

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

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

Douglas Larson	Thomas Lee	Brent Frazier
Darren Newville	Steve Schierer	Kenneth Vorderbruggen
Jessica Fosberg, Land and Resource Management		
Chris LeClair, Land and Resource Management - Director		
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 June 14, 2018 meeting as mailed.

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

**Eugene and Linnea Strand – Variance application approved as requested with a condition. (6:33 p.m.)**

Eugene and Linnea Strand, part of Government 7 and 8, Section 22 of Dunn Township by Franklin Lake, requested the following: I would like to divide my 9.35 acres lot into two lots of 4.65 acres to have another dwelling for my mother built on this property. Minimum metes and bounds tract size requirement is 5 acres. Survey will be done upon recording. Eugene Strand represented the application at the public hearing. The audience was polled with Beverly Greenwald and Gary Barta speaking to the variance as requested. Ms. Greenwald spoke in opposition to the variance as requested and Mr. Barta discussed the access road to the proposed site. An email from Kent and Jenny Heimark in support of the variance as requested, with conditions, was read for the record. An email from Beverly Greenwald in opposition to the variance as requested was noted for the record. After discussion and consideration, Darren Newville made a motion, seconded by Kenneth Vorderbruggen and carried with Thomas Lee and Steve Schierer voting no, to approve the proposed subdivision as described in the variance application dated May 31, 2018 and as depicted on the drawing submitted with the application with the condition that a registered surveyor's drawing must be provided at the time of conveyance/separation. Those voting in opposition noted that the property could be platted. Those voting in support of the motion noted that the Board has approved similar requests and approval would be consistent with past actions of the Board. It was also noted that the wetlands are not an issue that will significantly impact the proposed subdivision. The variance as approved does not directly or indirectly grant any other variances for future development.

**Rob and Terry Williams – Denied. (6:47 p.m.)**

Rob and Terry Williams, part of Sub Lot 3 of Government Lots 2 and 3, Section 34 of Star Lake Township by Dead Lake, requested the following Dead Lake is an NE lake where setback is 200'. This building would be approximately 111' setback from lake front. This lot will not allow 200' without using wetland. Building 24' by 40' by 10' metal pole frame. I would like a variance for 89' from the ordinary high-water level to place building at 111' from lake for storage. Rob Williams represented the application at the public hearing. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Steve Schierer made a motion, seconded by Douglas Larson and carried with Thomas Lee and Darren Newville voting no, to deny the variance as requested as no adequate hardship/practical difficult unique to the property had been shown that would allow for the granting of the variance as requested. The applicants' site does provide a location for the propose structure that can meet the setback requirement and granting the variance would establish precedence.

**Robert and Rachel Posch - Variance application approved as modified with a condition. (6:58 p.m.)**

Robert and Rachel Posch, part of Government Lots 3 and 4, Section 16 of Hobart Township by Rose Lake, requested the following: A variance of 2,440 square feet over the allowed 260 square feet of impervious surface within the shore impact zone – for existing deck, patio and pathway. A variance for the setback for a 10' by 10' deck. Would like to maintain location approximately 5' from shoreline. A variance for the bluff impact zone – earthmoving completed to improve existing pathways. (Approximately 70 yards). Robert and Rachel Posch represented the application at the public hearing. The audience was polled with no one speaking for or against the variance as requested.

**Robert and Rachel Posch - Variance application approved as modified with a condition. (6:58 p.m.) - Continued**

After discussion and consideration, Darren Newville made a motion, seconded by Thomas Lee and unanimously carried, to approve a variance that would allow more than 260 square feet of impervious surface (approximately 2,440 square feet) within the shore impact zone for the patio and pathway and a variance from the bluff impact zone for the completed earthmoving with the condition that the existing 10' by 10' deck must either be removed or placed in a location that meets the setback requirements of the Shoreland Management Ordinance. The Board's approval is based upon the approval granted by the Planning Commission and the efforts that will be undertaken to stabilize the toe of the bluff and to minimize erosion. The variance as approved does not directly or indirectly grant any other variances for the existing project or for any future development.

**James and Johanna Christianson – Variance application approved as requested with condition. (7:10 p.m.)**

James and Johanna Christianson, the westerly 105' of Lot 1, Lot 2 and Lot 26 Stony Bar Estates, South Lake Lida in Lida Township, requested the following: Lot 26 and westerly 105' of Lot 1 Block 1 of Stony Bar Estates are currently attached. Request west 60' of Parcel No. 37-000-99-1001-000 be split off and be permanently attached to Lot 2, Block 1 of Stony Bar Estates where primary home is located. Septic failed and need room on adjoining lot to place mount system. The applicants were represented by Barb Grunewald. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Steve Schierer made a motion, seconded by Brent Frazier and unanimously carried, to approve the variance as described in the variance application dated June 18, 2018 and as depicted on the sketch presented with the application with the condition that a registered surveyor's drawing must be provided. It was noted that the failed system is a health issue and there is no other space available for a new system. The variance as approved does not directly or indirectly grant any other variances for current or future development.

