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 address: toddplan.zone@co.todd.mn.us

The following is the agenda for **December 19th, 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 November 21st, 2024 Board of Adjustments meeting minutes

1. **Thomas & Bonnie Dingmann:** Section 20, Burnhamville Township, Big Swan Lake
   Site Address: 17031 Downy Dr., Grey Eagle, MN 56336 **PID:** 06-0058600
   1. Request to reduce the OHWL setback from 100' to 65' to enclose an existing deck in RD Shoreland Zoning.

2. **James & Valerie Kluver:** Section 22, Kandota Township, Sauk Lake
   Site Address: 20580 Alabama Drive, Sauk Centre, MN 56378 **PID:** 14-0034500
   1. Request to reduce the Road Right of Way setback from 35 feet to 31 feet in RD Shoreland Zoning.

Adjournment. Next meeting: **January 23rd, 2025**

Minutes of the Todd County Board of Adjustment Meeting

November 21st, 2024

Completed by: Sue Bertrand P&Z Staff

Site Visits conducted by Adam Ossefoort and Russ Vandenheuvel on November 18th, 2024.

Meeting attended by board members: Chair Rick Johnson, Mike Soukup, 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. The Pledge of Allegiance was recited and each board member introduced themselves and Rick explained the process for those attending.

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

Russ motioned to have the October 24th, 2024 meeting minutes approved. Ken seconded the motion. Voice vote, no dissent heard. Motion carried.

Introduction of the meeting process and etiquette by Rick.

AGENDA ITEM 1: Mark and Gwendoline Kunkel – PID 11-0049800 – Grey Eagle Township

Request(s):

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 and Gwendoline were present as the applicants.

Rick asked if the Kunkels understood what the board had requested for specific information from the April 25th meeting when they first heard the Kunkels variance request, and they stated they remembered and understood what their assignment was.

Staff Findings: Adam read the new information of the staff report which included photos and full storm water design from Josh Vortruba with SWCD, the removal of one of the downspouts and the added rip rap area. He also added the storm water project extends south and will include part of their parent's lot as well. The staff report is available for viewing upon request in the Planning & Zoning Office.

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Proposed Condition(s):

1. Establishment of a lakeshore restoration plan as designed by the Soil and Water Conservation District.
2. Recording of an access easement for ingress/egress across lot 9.
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.

Adam added Gwen had come in this week and tried to record the easement mentioned in #2, but the recorders office could not accept the language of the easement, so in talking with Gwen, you find the facts to approve this, we can just make it a condition that there will be no permits issued for that garage until they have that easement recorded. It was a point back in April that the garage be functional and usable with that access easement. The easement just needs some slight adjustments to get it in recordable form.

Site Report by Russ. This report may be viewed, in full, at the Planning and Zoning Office upon request. Noticed the erosion on top of the hill and it was steep down all three sides of the house, just pretty full that little lot. Noticed the neighbors had retaining walls.

Correspondence received: None.

Public comment: None.

Gwen added explanations of Adam's new staff report photos showing extra screening of the lot on July 3rd, 2024 with full foliage, the new downspouts and also where one problem downspout had been removed, and one photo that showed the lot is quite screened from view from the lake. She did mention last time there was concern there may not be enough screening from the lake view, and you can see it is well screened.

Board discussion:

Mike asked what is the maximum roof allowance and total allowance for impervious?

Adam, 25% total, 15% roof.

Ken asked if they are going to have a concrete apron on the garage, even if it is on the other property?

Adam explained we don't have setbacks for sidewalks and little things, but it should stop at the property line as they may not own that forever. Do not want to create a future issue.

Rick clarified they can do an apron but it must stop at your own property line.

Mark agreed.

Ken asked if the side property line request was for the South property line?

Adam, yes.

Rick how deep is the garage?

Russ, was the addition the full length of the house?

Adam, the addition is 22' x 30'.

Rick stated, when he first heard this, there is no way this is going to pass, however does recognize they do have a practical difficulty with the small lot. Stated he is impressed with the work they have done and how they addressed the concerns. Rick also stated he has been on this lake a lot and has noticed it is really over crowded. He added a lot of the regulations we have now are to help prevent that, and Kunkels' vegetation plan has alleviated his concerns. Asked about the easement again, and to make sure it would be a condition. Whoever own's that property couldn't build on that, and having that easement has alleviated his concerns on that. Stated he was kind of speechless, as they did such a fantastic job.

Adam assured we will not issue the permit until that easement condition is met.

Russ asked to look at the survey. Four different proposed variance requests, a lot of pressure on the lot and lake, with the steep embankment with the road and the lake, and feels that is asking a lot.

Rick agreed, but with the work they have done with the County and Engineering is going to effectively mitigate the adverse effect on this lot and control storm water run-off.

Adam added they had worked closely with Deja, Josh and the engineers, and their original design, they had a lot less buffer proposed to address the issue and agreed with Deja and Josh to increase one third more buffer than originally planned, to get more grass on that steep slope.

Rick mentioned how he knows, being on the Mississippi-Brainerd Watershed, they have two million dollars of funds set aside for doing shoreline restoration projects, and they are finding that is what is needed to protect our waters and reverse what has been happening. To see something like this to move forward, you will be a role model for the neighbors.

Mark, mentioned how much they love the lake and do the best they can to keep it the way it is.

Mike Soukup asked if the easement going to be fully attached to the property and it goes with the property.

Adam, yes, it will forever stay with the property forever, regardless of who owns it.

Rick added, someday they may acquire that lot nine through in heritance, and two of the variance requests would be alleviated, but unfortunately, we cannot base our findings of facts decision on speculation.

Gwen added she has worked with Adam a lot on how to acquire lot nine, and at this point, more investigation is needed.

Adam explained the difficulty with trying to obtain lot nine from the father's lot, is you cannot make a non-conforming substandard sized lot more non-conforming by taking away a portion of land to make Kunkels' lot larger.

Rick stated they engineered an elaborate plan to mitigate the adverse effects.

Mark also pointed out not only is the shoreland restoration plan going to go for his own lot but also extend across lot nine.

Gwen added that lot is steep, as well.

Ken is not comfortable granting this with the easement. Stated the easement will make it easier for you folks, but there will come a time when you will no longer own the land, and hates to create some kind of conflict 30-40 years from now.

Adam explained future owners know that easement exists before they purchase the property, and it would take a significant effort with attorneys involved to eliminate the easement.

Ken and Russ both stated they were not comfortable with the easement.

Ken has seen too many times they have created more conflict and easements are originally designed to ease a conflict not create a future one.

Rick did not agree. They are not going to be able to drive on the neighbor's driveway into their own garage and use it. They will lose the ability to do that, if there is no easement.

Russ, more like the Hatfields and McKoys, could cause the neighbors to be upset with each other in the future.

Mark stated again, the future buyers will know there is an easement before they purchase it and will have to purchase it with an easement. It is not like they do not know what they are going into.

Rick suggested including all variance requests to apply for the one set of questions, and reminded the board to keep that in mind and to include that in their reasons.

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, because of the physical space of the lot, it is a lot of pressure.
Russell Vandenheuvel	No, because we are putting a lot of stress on this smaller lot with four variances.
Ken Hovet	No. For the same reasons as Russ.
Rick Johnson	Yes. The general purposes and intent with the official controls, is really to protect the quality of surface waters, and to preserve the natural characteristics of the shore line. With the amount of leaf on vegetation they have, and all the work they are going to do to mitigate the adverse effects of that, he thinks they are meeting the purpose and intent.

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	Yes.
Russell Vandenheuvel	Yes.
Ken Hovet	Yes.
Rick Johnson	Yes.

Majority response- Yes.

Criteria Question #3: Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?	
Board Member	**Vote and Comments**
Mike Soukup	Yes.
Russell Vandenheuvel	No. So much going on with that lot, with the slope both ways and the neighbor's line right there.
Ken Hovet	Yes. An addition is a reasonable use.
Rick Johnson	Yes. For the same reasons sited in the first question. Does feel everything has been addressed.

Majority response- Yes.

Criteria Question #4: Is the need for a variance due to the circumstances unique to the property not created by the landowner?	
Board Member	**Vote and Comments**
Mike Soukup	Yes. Agree with Ken.
Russell Vandenheuvel	Yes. Agree with Ken.
Ken Hovet	Yes. Basically, the size of the lot.
Rick Johnson	Yes. Size of the lot.

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	No, it is making the whole location tight.
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**
Mike Soukup	Yes.
Russell Vandenheuvel	Yes.
Ken Hovet	Yes, erosion and polluted water getting into the lake.
Rick Johnson	Yes, same as Ken.

Majority response- Yes

Criteria Question #7: Have safety and environmental concerns been adequately addressed?	
Board Member	**Vote and Comments**
Mike Soukup	Yes.
Russell Vandenheuvel	No. Because of the size of the lot.
Ken Hovet	Yes. They seem to have put a good plan together with the County for run-off.
Rick Johnson	Yes. Because of all the work that has been done to mitigate the stormwater management, and also the easement addresses encroachment on the neighbor's property.

Majority response- Yes.

Summary of criteria question majority responses as follows:

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

Russ motioned to deny the variance application, Ken seconded.

Roll call vote commenced as follows:

Board member	**Vote (yes or no)**
Russ Vandenhuevel	Yes
Mike Soukup	No
Ken Hovet	Yes
Rick Johnson	No

Adam informed the board that a tie is a failed vote.

Rick asked for more discussion and explanation on their decision.

Ken started with it is the same thing they have been talking about. It's a small lot, and this is asking a lot for the setbacks and it's a very steep lot down to the water, so protection of the shoreland is paramount here.

Mark defended that is why they put together a plant with the county to address that issue.

Rick stated that is why he is 100% comfortable this plan will mitigate any adverse effect. He feels what they are willing to do is admirable is kind of excited about it and even asked Adam about it if P & Z is comfortable with this plan and they are. He added we need to change the mindset of lake front owners, they are not manicured urban lots. To restore the shorelines, we need to bring back natural vegetation, if we are going to reverse lakes becoming impaired and protect the ones that aren't, and even reverse the trend.

Russ stated he hoped they would do this project, even without the variance for what is best for the lake, but we voted for number one, that it is too much for the lake, three to one, so I thought we discussed it.

Ken agreed it does not have to be rehashed again.

Mike stated a lot for a small lot. Has concerns about the easement, but through Adams' clarification, his gut feeling of going ahead, it may cause problems with the easement, but taking it at face value, without having any further information and he will go with neighbors will be good neighbors, and there won't be any problems. The way the lot is the way the garage is sitting on the back side of the hill, has confidence the addition is mitigated by gutters away from the lake, according to the plan and is will to work with you on lot nine, and extend to his lot, he has confidence the lake will be protected in that matter. Supporting the no towards denying it. Acceptable to deny the motion.

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Russ nine feet away from the 50 ft. setback to the lake, if we are in the 50 foot, the DNR says we should not do it, and we are at nine feet from that mark. Stated he feels bad about it, but he cannot change his mind on this one.

Mike asked where is the 59' setback touch the existing building.

Russ asked for Adam to show on the GIS or the survey.

Adam measured on the GIS and explained the deck was approved when Grey Eagle had the zoning authority, and the pointed to where the proposed garage will be, further from the lake.

Russ and Rick stated under today's laws it is a legal non-conforming structure, and we are adding to it.

More discussion on distances.

Mike also mentioned the OHW will change and thinking we were splitting hairs.

Rick really small lot is definite practical difficulty. Question is what do we do with all of these legal non-conformities. Hopefully, someday, they will disappear. There is no way this will disappear because they do not have the space. He added his mission was to get one voter to move off the tie vote.

Mark and Gwen added, in 2000 there was a cabin on their lot even closer to the lake, under Grey Eagle Township and they removed the old cabin and built the new one further away from the lake.

Rick stated now you want to expand with the garage and more livable space, reasonable request.

Gwen stated they want to live here year-round.

Rick stated he feels it is a perfect move in the right direction and also torn, as the DNR is showing water quality is getting worse due to the granting variance appeals. Rick moved off his position and agreed to deny.

Mark stated he agrees the erosion project is still a good decision.
Rick made a motion to deny the variance. Russ seconded.
Roll call vote commenced as follows:

Board member	**Vote (yes or no)**
Russ Vandenhuevel	Yes
Mike Soukup	Yes
Ken Hovet	Yes
Rick Johnson	Yes

The appeal has been denied.

Adam called for a short recess at 7:04 pm.

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Rick reconvened at 7:06 pm.

Motion carried.

AGENDA ITEM 2: Michael, Robert and Joseph Andert – PID 25-0018500 – Villard Township

Request(s):

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.

Michael, Robert and Joseph were all 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. A motion to reverse the decision.
2. A motion to wholly affirm the decision.
3. A motion to partly affirm the decision.
4. A motion to modify the decision.

Russ went over the site report. This report is available for review, upon request, at the Planning and Zoning Office.

Adam reminded the board we are just trying to establish if the board supports his Administrative decision this commercial use is not allowed in R-2 zoning or not.

Correspondence received: Yes. Adam read two e-mails from the applicants that he agreed to put up on the board overhead. These letters may be viewed in full at the Planning and Zoning Office upon request.

Mike Andert stated all signatures on that e-mail were from all property line neighbors and others close by.

Adam also explained this Zoning District is not to be confused with the tax related classification being commercial, and clarified tax classifications are totally independent of Zoning districts, and this is Zoned R-2.

Rick confirmed Adams point and also compared tax classifications from 2022 -2024 and acknowledged the two different classifications that the tax department had listed the property as (Residential Homestead and Commercial-Non-Homestead).

Mike Andert stated they use to have a commercial use permit for a youth camp on the property.

Rick, in 2024, that “commercial non-homestead” had disappeared according to the tax records, and he wanted to point out he had noticed, for property tax purposes, they had listed it as commercial and for zoning purposes, we are saying you cannot have a commercial business.

Mike Andert interpreted the Ordinance how it states this 2-acre lot is not to be for a commercial use, and Anderts are sitting on almost thirty acres, and didn’t think they would be hurting anybody, fixing cars and stuff

out there. There's been a trucking company run out of there for years. They fix all of their own stuff. Questioned if he may need to get a variance to make all of this work, or anything they could apply for? He pointed out from the ordinance describing a "Home based business" and read the details. He had asked the board for clarification what the difference would be if they were working on their own farm equipment on their own property or auto repair like they are doing?

Rick stated he did his homework for this and this activity is Commercial use, and the definition of Commercial Use Services applies to this business, as well. It does not qualify for a "Home based business". Stated this is not the meeting to address "variances" in his case, it is a need to decide whether the staff's Administration's decision this commercial use is not an allowed use in Residential-2 Zoning District. It is clear we cannot grant a variance to change a use of the property.

Russ asked if the rezoning just happened?

Adam stated 2007. We have to look at this property independent of what other properties are doing.

Rick straight forward as to what they need to do and address the Administrative appeal.

Ken stated we do not have a lot of choice here, and moved to affirm the decision made by staff, seconded by Rick.

Roll call vote commenced as follows:

Board member	**Vote (yes or no)**
Russ Vandenhuevel	Yes
Mike Soukup	Yes
Ken Hovet	Yes
Rick Johnson	Yes

Motion carried, to wholly affirm the Administrative decision.

Rick suggested to get together with Ken as our Planning Commission liaison, and Adam with P & Z.

Adam stated the comprehensive plan does not support spot zoning, but will help try find and are willing to work with the applicants. Land owners can make application to the planning commission to request to make an amendment to an ordinance in trying to find a solution. That would take a County Board Vote to adopt that amendment, but that is an option. He (Adam) does have the duty of upholding the ordinance as it is written.

Rick encouraged to continue to work with Adam to hopefully find a solution as we want businesses and need mechanics.

Ken motioned to adjourn and Russ seconded. Voice vote to adjourn. No dissention heard. Motion carried and the meeting adjourned at 7:26 PM.

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Appeal for a Variance

Applying for a Variance can sometimes be a confusing process for applicants. The Todd County Planning & Zoning staff is happy to help you through this process.

Please note that no permits can be issued, nor any work commence, until the County Board of Adjustment have made their final decision.

Board of Adjustment Meetings are held once a month according to the BOA Meeting schedule. If applications received exceed the number that can be considered for each meeting, they may be moved forward to be scheduled at another meeting.

1. Completely fill in the attached application form. If you have any questions contact Todd County P&Z at 320-732-4420 or email toddplan.zone@co.todd.mn.us.
2. A drawn site plan must be submitted with the application (see pages 2-3 of application). A neat sketch that is generally to scale and shows physical characteristics of your property is important. Examples of the physical characteristics we need to see are: accurate property dimensions and shape, accurate shoreline alignment, road centerline and right-of-way, all existing and proposed structures with dimensions, septic system, wells, driveways, vegetation, steep slopes, topographic alterations, wetlands, etc…
3. Evidence that your existing septic system (if one exists on this parcel) is compliant. Evidence may either be (1) a copy of a county inspection form that shows septic is less than five years old; or (2) a copy of "Compliance Inspection Form for Existing Individual Sewage Treatment Systems" that is less than three years old. If you do not have either of these, you will need to have your system inspected by a MN-licensed ISTS inspector. If you apply between Nov.15 – April 15 and the ground is frozen so a compliance inspection cannot be done, then a Septic Compliance/Inspection Agreement must be submitted in lieu of a current certificate of compliance. **Sewer system information must be included or application will not be accepted.**
   NOTE: Todd County Zoning Ordinance requires that any nonconforming sewage treatment system shall be upgraded upon the following: Any application for variance, conditional use permit, permits for enlargement or intensification or improvement of property.
4. Fees: **$500.00** (non-refundable) which includes application fee and recording fee. Make check payable to "Todd County Treasurer"
   After-the-Fact Fee: **$1,000.00**(non-refundable) Make check payable to "Todd County Treasurer"
   - *After-the-Fact rates may apply*
5. Application must be received in the Planning & Zoning Office - 215 1st Ave South Suite 103, Long Prairie, MN 56347 by the scheduled closing date/time to be considered at the subsequent Board of Adjustment meeting. Contact the Planning and Zoning Office for application deadlines and hearing dates.
6. Applicant or authorized agent must be present in person for the hearing of this application. Notice will be sent to the applicant verifying date, time and location of the meeting. If an agent will represent the owner the attached form must be submitted to the P&Z Office prior to the meeting.
   It is required to mark off lot lines and exact location of the proposed building/addition. Flags must be in place 2 weeks prior to a meeting.

RETURN APPLICATION AND FEE TO THE FOLLOWING LOCATION:
Todd County Planning & Zoning
215 1st Ave South – Suite 103
Long Prairie, MN 56347

605'

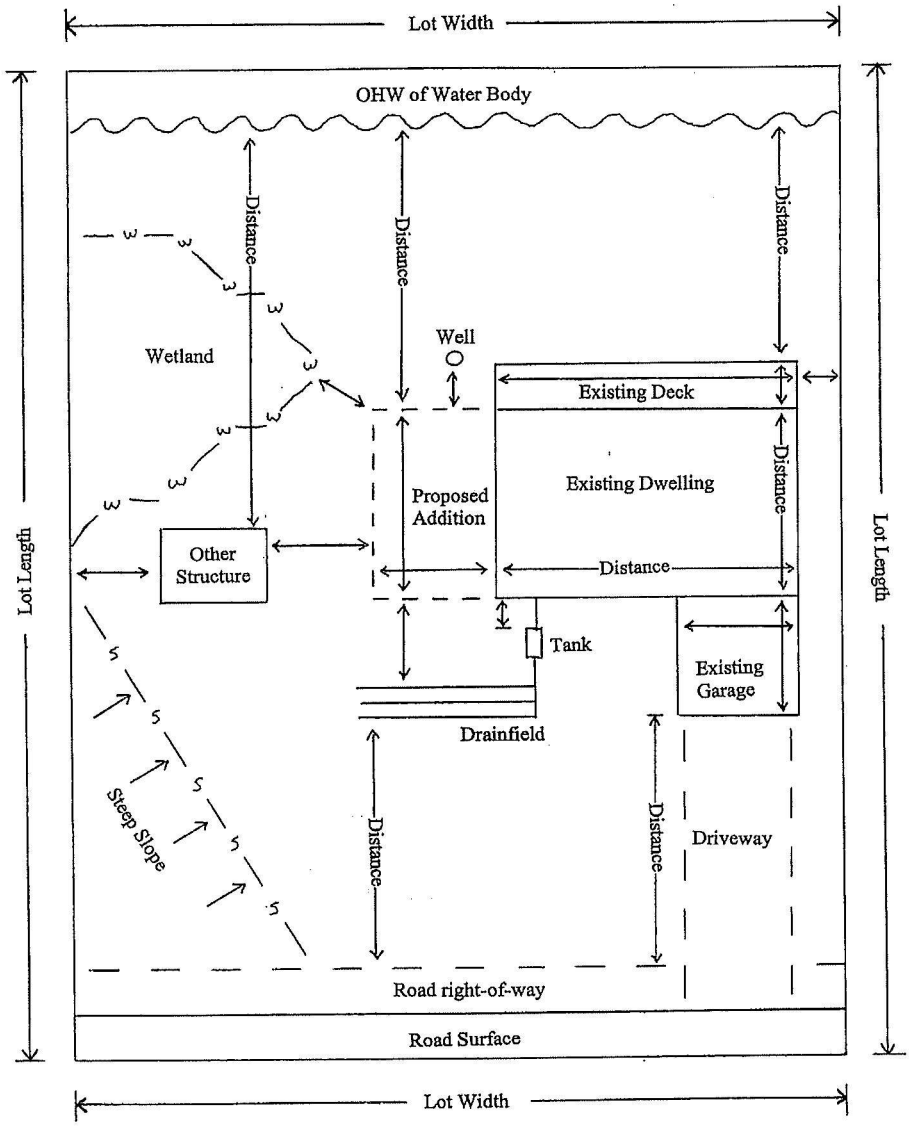
SKETCH DRAWING INSTRUCTIONS

A sketch of your site plan is a required part of the land use permit application. Use the attached sheet on Page 2 to draw out your sketch or attach on a separate sheet of paper.

Required Information:

- ❑ **North arrow**
- ❑ **Lot dimensions on each side**
- ❑ **Waterbodies and wetlands**
- ❑ **Roads, right-of-ways, driveways and parking areas**
- ❑ **Existing Easements**
- ❑ **Existing structures, with outside wall dimensions**
- ❑ **Proposed structures, with outside wall dimensions**
- ❑ **Well and septic system location, if applicable**
- ❑ **Identification of steep slopes or bluffs**
- ❑ **Setback distances from proposed structure to lot lines, waterbodies, top of bluff, etc… See attached sheet for required setbacks.**
- ❑ **If building new dwelling, attach floorplan with all levels in dwelling including basements**
- ❑ **Other information that may be necessary**

EXAMPLE SKETCH:



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Appeal for a Variance

Applicant Thomas & Bonnie Dingmann

Mailing Address 26726 327th St. Albany MN 56307

Site Address 17031 Downy Dr. Grey Eagle, MN

Phone Number [redacted]

E-Mail Address [redacted]

Property Owners Name & Address (if not applicant) _____

_____

Parcel Number(s) 06-0058600

Section: 28 Township 120

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

Full and Current Legal Description(s): See attached
(attach if necessary)

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

Septic System: Date installed 9-23-1991 Date of Compliance Inspection 10-12-2024

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 ✓	Bluff setback____
Road right-of-way setback____	Side Yard setback____		Buildable area____
Impervious surface coverage____	Building/Structure Height____		Other____

Did you meet with the Township Board to present the Application for Variance?
Yes X **No** _____ **Date of the meeting:** 10/29/24

Shirley Hulinsky
Optional Township Board Signature

Clerk
Board Position

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.) Request to reduce lake setback to 65 ft. to enclose current 12x32 deck to a four season room for personal use.

2.)

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.

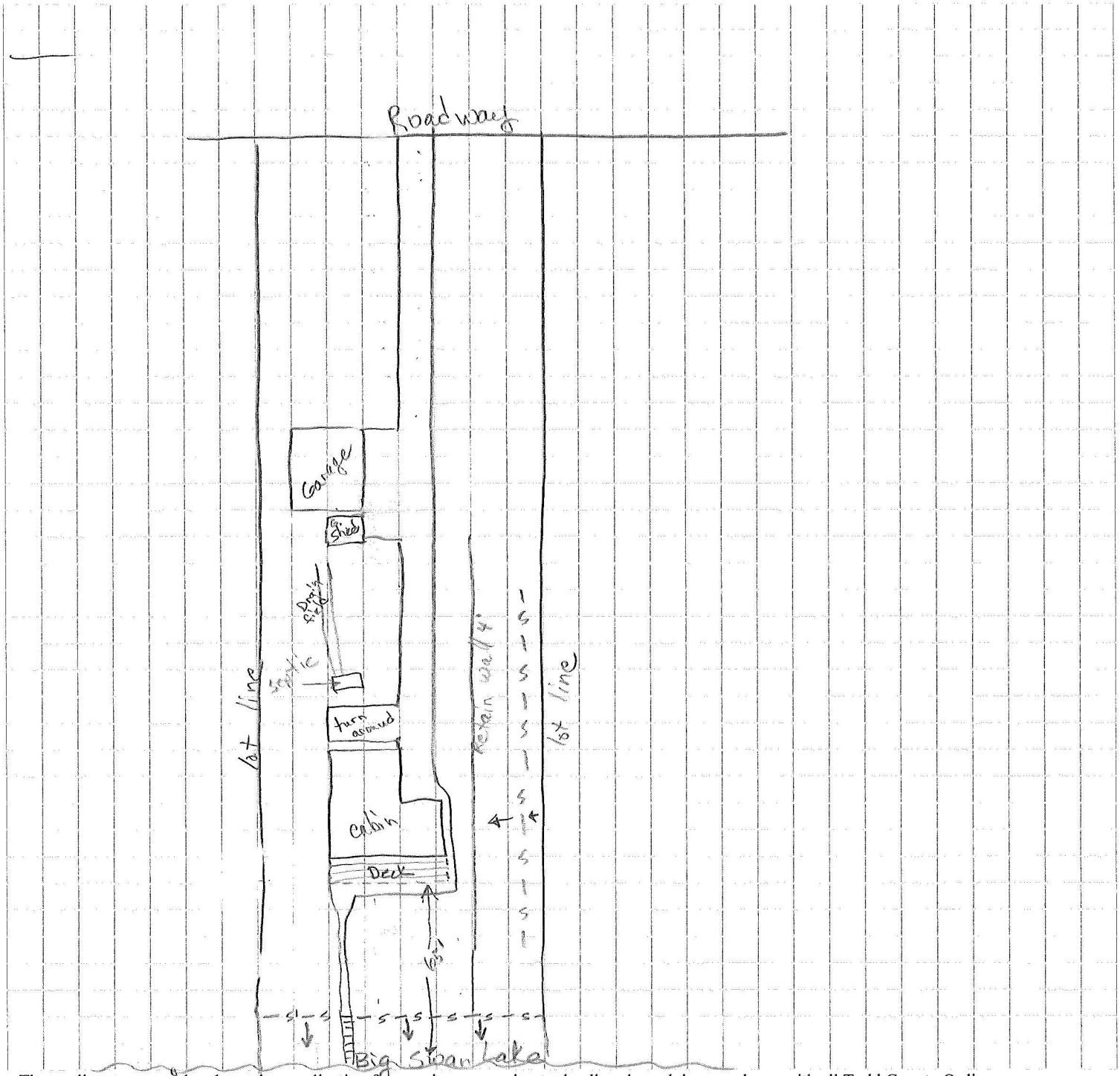
EXPLAIN YOUR PRACTICAL DIFFICULTIES or reason why you need your request approved.**

to increase living space and have lakeside room away from bugs to enjoy family. Enhancing deckside of cabin is only side to allow lake view due to narrow lot and septic being between cabin and deck.

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

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

SKETCH DRAWING



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.

Bonnie Dingmann	Bonnie Dingmann	11-8-2024
Applicant Name Printed	Signature	Date
Property Owner Name Printed	Signature (If different than applicant)	Date

IMPERVIOUS SURFACE WORKSHEET (FOR SHORELAND ONLY)

APPLICANT INFORMATION

Name Thomas & Bonnie Dingmann
Site Address 17031 Dicony Dr.
Phone (320) 200 - 8180
City Grey Eagle State MN Zip
Mailing Address 26726 327th St
Albany MN 56307
Parcel Number -
Lake/River Name Big Swan

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: 30,709 sq ft

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

Existing		Proposed
1. cabin	960 sf.	
2. garage	768 sf.	
3. garden shed	120 sf.	
4.		
5.		
6.		
7.		
8.		

1848 = 6%

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. drive way	2496 sf	
2. garage pad	1092 sf	
3. Cabin turnaround	285 sf	
4. side walk around cabin	245 sf	
5. side walk to lake	170 sf	
6. under deck	384 sf	cover deck / enclose deck
7.		
8.		

4673

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

6520 = 21%

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.

cabin roof runoff will move from one side to 2 sides and rain gutters installed draining to highest ground.

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 Planning & Zoning Board of Adjustment
Criteria Questions for Findings of Fact
Supporting/Denying a Variance

These criteria questions are for information only and completion on this application is not required.

For after-the-fact requests, use the set of criteria questions on the Page 11 as well.

The criteria for the granting of a variance are set forth in Section 5.03 of the Todd County Planning and Zoning Ordinance. Additionally, Minnesota Statute 394.27, Subd. 7 identifies that all the criteria must be met before the granting of a variance. A variance may only be granted where the strict enforcement of the county zoning controls results in a practical difficulty. Variances will only be granted when the Board of Adjustments answers a majority "Yes" to each of the seven questions set forth below.

The following questions may be asked by the Board of Adjustment as an aid to help build a body of information, findings of fact, for supporting or denying a request for a variance. These questions are included as an aid for the applicant to better understand the variance process.

DECISIONAL STANDARDS WHEN GRANTING OR DENYING A VARIANCE

1. Is the variance in harmony with the general purposes and intent of the official control?
   Yes ( ) No ( )
   Reasons?

_____

_____

2. Is the variance request consistent with the goals and policies of the comprehensive plan?
   Yes ( ) No ( )
   Reasons?

_____

_____

3. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?
   Yes ( ) No ( )
   Reasons?

_____

_____

4. Is the need for a variance due to the circumstances unique to the property not created by the landowner?
   Yes ( ) No ( )
   Reasons?

_____

_____

(Continued)

5. Will the variance maintain the essential character of the locality?
   Yes ( ) No ( )
   Reasons?

_____

_____

6. Does the need for the variance involve more than just economic considerations?
   Yes ( ) No ( )
   Reasons?

_____

_____

7. Have safety and environmental concerns been adequately addressed?
   Yes ( ) No ( )
   Reasons?

_____

_____

The Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. (Mitigating impervious surface with storm water management, deep rooted vegetative buffers, rain gardens, etc.)

After-the-Fact Variance Considerations

If the Board of Adjustment finds that the criteria has been met for the first 7 questions for a variance, thereby finding that all of the criteria set forth in section 5.03 are met, then the following questions may be considered and weighed by the Board of Adjustment in determining whether to grant or deny a request for the after the fact variance.

These criteria questions are for information only and completion on this application is not required.

1. Was there any attempt to comply with the applicable Official controls?
   Yes ( ) No ( )
   Reasons? _____

   _____

2. Did the applicant make a substantial investment in the property before learning of the failure to comply with the applicable official controls?
   Yes ( ) No ( )
   Reasons? _____

   _____

3. Did the applicant complete the work before being informed of the violation of applicable official controls?
   Yes ( ) No ( )
   Reasons? _____

   _____

4. Are there similar structures in the area?
   Yes ( ) No ( )
   Reasons? _____

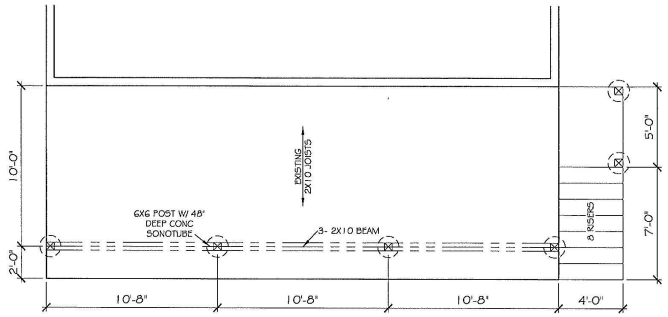
   _____

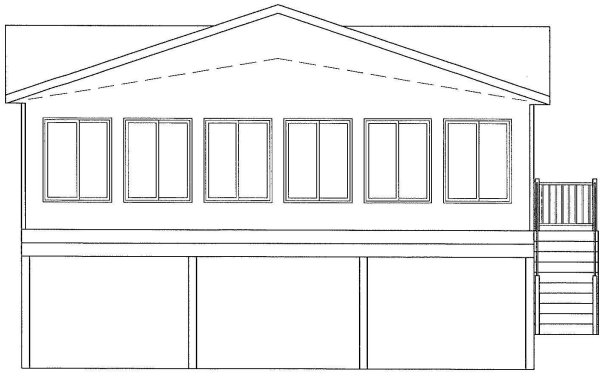
5. Based on all of the facts, does it appear to the Board of Adjustment that the applicant acted in good faith?
   Yes ( ) No ( )
   Reasons? _____

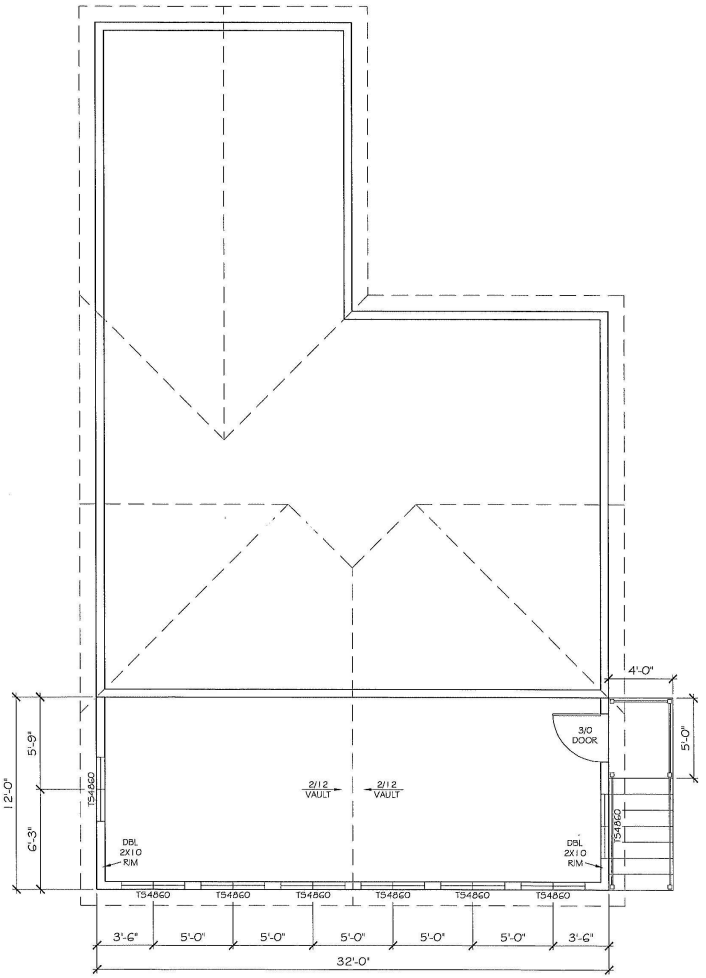
   _____

6. Would the benefit to the county appear to be outweighed by the detriment the applicant would suffer if forced to remove the structure?
   Yes ( ) No ( )
   Reasons? _____

   _____







Hennen Lu
Freeport, Minnesota 56

Project for:
Tom & Bonnie Dingm

Drawn By: Alexa Winter

Date: 10|11|24

Scale: 1/8" =

Revisions:

These plans w
Lumber's expe
fully qualified
Lumber Comp
liabilities if er

Abstract of Title

This Abstract of title is a history of the record title of the property described therein and does not represent that the title is good and marketable."

To the following described Real Estate situated in Todd County, Minnesota.

