

Minutes of the Todd County Board of Adjustment Meeting

April 24th, 2025

Completed by: Sue Bertrand P&Z Staff

Site Visits conducted by Adam Ossefoort and Bill Berscheit on April 16, 2025.

Meeting attended by board members: Chair Russ Vandenheuvel, Vice Chair Bill Berscheit, Mike Soukup, Rick Johnson, 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.

Introduction of the meeting process and etiquette by Russ.

Ken made the motion to approve the agenda, Mike seconded, voice vote, no dissent heard, motion carried.

Larry motioned to have the March 27th meeting minutes approved, Mike seconded, Rick abstained as he was not present last month, voice vote, no dissent heard, motion carried.

AGENDA ITEM 1: Brendan & Jackie Jay – PID 06-0032400 – Burnhamville Township, Moose Lake

Request(s):

1. Request to decrease the OHW setback from 150' to 104' for placement of Camper and;
2. Request to reduce the State Hwy 28 ROW setback from 50' to 21.5' for placement of same Camper in Natural Environment Shoreland Zoning District.

Brendan & Jackie were present as the applicants.

Staff Findings: Adam recapped the application and stated he did not have any additional information as the request had not changed. 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. Maintain a 25' vegetated buffer along the entirety of the lake frontage. A 10' wide maintained area shall be allowed for lake access.
3. Maintain screening from the proposed campsite to State Highway 28.
4. Applicant shall abide by all other applicable Federal, State, and local standards.

Rick asked Adam to re-read the Larry Duncomb correspondence from last month as he was not present, which Adam did.

Public comment: None

Brendan stated they reviewed the video from last month, to try digest what was all said, and the placement of the RV could be a safety hazard within the proximity of the road if they were in it or there was a vehicle accident, or during snow removal in the winter. It was a suggestion to move ten feet closer to road so there would be more room on the lake side. If it is already potentially a safety hazard where it sits, moving it ten feet closer just puts them closer to doom. They prefer to leave it where it sits. They went out and measured and placed flags and the ten feet closer to the road was ungodly close, and they felt it would be a greater hazard and more unsafe for them, so they chose to leave it where they requested. The second one regarding the buffer zone, along the lake, to not mow the grass on the low end where it is flat and on the side hills, in order for them to enjoy their investment, for them to go down by the lake and sit in the tall grass just doesn't make sense either because you are going to battle insects and all that. They disagree with not mowing the flat down there, however, they would totally agree and would just do it, is the planting of wild flowers. Good for the environment and bees. It was also brought up about the erosion from the rain and how to mitigate that. Their intent was a flower bed around the camper to catch water, and let them pick up that rain water, Adam had an example of the design. Don't have a huge family, what is going on since 1983, they have not seen any erosion, even though it was not permitted properly, their intent was to straighten that out and make it a better spot to back the camper in.

Jackie mentioned it had been mowed back then.

Brendan continued the entire thing has been mowed, the side hills and everything has been mowed and he stated they have pictures. Stated it didn't really affect erosion on the property. They are not messy people, they would do what is best for the lake, they have spoken with the Todd County Sherriff's department on what is allowed on the lake as they were told they were the ones who set regulations on the lake. They did not change their request from last month and they don't feel they will cause additional erosion. They will be doing what's right for the lot and what's right for the lake and what is good for them for their entertainment and their retirement retreat. Stated they took a bunch of pictures if you would like to view them. Jacqueline stated it just shows there has been no erosion or hint of washout over the years. Even with the camper in there. They had leveled it down and put steps down.

Brendan added they have not seen any hint of erosion

Rick asked for a recap on how they got to this point.

Brendan explained how they were misinformed by the realtor there was buildable area.

Rick stated it is unfortunate they were told that because you cannot build here and comply with the County.

Jackie stated there was a camper on it in '08?

Adam added there was a permit issued for a camper on this lot, that was there for a number of years. The site sketch that was provided at that time was so far from scale and stated they were meeting the setback when they were nowhere near meeting the setback, because you can't.

