

**MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Thursday, May 10, 2018**

The Otter Tail County Board of Adjustment met Thursday, May 10, 2018, with the following persons in attendance:

Douglas Larson	Thomas Lee	Darren Newville
Steve Schierer	Kenneth Vorderbruggen	Rick Wilson
Eric Babolian, 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 April 12, 2018 Board of Adjustment meeting as mailed.

The Board of Adjustment considered the following applications for variance:

Stephen and Anne Scott – Variance application approved as requested. (6:32 p.m.)

Stephen and Anne Scott, Lot 82 of Nedberg-Nye Survey Lots of Government Lots 1, 2 and 3, Section 1 of Edna Township, requested the following: We would like to rebuild our deck to a smaller 8' by 20' size, we would also like to replace a shed with a 10' by 12' or perhaps 10' by 10' size. At present we have no place to store our lawn equipment, etc. Deck will be approximately 12' from the lake. The shed will be 15' from the road and 55' from the lake. The audience was polled with no one speaking for or against the variance application as presented. An email from Stacy and Wade Dockter in support of the variance as requested was read for the record. After discussion and consideration, Darren Newville made a motion, seconded by Rick Wilson and unanimously carried, to approve the construction of an 8' by 20' deck 12' from the ordinary high-water level and to approve the placement of a 10' by 12' or 10' by 10' shed 15' from the road right-of-way and 55' from the ordinary high-water level as depicted on the drawing submitted with the application. It was noted that the variance as approved is consistent with past Board of Adjustment decisions and is consistent with the immediate neighborhood. The variances as approved do not directly or indirectly grant any other variances for proposed or future development.

Dennis Gemelli – Variance application approved as requested. (6:40 p.m.)

Dennis Gemelli, part of Government Lot 2, Section 23 of Amor Township by Otter Tail Lake, requested the following variances to construct two additions to existing dwelling:

- 1 – A 10' by 26' Addition – 30' variance to top of bluff.
An 8' variance to 75' ordinary high-water level setback.
- 2 - A 16' by 20' addition – 20' variance to top of bluff.

The audience was polled with Kevin Schlager and Matthew Danner speaking in favor of the variance application as presented. A letter from Cindy Dean in support of the applicant's request was read for the record. After discussion and consideration, Rick Wilson made a motion, seconded by Thomas Lee and unanimously carried, to approve the variances as requested in the application dated April 9, 2018 and as depicted on the drawing submitted with the variance application. It was noted that the proposed development will result in minimal excavation in the bluff impact zone. Hardship/practical difficulty is the location of the existing home. The variances as approved do not directly or indirectly grant any other variances for proposed or future development.

Edward and Merry Jo Stroot – Variance application approved as requested with a condition. (6:48 p.m.)

Edward and Merry Jo Stroot are the owners of Parcel No. 36000200141000 on the south side of Spitzer Lake, being 3.8 acres as shown in a 1986 metes and bounds survey (recorded as Doc. No. 1036093) as Tract D. Yvette and Steven VanDerBrink are the owners of Parcel No. 36000200141004 on the south side of Spitzer Lake, being 3.3 acres as shown in the same 1986 metes and bounds survey as Tract E, lying east of and adjoining Tract D.

Edward and Merry Jo Stroot – Variance application approved as requested with a condition. (6:48 p.m.) - Continued

VanDerBrinks want to purchase the Stroot Garage which sits approximately 280' southerly of the Stroot cabin. Because of the terrain the garage and surrounding lands can be better used by the VanDerBrinks than the Stroots. We are requesting subdivision approval of Parcel D1, being 0.78 acres from Tract D, to be permanently attached to Tract E as shown on the Anderson Land Surveying Certificate of Survey No. 8548, signed April 11, 2018. Please note that Parcel D1 contains no lakeshore, the remainder of Tract D is 3.02 acres more or less, and approval of this subdivision puts the VanDerBrink driveway on their own property. Appearing with the applicants was Yvette VanDerBrink and Glenn Howe, Surveyor. The audience was polled with no one speaking for or against the variance application as presented. After discussion and consideration, Steve Schierer made a motion, seconded by Kenneth Vorderbruggen and unanimously carried, to approve the proposed subdivision as described in the variance application dated April 11, 2018 with the condition that a registered surveyor's drawing must be presented at the time of conveyance. The variance as approved does not negatively impact the immediate neighborhood, will make the existing garage more useable and will place the VanDerBrink driveway on the property that they own. The variance as approved does not directly or indirectly grant any other variances for future development.

