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

**PLANNING & ZONING**
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The following is the agenda for **November 21st, 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 being held in-person and the public is encouraged to attend. 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 October 24th, 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, Robert & Joseph Andert:** Section 18, Villard Township
   **Site Address**: 48379 County 7, Staples, MN 56479 **PID:** 25-0018500
   1. Request for the appeal of Planning and Zoning staff decision that an auto repair shop is not an allowed use in Residential-2 Zoning.

**Adjournment.** Next meeting: **December 19th, 2024**

**Minutes of the Todd County Board of Adjustment Meeting**

October 24th, 2024
Completed by: Sue Bertrand P&Z Staff

Site Visits conducted by Adam Ossefoort and Ken Hovet on October 17, 2024.

Meeting attended by board members: Chair Rick Johnson, Vice Chair Bill Berscheit, 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. and the Pledge of Allegiance was recited. Each board member introduced themselves and Rick explained the process for those attending.

Russ motioned to have the agenda approved as written. Dan seconded the motion. Voice vote, no dissent heard. Motion carried.

Dan motioned to have the September 26, 2024 BOA meeting minutes approved. Bill seconded the motion. Voice vote, no dissent heard, motion carried.

Introduction of the meeting process and etiquette by Rick.

**AGENDA ITEM 1: Marty Host & Candy Schneekloth-Host – PID 24-0038500 – Turtle Creek Township**

Request:

1. Request to reduce the East ROW setback from 20' to 5' for the construction of a shed in RD Shoreland Zoning.

Marty Host was present as the applicant. Marty introduced himself and stated his address as 1000 St. Johns Ave., in Browerville and he is requesting a variance on his Pine Island lake East of Browerville.

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. None

Host confirmed the staff report was accurate, however he stated the address is actually Lupine Trail, where the building will go is Lupine Dr. and it is one parcel, but yes, very accurate. As far as the buildings go, the old cabin was built in the late 60's by his Great Uncle. He stated he wasn't much for rules, so it's right in the middle of the right of way. At this point it is nothing but a nest for mice, so once the shed will be built, it will be torn down. There are a couple smaller sheds, one was an outhouse and another little storage shed on that same hill, and he doesn't use them, so they will be taken down. As far as the structure itself, he has requested five feet from the ROW. Adam would agree or verify this, where the road is, the ROW is 66 feet wide, most of the driven road is on the West edge of the ROW. He did have the septic inspected and that passed inspection. Other than that, he is asking for five-foot setback from the edge of the ROW, more likely, the shed, the way he has it pinned out there, is more like ten feet from the ROW, but he wanted a little leeway in case his excavator

says “you’re a little close to the back slope, we need to scoot it towards the front”. It is really the only flat part on that hill. He stated he wants to make an improvement out there, and other properties, there are neighbors that have sheds in the ROW along there, so there is a little bit of a precedent there, too. He stated for himself, there is no running water, just a stick built shed for storage, at this point in time.

Ken reviewed his field inspection report. This report may be viewed in full, upon request, at the planning and zoning office. He added if Host had turned that building 90 degrees and five feet back, it could meet all setbacks.

Host stated he was looking at having a gable end for snow removal reasons, he wanted it placed that way, more of a convenience than anything. If he turns it, like suggested, he would have a slope into the garage door openings. The way he would like it would make it easier to park and move stuff in there. If he turns it, he would end up having two doors instead of one, and that is more of an economic issue and it is his problem and not the boards’.

Ken asked if the garage door would be on the East or West.

Host, West facing the lake side.

Ken, so if you turned it 90 degrees, you need two doorways on the long end.

Host stated if you want to get everything in there, you are going to end up putting in two garage doors. Repeated he had it staked at more of a ten-foot encroachment and not reduced to a five-foot ROW setback, but wanted a little wiggle room.

Ken stated the last issue is a safety concern. If you are going to be that close to the setback, you could very well have issues with plowing that road, if you have a heavy snow in the winter.

Host stated, the township does not plow that road. When there is a bit of a setback, there is more of a place to go with the snow. Most of the time they would push the snow into the right of way and the neighbor, just to have access across the road from there, their snow gets pushed into his lot, too. They would end up clearing out to the south and pushing the snow over the bank, so it could drain down into the watershed and thinks there will be an issue either way. There is a limited space to move around up there, as you can see.

Ken stated again, what he saw, in his opinion, you can turn that shed around and not need the variance.

Correspondence received: None.

Public comment:

Roy Parish and goes to annual township meetings, and stated they have found one of the problems is people are pushing snow into the ROWs. That is not a good scenario. Not supposed to push snow across the road and not supposed to push snow in the ROW. Went around his block, two years ago, and found twelve violations. That is not being enforced very much. Statema’s Backhoe hit a drift and it cost a couple of thousand to repair

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the wing as he hit snow in the ROW. He stated he had issues on his road that cost him a tire, hit a clump of snow that was pushed out on the road. Had little kids with him, it was cold ugly, drove it a half mile home on a flat. The milk man came through, hit one of those nice snow chunks, put the radiator into the fan of his milk truck. He has had past bad instances of people pushing snow into the roads. So that is why he stands up against pushing snow into the ROW.

Board discussion:

Russ, if you were to move it back to the 15-foot mark, would it still fit in there with the hill?

Host stated fifteen would be really tight. The lower right-hand corner it would start to drop off, if you go much further than ten foot. Plus, he is getting rid of eye sores. Fifteen would be tight.

Russ asked how about if you went up?

Host pointed out on the overhead and explained the contour. He could go a couple feet as they are taking out the trees. He tried to fit it in there as best he could without interrupting anything or having to take down too many trees.

