

Minutes of the Todd County Board of Adjustment Meeting

August 28th, 2025

Completed by: Sue Bertrand P&Z Staff

Site Visits conducted by Adam Ossefoort and Dan Peyton on 8/20/2025.

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

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. and the Pledge of Allegiance was recited. Each board member introduced themselves and Russ explained the process for those attending.

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

Danny motioned to have the July 24th meeting minutes approved. Larry seconded the motion. Voice vote, no dissent heard. Motion carried.

AGENDA ITEM 1: Michael & Julie Wehlage – PID 11-0062300 – Grey Eagle Township

Request(s):

1. Request to reduce the road right of way setback from 35' to 20' for construction of a small cabin addition.
2. Request to reduce the lake setback from 100' to 55' for construction of small cabin addition
3. Request to increase the total impervious surface coverage allowed from 25% to 33.8% and the impervious roof surface allowed from 15% to 19.2% for small addition to cabin, all in Recreational Development Shoreland Zoning District.

Michael and Julie 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. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.
2. Development of a stormwater management plan to address all stormwater from the proposed addition based on a 10 year/24-hour rainfall.
3. Applicant shall obtain additional permitting from other government agencies as necessary including but not limited to the Sauk River Watershed District.

Michael confirmed the staff report was fair.

Dan recapped his onsite report. This may be viewed in full, at the Planning & Zoning office upon request.

Correspondence received: None.

Public comment: None.

Board discussion:

Russ asked about the impervious surface, they said it is raising, but are they putting it right on that cement?

Adam, yes there is a conversion of impervious, because there is some to be removed, this does trigger a variance, however, no actual increase of total impervious surface from the existing.

Michael stated the impervious surface coverage actually decreases by about 150 sq. ft.

Russ asking for a total impervious surface coverage from 25% to the 33.8%, is that still accurate for total imp. Surface?

Adam yes, that 33.8% will be the end total.

Russ, asked to see the existing retaining wall pictures, and asked how far up the rocks does the ordinary high-water mark go?

Adam answered assumed the average is where it is now, however, did not know for sure.

Russ asked the how long they have had this property?

Michael, fourteen years.

Russ have you done any remodeling?

Michael, no, only erosion maintenance, that he has worked with the County on.

Michael stated there has been discussion with Kevin, at the County, about potential rain gardens or barrels to help with impervious surface concerns. They are committed to do that. He has had conversation with some people, a designer, recommended by Kevin, Brian from Sauk Rapids, who designs them, also talked to an excavator about the design of actually building one. Both referenced it would be a small rain garden if they were to do it. Followed up with Kevin on the 10' point of the water source, where there used to be a well, how they could make a rain garden in that area. Had the well-sealed about a month ago, and hasn't done anything with it. Left the hole open as a possible way to beneficially use it through this process.

Danny stated to him it is a possible safety issue.

Michael agreed. Stated they have a steel lid over it today, and agreed either be closed or used, either way.

Russ what the diameter was on the hole from the old well?

Michael have been able to utilize it, 4 -5 feet wide about 4 to 5 feet deep? The intent is to do something with that. Added he has talked to the Sauk River Water Shed District to talk about the storm water and Matt has his application and is reviewing it.

Dan asked if the height will remain the same as the existing structure?

Michael, identical.

Russ asked if he presented it to the town board?

Michael, yes, and they had no concerns.

Adam, on July 9th.

Rick, stated some people may come in here and say “we want an addition” when they are really asking for a whole new structure, and that is not the case here, just want to make sure you are truly just adding on?

Michael explained the project, the lower piece would be coming off, the roof line would be identical, all the way to the black marks. Inside the cabin there is a step, which is kind of dangerous, and that would be coming off.

Rick stated according to the floor plans, it looks like you are redoing the interior.

Michael, yes, the kitchen is being moved from the inside to the outside of the wall. Potentially a bigger family or rec room in that area, as they do not have much today.

Rick, all slab on grade?

Michael, yes.

Russ called for Criteria Questions to include all three variance requests.

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
Dan Peyton	Yes
Bill Berscheit	Yes, it is an RD lake and also a public service road that limits the personal use of the lot.
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
Dan Peyton	Yes
Bill Berscheit	Yes, actually decreasing impervious surface slightly, and gaining some water treatment as they put the project in.
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
Larry Bebus	Yes, same reasons.
Rick Johnson	Yes, same reasons.
Dan Peyton	Yes
Bill Berscheit	Yes
Ken Hovet	Yes, small addition is reasonable.
Russell Vandenheuvel	Yes, small addition is reasonable.

