

**MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Thursday, March 14, 2019**

The Otter Tail County Board of Adjustment met Thursday, March 14, 2019, with the following persons in attendance:

Rick Wilson
Darren Newville

Douglas Larson
Steve Schierer

Thomas Lee
Kenneth Vorderbrugen

Chris LeClair, Land & Resource Management, Director
Kyle Westergard, Land and Resource Management, Assistant Director
Ben Olson, 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 January 10, 2019 meeting as mailed.

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

Robert & Traci Steiner – Variance Application Approved as Requested (6:33 p.m.)

Robert & Traci Steiner, Pt GLs 2 & 3 (24.33 Acres), Olaf Lake (56-950) in Norwegian Grove Township, requested the following: Asking only to build up (add 2nd story to dwelling) from existing basement foundation. Not adding to the footprint of the structure and not installing anything any closer to the lake than what already exists. The approx. setback to the lake is 40'. Asking for a 60' Variance. The SIZ (Shore Impact Zone) Impervious currently is 1,872. Will reduce the SIZ impervious to 1824 sq. ft. with removal of a portion of the existing deck. Required SIZ Impervious is not to exceed 260 Sq. ft. Robert & Traci Steiner represented the application. The audience was polled with no one speaking for or against the variance as requested. A letter from Walter Olson in support of the variance as requested was read for the record. After discussion and consideration, Thomas Lee made a motion, second by Kenneth Vorderbrugen and unanimously carried to approve the variance for replacing the dwelling on the existing foundation 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 construction will be done on the existing foundation/footprint and there will be a little impervious surface reduction. The variance as approved does not directly or indirectly grant any other variances for this property.

With no further business, Steve Schierer, Chairman declared the meeting adjourned at 7:18 p.m.

Prepared by:

Amy Busko, Secretary

The minutes were mailed on Friday, March 19, 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.

*Correction made to minutes on April 22, 2019. Correction – I input the wrong name for the person who made motion. Motion was made by Thomas Lee and not Tom Larson. ~AB~



**OTTER TAIL COUNTY
LAND & RESOURCE MANAGEMENT**
PUBLIC WORKS DIVISION
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Director
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**Board of Adjustment
Findings of Fact and Decision**

Applicant: **Robert & Traci Steiner**

Address/Parcel No. **43732 Lake Olaf Rd W. - 42000140118000**

Requested Variance: **Asking only to build up (add 2nd story to dwelling) from existing basement foundation. Not adding to the footprint of the structure and not installing anything any closer to the lake than what already exists. The approx. setback to the lake is 40'. Asking for a 60' Variance. The SIZ (Shore Impact Zone) Impervious currently is 1,872. Will reduce the SIZ impervious to 1824 sq. ft. with removal of a portion of the existing deck. Required SIZ Impervious is not to exceed 260 Sq. ft.**

Otter Tail County Ordinance: Shoreland Mgmt. Sanitation. Subdivision. WECS Dock & Riparian Use Setback Ord.
Ordinance Section Citation **III District Requirements Sec. 4 A. & IV General Requirements Sec 8 B.**

A variance may be granted only where the strict enforcement of county land use controls will result in a "practical difficulty". A determination that a practical difficulty exists is based upon consideration of the following criteria:

The applicant identified the following practical difficulty **None**

CRITERIA / BOARD OF ADJUSTMENT MEMBER	SS	DL	TL	DN	KV	PC
1. Is the variance in harmony with the general purposes of the official control?	Y	Y	Y	Y	Y	Y
2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?	Y	Y	Y	Y	Y	Y
3. Is the need for a variance due to the circumstances unique to the property not created by the landowner or prior landowners?	Y	Y	Y	Y	Y	Y
4. Will the issuance of the variance maintain the essential character of the locality?	Y	Y	Y	Y	Y	Y
5. Does the need for the variance involve more than just economic considerations?	Y	Y	Y	Y	Y	Y

Facts supporting the answer to each question above, together with those other facts that exist in the record, are hereby certified to be the Findings of the Board of Adjustment.

The Otter Tail County Board of Adjustment: APPROVES X DENIES _____ the requested variance.

This decision is based on:

- Application
- Information received at public hearing
- Staff report
- Pictures
- Viewing by _____ members of the Board of Adjustment

Complete and attach *After-the-Fact Addendum* if this is an After-The-Fact variance request.

DATED: 3-14-19

 Steve Schrier (Signed at BOA MTG)
Board of Adjustment Chair

Otter Tail County Board of Adjustment – Variance Question Findings

1. **Is the variance in harmony with the general purposes and intent of the official control?** *(The board shall consider the purposes and intent of the official control).*

Yes, the variance is in harmony with the general purposes and intent of the official control because the proposal will not pollute or harm the environment & by moving the structure back will be more harmful to the environment.

2. **Is the property owner proposing to use the property in a reasonable manner not permitted by the official control?** *(The board shall consider what reasonable use of the property is lost (practical difficulties) by the strict enforcement of the official control).*

Yes, the property owners are proposing to use the property in a reasonable manner not permitted by the official control because it will be preserving the lakeshore (will maintain 500' of shoreline).

3. **Is the need for a variance due to the circumstances unique to the property not created by the landowner?** *(The board shall consider what circumstances are unique to the property, such as lot size, lot configuration, wetland, steep slope, shore impact zone, bluff, floodplain, floodway, etc. One or more should be stated on the record. What differentiates this parcel from others? Does this lot have a feature that does not affect all parcels similarly?)*

Yes, the need for a variance is due to the circumstances unique to the property not created by the landowner because the property owner did not create the need for a Variance the building site was already there. By building up it will be the least disturbance to the lot. Also because of the steep slope and the erosion potential which could happen by taking out the old foundation.

4. **Will the issuance of the variance maintain the essential character of the locality?** *(The board shall consider and state for the record why the request does or does not maintain the character of the area. Is this request similar to what others have, what are near shore conditions of neighbors, similar sized or number of structures adjacent or in area, etc.)*

Yes, the issuance of the variance maintains the essential character of the locality because it's not changing the footprint of structure but will be changing the height of the structure and it's the only house on 24 acres.

5. **Does the need for the variance involve more than just economic considerations?** *(The board shall consider if economics played a role in the request. The fact that coming into compliance with the ordinance requirements may cost considerably more does not constitute a practical difficulty).*

Yes, the need for the variance involves more than just economic considerations because the removal of old foundation can cause more harm to the lake then moving the structure back.

The Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. *(Mitigating impervious surface with storm water management, deep rooted vegetative buffers, rain gardens, etc.)*

It is the Board of Adjustment's job to apply appropriate legal standards to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden.