

**MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Thursday, September 12, 2019**

The Otter Tail County Board of Adjustment met Thursday, September 12, 2019, with the following persons in attendance:

Rick Wilson
Darren Newville

Douglas Larson
Kenneth Vorderbruggen

Steve Schierer
Thomas Lee

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

Called to Order – Steve Schierer, Chairman called the meeting of the Board of Adjustment to order at 6:00 p.m.

Minutes Approved - The Board of Adjustment approved the minutes of the August 8, 2019 meeting.

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

Randy Edwards – Variance Application Approved with Condition (6:03 p.m.)

Randy Edwards, Lot 7 Kozelink’s Beach 2nd, Big McDonald Lake in Edna Township, requested the following: Exceed impervious surface in the shore impact zone (SIZ) by having more than 260 sq. ft. within the shore impact zone. We will be exceeding by 323 sq. ft. The project is to add to the existing patio by the beach and add retaining wall. Total sq. ft. will be 583 in the SIZ.

Brian Cooksey & Wes Pare represented the application. 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 Douglas Larson and unanimously carried, to approve the request as described in the variance application dated July 24, 2019 and as depicted on the drawing submitted with the variance application with the condition that they use permeable pavers for the project which will reduce the impervious surface coverage 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.

Robert Caulfield – Variance Application Approved as Requested (6:10 p.m.)

Robert Caulfield, Pt of GL 9, Sybil Lake in Dora Township, requested the following: To build new deck on to the front of our lake home. Present house setback is 104 ft. from lake. With proposed new deck, setback would be 88 ft. Requesting a 12’ Variance to OHWL.

Robert Caulfield 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 Kenneth Vorderbruggen and unanimously carried to approve the variance of 12 feet from the ordinary high water level for a deck as described in the variance application dated August 10, 2019 and depicted on the drawing submitted with the variance 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 the proposal is in-line with the neighbor to the west and there is no neighbor to the east as the land is currently vacant. The variance as approved does not directly or indirectly grant any other variances for future development.

Steve & Pam Hall – Variance Application Approved as Requested (6:18 p.m.)

Steve & Pam Hall, Parcels 7, 8 & 9 of GL 1, Lida Lake in Lida Township, requested the following: Request to replace 12 x 14 foot deck and stairs on existing patio with 12 x 16 foot deck and stairs on existing patio and screen-in area below deck. The original deck does not meet the 75' setback. The proposed deck and screen will be no closer to the OHWL than the existing structure with no change to the current impervious surface (17%).

August 8, 2019

Darren Newville made a motion, seconded by Thomas Lee and unanimously carried to table at the applicant's request (email dated August 5, 2019) until the September 12, 2019 Board of Adjustment meeting.

September 12, 2019

Steven & Pam Hall represented the Application. 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 Rick Wilson and unanimously carried to approve the variance as requested to replace the existing deck with a 12' x 16' deck and screen-in the area below the deck being no closer to the ordinary high water level as the existing deck as described in the variance application dated July 14, 2019 and as depicted on the drawing submitted with the application 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 the proposed deck and screen-in area will be no closer to the lake than what is existing. The variance as approved does not directly or indirectly grant any other variances for future development.

Jonal H. Uglem Tst – Variance Application Approved as Requested (6:23 p.m.)

Jonal H. Uglem, Pt of GL 1... (1.23 Acres), Pelican Lake in Dunn Township, requested the following: Requesting to subdivide a 7,559 square foot non-residential parcel, approximately 151 feet deep (north-south) and 50 feet wide (east-west), from the east side of an existing 1.35 acre tract, approximately 327 feet deep (north-south) and 180 feet wide (east-west), Parcel No. 17000070081003. The 7,559 square foot parcel will be permanently attached to Lot 11, Beauty Bay, Parcel No. 17000990426000, across West Beauty Bay Road, a 30-foot-wide Dedicated Road corridor according to the plat of Beauty Bay. Upon approval the 1.18 acre remainder (51,178 square feet) will have approximately 130.4 feet of frontage on West Beauty Bay Road to the north and approximately 180 feet of frontage on Pelican Drive South to the south (a 155 foot average width) and will remain a buildable tract of land.

Jonal H. Uglem, Glenn Howe (Anderson Land Surveying) & Linda Lembke (Proposed Buyer) represented the application. The audience was polled with no one speaking for or against the variance as requested. A letter was read in support of the variance request from Todd Gross.

After consideration and discussion, Rick Wilson made a motion, seconded by Thomas Lee and unanimously carried to approve the variance as requested in the variance application dated August 12, 2019 and as depicted on the drawing to permanently attach Parcel A (7,559 S.F.) to Lot 11 of Beauty Bay Parcel No. 17000990426000 for non-residential purposes and any structure placed onsite must be a non-dwelling structure, the 1.18 acre remainder (51,178 square feet) will remain a buildable tract of land for residential purposes 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.

Scott & Debbie Anderson – Variance Application Approved with Conditions (6:30 p.m.)

