

Minutes of the Todd County Board of Adjustment Meeting

September 25th, 2025

Completed by: Sue Bertrand P&Z Staff

Site visit for the Quade site completed by Adam Ossefoort and Larry Bebus on 10/16/2025

Site visit for the Asmus site 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, Mike Soukup, 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.

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

Ken motioned to have the August 28th, 2025 meeting minutes approved. Larry seconded the motion. Voice vote, no dissent heard. Motion carried.

AGENDA ITEM 1: Robert Fritze – PID 15-0049100 – Leslie Township, Osakis Lake

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.

Robert was present as the applicant.

Staff Findings: This is a previously tabled item from last month, they re-calculated the impervious surface and re-noticed the public to include and added variance request #4 for the impervious coverage, so Adam read the variance request for the new information to the staff report, the other requests remained unchanged.

4. Request to increase the roofed impervious surfaces from 15% to 30.5% and increase the total impervious surface from 25% to 33.2% all located in General Development Shoreland Zoning

Russ asked Mike Soukup if he would like to sit this one out, as it was tabled from last month and Mike was not present last month. Mike agreed to be excused for deliberation on this application.

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 stated he had a couple of highlights from last time, one is he is moving the garage more to the North, as now it is sitting right on the Southern property line, and that will improve the setback for that side, also just to call out, the overall square footage coverage for the lot is improving, even though it requires a variance, it is a reduction from the current footprint. With moving the garage, he will be getting rid of the side walk, a bunch of pavers and it is a considerable amount of impervious being reduced. He would offer to remove a shed to further improve the impervious surface.

Russ, asked where that shed is now and what size is the shed to be removed?

Robert, it is behind the garage and is 6' x 12'.

Adam confirmed (72 sq. ft.).

Rick asked at what percent would it drop to after the removal of the shed?

Adam calculated from 30.5 % to 29.1% for the roofed portion, and dropped the total impervious from 33.2 % to 31.9%.

Russ asked Robert to recap his practical difficulty.

Robert stated it is a non-conforming lot, so everything basically needs a variance. So, the plan is to leave the cabin exactly where it is and just relocate the garage closer to adjoin, so it will be further from the southern property line and further from the lake. There are challenges with the road as well, where it is shown is not where it actually is, and it is a pretty absurd number that we are looking for as a setback, but the road is not where it is supposed to be.

Adam stated the lot was established in 1947 and Shoreland Standards were until 1972. The lot created is 74% less than today's standard.

Robert also added the floor in the cabin also has some structural challenges so he wants to remodel, and that is what spurred all of this, to move the garage in closer, adjoin the two and make a bigger space overall without increasing the square footage. He is planning to put in the frost footings instead of existing cinder blocks.

Russ questioned if we already did the findings of fact?

Adam was not able to confirm that, as not everyone's sheets were turned in from last time.

Bill stated he knows he did not turn his in and he didn't bring it this evening. He stated he has one question to staff and the applicant both, with the added variance request for impervious surface, was there any discussion

at any point for putting in a no-mow zone along the lake? He noticed the request for the storm water management plan in the conditions, but asked about the no-mow zone?

Adam, we had not discussed that.

Robert agreed it had not been discussed and added right now, there are hostas all along rip-rap at the shoreline and not sure if that has any influence on where you were going with that.

Bill stated it certainly does, but primarily where he is going with that isn't what is currently there, it's by putting it into the conditions. It then goes with perpetuity with the variance, with the structure. "So, in the event the lot changes hands, we are human and we all come in and do things the way we want. It gives us some tentacles into maintaining that."

Adam stated he is looking for the square footage of what the board is looking for to add a condition.

Bill stated he didn't have anything in mind, just wondering where the board was at with that.

Robert, there is rip rap along the shoreline with hostas behind that, and stated he was open to having a buffer zone if that is what they are suggesting, an area where they don't mow and get rid of the hostas if that is requested. In low water years, the weeds do grow up between OHW and rocks. He would be open to what the board suggests.

Ken how much of the hostas area is there?

Robert, maybe twenty inches between rip-rap and yard.

Adam showed on the overhead a photo of the shoreline.

Russ asked what a reasonable no-mow zone be?

Bill, typically, anything under three feet, loses its' effectiveness. In the past we have gone with a no-mow zone of close to 50% of the width of the lot, and how much depth do we need?

Ken suggested four feet in depth, total, as it is a fairly flat lot.

Adam, what we have done in the past is all of shoreline with coverage to a certain depth and subtract out our ten-foot wide area for the lake access pad.

Robert asked what the coverage would consist of, just grass or what would grow there?

Adam stated grass would be an option or we do have resources through the Soil and Water to plant wild flowers, plug kits with different grasses and flowers intended for shorelines that would do well in that environment, and we have resources to do something *more* than just not mowing it. But, you can just not mow it also.