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	Yes
Rick Johnson	Yes
Dan Peyton	Yes
Bill Berscheit	Yes
Ken Hovet	Yes
Russell Vandenheuvel	Yes

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, very little change to the essential character
Dan Peyton	Yes, the whole area is small lots with the road splitting the properties up
Bill Berscheit	Yes, agrees with Dan and added there have been other variances granted in this area with these same issues.
Ken Hovet	Yes, no significant change to the appearance.
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, due to small lot size and the fact there is a private road cutting through the property.
Dan Peyton	Yes

Bill Berscheit	Yes
Ken Hovet	Yes
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 the conditions proposed and the sealing of the well
Rick Johnson	Yes, with the proposed conditions by staff
Dan Peyton	Yes, safety-environment is a concern, for this size lot, the distance to the lake, impervious, however this locality, it is the same as the other structures and will not stick out any more than the neighbors
Bill Berscheit	Yes, there are retaining walls in place and looking at putting in water treatment
Ken Hovet	Yes, with the conditions in place didn't see any safety issues
Russell Vandenheuvel	Yes, and like the fact you are going to cover that hole or even use it if you have to for a rain garden or what ever

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

Rick motioned to approve with the proposed conditions, Ken seconded.

Conditions:

1. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.
2. Development of a stormwater management plan to address all stormwater from the proposed addition based on a 10 year/24-hour rainfall.
3. Applicant shall obtain additional permitting from other government agencies as necessary including but not limited to the Sauk River Watershed District.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Dan Peyton	Yes
Bill Berscheit	Yes
Rick Johnson	Yes
Ken Hovet	Yes
Larry Bebus	Yes
Russ VanDenheuvel	Yes

Motion carried.

AGENDA ITEM 2: James Benson – PID 14-0036300 – Kandota Township

Request:

1. Request to reduce the lake setback from 150' to 56.3' for construction of a storm shelter addition to existing cabin in Natural Environment Shoreland Zoning District.

James was present as the applicant.

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

Proposed Condition(s):

1. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.
2. Development of a stormwater management plan to address all stormwater from the proposed addition based on a 10 year/24-hour rainfall.
3. Applicant shall obtain additional permitting from other government agencies as necessary including but not limited to the Sauk River Watershed District.

James Corrected Cabin was built in 1951 and did get approval from the Sauk River Watershed District

Dan reviewed is onsite report. This may be viewed in full, at the Planning & Zoning office upon request.

Correspondence received: Yes, ten letters. Adam read through each letter and these may be viewed, in full, at the P & Z office, upon request. Adam also passed to the board members, a copy of Deja Anton's SWCD manager Earth Program letter.

All letters expressing support.

Public comment: Supervisor on the Kandota township's board, Jeff Weldon, 12405 Co 11, stated James presented his proposal to the twp. board on July 10, 2025. Although they normally don't take positions on these proposals, the township has no concerns. Also, a member of the Fairy Lake association, obviously concerned about the environmental impacts on these lakes especially the impaired lakes and hope to maintain the quality of Fairy Lake, and although they did not take a vote, and they have no concerns, no opposition with several board testimonials read by Adam. This is a safety request for his family and residence, although zoning code would have it placed somewhere else on the lot, it's clear that cabin built in '51, modified in '66 is a pre-existing non-conforming use and grandfathered in, it would be impossible for even the structure to meet today's standards. Makes no sense to create a shelter away from the current structure as that defeats the safety purpose. There is also the possibility of damage to the drain field if placed somewhere else on the lot. He supports the request for the shelter as James has presented.

Brett Anderson 18839 Adams Dr., Sauk Centre, just down from Jim same reasons as Jeff. Brought up the non-conforming lots in the area with overlapping setbacks, and is difficult for any of the lots to meet the standards. He did want to point out there is a safety concern with the storms and thinks this is a good fit, keeping it in line and architecturally pleasing to the existing structure. The submitted design aesthetically makes the most sense, and also realizes the conflicts of putting it behind the structure. Pointed out Deja's letter says it best

with the emphasis for conservation and how he has been the only one on the lake that has spent the amount of time on conservation and wanted to express his support.