Peterson Family Cabin LLC – Denied (6:50 p.m.)

Peterson Family Cabin LLC, part of Government Lot 3, all of Government Lot 4 and part of the Southwest Quarter of the Northwest Quarter, Section 15 of Eagle Lake Township by Eagle Lake requested a variance to subdivide without platting tax parcel 18-000-15-0099-000, a 5.05-acre parcel (county auditor lists it as 7.9 acres) located within shoreland near Eagle Lake (56-253 GD) in Eagle Lake Township. The proposed subdivision consists of three backlots (86,520 square feet; 66,866 square feet; 50,622 square feet), together with a fourth backlot tract (15,921 square feet) which is adjacent to and to be permanently affixed to lakeshore tax parcel 18-000-99-0294-000, 37651 s. Eagle Lake Trail. This backlot tract contains the septic system for that parcel and enlarges the lakeshore parcel to an aggregate area of approximately 25,527 square feet. Peterson Family Cabin LLC was represented at the public hearing by: Mike Peterson, Owner, Glenn Howe, Surveyor and Robert Bigwood, Attorney. The audience was polled with the following individuals speaking in opposition to the variance application: Kathy Evavold, Kelly Hepper, Grant Johnson and Warren Pream (not certain about the last name). Kathy Evavold, Supervisor representing Eagle Lake Township also presented several pictures for the record. Letters and/or emails from the following in opposition to the variance application were also read for the record: Craig and Karen Andrews, Loren Bailey, Gene and Tamara Curtis, Ruth Gallagher, Kelly Hepper representing the Eagle Lake Lakeshore Association, David and Judy Johnson, Earlet Johnson Grant and Dorothy Johnson, Perry and Janet Kugler, Jeffrey Long, Connie Prunty, William and Sandra Shumaker, and Joy Teiken. The originals letters and the pictures reference above have been placed in the file maintained by the Land and Resource Department. Other than noting that all these letters were in opposition to the proposed subdivisions, these minutes will not summarize the specific content of the letters. The applicants and their representatives noted that the plan under consideration would be the same plan that would be presented to the Planning Commission and it was their position that that the Board of Adjustment has acted on this type of request favorably in the past. The full content of the discussion between the applicants/applicants' representatives and the Board was record and is available during normal business hours; therefore, these minutes will not detail that discussion. After considerable discussion and consideration, Steve Schierer made a motion, seconded by Thomas Lee and unanimously carried, to deny the variance as requested as no adequate hardship/practical difficulty had been shown that would justify approving the variance as requested for metes and bounds subdivisions instead of a formal review by the Planning Commission through the platting process. The platting process will provide a deeper review and will address buildable areas, bluffs and necessary steps to prevent erosion should the lots be developed.

Corrine M. Nokken – Variance application approved as requested with a condition. (7:40 p.m.)

Corrine M. Nokken, part of Government Lot 4, Section 16 of Candor Township by Leek/Trowbridge Lake, requested a 75' setback from ordinary high-water level instead of the 100' setback. Proposing to remove the existing cabin and bathhouse and replace with a 40' by 44' cabin with deck and a 24' by 30' attached garage. Cory Pederson appeared with the applicant at the public hearing. The audience was polled with no one speaking for or against the variance application as presented. After discussion and consideration, Rick Wilson made a motion, seconded by Darren Newville and unanimously carried, to approve a variance of 25' from the required ordinary high-water level setback of 100' for the placement of a 40' by 44' cabin and a 24' by 30' attached garage 75' from the ordinary high-water level with the condition that holding tank is in compliance with the requirements of the ordinance. The proposed development will be further away from the ordinary high-water level than the existing development. The proposed development is an improvement. The variance as approved does not directly or indirectly grant any other variances for proposed or future development.