Robert was wondering how tall that would get to be, or would it impact the view to the lake?

Adam, maybe a little taller than your hostas, but not much.

Robert would be fine with that.

Adam again asked for a number.

Ken suggested four but that was negotiable.

Bill four feet and allow ten feet of access.

Adam, clarified, measured from the top of the rip-rap.

Bill, yes.

Ken asked Robert if that was do-able?

Robert, yes.

Bill, we are not trying to micro manage, but talk to P & Z and Sauk River Water Shed as they have the resources.

Correspondence received: None

Public comment: None

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
Mike Soukup	
Rick Johnson	No, the purpose and intent of the controls are to protect the water surface, maintain and preserve the shoreline natural appearances. He feels with these four significant variances, we are not even coming close to achieving the purpose and intent of those controls. Big problem here, he is on a lot that is literally 25% of the size it should be. The reason lot sizes are set that way, is to have adequate space to handle storm water run-off. If you are at 25%, you will not have the room to effectively do that. The other reason is this application starts off wanting to move the garage and attach it to the cabin and add a second level. He doesn't see this as simply moving a garage. So, moving a garage, but not changing the surface area, true, will be off the lot line further, true, but to him, you are taking an existing non-conforming structure, that's on a

	non-conforming lot, and not only moving the garage but you are adding a second level. What you are doing now, is you are expanding an existing non-conforming structure. That is what kills it for him. You are not just moving a garage. The fact the impervious surface doesn't change, it still doesn't get past the fact you are expanding a structure. The Ordinances are clear, if you don't meet the setbacks, you can improve it, you can do all kinds of things with it, you can replace it exact for exact. This variance does more than that. This variance is more than having a dwelling exact for exact, it's an expansion. Several factors why his answer is no. Apologized for the long explanation, but he doesn't do short stories.
Larry Bebus	No, agrees with Rick. The impact on the lake, if it was just moving the garage is one thing but moving a garage and adding to a structure, that is something else.
Bill Berscheit	Yes, he agrees with Ken in a lot of ways, there are a lot of benefits to granting this variance in regards to water control, water treatment and those types of things, as far as, what we see in a lot of these applications, and what has historically been, see an awful lot of seasonal cabins eventually becoming year round homes and although through granting the variances we are allowed to put conditions on the lot, it does not negate the significant increase of impact on the lake by having a full four-season cabin on the lake and everything that goes along with it; the snow removal and road treatments that come with a lot of vehicles. There is an awful lot of change that comes with the change of moving to a year-round structure. He has a lot of frustrations with the regulating entities above us, that they haven't provided this type of a variance request. It puts us, as a board, in a difficult situation where if we don't grant the variance, what's there stays there. It is our opportunity, as Ken said, to make improvements to the lot. But at the same time, he agrees with Rick that he is not sure that the trade off really should be a win. If we used these same standards that we use for lake lots and applied those to other things within the county that lake setback rules apply to, we use a much more aggressive and stringent yardstick and he doesn't feel that the regulatory bodies have given them real good guidance on this whole thing. He went with a yes, as it gives them an opportunity to do something to the lot.
Ken Hovet	Yes, really not changing anything that would be a detriment to the lake and we are decreasing a setback and adding a storm water management plan. In his view any time we can get a gain, he is good with it.
Russell Vandenheuvel	No, Lake Osakis is already under stress and thinks we are adding more stress on the lake.

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	

Rick Johnson	No, this particular development in this application is not fair and common-sense development. Granting four variances, all of a different nature for this project and each one carries significant deviations and is not reasonable.
Larry Bebus	No, agrees with Bill, the Comprehensive Plan, the non-conforming lot, doesn't think it is going to work.
Bill Berscheit	No, if you go back and read the comprehensive plan, the goal is these non-conforming, minute lots with structures on them, over time, be either combined or the structures be eliminated, that they be gone. That is the intent of the Comprehensive plan. In reality, we have done nothing to move in that direction, and has to say no to the question.
Ken Hovet	Yes.
Russell Vandenheuvel	Yes.

