

Minutes of the Todd County Board of Adjustment Meeting

July 24, 2025

Completed by: Sue Bertrand P&Z Staff

Site Visits conducted by Adam Ossefoort and Russ VanDenheuvel on June 20th, 2025.

Meeting attended by board members: Chair Russ VanDenheuvel, Rick Johnson, alternate Larry Bebus and Planning Commission Liaison Ken Hovet.

Staff members: Adam Ossefoort and Sue Bertrand

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

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

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

Larry motioned to have the June 26th, 2025 meeting minutes approved. Ken seconded. Voice vote, no dissent heard. Motion carried.

AGENDA ITEM 1: Theresa and Tom Petermeier – PID 03-0030300 – Birchdale Township

1. Request to reduce the lake setback from 100' to 80' for construction of dwelling replacement in Recreational Development Shoreland Zoning District.
2. Request to increase the height of a structure within the setback from 18' to 25' for dwelling replacement in Recreational Development Shoreland Zoning District.

Updated Information for July 24th:

Updated Requests:

1. Request to reduce the lake setback from 100' to 65' for construction of dwelling replacement in Recreational Development Shoreland Zoning District.
2. Request to increase the height of a structure within the setback from 18' to 25' for dwelling replacement in Recreational Development Shoreland Zoning District.

Theresa and Tom were present as the applicants.

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

Proposed Condition(s):

1. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.
2. Establishment of a stormwater controls as proposed in the application.
3. Establishment of a 15' vegetated buffer along the entirety of the lake frontage. A 10' wide maintained access path shall be allowed for lake access.

Theresa explained, last month it came up that they could maybe turn the house the other way and even if they would turn the house, it would still be 65' due to the septic.

Adam stated the surveyor, Austin, was going to send different information for him but it was not received so, Adam asked Theresa to forward the e-mail from Austin, which she did, and Adam showed on the overhead, the survey of how, if they turned the house, it would create the 65' setback from the South OHW, as opposed to the North OHW, and read the e-mail out loud. This e-mail may be read in full, upon request, at the Planning and Zoning office.

Correspondence received: None.

Public comment: None.

Board discussion:

Russ stated the existing placement of the original house is 53' and we are moving back to 80'?

Theresa explained 80' on the front and 65' on the side.

Russ asked if it would be two different variances?

Adam just one for 65' the shortest distance.

Russ stated he still thinks it is a good idea, as they are moving it back 13' from the lake, and thought it would look nice from when he was out on the site visit. So, he is in favor of it, himself.

Rick asked if the preferred option was the original layout?

Theresa answered yes.

Ken asked if they are addressing both variances, lake and height?

All answered yes.

Rick suggested to go through the criteria questions, and keep that in mind if it applies differently to the height request.

Rick also wanted to talk about the conditions, when he reread Josh's e-mail, there were two options there. The proposed condition states: establishment of storm water controls as proposed in the application, but there are two suggestions in the application, so which one are we doing? First bullet: Josh recommends directing the roof run-off from the new house by gutters and downspouts, then the second bullet: he has the other option would be connecting the gutters and downspouts underground.

Theresa stated on the N side of the property is a drop off into the wooded area on the 65' side. So, if they look at the other side, they could run it underground and route it to the wooded area on the S side. He was referring to both, and explained it would work either way. That is the way they understood it.

Theresa stated, if they can, once they get the house up, they will try to feed all of the water to the one side, so it hits the rocks then goes through a lot more vegetative filtering.

Adam stated it leaves it more open to the way the applicant would want it but we could make the condition more specific if you need to.

Russ stated he thinks that's fair, and asked Rick's input.

Rick stated he was a little uncomfortable with the way the condition was worded and would like it to read the way it typically has in the past, that the applicant work with SWCD, and you design and install a storm water management system to effectively handle the run-off from the building.

Theresa and Tom also stated they have talked with Josh and were planning on the way he suggested to do it.

Adam agreed and amended the condition #2.

Rick added they are the experts, so whatever they say you need, to keep that water from going to the lake, and we can mitigate the adverse impact of you being closer than 100' to the lake.

Russ called for Criteria Questions individually by request.

Criteria Question #1: Is the variance in harmony with the general purposes and intent of the official control?	
Board Member	Vote and Comments
Larry Bebus	yes
Rick Johnson	yes
Ken Hovet	yes
Russell VanDenheuvel	yes

Majority response- yes

Criteria Question #2: Is the variance request consistent with the goals and policies of the comprehensive plan?	
Board Member	Vote and Comments
Larry Bebus	yes
Rick Johnson	Yes, what they are proposing to do and build on an existing legal non-conformity, he thinks is reasonable and with the proposed conditions, any adverse impact would be mitigated.
Ken Hovet	yes
Russell VanDenheuvel	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

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

Larry Bebus	No, still on the 65' thing, reasonable? still not sure.
Rick Johnson	Yes, is not concerned with how they are proposing to use this lot. It's actually a good-sized lot per sq. feet and they are going to utilize that to re-direct the storm water. The proposed dwelling is not overly sized and a reasonable manner.
Ken Hovet	Yes
Russell VanDenheuvel	Yes, reasonable, still moving it back away from the lake.

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
Larry Bebus	No, due to the 65'. Realizes there is not a lot of room but still thinks there may be other options that have not been explored yet.
Rick Johnson	Yes, the need is due to the size of the lot, the shape and the depth.
Ken Hovet	Yes
Russell VanDenheuvel	Yes, same reasons as Rick.

Majority response- yes

Criteria Question #5: Will the variance maintain the essential character of the locality?

Board Member	Vote and Comments
Larry Bebus	Yes
Rick Johnson	Yes, nothing is changing.
Ken Hovet	Yes
Russell VanDenheuvel	Yes

Majority response- Yes

Criteria Question #6: Does the need for the variance involve more than just economic considerations?

Board Member	Vote and Comments
Larry Bebus	Yes
Rick Johnson	Yes
Ken Hovet	Yes, it also involves environmental.
Russell VanDenheuvel	Yes

Majority response- Yes

Criteria Question #7: Have safety and environmental concerns been adequately addressed?

Board Member	Vote and Comments
Larry Bebus	Yes, with proposed conditions.
Rick Johnson	Yes, with the proposed conditions.
Ken Hovet	Yes, same reasons.
Russell VanDenheuvel	Yes, with proposed conditions.

Majority response- Yes

Summary of criteria question majority responses as follows:

#1	yes
#2	yes
#3	yes
#4	yes
#5	yes
#6	yes

#7	yes
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Ken motioned to approve both variances with the three conditions, Rick seconded.

Conditions:

1. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.
2. Establishment of a stormwater controls approved by the Soil and Water Conservation District prior to installation.
3. Establishment of a 15' vegetated buffer along the entirety of the lake frontage. A 10' wide maintained access path shall be allowed for lake access.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Larry Bebus	yes
Rick Johnson	yes
Ken Hovet	yes
Russell VanDenheuvel	yes

Motion carried.

Ken motioned to adjourn and Rick seconded. Voice vote to adjourn. No dissention heard. Motion carried and the meeting adjourned at 6:23 PM.