Brendan explained they had their own survey done to be accurate.

Rick asked if the 8' width of the camper included the slide outs?

Brendan, no, and explained the placement on the overhead.

Rick asked staff about including slide outs?

Adam stated the ordinance does not get into the setbacks of the slide outs. Talks about largest horizontal projection when determining sq. footage, because an RV by definition is less than 400 sq. ft., other than that it does not get into measuring setbacks for any additional slide outs or projections, so they did not figure that in.

Rick so conceivably so you are looking for a setback of 21.5 feet, let's say the slide out is three feet, in reality, you are at 18 feet.

Adam stated the ordinance does not require that for setback purposes.

Rick stated not that you need to adjust that, he is saying "in reality". It is clear you have a practical difficulty because of no buildable space and a small lot. In addition to meeting those statutory criteria, we also consider other factors. In a case like this Rick stated he needs to know and it needs to be demonstrated that there is not an alternate site to minimize the variance. You have zero buildable space.

Brendan also explained the steep hill. They also didn't figure that an acre and half would be too small, and also stated they have flipped a few houses in their time and had never had to question an MLS.

Rick added with square footage, it is a legal non-compliant lot. It's about 20% of what it should have been when they plotted it. It is the unique shape of the lot and the slope.

Ken asked why can't they move the camper North?

Brendan and Jaqueline both stated it is the only place for the septic system to be put in, and also the power pole is right there instead of running 48 feet of extension cord to the power pole. It is flatter there and where it fits the best.

Ken stated that was his hang-up, was there is an alternate site? Switch the camper and the septic placement.

Brendan explained the septic system design, placement options and type, depending on the placement of the camper. As far as a well goes Adam explained a little more flexibility with the well placement. It was the septic contractor that pointed out the spatial limitations.

Rick addressed Adam, stated his discomfort on the road setback and asked to see more pictures on the overhead, for a good visual.

Brendan brought up the original survey and showed Rick and Larry explained the placement details.

Adam pointed out the proposed conditions from the last meeting, and that number two of the conditions they were not comfortable with and were more open to replacing it with some sort of condition related to the protection of the entire hillside. For the record.

Brandon stated the would mow the flat part down below the hill and plant the entire hillside with wildflowers.

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	No, for the reasons stated already.
Rick Johnson	No, two variances, one is to protect surface water and the second is simply for safety and maintenance, because these variances are so significant, despite that, there is a true practical difficulty, he has to say no.
Bill Berscheit	No, topography, topo, topo, very steep lot and nearly a bluff and haven't heard anything to mitigated the human impact on the lot.
Ken Hovet	No same as Bill.
Larry Bebus	No, as stated.
Russell Vandenheuvel	No, for safety reasons and being close to the road.

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, same reasons.
Rick Johnson	No, would not consider this orderly development and a common-sense approach for the same reasons stated in question one.
Bill Berscheit	No, agree with the same reasons, mentioned at some point we have to address the victimization of the applicants, where they bought a lot that they felt was a buildable lot. But, it does not fall within the realm of this BOA's job to mitigate and alleviate those types of situations. Even though he feels for them, stated this needs to be addressed.
Ken Hovet	No.
Larry Bebus	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
Mike Soukup	No, due to not having a buildable site on the property.
Rick Johnson	Yes, this property is residential shoreland and it is what they are proposing to use it for.
Bill Berscheit	Yes, requesting to put an RV is a completely normal and reasonable request, if it were not for the topography issues, that he didn't think we could overcome.
Ken Hovet	Yes, request is the most simplistic form is wanting to have a camper on a lake lot and that is a reasonable request.

Criteria Question #3: Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?	
Larry Bebus	Yes, the request is reasonable, but it goes back to is it buildable or not?
Russell Vandenheuvel	No, thinks it's unbuildable and too tight.

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	Yes.
Rick Johnson	Yes, odd shaped lot, very small lot and steep slopes they need to avoid.
Bill Berscheit	Yes.
Ken Hovet	Yes.
Larry Bebus	Yes, same reasons as Rick.
Russell Vandenheuvel	Yes, for the same reasons.

