

**MINUTES OF THE MEETING  
OF THE  
OTTER TAIL COUNTY BOARD OF ADJUSTMENT  
Thursday, August 9, 2018**

The Otter Tail County Board of Adjustment met Thursday, August 9, 2018, with the following persons in attendance:

Loren Bailey	Douglas Larson	Thomas Lee
Darren Newville	Steve Schierer	Kenneth Vorderbruggen
Kyle Westergard, 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 July 12, 2018 meeting as mailed.

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

**Michael and Lynn Bleichner – Variance application approved as requested. (6:32 p.m.)**

Michael and Lynn Bleichner, part of Government Lot 3, Section 8 of Rush Lake Township by Marion Lake, requested the following: Remove the Condition No. 3 (No docks/lifts) from 2002 Conditional Use Permit Approval. Requesting to place a dock and lift lakeside – Marion Lake – County Highway 49. The audience was polled with no one speaking for or against the variance as requested. A letter from Charles Grotte, Otter Tail County Highway Engineer in opposition to the variance as requested was read for the record. After discussion and consideration, Loren Bailey made a motion, seconded by Darren Newville and unanimously carried, to remove Condition No. 3 from the approved 2002 Conditional Use Permit and to authorize the lakeside placement of a dock and lift. The variance as approved will provide the applicants with the ability to enjoy the same rights and privileges as other in this immediate neighborhood. It was noted that there are many situations like the applicants' situation in this area. It was suggested that a speed zone study should be completed as public safety is a concern and perhaps a lower speed limit would be beneficial for this area. The variance as approved does not directly or indirectly grant any other variances for this property.

**Dennis Loeks – Variance application approved as requested. (6:38 p.m.)**

Dennis Loeks, part of the Northwest Quarter of the Northwest Quarter and part of Government Lot 1, Section 2 of Otter Tail Township by Buchanan Lake, requested a variance of 5' 5" above the ordinance requirement of 20'. A mistake was made when filling out the permit, the number was taken from the top of wall to peak. 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 Loren Bailey and carried with Darren Newville and Kenneth Vorderbruggen voting no, to approve a variance of 5' 5" from the maximum 20' allowable height of a non-dwelling structure for an existing non-dwelling structure having a height of 25' 5". Those voting in opposition expressed concern with establishing precedence, as well as noting that the structure does not fit the general character of the neighborhood. Those voting in support of the motion indicated that the applicant acted in good faith and that the benefit (burden) to the county by requiring compliance would not be greater than the (burden) costs to the applicant. The variance as approved does not directly or indirectly grant any other variances for this project or for any future development.

**Karie Trupka – Variance application approved as requested with a condition. (6:49 p.m.)**

Karie Trupka, Lot 9 Minn-Kota Beach Second Addition, Dead Lake in Maine Township, requested the following: construct a two (2) story attached garage, add second story to existing structure, Raise existing dwelling by six (6) feet, closet point to the lake is 80' of required 200'. A previous variance 1992 was approved for the original cabin at 80' from the lake. 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 approve the variance as requested in the application dated July 9, 2018 and as depicted on the drawing submitted with the application 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 allow the applicant to have more than 260 square feet of impervious surface within the shore impact zone. It was noted that the proposed development will be no closer to the ordinary high-water level than the existing development. The variances as approved do not directly or indirectly grant any other variances for the proposed development or for any future development.

**Patrick M. Kearns – Denied. (7:02 p.m.)**

Patrick M. Kearns, Lot 3 Block F, Haggstrom's Subdivision of Reserve Lot E and F and Lot 6, Haggstrom's Beach Reserve Lot G, Pickerel Lake in Maine Township, requested the following: Removed driveway per variance approval on November 12, 2015. Impervious surface is at 30%. Request increase of impervious surface of 6.44% for a total of 36.44% to create handicap access to dwelling with new concrete driveway (60' Long by 12' Wide). Hardship is recent disability. Jayson Storo, Contractor 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 Thomas Lee and unanimously carried, 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 and it was noted that there are other options (removing deck, using permeable pavers) available that would not result in the impervious surface coverage increasing from 30% to 36.44%.

**Sirek Building LLLP – Variance application approved as requested. (7:19 p.m.)**

Sirek Building LLLP, West Half of Lot 17 and all of Lot 18, Jonelsa Beach, Otter Tail Lake in Amor Township, requested the following: 9' by 13' addition to square of lakeside corner of home addition to be no closer to lake than existing home. The applicant was represented by Jayson Storo. The audience was polled with no one speaking for or against the variance as requested. A letter from Maggie and Steve Vertin in support of the variance as requested was read for the record. After discussion and consideration, Darren Newville made a motion, seconded by Kenneth Vorderbruggen and unanimously carried, to approve the 9' by 13' addition to the existing structure as depicted on the drawing submitted with the variance application dated July 10, 2018. It was noted that the proposed addition will be no closer to the ordinary high-water level than the existing structure. The variance as approved does not directly or indirectly grant any other variance for the proposed project or for any future development.

