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The following is the agenda for **Thursday, May 23rd, 2024 at 6:00pm** the Todd County Board of Adjustment will hold a public hearing in the Commissioner's Boardroom, Historic Courthouse, 215 1st Ave South, Suite 301, Long Prairie.

NOTE: This meeting is again being held in-person and the public is encouraged to attend, but Zoom and phone options are still available for those who are unable to attend in person. If you wish to join via Zoom, please contact our office for the call-in information. Those who do attend in person can find parking atop the hill on the west side of the Historic Courthouse and enter through the North Doors, near the American Flag and monument.

If you have any concerns or questions in regard to the upcoming meeting and the applications on the agenda, feel free to contact the Planning & Zoning Office at either **(320) 732-4420** or **toddplan.zone@co.todd.mn.us**. All correspondence must include name & mailing address and be received 48 hours before the date and time of the hearing.

Agenda

- Call to Order
- Pledge of Allegiance
- Introduction of Board of Adjustment Members and process review
  - The applicant is introduced
  - Staff report
  - Applicant confirms if staff report accurately represents the request
  - Public comment
  - Board review with applicant, staff, and public
- Approval of agenda
- Approval of April 25th, 2024 Board of Adjustments meeting minutes

1. **Mark and Gwendoline Kunkel:** Section 03, Grey Eagle Township, Mound Lake
   Site Address: 14284 Chippewa Road, Burtrum, MN 56318 **PID:** 11-0049800
   1. Request to reduce the OHWL setback from 100' to 59' for a structure addition in RD Shoreland Zoning.
   2. Request to reduce the side property line setback from 10' to 2'3" for a structure addition in RD Shoreland Zoning.
   3. Request to increase the maximum allowed impervious roof coverage from 15% to 21.57% and increase the maximum allowed total impervious from 25% to 25.6% for a structure addition in RD Shoreland Zoning.
   4. Request to increase the maximum building height from 18' to 23' for a structure addition in RD Shoreland Zoning.

2. **Michael A. & Janice M. Rothstein:** Section 24, Birchdale Township, Long Lake
   Site Address: 11680 Bluebird Drive, Sauk Centre, MN 56378 **PID:** 03-0033300
   1. Request to reduce the OHWL setback from 150' to 89' for proposed house addition and garage in NE Shoreland Zoning.
   2. Request to increase the height limit for structure within a setback from 18' to 24' for proposed house addition and garage in NE Shoreland Zoning.

Adjournment. Next meeting: **June 27th, 2024**

Minutes of the Todd County Board of Adjustment Meeting

April 25th, 2024

Completed by: Sue Bertrand P&Z Staff

Site Visits conducted by Adam Ossefoort and Mike Soukup on April 17th, 2024.

Meeting attended by board members: Chair Rick Johnson, Vice Chair Bill Berscheit, Mike Soukup,

Danny Payton, Russ Vandenheuvel, 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.

Rick called the meeting to order at 6:00 p.m. Each board member introduced themselves and Rick explained the process for those attending.

Russ motioned to approve the agenda and Ken seconded the motion. Voice vote, no dissent heard, motion carried.

Dan motioned to have the March 28th, 2024 meeting minutes approved. Russ seconded the motion. Voice vote, no dissent heard. Motion carried.

Introduction of the meeting process and etiquette by Rick.

AGENDA ITEM 1: Dozer Excavating – PID 06-0025701 – Burnhamville Township

Request:

1. Request for variance to reduce the setback from the OHWL from 100' to 50' for proposed RV site in RD Shoreland Zoning.

Samuel Lange was present as the applicant.

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. Establishment of a 20' vegetated buffer along the lake frontage. A 25' access path shall be allowed for dock and beach access.
2. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.
3. No additional shoreland alterations shall be allowed. Maintenance of existing permits shall be allowed.
4. No additional fill to wetlands shall be permitted.

Samuel confirmed the staff report was accurate.

Mike went over his site visit report with the other board members. This report may be viewed in full upon request at the Planning and Zoning Office.

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Correspondence received: None.

Public comment: Matt Zinniel, 307 Cedar Street South, Grey Eagle, adjacent land owner to the South. Stated his intention were not to be a disgruntled neighbor, he is just trying to understand process, as his lot has its' own difficulties and he may find himself in front of this board, at some time, too. When he looks at it, he wanted to share concerns on how the development of the parcel has progressed. It started with an unimproved wetland impact for the road, that resulted in an after- the-fact four-to-one penalty, wetland credit replacement. Secondly, that historic ice ridge was solid standing oak trees, and certainly over 50% of the cover vegetation has been removed from within fifty feet of the shore line, which was on the ice ridge. He questioned also if reducing the ordinary high-water level setback by 50% is the common practice to allow campers within that proximity of the OHW? Also, this variance would only allow for an extremely narrow space in one area to place the camper, since the upland ridge is there, and there are obviously some grade issues. That's all been levelled off since then. Furthermore, this parcel is currently listed for sale, so it raises concerns for him, is this a true hardship? He does agree that the parcel is non-conforming 100%, and there have been many people who have looked at this lot prior, and had been overwhelmed at the whole situation.

Board discussion:

Russ asked if applicant is Dozer Excavating?

Sam, yes.

Russ, would you be putting your own RV on the site?

Sam, we might, if we decide to keep it.

Russ, portable RV or permanent RV?

Sam, portable.

Rick asked Mike Soukup in his opinion, would an RV be out of place, from the lake, if parked there?

Mike stated the house to the North, is an abandoned cabin that is falling down at this point, and to the South the wetlands may have overtaken that property, but they did not walk up to that cabin, it's just what it is looking like. If he parks an RV there, he will be right next to the wetland drop off.

Bill asked Adam to pull up the topography overlay.

Russ asked if Sam put the driveway in.

Sam stated yes, first he came here, and was told he didn't need a permit, when he found out that he did, he had to have the wetland delineation done.

Adam showed Bill the topography.

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Matt asked Adam to show the 2015 aerial view of the lot to compare with all of the impacts are.

Adam showed the 2013 and the 2017 comparison.

Rick asked Sam how long he owned the property.

Sam stated about three years.

Rick asked Matt, the activity he was talking about, if he new the nature of it, who did it and why?

Matt explained they all chipped in for the pipe culvert project, and that is a private drive through there, which they all contributed to a road fund, and Sam was hired for the road and culvert. Then he caught wind there was an impact to the wetland and saw the flags up over time. So, at some point it was reported.

Sam agreed the neighbor got everyone together to do that culvert.

Adam explained PZ followed up on complaints of wetland fill and went out, figured it all out, went through the whole process, that Sam had, for the delineation, paid the credits, and everything was completely resolved with the violation and the driveway is legally placed there, after-the-fact. So, everything has been resolved with it.

Ken asked what all the stuff was to the North of the property line?

Sam stated it's the neighbor's shed and stuff.

Dan Peyton asked where he plans to park the vehicles?

Sam stated the closest place where you drive straight in.

Dan stated that is his major issue. If there are two vehicles, one moves to the front of the premises to turn around to go out, and in this 50' setback there is traffic of vehicles. That's what he sees in this picture.

Rick stated he could see the practical difficulties, somewhat of a large lot, but all wetlands and if he wants to use it for any type of residential use he is limited to a camper. Just how it stacks up with all of the other criteria questions? Wanted to talk about a camper that close. He felt there is not a lot of screening. Explained the setbacks are there for a couple of reasons, to protect the quality of the surface water and to maintain the natural characteristics of shoreline property. People don't want to use the public waters and have to look at overcrowding, or too close to the lake or overdevelopment. That is State policy and built into State regulations and the Todd County Ordinances. Rick stated he just has to get past this trailer thing, and sees obviously he must have a permit?

Adam stated yes, we require a permit for the placement of RV's for more than ten consecutive days or longer. Rick stated it sounds like he is talking a more transient RV, that is moving all of the time.

Adam stated it could be either scenario of permanent or transient. If it is sited there ten days or longer, it requires a permit. Regardless of how many days it is there, it must meet the setbacks, so a variance is required for either scenario.

Rick, is water and septic self-containing, so no well and no septic system.

Sam stated yes, he would haul it off and put it back in the shop.

Bill stated how he understood, and first of all, he is saying this is an investment, so we are doing this for-profit reasons, so we assume it is not his goal to retain this. It is to turn it and sell it to someone else, so, if we have something that is tight for them to get in and out of already, he thought that is a hurdle. Especially where the only turn around space is within the shore impact zone.

Sam stated the driveway goes out to a private road, it's not like it goes out onto Hwy 287.

Mike asked where the green flag is, does that mark the setback to the lake?

Sam stated yes, he had fifty feet to turn around to back the camper in there.

Rick 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.
Russell Vandenheuvel	No, asking to do too much on such a small parcel.
Dan Peyton	No, the official control is to move away from the lake, this is a bare lot, we are not replacing anything, there is nothing to gain for the public and to him this is an "all loss".
Bill Berscheit	Governing reason for zoning is to promote for public health, safety, morals, and the general publics' welfare. State law and the base rule for how our zoning operates. He is not sure how he can get to a "yes" on this, as Sam has not convinced him yet. He does see the fill he had to do in order to get this thing in here, to get it out of the shore impact zone, and he understands that is mitigated, not sure adding this camper to the lot is promoting the general welfare, and doesn't see how and where it is. Without better reasons to say yes, he has to say No, this time.
Ken Hovet	Yes.
Rick Johnson	The purpose and intent of the official controls, this one in particular is a dimensional or structural setback from the lake, are set in place for a handful of reasons: to protect the quality of the surface water, preserve the natural characteristics of the shoreline, and that is why they want new structures way back. They want that pristine natural look from the lake and avoid shoreline crowding. Sometimes when there is a practical difficulty and you do have a practical difficulty here, we can grant the variance as long as we feel there are mitigating conditions that offset the adverse effect.

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	This one just doesn't feel right to him. Having a camper 50 feet from the lake and having traffic there, and nothing has been done to mitigate these adverse effects. For those reasons he says No.

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, with the size of the lot, and for what he is trying to do, he does not feel follows the comprehensive plan.
Russell Vandenheuvel	No.
Dan Peyton	No. It doesn't make much sense to him to develop this close to the lake with this much impact.
Bill Berscheit	No.
Ken Hovet	Yes.
Rick Johnson	Goals and policies of the comprehensive plan are to have orderly development, with a common-sense approach. Good economic development with concern for the environment, and he doesn't feel this would be achieved with this variance, so No.

Majority response- No

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, asking to put an RV on the lakeshore, on a lot that he owns, is reasonable, it's the lot that is non-conforming.
Russell Vandenheuvel	No.
Dan Peyton	No, I see the traffic in the shore impact zone at 100%.
Bill Berscheit	Yes, not unreasonable to put a camper on a lot, some of the issues have to do with the other things in regards to the lot.
Ken Hovet	Yes, a camper site is a reasonable use.
Rick Johnson	Sometimes minor variances are reasonable, but this is right at that shore impact zone, and doing nothing to mitigate so no.

Sam addressed the board and stated you realize people are going to park there, whether there is an RV or not.

Majority response- No.

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	Yes, it is unique because of the area of wetlands that encompass the property.
Russell Vandenheuvel	No, he had already done the wetland credits and created the spot on the land.
Dan Peyton	Yes.
Bill Berscheit	Yes.
Ken Hovet	Yes.
Rick Johnson	Yes.

