

**MINUTES OF THE MEETING
OF THE
OTTER TAIL COUNTY BOARD OF ADJUSTMENT
Thursday, June 14, 2018**

The Otter Tail County Board of Adjustment met Thursday, June 14, 2018, with the following persons in attendance:

Douglas Larson	Thomas Lee	Darren Newville
Steve Schierer	Kenneth Vorderbruggen	David Wass
Denise Gubrud, Land and Resource Management		
Andrea Perales, Land and Resource Management		
Chris LeClair, Land and Resource Management - Director		
Michelle Eldien, 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 May 10, 2018 meeting as mailed.

The Board of Adjustment considered the following applications for variance:

Robert D. and Catherine R. Nelson – Application approved with a condition. (6:32 p.m.)

Robert D. and Catherine R. Nelson, Lot 21 Henry's Hill, Franklin Lake in Dunn Township, requested the following: The property is over the allowable 260 square feet of impervious surface within shore impact zone which is the first 50' from the ordinary high-water level. Therefore, a variance is requested so a concrete slab on grade at the front entrance (size 26' by 17') along with a new set of stairs at the entrance can be replaced for safety. This will provide a safe landing and stairs at the entrance along with a patio. The application was represented by Robert Nelson. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, David Wass made a motion, second by Darren Newville and unanimously carried, to approve the proposed development as requested in the variance application dated April 29, 2018 and as depicted on the drawing submitted with the variance application with the condition that the placement of the patio must be at least 50' (no closer to the ordinary high-water level than 50') from the ordinary high-water level. The hardship/practical difficulty is water on three sides of the applicants' property. The variance as approved will provide the applicants with a reasonable use of their property. The variance as approved does not directly or indirectly grant any other variances for proposed or future development.

Janice K. Urtel – Application approved as requested with a condition. (6:39 p.m.)

Janice K. Urtel, Lot 7 Eureka Beach, Jewett Lake in Elizabeth Township, requested the following: A variance from the structure setback requirement. We wish to build a garage/shed on the line of an existing variance. Request for 15' variance from road right-of-way. The application was represented by Rod and Janice Urtel. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Thomas Lee made a motion, second by Kenneth Vorderbruggen and unanimously carried, to approve a variance of 15' from the required road right-of-way setback of 20' for the placement of a garage 5' from the road right-of-way with the condition that no more than 25% of the total eligible lot area can be covered with impervious surfaces. It was noted that two existing structures will be removed. The variance as approved does not directly or indirectly grant any other variances for proposed or future development.

Leon and Rebecca Merz – Application approved as requested with a condition. (6:45 p.m.)

Leon and Rebecca Merz, part of Government Lot 9, Section 10 of Friberg Township by Heilberger Lake, requested permission to place 10' by 16' storage shed in designated bluff area on abandoned road bed. No grading required. All setbacks will be met. The audience was polled with no one speaking for or against the variance as requested. The application was represented by Leon Merz. After discussion and consideration, Steve Schierer made a motion, second by David Wass and unanimously carried, to approve the variance as requested for the placement of a 10' by 16' storage shed in the designated bluff area on the abandoned road bed as depicted on the drawing submitted with the variance application with the condition that two existing sheds as depicted on the drawing will be removed. It was noted that the storage shed will be placed in a location that is back and away from the ordinary high-water level, is an improvement over the present development, the proposed project will not require any excavation in the bluff and the proposed structure is being placed on a very old and stable road bed. The variance as approved does not directly or indirectly grant any other variances for proposed or future development.

Jeff Huber – Application approved as requested. (6:50 p.m.)

Jeff Huber, Lot 32 Block 1 Crystal Beach, West McDonald Lake in Dora Township, requested the following: I have approved permits to build my house and now want to build a garage at the same time. I'm asking to build my garage inside of the 20' setback from road right-of-way as that is my only alternative in order for us to have a garage on my property, and we plan for this to be our year-round home. The garage will be 22' deep and 24' wide, now my impervious percentage will be 19% on buildings with a new total % for buildings and other impervious surfaces of 24.5%. Requesting to construct detached garage being 1' 4" at the closet point to the road right-of-way, required setback is 20'. The application was represented by Jeff and Janet Huber. The audience was polled with no one speaking for or against the variance as requested. A letter from the Clerk of Dora Township in support of the variance as requested was read for the record. After discussion and consideration, Darren Newville made a motion, second by Doug Larson and unanimously carried, to approve a variance of 18' 8" from the required road right-of-way setback of 20' for the construction/placement of a 22' by 24' garage 1' 4" from the road right-of-way at the closet point as depicted on the drawing submitted with the variance application. The Board acknowledged the Townships letter recommending approval. The hardship/practical difficulty is a substandard lot of record and the unique placement of the township road. The variance as approved does not directly or indirectly grant any other variances for proposed or future development.