Board discussion:

Bill, does the current cabin have frost footings, typically 5' in depth, below the frost line?

Jim, didn't know for sure, the addition was put on in 87' that needed footings. Crawl space, no basement.

Danny stated he had to applaud his effort he has gone through to protect the lake.

Jim stated he had a partnership with Todd County with help from Deja and Josh.

Dan continued it was still a great effort put forth by Jim. However, he added, we are judging the land not you. as far as conservation, fantastic, wish there were more people on the lake like him. Dan stated we are judging the structure within 150 feet of the lake, and at 75' the DNR does not want any building, and at 75% of the setback, your house is totally in it. Also sees to reduce the variance request as much as possible, and supposed to reduce the setback as much as possible and that is what they are judging, not the conservation activities.

Larry, wanted to commend him for all he has done, it is outstanding. He looks at this and everything is based on a nonconforming lot. How many neighbors are going to want to put in the safety features within the boundaries and his question to the board are they opening pandora's box?

Jim stated most of the neighbors live in Sauk Centre, not in the lake homes.

Larry pointed out they will not be leaving for Sauk Centre when a storm comes up, just like you wouldn't want to go out of the house to get to a storm shelter across the yard.

Russ asked how many cabins do have a storm shelter along there, like a basement?

Jim, neighbor to the East, is a year-round home, and quite a few on the West side, winterized.

Russ, addition plus room on top?

Jim just open space. The lumber yard, who drew the plans up stated you need that space to put a stairway in or will be too steep, just an extension of the porch.

Jim asked board to review his plans that were in the board packets and explained his plans.

Ken 14' by 16' addition? Sunk into the ground how far?

Jim stated it will be a full basement depth wise.

Jim stated a floor above the basement, would put windows, up part of that wall to create space for the stairway.

Bill clarified what we are building is a basement, with a building above it?

Jim, open space room above it.

Ken, but the basement is the actual storm shelter?

Jim, yes.

Russ asked if there was a permit for a deck.

Adam explained, at that time, essentially the ordinances allowed you to expand and put the deck there without a permit. That is the reason the variance was denied is because there was a deck there and was not a need for the variance. He added they had dug into this deep last week in old copies of the ordinance that essentially allowed you to expand on existing structures as long as it doesn't decrease the setback to the lake any more than 15% of that existing distance, and other stuff like that, and were allowed to put the deck there at that time.

Dan, have you looked at a stand alone shelter that could be set anyplace? Dan described the vault like structure.

Jim, from practical standpoint, does not want to take a three-year old out into storm to get there and also did not think it would be aesthetically pleasing to the neighbors that may object to that.

Bill asked why the backside, even though it is still in the setback, would not work?

Jim stated access to the well and the drain field, pipeline and also the roofline would not match up.

Bill did not understand why there would be an issue with the roofline if it is only an underground storm shelter, and we wouldn't need to build a whole second story.

Jim corrected, it's one story.

More discussion on design.

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	No, same as stated
Rick Johnson	Yes, ordinarily a request of this significance goes against the intent and the spirit of the official controls, but because he <i>is</i> looking at

	the conservation work James has already performed on his shoreland, and that carries a lot, a lot of weight for him and ultimately making his final decision.
Dan Peyton	No, to minimize the variance, to him, placing it in another location would be in that criteria
Bill Berscheit	Yes, if we we're talking simply a storm shelter. Being we are adding area above the storm shelter all within the setback, so no. Added to that, we have not confirmed if there are frost footings, so in effect we have a moveable structure. Have to say no.
Ken Hovet	No, same reasons as Bill.
Russell Vandenheuvel	No, concerned all is within the impact zone.