Majority response- Yes

Criteria Question #5: Will the variance maintain the essential character of the locality?	
Board Member	**Vote and Comments**
Mike Soukup	Yes.
Russell Vandenheuvel	Yes.
Dan Peyton	No, again the amount of traffic will impact the shoreline with vehicles.
Bill Berscheit	Yes. This one is hard and could push it either way. Nothing is year around and this is not a permanent structure. Most of these are similar to what he is asking. We didn't have zoning until 1972. Time plays a factor and these rules change as we go along. That's why he brought up the topography in different years. Did you bring in fill, yes, did you get nailed, yes, and if you check the other properties along there, you'll find quite a few that brought in fill. Stated a lot of this stuff is pre-zoning and it is history we have to accept and deal with and move forward.
Ken Hovet	Yes.
Rick Johnson	Yes, agreed with Bill, it could go either way. He struggles with a camper and a bunch of cars. This is a new structure and you still have to meet the standards in existence today. We are trying to get all of the facts and circumstances, that's what we are doing today, trying to see if you have met the criteria for the standards today.

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	No.
Russell Vandenheuvel	No.
Dan Peyton	No. For development and to improve the property, and the reason he does say no, is to sell for profit.
Bill Berscheit	No.
Ken Hovet	Yes, besides economic, he definitely has an environmental consideration.
Rick Johnson	Even though he did hear part of the need is economic, but despite that you do have a practical difficulty here, you have a tiny spot and it's covered in wetlands and because of that, yes. Just so you know, the standards do not allow us to grant variances when the need is for economic consideration only.

Sam asked if it would make a difference if he took his property off the market to which Rick stated, no, it would not make a difference as, this is "findings of facts", it's what you stated, it's part of the record.

Majority response- No

Criteria Question #7: Have safety and environmental concerns been adequately addressed?	
Board Member	**Vote and Comments**
Mike Soukup	No.
Russell Vandenheuvel	No. Just because everything is going to be taking place within the shore impact zone other than the placement of the camper. You come out of the camper, you have the picnic table… No.

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Dan Peyton	No, 100% is all in the impact shoreland setback zone. It is still an environmental concern.
Bill Berscheit	No, if this comes close, he could look at it closer. We are going to increase traffic and have done nothing to mitigate.
Ken Hovet	Yes, the water drainage on this particular lot is unusual compared to most of them we see. The water cannot flow to the lake it must flow to the wetland, which is the best filter you can go through before it gets to the lake. He thought environmental considerations as far as drainage water, has already been taken care of.
Rick Johnson	No.

Majority response- No

Summary of criteria question majority responses as follows:

#1	N
#2	N
#3	N
#4	Y
#5	Y
#6	N
#7	N

Dan motioned to deny the application and Russ seconded.

Roll call vote commenced as follows:

Board member	**Vote (yes or no)**
Mike Soukup	Y
Russell Vandenheuvel	Y
Dan Peyton	Y
Bill Berscheit	Y
Ken Hovet	N
Rick Johnson	Y

Motion carried to deny the variance.

AGENDA ITEM 2: Mark & Gwendoline Kunkel – PID: 11-0049800 – Grey Eagle Township

Request:

1. Request to reduce the OHWL setback from 100' to 59' for a structure addition in RD Shoreland Zoning.
2. Request to reduce the side property line setback from 10' to 2'3" for a structure addition in RD Shoreland Zoning.
3. Request to increase the maximum allowed impervious roof coverage from 15% to 21.57% and increase the maximum allowed total impervious from 25% to 25.6% for a structure addition in RD Shoreland Zoning.
4. Request to increase the maximum building height from 18' to 23' for a structure addition in RD Shoreland Zoning.

Mark & Gwendoline were present as the applicants.

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

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& Zoning Office.
Proposed Condition(s):

1. Establishment of a stormwater management plan to mitigate for the proposed addition. Plan shall be based on a 10 year/24-hour rainfall event. Plan shall be submitted to Planning and Zoning for approval prior to issuance of land use permits.
2. Establishment of a 10' vegetated buffer (no mow zone) along the lake frontage. A 10' access path shall be allowed for dock access.
3. Maintain a minimum of 50% screening of the proposed structure as viewed from the lake during leaf on conditions.
4. Abide by all other applicable federal, state, and local standards.

Mark and Gwen confirmed the staff report was accurate.

Mike Soukup went over his site visit report for the board. This may be viewed in full, upon request, in the Planning and Zoning office.

Correspondence received: Yes, Josh Votruba, Riparian Specialist from SWCD this letter may be viewed in full upon request at the Planning and Zoning office.

Public comment: Galan Allen, 14254 Chippewa Road, Burtrum, stated he has no problem with them wanting to build that close to his property line.

Rick asked what structures are on your property would they be encroaching on, just a shed?

Galen confirmed there is just a shed.

Russ asked this is just a garage proposal? What is the driveway currently? Would they have to take away more oak trees? How much fill would they expect to haul in for the project?

Mark explained the project with a room above the garage and stated one more Oak by the road and another that should be taken anyway.

Russ, how close is the shed to the property line? Would there be room to drive through there?

Mark, no, well, you probably could but it would be tight.

Rick stated applicants characterized they are adding a garage, but he sees a little more than that, first of all you have a super small lot, way out legal non-conforming structure, currently at 1008 sq. ft. and the project will add 660 sq. ft. and essentially what you are doing is expanding 66%. The existing structure is two stories, has a basement and a first floor, the addition will have a basement and a first floor, but the basement will be the garage. You can replace a non-conforming structure. When you expand, especially at 66%, you have to meet the standards of today and that is why you are here for the variance. He characterizes this a slight bit different than just wanting to add a garage to the dwelling.

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Russ, on the driveway, would you be able to pull into the garage without driving on your father's property (lot-9)?

Mark, yes, the property is actually going to be willed to us.

Rick stated it looks like the entire driveway is on lot 9, your father's property, and you are building right next to the property line and a garage with no driveway to get to it on your own property.

Bill stated he is getting into personal stuff and applicants may or may not want to respond, and it is their choice. When you say this is being willed to you, that's great, however, something being willed to you doesn't mean it comes to you. There are an awful lot of ways it could go somewhere else, prior to coming to you. If you were coming to the board with it in a "Trust" coming to you, that would increase the level of security considerably. When you just say it is willed to you, the granting of this variance could create significant issues going forward. If something happens where this property goes to somewhere else other than you, then it creates issues. Not trying to be a lawyer here. There are vehicles out there that you can accomplish what you want to accomplish, that limit the possibility that something could go wrong. There are "Trusts" there are "Irrevocable Trusts" and there are ways you can structure this and do this, and then, you have a firm argument. Just by saying it is going to be willed does not retain the asset.

Rick agreed, just so you know, speculation is not considered a "finding of fact for the record" we can use to make our decisions.

Gwendoline, historically, when this was Grey Eagle Township, when they first built, when this was granted, they have forever access to drive into their property, and it was the only driveway in existence, and it was written in by Grey Eagle Township, and that is already granted, their plan is to make it more aesthetic for her dad, to move the driveway over a little bit and give him straight access and it would help them get into their garage at a straight aim.

Rick mentioned this property was surveyed, too.

Dan mentioned owning the adjacent lot would help eliminate the impervious surface request of the variance. Removing the impervious request would help you, like Bill says, not owning it, we have trouble granting this.

Bill, what you are talking about is an easement that allows you access to your property, that would be easy to find and easy to present and that would answer an awful lot of questions. With the way it is now, he does not see how they could grant the variance to encroach on the neighbor's property, even though it may be willed to you. There are still a lot of hurdles there. One question as to the topography, the property to the north (Lyon's) was going to be lowered considerably and we are digging out the front of this one, and on your dad's is lowered down and then there is a retaining wall, correct?

Mark, lowered, but not a lot.

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Bill stated if we are changing the topography to this extent, it is imperative there is a plan to figure out the topography. Don't want to create a situation where we've got one dug out lot, one that's up here and another that's dug out. We need to see a plan and not see things go up and down with property lines.

Discussion on the road ditch.

Bill stated he would strongly recommend to the Kunkles to table this and come back with more information. You control the time frame if you request to table it, where as if we put it on hold, then, within a relatively short period of time we are obligated to "make a decision". Without more information, that decision would probably not be favorable, right now.

Adam added 60 days from the date of application is May 27th so, we will have another board meeting even before sixty days and we could always extend it another sixty days, but either way, if the applicants agree to take the time, you do not have to make the decision tonight.

Rick stated he would like to have discussion with the other board members on what Bill had mentioned. Rick stated he would like to go first. Looking at the findings of facts of what is presented here, he would be strongly leaning towards denying it. We are talking about a 41% deviation from the lake setback, side yard 78% which, in his opinion, is totally unacceptable, and 44% deviation for impervious, again, is totally unacceptable for deviations and are not reasonable for development. Unfortunately, we cannot use speculation as a "findings of facts" that you are going to get lot 9 someday, and that would totally solve your problems with impervious and the side property line setback, but, we can't use that to support our decision. That's where he is at. He explained the tabling process again, if they do it, it can be withheld indefinitely, if it's a board decision, we have sixty days to make a board decision and that means it gives you only thirty days to come up with new information. When we do decide to table it, we have to make it clear that you understand your information you are going to come back with. So, he asks the question to Bill, exactly what information are you asking they come back with to help us "make a decision".

Bill stated two separate issues, the first is access to the garage, without something tangible like an "easement" or a "trust" that transfers that real-estate, not just a Will, to guarantee access to the garage. If it is an easement you are going to have to stake that out and make sure it is an acceptable easement. Secondly, the physical portion of the request. Even if there is an easement, could it be granted and accomplished? It would be in your best interest to go beyond just an easement, even if one exists, basically put something in place to lower your impervious and to increase your square footage and improve your percentages considerably.

Dan added, you would drop from four variance requests to two, as the impervious would drop off and the side yard property line setback would no longer be needed. Still can't guarantee they could pass it, but with less variances, you are increasing your possibilities. Hasn't gotten into the shoreline yet. But what he sees doesn't look good.

Rick stated he needs to make sure, it's a small lot and he has other issues too, with the surface waters and overcrowding. He's been on that lake on a pontoon and has seen sections that are overcrowded and does not want to add to that. That's against State policy and County policy and would want to avoid that, having larger

lots with setbacks, so, yes, there are a lot of hurdles, and at the end of the day, we have six people and it takes a majority.

Ken stated he would be fair with them to table this.

Rick offered the applicant to table it, or we could go to a vote.

Applicants requested to table the application.

Dan motioned to approve their request to table and Bill seconded, voice vote, no dissent heard. Motion carried.

Rick called for a short recess and reconvened at 7:41 pm.

AGENDA ITEM 3: Jonathan Baker and George Sutton – PID: 24-0001000 – Turtle Creek Township

Request:

1. Request to increase the peak height limit from 15' to 18' for proposed guest cottage, repurposed from existing structure in NE Shoreland Zoning.

Jon and George 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. There shall be no further improvements to the structure proposed as a guest cottage.
2. Abide by all other applicable federal, state, and local standards.

Jon & George confirmed the staff report was accurate.

Mike went over his site visit report for the other board members. This report may be viewed in full, upon request, in the Planning and Zoning office.

Correspondence received: None.

Public comment:

Gary Braun, 17297 Downy Drive, SE asked if there were any other structures nearby that may affect them with an increase in height?

George and Jon stated no.

Board discussion:

Ken are you planning to reconstruct one of the roofs on the house?

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Jon stated they would like to reclassify it as a guest cottage and a portion of the existing cabin roof is at 18' which exceeds the height limit of a guest cottage. The structure is currently only 400 sq. ft.

Ken not changing any of the structure at all?

Jon, right.

Rick asked if the structure that is there now be classified as a water oriented accessory structure?

Adam, no, water oriented accessory structures cannot be used for residential, so, it's a little cabin. Meets all aspects of a guest cottage except it exceeds the peak height. To build another house, you are only allowed to have one dwelling per parcel. The lot is large enough to support a guest cottage and regular house, by ordinance, except it is exceeding the height. Instead of subdividing that further to make more lots, this is the shortest route to get to remedy that granting a variance.

Rick asked Adam to review the conditions which Adam stated just two.