Richard and Peggy Wilhelmi – Application approved as requested. (6:56 p.m.)

Richard and Peggy Wilhelmi, part of Government Lots 2 and 3, Section 14 of Clitherall Township by Clitherall Lake, requested the following: The garage would start 74' from the ordinary high-water level. We are requesting a 26' variance. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Darren Newville made a motion, second by Thomas Lee and unanimously carried, to approve a variance of 26' from the required ordinary high-water level setback of 100' for the placement of a garage 74' from the ordinary high-water level as depicted on the drawing submitted with the variance application. It was noted that the proposed garage is behind the existing house away from the ordinary high-water level and does not restrict the view from any adjacent property. The variance as approved will provide the applicants with a reasonable use of their property. The variance as approved does not directly or indirectly grant any other variances for proposed or future development.

Mark and Ann Anderson – Requests (1) and (2) denied and Requests (3) and (4) approved. (6:58 p.m.)

Mark and Ann Anderson, Lot 6 South Point on West Battle Lake, West Battle Lake in Girard Township, requested the following:

1. Total building area exceeds 20% by 2.7%.
2. Total building and impervious surfaces exceed 25% by 3.7%
3. Requesting 3' variance from required 10' lot line side yard setback.
4. Request a 6' variance from the required 75' lake setback to construct extension to existing garage.

The application was represented by Mark Anderson. The audience was polled with Patricia Casey speaking to the variance as requested. An email from Mike Casey expressing concerns with the requested lot line variance was read for the record. An email from Benjamin F. Garmer, III in opposition to the variance as requested was read for the record. A letter from Paula Lang in opposition to the variances as requested was read for the record. A letter from John Linder in support of the variances as requested was read for the record. After discussion and consideration, Steve Schierer made a motion, second by Thomas Lee and unanimously carried, to approve a 3' variance from the required side lot line setback of 10' and a variance of 6' from the required ordinary high water level setback of 75' for the development as described in the variance application dated May 20, 2018 and as depicted on the drawings submitted with the variance application with the condition that the total building area cannot exceed the allowable 20% and the total building area and impervious surfaces cannot exceed 25% of the total eligible lot area. It was noted that the applicants' proposed development will not obstruct the view from the adjacent properties. The variances as approved do not directly or indirectly grant any other variances for proposed or future development.

Thomas Golden – Variance application approved with modification and condition. (7:15 p.m.)

Thomas Golden, Lot 2 Auditor's Subdivision NO. 117, North Turtle Lake in Everts Township, requested the following: We seek approval to extend current structure toward the lake with a connected three season porch and deck. The addition will be 93' from the ordinary high-water level. Requesting 107' variance from the required setback. The application was represented by Mark and Sandy Miller. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Steve Schierer made a motion, second by Thomas Lee and unanimously carried, to approve additions (three-season porch and/or deck) to the existing structure being no closer to the ordinary high-water level than the existing structure with the condition that all other requirements of the Shoreland Management Ordinance must be met.

Thomas Golden – Variance application approved with modification and condition. (7:15 p.m.) Continued.

The additions can be placed on either side of the structure or to the rear of the structure; however, none of the additions can be any closer to the ordinary high-water level than the existing structure. Hardship/practical difficulty is the terrain features of the applicants' property and the location of the existing structure. The variance as approved does not directly or indirectly grant any other variances for proposed or future development.

Five Minute Break Between First and Second Hour of Applicants.

Walter and Renee Fuchs – Variance application approved as requested. (7:36 p.m.)

Walter and Renee Fuchs, part of Lots 4, 5 and 6, Crystal-Lida Beaches, Lake Lida in Lida Township, requested a variance to change the structural setback to the road right-of-way from 20' to 10'. The existing house is 4' from the road right-of-way. We are requesting the variance to build a new similar size house 10' from the road right-of-way. The sewer and impervious surface will be updated to conform with current codes. The application was represented by Walter and Renee Fuchs. The audience was polled with no one speaking for or against the variance as requested. A letter from Charles H. Grotte, County Engineer requesting that the 20' road right-of-way setback be maintained was read for the record. After discussion and consideration, Darren Newville made a motion, second by Kenneth Vorderbruggen and unanimously carried, to approve a variance of 10' from the required road right-of-way setback of 20' for the construction/placement of a dwelling as depicted on the drawing submitted with the variance application 10' from the road right-of-way. The proposed location of the new dwelling is consistent with the immediate neighborhood. Hardship/practical difficulty is a substandard lot of record and the depth of the applicants' property. The variance as approved does not directly or indirectly grant any other variances for the proposed development.

