

**MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Thursday, July 11, 2019**

The Otter Tail County Board of Adjustment met Thursday, July 11, 2019, with the following persons in attendance:

David Wass
Darren Newville

Douglas Larson
Thomas Lee

Steve Schierer

Chris LeClair, Director, Land & Resource Management
Kyle Westergard, Assistant Director, Land & Resource Management
Ben Olson, Assistant County Attorney

Kenneth Vorderbrugen - Absent

Called to Order – Steve Schierer, Chairman 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 13, 2019 meeting.

The Board of Adjustment considered the following application(s) for variance:

Robert & Kae Honeman – Variance Application Approved with Condition (6:32 p.m.)

Robert & Kae Honeman, Lot 30 of Heilberger Lake Estates, Heilberger Lake in Friberg Township, requested the following: Option No. 1 - Request to put a second story on an existing 24' x 28' Detached Garage being 24' high. Currently the structure is a one stall garage & rec room. The proposal will allow us to be a 2-car garage below and half workshop/storage above. Requesting a 4' Variance to be 24' Tall required height restriction is 20'. The proposed 2nd story addition to detached garage will be 15' from the Road Right of Way required setback is 20'. In 2004 there was a variance granted which allowed the detached garage setback to be 15' from the Road Right of Way. Currently there is one detached garage on Heilberger Lane that is over 20' in height. Option No. 2. Request to construct a 24' x 24' Detached Garage 15' from the Road Right of Way in order to meet the Lotline Setback. Required setback is 20'.

David Wass recused himself from this application.

Robert Honeman represented the application. The audience was polled with no one speaking for or against the variance as requested.

After consideration and discussion, Thomas Lee made a motion, seconded by Douglas Larson and unanimously carried to approve Option #1 to place a second story on an existing 24' x 28' Detached Garage as described in the Variance application dated June 6, 2019 with the condition that the pitch of the roof can be no more than a 3/12 pitch and based on the Findings of Fact and Decision Form, which contains the criteria reviewed and the Board's finding have been attached to and incorporated as an official part of the minutes which have been placed on file with the Land & Resource Management Department. It was noted that the property is at the end of a cul-de-sac and by having a 3/12 pitch should reduce the height of the detached garage to be under 24'. The variance as approved does not directly or indirectly grant any other variances for future development.

Joshua & Alison Kasowski – Denied (6:45 p.m.)

Joshua & Alison Kasowski, W 41' Lot 8 Ex W 16' Lot 9 of Provan Beach, Pelican Lake in Dunn Township, requested the following: Requesting a 13' Variance from the road right-of-way to be 7' from the road. The road right-of-way setback is 20'. Requesting to change existing driveway impervious surface into a 25'x25' garage. Maximum allowable building impervious surface is 20%. Requesting a Variance to increase the building impervious surface 1.85% for a total of 21.85% building impervious surface total. The total impervious surface on the lot is 47%. The total number will not increase. Requesting a Variance to remain at 47% total impervious surface. Maximum allowable total impervious surface is 25%.

Joshua Kasowski represented the application. The audience was polled with no one speaking for or against the variance as requested.

After consideration and discussion, Steve Schierer made a motion, seconded by Douglas Larson to approve the proposed variance with the condition that the impervious surface cannot exceed 32%. Steve Schierer rescinded his motion and made a new motion, seconded by Douglas Larson and unanimously carried to deny the variance as requested as the impervious surface coverage on the lot is too high being at 47% and based on the Findings of Fact and Decision Form, which contains the criteria reviewed and the Board's finding have been attached to and incorporated as an official part of the minutes which have been placed on file with the Land & Resource Management Department.

Wayne & Denise Erickson – Withdrawn (6:57 p.m.)

Wayne Erickson, The North 660' of Government Lot 2, Unnamd Lake (698) in Friberg Township, request the following: A 50 foot variance is requested from 200 feet to 150 feet from the water. Due to the steep hills and wooded landscape this is the only suitable place for the home.

The application was represented by Wayne Erickson. The audience was polled with no one speaking for or against the variance as requested.

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After significant discussion and consideration, Rick Wilson made a motion, seconded by Darren Newville to deny the variance request and to work with Land & Resource Management to ensure all regulations are as close to compliance as they can possibly get and no adequate hardship/practical difficulty has been shown that would allow for the granting of the variance request. This motion failed on a tie vote with Kenneth Vorderbruggen, Thomas Lee & Steve Schierer voting against the motion. No other action taken, therefore tabled to July 11, 2019.