Majority response- Yes.

Criteria Question #5: Will the variance maintain the essential character of the locality?	
Board Member	Vote and Comments
Mike Soukup	No.
Rick Johnson	No.
Bill Berscheit	No.
Ken Hovet	Yes.
Larry Bebus	No, not going to change the character, but when you look at how close it will be from the lake and the road, in his mind, it will change it.
Russell Vandenheuvel	No.

Majority response- o.

Criteria Question #6: Does the need for the variance involve more than just economic considerations?	
Board Member	Vote and Comments
Mike Soukup	Yes.
Rick Johnson	Yes, did not hear anything that had to do with economic concerns.
Bill Berscheit	Yes, again going to address the victimization of the applicant. Yes, it is more than just economics and once again, not the job of the BOA to alleviate and/or repair the damage of false advertising and the applicants being taken advantage of.
Ken Hovet	Yes, also involves environmental and safety concerns.
Larry Bebus	Yes.
Russell Vandenheuvel	Yes.

Majority response- Yes.

Criteria Question #7: Have safety and environmental concerns been adequately addressed?	
Board Member	Vote and Comments
Mike Soukup	No, due to the topography and size of the property.
Rick Johnson	No, for both variances. The concerns have not been adequately addressed, and remembers Moose lake is impaired. Because of that, it is the boards' responsibility to hold even higher standards.
Bill Berscheit	No, understands the logic of the applicants to want to maintain the mowed area down by the lake, but with the topography of the lot,

	it is imperative to leave the no mow zone for the 25' from the lake and there is a lot of research out there that tells about the real estate closest to the lake is of the greatest significance when it comes to treating water before it enters the lake. We are failing to do that and this leaves environmental concerns open.
Ken Hovet	No.
Larry Bebus	No, the safety can't be adequately addressed and neither can the buffer.
Russell Vandenheuvel	No.

Majority response- No.

Summary of criteria question majority responses as follows:

#1	N
#2	N
#3	Y
#4	Y
#5	N
#6	Y
#7	N

Rick mentioned in order for this board to accept a variance appeal, we must meet all seven of the criteria and we have not been able to and made the motion to deny, Bill seconded.

Roll call vote commenced as follows:

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

Motion carried.

Brendan asked if he will be getting anything in the mail, explaining why this has been denied?

Adam stated yes. There is a document, that they will get a copy of, that gets recorded to the property, so, once you receive that, if you choose to appeal the decision after you get that, you will have that period of time to appeal it.

AGENDA ITEM 2: Jason Braun & Dorothy Braun – PID 06-0062200– Burnhamville Township, Mons Lake

Request(s):

1. Request to decrease the OHW setback from 150' to 77' for proposed addition of a 10' X 30' screened in porch in Natural Environment Shoreland District.

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. Maintain a 25' vegetated buffer along the entirety of the lake frontage. A 10' wide maintained area shall be allowed for lake access

Jason was present as the applicants, and agreed it accurately reflected the application.

Bill reviewed his site visit report and this is available upon request in the Planning and Zoning office.

Correspondence received: None.

Public comment: None.

Board discussion:

Ken, for staff, this proposed addition is not in the shore impact zone by two feet.

Adam, correct.

Rick stated it appears they have zero buildable space.

Jason confirmed.

Ken, why two zones?

Adam stated the shore-impact zone is a special protection area that the DNR has and it is always half the distance of the normal lake set back, highly protected prized area. Our ordinance does have a section that talks about not placing structures within the shore impact zone, and this isn't.

Bill added the DNR also stated it is a no build zone.

Ken stated he can understand that, then the rest of the set-back is a maybe build zone?

Bill, with a variance.

Ken, with conditions.

Rick and prove a practical difficulty, and meet the criteria questions. He recalls the shore impact zone is half the distance of the normal setback, was actually established in the Sonar, back in the 70's when the State first adopted these. Kind of "you don't touch that area", it's too critical, no variances, just stay out. DNR would be very upset if they gave a variance in that shore impact zone.