1. There shall be no further improvements to the structure proposed as a guest cottage.
2. Abide by all other applicable federal, state, and local standards.

Ken, no further improvements could be a new window or a new door. You may want to change the wording.

Adam made the adjustments to the number one condition to read:

1. There shall be no further dimension changes to the structure proposed as a guest cottage.

Dan stated the peak height isn't changing, just the "use" or classification to a guest cottage is what is going to require the variance.

Adam stated there is nothing in

Russ asked where the house is compared to the guest cottage.

George stated this would be in the event a family member would come in and build a house. By way of background, Jon & his wife are the neighbors on the other side of the lake and George with his wife own on another part of the lake, and they had seen two previous owners come in and do things that they felt were damaging and further damaging with a shipping container by gouging out part of the hill and shoving it in there, and aesthetically it was pretty bad, and also not permitted, and after seeing these two previous parties try develop unsuccessfully, this really challenging site, he and Jon decided to go in together and purchase the lot, which was quite a heavy lift. Them buying it back, allowed the previous owner the opportunity to buy and build a terrific house on the adjacent property quite a way from the lake. It also allowed George and Jon to take responsibility for addressing this. The have done a great deal over the years as stewards and cultivation of Star Lake, to make sure that what happens there maintains the aesthetic nature of that special place. The cottage that they did make improvement to is very small, about 400 sq. ft. and part of that peak that goes above fifteen feet is about 10% of the roof top, so, that's a little bit of the back ground leading up to this.

Jon answered Russ's question as to where the primary residence would be when built, to the North, meeting all current standard setbacks. The new home would be relatively close to the existing structure and could be smaller as they would utilize the guest cottage in conjunction for extra room, with the whole idea of allowing them to keep things tighter and more under control, with a minimum amount of impact.

Dan Peyton, couldn't get around it being a guest house when there is no main house.

Adam stated, great point, but it's no different from other applications that are given three years to "take action". By granting this, you would have the three years to "take action" and make it become a guest cottage by building that next structure.

George pointed out quite a bit of time and planning has gone into this with the help of an extensive survey, meeting all setbacks, even from the top of the bluff and making it aesthetically pleasing, but you are right, it is not there yet.

Dan said basically this could fall apart, if there was not a structure in three years.

Adam, yes.

Bill stated he is ready to make a motion and stated Mr. Sutton has been here a number of times in the past, and Bill has been on the property twice, others had been on it a number of times and stated the work that George has done out there, in regards to stewardship is absolutely incredible. Has no questions in regards to what George would do, but what happens down the road, if there were future owners, having a guest cottage, even if that were the case, is not opening up the board for risk, if it is listed as a guest cottage, having three years to make it a guest cottage.

Rick stated based on what was heard, he did not feel the need to go through the criteria questions, fully supported the motion and asked the board if they had any comments.

Bill motioned to approve, Russ seconded with the two conditions as presented by staff.
Conditions:

1. There shall be no further improvements to the structure proposed as a guest cottage.
2. Abide by all other applicable federal, state, and local standards.

Roll call vote commenced as follows:

Board member	**Vote (yes or no)**
Mike Soukup	Yes
Russell Vandenheuvel	Yes
Dan Peyton	Yes
Bill Berscheit	Yes
Ken Hovet	Yes
Rick Johnson	Yes

Motioned carried.

DRAFT

AGENDA ITEM 4: Toby Bruns – PID: 06-0029901 – Burnhamville Township

Request:

1. Request to reduce the OHWL setback from 150' to 137' for proposed lean-to on the existing garage in NE Shoreland Zoning.
2. Request to reduce the ROW setback from 20' to 7' for proposed lean-to on the existing garage in NE Shoreland Zoning.

Toby was present as the applicant.

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. All stormwater from proposed structure shall be directed away from the public road into the wetland areas onsite.
2. Abide by all other applicable federal, state, and local standards.

Toby confirmed the staff report was accurate.

Mike Soukup went over his site review report for the board. This may be viewed in full, upon request in the Planning and Zoning office.

Correspondence received: None.

Public comment: Jim Macy, 17063 Cunty Drive SE, owns thirty-four acres behind his lot and all the way down Downy drive are pole barns and extended garages across the road, all individual lots from the lake lots and wouldn't change the look of the road at all and evidently the road is reclassified from a private road to a public private road? Last fall it was in the paper, owners on the road were assessed to take the north end of the road off the GPS, so how can they classify a sixty-foot road going through there, that is not maintained by a government agency, so he wondered about the setback restrictions.

Board discussion:

Rick asked Adam to clarify the road situation.

Adam stated it is a public road and pulled the original plat up in the overhead. He explained it is one of these publicly dedicated, privately maintained roads. The original "Brookside" was platted in 1961, so, when those lots were developed, the road was never accepted or taken over by the township. But is dedicated for public access.

Public at one time it went to Duckweed Drive on the North end.

Adam stated he didn't think that changed the nature of the road.

Rick and Adam confirmed it is a public road.

Russ, so the proposed variances are from the public road?

DRAFT

Adam yes, and pointed out on the overhead GIS where the road is and where Long Lake Outlet is.

Ken asked if the present garage is within the setback?

Adam stated yes, it has to be according to our survey.

Russ and Rick discussed the request.

Rick stated keep in mind there is an existing structure and he wants to add a lean-to on the south end.

Toby it would be further away than the existing garage. A 14' x 24' lean-to off to the South side. He stated it is Long Lake Outlet that is producing the 150' setback and that is off to the NW.

Rick not a significant variance request.

Ken no part of the lean-to would be closer to the road than existing garage.

Adam stated a permit was issued, no variance, in August of 2000. Should have been constructed 20 feet from the right of way. So, either we measured wrong or the garage was built too close to the road.

Toby had no idea the existing shed was built too close. His pole barn is further south down Downy Drive.

Rick stated according to the permit there is a twenty-foot setback when in reality, there never was.

Adam stated we do not know that with absolute certainty, because we do not have a survey. We are basing our measurements from the center line of the road.

Rick asked Adam to show on the GIS the other existing structures along Downy Drive as to their location from the road and stated for some reason, everyone along Downy Drive thought they could build right up the road easement and not have a setback.

Rick stated with talking to the board, he is not concerned about any environmental issues going from 150' to 137' from Long Lake Outlet, and we have a swamp there.

Toby explained his plans to Russ, pointing to the overhead.

Rick asked for clarity on the application request.
Adam reread the application request and the e-mail Kevin had sent Toby confirming distances from the lean-to to the ROW (from 10' to 7') and the Outlet (from 150' to 137') and Toby responded correct. So, we only have the lean-to as part of the application. Doesn't mean we couldn't add it, just that the decision couldn't be made tonight, then. He added a cement pad, in and of itself would not require a variance and would not require a setback, but if your intention was to place a structure on that pad, that would require a setback.

Toby stated it was for parking so he is off the road.

Bill stated for clarification, all of the water from the structure will flow to the wetland and away from the lake, so we are treating absolutely everything.

Toby added the road sits about two feet higher than anything on that side.

Bill stated for the findings of fact, we're treating the water from the proposed lean-to will all go to the wetland and nothing to the road, so we are treating everything, he would like to make a motion to grant the variance for the lean-to, and they do not need to include the cement pad, with the proposed conditions proposed by staff.

1. All stormwater from proposed structure shall be directed away from the public road into the wetland areas onsite.
2. Abide by all other applicable federal, state, and local standards.

Bill added he struggled with the footage on the road because of other discussions we've had on these public yet privately maintained roads. To conclude, he would again, make the motion to grant the variance with the conditions proposed by staff, seconded by Ken.

Rick added a comment before they put it to a vote, that he agreed with Bill, and felt this addresses any environmental concerns, and it is in line with everything else that is already out there. He does not see any adverse impacts by simply extending the shed that is already there, for the lean-to, and it doesn't create any additional safety concerns because of the variance. He also felt this is a more unique situation, and felt a lot of the criteria questions don't really apply, so he is comfortable not going through them.

Roll call vote commenced as follows:

Board member	**Vote (yes or no)**
Mike Soukup	Yes
Russell Vandenheuvel	Yes
Dan Peyton	Yes
Bill Berscheit	Yes
Ken Hovet	Yes
Rick Johnson	Yes

Motioned carried.

Ken motioned to adjourn and Russ seconded. Voice vote. No dissention heard. Motion carried and the meeting adjourned at 8:27 PM.

DRAFT

WHERE THE FOREST MEETS THE PRAIRIE
Todd County
• MINNESOTA • EST. 1855 •

PLANNING & ZONING
215 1st Avenue South, Suite 103
Long Prairie, MN 56347
Phone: 320-732-4420 Fax: 320-732-4803
Email: Todd.Plan.Zone@co.Todd.MN.US

Received
MAR 2 8 2024
Todd County Planning & Zoning

Accepted 3/28/2024 KLM

Appeal for a Variance

Applicant Mark and Gwendoline Kunkel

Mailing Address 32364 45 Ave St. Augusta MN 56301

Site Address 14284 Chippewa Road Burtrum MN 56318

Mark Phone Number [redacted] Cell Number (Gwen) [redacted]

E-Mail Address kunkelgw@gmail.com

Property Owners Name & Address (if not applicant) _____

_____

Parcel Number(s) 11004980 0

Section: 3 Township Grey Eagle

Zoning District (circle one): AF-1; AF-2; R-10; R-2; UG; RT; Commercial; Industry; or Shoreland (Lake or River Name): Mound Lake (Recreational Development)

Full and Current Legal Description(s): Lot 8 Mound Lake View
(attach if necessary)

Do you own land adjacent to this parcel(s) ____Yes X No

Septic System: Date installed 2000 Date of Compliance Inspection 9-22-2022

Is a new system needed: ____yes X no ____ STS Design attached

Required for applications with existing septic systems: Approved design submitted for new system to be installed, new system installed within previous 5 years, or passing compliance inspection on existing system in previous 3 years

Variances Requested:
What standards or requirements are you unable to maintain? (Check all that apply)

Lot width____	Lot area____	Lake or River setback X	Bluff setback____
Road right-of-way setback____		Side Yard setback X	Buildable area____
Impervious surface coverage X		Building/Structure Height X	Other____

LIST YOUR VARIANCE REQUEST(s) and what, if the variance were granted, you intend to build or use the land for. **For example:** *"Request to reduce the 10ft structural setback from my west side lot line to 8ft for the construction of a detached garage to be used for vehicle and personal storage."*

1.) Lake Setback: To reduce from 100 feet to 59 feet

2.) Side Yard Setback: To reduce from 10 feet to 2 feet 3 inches

3.) Impervious Surface Coverage: To increase roof from 15% to 21.57% and total from 25% to 25.6%

4.) Building Height: To increase from 18 feet to 23 feet

**State Statutes Section 394.7 Subd7: Variances: Practical Difficulties. The BOA shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of official control, and when variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with official rules; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

The Board of Adjustment may impose conditions in the granting of a variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

EXPLAIN YOUR PRACTICAL DIFFICULTIES or reason why you need your request approved.**

Lot size: With 125 foot deep lot, it leaves no extra buildable area between a 100 foot OHW setback and the 30 feet ROW setback.

It is important that you flag your related property lines and proposed building locations

Have you flagged your lot? (Y) (N)

SKETCH DRAWING

See attached

The applicant or agent hereby makes application for a variance agreeing to do all such work in accordance with all Todd County Ordinances. Applicant or agent agrees that site plan, sketches, and other attachments submitted herewith are true and accurate. Applicant or agent agrees that, in making application for a variance grants permission to Todd County, at reasonable times during the application process and thereafter, to enter applicant's premises to determine the feasibility of granting said variance or for compliance of that application with any applicable county, state, or federal ordinances or statutes. If any of the information provided by the applicant in his/her application is alter found or determined by the county to be inaccurate, the County may revoke the variance based upon the supply of inaccurate information.

