Minutes of the Todd County Board of Adjustment Meeting

October 22, 2026

Completed by: Sue Bertrand P&Z Staff

Site visit completed by Adam Ossefoort & Danny Peyton on 8/19/2026 on the Waldvogel site.
Site visit completed by Adam Ossefoort and Bill Berscheit on 10/15/2026 on the Skatarella site.

Meeting attended by board members: Chair Russ VanDenheuvel, 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.

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

Waldvogel has requested to table until next month, and Adam read the e-mail request.

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

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

AGENDA ITEM 1: Dennis Waldvogel– PID 03-0059200 – Birchdale 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%.

Tabled by request of the applicant.

AGENDA ITEM 2: David Skattarella– PID 06-0054300 – BurnhamvilleTownship

Request(s):

1. Request to reduce the road right-of-way setback from 20’ to zero.
2. Request to reduce the OHWL setback from 100’ to 52’ for a pantry addition.

David 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. No vegetative or topographic alterations are allowed within this buffer area.

2. Land owner shall maintain a minimum of 50% screening of the proposed structure as viewed from the lake during leaf on conditions.
3. Applicant shall abide by all other applicable federal, state, and local standards.

David confirmed the staff report was accurate.

Adam went over Bill Berscheit's 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 the distance from cabin to OHW?

Adam, 14' to the front of the concrete patio.

Danny, so the 10' no-mow will take up a lot of this area?

Adam, yes, and a lot of this area has good, mature trees and brush with natural vegetation and the intent of the condition would be so that stays for any future landowner of the property.

Danny questioned the distance from the addition to the road right-of-way.

Adam 21 feet from the edge of the road, as traveled, to the addition. The cabin itself, is 33' from the edge of the service road that comes off County 104.

Danny, what is the width of the addition?

Adam, 12' x 16' are the dimensions, 12' out from the house.

Danny, the cabin is 12' from the edge of the right-of-way which is 35' from the center.

Adam, the 33' on the drawing is the measurement of the existing cabin to the actual paved road, had a difficult time determining the road right-of-way.

Ken, it is a township road though, a 4-rod road.

David confirmed the existing cabin is 33' from the edge of the paved road. The landowners paved that.

Ken stated he noticed the cabin is two stories, and asked if the pantry would be two levels too?

David, no it will be on the same level as the upper-level porch.

Russ was it a trailer house added on to?

David, no.

Russ, because of the size of the lot it had to be built that size. Did you build that?

David, no, his father did.

Ken, how do they maintain that township road in the winter?

David, Burtrum comes and plows in the winter.

Adam stated he had gone to the township, but they did not respond to us for any comment.

David stated the township told him they were very familiar with the area and it was fine, they didn't have any problems with it and they gave it to the clerk downstairs and signed off.

Ken, his concern is for safety, especially since it is only 21' from edge of the pavement, with plowing in the winter and knows how plows throw rocks. He did have that 12 extra feet and now you want to build in that area.

David, it is a paved road.

Ken, he understands that.

David, he's been living there for 15 years and has not seen anything that would intersect with Ken's concern, when he plows the road, it doesn't even come close to that 12'.

Larry, sees you have a ramp, does that go to the edge of the road?

David, yes, put the ramp from the road right up to the porch because at that time his mother was incapacitated.

Larry, understands ramps do not require a permit.

Adam, correct, however we do count it for impervious surface. It is a consequence of the house. You must have access to the house.

Larry asked when the ramp was installed?

David, guessing 15 years ago.

Adam showed the original plat of the area and there was discussion on the platted road right-of-way. It indicates a 33' distance but does not indicate if that is the full width of the right-of-way or half the distance measured from the center of the road right-of-way.

Ken, safe to say it is a 4-rod wide township road, which doesn't make a whole lot of difference here.

Adam stated the paved road is approximately 20' wide.

Danny did the math a felt the addition would be 2' into the road right-of-way.

More discussion on the distance to the road right-of-way on different roads.

Ken stated David has good measurements, however, is the plow truck going to throw snow and rocks that far? Doesn't look like it is a high-speed road.

David, the snowplow has not thrown any since he has lived there.

Larry, how many people are on that road?

Adam showed the satellite view on the overhead of the area.

Mike asked if a lot of people park on the road?

David, yes.

Mike, how much room do we need for a fire truck?

David, had no problem with emergency vehicles before, and they have been down there.

Ken stated David had been to the township, and they are the road authority and no response, and takes that as they were ok with it.

Adam reminded, the signing of our form is only acknowledging David had presented his application to them at a meeting, not signing they approve or not. They could have submitted comment or attended this meeting.

Danny restated he thinks the addition will be 2' into the road right-of-way, not the edge of the road.

Adam measured on the overhead and agreed with David's measurements, zero to the edge of the road right-of-way. The only way to be certain is to have it surveyed.

Ken looks at safety and deferred back to the road authority, the township, that has not expressed concern so he moves to approve with the conditions stated.

Larry asked, has anything ever happened to that ramp?

David, no.

Russ seconded the motion to approve with the proposed conditions:

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. No vegetative or topographic alterations are allowed within this buffer area.
2. Land owner shall maintain a minimum of 50% screening of the proposed structure as viewed from the lake during leaf on conditions.
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)**
Ken Hovet	Yes
Larry Bebus	No
Danny Peyton	No, without a survey he cannot guarantee this structure is not in the road right-of-way, and safety concerns, taking 1/3 of the distance out of the distance between the existing structure and the edge of the road.
Mike Soukup	No, due to safety concerns with the road.
Russ VenDenheuvel	Yes

Russ stated with three "no" and two "yes" we will have to deny the variance request.

David, what he is hearing is the pantry comes too close to the road.

Danny, stated if I build a fence into the road right-of-way and a car comes off the road and hits the fence, then I am liable, but if the fence is out of the road right-of-way and the traveler hits the fence, the traveler is liable to pay for the fence. Same thing, with a rock pushed out of a field into the road right-of-way, if a traveler hits the ditch and the rock the farmer is being negligent and is liable for the damage, as he put the rock there. Could be sued because of that rock. Same thing here, if you build in the road right-of-way and something happens, you could be in deep trouble. You would be responsible for any vehicle that would hit that structure.

David insisted, it was his understanding, it will not be in the road right-of-way and explained. He added, several buildings are encroaching on the setback but not in the right-of-way. We've lived with those buildings for several years and there has never been an incident.

More discussion on the measurements of a road right-of-way in reference to his structure and proposed request.

David explained where the cabin stands, it is 33' from the edge of the road.

Russ, without a true survey, we do not know for sure.

Larry, thought about getting a survey, to end the measure dispute?

David asked if he got a survey, what is he hoping to ask for?

Adam stated the decision has been made to deny the application. The board has expressed as a strong deviation from the standard (100 % deviation). These questions are best answered outside of this meeting and figure out the best path forward. He offered to meet with David.

David brought up all the neighboring properties with the same encroaching structures.

Adam, what your neighbor has is not a direct impact on your property. Everything is site specific.

Ken motioned to adjourn and Danny seconded. Voice vote to adjourn. No dissention heard. Motion carried and the meeting adjourned at 6:37 PM.