Rick stated, other than Host's word and the drawing, he has not heard any evidence, for the record, to prove this is the only place you can put this building. When we have variances for dimensional setbacks, in addition to meeting the criteria, there are also considerations that the board has to make and one consideration is, there is no other spot you can put that size building, without needing a variance. Kind of heard that from Ken, but nothing really convinces him so far, to make a good decisive decision. Another thing, to get a variance, the circumstances have to be unique to the land. Which means, anything that has got to do with your personal design, your need for building that big, your need for where you want the gable end, all that has nothing to do with and is not unique to the land, but it is self-imposed by the land owner, and the board cannot grant variances that are self-imposed and are not unique to the land. So, for him to approve this variance, and it is a significant variance, we are talking five feet instead of twenty feet, he too has safety concerns and hard to overcome that. What are we going to do to protect the public, or drivers, or pedestrians, or you or anybody else? His question to Ken, in his opinion, could he speak about the ability to eliminate the variance or at least minimize the variance request by redesigning the building or by moving it?

Ken stated from what he saw and from where the pins are, where we determined the setback leaves us at, he still believes there is plenty room before you get to that back-edge slope to turn that building and make it fit, even with the size he has. You may have to put the doors on the other side.

Rick, and you think it might eliminate the need for a variance or at least reduce it from 75% to 25% or something.

Ken stated what makes it hard for him is putting a building within 5' of the right of way. Granted, it is not a road that is maintained by a township or County, but it is a public dedicated right of way. Who's to say, in the future, that the township isn't convinced to take that over. Then he can see the snow going right in to the side of the building.

Rick agreed, it is a public road.
Bill asked for the photo that shows a broader view of the area, and it would kind of give the board an idea of how much traffic or how many lots are serviced by this road, and how many, potentially, could be serviced in the future.

Adam showed the area on the overhead.

Bill stated, so it's a loop, or does it dead-end?

Parish stated it dead ends. So, the people down on the other end have private driveways.

Adam stated it is a loop, it's just not actually constructed as a loop.

Bill stated this is a public right of way so, fifty years from now, the chances are pretty high, this may be, in some way, shape or form, serviced by public service, instead of privately maintained. There is a number of people on there, the chances of that remaining private, privately maintained, aren't really high.

Rick stated he took the liberty and looked through public records and he was able to find when this property was subdivided and filed, and that was in September of 1966, and you are right, it does say that "and now and here after, be known as the Mattson's Subdivision and do by dedicate to the public use, forever, the road included by the annexed plat". So, it is there, and it is a loop.

Dan asked if the structure could be turned more at a 45 so he can come in on the end? Angled so it is perpendicular to the hill, and still come in from the end?

Ken explained yes, that opportunity exists, absolutely. Explained, if we put a rectangle in there, to represent the garage how he wants it, facing West, and turn that counter clock wise 45 degrees, is that what you are asking, addressing Dan?

Dan, yes. So, the structure would be perpendicular with the contour of the hill?

Ken, yes. Absolutely. But it would be "parallel" to the contour of the back hill.

More discussion on the contour lines and drop of slope.

Host showed the board a drawing.

Dan stated exactly.

Russ, what township and did they respond?

Host stated Turtle Creek.

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Adam stated they did not get a response from the township.

Host stated he presented it at the township meeting, and they signed off on the application and were okay with it.

Rick stated he has heard there could be other possible sites to avoid the variance, and he needs to take that into consideration, and asked if Host can present any evidence that there is no other place, for the record.

Host stated he could go back out and look. He was trying to find the flattest part to make it work because there are some contours there. Ken's suggestion would be the next best suggestion, it would be facing the South. He stated planning to build it more like ten feet away from the road right of way, anyway, but he can see their point too. Some day down the road, it could happen, and they are going to run into other households that are that way and there is going to be a problem. He is already going to eliminate one of the problems by getting rid of that old shed. Ken's suggestion is the next best suggestion. He could get on board with turning it a full 90, and probably get back to that twenty feet. He might have to shorten up the depth to 30' or 28' or something if he was to do that process.

Rick called for Criteria Questions before they put it to a vote.

| **Criteria Question #1: Is the variance in harmony with the general purposes and intent of the official control?** | |
|---|---|
| **Board Member** | **Vote and Comments** |
| Russell Vandenheuvel | No |
| Dan Peyton | No |
| Bill Berscheit | No |
| Ken Hovet | No |
| Rick Johnson | 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** |
| Russell Vandenheuvel | No |
| Dan Peyton | No |
| Bill Berscheit | No |
| Ken Hovet | No |
| Rick Johnson | 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** |
| Russell Vandenheuvel | No. |
| Dan Peyton | Yes. |
| Bill Berscheit | We can all see the direction this is going and perhaps you would like to table this. Is it a reasonable use, but no, this is a road right of way, even though it is an undeveloped road right of way where the structure is. As mentioned by Roy, we see an awful lot of snow issues on years we get a lot of snow and issues with snow in the |

| Criteria Question #3: Is the property owner proposing to use the property in a reasonable manner not permitted by an official control? | |
|---|---|
| | road right of ways. As this becomes more developed over the next fifty years, the answer needs to be no. |
| Ken Hovet | Yes, a garage is a reasonable use. |
| Rick Johnson | No |

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** |
| Russell Vandenheuvel | No, due to the size of the shed and how he wants to position it on the land. |
| Dan Peyton | No, gets back to what the land owner is wanting, due to the size. |
| Bill Berscheit | No, the size of the structure is not much of an argument, in regards to the gable end, either way the structure is oriented, rafters could be put on that to create a gable end from either side. It does affect the depth from that gable end. |
| Ken Hovet | No |
| Rick Johnson | No |

