water level setback of 200' for the placement of these two proposed cabins 150' from the ordinary high water level. The property is described as part of Government Lots 10 and 11, Section 32 of Maine Township by West Lost Lake. The audience was polled with no one speaking for or against the request. After discussion and consideration, motion was made by Cecil Femling, second by Steve Schierer and unanimously carried, to approve a variance of 50' from the required ordinary high water level setback of 200 for the expansion of an existing resort by building two 4 bedroom cabins 150' from the ordinary high water level. It was noted that these two cabins would be further back from the ordinary high water level than other existing structures, that the location of these two cabins will not obstruct the view from any of the adjacent properties, that the resort is not over crowded and that the resort is an asset to Otter Tail County.

Lon and Cindy Arnhold - Withdrawn

Lon and Cindy Arnhold, Fargo, ND, requested a variance of 15' from the required ordinary high water level setback of 100' for the placement of a 28' by 40' garage 85' from the ordinary high water level. The property is described as Lot 10, Block 1, McDonald Shores, Big McDonald Lake in Edna Township. It was noted that on Monday, September 9, 2002, a letter was received from Lon and Cindy Arnhold stating that they were withdrawing their variance request.

Daniel Frank – Approved as modified. (8:55 p.m.)

Daniel Frank, Shasta Lake, CA, requested a variance to place a mobile home and deck on this lot at a distance no closer than adjacent neighbors that have existing homes and to place a septic less than 150' from the ordinary high water level. From the applicant's drawing it appears that the mobile home will be 100' from the ordinary high water level, the deck will be 88' from the ordinary high water level and the septic system will be 100' from the ordinary high water level. The property is described as Lot 17, Block 1, Brightwood Shoreline, Dead Lake in Star Lake Township. Steve Zimmerman represented the applicant at the public hearing. A letter from Arless Lenz in opposition to the variance as requested was read for the record. A letter from John Matteson, Chair of the Liaison Committee of the Otter Tail County Lakes Association, in opposition to the granting of the variance as requested was read for the record. The audience was polled with no one speaking for or against the request. After discussion and consideration, motion was made by Steve Schierer, second by Paul Larson and unanimously carried, to approve the placement of the proposed mobile home no closer to the ordinary high water level than the dwelling on the property to the east and to approve the placement of the septic tank as far into the road right-of-way as the township will permit with the condition that all other setback requirements must be met.

Michael Harmsen, Terry Harmsen and Kimberly Harmsen Frazier – Denied. (9:00 p.m.)

Michael Harmsen, Terry Harmsen and Kimberly Harmsen Frazier, Ihlen, MN, requested permission to move a trailer unto a substandard back lot. The property is described as Lots 5 and 6, Haggstrom's Beach Third Addition, Pickerel Lake in Maine Township. Russell Harmsen represented the applicants. A letter from Keith Falconer in support of the application was noted for the record. The audience was not polled as there was no one in attendance at the time of this hearing. After discussion and consideration, motion was made by Randall Mann, 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.

Break 9:12 p.m. to 9:20 p.m.

Edward Kuklock – Approved as modified. (9:30 p.m.)

Edward Kuklock, Apple Valley, MN, requested a variance of 72' from the required ordinary high water level setback of 100' for the placement of a structure 28' from the ordinary high water level. It should be noted that the deck would be 18' from the ordinary high water level. The property is described as Lot 1, Delaney's Beach, Hoffman Lake in Dora Township. The audience was polled with no one speaking for or against the request. After discussion and consideration, motion was made by Randall Mann, second by Steve Schierer and unanimously carried, to approve a variance of 50' from the required ordinary high water level setback of 100' for the placement of a structure 50' from the ordinary high water level with the condition that all other setback requirements must be met.

With no further business, Chairman Mann, declared the meeting adjourned at 9:31p.m.

Wayne Stein, Secretary