**Erik and Paula Olson – Variance application approved as requested. (7:22 p.m.)**

Erik and Paula Olson, Lots 10, 11 and 12, Elm Rest, Big Pine Lake in Pine Lake Township, requested the following: Proposing to replace the existing pitch roof on the Boathouse with a flat roof. The height of the Boathouse with the new roof will not exceed 8.5' in height on the lakeside as this Boathouse is built into the ground. We will also be replacing the existing door and put new shake siding and brick stone on the structure. Also proposing to remove the 8' high by 7' deep by 5.5' wide portion of the structure attached to the Boathouse and add a Bilco Door for access. The proposed project will be no closer than the existing Boathouse which is within 20' from the lake. The structure does meet the 40' lot line setback which is required for a Water Oriented Accessory Structure. Existing impervious surface in the shore impact zone is 310 square feet. Exceeding the impervious surface in the Shore Impact Zone by 50 square feet. No change. 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 approve the variance as described in the variance application dated July 16, 2018 and as depicted on the drawing and pictures submitted with the application. The variances as approved to not directly or indirectly grant any other variances for the proposed development or for any future development.

**Edward and Donna Arntson – Variance application approved as requested. (7:25 p.m.)**

Edward and Donna Arntson, Lot 10 Minn-Kota Beach, Dead Lake in Maine Township, requested the following: we are requesting a 50' variance from the 200' lake setback to build a deck (over existing patio) and screen porch with walkway. This would be the same distance from the lake as our neighbor's deck. Also requesting to place a mud/entry room within the 200' setback as indicated on the drawing. 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 approve a variance of 50' from the required ordinary high-water level setback of 200' for the placement of a 32' by 12' deck 150' from the ordinary high water level and also to approve the placement of a 14' by 12' screen porch, a new walkway and a new mud room as depicted on the drawing submitted with the variance application. It was noted that only the proposed deck is closer to the ordinary high-water level as all the other proposed projects are behind the front of the structure. The State of Minnesota's setback requirement was noted as a reason for the approval, as well as noting that the variance as approved will allow the applicants to enjoy the same rights and privileges as others in this immediate neighborhood. The variance as approved does not directly or indirectly grant any other variances for the proposed development or for any future development.

**Arturo and Erika Escobar – Variance application approved as requested. (7:30 p.m.)**

Arturo and Erika Escobar, part of Government Lot 2, Section 32 of Lida Township by North and South Lake Lida, requested the following: a variance of 5' from the 20' height standard for a 28' by 30' building for storm shelter, showers, lavatories and storage. Purposes with recreation and activities room above.

**Arturo and Erika Escobar – Variance application approved as requested. (7:30 p.m.) - Continued**

The planned 2 story structure is an integral part of a recently approved Conditional Use Permit. The structure will be 25' in height., The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Loren Bailey made a motion, seconded by Thomas Lee and unanimously carried, to approve a variance of 5' from the 20' maximum allowable height of a non-dwelling structure for the construction of a 28' by 30' building having an overall height of 25'. The commercial use of the proposed structure, the Planning Commissions approval of the conditional use permit and the location of the proposed structure in a location that will not obstruct the view from the adjacent properties were cited as the reasons for approval. The variance as approved does not directly or indirectly grant any other variances for the proposed development or for any future development.

**Jon M. and Susan J. Anderson – Variance application approved as requested with a condition. (7:36 p.m.)**

Jon M. and Susan J. Anderson, Lot 83 Nedberg-Nye Survey Lots of Government Lots 1, 2, and 3, Devils Lake in Edna Township, requested the following: Since the meeting of July 12, we have had a chance to meet with Bill Norris from Edna Township at our lake lot and were able to come up with an appropriate distance from the road to meet their standards for snow removal per their request, thus moving the dwelling closer to the lake, but still further back than our neighbors. We were also able to visit with our neighbors about the holding tank and trees, they did not realize the trees were dead. Upon much reviewing of the project, we made revisions to better accommodate the limited lot size. Due to the limited lot size we would like to make the following requests:

- 1.) Requesting a 48.55' variance for the proposed structure to be 26.45' from ordinary high-water level, required setback is 75'.
- 2.) Requesting a variance from the allowed 260 square feet impervious surface in the shore impact zone to be at 1,359 square feet for the construction of new dwelling and patio as shown on drawing.
- 3.) Requesting to have building to be 14.73' at closet point to the road right-of-way as shown on drawing.
- 4.) Requesting to place holding tank 5' from the lot line and 31.5' from the ordinary high-water level, required setback is 50'.

