

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

**October 23, 2025**

Completed by: Sue Bertrand P&Z Staff

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

Site visit for the Asmus conducted by Adam Ossefoort and Dan Peyton on 8/20/2025.

Meeting attended by board members: Chair Russ Vandenheuvel, Rick Johnson, Dan Peyton, 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 presented. Danny seconded the motion. Voice vote, no dissent heard. Motion carried.

Ken motioned to have the September 25th, 2025 meeting minutes approved. Larry seconded the motion. Voice vote, no dissent heard. Motion carried.

### **AGENDA ITEM 1: Doug & Mary Quade – PID 11-0069800 – Grey Eagle Township, Mound Lake**

Request(s):

1. Request to reduce the 100-foot structural setback from OHW to 42 feet, for a dwelling addition in Recreational Development Shoreland Zoning District.

Doug & Mary 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. Development of a stormwater management plan to address all stormwater from the proposed structure based on a 10 year/24-hour rainfall.

Doug stated the staff report was accurate.

Larry 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 they were hoping for a year around cabin?

Doug explained that old one is not insulated, so if they were going to spend some money on it, they would insulate it, and reside it, the roof is fairly new, but he would put another one on it, and do the gutters. As far as the run off he is talking about, there is a fire pit there, about thirty-six inch of rock, so when it does rain good, it pools up down there, before it gets to the lake. Just sits there, and up by the garage he stated, he made a swell on the road, and this last half inch they had a week or so ago, there was two inches of water up there and it didn't go down the driveway like it had previously, over the last few years.

Larry stated there is some kind of erosion in your driveway.

Doug stated he has to find some other kind of rocks, so it will sit there.

Larry also added, to take the rain coming off the roof away from the house, to have some kind of a culvert running over to a rain garden, holding tank or swell or whatever you want to do.

Doug stated in between the two cabins is where he was talking about, is where the swale is, and the water sits.

Larry suggested then you need to run it towards that so it doesn't pile up and go down towards the lake.

Doug, right.

Russ asked if they use that second cabin for a cabin?

Doug, that's the nice one. It is hard to give it up where it's sitting. It would be hard to give that up.

Danny pointed out the very steep slope. From the house to the hill on the back side you have about ten feet to twenty feet that drops down to the house. To put this whole structure back to the 100' setback, there is really no room on the back side to put this structure, and on a steep hillside. The erosion, to put this house in at a level spot, he would say, they are creating an issue they do not want to get in to. He suggested to pass this request, and put it on the backside, where it will not be seen from the lake, and we won't destroy the hill.

Russ asked if we should go through the questions, or need the questions?

Dan motioned to grant this request, Larry seconded.

Russ asked with what conditions?

Danny pointed out storm water management is a major concern on this property, due to this hill.

Adam stated condition #1 should cover that.

1. Development of a stormwater management plan to address all stormwater from the proposed structure based on a 10 year/24-hour rainfall.

Danny stated he did not see any screening on the lake side.

Adam stated he didn't put it in on the conditions, as the request is on the back side of the house, thinking about the nexus.

Danny agreed.

Ricks stated he agreed with that, the screening is all about the site line from the lake, and maintaining the preserving the natural characteristics of the shoreline. He didn't think he could impose the condition, but would hope the landowners can plant that. He does think when it comes to storm water management, looking at this lot, because there is actually two lots combined, and it is one now, so the standard is you need 40,000 sq. ft. and you are pretty close. A lot closer than most non-conforming lots are. Just talking about the addition, he has confidence the County staff can come up with a storm water management system that will mitigate the adverse effects of any storm water run-off, simply on that addition. From past meetings, you all know, he is extremely fond of restoring the natural vegetation along the shoreline. He knows for a fact, as he was on the technical advisory committee, there's monies in the Mississippi Brainerd area for simply doing that, because it's really critical. In his mind there is a nexus, because we are talking about storm water management, because it appears like everything on this lot is going to run to the lake. It's anywhere from ten to twenty-four percent. He is comfortable with this, and he did this at the last meeting too, that you would develop that at a minimum, he would say, fifteen feet of shoreline restoration, back to its' natural state. With that, it will address what Danny is concerned about. He stated he knows what Mound lake is like, because he has been on there, his wife has a cousin who lives on there and there are areas that are extremely populated, with all kinds of buildings, right on the shoreline. This is probably in that group of them. So, he thinks what they can do, with imposing conditions on a variance like this, it's a significant variance as it is within the shoreline impact zone, which is a big "no-no", not just 100 feet, it's 50 feet and the DNR frowns on that. Not only that, we are taking a non-conforming structure and we are expanding it. That also goes against the regulations. We should not be allowing these non-conforming structures to expand. He also thinks of balancing the needs of the land owner with the State or the County. He understands why you are doing it. He doesn't think it is significant. It's a simple addition on the back end. Your equipment, you want a bigger bathroom, he doesn't think that is an unreasonable request at all. So, if everybody else is OK with it, he would like to put on there... typically we go 15 feet, but you don't have much room there, and would be encroaching on the cabin quite a bit. Rick stated he thinks we could actually deny this based on a few other criteria, like the shoreline impact zone, if we really wanted to. Plus, it is an expansion of a non-conforming dwelling.