Robert Hyslop – Variance application approved as requested. (7:45 p.m.)

Robert Hyslop, part of Government Lot 3, Section 19 of Dane Prairie Township by Swan Lake, requested a 20' variance from the 50' shore impact zone setback and a 70' variance from the 100' structure setback for the placement of a 1,705 square foot dwelling 30' from lake edge. Existing (previous) home was 16' from lake. Was removed Fall of 2017. The applicant was represented at the public hearing by Wayne Enquist, Treasurer – Swan Lake Club, Mark Jacobs, Contractor and Scott Demartelaere, Architect. The audience was polled with no one speaking for or against the variance application as presented. After discussion and consideration, Thomas Lee made a motion, seconded by Darren Newville and unanimously carried, to approve a variance of 20' from the required shore impact zone setback of 50' and a variance of 70' from the required ordinary high-water level setback of 100' for the placement of 1,705 square foot house 30' from the ordinary high-water level. The hardship/practical difficulty is the limited available space on the property for the placement of a new dwelling and the installation of a new septic system. It was noted that the proposed structure is slightly smaller than the previous home, which was removed in the Fall of 2017. The proposed development is like other development within this immediate area and the proposed location is perhaps the best location. The variance as approved does not directly or indirectly grant any other variances for proposed or future development.

Smith Lake Property Partnership – Variance application approved as requested with a condition. (7:58 p.m.)

Smith Lake Property Partnership, part of Government Lot 2, Section 1 of Everts Township by Otter Tail Lake, requested a variance to add a second level to existing garage. Structure will be considered a dwelling as change in height is above 20' and setback of current building will not change. Setback to remain at 4' at closest point from lot line. No change to impervious surface. Previous variance approved for a garage at 4' from lot line. Sam Storo, Contractor appeared with the applicant at the public hearing. The audience was polled with no one speaking for or against the variance application as presented. After discussion and consideration, Steve Schierer made a motion, seconded by Thomas Lee and unanimously carried, to approve the variance as requested for the addition of a second level to the existing structure with the condition that if the proposed second level cannot be added to the existing structure than the rebuilt structure must be placed at least 5' from the side lot line and at least 20' from the road right-of-way. In other words, if the existing structure is demolished and if the proposed development will be constructed from the ground up then the conditions stated above apply. Hardship/practical difficulty is the location of the existing structure. The variance as approved does not directly or indirectly grant any other variances for proposed or future development.

Randy Bade – Denied. (8:15 p.m.)

Randy Bade, part of Government Lot 7, Section 7 of Gorman Township by Silver Lake, requested a variance to place a new house 130' from ordinary high-water level. Want to move new house closer to lake, so that we can get out of waterway from water from neighbors and road and would also like to put up a shop down in low area, so I don't have to dig into hillside by road and keep things more together. The audience was polled with no one speaking for or against the variance application as presented. After discussion and consideration, Darren Newville made a motion, seconded by Steve Schierer and carried with Rick Wilson voting no, to deny the variance as requested as no adequate hardship/practical difficulty had been shown that would allow for the granting of the variance as requested. The applicant has a standard sized lot and should be able to meet the required setbacks.

Julie Vculex Et Al – Variance application approved as requested with conditions. (8:22 p.m.)

Julie Vculex Et AL, part of Lot 16 Blue Heron Beach by Otter Tail Lake in Otter Tail Township, requested the following: 1.) Raise the existing detached garage 48" and place it on a new concrete foundation in the same location. Current height at peak of roof would increase from 16' to 20', 2.) The detached garage is currently 5' from the septic system. The garage would remain 5' away from the septic, 3.) Change the access point of the owners' lot from Blue Heron Lane to Blue Heron Loop. We would remove a portion of the pavement and replace it with a reduced amount of pavement to create the new driveway. The existing impervious would be reduced by 60.5 square feet. 4.) The location of the new driveway would be placed 5' from the west lot line (5' into the setback) in order to avoid disrupting the septic systems that is next to the garage. The audience was polled with Dave Kantrud and Bernie Steeves expressing concerns with potential run off issues. After discussion and consideration, Thomas Lee made a motion, seconded by Rick Wilson and carried, with Darren Newville voting no, to approve Items 1, 3 and 4 as stated in the variance application dated April 12, 2018 with the following conditions: 1.) there must be an erosion control plan, 2.) there must be a storm water plan, 3.) the township must grant their permission as it relates to the proposed access change and 4.) the septic system must be brought into compliance. The variances as approved do not directly or indirectly grant any other variances for proposed or future development.