Ken stated he is not contesting that, but the DNR has been upset before.

Mike, asked if there was any reason why there are no other building locations.

Jason stated off the north it would just be overlooking the road and not the lake, and off of the east side, where the current deck is, with the chimney on that side it would cost a lot extra to go out further that way. So that is why we were looking at doing the over hang and build ten feet out, and then screening that in.

Mike stated it would be basically no need and just a want verses want, and the issue is going around the chimney.

Jason, yes.

Rick added, it is a design preference with a little bit of an economic consideration.

Jason, yes. Where the current deck is, it's very wooded on that side, and view to the lake and where the current cabin is at.

Ken, assuming you gave consideration of enclosing the current deck now, and it will still give you kind of a view to the lake?

Jason, yes, but it would just be extra building materials and stuff like that, to continue the peak out.

Ken stated it would keep you keep you out of that shore impact zone and not upset the DNR. Like everyone else on the board, we are trying to minimize the variances, and if that is a possibility for you, he would encourage you to look at it harder probably.

Jason, stated with some of the quotes they have received, they would probably not go that route, as the cost would go up significantly to go out that way.

Rick happy to see you are combining those two lots together, as in order to mange storm water you need more space, asked if that is a camper on that other lot?

Jason yes, been there about ten years, at least.

Russ asked if there is a door on the side?

Jason, where the window is closest to the chimney, they are planning a door. The rest of the area is living room.

Ken is it going to be like a cement slab on top or a deck.

Jason low deck, green treated, off the foundation.

Ken, wouldn't be disturbing a lot of soil.

Jason, no.

Rick four season?

Jason, three season, fully attached.

Rick more of a building expansion.

Jason, they do not use in the winter.

Rick, you are seeking a con-conforming expansion, then addressed the board, which goes against the spirit and intent, just as a reminder.

Mike, asking for a 77' reduced setback from the lake and 75' is the shore impact.

Adam explained he would be 2' out of the shore impact zone.

Mike, purely speculation, could you go 2' shorter?

Adam clarified, instead of 10' x 30' you would go 8' by 30'.

Jason, their ideal is the extra space with the 10' out there. Having dinner out there, and having the chairs out there, 8' would be little tight.

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	Yes.
Rick Johnson	Yes, does think simply a ten-foot addition to an existing building, where if you were to start over, we couldn't move the building or the addition anywhere else. If this variance is approved, we will definately need a lot of conditions.
Bill Berscheit	No, there is an alternative site.
Ken Hovet	Yes, buildable with a variance.
Larry Bebus	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
Mike Soukup	No, there are other locations.
Rick Johnson	Yes, common sense, as we are only asking for a ten-foot addition.
Bill Berscheit	No.
Ken Hovet	Yes.

Larry Bebus	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
Mike Soukup	Yes.
Rick Johnson	Yes.
Bill Berscheit	Yes, screened in porch is a reasonable request.
Ken Hovet	Yes.
Larry Bebus	Yes.
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
Mike Soukup	No, other locations that are buildable.
Rick Johnson	No, alternate sites exist.
Bill Berscheit	No, there is an alternate site.
Ken Hovet	No.
Larry Bebus	No, other buildable spots on the lot.
Russell Vandenheuvel	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. It would maintain them.
Rick Johnson	Yes, nothing is really going to change, especially with respect to the lake shore view, which he is very familiar with that lake.
Bill Berscheit	Yes.
Ken Hovet	Yes.
Larry Bebus	Yes.
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
Mike Soukup	Yes, because there are other locations and that is a want and not a need, due to the site.
Rick Johnson	Yes, the need is the lot is too small. That's why the existing structure was built there. What he is proposing to do is a design preference, he would still say yes.
Bill Berscheit	No, economics is the reason for not building to the end of the structure, the additional cost on the chimney end.
Ken Hovet	Yes, there are environmental issues too.
Larry Bebus	Yes.
Russell Vandenheuvel	No, he could build on the end where the deck is currently.