Luther and Deloris Melby – Tabled. (7:42 p.m.)

Luther and Deloris Melby, part of Government Lots 2 and 3, Section 28 of Lida Township by Lake Lida, requested a 30' setback to ordinary high-water level on eastside of dwelling and 50' on west side of dwelling. Approximate square feet in shore impact zone, to be 3,100 square feet this includes driveway, parking and a portion of house. The application was represented by Luther Melby. 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 table with the verbal permission of the applicant this public hearing until the July 12, 2018 meeting of the Board of Adjustment so that the applicant has an opportunity to determine if road access to the proposed site is feasible.

Keith and Bonnie Nelson – Approved Setback Request and Denied Impervious Surface Request. (7:52 p.m.)

Keith and Bonnie Nelson, Lot 3 Shady Nook Beach, Pickerel Lake in Maine Township, requested the following: Proposing to enclose a patio (186 square feet) being 65' from ordinary high-water level. Required setback is 75'. Requesting a 10' variance from ordinary high-water level. Our existing impervious surface is for building is 14.7% and for buildings and other is 32.4%. Our proposed impervious surface is building will be 17.1%. Building and other will be 27.9%. Requesting a variance for impervious being 27.9%, required is 25%. Requesting a 2.97% variance for impervious. Please note that we park on our back lot but did add a 200 square foot parking area in our impervious calculations. This parking area is grass. Excluding the 200 square foot parking area our impervious is 25.3%. The application was represented by Keith and Bonnie Nelson. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Thomas Lee made a motion, second by David Wass and unanimously carried, to approve a variance of 10' from the required ordinary high-water level setback of 75' for the proposed development as described in the variance application dated May 23, 2018 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 not directly or indirectly grant any other variances for the proposed development.

Diana Snelgrove – Application approved as requested. (8:02 p.m.)

Diana Snelgrove, Lot 1 Klien and Adams Point 4th, Marion Lake in Dead Lake Township, requested the following: Proposing to construct a new dwelling with an attached garage and decks in a 36' by 60' building area on lot. The proposed development would be no closer than 50' to the ordinary high-water level. Required setback is 75' requesting a 25' variance being 50' from ordinary high-water level. Will meet the requirements for impervious surface, being within the 20% maximum allowable for building and 25% maximum allowable for building and other. Have met with septic contractor on site. The application was represented by Diana Snelgrove. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, David Wass made a motion, second by Doug Larson and unanimously carried, to approve a 25' variance from the required ordinary high-water level setback of 75' for a 36' by 60' building area located 50' from the ordinary high-water level. Hardship/practical difficulty is a substandard lot of record and the depth of the applicant's property.

Diana Snelgrove – Application approved as requested. (8:02 p.m.) Continued.

The variance as approved will provide the applicant with a reasonable use of her property and the use is consistent with other properties in this immediate area. The variance as approved does not directly or indirectly grant any other variances for proposed or future development.

Orland W. Ohe – Application approved as requested. (8:10 p.m.)

Orland W. Ohe, the Northwest Quarter of the Southeast Quarter, the Southwest Quarter of the Northeast Quarter, the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter, Section 13 of Trondhjem Township, requested a variance on County Wind Energy Conversion System Ordinance 600' wetland setback. Due to siting and practical difficulties encountered we are asking for variance on setback distance relating to one wetland located within 600'. Without variance practical difficulties would render the project infeasible and prevent Lake Region Electric Cooperative from obtaining low cost renewable energy. Asking for variance to be within 275' of nearest wetland. CUP application to follow. The application was represented by Orland Ohe and Aaron Thibert. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Steve Schierer made a motion, second by Darren Newville and unanimously carried, to approve a variance of 325' from the required wetland setback of 600' for the placement of a wind energy conversion system (turbine and solar panels) 275' from the nearest wetland. The variance as approved does not directly or indirectly grant any other variances for proposed or future projects.

Wade and Amy Sandy – Application approved as requested with condition. (8:17 p.m.)