Donald and Joann Houge – Variance application approved as requested with conditions. (8:33 p.m.)

Donald and Joann Houge, part of Government Lot 4, Section 13 of Elizabeth Township by Jewett Lake, requested a variance to create two separate riparian lots less than five acres in size. The audience was polled with no one speaking for or against the variance application as presented. After discussion and consideration, Thomas Lee made a motion, seconded by Kenneth Vorderbruggen and unanimously carried, to approve the proposed subdivision as described in the variance application dated April 16, 2018, as described in the attachment to the application and as shown on the drawing submitted with the variance application with the condition that Tract A-1 and Tract B-1 as shown on the drawing must have at least 20,000 square feet of area and with the condition that a registered surveyor's drawing must be provided. The variance as approved does not directly or indirectly grant any other variances for proposed or future development.

Thomas Sazama – Variance application approved as requested. (8:42 p.m.)

Thomas Sazama, part of Government Lot 2, Section 9 of Star Lake Township by Star Lake, requested a variance to add second story addition over lakeside portion of structure. Replacing garage with deck/patio. Nothing proposed will be closer to lake than existing approximately 60 feet from ordinary high-water level. The audience was polled with no one speaking for or against the variance application as presented. After discussion and consideration, Douglas Larson made a motion, seconded by Rick Wilson and unanimously carried, to approve a variance of 15' from the required ordinary high-water level setback of 75' for placement of the proposed development as described in the variance application dated April 18, 2018 60' from the ordinary high-water level. The variance as approved is consistent with past decisions of the Board of Adjustment. None of the proposed development will be any closer to the ordinary high-water level than the existing development. The variance as approved does not directly or indirectly grant any other variances for proposed or future development.

Brian Petschl – Variance application approved as requested. (8:44 p.m.)

Brian Petschl, Lot 7 Minn-Kota Beach, Dead Lake in Maine Township, requested a variance to add 30' by 30' addition to the current cabin. This addition will be no closer to the ordinary high-water level than the existing structure, which is located 83' from ordinary high-water level. Also requesting to exceed the allowable 260 square feet in the shore impact zone. Existing is at 432 square feet adding 418 square feet for a total of 850 square feet. The audience was polled with no one speaking for or against the variance application as presented. After discussion and consideration, Rick Wilson made a motion, seconded by Douglas Larson and unanimously carried, to approve a variance of 117' from the required ordinary high-water level setback of 200' for the placement of a 30' by 30' addition 83' from the ordinary high-water level and to approve the placement of 850 square feet of impervious surface within the shore impact zone. The proposed addition will be no closer to the ordinary high-water level than the existing structure. The granting of the variance as requested will allow the applicant to enjoy the same rights and privileges as others in this immediate area. The variances as approved do not directly or indirectly grant any other variances for proposed or future development.

Darrin and Clair Riley – Variance application approved as requested. (8:50 p.m.)