Majority response- Yes

Criteria Question #7: Have safety and environmental concerns been adequately addressed?	
Board Member	Vote and Comments

Mike Soukup	Yes.
Rick Johnson	Yes, for the same reasons as Ken articulated.
Bill Berscheit	Yes, finds it hard, when we are this close to the lake to truly believe that we have addressed the environmental concerns, it has more to do with any increase in use, as opposed to mitigating the structural impact, but without grounds to sound it off, he says yes.
Ken Hovet	Yes, there were no safety concerns and felt the environmental concerns have been addressed, thinks the two-foot encroachment is negligible, from the cabin to the lake is very flat and grass covered and will do a good job filtering, and there is an ice ridge at the edge of the lake that will keep some of the run-off out of the lake.
Larry Bebus	Yes, with proposed conditions.
Russell Vandenheuvel	Yes, agreed with Ken.

Majority response- Yes

Summary of criteria question majority responses as follows:

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

Bill motioned to deny, due to an alternate site, Ken seconded.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Mike Soukup	y
Rick Johnson	y
Bill Berscheit	y
Ken Hovet	y
Larry Bebus	y
Russell Vandenheuvel	y

Motion carried, the variance has been denied.

Russ called for a short recess at 7:12 and reconvened at 7:18.

AGENDA ITEM 3: Kolin Knudson & Molly Brennan – PID 10-0050800– Gordon Township, Osakis Lake

Request(s):

1. Request to reduce the road right of way setback from 20' to 7' for the construction of a small four-season cabin with attached garage in General Development Shoreland District.

Kolin & Molly 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. Maintain a 25' vegetated buffer along the entirety of the lake frontage. A 10' wide maintained area shall be allowed for lake access
3. Applicant must obtain all applicable FEMA Floodplain approvals prior to land use permitting.
4. Applicant must abide by all other applicable standards including but not limited to Minnesota Department of Natural Resource and the Sauk River Watershed District Standards.

Kolin confirmed the staff report was accurate.

Bill recapped his site visit report. This report may be viewed in full at the Planning and Zoning office upon request.

Correspondence received: Yes, a few.

First: from Pat Mulroy, 20586 Fable Dr.

Second: from Donna Mulroy, 20586 Fable Dr.

Third: Joe & Beth Drexler, 20522 Fable Dr.

Fourth: several, Chuck and Karla Dahlheimer, 20282 & 20293 Fable Dr.

Theresa Treiber, 20148 Fable Dr.

Michael and Barb Bowman, 20222 & 20223 Fable Dr.

John, Mark/Jodene/Bollman, Ryan/Shannon 20256 Fable Dr.

Robert & Robin Stein, 20268 Fable Dr.

Sandra Sorenson, 20296 Fable Dr.

Bernadette Deblick, 20314 Fable Dr.

Karmarczyk, Richard/Kasson, Nancy, 20294 Fable Dr.

Public comment:

Joe Wehland, 20476 Fable Dr., right next door, had a question of where is the sewer and the drinkable water, he didn't see any of that on there.

Adam stated they will address that at the permitting process, tonight it is just the variance for the structure placement. We don't require that up front, and we do not regulate wells, just require setbacks from the well.

Joe asked if we use the MPCA guidelines in Todd County?

Adam, for septic we have adopted 7080 by rule, into our ordinance, with additional standards.

Very interesting, unique, say Thank you to Todd County, touch of background, grew up in the twin cities and used to come up with his uncle that was the central region head of the DNR. He would take me out on Osakis and when he saw this property became available, looked at this property almost exactly one year ago. Thought

they could make something really cool and really small, felt they were the best candidates. It has been engrained in him, he is not looking for grass, or boulders, and think it is safe to say they kind of despise that look around lakes and he thinks they are the best candidates for those things and mentioned Molly could talk, if she would like. All the work she has done, as far as staying within your goals as a County. and she has gone far beyond that. We made contact even today with the...

