Minutes of the Todd County Board of Adjustment Meeting

September 26th, 2024

Completed by: Sue Bertrand P&Z Staff

Site Visits conducted by Adam Ossefoort and Bill Berscheit on September 18th, 2024.

Meeting attended by board members Vice Chairperson Bill Berscheit, Danny Payton, Russ Vandenheuvel, 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.

Bill called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited as a group. Each board member introduced themselves.

Ken made a motion to approve the agenda as written and Dan seconded, voice vote, no dissent heard, motion carried.

Russ motioned to have the August 22nd, 2024 meeting minutes approved. Dan seconded the motion. Voice vote, no dissent heard. Motion carried.

AGENDA ITEM 1: Mike and Lori Lyon – PID 11-0049600 – Grey Eagle Township

Request:

1. Request to increase the height limit for a retaining wall within the shore impact zone from 4' to 9' in Recreational Development Shoreland Zoning.

Mike and Lori 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. Submittal of a Shoreland Alteration Permit for construction of a retaining wall paid at the after-the-fact permitting rates.

Mike confirmed the staff report was accurate other than they have already obtained the shoreland alteration permit, and that was taken out before any work was done.

Correspondence received: Adam read an e-mail from Josh Votruba with Soil and Water. This letter may be viewed in full, upon request, at the Planning and Zoning Office.

Bill went over his site visit report. This may be viewed in full, at the Planning and Zoning Office, upon request.

Public comment: None.

Board discussion:

Russ asked if they just built this house a couple months ago?

Mike stated yes, and just completed the electrical inspection today.

Russ, where do the downspouts go?

Adam brought up the pictures that best show the downspouts.

Mike stated each one of those downspouts go into a 4" PVC pipe which is buried with an elbow turned up, and pointed to the photo showing where the center of the cap would pop up and disperse the water into the drainage area that leads to the culvert under the road, if they get a heavy downpour he directed it away from the foundation of the house. He explained they have five downspouts and four of those have that, and on the NE corner, so it didn't run into the ditch, again, through Josh, there is a buried 22" culvert six-foot-tall, wrapped it in landscape fabric, perforated of course, and put 1¼" rock on the bottom.

Russ what is the setback on the lake?

Adam, the standard of 100'.

Russ, there were conditions when you received the first variance, and wondered if they were still working on them for cover?

Mike stated the cover *was* there, however, during construction (handed Adam photos for the record) they ended up taking down two trees that were in poor shape. He handed the photos to the board to show the condition of the trees and the third one came down in a storm in July. As far as landscaping, they are as far as they are going to go for this year and will take it up again in the spring.

Larry, no vegetation going in down by the lake, and preventing water from going into the lake? He asked if the rip-rap stops it?

Mike stated yes, if you put a transit on that, what you will find where that rip-rap is, it's a little bit higher and next to the boathouse. Next to the North end is where it gets level. There is not much slope at all from that and is pretty much flat. That is why they did it that way, so they wouldn't get the run-off. It has rained since they have been there, and before construction, everything was going down to the lake and actually washing out. When this wall was decided, it wasn't decided in their best interest, it was the Excavator, landscaper and themselves and they met individually and pondered this a long time, then they got together and came back with this plan. If he had known it was only a 4' retaining wall limit, he would have asked.

Ken asked for clarification on the downspouts, you say they flow into the 4" PVC and then they come up in the back yard someplace, when it is not raining, do they still hold water?

Mike, no, where they came out into the grass area, there is a hole dug out underneath one of those elbows where it turns up, with rock in there, and there is a 3/8" hole drilled into the bottom.

Ken, so they each have their own little dry well in there.

Mike, yes.

Dan, so all of the downspouts flow into those and away from the lake?

Mike, all except one, and showed Dan a photo, and explained that one goes to the 22" perforated culvert, landscape wrapped around it and one foot of rock in the bottom.

Ken, and that seems to take the load okay, and the volume of water?

Mike, yes, if it would fill up, it would run out the gap side of it which is the one across the grass.

Dan, was all of this designed by Josh?

Mike yes, he and Josh had originally planned on a rain garden, when everyone else told him "don't do it" it will fail in two years and wash out the neighbors, so they came up with this plan and ran it by Josh and said that would be a great idea.

Bill stated Josh's letter pretty much substantiates and if there are no more questions, stated we could use Josh's resources as our findings of fact, instead of going through the criteria questions. It is a better job of covering this than what the board could do with criteria questions.

Dan agreed to use Josh's letter, that was read into the record, how it minimizes the water running into the lake, the water is controlled by directing away from the lake. He stated he has a hard time looking at this and saying it is bad or poor or should be reconstructed. It looks great. Other than the safety of a 9' retaining wall with kids falling off of it…

Mike stated that will be addressed with more natural landscaping.

Dan, with the safety of the lake, pollution, controlling the water, this is what he considers the biggest facts and along with Josh's letter, he made the motion to grant the variance and Ken seconded.

Adam reviewed the application for the SAP, and amended the conditions to "none".

Bill stated the previous variance conditions will still need to be accomplished with the screening.

Bill called for a voice vote, no dissent heard, motion carried to grant the variance.

Russ motioned to adjourn with a second from Dan. Voice vote, no dissent heard, motion carried and the meeting adjourned at 6:28 PM.