Majority response- No

| Criteria Question #5: Will the variance maintain the essential character of the locality? | |
|---|---|
| **Board Member** | **Vote and Comments** |
| Russell Vandenheuvel | Yes |
| Dan Peyton | Yes |
| Bill Berscheit | Yes, we know there is a structure or two in the ROW. He would hope, over the rest of the lots, it is not consistent through all of them, we do have these developments where it certainly is. |
| Ken Hovet | Yes |
| Rick Johnson | Yes |

Majority response- Yes

| Criteria Question #6: Does the need for the variance involve more than just economic considerations? | |
|---|---|
| **Board Member** | **Vote and Comments** |
| Russell Vandenheuvel | No |
| Dan Peyton | No |
| Bill Berscheit | No. He stated he thinks economics do enter into this. He hasn't been able to come up with what he would call a practical difficulty or hardship in regards to this case. If there is one, it is related to topography and any time you are building a structure it represents economics and doesn't see the topography in this, as a significant hurdle, that a few dollars could not overcome. |
| Ken Hovet | No |
| Rick Johnson | No |

Majority response-

| Criteria Question #7: Have safety and environmental concerns been adequately addressed? | |
|---|---|
| **Board Member** | **Vote and Comments** |
| Russell Vandenheuvel | No |

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| | |
|---|---|
| Dan Peyton | No, safety is a slight concern if this road ever gets built where it should be, and the township takes it over in the future, right now it is not much, but still has to say no. |
| Bill Berscheit | No, environmentally we may not need to, safety we have certainly not addressed, if we were to, in any way shape or form, he would expect to see some type of plan to deal with speed, traffic, snow and road maintenance and we don't have any of that, so, no. |
| Ken Hovet | No |
| Rick Johnson | No, for the record agrees with Bill. |

Majority response- No

Summary of criteria question majority responses as follows:

| | |
|---|---|
| #1 | No. |
| #2 | No. |
| #3 | No. |
| #4 | No. |
| #5 | Yes. |
| #6 | No. |
| #7 | No. |

Dan stated he has a comment to the applicant, if you think you need five feet instead of fifteen feet, if he relooks at it again, and can relocate the structure at a different angle, he can table it and come back with a different proposal, or relook at it and see he doesn't need a variance and affect things in the future.

Rick addressed Dan's comment stating the applicant has the option to table this indefinitely, if you feel there is insufficient information, and in order for us to make a decision. It also gives you the opportunity to look at your design, how you want to place it, where you want to place it and the size and come back with more information to convince us you have no choice, or give you the opportunity to reduce the variance from five feet. Personally, there is no way he can overcome that, maybe one foot, two feet or three if you have no other choice. We are giving you the opportunity, if you wish, and if not, we will make a motion and vote on it. We kind of know which way this is going to go.

Host asked if we table it, is that another $500.00 application fee?

Adam explained no, we will just work off of this. Offered to go out and visit with him out on site, and put it on the next agenda for him, November 21, 2024. Being you are going to work in the direction of the ordinance, we wouldn't need anything new from him other than the setback be not anything less than what he has already requested.

Host, is there a setback from the steep slope?

Adam, no.

Host stated he requested to table it, to look at Ken's option, and may need to get it to where he would not need the variance.

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Rick stated that is the beauty of him having that option. You can table it indefinitely, and gives you a chance to go back.

Dan stated if we vote on it, it starts over and then it is another $500.00.

Rick confirmed the applicant has stated he would like to table it indefinitely.

Ken motioned to approve to table, Russ seconded, voice vote, no dissent heard, motion to table carried.

**AGENDA ITEM 2: Jodi Marohn: – PID 12-0030200 – Hartford Township**

Request:

1. Request to convert the front property line from the east property line to the north property line. in AF-1 Zoning.

Jodi 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. He read the definition of a Lot Line, Front: that boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot (which Jodi has) it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the County Recorder.

Proposed Condition(s):

1. None

Jodi confirmed the staff report was accurate. She added how we got into this mess. The lot was 120.1-acre farm and Jeff Twardowski took twenty acres off. Day one she has been dealing with the setback and pointed to the West line on the overhead. She and Jeff exchanged numbers and he called a couple weeks later throwing a fit saying the property line on the South side of the barn is a fifty-foot setback. So, she got permits, Jeff had to move his shed to be thirty feet off the line and for a year and a half she had been told she had to be thirty feet from the side (West) property line. She had Chad Twardowski out to her house, and pulled the permit to build the garage and Chad said let's call the County to make sure, thinking the thirty feet was too long of a setback so they called and talked to Kevin. Kevin looked at the West line and said, no, the setback is 50' because it is the end (rear) property line. When they separated the lot, they didn't realize this is a corner lot, so that is how they messed up on the line. This should actually be thirty feet (West lot line setback) and this should be fifty (South lot line setback) and she would have plenty of room for her sheds, and that is when she applied for permits to move her sheds thirty feet from the West property line and literally had to tell Chad Twardowski two hours into moving his dirt for her garage, to stop. Here she sits, a month and a half later when the garage should have been built, because of an error she did not make.

Adam clarified that was an error that the Planning and Zoning office made. An error on our part, absolutely, as we gave her the wrong information, no doubt about it, and when Chad called, and we looked into this, we want to make it right on all aspects, so, that's why we are here tonight.

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Jodi continued it was suggested to move her garage and place it somewhere else and she explained she has no room as Chad was going to build her a turnaround spot avoiding the house, electrical lines, pointed out the pasture area and also the wetland (preventing a driveway access from the East road of 285th Ave.) Why would she want to build a garage in the SE corner of the lot and walk a quarter of a mile after a twelve-hour night shift of work?