If the applicant is not the property owner, both signatures are required below.

Gwendoline Kunkel		03-28-2024
Applicant Name Printed	Signature	Date
Mark Kunkel		03/28/2024
Property Owner Name Printed	Signature (If different than applicant)	Date

IMPERVIOUS SURFACE WORKSHEET
(FOR SHORELAND ONLY)

APPLICANT INFORMATION

Name Kunkle

Site Address _____

Phone (____) ____- _____

City _____ State ____ Zip _____

Mailing Address _____

Parcel Number ____-_____

_____

Lake/River Name _____

IMPERVIOUS SURFACE: is a constructed hard surface that either prevents or retards the entry of water into the soil or causes water to run off the surface in greater quantities & at an increased rate of flow than prior to development.

LOT/STRUCTURE DIMENSIONS

Total lot area: 7734 sq ft

List all structures (structure's foundation footprint: length, width, and total area)

Existing	Proposed
1. House 42 x 24	Garage 22 x 30
2. 1008 sq ft	660 sq ft
3.	
4.	
5.	
6.	
7.	
8.	

List all non-roofed hard surfaces: Examples include sidewalks, paver stones, retaining walls, patios, decks, driveways & parking areas (asphalt, concrete or gravel), and areas of landscaping underlain with plastic or other impervious liners:

Existing	Proposed
1. Deck 12x26	Remove the 6x20
2. 6x20	416 sq ft
3. 536 sq ft	
4.	
5.	
6.	
7.	
8.	

Total of 25% of lot may be covered by impervious surfaces (15% of which are from roofed structures)

1. List in the table below any efforts by landowner to reduce project impact by removing or reducing impervious surfaces.

List Structure or Impervious Surface to Be removed	Square footage to be removed	Location of structure or impervious surface to be removed (see table below)
Example: concrete drive to lake	8' x 35' = 280 sq ft	(C) Within Impact Zone
Deck	6 x 20 = 120 sq ft	(B)

Location of variance request in reference to Ordinary High Water level	General Development Lake	Recreational Development Lake	Natural Environment Lake and Rivers / Streams
A. Outside shoreland building setback	75'+	100'+	150' +
B. Between Shore Impact Zone and Building Setback	37.5' to 75'	50' to 100'	75' to 150'
C. Within Shore Impact Zone	0 to 37.5'	0 to 50'	0 to 75'

2. List below any Storm Water Management Best Management Practices (BMP's) that will be installed to help mitigate impacts of development.

INFILTRATION BMP's

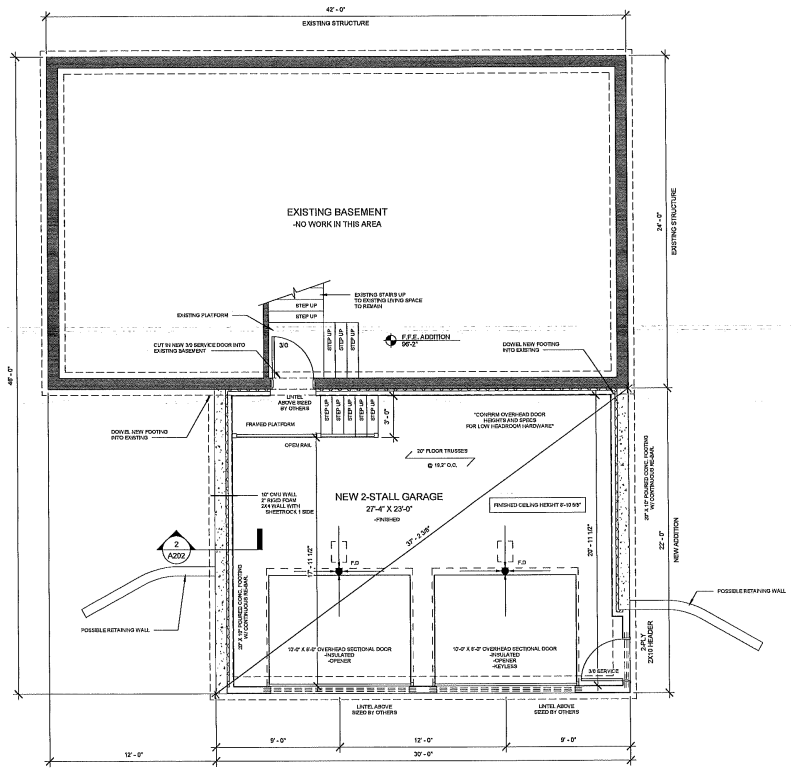
List any measures you plan on taking to increase water infiltration and retention. Examples include rain gutters, rain gardens, retention swales, berms, sub-surface tile, etc. Efforts to install BMP's will be graded positively in the site evaluation. Locate projects on site map.

Will install gutters to direct water away from Lake Shore

VEGETATION BMP's

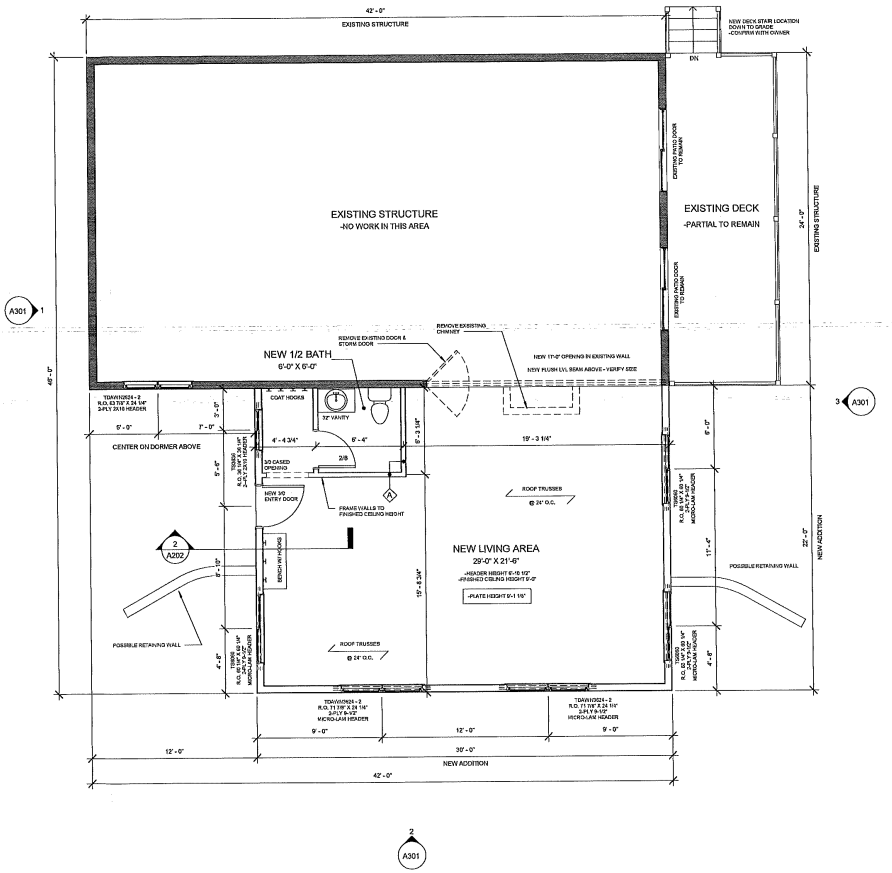
Vegetation planting along lake shore areas is also a Best Management Practice. Planting areas of your lakeshore impact zone with permanent vegetation helps infiltrate water, reduce lake impact, provide habitat, and screen the dwelling from other lake users. Plantings are graded positively in the site evaluation. List any areas to be planted or restored and mark the location on your site map.

Will take the Board's recommendations.



1 BASEMENT FLOOR PLAN
1/4" = 1'-0"

PLAN NORTH



2 FINISHED FLOOR PLAN
1/4" = 1'-0"

PLAN NORTH

PROJECT INFORMATION - FLOOR PLANS

- ALL DIMENSIONS ARE FROM EXTERIOR SHEATHING, CENTER OF STUD, OR CENTER OF OPENING.
- ALL WINDOWS ARE BASED ON THERMO-TECH WINDOWS "CLASSIC WINDOWS" - WHITE INTERIOR / WHITE EXTERIOR

WALL LEGEND	
	DEMOLISH WALL
	NEW WALL CONSTRUCTION
	EXISTING WALL TO REMAIN

PRELIMINARY
THESE PLANS ARE NOT TO BE USED FOR CONSTRUCTION

ST. ROSA LUMBER INC.
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29033 COUNTY ROAD 17 FREEPORT, MN 56331
(320) 836-2284 OR 1-888-276-1751

DISCLAIMER:
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PROJECT NAME:
MARK & GWEN KUNKEL - ADDITION
Gwen: (320)-309-4458
kunkelgw@gmail.com

REVISIONS / ISSUE

No.	Description	Date

SQ. FT :
EXISTING STRUCTURE
660 SF -(ADDITION)

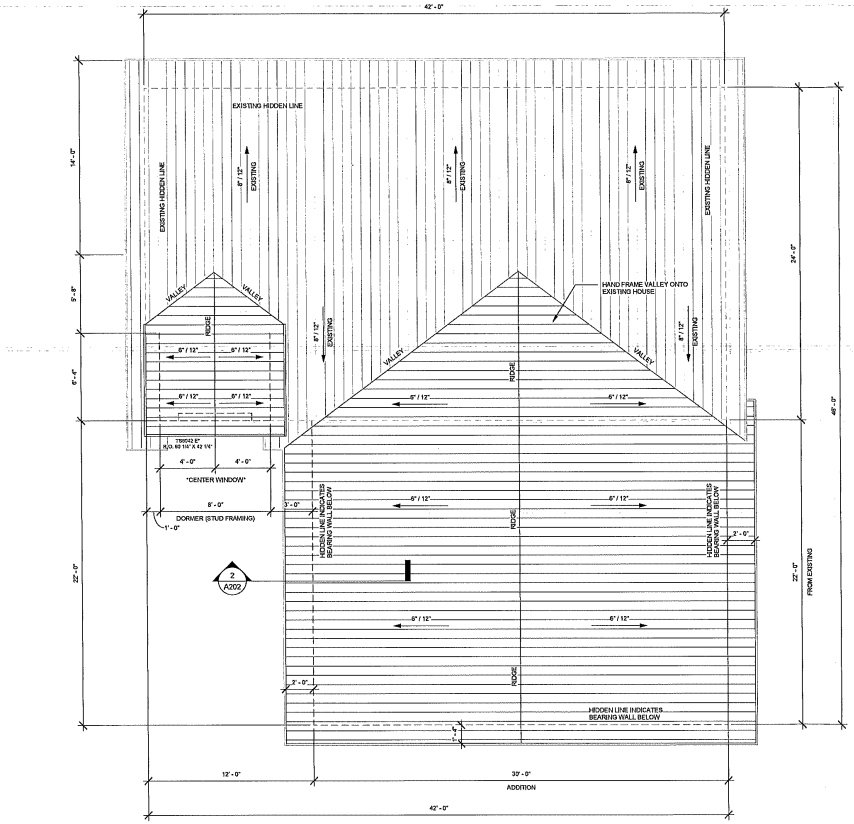
DATE:
03/25/2024

DRAWN BY:
NICK TURNER

SHEET NAME:
FIRST FLOOR PLAN

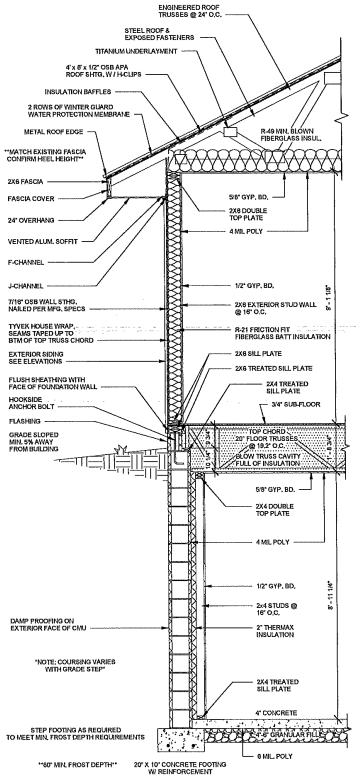
A201

PRELIMINARY - (FOR PLAN REVIEW ONLY)



