

Minutes of the Todd County Board of Adjustment Meeting

August 27, 2026

Completed by: Sue Bertrand P&Z Staff

Site visits completed by Adam Ossefoort & Danny Peyton on 8/19/2026

Meeting attended by board members: Rick Johnson, alternate Larry Bebus, Mike Soukup, Danny Payton, and Planning Commission Liaison Ken Hovet.

Staff members: Adam Ossefoort and Sue Bertrand

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

Rick called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited, each board member introduced themselves and Rick explained the process for those attending.

Danny motioned to have the agenda approved, as written, Mike seconded, voice vote, no dissent heard, motion carried.

Mike pointed out the conditions on item #1 had a typo on #3 condition and needed to be listed as amended for the motion at the end. Noted and corrected.

Mike motioned to have July 23rd, 2026 meeting minutes approved as amended, Ken seconded, voice vote, no dissent heard, motion carried.

Introduction of the meeting process and etiquette by Rick.

AGENDA ITEM 1: Mike Kloos – PID 11-0060800 – Grey Eagle Township

Request:

1. Request to reduce the 100' OHW setback to 46' for the addition of a two-foot cantilever in Recreational Development 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. Establishment of a 10' vegetated buffer (no mow zone) along the lake frontage. A 6' wide maintained area shall be allowed for dock access.
2. Applicant shall maintain a minimum of 50% vegetative screening as viewed from the lake during leaf on conditions.
3. Applicant shall abide by all other applicable federal, state, and local standards.

Mike confirmed the staff report was accurate.

Danny went over his site visit report with the board. This report may be viewed in full, upon request, at the Planning and Zoning office.

Correspondence received: None.

Public comment: None.

Board discussion:

Ken stated he has a hard time accepting needing a table on the deck as a practical difficulty, and, back in 1996 the variance that was granted came with the condition that there can be no other variance.

Adam stated he has listed information on past variances for applications but what we have been taught, over the years, on those types of conditions is we are unable to enforce them as no one knows what the future holds, and that condition should not hold any bearing in the decision making tonight.

Mike asked Adam if this is accepted, does this change exact for exact?

Adam, yes, however they are independent structures, "house for house and deck for deck" for "exact for exact" purposes.

Danny stated the ten feet no mow zone includes the bottom portion as the no-mow zone, on that level. Would like to see 50% screening and how to shade this house to 50% and what is the time span for that to happen? It might be 20-30 years before it will shade that house.

Mike Kloos stated it is pretty much shaded until around 4:00 p.m.

Adam clarified that he means screening of the structure.

Danny explained what they mean by leaf on 50% screening from the lake, with 50% light to come through the trees and we need tree roots to support the under growth. We are the public; we are the lake.

Rick stated for the record, when you look at the Shoreland Ordinance itself, it is pretty much mandated by the State and the purpose is to achieve the protection of the quality of the surface water and to preserve the natural shoreland of the property. This application seems like you are replacing the deck with better materials and it is a reasonable request to fit a table on the deck. He stated this may not meet all of the criteria, but the board may try to balance the needs of the property owner verses the needs of all of the residents of Minnesota. We are protecting it for their purposes. When it comes to a deck, if he goes by in a boat, does he really know that the deck is two more feet out? Probably not. He feels his line of site is not affected. The board may apply certain conditions to help mitigate the adverse effects, but those conditions must be directly related to the variance we are granting. He would definitely want a no-mow-zone. Big Birch is an impaired lake and the board must be even more strict. He would not require additional screening as he does not feel it directly relates to the variance request, however, it is best management practice for lake shore and you would be a good steward to do so.

Mike Kloos asked about the no mow zone if they were talking about the lower level before you get to the dock?

Rick stated typically, it is from the edge of the water up. The DNR has stated one of the best things a lake shore owner can do is to re-establish the natural vegetation along your shoreline and have asked for 50'. Lakes are becoming impaired because of densely populated lakeshore, and everybody has lawns right up to the edge of the water. Everybody has run-off into the lake. This run-off has an adverse impact on the lake. Big Birch is already impaired, and we need to reverse that and be really careful not to grant a variance that will contribute to that impairment. The no-mow zone is actually the restoration of the natural vegetation along the water's edge.