Rick acknowledged her dilemma.

Ken reviewed his site visit report. This report may be viewed in full, upon request, at the planning and zoning office. He added, turning the front line from the East to the North makes a lot of sense for many reasons. In keeping with how that property is being used and for as long as people have lived there in the past, that is where the driveway has been, coming off of 284th St., and it is where it should be. The way it makes sense. Ken also added he didn't know a variance like this was even possible, but since it is, it would make sense that it should be considered as the front property line.

Adam stated he wasn't sure about that either, so when he and Jodi had this initial conversation, he got in touch with Jason and asked him about this specific scenario, and he said "absolutely" and sees no reason why this couldn't be a request for a variance.

Jodi explained she was going to go for four variances for each one of her buildings, and Adam asked why we don't just switch it to where it is?

Adam added it would have been multiple variances for all of the structures, because again, we incorrectly relayed to Jodi thinking the front line was the way she accessed it, but by "definition" it is not true.

Rick stated after reading this case, thinking about it and processing it, thought the same issue talked about, get variances for the buildings, and thought Kudos to Jodi, this is a great suggestion, and it turns out…

Jodi, it was Adam's!

Rick, because Adam is good at his job.

Bill extended a thank you to the staff for owning this. He stated he has sat on this board for a long, long time and he felt there are very, very few staff errors, and thanked staff again, for sharing this and owning this and addressing this. He appreciates that.

Adam apologized to the board as this is an impact on the board.

Bill added he thinks the staff report makes sense, and the home work is done and felt there was no need for criteria questions.

Rick agreed.

Correspondence received: None.

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Public comment:

Roy Perish was at the last Hartford Township meeting and they discussed it as a township and had approved it, to acknowledge the front property line as 284th, the way the property has always been used.

Board discussion:

Russ asked if the mailbox on 284th? And if you need an ambulance or there is a fire, they would come off of 284th?

Jodi, right.

Russ finished with this is a "no-brainer".

Bill stated, at this point, he would like to make a motion to grant this variance to change the alteration or the front line of this lot. Russ seconded.

Roll call vote commenced as follows:

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

Motion carried to grant the appeal for variance.

Ken motioned to adjourn and Dan seconded. Voice vote, no dissention heard, motion carried and the meeting adjourned at 7:08 pm.

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Todd County
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PLANNING & ZONING
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Phone: 320-732-4420 Fax: 320-732-4803
Email: ToddPlan.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 Klunkel

Mailing Address 32364 45 Ave St. Augusta MN 56301

Site Address 14284 Chippewa Road Burtrum MN 56318

Mark Phone Number [redacted]

E-Mail Address [redacted]

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:<br>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

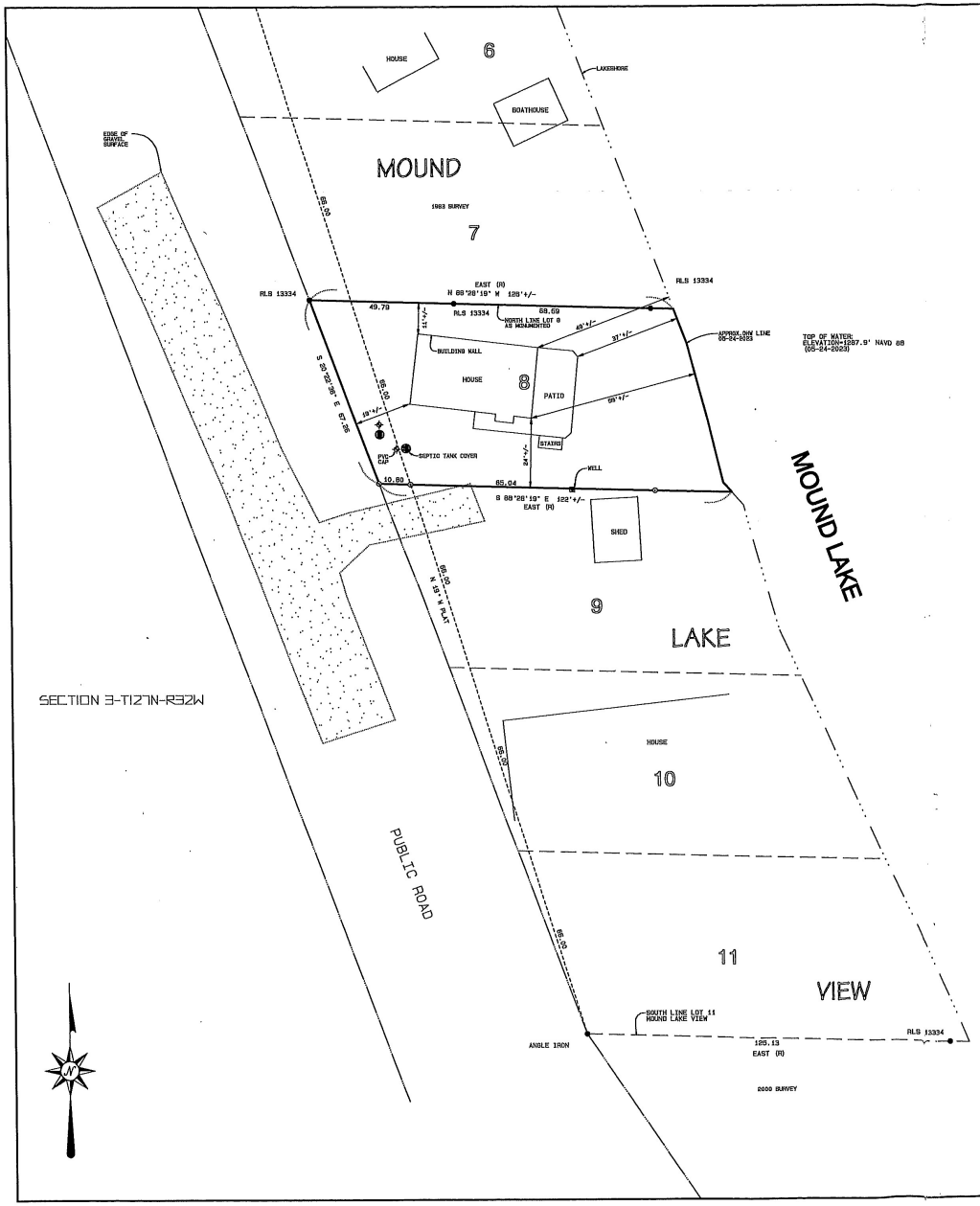
List any measures you plan on taking to increase water infiltration and retention. Examples include rain gutters, rain gardens, retention swales, berms, sub-surface tile, etc. Efforts to install BMP's will be graded positively in the site evaluation. Locate projects on site map.

