

Minutes of the Todd County Board of Adjustment Meeting

February 26, 2026

Completed by: Sue Bertrand P&Z Staff

Site Visits conducted by Adam Ossefoort and Russ VanDenheuvel on February 17, 2026

Meeting attended by board members: Chair Russ VanDenheuvel, Vice Chair Bill Berscheit, Mike Soukup, alternate Larry Bebus and Planning Commission Liaison Ken Hovet.

Staff members: Adam Ossefoort and Sue Bertrand

Other members of the public: Sign-in Sheet is available for viewing upon request.

Russ called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited. Each board member introduced themselves and Russ explained the process for those attending.

Introduction of the meeting process and etiquette by Russ.

Ken motioned approve the minutes from December 18, 2025, meeting minutes, Bill seconded, voice vote, no dissent heard, motion carried.

Bill motioned to approve and January 22, 2026, meeting minutes, Larry seconded, voice vote, no dissent heard, motion carried.

Bill motioned to approve the agenda as written, Mike seconded, voice vote, no dissent heard, motion carried.

AGENDA ITEM 1: Mathew Parker – PID 03-0072000 – Birchdale Township, Long Lake

Request(s):

1. Request to reduce the lake setback from 150' to 90.3' for a dwelling addition
2. Request to reduce the lake setback from 150' to 90.3' for the addition of an attached garage
3. Request to increase the height limit from 18' to 28' for non-conforming dwelling addition all in Natural Environment Shoreland Zoning District.

Mathew and Jessica Parker were present as the applicants.

Staff Findings: Adam read the staff report. The staff report is available for viewing upon request in the Planning & Zoning Office.

Proposed Condition(s):

1. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.
2. Development of a stormwater management plan to address all stormwater from the proposed addition based on a 10-year/24-hour rainfall.
3. Applicants shall obtain additional permitting from other government agencies as necessary including but not limited to the Sauk River Watershed District.

Mathew and Jessica confirmed the staff report was accurate.

Russ reviewed his site visit report. This report may be viewed in full, upon request, in the Planning and Zoning office.

Correspondence received: Yes. This letter from SRWS may be viewed in full upon request at the Planning and Zoning office.

Public comment: None.

Board discussion:

Russ asked about the height request, if you are just going to add onto the house, why would it be seven feet higher than that?

Mathew stated it is currently at 21' and they would like to raise the main level. So, it's more of a patio home and don't have to deal with steps in the future and just keep it one level living.

Jessica stated they are trying to eliminate two sets of the four sets of stairs inside, and make it one level with an upstairs, like it is supposed to be. She pointed out the idea on the overhead.

Mathew brought up the wood foundation issues and how they would be raising the main level, even with the garage and only increasing by about 5 feet.

Bill stated he didn't think the 55.5% deviation from the standard correct as we listed as going from 18' to 28'. Asked about impervious.

Adam 23.4% in total, with the additions.

Russ asked what kind of run-off management plan do you have?

Mathew stated gutters all the way around the house.

Russ asked if the driveway curves around the house at all? He suggested they come up with a water management plan.

Bill, the goal is to keep the water on the lot and get the water to soak in, on the lot. Even water coming across the lot from another source we want to get it infiltrated prior to it hitting the lake. The number one way to could have a positive impact on the lakes by eliminating the amount of warm water we flush into the lake.

Mathew described there are culverts that come from the top of the hill that allows water to flow right through the yard and it may be possible to help build the grade to keep the water more in the yard, when they raise the house.

Bill pointed out condition #2, the board would like to see a storm water management plan to address all storm water for the entire lot run-off, not just the roof surface.

Larry asked how the lake level is affecting them as far as flooding?

Mathew stated their lot is one of the highest ones out there, more than ten feet above the level of the water.

Bill asked if they had considered rebuilding meeting all setbacks so they would not have to come to the board for variances every time they want to do something?

Jessica stated they did not want to. The setback is 150' and that puts them in a bad spot for the driveway on the hill. The driveway would be a nightmare, super short and super steep like her aunt's house. She used to live a few houses over, but moved, because of the driveway. There are only two houses meeting that setback.

Adam reminded the 150' setback applies to all lake lots around this lake.

Russ agreed it would be a dangerous driveway in the winter.

Jessica stated the lake setback used to be a 100'. At the time it was built, it met the setback and doesn't know why it measures 90' now.

Adam suggested the difference may occur when using a tape measure as apposed to a surveyor's linear measurement.

Mathew and Jessica mentioned the different contractors they talked to and the possibility of starting over.

Russ stated you could always rebuild "exact for exact" and they knew that was an option.

Ken asked if it is fair to say, this house has four levels?