1 ROOF PLAN
1/4" = 1'-0"

PLAN NORTH



2 WALL SECITON - TYPICAL
1/2" = 1'-0"

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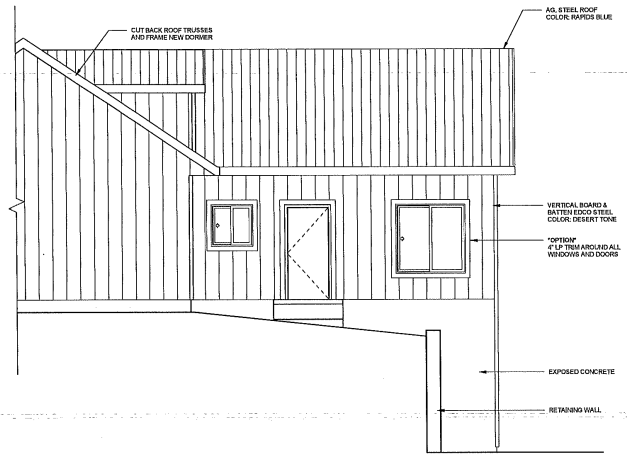
DATE:
03/25/2024

DRAWN BY:
NICK TURNER

SHEET NAME:
ROOF PLAN &
WALL SECITON

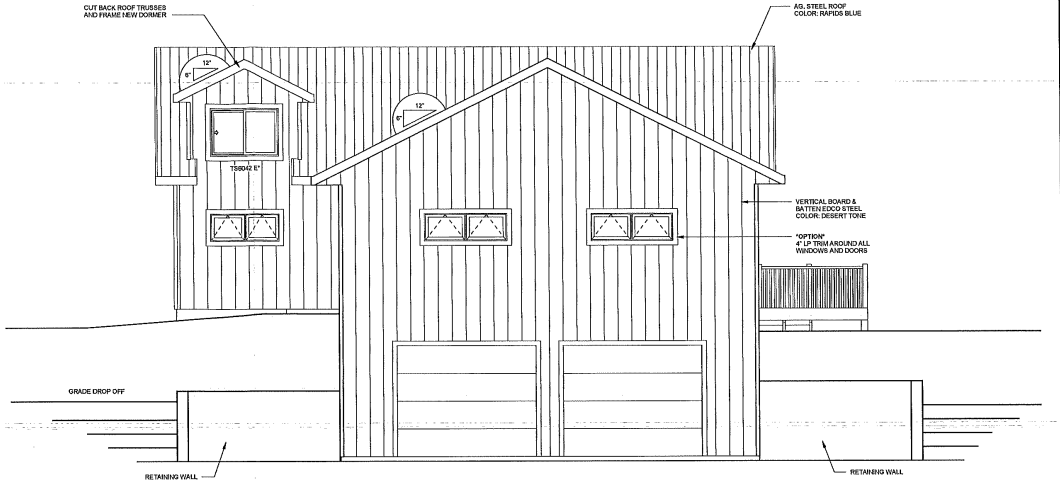
A202

PRELIMINARY - (FOR PLAN REVIEW ONLY)



1 FRONT ELEVATION
1/4" = 1'-0"

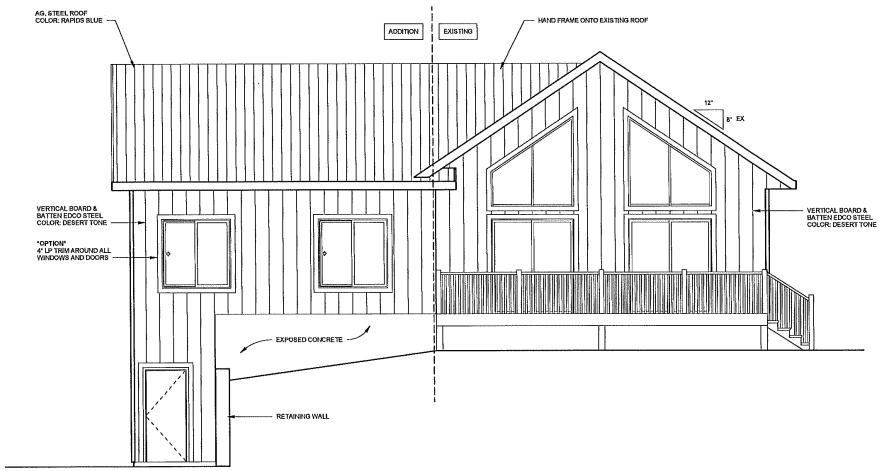
1) GRADE SHOWN IS RELATIVE TO LOCATE STRUCTURE AND DOES NOT REPRESENT FINAL LANDSCAPING AND GRADE MODIFICATION.



2 RIGHT ELEVATION - OVERHEAD DOORS
1/4" = 1'-0"

1) GRADE SHOWN IS RELATIVE TO LOCATE STRUCTURE AND DOES NOT REPRESENT FINAL LANDSCAPING AND GRADE MODIFICATION.

2) SEE 1 ON A301 FOR ADDITIONAL INFORMATION.



3 REAR ELEVATION - LAKE
1/4" = 1'-0"

1) GRADE SHOWN IS RELATIVE TO LOCATE STRUCTURE AND DOES NOT REPRESENT FINAL LANDSCAPING AND GRADE MODIFICATION.

2) SEE 1 ON A301 FOR ADDITIONAL INFORMATION.

PRELIMINARY

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PROJECT NAME:

MARK & GWEN KUNKEL - ADDITION

Gwen: (320)-309-4458
kunkelgw@gmail.com

REVISIONS / ISSUE

No.	Description	Date

SQ. FT :
EXISTING STRUCTURE
660 SF -(ADDITION)

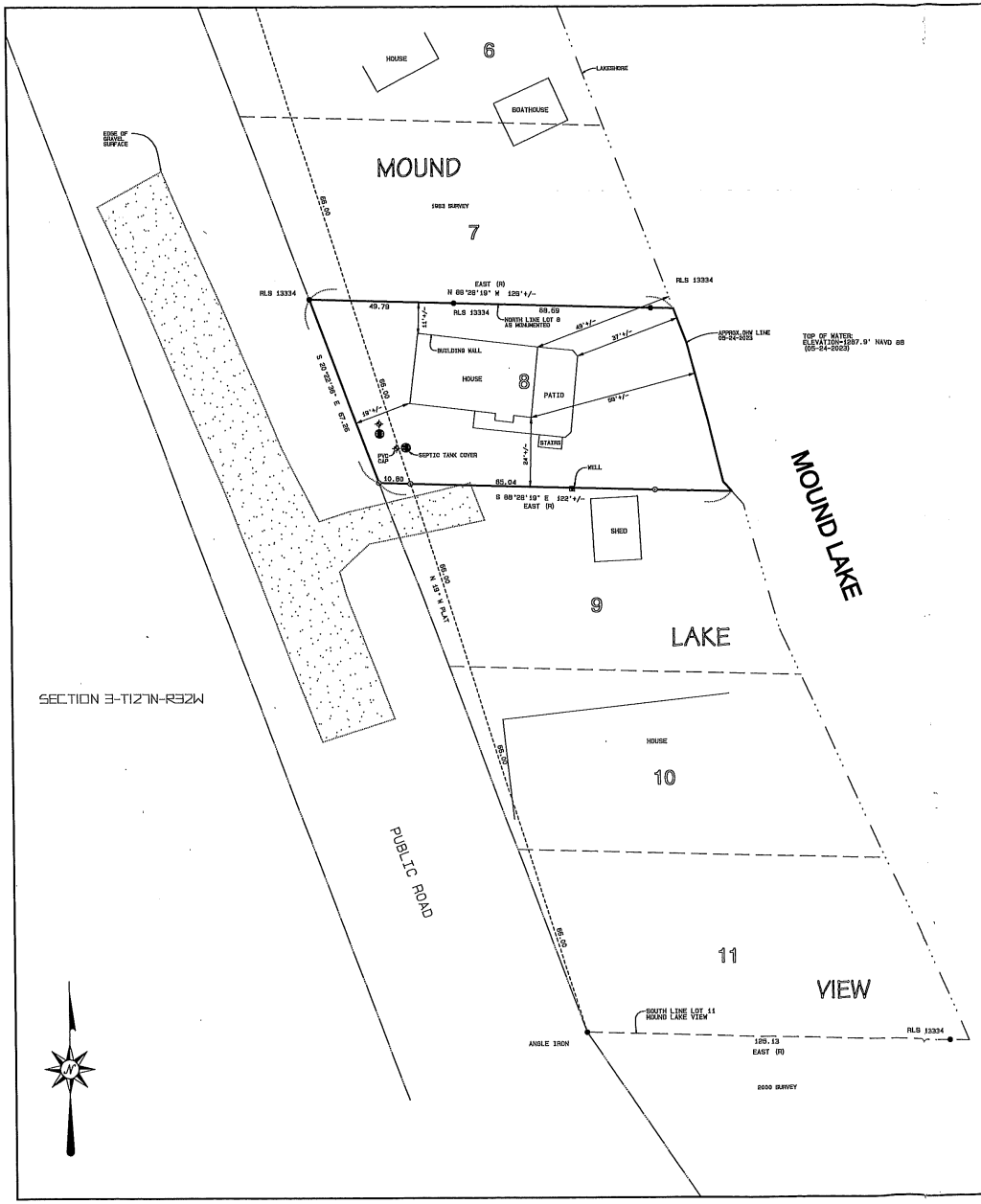
DATE:
03/25/2024

DRAWN BY:
NICK TURNER

SHEET NAME:
ELEVATIONS

A301

PRELIMINARY - (FOR PLAN REVIEW ONLY)



TODD COUNTY SETBACKS AND MINIMUM SHORELAND ORIDANCE STANDARD - DATED: 01-03-2019

RD (RECREATIONAL DEVELOPMENT)

LOT AREA: 40,000 SQ FT
WATER FRONTAGE AND LOT WIDTH: 100 FT

STRUCTURE SETBACK FROM:

ORDINARY HIGH WATER LEVEL: 100 FT
SIDE PROPERTY LINE: 10 FT
REAR PROPERTY LINE: 20 FT
TOP OF BLUFF: 30 FT
PERSON ON STATE ROAD: 50 FT
COUNTY OR TWP ROAD:
WITH RIGHT OF WAY 66 FT OR GREATER: 20 FT
WITH RIGHT OF WAY LESS THAN 66 FT: 35 FT
SEWAGE TANKS: 10 FT
SEPTIC DRAINFIELDS: 20 FT
WELL: 3 FT

PER TODD COUNTY SETBACK SHEET AND WEB SITE.

IT IS THE CLIENT'S RESPONSIBILITY TO VERIFY ZONING AND SETBACK REQUIREMENTS PRIOR TO CONSTRUCTION OR IMPROVING YOUR PROPERTY.

THIS SURVEY IS INTENDED ONLY FOR THE BENEFIT OF THE PARTY TO WHOM IT WAS PREPARED FOR AND SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR FOR ANY OTHER PURPOSE WITHOUT CONTACTING THE SURVEYOR WHO DEVELOPED AND SIGNED THIS DRAWING. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED. EASEMENTS, SITE RESTRICTIONS AND OR ADJOINING BOUNDARY LINE MAY EXIST THAT ARE NOT SHOWN HEREON AND NOT SHOWN ON THIS SURVEY. REVIEW OF TITLE WORK MAY BE NECESSARY UPON RECEIPT OF A CURRENT ATTORNEY'S TITLE OPINION OR TITLE COMMITMENT.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. NO SEARCH FOR EASEMENTS RECORDED OR UNRECORDED WAS MADE BY THE SURVEYOR.