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
Larry Bebus	No
Rick Johnson	Yes, very similar to why in #1, this is a small addition in his mind and the conservation work that has been done weighs heavily, and influences his decisions. He does consider this orderly development and the surface waters will be protected because of the work that has been done plus proposed conditions to mitigate any adverse effect through what has been done and storm water management.
Dan Peyton	No, doesn't see this storm shelter as more than a reason or goal to build on and make this a bigger house
Bill Berscheit	Yes, the official control has more to do with the water quality and the comprehensive plan is the orderly positioning of the structures, the goal of both is to get structures as far away from the lake as possible and to make sure there are no alternative sites, 100% of the burden of proof is on that applicant and to clearly demonstrate this is a minimal request and the best possible fit. He has no argument for a storm shelter, but he has not enough data to tell him this is the location, even with the structure we are attaching to, we are encroaching into the lake setback. Because of the differences between the official control question and the comprehensive plan, he is saying yes, but it is a slim yes.
Ken Hovet	No
Russell Vandenheuvel	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
Larry Bebus	Yes, reasonable
Rick Johnson	Yes, reasonable
Dan Peyton	No, gets back to building more onto a non-conforming structure.
Bill Berscheit	Yes, Google storm shelter, the first thing that pops up is free standing and independent and not integrating into an existing structure, however, not doing anything unreasonable.
Ken Hovet	Yes, a storm shelter is reasonable use.
Russell Vandenheuvel	Yes, trying to be reasonable

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	Yes
Rick Johnson	Yes, extremely small lot, no matter where structure is put, it will be in the setback.
Dan Peyton	Yes
Bill Berscheit	Yes, unique but also created by the landowner, other options for the accomplish the end result of the storm shelter, there still is a large percentage of this created by the land owner, but is going to say yes
Ken Hovet	Yes
Russell Vandenheuvel	Yes

Majority response- Yes

Criteria Question #5: Will the variance maintain the essential character of the locality?	
Board Member	Vote and Comments
Larry Bebus	Without seeing the lot, going with what has been shown and said by the people around there, maintain the character, yes.
Rick Johnson	Yes, views this as a little change to the characteristic of the locality. This is a densely populated area, with a lot of non-conforming lots, and structures. It will fit in with the mess that is already there.
Dan Peyton	No, increasing the view from the lake side, widening of the structure out.
Bill Berscheit	No, agree with Dan, changes the publics' view substantially when you widen it out.
Ken Hovet	Yes, not a significant change with screening between it and the lake.
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
Dan Peyton	Yes
Bill Berscheit	Yes
Ken Hovet	Yes, we have environmental concerns
Russell Vandenheuvel	Yes, agrees with Ken.

Majority response- Yes

Bill asked Adam if all of the environmental work that has been done, do we have anything in place that would require the next land owner to maintain that lot as it is?

Adam stated forever no, but there is a part of the cost share contract that requires the project to remain in place and be maintained for a minimum of 10 years.

Criteria Question #7: Have safety and environmental concerns been adequately addressed?	
Board Member	Vote and Comments
Larry Bebus	Yes
Rick Johnson	Yes, due to the proposed conditions
Dan Peyton	No, with the steep slope out front, he wished all of the environmental work that has been done would stay forever. With environmental concerns for the future being under 50% of the setback, he says no.
Bill Berscheit	No
Ken Hovet	Yes, we will handle the environmental concerns that have been identified with the conditions we've stipulated already and did not know of any safety concerns.
Russell Vandenheuvel	Yes

Majority response- Yes

Summary of criteria question majority responses as follows:

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

Jim stated he didn't think it would have any impact on erosion, when Deja and Josh were out to evaluate what had been done, it was the day after 2 inches of rain, and no sign of erosion anywhere. This small addition is not going to make any difference. He stated he is the last family that would do anything detrimental to the lake and they have a lot of time and money invested in it and a lot of history.

Rick asked to make a statement before the motion is made: we have majority in one and two, doesn't relate to practical difficulties, those are the latter of the criteria questions, but one and two are very similar as we are talking about the ordinances and getting down to what is the intent of the official controls and what are we trying to achieve, and in this particular application, because of all of the evidence that has been presented, every thing he sees from the past work and everything he sees with the proposed conditions, we will develop a storm water management system to handle the storm water off this variance, which is a small little building. Talking about the intent of the official controls, they are there for a meaning, feels they have the latitude to balance the needs of the County and the needs of the landowner. Jim stated reasons for the variance is his need for a storm shelter and in his heart that is his need. That is self-imposed and doesn't particularly meet the criteria for granting a variance. Rick stated he simply looks at this as an addition, and there is no way he can meet the 150 feet, and for him to achieve what he is asking for, he is going to need a variance and that is why Rick is in favor of this. Rick also made the motion to approve this application with the proposed conditions.

Bill addressed Rick, there must be a nexus between the conditions and the request and it must be reasonable, as part of the motion, you would be in favor of adding the condition that requires any future owner to continue the conservation work that has already been done?