Ken stated right now, we have nothing there and if we grant this with a ten-foot buffer, we would at least have that. It will be an improvement.

Adam explained the usual ten-feet with an access path for a dock or whatever, usually six-feet, not sure if that is an adequate number for that or not, but, he can change that, but we usually have that spelled out also.

Rick asked Adam if we can say ten-feet natural vegetation cover? Explained, what that means is ten feet of what is found naturally occurring for vegetation along the shoreline of that lake. You can work with the staff at the County on what to plant there.

Adam drew attention to the condition number two.

2. Establishment of a 10' natural vegetated buffer (no mow zone) along the lake frontage. A 6' access path shall be allowed for lake shore access.

Russ asked the applicants if that makes sense to them?

Doug and Mary stated it did.

Danny added, at least the public and the County are getting something back to help protect the lake. He agreed with ten-feet as reasonable, 15' is too much of condition, and amended his motion to include both conditions and Larry seconded with both conditions.

Doug then asked if the fifteen feet was out from the shoreline?

Russ corrected it is ten feet from the high-water mark.

Adam clarified, we just go from the ordinary high-water mark back ten feet, simple as that, whether there is rock there or not. He added we have technical staff with plantings, and we even sell seed mixes, plug kits and all kinds of stuff that helps get that established, too. Offered his card to Doug.

Mary, asked all along the entire lake frontage?

Rick asked Adam to show the picture of their shoreline again.

Adam did.

Danny pointed out, down the shoreline, what you are not mowing or taken care of, that is always natural. So basically, where you are mowing.

Rick clarified, start at the waterline, you come ten feet up and it looks like you already have rock there, so you are probably not going to be adding a whole lot more than what's already there.

Mary stated she was planning to put some natural grass in the front of that anyway, to make it look better.

Russ added you could have flowers and stuff and it is going to help the birds.

Rick added, a couple trees would be nice... we like trees.

Mary, probably not there.

Danny explained the 50% screening on lots they request as half the sun-light to hit the grass and the other half the sunlight to hit trees, or shrubbery as we need the deep stable roots of the trees to protect the depth and the grass to protect the surface. It is hard to do it when you don't have the space, and this is what the public wants and the DNR, as best shoreline management practices.

Russ added we are not adding this as a condition but it is what we like to see.

Roll call vote commenced as follows:

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

Motion carried, variance has been granted.

Russ called for a short recess.

**AGENDA ITEM 2: Sheila Asmus – PID 24-0024200 – Turtle Creek Township, Big Lake**

Request(s):

1. Request to increase the allowed square footage for a guest cottage from 700 sq. ft. to 880 sq. ft. to make it ADA wheelchair accessible.
2. Request to increase the allowed building height of a guest cottage from 15' to 20' to make ADA lift clearance & medical equipment storage needs.
3. Decrease the OHWL structural setback from 100' to 80' to meet ADA standards for wheel chair accommodations, 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 Conditions if approved:

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.

Sheila confirmed the staff report was accurate.

Danny 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 the size of the cabin you were granted?

Adam 26' x 27' was what was drawn on the survey, which is not exactly 700.

Russ how wide are you requesting now?