CAPTION

Lot Seventeen (17), Brookside, Part of Government Lot 4, Section 20 Township128 Range 32, according to the plat thereof on file and of record in the office of the Register of Deeds, in and for the County of Todd and State of Minnesota.

COMPILED BY:

Home Town Abstract, L.L.C.

221 Lake Street South, P.O. Box 150

Long Prairie, MN 56347

Web Site: htabstract.com

Phone (320) 732-9036 ***Fax (320) 732-9038***

Kevin McKelvey

From: Josh Votruba
Sent: Friday, November 8, 2024 9:18 AM
To: Kevin McKelvey
Subject: FW: 17031 Downy Dr, Grey Eagle-project

SCANNED

From: Josh Votruba
Sent: Tuesday, October 22, 2024 8:31 AM
To: [redacted]
Subject: RE: 17031 Downy Dr, Grey Eagle-project

Hello Tom & Bonnie,

Was nice meeting the both of you last Friday to discuss your plans for a new deck on your property. Your plans to have a roof on the new deck with gutters and downspouts, along with having the roof sloping to both the north and the south like your cabin roof should greatly mitigate the stormwater impacts of the proposed deck. Currently on your property, almost all of the stormwater running off and falling through the deck boards of your deck runs down your concrete path to the stairs on your steep bank. Having gutters and downspouts on your proposed roofed deck along with sloping the roof in a north south orientation should result in less water running down the concrete path to your stairs and bank than the current deck. Your stormwater plans for the new deck will result in the stormwater being divided and directed to more stable areas on your property. The resulting stormwater plans for the proposed deck would be an improvement over the existing deck. During my site visit, I observed no erosion on the steep bank as the bank was very well vegetated as a result of a past Soil and Water Cost Share project that was installed. With the bank having great vegetative cover, I see no concerns with the stormwater coming from the gutters and downspouts of the proposed roofed deck. Some additional ideas that I think would further decrease impacts from the deck include having rain barrels connected to the deck downspouts or connecting an underground tile to the deck downspouts and having the tile outlet at a stable location on bank. These options however would result in additional costs for you. Overall, your current plans for the proposed deck should be sufficient to mitigate stormwater runoff from the roofed deck.

Thanks,

Josh Votruba
Resource Conservationist – Riparian Specialist
Todd County Soil and Water Conservation District
215 1st Ave South, Ste 104
Long Prairie, MN 56347
Office: 320-732-3821
Work Cell: 320-874-0690

From: Tom Dingmann [redacted]>
Sent: Saturday, October 19, 2024 9:31 AM
To: Josh Votruba <Josh.Votruba@co.todd.mn.us>
Subject: 17031 Downy Dr, Grey Eagle-project

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.

Josh,
Thank you for coming to our Big Swan lake cabin on Friday. Your knowledge and advise was greatly appreciated.
Please give a good recommendation to the board for us.
Thank you
Tom & Bonnie Dingmann

Yahoo Mail: Search, Organize, Conquer



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 0.0125 0.025 0.05 mi

0 0.0125 0.025 0.05 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:
Monday, November 18, 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

Accepted 11/20/2024 KLM

Received
NOV 20 2024
Todd County Planning & Zoning

Appeal for a Variance

Applicant James & Valerie Kluver

Mailing Address P.O. Box 580 Renville MN 56284

Site Address 20580 Alabama Dr. Kandota Twp. Sauk Centre, MN 56378

Phone Number [redacted]

E-Mail Address [redacted]

Property Owners Name & Address (if not applicant) _____

Parcel Number(s) 14-00-34500

Section: 22 Township Kandota 127

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

Full and Current Legal Description(s): See Survey
(attach if necessary)

Do you own land adjacent to this parcel(s) _____Yes _____No

Septic System: Date installed 4-27-98 Date of Compliance Inspection 10-3-24

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____	Bluff setback____
Road right-of-way setback__X__	Side Yard setback____		Buildable area____
Impervious surface coverage____	Building/Structure Height____		Other____

Did you meet with the Township Board to present the Application for Variance?
Yes __X__ **No** ____ **Date of the meeting:** 11/11/24

Optional Township Board Signature

Chair Kandota Twp 11/15/24
Board Position

Receipt #2024-0701

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.) Reduce Setback from 35' to 31' For dwelling addition

2.)

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.**

Limited AREA for EXPANSION

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

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

SKETCH DRAWING

See Survey

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.

James Kluver
Applicant Name Printed

James Kluver
Signature

11-20-24
Date

Valerie Kluver
Property Owner Name Printed

Valerie Kluver
Signature (If different than applicant)

11.20.24
Date

IMPERVIOUS SURFACE WORKSHEET (FOR SHORELAND ONLY)

APPLICANT INFORMATION

Name _____ 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 8702 sq ft

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

Existing	Proposed
1. See Survey - 12%-	+182 Sq ft. 14%-
2.	(7x 26 addition)
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. 20%-	
2.	
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.