1. Adam inserted #3 condition: The existing native vegetative buffer shall remain on the property as long as the proposed structure exists.

James asked the board what project they were referring to on the bank of the property?

Rick explained the portion where he restored thirty feet of his shoreline to natural vegetation.

James added it was 3,100 sq. ft. of restoration.

Rick added that is the number one thing lake owners can do is to restore natural vegetation to their shoreline. We are really concerned about protecting and improving water qualities. That is what needs to be done.

James stated it was a partnership between the County and himself and he has contributed about \$10,000 to the Grant money, as well.

Rick would be in favor of locking it in for the life of the property.

Russ asked for clarification for the condition.

Adam clarified the condition here is going to lock that vegetation in place forever, as long as the structure continues to exist. Which is your intention already, so if the property would ever sell, it still ties that next land owner to the same standard.

James acknowledged he understood and no problem.

Bill seconded the motion to approve with that added condition.

Conditions:

1. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.
2. Development of a stormwater management plan to address all stormwater from the proposed addition based on a 10 year/24-hour rainfall.
3. The existing native vegetative buffer shall remain on the property as long as the proposed structure exists.
4. Applicant shall obtain additional permitting from other government agencies as necessary including but not limited to the Sauk River Watershed District.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Dan Peyton	Yes
Bill Berscheit	Yes
Rick Johnson	Yes
Ken Hovet	Yes
Larry Bebus	No
Russ VanDenheuvel	Yes

Motion carried.

AGENDA ITEM 3: Mike Gallus – PID 24-0037201 – Turtle Creek Township

Request:

1. Request to reduce the lake setback from 150' to 90' for the construction of a home in Natural Environment Shoreland Zoning District.

Mike was present as the applicant.

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

Proposed Condition(s):

1. All stormwater from the proposed structure shall be directed away from Loon Lake.
2. There shall be no excavations or tree removal on the slopes draining towards Loon Lake.

Mike confirmed the staff report was accurate.

Dan reviewed is onsite report. This may be viewed in full, at the Planning & Zoning office upon request.

Correspondence received: None.

Mike asked who did the site visit? And if they had he had gone East 200 yards?

Dan stated it was himself, and he only viewed the open area.

Mike stated he had met Kevin McKelvey out there earlier in the spring, and pointed out how the access is limited from the road, and economic reasons aside, Kevin was more concerned that building a road that close to the tamarack swampland wetland and the road would keep pushing out and out and out and would increase disturbance to the lake, where he picked the location that would minimize disturbance. Yes, it is 141 acres, but he felt he chose the very best spot to minimize disturbance.

Public comment: None.

Board discussion:

Russ, how far back is the storage shed from the OHW?

Mike, 156 or 158 feet.

Russ concerned about a driveway and the tamarack swamp?

Mike explained on the map all of the concerns with other options. This is the least amount of fill and more disturbance. He is trying to minimize the disturbance.

Russ asked how far does it drop down if you were to move it back?

Mike explained the crest of the hill is approximately 75 feet from the OHW, the building is going to be 15 inches lower than the crest of the hill and stated the side of the building would require 54 inches of fill, and the farther South he goes, it is a little steeper drop in topography.

Mike stated he shot it with a transit.

Ken where the driveway is currently and go South to the South end of the property, could you gain access to buildable area there?

Mike, no, so there is a swamp immediately South and you can see how fast the grade drops, he has chosen flattest spot to move the least amount of dirt, erosion, silting all of that.

Russ any other homes on Loon lake?

Mike, no.

Russ how deep is the lake?

Mike, 4-5 feet is the water, not counting the muck underneath.

Danny asked Adam, to explain the different wetland categories, which he did.

Dan Todd County does not have a setback to a wetland.

Bill asked where the access is to the field.

Mike explained they come in by the shed, and at the low spot and continues through the woods to access the field.

Russ plan on living there year around?

Mike, yes.

Mike stated he did not go by our GIS blue line, he went by the vegetation change for the OHW.

Rick stated you can tell him with 100% certainty that any storm water run-off this structure will never enter Loon lake due to the earth berm.

Mike, correct.