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.




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

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
PUBLIC OR STATE ROADS: 50 FT
COUNTY ROADS:
WITH RIGHT OF WAY 66 FT OR GREATER: 20 FT
WITH RIGHT OF WAY LESS THAN 66 FT: 30 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 MADE THIS DRAWING. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED. EASEMENTS, THIS RESTRICTIONS AND OR ALL ADJOINING PROPERTY LINES MAY BE SHOWN. THE SURVEYOR RESERVES THE RIGHT TO REVISE THIS SURVEY 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

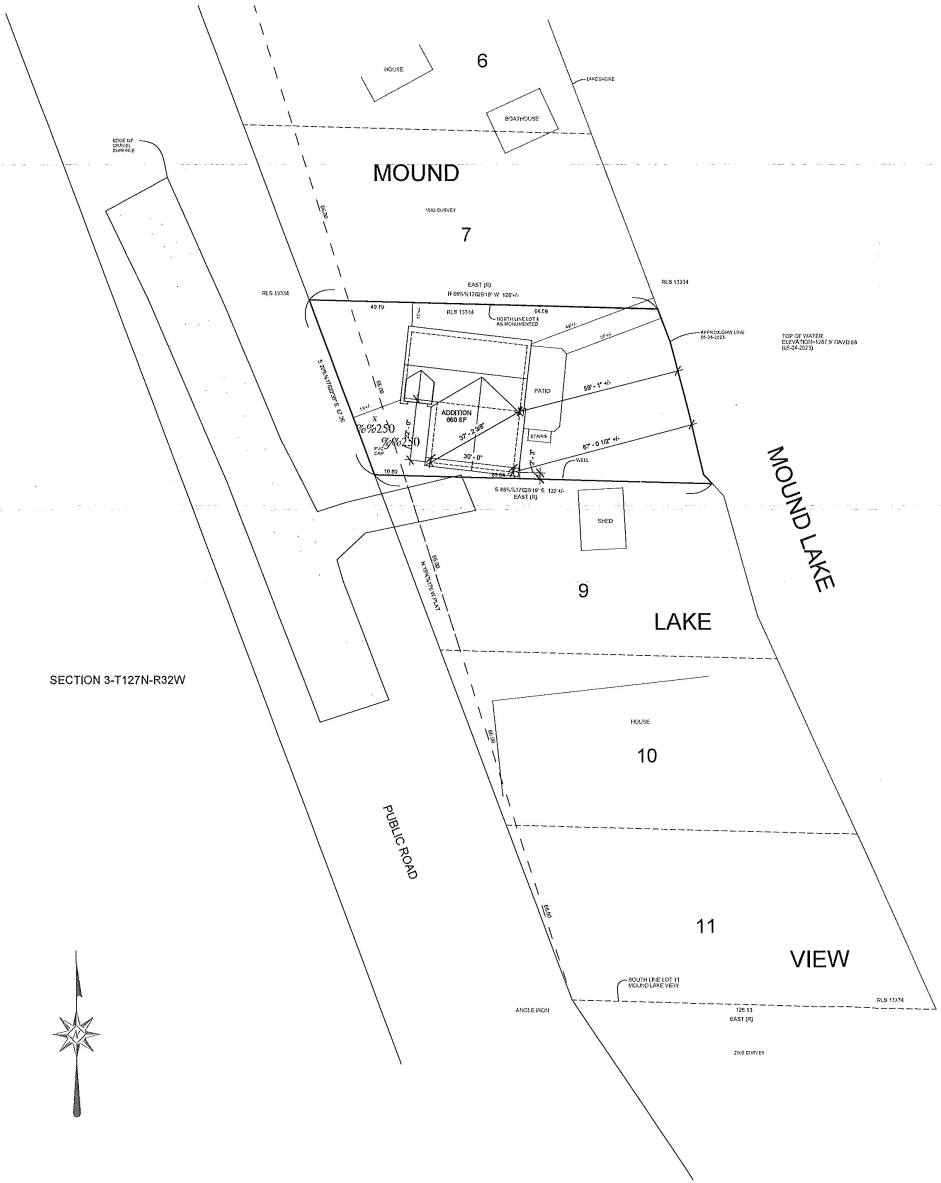
PREPARED FOR: MARK AND GWEN KUNKEL

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




SITE PLAN
1" = 20'-0"

TODD COUNTY SETBACKS AND MINIMAL SHORELAND GRIDANCE STANDARD - DATED: 01-03-2018

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
CENTER OF TOWNSHIP ROADS: 50 FT
COUNTY OR TWP ROADS:
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 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 BUYING/SELLING YOUR PROPERTY.