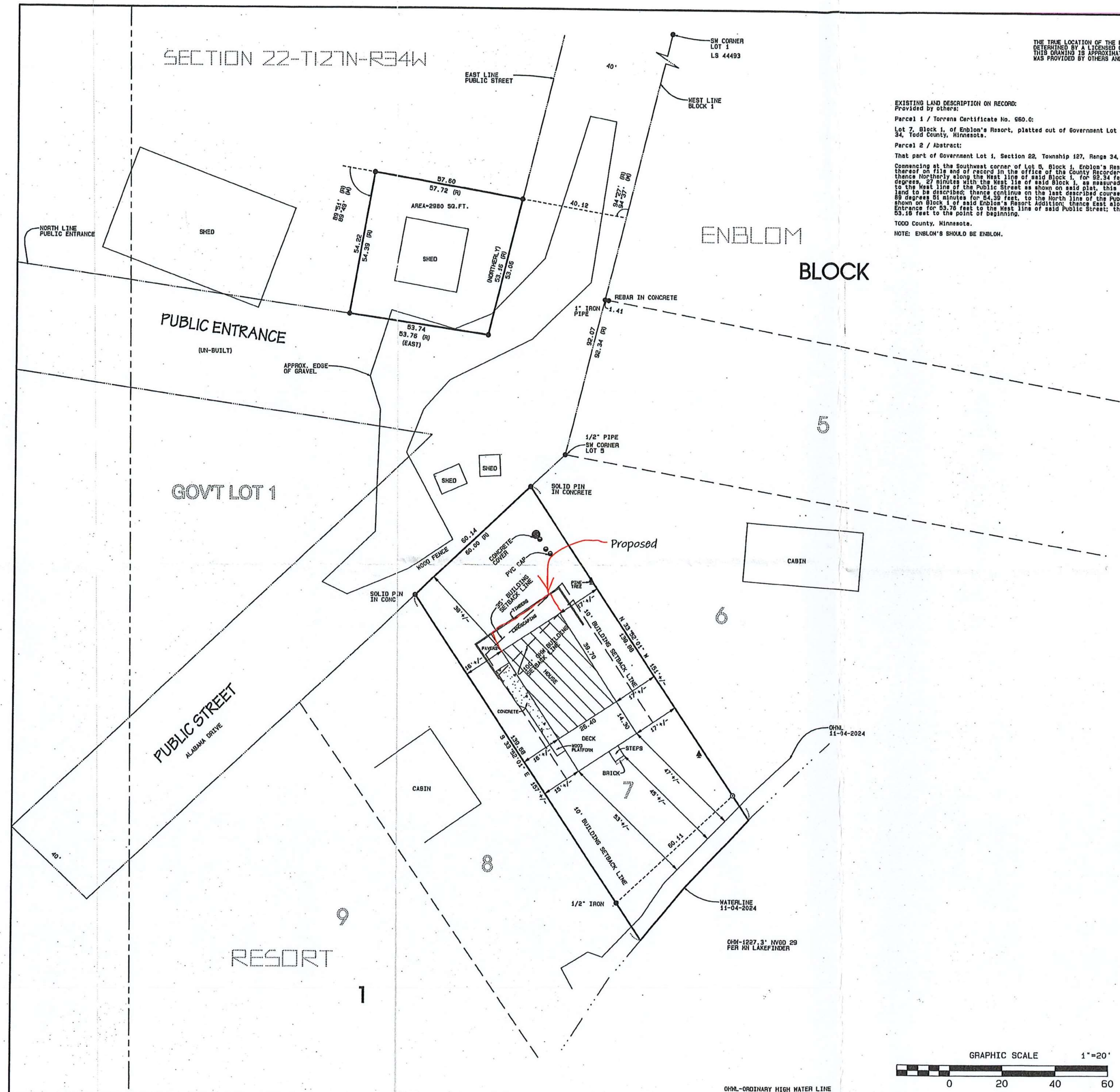
INFILTRATION BMP's

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.

Expand Gutter to New Roof

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.



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.

EXISTING LAND DESCRIPTION ON RECORD:
Provided by others:

Parcel 1 / Torrens Certificate No. 960.0:

Lot 7, Block 1, of Enblom's Resort, platted out of Government Lot 1, Section 22, Township 127, Range 34, Todd County, Minnesota.

Parcel 2 / Abstract:

That part of Government Lot 1, Section 22, Township 127, Range 34, described as follows:

Commencing at the Southwest corner of Lot 5, Block 1, Enblom's Resort Addition, according to the plat thereof on file and of record in the office of the County Recorder in and for Todd County, Minnesota; thence Northerly along the West line of said Block 1, for 92.34 feet; thence Westerly at an angle of 94 degrees, 27 minutes with the West lie of said Block 1, as measured from North to West for 40.12 feet to the West line of the Public Street as shown on said plat, this also being the point of beginning of the land to be described; thence continue on the last described course for 57.72 feet; thence deflect to the left 89 degrees 51 minutes for 54.39 feet, to the North line of the Public Entrance running East and West as shown on Block 1 of said Enblom's Resort Addition; thence East along the North line of said Public Entrance for 53.76 feet to the West line of said Public Street; thence Northerly along said West line of 53.16 feet to the point of beginning.

TODD County, Minnesota.

NOTE: ENBLOM'S SHOULD BE ENBLOM.

TODD COUNTY SETBACKS AND MINIMUM SHORELAND ORIDANCE STANDARD -

RD (RECREATIONAL DEVELOPMENT)

LOT AREA: 40,000 SQ FT
WATER FRONTAGE AND LOT WIDTH: 150 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
FEDERAL OR STATE 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 IMPROVING YOUR PROPERTY.

IMPERVIOUS SURFACE CALCULATIONS:

EXISTING IMPERVIOUS CALCULATIONS:
11-05-2024

LOT 7, BLOCK 1 Enblom Resort

HOUSE-1048 SQ.FT. +/-
CONCRETE-172 SQ.FT.+/-
PAVERS-78 SQ. FT. +/-
TIMBERS-28 SQ. FT. +/-
WOOD PLATFORM-21 SQ. FT. +/-
DECK-378 SQ. FT. +/-
STEPS-18 SQ. FT. +/-
BRICKS-5 SQ. FT. +/-
SEPTIC COVER (1)-4 SQ.FT.+/-

TOTAL IMPERVIOUS SURFACE AREA = 1752 SQ. FT. +/-
TOTAL LOT AREA ABOVE OHW (UPLAND) 8702 SQ. FT. +/-
TOTAL IMPERVIOUS COVERAGE PERCENTAGE = 20%

(NO FIBER OR PLASTIC UNDER LANDSCAPING PER CLIENT)

THE EXISTING OR PROPOSED IMPROVEMENTS INCLUDED WITHIN THE IMPERVIOUS SURFACE CALCULATIONS ARE GRAPHICALLY LISTED. ITEMS SUCH AS LANDSCAPING, RETAINING WALLS ROOF OVERHANG AND RIP-RAP ARE NOT INCLUDED WITHIN THE CALCULATIONS.

- 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

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 OF MINNESOTA.

SIGNATURE: David A. Engelmeyer
DAVID A. ENGELMEYER

DATE: 11-6-2024 MN. LICENSE NUMBER: 54838

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

Engelmeyer Land Surveying

PREPARED FOR: JIM KLUVER	
Certificate of Survey	
cc: KLUVER-24.PRO	Job No: 133-24
Date: 11-06-2024	P-3-3617 FB: 185-27

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
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:
Monday, November 25, 2024