

**MINUTES OF THE MEETING  
OF THE  
OTTER TAIL COUNTY BOARD OF ADJUSTMENT  
Thursday, April 12, 2018**

The Otter Tail County Board of Adjustment met Thursday, April 12, 2018, with the following persons in attendance:

Rod Boyer	Thomas Lee	Darren Newville
Steve Schierer	Kenneth Vorderbruggen	
Denise Gubrud, 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 March 8, 2018 meeting as mailed.

**The Board of Adjustment considered the following applications for variance:**

**Jyles A Moltzan – Variance application approved as modified. (6:32 p.m.)**

Jyles A. Moltzan, Lot 1 Silent Point, West Silent Lake in Dora Township, requested the following: The substandard lot cannot meet normal setback. Therefore, I need a variance to place an 8' by 36' self-contained camper on lot 45' from shoreline, 38 to 40' from road and 8' from south lot line. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Steve Schierer made a motion, second by Thomas Lee and unanimously carried, to approve the placement of an 8' by 36' self-contained camper at least 10' from the side lot line, at least 20' from the road right-of-way and at least 50' from the ordinary high-water level. Hardship/practical difficulty is a substandard lot of record, water on two sides of the property and the placement of the road. The variance as approved does not directly or indirectly grant any other variances for proposed or future development of Lot 1 Silent Point.

**Mitchell and Roberta Tompkins – Denied (6:45 p.m.)**

Mitchell and Roberta Tompkins, Lot 14 Block 1 Oak Shores, Buchanan Lake in Rush Lake Township, requested the following: Proposed 15' by 32' addition onto existing cabin will have one corner (NE) of addition being 6' from east property line. Also, SE corner of addition will be 70' from high water mark. The audience was polled with Brian Wittich speaking for the variance as requested. After discussion and consideration, Thomas Lee made a motion, second by Darren Newville and carried with Steve Schierer and Kenneth Vorderbruggen voting no, to deny the variance as requested as no adequate hardship/practical difficulty unique to the property had been shown that would allow for the granting of the variance as requested, a reasonable use of the property can be obtained without the granting of the variance as requested and it was noted that the proposed placement is too close to both the side lot line and the ordinary high water level. Those voting against denial noted the shape of the lot and the placement of the existing structure as reasons to consider granting some relief from the required setbacks.

**Paul and Robyn Bakken – Denied (7:05 p.m.)**

Paul and Robyn Bakken, Lots 8 and 9 Augustana Beach First Addition, Otter Tail Lake in Amor Township, requested the following: We would like to request a variance of 8' from the lot line so that we are able to build our garage 2' from the lot line. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Rod Boyer made a motion, second by Darren Newville and carried with Steve Schierer voting no, to deny the variance as requested as no adequate hardship/practical difficulty unique to the property has been shown that would allow for the granting of the variance as requested and other alternatives not requiring the granting of any variances or the granting of lesser variances exist and those alternatives would provide the applicants with a reasonable use of their property.

**John Ferguson – Variance application approved as modified with a condition. (7:20 p.m.)**

John Ferguson, Lots 3 and 4 Clear Beach Resort, Fish Lake in Aurdal Township, requested the following: Variance for setback of dwelling, driveway, shed and parking. Proposing to place structures 40' from ordinary high-water level, required setback is 200'. Requesting 2,672' for building and impervious surfaces within the shore impact zone. Prior approval for 850' at June 8, 2017 Board of Adjustment meeting. Rachel Ferguson appeared with the applicant at the public hearing. The audience was polled with no one speaking for or against the variance as requested.

**John Ferguson – Variance application approved as modified with a condition. (7:20 p.m.) - Continued**

After discussion and consideration, Steve Schierer made a motion, second by Darren Newville and unanimously carried, to approve the placement of the existing and/or any proposed structures at least 50' from the ordinary high-water level with the condition that impervious surface coverage within the shore impact zone cannot exceed 1,800 square feet. The variance as approved does not directly or indirectly grant any other variances for proposed or future development. Hardship/practical difficulty is a substandard lot of record. The variance as approved is consistent with other variances granted in this immediate neighborhood.