Mike explained how he bought the place "as is" and just loves it. They enjoy it year-round and the view is the reason. Explained how inconvenient the deck style is. Fifteen feet of deck on both sides of a table that someone has to get up, push their chair in and step to the side for someone else to get by. If he could extend it out a little further, you don't have to hit the glass of your patio door or the glass on the deck.

Rick understands the million-dollar view, however, since 1972, any new development, we cannot do that. You do have a legal non-conforming structure.

Rick 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	No for the already given reasons.
Dan Peyton	No, under 50% of the setback. DNR says not to build under the 50% (shore impact zone).
Ken Hovet	No, there is no real practical difficulty.
Larry Bebus	No, agreed with Danny.
Rick Johnson	Yes, balance the need of the property owner with all of the state residents. The request is reasonable and it is a deck.
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	No.
Dan Peyton	No, the Comprehensive plan says to improve the quality of the run-off water and even with the no-mow-zone, the steepness of the slope will not accomplish what we would like to have done.
Ken Hovet	No.
Larry Bebus	No, because it is a non-conforming lot size, the closeness of everything, the landscaping, everything.
Rick Johnson	Yes, it is not unreasonable development with the proper mitigation of conditions.

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
Mike Soukup	Yes
Dan Peyton	Yes

Criteria Question #3: Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?	
Ken Hovet	Yes
Larry Bebus	Yes
Rick Johnson	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	No
Dan Peyton	No, it is a table problem.
Ken Hovet	No
Larry Bebus	No, the landowner wants to increase the size because of the difficulty of walking around a table.
Rick Johnson	No

Majority response- No

Criteria Question #5: Will the variance maintain the essential character of the locality?	
Board Member	Vote and Comments
Mike Soukup	Yes
Dan Peyton	Yes
Ken Hovet	Yes, didn't think it would be noticed by the public.
Larry Bebus	Yes
Rick Johnson	Yes

Majority response- Yes

Criteria Question #6: Does the need for the variance involve more than just economic considerations?	
Board Member	Vote and Comments
Mike Soukup	Yes
Dan Peyton	Yes
Ken Hovet	Yes, environmental considerations, it is an impaired lake.
Larry Bebus	Yes
Rick Johnson	Yes

Majority response- Yes

Criteria Question #7: Have safety and environmental concerns been adequately addressed?	
Board Member	Vote and Comments
Mike Soukup	Yes
Dan Peyton	No, still an environmental issue even with the no-mow zone didn't think we had enough on the steep slope.
Ken Hovet	No, established a no-mow-zone but did not come up with a solution for the screening.
Larry Bebus	Yes, if approved with the conditions of the no-mow-zone.
Rick Johnson	Yes, primarily because of the conditions established with the variance.

Majority response- Yes

Summary of criteria question majority responses as follows:

#1	No
#2	No
#3	Yes
#4	No

#5	Yes
#6	Yes
#7	Yes

Danny motioned to deny the variance, Mike seconded.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Mike Soukup	Yes
Danny Peyton	Yes
Larry Bebus	Yes
Ken Hovet	Yes
Rick Johnson	Yes

Motion carried to deny the variance.

AGENDA ITEM 2: Tamara Marlene Odland – PID 26-0038700 – Ward Township

Request:

1. Request to reduce the 150' lake setback to 131' for a garage addition in Natural Environment Shoreland Zoning District.

Tamara 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 the existing vegetated buffer area along the lake frontage
2. All erosion controls shall be installed and reviewed by County staff prior to the start of construction.
3. Applicant shall abide by all other applicable federal, state, and local standards.

Tamara confirmed the staff report was accurate.

Dan went over his site report. This report may be viewed, in full, upon request at the Planning and Zoning office.

Correspondence received: None.

Public comment: None.

Board discussion:

Danny mentioned this is on flat level ground on the opposite side of the lake, no issues, mentioned where this garage is going, only a portion will be in the setback and the back part will be in the buildable area.

Ken, still within the allowed impervious surface?

Adam, yes, no increase in total as the garage is on the existing concrete.