Jessica explained, it was a tri-level with a basement.

Ken, when done, you will cut out two levels.

Jessica, yes.

Mike asked if the criteria will group all together?

Mathew requested to keep it together.

Board agreed.

Russ called for Criteria Questions individually by request.

Criteria Question #1: Is the variance in harmony with the general purposes and intent of the official control?

Board Member	Vote and Comments
Mike Soukup	No, agreed with Bill, height would be hard to maintain the screening if you had to start with new growth.
Bill Berscheit	No. Described why the height is an issue in conjunction with the distance and how it will affect the screening needed from the lake (Jessica disagreed and showed a photo of what her home looks like from the lake, which was entered into the record)
Ken Hovet	No.
Larry Bebus	Yes.
Russell VanDenheuvel	Yes, thinks it will fit in and look ok.
Majority response- No	

Criteria Question #2: Is the variance request consistent with the goals and policies of the comprehensive plan?

Board Member	Vote and Comments
Mike Soukup	No, even though it was built under a more liberal code, we still must look at current code.
Bill Berscheit	Yes, implementing a storm water management plan that includes more than just roof water.
Ken Hovet	Yes.
Larry Bebus	Yes, based on 1979 plat, it is not that out of line and is consistent.
Russell VanDenheuvel	Yes, he believes it is consistent.

Majority response- Yes.

Criteria Question #3: Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Board Member	Vote and Comments
Mike Soukup	Yes
Bill Berscheit	Yes
Ken Hovet	Yes
Larry Bebus	Yes
Russell VanDenheuvel	Yes

Majority response- Yes.

Criteria Question #4: Is the need for a variance due to the circumstances unique to the property not created by the landowner?

Board Member	Vote and Comments
Mike Soukup	No, the burden of proof on setbacks.
Bill Berscheit	No, definitely unique topography. The design of structure is creating the need for variance, and the burden of proof has not been met for not meeting all setbacks.
Ken Hovet	Yes, it was not created by the landowner as at the time they built, they met the setback and the setback had changed.
Larry Bebus	Yes, small lot size, they can't move it back, agreed with Jessica that it is not blocking anyone's view to the lake.
Russell VanDenheuvel	Yes, it was built at the 100' setback.

Majority response- Yes.

Criteria Question #5: Will the variance maintain the essential character of the locality?	
Board Member	Vote and Comments
Mike Soukup	Yes
Bill Berscheit	Yes
Ken Hovet	Yes
Larry Bebus	Yes
Russell VanDenheuvel	Yes

Majority response- Yes.

Criteria Question #6: Does the need for the variance involve more than just economic considerations?	
Board Member	Vote and Comments
Mike Soukup	Yes
Bill Berscheit	Yes, agrees with Ken.
Ken Hovet	Yes involves environmental too.
Larry Bebus	Yes
Russell VanDenheuvel	Yes

Majority response- Yes

Criteria Question #7: Have safety and environmental concerns been adequately addressed?	
Board Member	Vote and Comments
Mike Soukup	Yes
Bill Berscheit	Yes, may want to increase the storm water management conditions assuming on the entire lot.
Ken Hovet	Yes, same reasons.
Larry Bebus	Yes, with conditions plus what SRWS requested, maybe even rain gardens.
Russell VanDenheuvel	Yes

Majority response- Yes

Summary of criteria question majority responses as follows:

#1	No
#2	Yes
#3	Yes
#4	Yes
#5	Yes
#6	Yes
#7	Yes

Russ, we could revisit number one, make a motion or request to table.

Bill and Ken wanted to see a good storm water management plan and adequate screening.

Russ thought with leaf off, there is good screening, but agreed with a good storm water management plan.

Jessica stated they are willing to meet conditions, even if strict. She stated she grew up on this lake, and it is important to them to protect the lake. They are willing to mitigate and do what the board asks.

Ken motioned to table the application, Larry seconded and asked them to work with Adam and SRWS for a detailed storm water management plan and screening.

Bill encouraged following the E.A.R.T.H. plan.

Voice vote, no dissent heard, motion carried to table until next month.

AGENDA ITEM 2: Stephen Neville – PID 11-0046000 – Grey Eagle Township, Big Birch Lake

Request(s):

1. Request to increase the allowed roofed impervious surface coverage from 15% to 22.7% for dwelling addition in Recreational Development Shoreland Zoning District.

Stephen was present as the applicant and introduced himself.

Staff Findings: Adam read the staff report. The staff report is available for viewing upon request in the Planning & Zoning Office.

Proposed Condition(s):

1. Development of a stormwater management plan to address all stormwater from the proposed addition based on a 10-year/24-hour rainfall.
2. Applicant shall obtain additional permitting from other government agencies as necessary including but not limited to the Sauk River Watershed District.