**Anna Hilleren – Variance application approved as modified. (7:37 p.m.)**

Anna Hilleren, part of Government Lot 3, Section 30 of Dead Lake Township by Dead Lake, requested the following: We are requesting a variance of 100' from the 200' waterfront setback for the construction of a new lake home. There are several existing buildings on site (to be removed): a cabin, detached garage and a storage shed that are approximately 50' from the water's edge. Due to the fact that the property is a peninsula and does not have any neighboring structures on either side, we are unable to propose a string line test as a possible building line. Also, there is the potential that placing the house at the required 200' setback would have a larger impact on the site from the standpoint that it would require more excavation/grade and fill of the hillside on the property. Therefore, we would like to request that the project take place outside of the shore impact zone at 100' from the ordinary high-water line. Chris Hawley and Mike Dozen represented the applicant at the public hearing. The audience was polled with Dennis Loecken, President of the Dead Lake Association speaking against the variance as requested and noting that the applicant can meet the required setbacks. A letter from the Dead Lake Association stating the same information as shared by Mr. Loecken was noted for the record. This letter was signed by Dennis Loecken, President, Jon Skow, Vice President, Dennis Trudell, Jim Hatlevig, Jack Galvin, Mike Herzog, Judy Herzog, Craig Lund and Diane Lund. After discussion and consideration, Darren Newville made a motion, second by Thomas Lee and unanimously carried, to approve a variance of 50' from the required ordinary high-water level setback of 200' for the location of a building site at least 150' from the ordinary high-water level on all side of the property (peninsula). The variance as approved should minimize the need for significant excavation and will result in the removal of a number of existing structures currently located approximately 50' from the ordinary high-water level. The variance as approved does not directly or indirectly grant any other variances for proposed or future development.

**Brian Wittich – Denied. (7:53 p.m.)**

Brian Wittich, Lot 15 Block 1 Oak Shores, Buchanan Lake in Rush Lake Township, requested the following: Rebuild on irregular lot after fire. Proposed 38' by 42' addition to the remaining house structure going to the south. Current sewer setback to the east and road setback to the west prevent going east and west. The proposed addition would be 2' from the southwest corner of the property line. Requesting an 8' variance for uniform house lines. The audience was polled with Mitchell Tompkins speaking for the variance as requested. After discussion and consideration, Darren Newville made a motion, second by Rod Boyer and unanimously carried, to deny the variance as requested as no adequate hardship/practical difficulty unique to the property had been shown that would allow for the granting of the variance as requested and the applicant can meet the required 10' setback and still obtain a reasonable use of his property.

**Terry and Judith Tracer – Variance application approved as requested. (8:02 p.m.)**

Terry & Judith Trader, Lot 5 Oak Haven Beach Subdivision, Tamarac Lake in Scambler Township, requested the following: Sunroom will be 90' from shore. It is noted present deck covers exact same area. 16' by 16 1/2' Sunroom. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Steve Schierer made a motion, second by Kenneth Vorderbruggen and unanimously carried to approve a variance of 10' from the required ordinary high-water level setback of 100' for the placement of a 10' by 16½' sunroom (three season room) 90' from the ordinary high-water level. The variance as approved does not directly or indirectly grant any other variances for proposed or future development.

**Vincent and Traci Esades – Denied. (8:08 p.m.)**

Vincent and Traci Esades, Lot 32 Summer Haven Beach, Pelican Lake in Scambler Township, requested the following: The existing shed is set back only 3 feet from neighboring property line – proposed replacement shed is slightly larger (2' by 6' larger) but will remain only 3 feet from neighboring property line. Del (not sure of the last name) represented the applicants at the public hearing. The audience was polled with no one speaking for or against the variance as requested.

**Vincent and Traci Esades – Denied. (8:08 p.m.) - Continued**

After discussion and consideration, Thomas Lee made a motion, second by Steve Schierer and unanimously carried, to deny the variance as requested as no adequate hardship/practical difficulty unique to the property had been shown that would allow for the granting of the variance as requested noting that the applicants have the ability to meet the required 10' setback from the required side lot line setback of 10' and still obtain a reasonable use of their property.

**Janet Seim and Jance Adair – Tabled. (8:13 p.m.)**

Janet Seim and Janice Adair, Lot 3 South Point West Battle Lake First Addition, West Battle Lake in Girard Township requested the following: Applicant's existing garage is 5' from neighboring lot line. Applicant request approval to construct new garage in same location. Lot line setback is 10'. Applicant seeking 5' setback variance for new garage construction. The applicants were represented at the public by John Zentner. The audience was polled with no one speaking for or against the variance as requested. An email from Greg and Paula Boerboom in support of the variance as requested was read for the record. After discussion and consideration, Thomas Lee made a motion, second by Darren Newville and unanimously carried with the verbal permission of the applicants' representative, to table this public hearing until the May 10, 2018 Board of Adjustment meeting for additional information regarding the location of the pipe between the septic tank and the drain field.