Rick, practical difficulty is lacking the lot depth, and this property achieves all the other requirements, has that going in her favor. 42,000 sq. ft. with structures at 9%, that's low, total at 17%, that's low, meets all other setback requirements and this is a reasonable request to have an attached 24' x 30' garage. This is reasonable, and reasonable for safety. Sees nothing unreasonable about this application.

Larry agrees with Rick.

Ken agrees with Rick and added it fits in the neighborhood, isn't going to be visible from the lake, it's already flat and can't find any reason to deny this.

Danny asked if we are adding a structure, do we need to control the water? Danny further noted that the soils of the area are very sandy.

Adam stated it is already flat, sandy loam and he is not a fan of gutters as it concentrates the water from the roof and directs it to a pour point.

Danny mentioned he doesn't want heated water coming off the roof and into the lake. Would like to cool it down.

Rick did not see any significant impact that would work against the Ordinances we have to protect the water. Loves the existing vegetation buffer, huge fan of shoreline restoration. He would ask for the cost share project to be maintained, through the condition, and propose it remain there indefinitely.

Adam, yes, as opposed to the cost share project having an end of life. Does not mean landowners will get rid of it, but they will not be penalized if they do, on the cost share side of things.

Dan, and we can make it indefinite.

Rick, based on the discussion, he didn't feel the need to go over the criteria questions and asked for a motion.

Ken suggested to not go through the criteria and motioned to approve with the proposed conditions, Mike seconded.

Conditions:

1. Maintain the existing vegetated buffer area along the lake frontage
2. All erosion controls shall be installed and reviewed by County staff prior to the start of construction.
3. Applicant shall abide by all other applicable federal, state, and local standards.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Mike Soukup	Yes
Danny Peyton	Yes
Larry Bebus	Yes
Ken Hovet	Yes

Rick Johnson	Yes
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Motion carried to grant the variance.

AGENDA ITEM 3: Tom Brichacek – PID 19-0022300 & 19-0021700 – Moran Township

Request:

1. Request to reduce the road right of way setback from 35' to 20' for placement of additional office space.

Tom 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:

1. No conditions

Tom confirmed the staff report was accurate.

Danny went over his site visit report. This report may be viewed in full, upon request, at the Planning and Zoning office.

Correspondence received: Yes, from our Public Works Department, Loren Fellbaum, and does not have an issue with this variance request. This letter may be viewed fully upon request at the Planning and Zoning office.

Public comment: None.

Board discussion:

Rick, how did the building get there in the first place? Not meeting the setbacks?

Adam, it was granted a variance in 1989.

Tom stated before that, the existing building had burned down and was rebuilt in that exact location.

Rick Brichacek, 40921 County 21, Browerville, Tom's dad and previous owner, stated he bought it in 1972 and it had been in that location since around 1960.

Rick asked if he could recall what the practical difficulty was, at that time for building that close and why it was not rebuilt meeting the setback?

Rick Brichacek stated he wished he had met the setback. He explained looking back, he was only 21 years old, and the house was already at that setback. There probably wasn't even a code back then.

Tom stated they had widened County 21 since then.

Adam stated the expansion of the road right of way would be the change how the structure would relate to the road.

Ken, the existing building is your main business building?

Tom, yes, we build cabinets and did all the woodwork for the courthouse when it was remodeled.

Ken, the setback from the highway is for safety reasons. He didn't see any safety issues, any more than the buildings that are already there.

Rick, agreed with Ken and added granting this variance would not have any additional impact, and stated this is reasonable development.

Danny stated the road sign would get hit before anything.

Mike stated, with seeing staff report images and knowing Todd County Public Works does not see an issue, he is okay with this.

Rick asked the board how they feel about having a condition of "no service entry doors on the roadside or requiring any parking to be in the back"?

The board did not respond, so Rick left it at that.

Tom stated the south side is the plan.

Danny made a motion to for-go the criteria questions and grant the variance, Ken seconded.

1. No conditions.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Mike Soukup	Yes
Danny Peyton	Yes
Larry Bebus	Yes
Ken Hovet	Yes
Rick Johnson	Yes

Motion carried.

Rick called for a short recess and reconvened at 7:30 pm.

AGENDA ITEM 4: Dennis Waldvogel – PID 03-0059200 – Grey Eagle Township

Request(s):

1. Request to reduce the road right of way setback from 20' to 10' for a garage replacement.
2. Request to increase the allowed height for a nonconforming structure from 18' to 25'.