Sheila, 30' by 28' forward. Wider for the hallways.

Russ, so it would be 4' and 1' is what we would be adding on to it.

Ken at the overhead map, there appears to be a structure there now?

Sheila, that is gone, it was a camper. There is a deck in front of that camper which is going to be pushed back.

Ken recalled being here before, with this land.

Sheila stated it was approved at 82' for the lake setback. But after meeting with the builder, she needed more for the ADA standards, and the overall lot sq. footage was not 80,000, and that was approved before.

Adam confirmed that was granted back in August.

Russ asked if the extra four feet was going on the front, back or side of the cabin?

Sheila stated the side so she has more room in the hallway and the turn radiuses in the bedroom and the bathroom.

Russ so the one foot is...

Sheila, that is on the lake side because she is back as far as she can get.

Danny added she is at 10' from the back fence.

Russ, so are your parents in wheelchairs now?

Sheila, no, but her dad has Parkinson's so, she is just trying to plan ahead.

Danny explained the request goes to the land and not to the people. You have already pushed this out there as far as you can, you already have power out there,

Sheila added there was power there before she bought the property running off her house, and water.

Danny stated he is having a hard time here, she did a great job for the location, presenting it and so forth, but personally, there is no buildable area and this is a brand new non-conforming structure in a place we had nothing before? Goes against the grain of our board, and has to look at what is the public getting back for putting a non-conforming structure there? Like the last one, we gained ten feet of no mow zone.

Sheila, what does the public want?

Danny, basically not to build on it.

Russ asked what the previous conditions were.

Sheila 50% shaded and the run-off plan, but the water goes to the back to the wetlands already.

Russ asked what were the conditions for her last application?

Adam stated they were the same as this time.

Rick stated first of all, she was here in August, and came wanting a guest cabin, which lake owners are entitled to, as long as they meet certain conditions, she fell just short of that, it wasn't the 700 sq. ft. because she was going to work with that along with other variances she needed to make this work. He stated when he looked back at the minutes and the criteria questions, to him it appears, that she met all seven criteria, not only met all seven criteria but it was a unanimous vote on every single criteria question and also on the unanimous vote on granting the variance. So, she goes back and starts working with her builder and realizes 700 isn't going to cut it and wants a little more. He stated he looks at the variances the board gave her unanimously across the board and she is not asking for much more. She is only here now because she has put pencil to paper, it just isn't going to work. You have to accommodate land owners with ADA needs. So, he feels, the record, facts and circumstances have already been established. For this meeting and for the record, he would like to refer back to that, and simply make that statement. Because of that, he is OK with letting her have small increases in what she is trying to do.

Russ stated he went back and he reviewed it, as well, and agrees 100%, she's gone another four feet and one foot and everything should be fine.

Rick did not need to go through the criteria questions, because his answers are going to be the same.

Larry agreed.

Rick stated he was OK with the variances.

Ken stated he would echo what those two just said and to add to that just a little bit, right now as it sits, the lake has nothing, there is no water protection plan, nothing. If we grant this, we at least get a water protection plan. We may gain a non-conforming structure but we gain a water protection plan.

Rick, and screening.

Ken stated he will take a water protection plan all day, where he can find it. Ken moved to approve with the two conditions and Rick seconded.

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.

Danny asked how he voted in the end back in August?

Rick stated a “yes” and it was a unanimous vote.

Danny stated he will stick with his original decision.

Roll call vote commenced as follows:

<b>Board member</b>	<b>Vote (yes or no)</b>
Danny Peyton	Yes
Larry Bebus	Yes
Rick Johnson	Yes
Ken Hovet	Yes
Russ VanDenheuvel	Yes

Motion carried, request has been granted.

Ken asked if all had a copy of Deja’s E.A.R. T. H. plan? He highly encouraged to dig it out and read it. The way he took it, it is something we could work into our process here, for variances, especially along the lake shore, and what it is geared for. It’s very comprehensive and thinks it has a lot of merit.

Adam suggested to add the discussion to the agenda for next month and that can be the boards assignment and all agreed.

Danny motioned to adjourn and Ken seconded. Voice vote to adjourn. No dissention heard. Motion carried and the meeting adjourned at 6:52 PM.