Rick, the intent of setbacks from the lake is just that, to minimize the amount of storm water that enters the lake and you need that space to catch it, to filter it and infiltrate it. He sees if you move it back to meet the setback, which you can, it is putting you approximately 30 feet from the wetland and you are seeking to be

more balanced and minimize earthwork, with the drainage to the South toward the wetland, he sees no adverse effects with this variance request.

Mike stated elevation at the crest is 15" higher than the proposed floor of his home. The bank leading down to Loon Lake is heavily vegetated and will not be disturbed. That 90 feet on the North side of the home allows room for a swale, and he will not have to kill any of the tree roots when grading, and he is trying to minimize the disturbance to the wetland and keep the filter on the South side as well.

Ken agreed with Mike, too much water coming down from the North will cause issues with the proposed house.

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, there is a natural berm, in harmony which all of the run-off will be away from the lake and filter into the wetland.
Dan Peyton	No, we are creating a non-conformity.
Bill Berscheit	No
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 he is proposing to do with this variance is development and in his mind is very reasonable, trying to minimize earthwork and recognizes there is no adverse impact of storm water run-off into the lake and that is kind of what we are trying to protect.
Dan Peyton	No, creating a non-conformity, and not a fair practice.
Bill Berscheit	Yes, the placement minimizes the movement of earth, attained the best treatment of water run-off on the site.
Ken Hovet	Yes, with conditions proposed
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
Larry Bebus	Yes
Rick Johnson	Yes, reasonable
Dan Peyton	Yes
Bill Berscheit	Yes
Ken Hovet	Yes, a house is a reasonable use
Russell Vandenheuvel	Yes

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	Yes
Rick Johnson	Yes, due to the direction of the elevations
Dan Peyton	No, the property itself possibly does not need a variance
Bill Berscheit	No
Ken Hovet	Yes
Russell Vandenheuvel	Yes

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, this variance will become the essential character of the locality
Dan Peyton	No, the character of the locality is nothing being built on the lake and this is changing it.
Bill Berscheit	Yes, there really is nothing on the lake and this will be stand alone
Ken Hovet	Yes, nothing visible from anywhere
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, need for the variance is due to common practice development
Dan Peyton	Yes
Bill Berscheit	Yes
Ken Hovet	Yes, have environmental considerations
Russell Vandenheuvel	Yes, there are environmental considerations

Majority response- Yes

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

Board Member	Vote and Comments
Larry Bebus	Yes, with conditions proposed
Rick Johnson	Yes, has been discussed and part of the record satisfies any concerns environmentally
Dan Peyton	Yes
Bill Berscheit	Yes, with all of the wetlands, we are using our best treatment policies in directing storm water to them. The only thing we have not addressed is anything coming off the driveways coming in
Ken Hovet	Yes, have handled environmental with the conditions stated and we did not note any safety concerns
Russell Vandenheuvel	Yes

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

Ken motioned to approve with conditions as stated, Russ seconded with the two conditions as presented.

Conditions:

1. All stormwater from the proposed structure shall be directed away from Loon Lake.
2. There shall be no excavations or tree removal on the slopes draining towards Loon Lake.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Dan Peyton	No, creating a nonconformity, and it can be done without a variance
Bill Berscheit	yes
Rick Johnson	yes
Ken Hovet	yes
Larry Bebus	yes
Russ VanDenheuvel	yes

Motion carried.

7:58 Russ called for 5 min recess, resumed at 8:05.

AGENDA ITEM 4: Northern Natural Gas Company – PID: 18-0033500 – Long Prairie Township

Request(s):

1. Request to reduce the 150-foot structural setback from Venewitz Creek OHW to 118 feet. This is a natural gas town border station, where the Northern Natural Gas transmission lines connect to the customer distribution lines. Replacing the two existing buildings, piping, and pipeline heater with new single building, new heater and new piping in Natural Environment Shoreland District Zoning.

Richard Anderson was present as the applicant.

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

Proposed Condition(s):

1. None

Richard confirmed the staff report was accurate.

Dan reviewed his onsite report. This may be viewed in full, at the Planning & Zoning office upon request.

Correspondence received: None.

Public comment: None

Board discussion:

Bill stated he sees this as necessary infrastructure for public service and moved to approve, Dan seconded.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Dan Peyton	Yes
Bill Berscheit	Yes
Rick Johnson	Yes
Ken Hovet	Yes
Larry Bebus	Yes
Russ VanDenheuvel	Yes

Motion carried.