Scott & Debbie Anderson, Pt of GL 7 Com NE Cor..., Big McDonald Lake in Edna Township, requested the following: We would like to replace the current mobile home with a new dwelling. Due to the lot being substandard in size, we are requesting the following variances: **1.** Requesting to be 46' from the OHWL with a replacement dwelling. Required is 100' from the OHWL. (The new dwelling would be in line with or still behind the neighboring dwellings) **2.** Requesting to have a total building impervious surface percentage of 23%. Required is 20%. **3.** Requesting to have a total impervious surface percentage of 27%. Required is 25%. **4.** Requesting to have 544 sq ft of impervious surface in the SIZ. Required is 260 sq ft. **5.** Requesting to be 17' from the existing drainfield. Required is 20'.

Scott & Debbie Anderson represented the application. The audience was polled with no one speaking for or against the variance as requested. A letter was read in support of the variance request from Bob & Peggy Skibo.

Scott & Debbie Anderson – Continued

After consideration and discussion, Steve Schierer made a motion, seconded by Darren Newville to approve the variance application as written with the condition that the impervious surface calculation can not exceed 25%. The variance allows the proposed dwelling to be 46' from the ordinary high-water level, building impervious to be 23% and to have 544 sq. ft. of impervious surface coverage in the shore impact zone. It was determined to eliminate request No. 5 on the application as the existing drainfield will be 23' from the proposed dwelling as verified by Land & Resource Management. This variance approved is 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 in determining the approval of this variance.

Cari Ulrich – Variance Application Approved at Requested (6:38 p.m.)

Cari Ulrich, Lot 20 Blk 1 of Brightwood Shoreline, Dead Lake in Star Lake Township, requested the following: Proposing to construct an addition to dwelling/attached garage being 12' from the Road Right of Way, requesting an 8' variance, required setback is 20'. The proposed addition will be approx. 129' from the lake. The proposed addition meets the requirements for the building line. Also proposing to construct a second addition to dwelling (enclosed entry). The enclosed entry will be approx. 115' from the lake. This addition also will meet the building line requirements.

Jay Weiher, JR Construction represented the application. 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 Rick Wilson, and unanimously carried to approve the variance as requested in the variance application dated August 10, 2019 and as depicted on the drawing to construct an addition to dwelling/attached garage being 12' from the road right of way 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. It was noted that the proposed additions will be behind the building line and there was a variance granted a couple years ago similar to this variance request on a couple lots down from this property.

Dean & Bonnie Sternhagen – Variance Application Approved with Conditions and Deny Lotline Request (6:43 p.m.)

Dean & Bonnie Sternhagen, Beg 288' NEly on Shore (.84 Acres), Jewett Lake in Elizabeth Township, requested the following: Requesting to replace existing 14' x 22' garage with a 16' x 26' garage. Utilizing the current position of the garage. Existing garage is 4 feet from the lot line. Requesting a 6 foot variance from the 10 foot requirement. Existing garage is 10 feet from the road right of way. Requesting a 10 foot variance from the 20 foot requirement.

Dean & Bonnie Sternhagen represented the application. The audience was polled with no one speaking for or against the variance as requested.

After consideration and discussion, Kenneth Vorderbruggen made a motion, seconded by Douglas Larson and unanimously carried to approve the variance to construct a 16' x 26' garage with the condition that the structure needs to be 14 ft from the road right of way and to deny the lotline variance request to be 4 ft. from the lotline 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 proposed structure will need to meet the 10 ft. lotline setback. The practical difficulty/hardship is the size and shape of the lot. The variance as approved does not directly or indirectly grant any other variances for future development.

Break – The Board of Adjustment Members to a 7-minute break at 6:53 p.m. and reconvened at 7:00 p.m.

Larry Luther – Variance Application Approved as Requested (7:00 p.m.)

Larry Luther, Lots 6 & 7 of Engstrom Beach 3rd Addition Big McDonald Lake in Edna Township, requested the following: To do additions to dwelling 66 ft. back from ordinary high-water level. Required setback is 100 ft. Additions will be inline and behind existing structure.

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

Larry Luther – Continued

After consideration and discussion, Darren Newville made a motion, seconded by Douglas Larson and unanimously carried to approve the variance as requested to construct additions to the dwelling being 66 ft. from the ordinary high water level as indicated in the variance application dated August 20, 2019 and as depicted on the drawing submitted with the variance application 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.

Lawrence Baltezare – Variance Application Approved with Conditions (7:05 p.m.)

Lawrence Baltezare, Pt of GL 9 (8.60 Acres) West Silent Lake in Dora Township, requested the following: To not plat a division of parcel 16000310177004 and allow for creation of two 4.3 acre lots serviced by an existing easement road in its current condition. Survey to be provided upon recording.