July 11, 2019

On June 19, 2019 Wayne & Denise Erickson submitted a letter requesting to withdraw their variance application dated May 21, 2019. The request to withdraw their variance application was accepted by general consent of the Board of Adjustment.

Firefly Dead Lake, Jade Neilson Properties, LLC – Tabled (6:58 p.m.)

Firefly Dead Lake, Jade Neilson Properties, LLC, Part of GL 1 & Pt of GL 6, Dead Lake in Dunn Township, request the following: FOR THE PURPOSE OF THIS APPLICATION: A Conditional Use Permit and the revised Preliminary Plat of Common Interest Community No. 84 Firefly Dead Lake, signed and dated June 19, 2019, proposing to convert White Haven Resort into a Common Interest Community Plat of 16 residential dwelling units will assumed to have been recommended for approval by the Otter Tail County Planning Commission with the following conditions which require approval from the Otter Tail County Board of Adjustment. Modular Cabins No. 1-3 will be located 20 feet further back from the lake than existing Cabins No. 1-3 which will be removed and the area revegetated to its natural state, thus offering more protection to the top of the steep bank. Variances of 123, 121 and 118 feet from the 200 foot setback to the closest cabin corner are needed for the approved locations of Modular Cabins No. 1-3. Modular Cabin No. 5 will be located 37 feet further back from the lake than existing Cabin No. 5 which will be removed and the area revegetated to its natural state, thus offering more protection to the top of the steep bank. A variance of 106 feet from the 200 foot setback to the closest cabin corner is needed for the approved location of Modular Cabin No. 5. Modular Cabin No. 6 will be located 31 feet further back from the lake than existing Cabin No. 6 which will be removed and the area revegetated to its natural state, thus offering more protection to the top of the steep bank. A variance of 102 feet from the 200 foot setback to the closest cabin corner is needed for the approved location of Modular Cabin No. 6. Modular Cabin No. 7 will be located 61 feet further back from the lake than existing Cabin No. 7 which will be removed and the area revegetated to its natural state, thus offering more protection to the top of the steep bank. A variance of 99 feet from the 200 foot setback to the closest cabin corner is needed for the approved location of Modular Cabin No. 7. Modular Cabin No. 8 will require a variance of 110 feet from the 200 foot setback to the closest cabin corner is needed for the approved location of Modular Cabin No. 8.

An email was received to request that the variance application be tabled to August 8, 2019. A motion by Darren Newville, seconded by Thomas Lee and unanimously carried to table the variance application until August 8, 2019.

Ace Brandt – Variance Application Approved as Requested (7:05 p.m.)

Ace Brandt, Tract A Registered Land Survey #14, Pelican Lake in Scambler Township, request the following: We are proposing to construct new retaining walls on our property and a portion of 2 of the retaining walls will be in the bluff. On the NE side 29.5 ft of the retaining wall will be in the bluff and on the NW side 9 ft. of the retaining wall will be in the bluff. The required setback is 30' from the top of the bluff. We will be removing the existing boulder retaining walls on the property along with deck that over hangs the bluff and the existing firepit as well as the walkway from the firepit to the landscaping edge. The engineering company for this project is Northern Technologies Incorporated.

The application was represented by Jesse Omdahl, representing Ace Brandt and Kari Mead, Landscape Architect. The audience was polled with no one speaking for or against the variance as requested.

Ace Brandt – Continued

After consideration and discussion, Darren Newville made a motion, seconded by Douglas Larson unanimously carried to approve the proposed project as indicated in the variance application dated June 16, 2019 and as depicted on the drawing submitted with the application to construct new retaining walls and based on the Findings of Fact and Decision Form, which contains the criteria reviewed and the Board's finding has been attached to and incorporated as an official part of the minutes which has been placed on file with the Land & Resource Management Department. It was noted that this is a maintenance and improvements. The variance as approved does not directly or indirectly grant any other variances for future development.

Steve & Jan George – Variance Application Approved as Requested (7:10 p.m.)

Steve & Jan George, CIC #40, Lot 4 & Int in Outlot A Common Elements, Leek/Trowbridge Lake in Candor Township, request the following: Existing structure (including cabin and deck) begin 50' from OHWL. We are asking to add an 8 x 8 deck on the NW side of cabin to make deck into a rectangle instead of the current L-shape. This proposed addition to the deck would begin at 62' from the OHWL. Current requirement is 100'

The application was represented by Jan George. The audience was polled with no one speaking for or against the variance as requested.