3. Request increase the allowed roofed impervious surface coverage from 15% to 19.18%. Dennis 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. Development and submittal of a stormwater management plan prior to Land Use Permitting. Stormwater planning shall include a preconstruction erosion control plan.
2. All erosion controls shall be installed and reviewed by County staff prior to the start of construction.
3. Establishment of a 10' vegetated buffer (no mow zone) along the lake frontage. A 6' wide maintained area shall be allowed for dock access.
4. Land owner shall maintain a minimum of 50% screening of the proposed structure as viewed from the lake during leaf on conditions.
5. Applicant shall abide by all other applicable federal, state, and local standards.

Dennis confirmed the staff report was accurate.

Danny went over his site report. This report may be viewed in full, upon request, at the Planning and Zoning office. Noted Dennis has an issue with the water that he does not know how to solve. Felt Public Works and the Township would have to get involved. Not sure why the lawnmower was parked where it was.

Rick stated he will deviate from process to let Dennis explain the placement of the lawnmower.

Dennis stated the lawn mower was parked outside the garage because there is no room inside. He also stated this pooling of water "issue" was brought before the township and the County a few years ago and they have not come up with a plan.

Rick confirmed there was no intent to deceive with the parked lawn mower.

Dennis did explain the Township dug across the road, in the ditch, to try help with the water issues.

Correspondence received: None.

Public comment:

Gary Krig, 10730 Angler Trail, one property between he and Dennis. Has seen a foot of water in Dennis's garage. They are here to support his variance request. The lots were set up under the old zoning and he really does have a hardship there, he will raise it up, but it is not solving the pooling of the water problem, may even move it down the line to his own lot. Would rather see all his stuff inside for security reasons, looks better and helps maintain everything and keep in good condition. It is a Band-Aid that is proposed, and would really like to see the County engineering get involved and get that area fixed.

Larry are you going to raise it up?

Dennis, yes.

Board discussion:

Ken, corner of garage is right up against the right-of-way.

Adam confirmed.

Ken you are asking for a larger square and using up all the setbacks.

Dennis, got that information from the County, and in practicality where the road is it is 45' from the travelled road.

Ken understands the travel. Has the township weighed in?

Larry has tried some different things and have not figured it out yet, and confirmed they did dig out the ditch. He is going to be getting water onto his lot a lot.

Ken how high would you have to raise it up?

Dennis, two feet.

Ken, where is the water going to go?

Larry stated the lot is lower than the ditch on the other side, so even if he built it up, water will fill up that ditch run down again and cause problems in other areas.

Dennis wants the township to look at again, to help correct that issue.

Danny asked where the road ditch drains?

Larry stated he didn't believe there was an outlet just sits there until it leaches into the ground.

Dennis, it just sits there until it evaporates.

Rick, fair to say, any water that accumulates there, just sits there and never flows into the lake.

Danny mentioned the tile that dumps onto the rip rap for the movement of water, trying to lower the water in his property, to us, it is bad for the lake as water goes directly into the lake. Has no idea how to correct the issue. Not seeing good or bad, with the tile, just does not see a solution, what the public road should be doing, drain the road ditch without going onto the properties. Since it is the township road it should go back to the township to solve this.

Ken, his concern is that it would create a larger problem somewhere else, granting a raised garage of a larger size is going to move the problem somewhere else.

Rick, how are we going to manage the water off the larger garage without more pooling? The solution is outside this hearing. May be grounds not to grant this variance until this is fixed. Seeing a picture of a drain tile, where is that water coming from and what is the purpose of the drain tile?

Dennis stated it was put in about a year ago, had his lakeshore redone he had asked for tiling, and it was put in there as a grate to catch water by the garage.

Rick stated we do not want the water sent directly to the lake.

