

**MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Thursday, March 8, 2018**

The Otter Tail County Board of Adjustment met Thursday, March 8, 2018, with the following persons in attendance:

Thomas Lee Chris McConn Darren Newville Steve Schierer David Wass
Kyle Westergard, Land and Resource Management
Jessica Fosberg, Land and Resource Management
Kurt Mortenson, Assistant County Attorney

Called to Order – Steve Schierer, Chair called the meeting of the Board of Adjustment to order at 6:30 p.m.

Minutes Approved - The Board of Adjustment approved the minutes of the December 16, 2017 meeting as mailed.

Chair and Vice Chair Selection -

Steve Schierer, 2017 Chair, called for nominations for Chair of the 2018 Board of Adjustment. Thomas Lee made a motion, second by Darren Newville and carried with Steve Schierer voting no, to elect Steve Schierer as Chair of the 2018 Board of Adjustment.

Steve Schierer, 2018 Chair, then called for nominations for Vice - Chair of the 2018 Board of Adjustment. Darren Newville made a motion, second by Chris McConn and unanimously carried, to elect Thomas Lee as Vice - Chair of the 2018 Board of Adjustment.

The Board of Adjustment considered the following applications for variance:

Randy and Karen Dorow – Variance application approved with conditions. (6:34 p.m.)

Randy and Karen Dorow, part of the Northwest Quarter of the Northeast Quarter, Section 18 of Leaf Lake Township, requested the following: Would like a variance to allow this lot to be smaller than ordinance requirements. Request to subdivide approximately 1.08 acres from a 5.16-acre parcel by metes and bounds, without having it surveyed. The retained parcel will exceed the 2.5-acre requirement. Randy Dorow and Brandon Menze represented the application at the public hearing. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, Darren Newville made a motion, second by Thomas Lee and unanimously carried, to approve the proposed subdivision as described in the variance application dated November 28, 2017 and as depicted on the drawing submitted with the application with the following conditions: 1.) a registered surveyor's drawing must be presented at the time of conveyance and 2.) an easement providing ingress and egress to both parcels must be officially recorded. The variance as approved is consistent with past decisions of the Board and will provide the applicant with the ability to separate the residential portion of the property from the commercial portion. The hardship/practical difficulty is that the commercial portion of the total acreage occupies more than 2.5 acres making it impossible to create two 2.5-acre parcels. The variance as approved does not directly or indirectly grant any other variances for future development.

Michelle and Timothy Richard – Variance application denied. (6:40 p.m.)

Michelle and Timothy Richard, Lot 2 Northland Beach First Addition, Pelican Lake in Dunn Township, requested the following: Requesting a variance to erect a detached garage on existing driveway which exceeds lot-line setback and the impervious surface percentage. Requested setback to be 2' from property line and impervious surface to be 32%. Note: current/Existing impervious surface is 31.3%. Michelle and Timothy Richard represented the application at the public hearing. An unsigned letter from a Dunn Township Resident in opposition to the variance as requested was read for the record. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, Chris McConn made a motion, second by David Wass and unanimously carried, to deny the variance as requested noting that the variances which were granted at the November 9, 2017 Board of Adjustment meeting does provide the applicants with a reasonable use and enjoyment of their property and also, noting that no hardship/practical difficulty had been shown that would allow for the granting of the variances as requested. Members of the Board considered the proposed 2' separation from the lot line as a setback that would make maintaining the structure difficult and they also noted that the applicants have already been approve to exceed the allowable imperious surface area by 5% and at this hearing did not find any practical difficulty that would justify granting more impervious surface coverage.

Troy and Mary Wolf – Tabled (6:52 p.m.)

Troy and Mary Wolf, part of Government Lot 2, Section 12 of Scambler Township by Pelican Lake, requested the following:

Option 1 –

1. Exceeds the 20%/25% allowable coverage. 35.35 total impervious coverage – currently at 33%
2. Exceeds height restriction for non-dwelling structure – 27' 4" high.

Option 2 – Build breezeway at existing sidewalk to connect cabin and garage. Still need coverage variance but not height variance, or

Option 3 – Build new garage (existing size) to be 20' height (impervious coverage would stay the same at 33%)

Troy and Mary Wolf represented the application at the public hearing. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, Thomas Lee made a motion, second by Chris McConn to table, with the applicants' verbal permission, this public hearing until the next scheduled meeting of the Board of Adjustment to allow the applicants an opportunity to reconsider their plans and requested variances.

Sheila Carney – Variance application approved as requested. (7:08 p.m.)

Sheila Carney, Lot 1 Block 2 Engstrom Beach, Big McDonald Lake in Edna Township, requested the following: We are requesting a variance of 50' from the 100' waterfront setback for the construction of a patio and cabana on a project which started construction in the fall of 2016. The variance and subsequent permit in 2016 was approved for a building line at 50' from the ordinary high-water line and included a patio layout that was almost identical to the current design, however, the initial design did not include the cabana as a part of the patio which is the reason for the variance request. The cabana is planned to be constructed in compliance with the Shoreland Ordinance building requirements for accessory structures. Mike Dozen represented the applicant at the public hearing. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, Steve Schierer made a motion, second by Thomas Lee and unanimously carried, to approve the variance as described in the variance application dated December 21, 2017 and as depicted on the drawing submitted with the variance application. It was noted that the proposed development will be at least 20' from the road right-of-way and will be no closer to the ordinary high-water level than the house. It was also noted that the variance requested for the proposed development is consistent with a previously granted variance. The variance as approved does not directly or indirectly grant any other variances for the proposed and/or future development.