After consideration and discussion, Darren Newville made a motion, seconded by Thomas Lee and unanimously carried to approve the variance request to add an 8' x 8' deck on the NW side of the cabin approximately 62' from the ordinary high water level and based on the Findings of Fact and Decision Form, which contains the criteria reviewed and the Board's finding has been attached to and incorporated as an official part of the minutes which has been placed on file with the Land & Resource Management Department. The variance as approved does not directly or indirectly grant any other variances for future development.

Steven & Carla Wurzer –Tabled (7:14 p.m.)

Steven & Carla Wurver, Lots 12 & 13 of South Point W BL, West Battle Lake in Girard Township, request the following: Lots 12 and 13 both meet the 66% rule of MN Stat. Sec. 394.36, with the exception of the residence on Lot 12 being 9 feet too close to the lot line shared with Lot 13. Instead of tearing down or moving the residence on Lot 12, applicants propose to move the lot line between Lots 12 and 13 as shown on the attached drawing so that all setback and other requirements are met for both Lots 12 and 13, leaving both Lots 12 and 13 as buildable for single family residential use in compliance with all ordinances and the 66% rule of MN Stat. Sec. 394.36. The variance being sought is to Section I.6.A of the Subdivision Controls Ordinance, which allows for subdivision for attachment not contiguous lots where no residual lot remains. In this case, Lot 13 would remain as a separate buildable lot for single family residential use in compliance with all the setbacks, ordinance, and the 66% rule of MN Stat. Sec. 394.36.

The application was represented by Michael Wurzer. The audience was polled with no one speaking for or against the variance as requested. A letter from John Lindner in support of the variance request was read for the record and Paula Lang submitted a letter in opposition to the variance request which was read for the record as well.

After consideration and discussion, Chris LeClair, Administrator, Land & Resource Management made a recommendation to the Board of Adjustment to table to allow Ben Olson, County Attorney to do more research to make sure the applicant is requesting a variance from the proper ordinance as well as to allow the applicant to contact a septic designer to determine if a type I septic system can be placed on Lots 12 & 13. Thomas Lee made a motion, seconded by Darren Newville and unanimously carried to table with verbal permission of the applicant at this public hearing until August 8, 2019 Board of Adjustment hearing to allow the applicant to have soil testing done on Lots 12 & 13 to verify that a type I septic system can be placed on each lot.

John L. Mari, Et Al – Variance Application Approved as Requested (7:53 p.m.)

John L. Mari, Lot 9 – McDonald Lake Estates, Little McDonald Lake in Edna Township, request the following: For roof replacement on an existing 12'x26' Porch 62' from OHWL, a variance of 12' from the required setback of 75'. New cabin meets all lake setbacks, no variance required on that portion.

The application was represented by John Mari. The audience was polled with no one speaking for or against the variance as requested.

After consideration and discussion, Steve Schierer made a motion, seconded by David Wass and unanimously carried to approved the variance request to replace the roof on the existing 12'x 26' porch being 62' from the ordinary high water level which can be no closer than the existing porch as depicted on the drawing submitted with the variance application dated June 19, 2019 and based on the Findings of Fact and Decision Form, which contains the criteria reviewed and the Board's finding have been attached to and incorporated as an official part of the minutes which has been placed on file with the Land & Resource Management Department. The variance as approved does not directly or indirectly grant any other variances from proposed or future development.

Christine Daggett – Variance Application Approved as Request with Condition (8:01 p.m.)

Christine Daggett, GL 5 Commencing in the N1/4 Cor... (.64 Acres), Graham Lake in Hobart Township, request the following:
Request to replace existing structure and deck with new ones no closer to the lake. Existing structure and deck approx. 50' back from lake. Utilize half of existing driveway.

The application was represented by Christine Daggett. The audience was polled with no one speaking for or against the variance as requested.

After consideration and discussion, Thomas Lee made a motion, seconded by David Wass and unanimously carried to approve the variance request to replace the existing structure and deck with the condition that the proposal can't go any closer to the lake than the existing cabin and deck and based on the Findings of Fact and Decision Form, which contains the criteria reviewed and the Board's finding have been attached to and incorporated as an official part of the minutes which has been placed on file with the Land & Resource Management Department. The variance as approved does not directly or indirectly grant any other variances from proposed or future development. It was noted that the proposal will reduce the impervious surface coverage onsite.

With no further business, Steve Schierer, Chairman declared the meeting adjourned at 8:11 p.m.

Prepared by:

Amy Busko, Secretary

The minutes were mailed on Monday, July 15, 2019, 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.