More discussion on tiling

Margaret Krig, 10730 Angler Trail, had problems on our road for years, this ditch that Birchdale township dug out, when there is a heavy rain or snow buildup, it goes nowhere. It fills up and runs over to our side of the road. She stated she is in Birchdale township, from the tar road to the dirt road to the top of the hill, that is Grey Eagle twp. Three years ago, she set up a meeting with Birchdale township, said to talk about Grey Eagle, and they said go to the County. Suggested all sit down together, the two townships and the County for a solution and not point fingers at each other. The County comes out, takes notes and goes away and nothing gets done. Dennis's garage gets wet, freezes and busts all up, repeatedly. The garage is heaved and cannot even use the service door. Now, he may be potentially denied. She stated they pay a lot of taxes and none of them have children in the schools, so why can't they have a road that works? All they get is the "run around". They were told the road was built in the wrong location. Who put the road in the wrong spot and whose responsibility is it to fix it and how do we correct it? Jane lives on the other side of Dennis and sometimes it is a foot deep with sand. Nobody seems to want to fix it for us. Can't asphalt because it is in the wrong location. We have a water problem that nobody seems to want to address, and now Dennis must have a crappy garage because of it?

Dennis is open to meeting with the County. They came out a few years ago, they were going to do some surveying and they took a look around and said they would write a report and he followed up three or four times and apparently the report never got done. Probably cannot give me an answer tonight, but what is our next step to get that water rectified? He is looking for direction.

Rick stated this is outside the scope, do not have the knowledge and the expertise and does not feel comfortable giving direction on that, and doesn't feel the board needs to, just that the board needs to focus on your variance request.

Larry stated the last meeting they were at when they brought this to the township, there were some comments two to three weeks ago, maybe dig a deeper ditch, and that is not going to work. He does not know what happened between you and the County, and where that stands, he would not even comment on that.

Dennis stated he could meet one on one with Adam outside the meeting about this.

Adam stated Deja and he have both been out there and up and down the road with water issues a number of times. This is more than the variance request at hand, and we are getting way off the topic. Yes, outside of the meeting we can look at this.

Rick agrees with Ken's comment we would be adding to this problem if we allow this larger structure to be built.

Mike Soukup would those first two conditions get the County engineers involved.

Adam stated he did not want to speak on behalf of our Public Works engineers but fairly confident they don't deal with private property, they deal with County highways, this is a township road, it is not their jurisdiction.

Mike, who's ditch is it?

Adam, township has ownership of that right-of-way.

Dennis, could the township and the County collaborate?

Adam, definitely, may not be the Public Works department. That's why we have had our Soil and Water Staff out there to look at solutions, Larry, our Soil and Water supervisor also. It is a complicated situation that requires a complicated solution.

Larry and the township has worked with the County on issues.

Ken stated the DNR agency may have to get involved as they deal with water and may have a solution, especially if the water will be put in the lake.

Adam stated he would also like to say Big Birch Lake is in the Sauk River Watershed District that could be involved and they have talked with them about this area.

Danny, there is potential cost share.

Mike, is this something that we should table? By tabling it you have not lost any money. If we table, we only have sixty days but if you table, it may be indefinite and it gives us time to talk with these other agencies.

Danny agreed to table as he has bad feeling, the water situation must be addressed first, before we can grant this.

Rick agreed, deep complex issue and it will take more than sixty days.

Adam application was accepted on 8/3 as a gov't unit we may extend another sixty days until October 2, and as a gov't unit may notify in writing another sixty days so December 1, is 120 days.

Rick, you are running a risk of it being denied if we continue and go to the criteria questions.

Ken made the motion to table, Larry seconded. Voice vote, no dissent heard, motion carried to table.

AGENDA ITEM 5: Jason Arnzen, St. Rosa Lumber – PID 03-0058700 – Birchdale Township

Request(s):

1. Request to reduce the lake setback from 100' to 70.29'.
2. Request to increase the roofed impervious surface from 15% to 25.4%
3. Request to increase the total impervious surface from 25% to 27.9% for a dwelling replacement.

Jason Arnzen, St. Rosa Lumber and Allie Schmidt, owner, 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 and submittal of a stormwater management plan prior to Land Use Permitting. Stormwater planning shall include a preconstruction erosion control plan.
2. All erosion controls shall be installed and reviewed by County staff prior to the start of construction.
3. Establishment of a 10' vegetated buffer (no mow zone) along the lake frontage. A 6' wide maintained area shall be allowed for dock access.
4. Land owner shall maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.
5. Applicant shall abide by all other applicable federal, state, and local standards.