Molly added the Sauk River Watershed District.

Kolin continued, essentially what he believed they were asking for is an opportunity to improve an existing situation, where currently there is run-off from a hill, and definitely from farmland. We think everything they would do would make it better for the lake, the neighborhood and better to look at. Certainly, better than having a swing set and whatever else is in the fallen trees. Kolin stated he thinks it will be a real positive both for the County and taxation purposes, and for the lake itself, which he understands it is under duress. Wanted to comment, it is a dirt road, one-way, dead end, so as far as the safety is concerned, it is not going to be a high traffic road or endanger them by snow plowing or children in the future. Does not think it is a safety issue what they are asking for. The lot will require fill, and the other thing that has been brought up is FEMA. The research he has done, the surveyors asked him not to quote them on this, but he believes in order to bring it to a high enough level, he could have that structure removed from the flood plain. Not the land but the structure itself. It would require about two feet of fill. Offered to explain more of their environmental plans, if they would like.

Russ, are those trees alive that were on the lot?

Bill stated as far as he could tell, the majority of the trees are alive.

Russ asked who the owners were?

Molly stated the offer to purchase this property is contingent upon the granting of the variance.

Russ asked if they got a blessing from the township?

Adam stated may not be blessing, but they signed off that Kolin presented it on March 20th to the township.

Ken do we have a map of the lot to see where the buildable zone is?

Adam showed the survey on the overhead.

Rick stated for the record, first of all when he read through his application, he was super impressed with what was in there. You don't typically see that and commend them for going to the extent and degree. He feels what they are trying to portray to the board what you want to do and what you are about, that's all good. But for him, what he has in front of him is a road right of way setback from 20' to 7' and that is what he is going to focus on, and he makes his decisions on the criteria questions. A variance for the row setback, has nothing to do with the fabulous plan. He has not heard much of anything as far as findings of fact, that would support the board giving a significant deviation from 20 feet to 7 feet. Rick stated, for him that is way too

much. He has not heard anything that gives him comfort, a lot of findings of facts, a lot of technical expertise, a lot of data that says, "oh, 7' is o.k.", no, it is not, they want twenty feet. Twenty feet is twenty feet. Looking at your lot, just speaking to the applicants, you have a buildable space that is very narrow, but, he recalls an applicant that was here once, with the same situation, but what they wanted to build was this rectangle or square structure which was 7' from the road, they actually built a long skinny cabin, kind of looks like a park home or a mobile home, and is just throwing that out there. Where are you keeping this structure, away from the lake 75' which is good, so you don't need two variances, but, just so you know, we have given variances below the setbacks. So, if you move that structure, you come off the right of way, and not saying you are going to get it, just giving you some advice. But, he will be voting on what is in front of him.

Kolin, the road is actually built further from the lake. It is actually built the furthest away from where they could have built it. He understands it is a high percentage of a variance they are asking for. He doesn't know if you have seen or been to the property, he just wanted you to know, if you look at the neighbor's garage structure, it is parallel with that, directly the same distance. The neighbor's is the exact same distance from the road. Even though it is at 65%, they are just asking to be treated like the others on that road.

Ken stated, getting back to that road thing, you are telling us that the road is not centered in the platted right of way? That it is farther away from the lake than it would be, if it had been built down the center of the right of way?

Kolin, correct.

Ken, So, if the road was centered, and you built at the 7', it would put you about 32' from the plow blade. He stated it is straight, but not a big wide road, by any means. He didn't think any plow driver is going to go very fast on there, at least the way the road is now, and he didn't know what it is going to be in the future.

Ken asked Adam if he had anything on that?

Ken, I doubt he is going to throw snow that far, so it gives him a comfort level in what you are asking for, although if you can figure out a way to get a little farther away, it would be better, certainly. If the road is way over to the other side of the right of way, that helps the case, in his mind, a lot.

Adam showed on the overhead, the survey from the application.

Ken asked if that could be super imposed on an aerial?