AGENDA ITEM 5: Sheila Asmus – PID: 24-0024200 – Turtle Creek Township

Request(s):

1. Request to reduce the 100-foot structural setback from OHW to 82 feet, for the construction of a guest cottage
2. Request to reduce the lot size requirement of 80,000 sq. ft. to 68,428 sq. ft. for the construction of a guest cottage
3. Request to increase the height of the guest cottage from 15' max allowed to 18' to accommodate handicapped lift system in the future, all in Recreational Development Shoreland Zoning District.

Sheila was present as the applicant.

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

Proposed Condition(s):

1. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.
2. Development of a stormwater management plan to address all stormwater from the proposed structure based on a 10 year/24-hour rainfall.

Dan reviewed is onsite report. This may be viewed in full, at the Planning & Zoning office upon request.

Sheila added she is going to have to take down five huge oaks, verses moving it forward about 5' and hates to cut down trees.

Russ asked if the camper is leaving?

Sheila stated yes, it was supposed to be gone already.

Danny asked how big this structure was?

Adam, 26' x 26' feet as guest cottages have a maximum square footage of 700 sq. ft.

Sheila asked what the 50% screening meant?

Adam explained if you imagined you were out on the lake, looking back towards the structure, when the leaves are on all of the trees, you would essentially only be able to see 50% of the structure.

Sheila stated she may need to plant some trees.

Adam agreed.

Correspondence received: None.

Public comment: None

Board discussion:

Dan stated he assumed backed as far as can be and confirmed to be 10'.

Ken, nice trees between you and the swamp back there.

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, agrees with Rick
Rick Johnson	Yes, struggling with this one, can see the practical difficulty, odd shaped lot, she has it pushed back as far as it will go, looking at all three variances, and they are all around 15- 20% and that is still within his zone of comfort with this, stretching it a little bit,
Dan Peyton	Yes
Bill Berscheit	Yes
Ken Hovet	Yes, minimized the amount of intrusion into the setback as she can
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
Dan Peyton	Yes
Bill Berscheit	Yes
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
Larry Bebus	Yes
Rick Johnson	Yes
Dan Peyton	Yes, this is a guest cottage, but if we pass this, it is under 80,000 sq. ft., and with that it will hold it from being split for future development (Adam confirmed)
Bill Berscheit	Yes
Ken Hovet	Yes, reasonable use
Russell Vandenheuvel	Yes, agrees with Ken

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	Yes, same as Rick
Rick Johnson	Yes, due to unique shape and lot size not being 80,000 sq. ft.
Dan Peyton	Yes
Bill Berscheit	Yes
Ken Hovet	Yes
Russell Vandenheuvel	Yes

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, looks like we are swapping a camper out for a guest cottage
Dan Peyton	Yes
Bill Berscheit	Yes, don't like to see the oaks go, one of the few things that out live us, maybe replace oaks on the other side.
Ken Hovet	Yes
Russell Vandenheuvel	Yes

Majority response-

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
Dan Peyton	Yes
Bill Berscheit	Yes
Ken Hovet	Yes, we have environmental concerns too
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, due to the proposed conditions
Rick Johnson	Yes, due to the proposed conditions
Dan Peyton	Yes
Bill Berscheit	Yes

Ken Hovet	Yes, due to the proposed conditions
Russell Vandenheuvel	Yes

Majority response-

Summary of criteria question majority responses as follows:

#1	Yes
#2	Yes
#3	Yes
#4	Yes
#5	Yes
#6	Yes
#7	Yes

Ken motioned to approve with the stated conditions, Rick seconded.

Conditions:

1. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.
2. Development of a stormwater management plan to address all stormwater from the proposed addition based on a 10 year/24-hour rainfall.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Dan Peyton	Yes
Bill Berscheit	Yes
Rick Johnson	Yes
Ken Hovet	Yes
Larry Bebus	Yes
Russ VanDenheuvel	Yes

Motion carried.

AGENDA ITEM 6: Robert Fritze – PID: 15-0049100 – Leslie Township

Request(s):

1. Request to increase peak height of a non-conforming structure from 18 feet to 24 feet
2. Request to reduce the lake setback from 75 feet to 53 feet to relocate garage to adjoin cabin
3. Request to reduce the ROW setback from 35 feet to 18 inches to relocate same garage to adjoin cabin, all in General Development Shoreland Zoning District.