Jason confirmed the staff report was accurate.

Danny went over his site visit report. This report may be viewed in full, upon request, at the Planning and Zoning Office.

Correspondence received: None.

Public comment: None.

Board discussion:

Danny asked about the surveyor's note is hard to read.

Adam read aloud, "the total proposed roof area is 4,297 sq. ft. which is 30.4% of the lot" and assuming he is going to ask why is he not requesting that as a request instead of 27.9%?

Danny, correct.

Jason, the 27.9% was for impervious, and the 30.4% was roof coverage.

Adam, that makes sense as that includes all of the overhangs and eaves, but the actual impervious surface is 27.9%.

Danny, so, the proposed is less than the original impervious surface?

Adam, no. We are not counting the overhang of the building as impervious surface, just measuring at the foundation, that is the difference between those numbers.

Jason, so we also have a calculation on the right hand side, the current impervious surface is 33.4% and the proposed of 27.9%, an overall reduction.

Ken, so tell us how you are getting that reduction.

Allie, removing a lot of unnecessary concrete.

Jason, mainly in between the shed the garage and the existing cabin, a lot of concrete and pavers getting removed.

Ken, the buildings are taking up a lot of the lot, small lot.

Discussion on what all is being removed exact for exact plus the addition toward the road.

Rick, the proposal will remove the deck out of the shore impact zone and move it back and under the proposed roof of new structure as a covered porch area. What is the square footage of the old home?

Allie, about 1500 square feet.

Rick, new?

Jason 2584 square feet with the patio.

Rick, just a comment, you have a practical difficulty, the lot is too small, avoiding the shore impact zone, that is good, as we are not allowed to issue permits in the shore impact zone and for him it is all about his comfort zone, 2/3rd expansion. You could build a new home exact for exact, and if not, the new would have to meet current regulations and standards. Significant expansion. He is getting hung up on: Should be 15% roof, going to 25%, does it comply with the comprehensive plan and is the development reasonable? That is out of his comfort zone. Minor variances he can live with, but this is a 69% deviation. Understands what they are trying to do.

Ken, he might add that this lake is already impaired.

Danny, gets back to too big of structure on too small of a lot.

Rick, during the formation of the regulations, the biggest complaint from the State of Minnesota is the density, too many structures, right on the water, they want to see a more natural shoreline.

Allie, stated they designed it to be low profile from the lake and kept the width the same, adding onto the roadside, chose to keep it one story to allow view of the lake to the neighbors on the hill, if that makes a difference.

Jason stated after talking to the County, thought best to keep it one level, get rid of the deck in the shore impact zone, start the building line there and put extra square footage on the back side.

Danny, more variances give more of a negative feeling, how far to get down to two requests? If you let go of the open patio, what would that bring you down to?

Jason, 2120 square feet.

Danny, pointed out it is sandy-loam soil so there is a little bit of clay in the sand, so it doesn't drain as fast. Gained a few feet off the shoreline. Didn't think there would be much problem with storm water management due to it being so flat. About the buffer zone, we could request 15' to 20' depth of natural vegetation. A lot more water movement during heavy rain, oversized structure needs oversized water control.

Ken agreed.

Rick, this lake is the least restrictive of our three classifications, and the reason we have minimums for depth/width is to have the adequate ground space to effectively handle all of the water off all of the structures. Doesn't see how this can be achieved with this footprint.

Danny, 3% over in total impervious. It is why he suggested a more strict no-mow-zone to handle the water.

Rick, height of the old home?

Jason, 13' to 14' high. We are keeping it under the 18'. Now we have 33.4% and going down to 27.9%, if there is not a water issue now we won't have to worry about it. The impervious is going down and it will have even more places to go as we are at 34% impervious, going down to 27%. Impervious is going down from the original.

Danny said change the proposed 10' to 20' no-mow-zone with a minimum of 4" cut on the proposed conditions, and it will take care of any erosion and water flow across the yard and looks fantastic.

Rick and the board agreed with the change.

Adam amended.

Rick called for Criteria Questions individually by request, addressing all three requests.