Darrin and Clair Riley, Lot 14 Channel View, Otter Tai River in Otter Tail Township, requested the following: Improved lot is a non-conforming, 7,017 square foot (100 wide by 71.7' average depth), riparian lot containing a 742 square foot building that is a manufactured home, serving as a single-family residence. In accordance with Minnesota Statute 394.36, Subdivision 4, property owners need to replace the almost 40-year-old, existing building and nearly 20-year-old patio due to structural issues, heating/cooling efficiency, to improve interior and exterior aesthetics and improve the overall property value. The proposed improvements, will be placed 25 feet east of the existing footprint, will not encroach upon the right-of-way and will be no closer to the ordinary high-water level. The plan is to reduce the impervious surface 1,670 square feet to 1,555 square feet. Following is a summary of the existing setback variances and setback variances requested: Right-of-Way Existing: - 2.5' Proposed 0.0', Western Lot Line Existing: 6' Proposed: 30', Building Ordinary High-Water Level Existing: 54' Proposed: 50' Patio Ordinary High-Water Level Existing: 40' Proposed: 42'. The audience was polled with no one speaking for or against the variance application as presented. After discussion and consideration, Darren Newville made a motion, seconded by Thomas Lee and unanimously carried, to approve the variances as requested in the application dated April 16, 2018 and as depicted on the drawing submitted with the variance application. The variances as approved will provide the applicants with a reasonable use of their property and the ability to enjoy the same rights and privileges as others in the immediate area. It was also noted that the proposed project is an improvement and will be no closer to the ordinary high-water level than the existing development. Impervious surface coverage is also being reduced. The variances as approved do not directly or indirectly grant any other variances for proposed or future development.

Tracy Handt – Variance application approved as requested with a condition. (8:56 p.m.)

Tracy Handt, Lot 15 Sunset Beach-Lizzie, Lake Lizzie in Dunn Township, requested variances to replace cabin with new building in the same location and same footprint and add a second story. Approximately 50 feet from ordinary high-water level. (28 by 24). There will be no change to current impervious surfaces. Requesting impervious surfaces to remain at 36%. George with Quality Built appeared with the applicant at the public hearing. The audience was polled with no one speaking for or against the variance application as presented. After discussion and consideration, Steve Schierer made a motion, seconded by Thomas Lee and unanimously carried, to approve a variance of 50' from the required ordinary high-water level setback of 100' for the placement of dwelling 50' from the ordinary high-water level with the condition that no more than 30% of the eligible lot area can be covered with impervious surfaces. The variance as approved does not directly or indirectly grant any other variances for proposed or future development.

Stewart and Jane Hofland – Variance application approved as requested. (9:07 p.m.)

Stewart and Jane Hofland, Government Lot 2 and the North Half of the Southeast Quarter, Section 4 of Perham Township, requested the following: Turtle Bay Subdivision was created in a great rural setting just north of Perham, MN. The development plan was designed to accommodate single family housing with a mix of 2.5 acres parcels and 5 acres parcels in shoreland areas. We are requesting the following: allow a duplex building on 6 of the 2.5-acre parcels with each side of the duplex owning at least 1 acre (43,560 square feet). Otter Tail County Ordinance requires 20,000 for platted lands outside of the shoreland area with a minimum width of 120' this application exceeds both of these criteria. Our practical difficulty is the road is an easement road and still a private road until the density of the development increases. The road does have a 66' right-of-way and construction of the road meets or exceeds the required construction specifications of the Otter Tail County Subdivision Controls Ordinance. We have included in this application a concept of possible duplex arrangements on the six parcels that are presented in this application. Jack Rosenthal appeared with the applicant (Stewart). The audience was polled with no one speaking for or against the variance application as presented. After discussion and consideration, Thomas Lee made a motion, seconded by Rick Wilson and unanimously carried, to approve the variance as stated in the variance application dated April 18, 2018 and as depicted on the drawing submitted with the application. The variance as approved does not directly or indirectly grant any other variances for future development.

Troy and Mary Wolf – Variance application approved with a condition. (9:15 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%)

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. **May 10, 2018 meeting** – After discussion and consideration, Darren Newville made a motion, seconded by Douglas Larson and unanimously carried, to approve the construction of a 36' by 24' garage (Option 3- new drawing was submitted) being no more than 20' in height with the condition that no more than 30% of the total eligible lot area will be covered with impervious surfaces.

Janet Seim and Jaince Adair – Denied. (9:18 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. **April 12, 2018 meeting** -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. **May 10, 2018 meeting** – After discussion and consideration, Darren Newville made a motion, seconded by Thomas Lee and unanimously carried, to deny the variance as requested as the applicant no longer require the requested variance. With no further business, Steve Schierer, Chairman declared the meeting adjourned at 9:20 p.m.

Prepared by:

Wayne Stein, Secretary

The minutes were mailed on Monday, May 14, 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.