**Condon Trust - Denied. (7:12 p.m.)**

Condon Trust, part of Government Lot 3, Section 23 of Dora Township, requested the following: Proposing to subdivide a proposed 6.7-acre parcel into four 1.3-acre parcels and one 1.5-acre parcel as shown on the submitted variance sketch. The proposed metes and bounds subdivision exceeds the Shoreland Subdivision Ordinance requirement which is 40,000 square feet (.92 acres). The closet of the proposed parcels to said lake are 475 feet directly west. The current parcel is 82.02 acres. Proposing to have lots buildable for single family residential use. Kevin Condon and Jack Rosenthal represented 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, seconded by Kenneth Vorderbruggen 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 noting that the proposed subdivision can be accomplished through the platting process.

**John M and Susan J Anderson – Tabled. (7:20 p.m.)**

John M and Susan J Anderson, Lot 83 of Nedberg-Nye Survey Lots of Government Lots 1, 2 and 3, Section 1 of Edna Township by Devils Lake, requested the following: The size of the lot prohibits the structure from meeting certain size and setback requirements. Requesting a 45' variance for the proposed structure to be 30' from the ordinary high-water level, required setback is 75'. Requesting a variance from the allowed 260 square feet impervious surface in the shore impact zone to be at 1,445 square feet for the construction of new dwelling and patios as shown on drawing. Requesting to place holding tanks 3' from lot line. Requesting to have building impervious surface to be at 23.7% and total impervious surface at 31.26%. Requesting to have building to be 10.5' at closet point to the road right-of-way as shown on drawing. Appearing with the applicants was Thomas Anderson. A letter from Echo Dockter, Edna Township clerk stating the township's objection to the requested road right-of-way variance was noted for the record. The audience was polled with Bill Norris expressing concern with the overall project and specifically expressing concern on behalf of Edna Township with the setback from the road right-of-way. An email from Steve Rausch requesting greater separation from the lot line was read for the record. After discussion and consideration, Thomas Lee made a motion, seconded by Steve Schierer and unanimously carried, to table with the verbal permission of the applicants this public hearing until the August 9, 2018 meeting of the Board of Adjustment to provide the applicants with an opportunity to consider their proposed project and to the number of variances being requested.

**Erik and Lisa Ahlgren – Variance application approved as requested. (7:35 p.m.)**

Erik and Lisa Ahlgren, part of Lot 11 Blue Heron Beach, Otter Tail Lake in Otter Tail Township, requested the following: Remodel existing storage shed from 6' by 10' to 12' by 10'. Existing shed is 5' 4" from lot line. A variance from the 10' lot line setback. Requesting a 4' 6" variance from the 10' setback requirement for the existing shed. Hardship is the existing shed location and location of septic system. Erik and Lisa Ahlgren represented the application at the public hearing. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Brent Frazier made a motion, seconded by Thomas Lee and unanimously carried, to approve a variance of 4' 6" from the required side lot line setback of 10' for the placement of a new 12' by 10' storage shed 5' 4" from the side lot line. It was noted that the location is the same location where the previous shed was located, its location does not obstruct the view from the adjacent property and the location of the existing septic system does not provide room on this side of the lot to place the storage shed further from the side lot line. The variance as approved does not directly or indirectly grant any other variances for current or future development.

**Jonathan Nedrud – Variance application approved as requested. (7:42 p.m.)**

Jonathan Nedrud, part of the Northwest Quarter of the Southeast Quarter, Section 1 of Erhards Grove Township by an unnamed lake, requested the following: Proposing to replace the existing dwelling with a 56' by 24' new dwelling with an attached garage, 8' by 12' screen porch and an 8' by 32' deck being no closer than 100' at the closest point to the ordinary high-water level/water's edge. The required setback is 200', requesting a 100' variance. In 2009 (May 5, 2009) the lake was reclassified from a general development (GD) lake to a natural environment (NE) Lake. Greg Nelson, with Superior Lakeside appeared with the applicant at the public hearing. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Steve Schierer made a motion, seconded by Kenneth Vorderbruggen and unanimously carried, to approve a variance of 100' from the required ordinary high water level setback of 200' for the replacement of an existing dwelling with a 56' by 24' dwelling with an attached garage, an 8' by 12' screen porch and an 8' by 32' deck being no closer to the ordinary high water level than 100' as described in the variance application dated June 21, 2018 and as depicted on the drawing submitted with the variance application. The variance as approved does not directly or indirectly grant any other variances for the proposed or future development. It was noted that the proposed project is a significant improvement over the existing development and the applicant cannot meet the 200' setback requirement. The hardship/practical difficulty is the change in the classification of the lake from general development to natural environment, which occurred in 2009.