CALL GOPHER ONE BEFORE DIGGING.
NO UNDERGROUND OR OVERHEAD UTILITIES WERE LOCATED DURING THIS SURVEY.

THE TRUE LOCATION OF THE EXISTING SEPTIC SYSTEM IS TO BE DETERMINED BY A LICENSED CONTRACTOR. THE LOCATION SHOWN ON THIS DRAWING IS APPROXIMATE LOCATION. THE LOCATION INFORMATION WAS PROVIDED BY OTHERS AND A VISUAL ABOVE GROUND REVIEW.

LOT 8 TOTAL LOT AREA ABOVE OHW (UPLAND)=7734 SQ.FT. +/- (2023)

- DENOTES COUNTY CAST IRON MONUMENT
- DENOTES IRON PIPE PLACED THIS SURVEY CAPPED LS NO. 54838
- DENOTES IRON MONUMENT FOUND THIS SURVEY
- √ DENOTES BROKEN SCALE
- ▲ DENOTES FOUND P.K. NAIL
- (R) DENOTES RECORD DATA
- (M) DENOTES MEASURED

GRAPHIC SCALE 1"=20'

0 20 40 60

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE ON MINNESOTA.

SIGNATURE: _____
DAVID A. ENGELMEYER

DATE: _____ MN. LICENSE NUMBER: 54838

OHW-ORDINARY HIGH WATER

CERTIFICATION APPLIES TO ONLY THOSE COPIES THAT BEAR MY EMBOSSED SEAL.

Engelmeyer Land Surveying

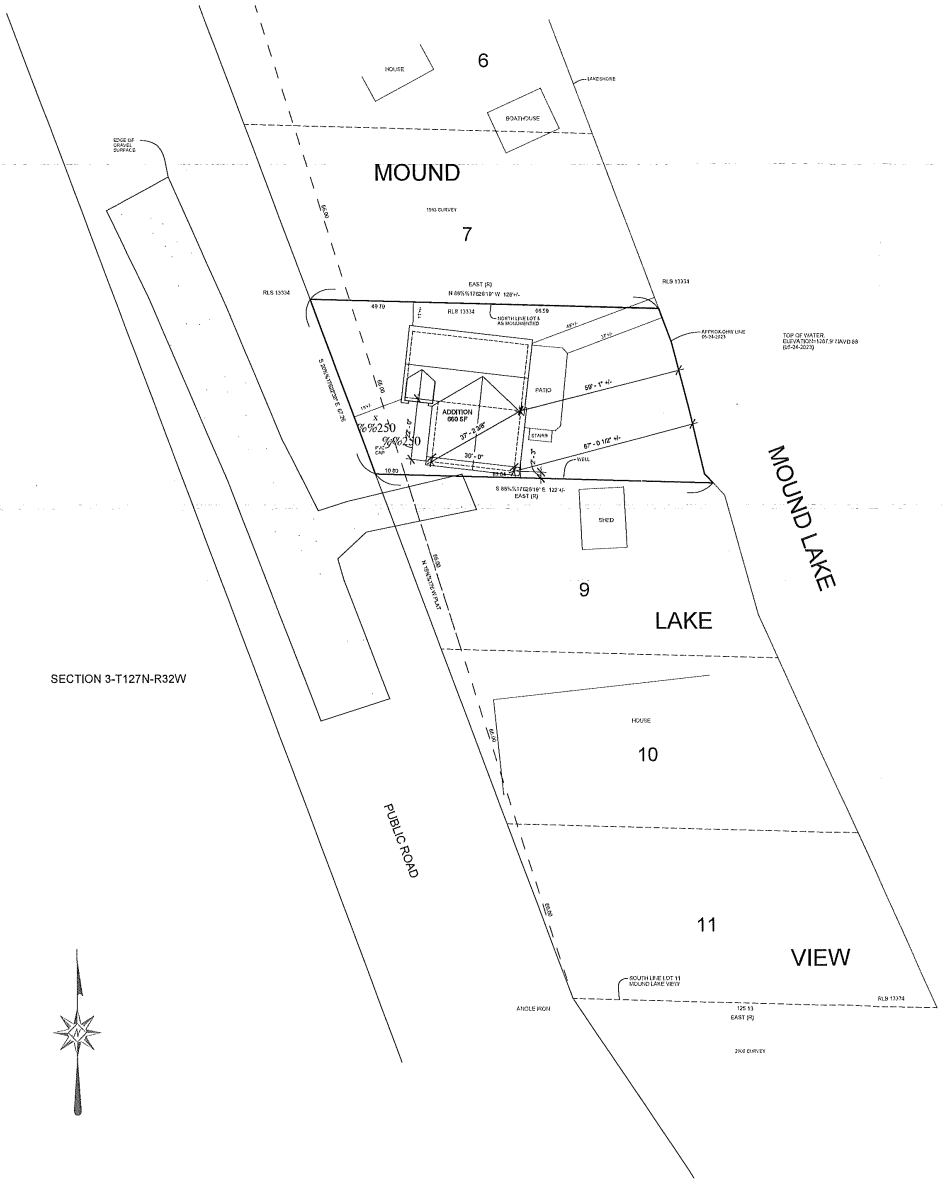
PREPARED FOR: MARK AND GWEN KUNKEL

Certificate of Survey

cc: KUNKEL-23.PRO | Job No: 25-23

Date: 05-27-2023 | P-3-3487 FB: 181-57

41701 COUNTY ROAD 167
P.O. BOX 124, MELROSE, MN 56352
PHONE: (320) 256-7298 or (320) 836-2291
FAX: (320) 836-2454
email: engelsur@meltel.net
www.engelmeyerlandsurveying.com



TODD COUNTY SETBACKS AND MINIMUM SHORELAND ORDINANCE STANDARD - DATED: 01-03-2018

RD (RECREATIONAL DEVELOPMENT)

LOT AREA: 20,000 SQ FT
WATER FRONTAGE AND LOT WIDTH: 100 FT

STRUCTURE SETBACK FROM:

ORDINARY HIGH WATER LEVEL: 100 FT
SIDE PROPERTY LINE: 10 FT
REAR PROPERTY LINE: 20 FT
TOP OF BLUFF: 30 FT
CENTER OF PUBLIC ROADS: 50 FT
COUNTY OR TWP ROAD:
WITH RIGHT OF WAY 86 FT OR GREATER: 20 FT
WITH RIGHT OF WAY LESS THAN 86 FT: 15 FT
SEWAGE TANKS: 10 FT
SEPTIC DRAINFIELD: 20 FT
WELL: 3 FT

PER TODD COUNTY SETBACK SHEET AND WEB SITE:

IT IS THE CLIENT'S RESPONSIBILITY TO VERIFY ZONING AND SETBACK REQUIREMENTS PRIOR TO CONSTRUCTION OR IMPROVING YOUR PROPERTY.

CERTIFICATION APPLIES TO ONLY THOSE COPIES THAT BEAR MY EMBOSSED SEAL.

SITE PLAN
1" = 20'-0"

PRELIMINARY
THESE PLANS ARE NOT TO BE USED FOR CONSTRUCTION

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PROJECT NAME:
MARK & GWEN KUNKEL - ADDITION

Gwen: (320)-309-4458
kunkelgw@gmail.com

REVISIONS / ISSUE

No.	Description	Date

SQ. FT :
EXISTING STRUCTURE
660 SF -(ADDITION)

DATE:
03/25/2024

DRAWN BY:
NICK TURNER

SHEET NAME:
SITE PLAN

A101

PRELIMINARY - (FOR PLAN REVIEW ONLY)

12

OFFICE OF COUNTY RECORDER
TODD COUNTY MINNESOTA

I hereby certify that this instrument # 422368
was filed/recorded in this office
for record on the 7th day of
November 2003 at 4 ~~am~~/pm
Cheryl Perish, County Recorder
by: Lynda M Daoust, Chief Deputy
Chg 20.00 recording fee
_____ well certificate
_____ deed tax/mtg reg tax

GE TWP

VARIANCE PROCEEDINGS

STATE OF MINNESOTA
COUNTY OF TODD

TOWNSHIP OF GREY EAGLE
PLANNING & ZONING DEPARTMENT

In the Matter of: Mark & Gwen Kunkel
22364 45th Avenue
St. Cloud, Minnesota 56301

REQUEST: To remove an existing cabin and construct a single family dwelling 50 feet from the HWM of Mound Lake including a deck 38 feet from the high water mark of Mound Lake.

The above entitled matter was heard before the Grey Eagle Township Board of Grey Eagle Township on the 1 st **day of** March **on the application for a Variance pursuant to the Grey Eagle Township Zoning Ordinance for the following described property:**

Parcel Number: 11-0049800/01 Lot 008, Mound Lake View, Section 3, Twp. 127N, R 32, Todd County, Minnesota

It is Ordered that the Variance be (granted) denied) upon the following conditions or reasons, and with the following findings of fact:

See Kunkel Variance Exhibit "A"

Raymond Lauke
Chairman, Grey Eagle Township Board

Dated: March 1, 1999

STATE OF MINNESOTA
COUNTY OF TODD

OFFICE OF
GREY EAGLE TOWNSHIP ZONING ADMINISTRATOR

I, James Wm. Braun, Planning and Zoning Administrator for the Township of Grey Eagle with and in said Township, do hereby certify that I have compared the foregoing copy and order (granting) denying) a Variance with the origional record thereof preserved in my office, and have found the same to be correct and true transcript of the whole thereof.

The above entitled matter was heard before the Grey Eagle Township Board of Grey Eagle Township on the 1 st day of March on the application for a Variance pursuant to the Grey Eagle Township Zoning Ordinance for the following described property:

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Chairman, Grey Eagle Township Board

Dated: March 1, 1999

STATE OF MINNESOTA
COUNTY OF TODD

OFFICE OF
GREY EAGLE TOWNSHIP ZONING ADMINISTRATOR

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IN TESTIMONY WHEREOF, I have hereunto subscribed my hand at Grey Eagle Township, in the County of Todd, State of Minnesota on the 1st day of March 1999.

GREY EAGLE TOWNSHIP ZONING ADMINISTRATOR

Instrument Drafted By:
James Wm. Braun
2428 115th Avenue
Princeton, MN. 55371

Sewer Permit No. 600-01305

Location Parcel No. # 11-004-9800 Lot 8 Moundlake View Section 3, Twp 127, Range 32

Type of System 2000 gallon tank w/ mechanical float

Issued to: Mark Kowkel

(Name of Owner)

Contractor and/or Installer Kemper Excavating Inc

(Name) (Address) (Phone No.)

Issued by: [signature] June 20th, 2000

(Zoning Administrator) (Date)

GREY EAGLE TOWNSHIP, TODD COUNTY, MN.

-- DISPLAY IN A CONSPICUOUS PLACE --

11/13/07 Cty

CERTIFICATE OF COMPLIANCE
SEWAGE SYSTEM

This certificate has been issued this 20th day of June 2000 to certify compliance with regulations of Grey Eagle Township, Todd County, Minnesota. The premises covered by this certificate are legally described as:

Parcel No.# 11-004-9800 Lot 8, Moundlake View Section 3, Township 127, Range 32, Todd County, Minnesota

Property Owner: Mark & Gwen Kunkel

Address: Route One, Burtrum, MN. Zip Code 56318

CERTIFICATION: *I hereby certify as a State of Minnesota licensed inspector that my observations are accurate as of the date at the top of this form for the site stated above. No determination of future hydraulic performance can be made due to unknown conditions during system construction, the unknown amount of water usage over the life of the system, abuse of the system, and maintenance, all of which may adversely affect the life of the system.*

Permit No. 600-01305

Scott Rosewold

Township Designated Registered Professional

Birchdale copy

389-

388 389 3484

119 THIRD STREET SOUT
LONG PRAIRIE, MN 5634
Phone: 320-732-4420

Legal Property Owner Mark Kunkel Parcel Number

Mailing Address 22364 45th Ave St. Cloud 56301

Legal Description Lot 8 Mound Lk view

Lake MOUND Section Twp. System Design Flow 600 GPD

Number of Bedrooms 4 Soil Treatment Area Size sq. ft.