Lawrence Baltezare represented the application. 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 Kenneth Vorderbruggen and unanimously carried to approve the variance as described in the variance application dated August 21, 2019 and as depicted on the drawings submitted with the variance application with the following conditions: 1. Need to address 2 suitable septic system locations for each proposed lot on the survey along with a letter from a licensed designer indicating there is room for 2 septic systems onsite for each lot; 2. Identify any wetlands onsite; 3. Identify the 8,400 sq. ft. buildable area on the survey for each lot. This variance is granted 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.

Patricia Schnurer – Variance Application Approved as Requested (7:17 p.m.)

Patricia Schnurer, Lot 2 Blk 1 of The Pier Otter Tail Lake in Otter Tail Township, requested the following: Proposing to construct a vision obstructing fence being 2' from the Road Right of Way. DOT Road Right of Way has been specified as 50' from the centerline per MNDOT District 4. The required setback is 20'.

Dan Zierden, (Cullens) & Cliff Schnurer (Son) represented the application. The audience was polled with no one speaking for or against the variance as requested.

After consideration and discussion, Tom Larson made a motion, seconded by Douglas Larson and carried with Steve Schierer voting no, to approve the variance to construct a vision obstructing fence being 2' from the road right of way as described in the variance application dated July 22, 2019 and as depicted on the drawing submitted with the variance 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. It was noted that MN DOT submitted a letter having no objection to the variance request.

Mimi Properties LLC, Jeremy McLaughlin – Variance Approved with Condition (7:30 p.m.)

Mimi Properties LLC, Jeremy McLaughlin, Lot 2 of Sun Rise View Beach, Lida Lake in Lida Township, requested the following: Proposed project is to replace an existing 8' x 12' shed with a 10' x 20' shed for storage. Request a variance from the required 20' setback from road ROW (proposed 7' off of ROW, same as existing shed). Lot size is 71' x 128', other setbacks can be achieved.

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

After consideration and discussion, Kenneth Vorderbruggen made a motion, seconded by Rick Wilson and unanimously carried to approve the variance request to replace the existing shed with a 10' x 20' shed with the condition that the proposed shed be 10 ft. off of the road right of way. This variance is granted 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 practical difficulty/hardship is the size and shape of the lot. The variance as approved does not directly or indirectly grant any other variances for future development.

Gus & Jaraine Mohs – Variance Application Approved as Requested (7:40 p.m.)

Gus & Jaraine Mohs, Lot 7 of Pleasant Grove, Otter Tail Lake in Amor Township, requested the following: The request is to replace the existing 15 x 21 detached garage that is currently 11 feet 6 inches from the right-of-way with a new 20 x 24 detached garage (480 square feet) to be 11 feet 6 inches from the right-of-way instead of the 20-foot setback – a variance of 8 feet 6 inches.

Gus & Jaraine Mohs represented the application. The audience was polled with Sam Kroft speaking for the variance as requested, Tom Simmer spoke and submitted a letter in support of the variance as requested. Dan Jongeward, Todd & Colleen Cameron and Cal & Nancy Dockter all submitted emails in support of the variance as requested.

After consideration and discussion, Darren Neville made a motion, seconded by Kenneth Vorderbruggen and unanimously carried to approve the variance as requested to replace an existing garage with a 20' x 24' detached garage being 11'-6" from the right of way as described in the variance application dated August 21, 2019 and as depicted on drawing submitted with the variance application 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.

David Martinson – Variance Application Approved as Requested with Condition (7:47 p.m.)

David Martinson, Sub Lot T of GL 1 (.18 Acres), Pelican Lake in Scambler Township, requested the following: **1.** Proposing to build a 20' x 20' detached garage 6' from S lot line and 7' from Holding Tank, required setbacks are 10'. **2.** Proposing a 11' x 8' addition to dwelling approximately 50' from OHWL in-line with existing. The proposal also includes altering the roofline over existing screen porch putting on a gable roof and tying into existing gable roofline. **3.** Request to have total Impervious Surface to be at 29.6%, existing is 29.1%. Proposal includes removing boathouse on lake shore and shed on roadside of lot. All said this would be an increase of 37sq ft or .5% impervious. Allowable Impervious is 25%.

David Martinson & Josh (Contractor) represented the application. The audience was polled with no one speaking for or against the variance as requested.

After consideration and discussion, Rick Wilson made a motion, seconded by Thomas Lee and unanimously carried to approve the variance as requested to construct a 20' x 20' detached garage 6' from the south lotline and 7' from the holding tank, construct a 11' x 8' addition to dwelling 50' from the ordinary high water level along with altering the roofline over the existing screen porch with a gable roof which was indicated in the variance application dated August 21, 2019 and as depicted on the drawing with the condition that no more than 27% of impervious surface coverage can be covered onsite and the stairs on the proposed detached garage need to be placed on the North side of the detached garage. The approval for the variance is 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.

With no further business, Steve Schierer, Chairman declared the meeting adjourned at 8:02 p.m.

Prepared by:

Amy Busko, Secretary

The minutes were mailed on Thursday, September 17, 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.