Lon and Janet LaGrave – Variance application approved as requested. (7:18 p.m.)

Lon and Janet La Grave, Lot 11 Ottertail Lakeview Heights, Otter Tail Lake in Otter Tail Township, requested the following: Replacement of existing deck with new deck. Decks are located within bluff setback requirement, but no lakeshore materials will be disturbed. Requesting an 11' variance from top of bluff. Deck is approximately 50' from ordinary high-water level, request 25' variance. Sauna is approximately 52' from ordinary high-water level, request a 27' variance from ordinary high-water level. Request a 9' variance from required 30' bluff setback. The audience was polled with no one speaking for or against the variances as requested. After consideration and discussion, Thomas Lee made a motion, second by David Wass and unanimously carried, to approve the variances as requested in the variance application dated February 13, 2018 and as depicted on the drawing submitted with the application noting that the deck for personal safety reasons is in need of maintenance and noting that an existing concrete pad will be used for the proposed development; therefore, there will be no excavation in the bluff impact zone. The variances as approved do not directly or indirectly grant any other variances for the proposed and/or future development.

Mark and Adele Lausten – Variance application approve with a modification and a condition. (7:23 p.m.)

Mark and Adele Lausten, Lot 3, Klein's Beach, Marion Lake in Rush Lake Township, requested the following: to remove and replace the existing cabin, keeping the same measurement of 26' by 34', building it on the same footprint. New structure will be a 2-story structure. All new construction will not be any closer to the lake, approximately 32' and will maintain the 5' lot line setback. Also, would like to add a covered porch along the west side of the cabin measuring 7' by 34' long. Request to have shore impact zone impervious at 1039 square feet, an increase of 142 square feet. The audience was polled with no one speaking for or against the variance as requested. A letter from Ruth and Steve Erie requesting a 10' setback from the side lot line was read for the record. A letter from Robert and Pat McAloney in support of the variances as requested was read for the record.

Mark and Adele Lausten – Variance application approve with a modification and a condition. (7:23 p.m.) - Continued

After consideration and discussion, Steve Schierer made a motion, second by Thomas Lee and unanimously carried, to approve the placement of the proposed 2-story dwelling (exterior wall) at least 10' from the side lot line and at least 32' from the ordinary high water level and to approve the placement of no more than 1,039 square feet of impervious surface within the shore impact zone with the condition that no more than 25% of the total eligible lot area can be covered with impervious surfaces. The variances as approved do not directly or indirectly grant any other variances for the proposed and/or future development.

Duane Thalmann – Variance application approve with a modification and condition. (7:45 p.m.)

Duane Thalmann, part of Government Lot 4, Section 7 of Rush Lake Township by Marion Lake, requested the following: to created –

- (1) 2 Non-residential lots within 200' of existing lake lots and
- (2) 1 Lot to be considered as a single-family dwelling without creating a plat.

The non-residential backlots will be permanently attached to parcels 615 and 616. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, Chris McConn made a motion, second by Darren Newville and unanimously carried, to approve creating two non-residential lots as depicted on the drawing submitted with the variance application for permanent attachment of proposed Lot A to Parcel 53000990615000 and for permanent attachment of proposed Lot B to Parcel 53000990616000 with the following conditions: 1.) a registered surveyor's drawing must be presented at the time of conveyance and 2.) Proposed Lot C must be attached to the Duane Thalmann property located to the west known as Parcel No. 53000070036016 and 14000120099002. The variance as approved does not directly or indirectly grant any other variances for future development.

Note – A letter from Dave and Dorothy Adams expressing concerns with the variance as requested was received in my mail on Friday, March 9, 2018

Carl and Brynn Anderson – Variance application approved as requested with conditions. (7:55 p.m.)

Carl and Brynn Anderson, part of Government Lot 6, Section 4 of Dora Township by East Spirit Lake, requested the following:

1. Grant a variance to transfer the strip of land from 45492 Evergreen Drive that lays between 45423 Evergreen Drive and 45413 Evergreen Drive to 45413 Evergreen Drive. (Parcel 16-000-04-0023-007) (2.20 Acres). (Parcel 16-000-04-0023-008) (1.45 Acres)
2. Grant a variance from the 100' setback requirement for the purpose of adding a second floor to the cabin at 45413 Evergreen Drive that has a setback of 26'. Square up existing dwelling prior to adding second floor.
3. Grant a shore line impact zone impervious surface variance to 45413 Evergreen Drive for the transfer of the 96 square foot shed in the strip of land from 45492 evergreen Dr. (Also, add 275 square feet addition to cabin in shore impact zone.

The audience was polled with no one speaking for or against the variance as requested. An email from Rowland Ehlert in support of the variances as requested was read for the record. After consideration and discussion, Thomas Lee made a motion, second by Darren Newville and unanimously carried, to approve the variances as described in the variance application dated February 12, 2018 with the following conditions: 1.) two of the three existing sheds depicted on the drawing submitted with the variance application must be removed prior to the issuance of a site permit, and 2.) a registered surveyor's drawing must be provided at the time of conveyance. The variances as approved do not directly or indirectly grant any other variances for the proposed and/or future development.

With no further business, Steve Schierer, Chairman declared the meeting adjourned at 8:05 p.m.

Prepared by:

Wayne Stein, Secretary

The minutes were mailed on Friday, March 9, 2018, to the Otter Tail County Board of Adjustment. Official action regarding these minutes will be taken by the Board of Adjustment at their next regularly scheduled meeting.