Robert was present as the applicant.

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

Proposed Condition(s):

1. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.
2. Development of a stormwater management plan to address all stormwater from the proposed addition based on a 10 year/24-hour rainfall.

3. Applicant shall obtain additional permitting from other government agencies as necessary including but not limited to the Sauk River Watershed District.

Robert confirmed the staff report was accurate. Just wanted to add that he will actually be improving from what it is today, with such a small existing setback to the road right-of-way.

Dan reviewed is onsite report. This may be viewed in full, at the Planning & Zoning office upon request.

Correspondence received: None.

Public comment:

Lawrence, direct South neighbors, and have no issues with this. They do not think it is out of line with the character of the property. The property to the North has a second story, so the height is not out of line either.

Board discussion:

Russ asked if the garage was on the cement?

Robert, yes.

Russ, were you going to take the cement out?

Robert, yes.

Russ, and put new cement right next to the house?

Robert, right. It will be a new garage, same size with a second level.

Russ, how is the roof going to match up?

Robert, the cabin will have no second level, garage will have second level with a dormer type to allow for a stairwell.

Ken, the cabin can't be far off the edge of the right of way, no other problem other than that.

Robert, very, very, close and all other neighbors are in that same situation.

Ken stated he doesn't have any problem on any of it except for that. A variance will stay with the land forever, even after you own it. Who knows what the next person will do with that right of way, and would hate to perpetuate that same problem.

Russ what is the white?

Robert, dock.

Ken privately maintained?

Robert, township maintained.

Ken, so they own it, and the township may not realize what they own.

Adam pointed the platted road right of way and suggested there is a separate description for the road as travelled from what the township actually maintains, which he searched for.

Russ asked if he presented this to the township?

Robert, yes, and they had no issues, and showed them the image of the platted road right of way vs road travelled.

Dan stated this is not just a garage but adding on livable space. Did notice this would be the tallest structure in the area.

Robert, yes, above the garage. He added the floor in the cabin has extensive damage, so he needs to do a remodel and thought this would be a good time to take care of all of it.

Ken motioned to table for township comment.

Russ pointed out the township submitted a letter of support as part of the board packet and also the minutes.

Adam found the entries pertaining to Gerlach subdivision concerning Gerlach Lane, the road as travelled, and it is a 33-foot wide easement. Adam clarified it is further away than what he is requesting, however the 18" is measured from the platted road right-of-way, and the road as travelled has a greater distance.

Russ asked if he was adding a second floor to the cabin?

Robert, no, just to the garage.

Bill pointed out everything to the East of the road was wetland.

Ken so the township easement doesn't follow the platted road right of way and retracted his request to table.

More discussion on the road placement, actual road right of way on garage placement and after Adam measured from the center of the travelled road right of way, he would be conforming with the ordinance.

Russ stated better than 18".

Rick wanted to address the board and staff, if you look at the road as traveled, he meets the setback requirements but not where it is platted. We still have to grant a variance for 18" and cannot get past that. Not the first time the road does not follow the platted right of way, and they always go with the most reliable source of information.

Ken stated this is a township easement however, and this is where the road is travelled and that is where they are going to grade. It is the only thing that would allow him to grant this. For a long way into the future, they are not going to change that, in his mind.

Bill and added, the side away from the lake is wetland so they have no reason to change the travelled road into the platted location.

Ken he is satisfied with that and would allow himself to approve this.

Rick pointed out how the deviation from the standard on impervious and setbacks was off the charts, and had a hard time supporting this.

Bill asked if there will be frost footings?

Robert explained yes, as currently there is not and that is what is causing the issues with the floor.

Russ, is the septic holding tank in the road right of way?

Robert, yes, with an approved variance.

Russ, how long has this been in your family?

Robert, he believed since 1988.

Adam suggested to table for impervious calculations. Sept. would still be within 60 days.

Bill would rather have the applicant table.

Russ, would be helpful.

Rick made a motion to table for impervious calculations and expansion request, Ken seconded. Voice vote, Bill and Danny opposed, motion carried with Russ, Larry, Rick and Ken majority.

Robert asked Adam what he will need and Adam instructed Robert to come to our office to go over what is needed and sort through it together for next month.

Ken motioned to adjourn and Dan seconded. Voice vote. No dissention heard. Motion carried and the meeting adjourned at 8:54 PM.