Garbage Disposal ☐ Yes ☒ No Tank Size 2-1000 -1000 holding tank

System is ☐ New ☐ Replacement ☐ Other

NOTE: All systems to be sized as type I

Data Prepared by Perc Plus - Steve Schmidt Date 5-11-00 Certificate # 258

Signature Steve J Schmidt Address 101 Ruby St. Alexandria Phone # 763-782

(R) = perc (T) = clean out

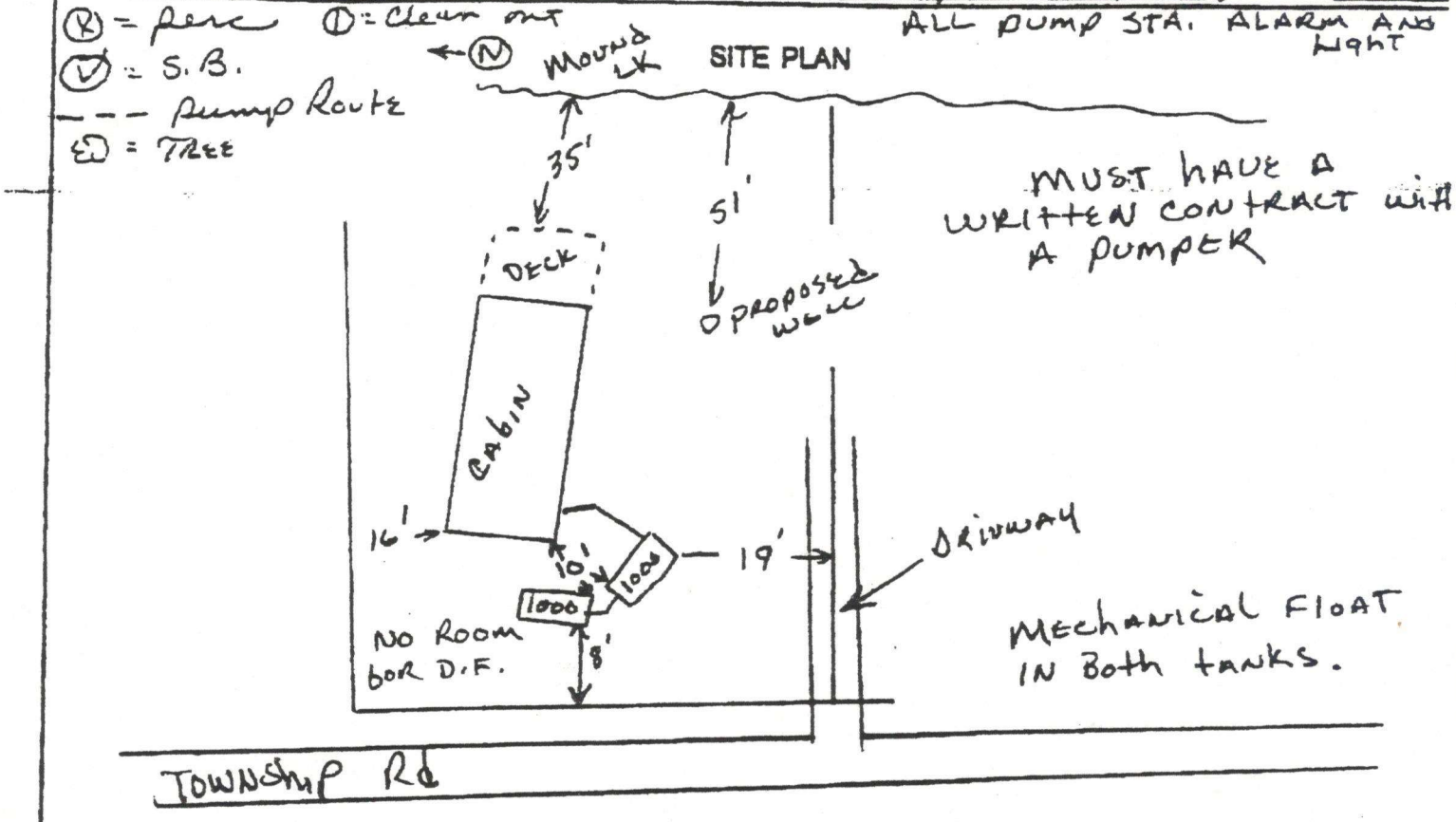
(V) = S.B.

--- pump Route

(T) = Tree

ALL PUMP STA. ALARM AND LIGHT

SITE PLAN



MUST HAVE A WRITTEN CONTRACT with A PUMPER

MECHANICAL FLOAT IN Both tanks.

NOTE: Include existing and proposed buildings, easements, property lines, lot dimensions, applicable setbacks, direction and % of slope. OHW, second site option and access route for tank maintenance.

Documentation of well depth for all wells (including neighboring properties) within 100 fee proposed septic system is required. A written statement by homeowner is accept documentation

Kunkel Variance Exhibit "A"

Findings of Fact:

1. The proposed structure is not in the Shore Impact Zone.

2. The lot is very shallow and difficulties exist with strict compliance with the Shoreland Ordinance Section 610.52 and the Minnesota Department of Natural Resources Rules.

3. Strict application of the 100 foot setback requirement would render the lot unbuildable.

4. The deck portion meets the definition of a water oriented structure.

5. The site meets Section 610.522 (A) Impervious Surface Coverage.

Subject to the following conditions:

1. The applicant not encroach on the high water mark with the main house structure any more than 50 feet.

2. The deck water oriented structure shall not encroach the high water mark more than 38 feet. The height of the deck to the platform shall not exceed 5 feet.

3. The applicant shall install silt fences during construction to protect Mound Lake.

4. The applicant shall install a new Individual Sewage Treatment System to 7080 code.

5. The applicant shall comply with 610.532 Topographical Alterations and 610.53 Shoreland Alterations of the Todd County Zoning Ordinance as adopted by Grey Eagle Township.

PERMIT APPLICATION
GREY EAGLE TOWNSHIP
TODD COUNTY, MN.

APPLICATION NO. GE00-
TOTAL FEE: $100.00

ZONING OFFICE: 2428 115th Avenue, Princeton, MN 55371
PHONE: 1-800-851-3383 or Pager: 1-612-648-6174

GENERAL INFORMATION TO BE COMPLETED BY APPLICANT:

OWNER: Mark & Gwen Kunkel

APPLICANT: Mark & Gwen Kunkel

GENERAL CONTRACTOR: Schumvich Construction

PHONE NUMBER: _____
(OWNER/APPICANT) (CONTRACTOR)

SITE ADDRESS: Route One, Grey Eagle, Mn.
LEGAL DESCRIPTION: *(Obtainable from the county assessor's office.)*
SEC. 3 TWP. 127 RANGE 32 LOT 8 BLOCK ____ SUBDIVISION OR QTR/QTR ____ ACRES ____
Mound View Addition, Todd County State of Minnesota
PARCEL # 11-004980 0

APPLICATION FOR: (check one)

___ CONDITIONAL USE ___ INTERIM USE ___ VARIANCE X SITE PERMIT ___ REZONING ___ OTHER

FOR NEW CONSTRUCTION, PLEASE CHECK TYPE OF WORK:

X SINGLE FAMILY ___ ACCESSORY BUILDING ___ ADDITION/ALTERATION ___ COMMERCIAL ___ OTHER

Describe in detail the purpose of this application: (Attach additional sheets, if necessary)
Single Family Dwelling

DATE: March 10, 2000

Mark W Kunkel
OWN

VALUE: _____

_____
OWN

PLEASE ATTACH A DRAWING SHOWING THE PLACEMENT AND DIMENSIONS OF THE PROPOS
BUILDING ON YOUR PROPERTY. *PLEASE NOTE: A SURVEY MAY BE REQUIRED IN SOME INSTANCES.*

OFFICE USE ONLY

☐ *This property is located in an agricultural district. Agricultural operations, which include the conduct of commo accepted agricultural practices, are considered a priority permitted use*

DATE: March 10, 2000

VALUE: _____

PLEASE ATTACH A DRAWING SHOWING THE PLACEMENT AND DIMENSIONS OF THE PROP
BUILDING ON YOUR PROPERTY. *PLEASE NOTE: A SURVEY MAY BE REQUIRED IN SOME INSTANCES.*

OFFICE USE ONLY

☐ *This property is located in an agricultural district. Agricultural operations, which include the conduct of comm*
accepted agricultural practices, are considered a priority permitted use.

☒ APPROVED ☐ DENIED DATE: March 10, 20

SUBJECT TO EXISTING REGULATIONS AND THE FOLLWING MINIMUM SETBACKS:

ROAD ROW _____ CENTERLINE ROAD 20' SIDE YARD 10' REAR YARD –

LAKE/RIVER 50' BLUFFLINE _____ ZONING DISTRICT _____

COMMENTS See Attached conditions from Variance of March 1, 1999.

_____, ZONING ADMINISTRAT

CERTIFICATE OF COMPLIANCE
SEWAGE SYSTEM

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Address: Route One, Burtrum, MN. Zip Code 56318

CERTIFICATION: *I hereby certify as a State of Minnesota licensed inspector that my observations are accurate as of the date at the top of this form for the site stated above. No determination of future hydraulic performance can be made due to unknown conditions during system construction, the unknown amount of water usage over the life of the system, abuse of the system, and maintenance, all of which may adversely affect the life of the system.*

Permit No. 600-01305

Scott Rosewold

Township Designated Registered Professional

Kunkel Property Background and Variance Recommendations

Josh Votruba Todd County SWCD

Currently the Kunkels are working with the Todd SWCD on a potential cost share project to address bank erosion on their property. The property is very steep and poorly vegetated, resulting in a considerable amount of bank erosion. Todd SWCD initially visited the site Fall of 2022, and has since sent a request to the West Central Area Technical Service Area (WCTSA) for engineering assistance for a Soil and Water Cost Share project to address the erosion.

Due to lack of funding in the Mississippi River Brainerd Watershed until summer 2024, the engineer has not yet started working on a preliminary design for project. However, this June-July 2024 the Mississippi River Brainerd One Watershed One Plan funding will become available to the Todd SWCD allowing the engineers to charge their time to grant, allowing them to begin working on a design for project. This potential project will likely incorporate a revegetation of the bank utilizing shrubs and deep-rooted vegetation allow for better water infiltration, leading to less stormwater runoff. The deeper roots from the native vegetation will also better secure the bank and make it more erosion resistant. Reshaping of the bank should also be incorporated to lessen the slope down to the lake. In addition, a component of the project to address roof runoff from the house will be incorporated to reduce the amount of overland flow resulting from roof runoff. During initial engineer visit, the engineer should look at culvert on Chippewa Rd to make sure it could handle additional water from house and garage.

Variance Recommendations

- To account for the additional impervious surface as a result from the proposed garage, the Todd SWCD recommends using gutters and downspouts to send roof runoff away from the lake to the road ditch along Chippewa Road. An existing culvert in road will drain this water to a wetland across the road.
- Replace driveway material with a more permeable material to allow better water infiltration in driveway.
- Stairs should be raised so as to not increase velocity of runoff.
- Due to complexity of project, no construction should begin before an approved engineer plan has been completed for site.