**Terry Greenwaldt – Variance application approved as requested with a condition. (8:31 p.m.)**

Terry Greenwaldt, part of the Southwest Quarter of the Northeast Quarter, part of Government Lot 3, part of Government Lot 4 and part of the Southeast Quarter, Section 20 of Leaf Lake Township by West Leaf Lake, requested the following: Proposing to split 1.49-acre tract (lakeside) off a 169.65-acre tract. The 1.49-acre tract is separated by 308<sup>th</sup> street. The 1.49-acre tract will have about 265' of water frontage and 64,950 square feet of area. Also, proposing to have lot declared buildable for single family residential use. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Thomas Lee made a motion, second by Steve Schierer and carried with Darren Newville abstaining, to approve the variance as requested in the variance application dated March 21, 2018 and as depicted on the drawing submitted with the variance application with the condition that a registered surveyor's drawing must be provided at the time of conveyance. The variance as approved does not directly or indirectly grant any other variances for proposed or future development.

**Larry and Diana Ohman – Variance application approved as modified with a condition. (8:37 p.m.)**

Larry and Diana Ohman, part of Government Lot 4, Section 11 of Eagle Lake Township by Eagle Lake, requested the following: Home burnt down. I would like to rebuild. It is a nonconforming structure in a bluff. We would like to increase size 24" on North and South cantilever on floor trusses to 59' by 30' from old 59' by 26' using same basement walls and footings. Septic will be upgraded. Entire structure in the bluff. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Steve Schierer made a motion, second by Rod Boyer and unanimously carried, to approve the requested bluff impact zone variance for constructing a new dwelling in the exact footprint occupied by the previous dwelling prior to the fire that destroy the previous home with the condition that no more than 25% of the total eligible lot area can be covered with impervious surfaces. The variance as approved does not allow for any construction or excavation outside of the original footprint. The variance as approved does not directly or indirectly grant any other variances for proposed or future development.

**Joan and John Mracek – Variance application approved as requested. (8:45 p.m.)**

Joan and John Mracek, Lot 12 Sanda's Beach First Addition, East Battle Lake in Girard Township, requested the following:

- A)–Requesting a 3' variance from the required 10' lot line setback, a 47' variance from the required 100' ordinary high-water level setback and a 4' 7" variance from the current string line to replace the existing roof on a bath/laundry room. The current roof has a low pitch ( 1:10) and has rotted due to lack of proper venting. We want to replace this low pitch roof with a gabled roof to allow for better runoff and venting.
- B) -Requesting a 3'-6" variance from the required 10' lot line setback, a 45' variance from the required 100' ordinary high-water level setback and a 2'-6" variance from the current string line to remodel an existing bedroom. The existing room has limited headroom due to roof design and has no footings. We are proposing a screen porch with a gabled roof similar to the proposed bath/laundry roof in (A) above. The screen porch would create a more open feel to the space between cabins and improve the overall aesthetic of the cabin when viewed from the lake.

**Joan and John Mracek – Variance application approved as requested with a condition. (8:45 p.m.) – Continued.**

- C) -Requesting an 18’ variance from the required 100’ setback from the ordinary high-water level to add an addition to the north side of the cabin. This addition would be similar in size to neighbors on either side of the property. The addition would include a 2-story 23.5’ by 14’ addition adjoining a 24’ by 28’ 2-car garage with loft overhead. The entirety of the addition is behind the string line between adjacent cabins.

Josh Eckhoff, Contractor appeared with the applicants at the public hearing. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Darren Newville made a motion, second by Rod Boyer and unanimously carried, to approve the variances as requested in the application dated March 19, 2018 and as depicted on the drawing submitted with the variance application noting that request “(A)” is needed maintenance, none of the proposed development will be any closer to the lot line or ordinary high water level than the existing footprint and none of the proposed new development will be any closer to the lot line or ordinary high water level than the existing development with the condition that no more than 25% of the total eligible lot area can be covered with imperious surfaces. It was also noted that an existing garage will be removed.

**Troy and Mary Wolf – No action taken at the April 12, 2018 meeting.**

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%)

**March 8, 2018 Meeting** - 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. **April 12, 2018 meeting** – It was reported that prior to the April 12, 2018 meeting the applicants had placed a call to the office requesting that their public hearing be tabled until the May 10, 2018 Board of Adjustment Meeting.

**Other Business –**

After the March 8, 2018 meeting, Mark and Adele Lausten contacted the office to request that the Board of Adjustment reverse their March 8 decision and instead table their application. At tonight’s meeting their request was briefly discussed and by consensus it was decided not to reverse their previous decision. It should be noted that this does not prevent the applicants from reapplying.

With no further business, Steve Schierer, Chairman declared the meeting adjourned at 8:45 p.m.

Prepared by:

Wayne Stein, Secretary

The minutes were mailed on Monday, April 16, 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