Thomas Anderson appeared with the applicants. 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 unanimously carried to approve the variances as requested in the public hearing notice dated July 19, 2018 and as stated in the applicants' revised request letter dated July 17, 2018 with the condition that no more than 25% of the total eligible lot area can be covered with impervious surfaces. The hardship/practical difficulty is a grossly substandard lot. The variances as approved do not directly or indirectly grant any other variances for the proposed development or for any future development.

**Michael Estey – Variance application approve with a modification. (7:42 p.m.)**

Michael Estey, Sublot A of Government Lot 3, Section 1 of Aurdal Township by Fish Lake, requested the following: to construct storage building 32' by 48' 140' from the ordinary high-water level (Required Setback is 200'). 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 approve a variance of 50' from the required ordinary high-water level setback of 200' for the placement of a 32' by 48' structure 150' from the ordinary high-water level. Hardship/practical difficulty is water on three side of the applicant's property.

**Gary Preston, Randy Preston, Lisa Langston, Vince Preston and Wayne Preston – Variance application approved as requested. (7:44 p.m.)**

Gary Preston, Randy Preston, Lisa Langston, Vince Preston and Wayne Preston, part of the Southwest Quarter of the Southwest Quarter and part of Government Lot 7, Section 14 of Elizabeth Township by Jewett Lake, requested a variance to separate approximately 2.2 acres, to include approximately 266' of lake shore, via a "metes and bounds" from the main farm residence (30628 County Highway 27 – Fergus Falls MN. 22000140104900) which is currently approximately 38 acres. I have been granted a "Conditional Use Permit" to fill in wetlands for an access road via an easement across 22000140104002. Lakeshore on 22000140104900 is currently land locked from the North and South and water locked from the East and West. 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 Loren Bailey and unanimously carried, to approve a 2.2-acre metes and bounds subdivision from an existing 38-acre parcel as described in the variance application dated July 16, 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 future development.

**Tim and Char Greene – Approved/Denied. (7:48 p.m.)**

Tim and Char Greene, Lots 16 and 17 Fair Oaks, West Battle Lake in Girard Township, requested the following: The existing dwelling was built in 1969 and is 27' from the lake. We would like to add on but are unable to get back to the 75' setback requirement. Request to be 47' from lake. Also, the existing impervious surface is greater than the allowable 25% and our proposed is slightly less impervious than the existing situation. Existing impervious surface is 27.64%. Proposed impervious surface is 27.61%. The audience was polled with Marvin Rapp speaking in support of the variances as requested. After discussion and consideration, Steve Schierer made a motion, seconded by Darren Newville and unanimously carried, to approve the proposed development as depicted on the drawing dated July 19, 2018, which will place the proposed addition 47' from the ordinary high-water level with the condition that no more than 25% of the total eligible lot area can be covered with impervious surfaces. It was noted that the proposed addition is further back than the existing structure and that there are options available that will keep the impervious surface coverage in compliance with the requirement of the ordinance. The variance as approved does not directly or indirectly grant any other variances for the proposed development or for future development.

**Rick and Carol Frovarp – Tabled. (7:57 p.m.)**

Rick and Carol Frovarp, Lot 16 Silent Point, West Silent Lake in Dora Township, requested a 62' variance for setback of structure from the ordinary high-water mark. Required is 100'; a 15' variance for the road right-of-way and a 5' variance for the lot line setback. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, and with the applicants' verbal permission, Darren Newville made a motion, seconded by Thomas Lee and unanimously carried, to table this public hearing until the next scheduled meeting of the Board of Adjustment so that the applicants can submitted a revised request.