Wade and Amy Sandy, Lot 59 of Nedberg Nye Survey Lots of Government Lots 1, 2 and 3, Section 1 of Edna Township by Devils Lake, requested the following: The lot is a substandard lot and as such presents practical difficulty to construct within the setback ordinance requirement. We are requesting a variance of 31' from the ordinary high-water level setback (i.e. we would like to build 44 feet from the lake's ordinary high-water line). The existing structure (approximately 600 square feet) is 27' from the ordinary high-water setback. (The closest proposed structure point is 44' from lake.) We are proposing to add an additional approximately 800 square feet on to the existing structure. The application was represented by Wade Sandy. The audience was polled with no one speaking for or against the variance as requested. An email from Karen Gibson in support of the variance as requested was read for the record. After discussion and consideration, Darren Newville made a motion, second by Thomas Lee and unanimously carried, to approve a variance of 31' from the required ordinary high-water level setback of 75 for the placement of the proposed addition 44' from the ordinary high-water level as depicted on the drawing submitted with the variance application with the condition that the existing 8' by 8' shed must be either removed or placed in a location that complies with the setback requirements of the ordinance. Hardship/practical difficulty is a substandard lot of record and the depth of the lot. It was also noted that the variance being grant is consistent with past actions of the Board in this immediate area and that the variance will allow the applicants to enjoy the same rights and privileges as others in this neighborhood. The variance as approved does not directly or indirectly grant any other variances for proposed or future projects.

Gordon Jensen – Denied. (8:22 p.m.)

Gordon Jensen, Tract N of Auditor's Subdivision Number 102, Rush/Lizzie Lake in Lida Township, requested the following: I want to build a cabin on my lake Lot N of Auditor's Subdivision NO. 102. The slope of the land is such that if I were to build behind the 200' setback line I would not be able to see the lake. I am asking for a variance of 69' 74' and 89' from the 200' setback line across Lot N as shown on Anderson Land Surveying Certificate of Survey No. 8562. Please note that I will be abiding by the 30' setback from the top of bluff across Lot N with this request. The application was represented by Dan Elton and Glenn Howe. 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 Steve Schierer to approve the variance application as requested noting that the proposed location provides a view of the lake, the lake is protected because the property slopes away from the lake and the proposed location is the best location available. The motion to approve failed with Doug Larson, Darren Newville and David Wass voting no. Those voting in opposition to the variance application noted that the proposed development can be placed in a location that does not require the granting of any variances and not having a view of the lake is not a hardship/practical difficulty.

David Sholy – Application approved as requested. (8:30 p.m.)

David Sholy, part of Government Lot 6, Section 3 of Dunn Township by Pelican Lake, requested the following: The layout of the lot (with diagonal shoreline, access road thru the lot, and back wet lands) seemingly prevents construction of a traditional lake cabin (with well and septic tank). As a result, the only option to actually utilize the recreational designation of the lot is a Water Oriented Accessory Structure (proposed site – 13' by 20'). And, the only feasible location for it is on the west side of the lot.

David Sholy – Application approved as requested. (8:30 p.m.)

Thus, our plan calls for the Water Oriented Accessory Structure to be approximately 24' from the west property line, rather than the usual 40' guideline. This location will provide a 20 – 30 ' setback from the lake and a 20' - 22' setback from the road. Finally, our proposed building plan with Ouren Construction consists of substantial extra funds intended to produce a structure with an attractive “mini lake cabin” look rather than a boring or unattractive “box type” storage/garage type building. The application was represented by David Sholy. The audience was polled with no one speaking for or against the variance as requested. After discussion and consideration, Darren Newville made a motion, second by David Wass and unanimously carried, to approve the variances as requested in the application dated May 24, 2018 and as depicted on the drawing submitted with the variance application. It was noted that this is perhaps the best location for the proposed structure. Hardship/practical difficulty is a substandard lot of record and the access road cutting through the lot. The variances as approved do not directly or indirectly grant any other variance for proposed or future development.

Jerry Schumann – Application approved as requested. (8:37 p.m.)

Jerry Schumann, Lot 9 Block 1 Deerpath at Crystal, Crystal Lake in Lida Township, request my shed is only 32' from one of the property lines instead of 65' but is not visible to my neighbor and he signed a form stating he is ok with it. Requesting a variance of 33' from the west property line to place a Water Oriented Accessory Structure. The standard setback for a Water Oriented Accessory Structure on an RD lake is 65'. Also requesting a variance to maintain the water source to the Water Oriented Accessory Structure. The application was represented by Jerry Schumann. The audience was not polled as there was no one in attendance at the time of this public hearing. After discussion and consideration, Thomas Lee made a motion, second by Darren Newville and unanimously carried, to approve a variance of 33' from the required side lot line setback of 65' for the placement of an 8' by 10' water oriented accessory structure 32' from the side lot line and to approve a variance that will allow the water source to the structure to remain. It was noted that there is no hardship/practical difficulty related to this request as the water oriented accessory structure could be placed in a location that complies with the setback requirements of the ordinance; however, the proposed location is the best location on the lot and provides the least obstruction to the visibility from the neighboring properties. The variances as approved do not directly or indirectly grant any other variance for the proposed or future development.

With no further business, Steve Schierer, Chairman declared the meeting adjourned at 8:40 p.m.

Prepared by:

Wayne Stein, Secretary

The minutes were mailed on Monday, June 18, 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.