

**MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Thursday, May 9, 2019**

The Otter Tail County Board of Adjustment met Thursday, May 9, 2019, with the following persons in attendance:

Bruce Stone	Douglas Larson	Steve Schierer
Darren Newville	Kenneth Vorderbruggen	Thomas Lee

Chris LeClair, Land & Resource Management, Director
Kyle Westergard, Land and Resource Management, Assistant Director
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.

6:00 p.m. to 6:30 p.m. – For general discussion regarding statutory and ordinance interpretation.

Minutes Approved - The Board of Adjustment approved the minutes of the April 18, 2019 meeting.

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

Tim & Char Greene – Variance Application Approved as Requested (6:31 p.m.)

Tim & Char Greene, Lots 16 & 17 of Fair Oaks, West Battle Lake in Girard Township, requested the following: We were approved by way of Variance to add an addition on to our existing house on August 9, 2018. Now we would like to request to add a deck lakeside of proposed addition. Deck will be approximately 35' from OHWL; in line with existing house. We will also be removing approximately 6' from existing deck making it 4' 3" in width increasing the setback to the OHWL, (approximately 30' from OHWL, current deck is approximately 24' from OHWL) Required setback is 75'. In Variance approval on 8/9/2018 SIZ impervious surface was proposed at 994 sq. ft and approved; the new proposal will be decreased to 879 sq. ft. a reduction of 115 sq. feet. Allowable is 260 sq. feet. Total impervious surface will not exceed 25%. Tim Greene 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, second by Douglas Larson and unanimously carried to approve a variance to construct a deck lakeside approximately 35' 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. It was also noted that there will be a reduction in the impervious surface onsite. The variance as approved does not directly or indirectly grant any other variances for future development.

Gregg & Nancy Johnson – Variance Application Approved as Requested with Condition (6:36 p.m.)

Gregg & Nancy Johnson, Lot 35 of Heilberger Lake Estates in Friberg Township, requested the following: To add main floor bedroom and dining room to existing structure. This will make our home handicap accessible for Nancy. Bedroom would be approximately 86' from ordinary high-water level. Dining room would be approximately 50' from ordinary high-water level. Gregg Johnson 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, second by Kenneth Vorderbruggen and unanimously carried to approve the variance request to construct 2 additions to the dwelling with one addition being 86' from the Ordinary High Water Level and the other addition being 50' from the Ordinary High Water Level as depicted on the drawing submitted with the variance request dated April 11, 2019 with the condition that the property owner works with Land & Resource Management to get proper drainage on the west side of the house 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 by granting this variance the property owner will be able to make their home handicap accessible. The variance as approved does not directly or indirectly grant any other variances for future development.

David Maier – Variance Application Approved as Requested (6:43 p.m.)

David Maier, Lot 10 of Swan Lake Beach in Dane Prairie Township, request the following: I am requesting a variance from the 100 foot setback requirement specified in the Lakeshore Management Ordinance, Section III.4. I wish to construct a 10 x 16 foot deck on a single family home now under construction. The variance request is for a reduction in the setback requirement of 28 feet 9 inches on the north side of the deck and a reduction of 33 feet 8 inches on the south side of the deck. All deck construction will occur behind the buildout line granted to my property by Section V.2.E. of the Lakeshore Management Ordinance. Requesting to be 66' from the OHWL with deck at closest point. David Maier 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, second by Darren Newville and unanimously carried to approve the variance as requested to construct a 10 x 16 foot deck 66' 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. Hardship/practical difficulty is the unique shape of the lot. The variance as approved does not directly or indirectly grant any other variances from proposed or future development.

Damon Fick – Tabled (6:51 p.m.)

Damon Fick, Lot 2 Block 1 of Gulliver's Travels 1st Addition in Edna Township, request the following: Setback Ordinance, Section III; Dwelling varies from ordinance requirements and is located 9 ft. from road right of way on SE corner and 18 ft from road right-of-way on SW corner. Garage location is 14 ft from road right-of-way on SE corner. Shoreland management ordinance, Section 4; Screened porch and deck varies from ordinance requirements and is located 28 ft from bluff on NE corner and 21 ft from bluff on NW corner. Sanitation Code, Section 80.2150; Drainfield will be located 12 ft from bluff. Required setback is 30 feet. The application was represented by Damon Fick. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, Darren Newville made a motion, second by Thomas Lee and unanimously carried to table with the verbal permission of the applicant at this public hearing until the June 13, 2019 meeting of the Board of Adjustment so the applicant can provide a new proposal. The new proposal needs to be received at Land & Resource Management by May 23, 2019 to re-notify the public. It was noted that there were to many variances being requested and would like to see the proposed project be located 30' from the top of the bluff.

Devin Gemelli – Variance Application Approved as Requested (7:05 p.m.)

Devin Gemelli, Wly 613' of SL1 of GL 2 Ex 5 Tracts of 500' on Lk in Amor Township, request the following: Requesting Variance to attach garage to the house. Garage foundation will be 24' from Bluff. Proposed attached garage will tie into the existing roof approx. 20' from the bluff. **April 18, 2019** –The audience was polled with no one speaking for or against the variance as requested. A letter from Cindy Dean was read for the record. After consideration and discussion, Rick Wilson made a motion, second by Douglas Larson and unanimously carried to table with verbal permission of the applicants at this public hearing until the May 9, 2019 meeting of the Board of Adjustment to allow the Board of Adjustment members to get clarification of the Statute in reference to an expansion of a non-conforming structure. **May 9, 2019** - The audience was polled with no one speaking for or against the variance as requested. A letter from Kevin Schleger was read for the record. After consideration and discussion, Darren Newville made a motion, second by Bruce Stone and unanimously carried to approve a variance to construct an attached garage 24' from the bluff which will tie into the existing roof 20' from the bluff 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 from proposed or future development.