Criteria Question #1: Is the variance in harmony with the general purposes and intent of the official control?	
Board Member	Vote and Comments
Mike Soukup	No, because of the size of the structure in relation to the lot size.
Dan Peyton	No, the house is way past the 15%, up to 25%
Ken Hovet	No, same reasons
Larry Bebus	No, same reasons

Rick Johnson	No, same reasons
Majority response- No	
Criteria Question #2: Is the variance request consistent with the goals and policies of the comprehensive plan?	
Board Member	Vote and Comments
Mike Soukup	Yes
Dan Peyton	Yes, improving of no-mow-zone and out of shore impact zone.
Ken Hovet	No
Larry Bebus	Yes
Rick Johnson	No, too much development on a small lot, on an impaired lake

Majority response- Yes

Criteria Question #3: Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?	
Board Member	Vote and Comments
Mike Soukup	Yes
Dan Peyton	Yes
Ken Hovet	No
Larry Bebus	Yes
Rick Johnson	No

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	No, for the want of a bigger home in comparison than to what the lot allows you to do.
Dan Peyton	Yes
Ken Hovet	Yes
Larry Bebus	Yes, size of lot
Rick Johnson	Yes, small lot

Majority response- Yes

Criteria Question #5: Will the variance maintain the essential character of the locality?	
Board Member	Vote and Comments
Mike Soukup	Yes
Dan Peyton	Yes, keeping to one story is the essential character.
Ken Hovet	Yes, appearance will not change much from either the lake or road.
Larry Bebus	Yes
Rick	Yes, same reasons as Ken

Majority response- Yes

Criteria Question #6: Does the need for the variance involve more than just economic considerations?	
Board Member	Vote and Comments
Mike Soukup	Yes
Dan Peyton	Yes
Ken Hovet	Yes, we have environmental considerations being it is an impaired lake
Larry Bebus	Yes
Rick Johnson	Yes, because it's a small lot

Majority response- Yes

Criteria Question #7: Have safety and environmental concerns been adequately addressed?	
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Board Member	Vote and Comments
Mike Soukup	Yes
Dan Peyton	Yes, due to the additional no-mow-zone to try to control the water
Ken Hovet	No, still find it questionable if we have addressed all of the run-off.
Larry Bebus	Yes, with the addition of the 20' no-mow-zone and conditions stated
Rick Johnson	Yes, because of the conditions, especially the development and submittal of a stormwater management plan approved by the County prior to permitting. Has full faith in their ability to do that.

Majority response- Yes

Summary of criteria question majority responses as follows:

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

Danny motioned to approve, Larry seconded with the five conditions as presented.

Conditions:

1. Development and submittal of a stormwater management plan prior to Land Use Permitting. Stormwater planning shall include a preconstruction erosion control plan.
2. All erosion controls shall be installed and reviewed by County staff prior to the start of construction.
3. Establishment of a 20' vegetated buffer (no mow zone) along the lake frontage. A 6' wide maintained area shall be allowed for dock access.
4. Land owner shall maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.
5. Applicant shall abide by all other applicable federal, state, and local standards.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Mike Soukup	No
Danny Peyton	Yes
Larry Bebus	Yes
Ken Hovet	No
Rick Johnson	No

Motion failed, so the variance has been denied.

Rick stated his reasons for denial as the unanimous vote of "No" on #1 criteria, and we need a "yes" on all seven. Stated he could not get past the significant variances, could not allow expansion in an area that's already densely populated, couldn't allow it to continue and grow. Looking at the ordinance and Comprehensive Plan, we have a lot of non-conforming lots and looking at the spirit and intent: allow to replace exact for exact and improve without a variance, but if you want to expand, it is not allowed with the belief that if it is not allowed, eventually these non-conforming structures, and perhaps non-conforming lots would disappear. This is an impaired lake. Must have a tough standard. He has read reports from the DNR

since 1972, that these standards are not working. Lakes are continuing to be impaired. The DNR is sending out warnings this is not working, with a lot of the fault pointed at the Boards that grant the variances.

Ken stated his “no” to the variance requests are too much of a deviation percent.

Mike, stated his “no” as the total deviations flag it for him. When you take all the categories, it is too much for too small of a lot.

Ken motioned to adjourn and Danny seconded, voice vote, no dissent heard, motion carried and the meeting adjourned at 9:05 PM.