Majority response- No (tie)

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	
Rick Johnson	No, proposes to use the shoreline residential and this does not change, however, unreasonable to ask for several significant variances that undermines the safety protections, water quality protections and the overcrowding on the lake, so no.
Larry Bebus	Yes, reasonable, but may have a big impact on the lake.
Bill Berscheit	Yes, to want to live there is a reasonable request, again not terribly good guidance from other entities on this. Hopes somebody down the line here disagrees with him and gives a good reason.
Ken Hovet	Yes.
Russell Vandenheuvel	Yes, trying to be reasonable, although it is too taxing on the lake. It is border line, but says 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
Mike Soukup	
Rick Johnson	Yes. Typically says yes on this question because it was platted years ago as a very small lot, so that is what he has to work with.
Larry Bebus	Yes, non-conforming lot and lot size, and what he wants to do is borderline but yes, because of the size of the lot.
Bill Berscheit	Yes, this question used to say "the land owner or previous land owner" and in that case it was an unequivocal yes, in this case, the man sitting there did not create this substandard lot.
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
Mike Soukup	

Criteria Question #5: Will the variance maintain the essential character of the locality?	
Board Member	Vote and Comments
Rick Johnson	Yes, in an area with a lot of small lots, highly populated dense area, that in and of itself goes against the official controls, but, he is not changing anything.
Larry Bebus	Yes, doesn't believe it is going to change. There are other neighbors that have a higher than normal roof lines.
Bill Berscheit	Yes.
Ken Hovet	Yes, has not been there and has only seen pictures, but moving the garage from one side of the lot to the other is not going to change anything.
Russell Vandenheuvel	Yes, won't change as there are others on small lots, as well.

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	
Rick Johnson	Yes, the need is due to the small lot.
Larry Bebus	Yes.
Bill Berscheit	Yes.
Ken Hovet	Yes, we also have environmental effects to take into account.
Russell Vandenheuvel	Yes.

Majority response- Yes

Criteria Question #7: Have safety and environmental concerns been adequately addressed?	
Board Member	Vote and Comments
Mike Soukup	
Rick Johnson	No, understands the conditions proposed by staff, but because we are on a lot that is ¼ the size it should be to adequately handle storm water run-off, our standards need to be higher for impaired lakes, not only to protect them but to improve them. Doesn't feel there has been enough evidence provided by the applicant at this hearing, in order for him to feel comfortable that Lake Osakis is going to be protected with this application or even the proposed staff conditions.
Larry Bebus	No, already environmentally impacted lake and we don't need more.
Bill Berscheit	No, with the conditions and with what he is going to do, he has cleared the bar with any expectation and what has been put in front of him, and but is it enough for lake Osakis. Even though we have taken significant, huge steps forward on this lot, the fact remains by putting a year-round home on this lot, not sure it is enough for Lake Osakis.
Ken Hovet	Yes, have not talked about safety, and where the road actually is, it will improve the safety aspect by moving the garage further away from the road and will also gain a storm water management plan that we didn't have before, and gain a no-mow zone, so he thinks we have.

Russell Vandenheuevel	Yes, with this situation, there are a lot of environmental concerns with Lake Osakis, but with some of the things he said he will do and the conditions set, he says yes.
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Majority response- No.

Summary of criteria question majority responses as follows:

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

Rick motioned to deny, and stated, primarily, in order to grant this variance, all seven criteria questions must be met, Larry seconded.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Bill Berscheit	Yes
Larry Bebus	Yes
Mike Soukup	
Rick Johnson	Yes
Ken Hovet	Yes
Russ VanDenheuevel	Yes

Motion carried, request has been denied.

Robert offered to remove the height request.

Adam stated the decision has already been made on this one, however, you would have the opportunity to reapply with a new request as you have that option, but we would have to talk about that in the Planning and Zoning office maybe next week, if he gives him a call.

AGENDA ITEM 2: Adam & Rebecca Fiedler – PID 14-0033500 – Kandota Township, Sauk (North Bay) Lake

Request(s):

1. Request to reduce the side yard property line setback from 10' to 8' for construction of an attached garage in Recreational Development Shoreland Zoning.

Adam & Rebecca 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.

Additional Notes:

A property line adjustment application has been submitted to Todd County. The 8' setback request is based upon the adjusted property line.

Proposed Condition(s):

1. Completion of a property line adjustment prior to issuance of a land use permit.
2. Development of a stormwater management plan submitted to Planning and Zoning prior to land use permitting.
3. Applicant shall obtain additional permitting from other government agencies as applicable, including but not limited to the Sauk River Watershed District.

Fiedler confirmed the staff report was accurate. Property was pretty delapidated when they purchased it back in May, that is why the grass has not grown.

Bill went through his site visit report for the board. This report may be viewed in full, upon request, at the Planning & Zoning office.

Correspondence received: None.

Public comment: None.

Board discussion:

Russ asked if there was a garage on there, currently?

Adam answered no, showed from photos where the old garage had encroached on the neighbor's lot, and explained they have a lot line adjustment application paid for to adjust that property line and also reflected in the original survey.

Russ, how did the property lines change?

Adam, they haven't yet. They are applying to have the property line moved further south, working with their neighbor.

Russ, why did you remove the old garage already?

Fiedler stated he had asked Kevin, when on site, if they could remove the garage now as they were rotten and holes in the roof, didn't have a foundation, they just took some concrete they meshed together, so they asked if they could start removing some of that, to get a better idea on how everything would fit, and to get measurements, and Kevin said that would be fine.