**Philip J. Stoll – Denied. (7:47 p.m.)**

Philip J. Stoll, part of Government Lot 1, Section 20 of Otto Township by Rush Lake, requested the following: Proposing to create 7 metes and bounds tracts under 5 acres in size. All proposed lots will have over 200' of lot width/water frontage. Proposing to have the lots declared buildable for single family residential use. There are proposed easements for access to each proposed lot. The proposed 7 lots and easements are identified on the drawing on file with the County Auditor's office as follows: Tract H – 3.05 Acres; Tract I – 2.75 Acres; Tract J – 3.24 Acres; Tract K – 4.70 Acres; Tract L – 3.93 Acres; Tract M – 3.22 Acres and Tract N – 3.50 Acres. Joan Stoll appeared with the applicant 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, seconded by Thomas Lee and unanimously carried, 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 and the applicant can plat the property through the Planning Commission process.

**Steven and Michael Wurzer – Denied. (7:55 p.m.)**

Steven and Michael Wurzer Et Al, Lots 12 and 13 South Point Addition to West Battle Lake, requested the following: We would like to propose a variance to subdivide Lots 12 and 13 of South Point on Battle Lake, which are currently classified as contiguous sub-standard lots under single ownership. There is currently a cabin on Lot 12, however, the two lots are owned by same family and one of the families would like to build a separate structure on Lot 13. If the two lots were to be subdivided, Lot 12 (with a square footage of 18,400 square feet) would meet the impervious coverage requirement set forth by the county and Lot 13 (with a square footage of 16,960 square feet) would be developed in accordance to the standards within the Shoreland Ordinance of Otter Tail County. Each lot would then be outfitted with Type-1 septic systems, which would comply with the dimensional standards set forth by the Shoreland Ordinance of Otter Tail County.

**Steven and Michael Wurzer – Denied. (7:55 p.m.) – Continued**

The variance would also include a structure setback for Lot 12, as the house is currently 9” from the property line that divides Lots 12 and 13, which is non-compliant with the 10’ side-yard setback required for the lot. Both lots were developed prior to October 15, 1971, therefore qualifying them for the buildable string-line outlined in the Shoreland Management Ordinance of Otter Tail County. The application was represented by Steven and Michael Wurzer. The audience was polled with no one speaking for or against the variance as requested. An email from Steve Kirchner in opposition to the variance as requested was read for the record. An email from John Lindner in support of the variance as requested was read for the record. An email from Benjamin F. Garmer III in opposition to the variance as requested was read for the record. After discussion and consideration, Douglas Larson made a motion, seconded by Darren Newville and unanimously carried to deny the variance as requested as the existing structure on Lot 12 is only 9” from the shared lot line. The granting of the variance would establish precedence. It was discussed that the provisions of Minnesota Statute 394.36 Subdivision 5 might apply to this particular situation if the existing structure was at least 10’ from the share lot line.

**Luther and Deloris Melby – Variance application approved based upon Land and Resource Information. (8:15 p.m.)**

Luther and Deloris Melby, part of Government Lots 2 and 3, Section 28 of Lida Township by Lake Lida, requested a 30’ setback to ordinary high-water level on eastside of dwelling and 50’ on west side of dwelling. Approximate square feet in shore impact zone, to be 3,100 square feet this includes driveway, parking and a portion of house. The application was represented by Luther Melby. **June 14, 2018 meeting** - The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Thomas Lee made a motion, seconded by Darren Newville and unanimously carried, to table with the verbal permission of the applicant this public hearing until the July 12, 2018 meeting of the Board of Adjustment so that the applicant has an opportunity to determine is road access to the proposed site is feasible. **July 12, 2018 meeting** – A letter from Kyle Westergard, Assistant Land and Resource Director providing information requested at the June meeting and a letter from Dan Egge, Egge Construction, Inc. was read for the record. After consideration and discussion, Steve Schierer made a motion, seconded by Thomas Lee and unanimously carried to approve the variance as requested in the application dated May 23, 2018 and as depicted on the drawing submitted with the application with the condition that the approval is conditioned upon the applicants meeting the requirements as stated in Mr. Westergard’s letter dated July 9, 2018.

With no further business, Steve Schierer, Chairman declared the meeting adjourned at 8:18 p.m.

Prepared by:

Wayne Stein, Secretary

The minutes were mailed on Monday, July 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.