John & Donna Burns – Variance Application Approved as Requested (7:12 p.m.)

John & Donna Burns, Lots 68 & 69 and Vac Rd Adj of Pleasure Park & Pt Lot 10 S of Rd in Otter Tail Township, request the following: Current cabin is located in Shore Impact Zone and would like to add a 14' x 22' addition to existing cabin. Cabin and proposed addition meets lot setbacks (more than 10' from lot line) and will comply with sewer and well setbacks. Addition is set behind building line of neighborhood and no closer to lake than existing structure. Current impervious in shore impact zone 1406 sf, proposed 308 sf for a total of 1714 sf. **April 18, 2019** - The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion, Steve Schierer made a motion, second by Darren Newville and unanimously carried to table with verbal permission of the applicants at this public hearing until the May 9, 2019 meeting of the Board of Adjustment to allow the Board of Adjustment members to get clarification of the Statue in reference to an expansion of a non-conforming structure.

John & Donna Burns – Variance Application Approved as Requested (7:12 p.m.) Continued

May 9, 2019 - After consideration and discussion, Steve Schierer made a motion, second by Thomas Lee and unanimously carried to approve a variance to construct a 14' x 22' addition to the existing cabin 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. Hardship/practical difficulty is the current location of the existing cabin and the lowland which is located behind the house. The variance as approved does not directly or indirectly grant any other variances from proposed or future development.

Break – The Board of Adjustment Members took a 12-minute break at 7:18 p.m. Reconvened at 7:30 p.m.

Darryl Bartholomay – Variance Application Approved as Requested (7:30 p.m.)

Darryl Bartholomay, Pt of GL 4 & Pt NW1/4 SW1/4 (27.20 Acres) in Edna Township, request the following: A WOAS to be located 54'-9" from north lot line. Required setback is 90' from Lotline. Darryl Bartholomay represented the variance 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, second by Kenneth Vorderbruggen and unanimously carried to approve the variance as requested to construct a WOAS 54'-9" from the north lot line 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. Hardship/practical difficulty is the property has 145' of water frontage and the unique shape of the lot. The variance as approved does not directly or indirectly grant any other variances from proposed or future development.

Larry & Julie Duttonhefer – Variance Application Approved as Requested (7:35 p.m.)

Larry & Julie Duttonhefer, Lot 6 Blk 1 of Tradewells Woodland's in Sverdrup Township, request the following: 575 sq. ft. Addition to existing structure. 51 ft. OHWL Construction, New Roof on existing structure. Request 49 ft. Variance from required 100 ft. setback. New compliant septic system to be designed and installed. All parking areas are located on the North side of Little Narrows Loop. The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion Steve Schierer made a motion, second by Douglas Larson and unanimously carried to approve the variance as requested to construct a 575 sq. ft. addition to the existing structure and replace the roof on the existing structure 51 ft. 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 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 addition will be no closer than the existing structure.

Eric Hanson & Laiz Barrios – Denied (7:45 p.m.)

Eric Hanson & Laiz Barrios, Gov't Lot 2 (39.10 Acres) in Dead Lake Township, request the following: Requesting a variance to build home/shop being 51' from OHWL at closest point, required setback is 200 ft. Also requesting impervious surface to be at 15,188 sq. ft. in SIZ, allowable is 260. The audience was polled with no one speaking for or against the variance as requested. A letter from Lee Mindemann opposing the proposal was read for the record as well as a letter from Gary P Miller, Star Lake Property Owner's Association (SLPOA) indicating that the request be denied. After consideration and discussion, Darren Newville made a motion, second by Douglas Larson and unanimously carried to deny the variance request as no adequate hardship/practical difficulty unique to the property has been shown that would allow for the granting of the variance as requested 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 Board of Adjustment members expressed concerns with wetland impact, 3' vertical separation and proposed excessive amount of shore impact zone impervious surface coverage which if granted would set a precedence. It was also stated that there appears to be a compliant location on the property for a structure.

Dustin Dodd – Variance Application Approved as Requested (8:00 p.m.)

Dustin Dodd, Pt GL 2 Com N1/4 Cor...(.20 Acres) in Star Lake Township, request the following: Required 75' setback to lake, requesting a 27' variance to be 48' from the OHWL. House is currently less than 75' (see drawing on file at Land & Resource Management) if you count the bog, I would be compliant. Not changing the existing footprint, want to add a 2nd story. See blueprint on file at the Land & Resource Management Office. **April 18, 2019** - The audience was not polled. After consideration and discussion, Darren Newville made a motion, second by Rick Wilson and unanimously carried to table with verbal permission of the applicant at this public hearing until the May 9, 2019 meeting of the Board of Adjustment to allow the Board of Adjustment members to get clarification of the Statute in reference to an expansion of a non-conforming structure. **May 9, 2019** - The audience was polled with no one speaking for or against the variance as requested. After consideration and discussion Darren Newville made a motion, second by Kenneth Vorderbruggen and unanimously carried to approve the variance as requested to construct a 2nd Story to the existing dwelling being 48 ft. 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 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. Hardship/practical difficulty is the placement of the existing structure on the lot which was built in 1940. The variance as approved does not directly or indirectly grant any other variances from proposed or future development.

With no further business, Steve Schierer, Chairman declared the meeting adjourned at 8:04 p.m.

Prepared by:

Amy Busko, Secretary

The minutes were mailed on Friday, May 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.