Mike asked Fiedler to show on the overhead, where the new garage will be, on the survey, which he did. Will maintain a 10' setback for the neighbors after lot line adjustment and it will make their request the 8' from the new side property line. He added the deck has been removed, as well, and they do not plan on putting that back on.

Russ how close will the deck be to the lake? If they put the deck back on, would they need a variance?

Adam stated no, and pointed out the building setback line on the survey.

Russ asked how far will the garage be over the line?

Adam, two feet, keeping in mind with the property line adjustment, that buildable area will expand a little, as far as the survey goes they are looking at.

Fiedler stated he had a professional survey which Adam retrieved from their lot line adjustment application that his wife resent to Adam.

Fiedler stated they plan on redesigning gutters, some drainage tile and take the water away from the north neighbor and possible rain garden and taking the water from the road side and back towards the lake, so it doesn't continue pouring over the neighbors.

Adam explained the new lot line adjustment with the new survey provided.

Russ asked and they will still need a variance.

Adam, yes, two feet.

Fiedler added just the back corner would encroach.

Russ asked what we would do about the conditions?

Adam showed current proposed conditions

Mike asked for 50% screening from the lake. Because it is so flat, it would be easier to control the water going into the lake.

Adam added that condition.

Bill, one of the conditions is a storm water management plan, would it be to our advantage to itemize that French drain?

Adam, could possibly use that drain as part of the storm water plan without listing it as a condition, and we would need that storm water plan before we could issue the new permit for the garage.

Ken, they would probably have to use that drain as part of the plan.

Mike, maybe going unsaid but would like to ensure the property line adjustment be done prior to permitting.

Adam confirmed condition number one will cover that, and make sure it is an approved lot line adjustment is what the intention of that condition.

Bill, asked about having a discussion for a no-mow zone.

Russ asked if all the water goes to the neighbors?

Bill, everything from the road side goes to the neighbors through the French drain and exits there. On the North side, it goes toward the lake and at some time it has gone down with pretty good speed as there is erosion next to a couple of the large trees. This entire lot is subject to erosion due to soil types and topography. Imperative, the entire lot must be looked at for an erosion plan. This is not a huge request, it's only two feet. It is an opportunity for the applicant to make huge improvements to the lot and improvements to the lake.

Larry agreed with Bill, with the development of a storm water management plan, it is a 100% must. The drain, the whole works. Would hate to see us say "yes" just a two-foot variance and nothing gets done and everything washes into the lake.

Russ agreed with a no-mow zone.

Ken asked if the no-mow zone could be part of the storm water management plan?

Bill stated they are always up against "what is the nexus between the proposed activity and the reason for the requirement?" In this case, we do have a very good nexus as this is "lot wide" water movement that needs to be addressed, so he would feel more comfortable if it "absolutely" was a part of the plan.

Larry can you add that to #2?

Rick stated he agreed that typically when we have a condition for the development of a storm water management plan, subject to Planning and Zoning approving that, they will ensure adequate infrastructure is installed to handle the run-off. It doesn't matter or make any difference where it goes to, ultimately, we don't want anything going to the lake. So, we need to rely on our expertise. He stated he was with Bill on this, or have another condition that we want this as a minimum. He loves and favors a no-mow zone and to re-establishing and restoring the natural vegetation along the lake. The DNR has come out with a report a little over a year ago, and said the no-mow zone is the number one thing lakeshore property owners can do, and it is a way a variance board can help achieve that.

Russ asked Fiedler if they were familiar with a no-mow zone?

Fiedler stated he has picked up from the last applicant what it is a little and thinks that is fair.

Bill, in that case they put a square footage number on the width of the no-mow zone, but in this case, they are putting it as part of the criteria for the storm water management plan.

Adam stated he added to condition number two a vegetated buffer be included with the storm water management plan.

Russ asked the board if they were comfortable with everything?

Larry stated as long as they will be addressing the erosion they have happening now.

Bill made the motion to grant the variance request with the four conditions amended, Rick seconded.

Conditions:

1. Completion of a property line adjustment prior to issuance of a land use permit.
2. Development of a stormwater management plan submitted to Planning and Zoning prior to land use permitting. The stormwater management plan shall include the establishment of a vegetated buffer area.
3. Maintain a minimum of 50% screening of the proposed structure as viewed from the lake during leaf on conditions.
4. Applicant shall obtain additional permitting from other government agencies as applicable, including but not limited to the Sauk River Watershed District.

Roll call vote commenced as follows:

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

Motion carried to grant with conditions.

Ken motioned to adjourn and Bill seconded. Voice vote to adjourn. No dissention heard. Motion carried and the meeting adjourned at 7:10 PM.