OHW=ORDINARY HIGH WATER

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

**PRELIMINARY**
THESE PLANS ARE NOT TO BE USED FOR CONSTRUCTION


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


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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

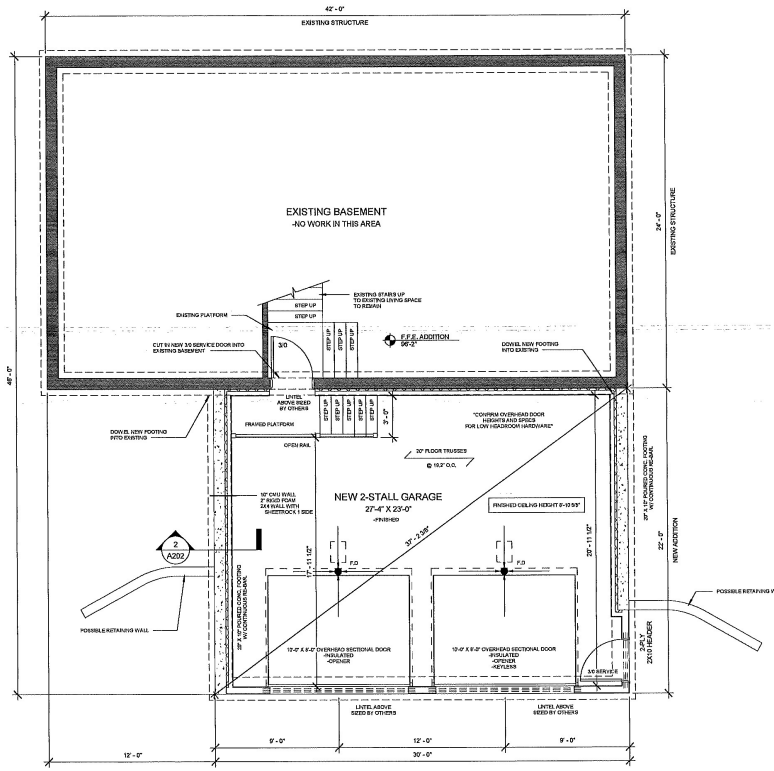
A101

PRELIMINARY - (FOR PLAN REVIEW ONLY)