Adam stated it would not be accurate.

More discussion on the road placement within the road right of way.

Molly found information on the interactive GIS map, and showed it is off-center.

Adam stated that GIS is not survey grade, there are distortions in it, and a survey is the best bit of information.

Bill stated the reality is, they are going to use the road right of way during any road construction, whether it is putting ditches, replacing culverts, utilities or whatever. Regardless of the placement of the road, they are still going to use the road right of way, and the board is obligated to observe the road right of way. Bill asked Adam to see the FEMA flood plain outline again. In conjunction with the road, if he could.

Adam explained on the overhead.

Bill stated he is asking for the setback from the road and is trying to get out of the floodplain, is what he assumes is going on here. The building footprint is in line with the neighboring garage.

Kolin, right, he doesn't believe the structure will be completely out of the floodplain, the land of the floodplain will remain, but the structure itself must be elevated out of the floodplain, he was told.

Bill stated, don't quote him on this, but his understanding a lot of hurdles ahead of him if you are going to build anything in the floodplain, and it will start with insurance, not sure he will be insured without significant riders, to build within the flood plain. He is struggling with the board being a party to it, and to him it is a hurdle. His personal issue and not speaking for the board.

Rick shared the same concern. Referred to conditions, and they must abide by all other standards, which would be flood plain standards, in order to build. If they can't comply or never do, then this variance just disappears in three years, correct?

Adam, agrees with that.

Rick continued, all of the other standards he is hearing tonight, like concerns about the road, as we don't address that, but doesn't know who does. They are all good legitimate concerns. This will be a significant challenge for you.

Bill stated he would not be in any way, shape or form encumbered, with this decision allowing them to build something, where after it is built, is uninsurable. Did not know if there is any nexus between us and that, but did not want there to be. The flood plain issue would be addressed but didn't know if it would be eliminated and that is separate from being insurable.

Ken explained, the flood plain will always be there but if you are going to build they tell you what kind of construction you need to have. The insurance company will look to see if they have met that and will figure out if it can be insured. They do have extra risks.

Adam, we do have a state flood plain manager with the DNR you can reach out to who can answer these flood plain questions, he just won't have any answers for that tonight. He is willing to reach out and do that if it is something we need to investigate before we make a decision.

Ken, would be a good answer to have.

Bill stated it could be a condition.

Rick stated he shared their concern and suggested to table to let Adam get those questions answered for us, or he is ok with moving ahead right now and make a decision. He stated he was okay with just going through the criteria questions.

Bill stated he was, as well.

Russ stated we will move to the criteria questions and asked Ken if he was ok with that?

Ken moved to table first and tackle those next time. Would like to get the flood plain information. Ken moved to table and Rick seconded it.

Russ asked if there was any other discussion.

Ken asked what further information do we need that could help us?

Russ, need a statement from SRWS?

Adam stated he could that.

Rick, stated typically, for him, seven feet, nope. What helps, is if Gordon township can say they have no concerns with the building being placed at these location stakes.

Russ, DNR, watershed and township.

Bill stated he would like some sort of schematic map or something that delineates the footage we are filling. Not that we are filling this entire lot in and eliminating basically, a settling pond. There is a lot of water coming to this lot, and from what he saw on site, this lot is serving as a settling pond. So, if we are going to fill half of that, we are having a huge impact, above and beyond what is represented by the structure.

Rick added, on the hydrology of the site.

Ken amended motion to include those three items, along with his original concern, and it was seconded by Rick.

Russ asked Kolin and Molly if they understood what was asked for.

Kolin confirmed, they understand what is expected.

Russ called for a voice vote, no dissent heard, motion carried to table until next meeting.

Adam reminded all of the comp plan cards and to take the survey.

Bill recommended another on site visit be done by another board member, as he will be gone next month. A lot that is better served by eyes rather than photography.

Bill motioned to adjourn and Rick seconded. Voice vote, no dissent heard. Motion carried and the meeting adjourned at 8:00 PM.