Todd County
MINNESOTA

Todd County GIS
215 1st Ave S, Ste 102
Long Prairie, MN 56347
(Office) 320-732-4248

Todd County GIS

GIS Site Map

0 0.005 0.01 0.02 mi

0 0.005 0.01 0.02 mi

N W E S

The Todd County GIS & Land Services Department has made every effort to provide the most accurate and up-to-date information available in this publication and cannot be held responsible for any unforeseen errors or omissions. If the recipient wishes to locate parcel corners and property lines, employ the services of a Registered Land Surveyor.

Printed on:
Wednesday, April 3, 2024

WHERE THE FOREST MEETS THE PRAIRIE
Todd County
• MINNESOTA • EST. 1855 •

Received
APR 30 2024
Todd County Planning & Zoning

PLANNING & ZONING
215 1st Avenue South, Suite 103
Long Prairie, MN 56347
Phone: 320-732-4420 Fax: 320-732-4803
Email: ToddPlan.Zone@Co.Todd.MN.US

Accepted KLM 4/30/2024

Appeal for a Variance

Applicant Michael A. & Janice M. Rothstein

Mailing Address 14902 218th Street Cold Spring, MN 56320

Site Address 11680 Bluebird Drive Sauk Centre, MN 56378

Phone Number _____ Cell Number [redacted]

E-Mail Address [redacted]

Property Owners Name & Address (if not applicant) _____

_____

Parcel Number(s) 03-0033300

Section: 24 Township Birchdale

Zoning District (circle one): AF-1; AF-2; R-10; R-2; UG; RT; Commercial; Industry; or Shoreland (Lake or River Name): Long Lake (Higgins) NES

Do you own land adjacent to this parcel(s) ____Yes __X__No

Septic System: Date installed 9/8/1994 Date of Compliance Inspection 4-23-2024

Is a new system needed: ____yes __X__no ____ STS Design attached

Septic Inspection Completed/Submited by Chad Twardowski/EXC.

Required for applications with existing septic systems: Approved design submitted for new system to be installed, new system installed within previous 5 years, or passing compliance inspection on existing system in previous 3 years

Variances Requested:
What standards or requirements are you unable to maintain? (Check all that apply)

Lot width____	Lot area____	Lake or River setback__X__	Bluff setback____
Road right-of-way setback____	Side Yard setback____		Buildable area____
Impervious surface coverage____	Building/Structure Height__X__		Other____

VAR#2024-016
Receipt#2024-0189

LIST YOUR VARIANCE REQUEST(s) and what, if the variance were granted, you intend to build or use the land for. **For example:** *"Request to reduce the 10ft structural setback from my west side lot line to 8ft for the construction of a detached garage to be used for vehicle and personal storage."*

1.) We are requesting to build an addition and double garage to an existing cabin reducing set back from 150' to 99', 1213 sq.ft.

2.) We are requesting an increase in the height requirements for the addition, from 18' to 24'

3.)

4.)

**State Statutes Section 394.7 Subd7: Variances: Practical Difficulties. The BOA shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of official control, and when variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with official rules; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

The Board of Adjustment may impose conditions in the granting of a variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

EXPLAIN YOUR PRACTICAL DIFFICULTIES or reason why you need your request approved.**

1) We would like to retire here and need additional room and a garage and the terrain dictates its location.

2) The request for increased height allowance is for steeper pitched roof which will provide storage above the garage.

It is important that you flag your related property lines and proposed building locations

Have you flagged your lot? (Y) (N)

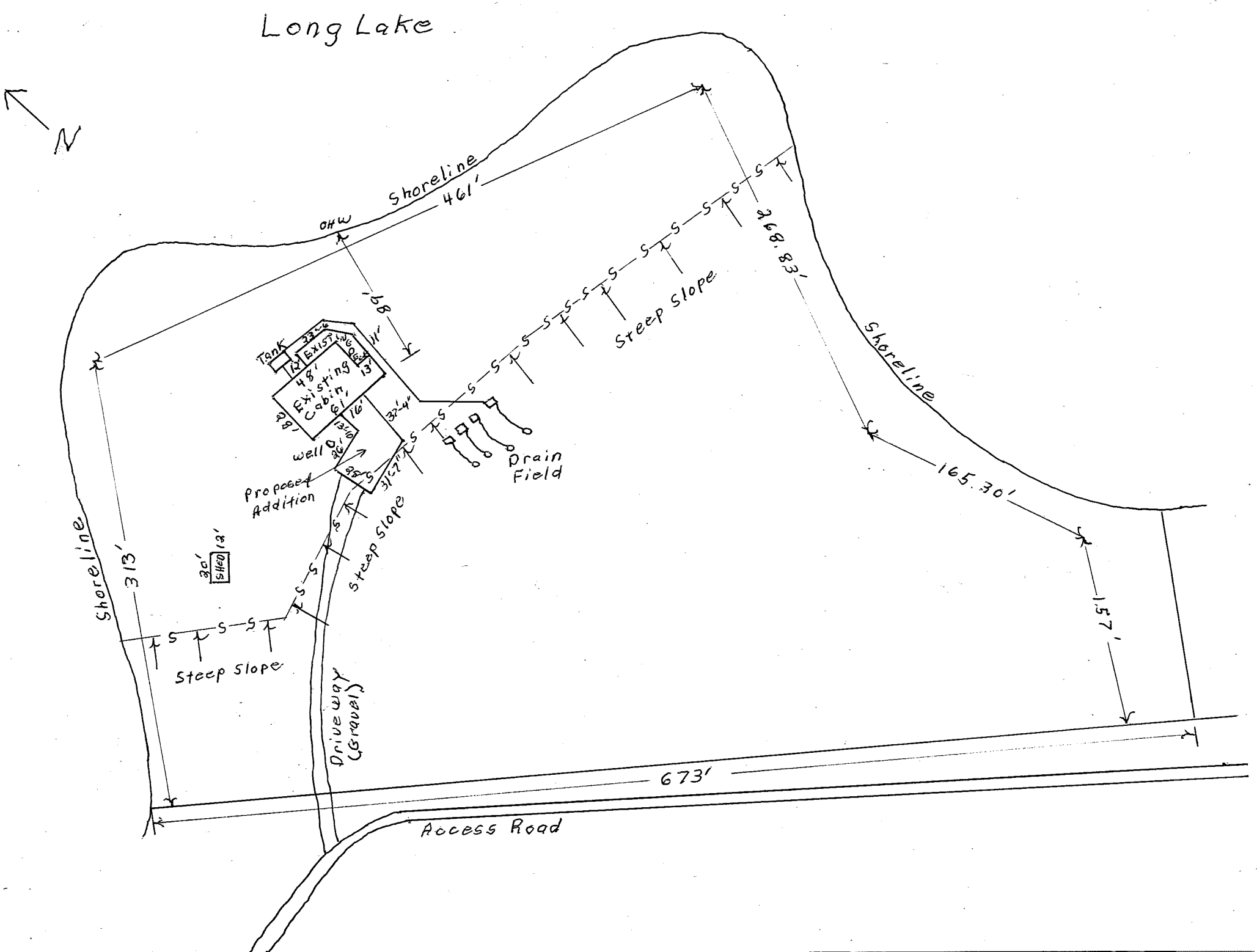
SKETCH DRAWING

SEE NEXT PAGE

The applicant or agent hereby makes application for a variance agreeing to do all such work in accordance with all Todd County Ordinances. Applicant or agent agrees that site plan, sketches, and other attachments submitted herewith are true and accurate. Applicant or agent agrees that, in making application for a variance grants permission to Todd County, at reasonable times during the application process and thereafter, to enter applicant's premises to determine the feasibility of granting said variance or for compliance of that application with any applicable county, state, or federal ordinances or statutes. If any of the information provided by the applicant in his/her application is alter found or determined by the county to be inaccurate, the County may revoke the variance based upon the supply of inaccurate information.

If the applicant is not the property owner, both signatures are required below.

Applicant Name Printed	Signature	Date
Michael A. Rothstein Janice M. Rothstein	Michael Rothstein Janice Rothstein	4/25/2024
Property Owner Name Printed	Signature (If different than applicant)	Date


Long Lake
N
Shoreline
461'
OHW
268.83'
Shoreline
165.30'
157'
Shoreline
313'
673'
Access Road
Tank
Existing
48'
Existing Cabin, 61
16'
13'
11'
98'
32'-4"
Well
Proposed Addition
Drain Field
Steep Slope
Steep Slope
Steep Slope
Driveway (Gravel)
32'
SHED
12'

IMPERVIOUS SURFACE WORKSHEET
(FOR SHORELAND ONLY)

APPLICANT INFORMATION

Name Michael A. & Janice M. Rothstein

Phone [redacted]

Mailing Address 14902 218th Street
Cold Spring, MN 56320

Site Address 11680 Bluebird Drive

City Sauk Centre State MN Zip 56378

Parcel Number 03-0033300

Lake/River Name Long Lake (Higgins)

IMPERVIOUS SURFACE: is a constructed hard surface that either prevents or retards the entry of water into the soil or causes water to run off the surface in greater quantities & at an increased rate of flow than prior to development.

LOT/STRUCTURE DIMENSIONS

Total lot area: 5 Acres ~~sq ft~~

List all structures (structure's foundation footprint: length, width, and total area)

Existing	Proposed
1. Cabin 48'x28'x61'x12'x11'	Addition & Garage 16'x37'-4"x31'-7"x
2. 1565 sq ft	28'x26'x13'-10" 1213 sq. ft.
3. Shed 12x20 240 sq ft.	
4.	
5.	
6.	
7.	
8.	

List all non-roofed hard surfaces: Examples include sidewalks, paver stones, retaining walls, patios, decks, driveways & parking areas (asphalt, concrete or gravel), and areas of landscaping underlain with plastic or other impervious liners:

Existing	Proposed
1. Deck 503 sq ft	
2. Gravel Driveway	
3.	
4.	
5.	
6.	
7.	
8.	

Total of 25% of lot may be covered by impervious surfaces (15% of which are from roofed structures)

1. List in the table below any efforts by landowner to reduce project impact by removing or reducing impervious surfaces.

List Structure or Impervious Surface to Be removed	Square footage to be removed	Location of structure or impervious surface to be removed (see table below)
Example: concrete drive to lake	8' x 35' = 280 sq ft	(C) Within Impact Zone

Location of variance request in reference to Ordinary High Water level	General Development Lake	Recreational Development Lake	Natural Environment Lake and Rivers / Streams
A. Outside shoreland building setback	75'+	100'+	150' +
B. Between Shore Impact Zone and Building Setback	37.5' to 75'	50' to 100'	75' to 150'
C. Within Shore Impact Zone	0 to 37.5'	0 to 50'	0 to 75'

2. List below any Storm Water Management Best Management Practices (BMP's) that will be installed to help mitigate impacts of development.

INFILTRATION BMP's

List any measures you plan on taking to increase water infiltration and retention. Examples include rain gutters, rain gardens, retention swales, berms, sub-surface tile, etc. Efforts to install BMP's will be graded positively in the site evaluation. Locate projects on site map.

VEGETATION BMP's

Vegetation planting along lake shore areas is also a Best Management Practice. Planting areas of your lakeshore impact zone with permanent vegetation helps infiltrate water, reduce lake impact, provide habitat, and screen the dwelling from other lake users. Plantings are graded positively in the site evaluation. List any areas to be planted or restored and mark the location on your site map.



Todd County
MINNESOTA

Todd County GIS
215 1st Ave S, Ste 102
Long Prairie, MN 56347
(Office) 320-732-4248

Todd County GIS

GIS Site Map

0 0.025 0.05 0.1 mi
0 0.0275 0.055 0.11 mi

N W E S

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Printed on:
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