| WALL LEGEND | |
|---|---|
| | DEMOLISH WALL |
| | NEW WALL CONSTRUCTION |
| | EXISTING WALL TO REMAIN |

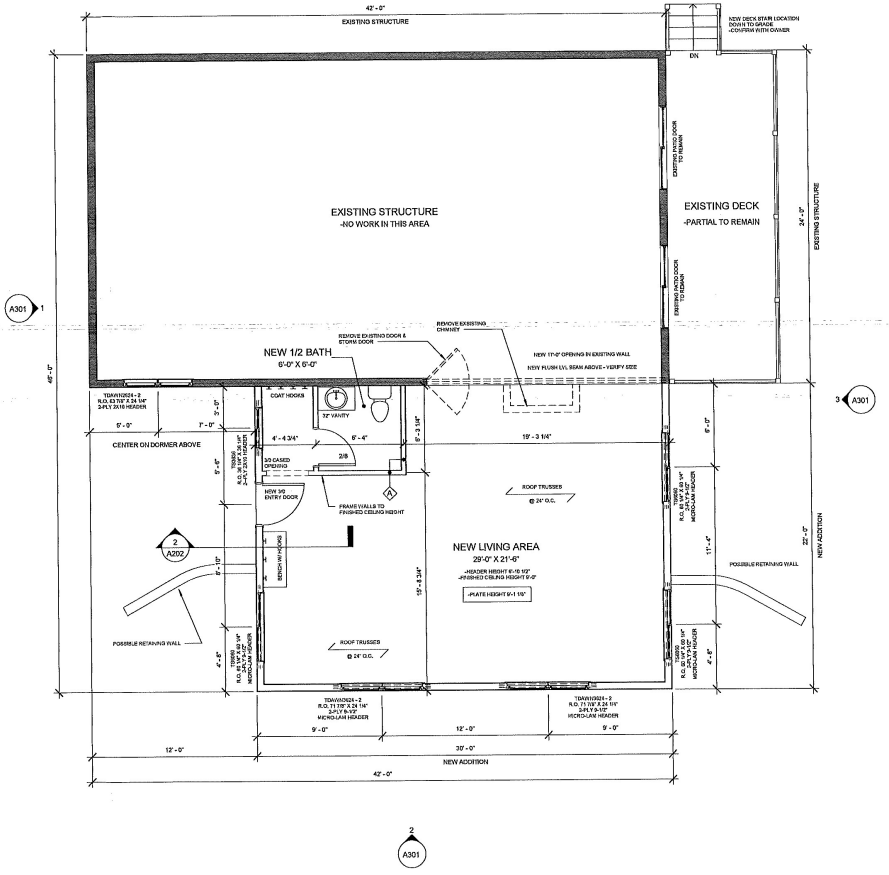
**PROJECT INFORMATION - FLOOR PLANS**

- 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




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

PLAN NORTH




2 A301

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

PLAN NORTH

**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)

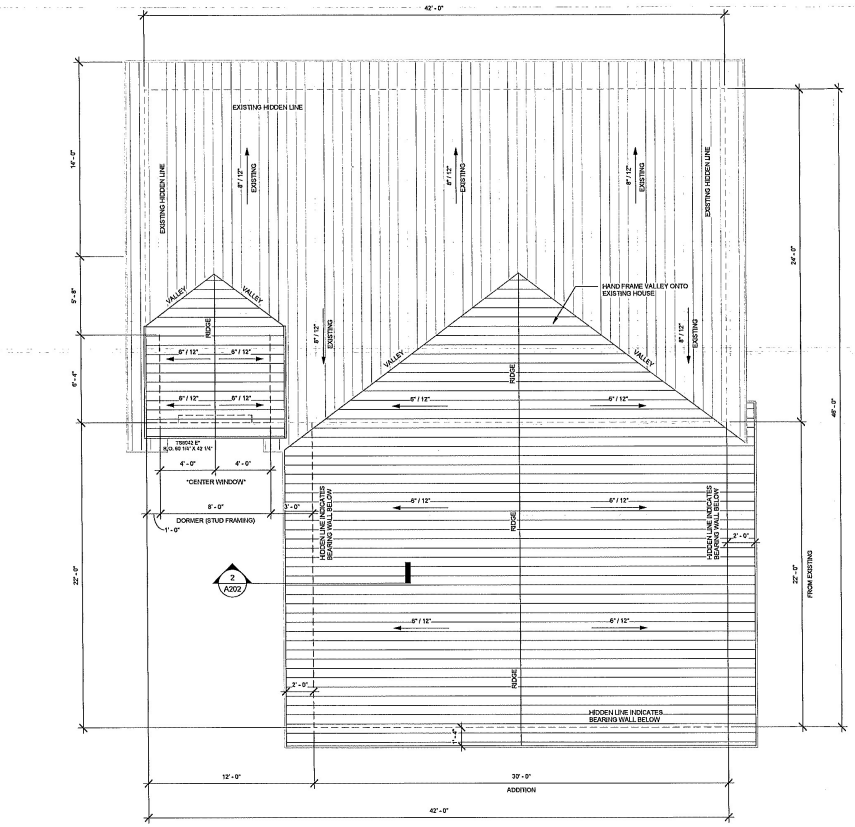
DATE:
03/25/2024

DRAWN BY:
NICK TURNER

SHEET NAME:
FIRST FLOOR PLAN

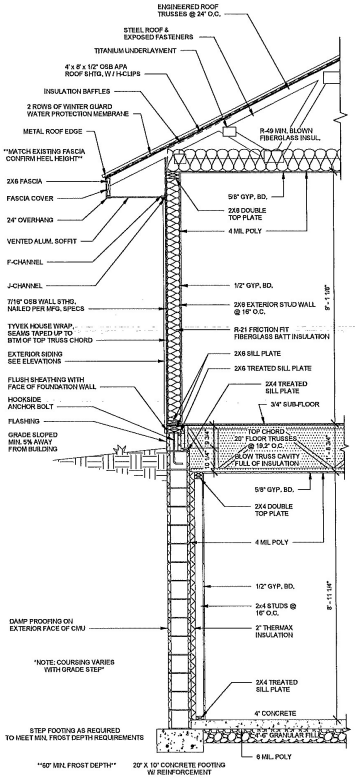
A201

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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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)

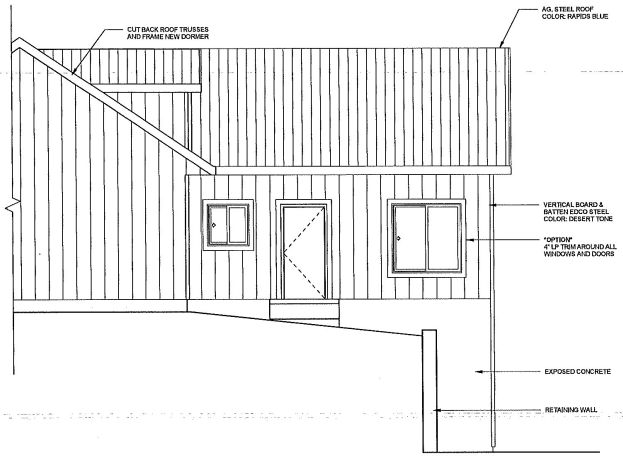
DATE:
03/25/2024

DRAWN BY:
NICK TURNER

SHEET NAME:
ROOF PLAN & WALL SECITON

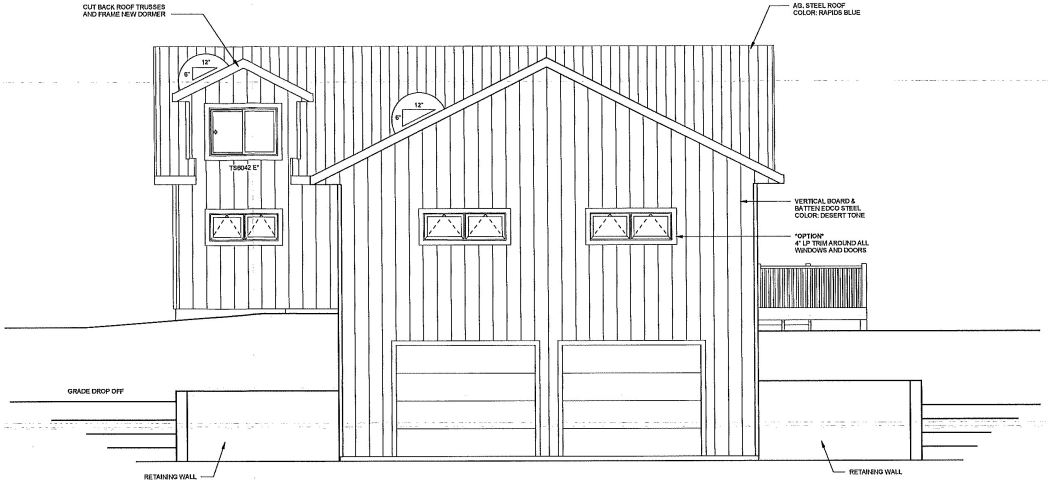
A202

PRELIMINARY - (FOR PLAN REVIEW ONLY)