Stephen confirmed, staff report nailed it.

Russ went through the site visit report. This report is available for review in full, upon request, at the Planning and Zoning office.

Correspondence received: Yes, same letter from the Sauk River Water Shed district, Adam read into the record. This letter may be viewed in full, upon request, at the Planning and Zoning office.

Public comment: None

Board discussion:

Ken asked if the outline in blue was the proposed addition?

Neville, yes, and explained the project and pointed to the overhead. He pointed to the proposed impervious surface they are planning to remove. They will put in GEO webbing instead of the driveway and along the driveway, letting grass grow through. Removing storm shelter area. Removing picnic table slab, another concrete pad and stepping blocks.

Mike reviewed the calculations, confirmed by Neville.

Bill asked Neville to show the GEO webbing to the board, which he did.

Ken, do we have a water management plan?

Neville, gutters. Explained the house layout to eliminate the five steps and put in a ramp.

Ken would like to entertain to table for a storm water plan.

Bill pointed out the condition will cover the entire lot.

Ken requested to see the plan before deciding.

Russ stated the way he is doing it, he has done a marvelous job, and Russ stated he is ready to decide.

Adam explained, Neville originally had more impervious requests but took it upon himself to remove impervious and add the GEO plan instead.

Bill agreed with the GEO products and is impressed with them.

Ken agreed, it is a wonderful system and has nothing against it. Saw it in Denmark and can mow right over them.

Mike motioned to approve with the amended conditions, Larry seconded.

1. Development of a stormwater management plan to address all stormwater on the property based on a 10 year/24-hour rainfall.
2. Applicant shall obtain additional permitting from other government agencies as necessary including but not limited to the Sauk River Watershed District.

Voice vote, no dissent heard, motion carried.

AGENDA ITEM 3: - E.A.R.T.H. Program discussion

Adam stated Ken, Larry and Bill attended the commissioner's work session and discussed it with the commissioners. They gave us the thumbs up to present it to the Planning Commission to add it as an ordinance amendment to our application process. We are working on the Cannabis changes at the moment, but when we are done with that part, we will put it on the Planning Commission agenda.

Mike a tool or hard fast condition?

Adam, a tool. Jason stated we are gathering information and looking at the property as a whole and using this tool to come up with specific conditions to address storm water or whatever when applying for a variance.

Larry, everybody can use this as an educational tool.

Bill, I like it.

Ken, will we see the forms answered?

Adam, yes, it will become part of the application process, and they will be included with the board packets.

Larry asked what if we don't get these forms back filled out?

Adam, we will not accept the application or the fee. It must be completed. It will be a requirement for the application.

Bill no different than your address and your signature.

Mike, does this put us in any legal predicament should it go to District court?

Adam, no, it's just additional information that will further support the board's decision. We just can't create a condition like: You are at 400, we expect you to be at 450. But if the condition states you need to add a vegetative buffer, obviously, that will increase your score.

Bill added his interpretation; we can't use the linear scale to approve or deny.

Adam, right.

Adam also stated he had talked with Rick, last week, and he agreed to become another alternate, since he will be gone so much throughout the year in Florida, and that gives Larry a reprieve as our alternate. That gives us two alternates for the time Rick is back in MN, and our options are to go back to a five-member board, because Ken is in the same district as Rick and still meets the requirement for the cross over member with the Planning Commission. Option 2, try to find a new member for that district so we have a six-member board, or just stick with the five members. We will have to look into some changes with Rick stepping into a lesser role.

Russ and the board agreed, a five-member board is good, letting Ken be the district representative and cross over member.

Adam stated he will bring it up to a work session with the commissioners and at a future meeting, we will have to have board action.

Adam stated his comprehensive plan is in draft form and is ready for review and will e-mail if anyone wants.

Mike asked if we could strike out old and highlight the new?

Adam stated the Comprehensive Plan is entirely different, 60 to 70 pages, with the Ordinance amendment, he does strike out and highlight new.

Bill went back to the E.A.R.T.H. discussion and suggested people could just put NA if it is not applicable to a particular zoning.

Adam agreed.

Larry asked how will we know if they are filling it out truthfully or not?

Adam stated we could have staff fill it out, which is an option, or verify answers on the site visit review.

Larry gave an example of how he and his wife both filled them out for their own property and he scored maybe a Bronze and her answers shot up to the Gold-Platinum category.

Adam agreed, we will find some of that.

Bill added, as a board, they will be able to see through some of that.

Ken motioned to adjourn and Bill seconded. Voice vote to adjourn. No dissention heard. Motion carried and the meeting adjourned at 7:21 PM.