**Kevin Flagel – Variance application approved as modified and with a condition. (8:02 p.m.)**

Kevin Flagel, Sub Lot R of Government Lot 1, Section 11 of Scambler Township by Pelican Lake, requested the following: Cabin to remain in existing location with existing footprint. Requesting to change flat roof to a pitched roof. The cabin currently sits 0 feet from the property line on the north side. We are requesting a variance of 10 feet from the lot line to replace existing roof. Foundation to be replaced lakeside in existing location. Shore impact zone impervious coverage is currently at 778 square feet. Proposing to decrease to 681 square feet and to change 342 square foot flat roof with 342 square foot pitched roof. From 50 – 75 feet from the ordinary high-water level, there is 1,370 square feet of roof to change from a flat roof to a pitched roof. Requesting a variance to be 39.3 feet from the ordinary high-water level to replace existing roof to a pitched roof. Will not be any closer to the water than existing roof. Within the 10' setback from the North lot line: - remove the flat roof over the garage and replace it with a pitched roof to match the main part of the house. The gable roof from the lakeside bedroom would terminate into the new garage roof. - change the grade of the last section of driveway to rise to the garage (it now has grade toward the garage). -raise the slab of the garage 4". Within the 75' setback from the ordinary high-water level: -replace the roof over the 3-season porch and middle section of the house to eliminate the flat roof over the porch. The pitch on the west side of the peak would remain the same, while the east side would run from the peak to exterior wall eliminating the change in pitch. -raise to peak ~12" to allow for energy efficient scissor trusses. - repair/replace foundation walls under screen porch and lakeside bedroom. Joshua Tandberg appeared with the applicant. 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 approve the variances for the proposed development as depicted on the drawing submitted with the variance application and as described in the variance application dated July 16, 2018 noting that the 1,370 square feet of roof to change from a flat roof to a pitched roof should be 1,025 square feet with the condition that no more than 37.8% 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 development or for any future development.

**Break from 8:20 p.m. until 8:30 p.m.**

**Dan and Stacey McKeever – Variance application approved as requested. (8:30 p.m.)**

Dan and Stacey McKeever, part of Lot 9 and all of Lot 10 Block 1 Bonita Beach, Otter Tail Lake in Everts Township, requested a 5' variance from the 10' side-yard setback for new roof and existing building footprint and a 4' variance from the 20' road setback for new roof on existing building footprint. Roof replacement to be maximum 20' in height. An email from Dan Prince and Debbie Hale in support of the variance as requested was read for the record. An email from Eleanor and John Nordgaard in support of the variance as requested was read for the record. The audience was polled with no one speaking for or against the variance as requested.

**Dan and Stacey McKeever – Variance application approved as requested. (8:30 p.m.) Continued.**

After discussion and consideration, Thomas Lee made a motion, seconded by Douglas Larson and unanimously carried, to approve a variance of 5' from the required side lot line setback of 10' for new roof and existing building footprint and a variance of 4' from the required 20' road right-of-way setback for new roof on existing building footprint as described in the variance application dated July 16, 2018 and as depicted on the drawings submitted with the variance application. It was noted that the proposed development will be basically in the same footprint as the existing development. The variances as approved do not directly or indirectly grant any other variances for the propose development or for any future development.

**Gordon A. Jensen – Variance application approved as requested with a condition. (8:35 p.m.)**

Gordon A. Jensen, Tract N of Auditor's Subdivision Number 102, Rush-Lizzie Lake in Lida Township, requested the following: We want to build a cabin on our lake Lot N of Auditor's Subdivision No. 102. The slope of the land is such that if we were to build at the 200' set-back line we would not be able to see the lake. We are asking for a variance of 69 and 70 feet from the 200' set-back across Lot N as shown on Anderson Land Surveying Certificate of Survey No. 8562. Please note, we will be abiding by the 30' set-back requirement from the top of the bluff. The land was platted in June 1979 and purchased by the Jensen family in October 1980. At the time of purchase Rush Lake was classified as recreational, with a set-back requirement of 100'. In 1981 the classification was changed to environmental with a set-back of 200'. Soil boring samples were taken at the proposed building site and the 200' set-back. The purposed site has 6" of top soil covering a sand and gravel mix. The soil composition at the 200' set-back is 6" of top soil covering heavy clay. Because of the soil composition and elevation changes the overall environmental impact is more favorable if the set-back variance is granted. 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 buy Douglas Larson 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, there is adequate area to meet the 200' setback and not having a view of the lake is not a practical difficulty. There was also concern expressed with the establishment of precedence if the variance is granted as it is being requested. This motion failed with Loren Bailey, Thomas Lee and Steve Schierer voting on. After additional consideration and discussion, Steve Schierer made a motion seconded by Loren Bailey and unanimously carried to approve a variance of 69' from the required ordinary high-water level setback of 200' for the placement of a building site 131' from the ordinary high-water level with the condition that Lots K, L, M and N must be permanently joined together. The property owner agreed to combine all three lots into a single building site. The general opinion is that the limiting these four lots to a single building site is a good trade-off for the granting of the variance.

With no further business, Steve Schierer, Chairman declared the meeting adjourned at 8:50 p.m.

Prepared by:

Wayne Stein, Secretary

The minutes were mailed on Monday, August 13, 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.