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

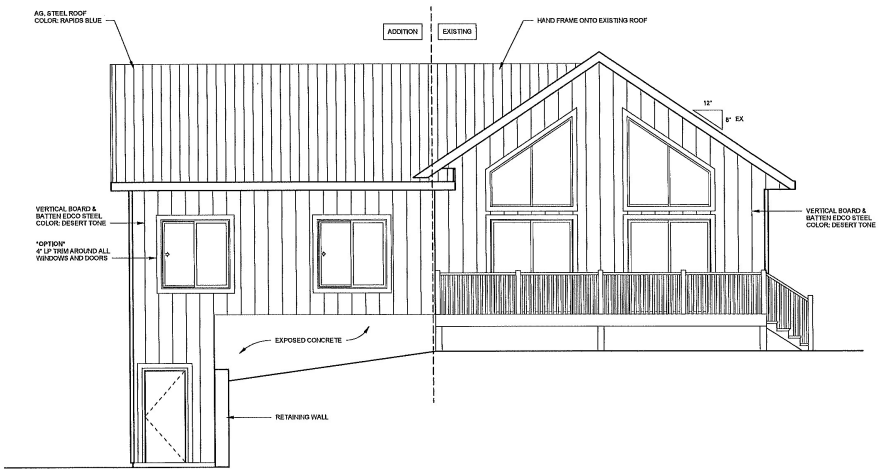
1) GRADE SHOWN IS RELATIVE TO LOCATE STRUCTURE AND DOES NOT REPRESENT FINAL LANDSCAPING AND GRADE MODIFICATION.




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)

# 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.

* BOA MINUTES FROM APRIL 5TH, 2024 ON KUNKLE ONLY

**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

& 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.

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.

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.




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 •

**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

# APPEAL OF LAND USE DECISION APPLICATION

Date: 9-17-24

**Appeal Fee:** $150-Due when filing appeal

**Appellant's Information**

Robert Andert

Name: Michael - Robert - Joseph Andert

Mailing Address: 48379 County 7 Staples MN 56479

Site Address (if different than mailing address) same PID #25-0018500

Phone Number: [redacted] Email Address: [redacted]

**Subject of Appeal (check all boxes that apply)**
I wish to appeal:

- ◉ Planning and Zoning Staff Determination
- ◉ Denied Permit Application
- ◉ Land Use Fee Charges
- ◉ Violation Decision
- ○ Other: _____

Received
OCT 08 2024
Todd County Planning & Zoning

**Reason(s) for Appeal** (attach additional sheets if necessary)
Note: The burden of proof to reverse a Planning and Zoning decision is on the applicant.

Dear Planning and Zoning Commissioners To The Best of my Knowledge I Thought Parcel PID: 25-0018500 was Already Zoned Commercial "According to Tax Statements" Did not Know One had to Be re-Zoned Commercial on Commercial Property. Since I lost my Employment →

Printed Name: Mike Andert Signature: Mike Andert

Robert Andert

***SEE BACKSIDE FOR APPEAL PROCESS INFORMATION***

Pd 10/8/24
CK# 25185

My Brothers and I Thought we would do Some Auto Repair, Not Knowing if it was Even Feasible, Evidently There is a demand for Auto Repair in this Area. We have Had Many Meetings discussing enviromental Protection, Any Spills would Immediately Be taken Care of, Used motor oil to Be contained in 55 Gallon Barrels, Sealed and Transfered To Oil Recycling Plant, Used Tires will also Be Recycled. We wodd Greatly Appreciate it, If we could Be Penciled into the Next Planing and Zoning Meeting. if there is any Documentation ~~of~~ or further Information Needed Please inform me Before my Scheduled Meeting. So that we may get into Compliance

Sincerely

Mike Arms

## Sue Bertrand

**From:** Adam Ossefoort
**Sent:** Wednesday, October 23, 2024 10:58 AM
**To:** Sue Bertrand
**Subject:** FW: Appeal of Decision

Sue, the attached email chain can be included as part of the application for Andert's appeal to the BOA.

**From:** Mike Andert [redacted]
**Sent:** Wednesday, October 23, 2024 10:41 AM
**To:** Adam Ossefoort <Adam.Ossefoort@co.todd.mn.us>
**Subject:** Re: Appeal of Decision

**TODD COUNTY SECURITY NOTICE:**
**This email originated from an external sender. Please exercise caution before clicking on any links or attachments and consider whether you know the sender. For more information please contact MIS.**

Yes, I approve.

On Tue, Oct 8, 2024 at 11:31 AM Adam Ossefoort <Adam.Ossefoort@co.todd.mn.us> wrote:

> Hi Mike, attached here is the receipt for payment of your appeal of land use decision.
>
> Based on our conversation this morning, your appeal of decision would be "Appeal of Planning and Zoning staff decision that an auto repair shop is not an allowed use in Residential-2 Zoning".
>
> Please respond that you agree or disagree that that is your specific appeal.
>
> Thanks
>
> **Adam Ossefoort**
>
> Soil & Water Conservation District/Planning and Zoning
>
> Division Director
>
> 215 1st Ave South, Ste 104
>
> Long Prairie, MN 56347
>
> Phone: 320-732-4325




Todd County
MINNESOTA

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

Todd County GIS

## GIS Site Map

0 0.05 0.1 0.2 mi

0 0.05 0.1 0.2 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:
Thursday, October 24, 2024