

Minutes of the Todd County Board of Adjustment Meeting

May 22, 2025

Completed by: Sue Bertrand P&Z Staff

Site Visits conducted by Adam Ossefoort and Rick Johnson on May 14, 2025.

Meeting attended by board members: Chair Russ Vandenheuvel, Dan Peyton, Mike Soukup, Rick Johnson, alternate Larry Bebus 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.

Rick made the motion to approve the agenda, Danny seconded, voice vote, no dissent heard, motion carried.

Danny motioned to have the April 24th, 2025 meeting minutes approved, Larry seconded, voice vote, no dissent heard, motion carried.

AGENDA ITEM 1: Cody Kent: – PID 21-0004900 – Round Prairie Township, Lake Latimer

Request(s):

1. Request to reduce the lake setback from 100' to 37' for construction on existing structure to include a garage/storage space and addition to dwelling space.

Danny Peyton recused himself from this application due to owning land on Lake Latimer.

Cody was present as the applicant.

Staff Findings: Adam read through the staff report, and this is available for viewing in full, upon request in the Planning & Zoning Office.

Proposed Condition(s):

1. All stormwater collected from the roof of the proposed structure shall be directed away from the lake.
2. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.
3. Establishment of a 10' vegetated buffer along the lake frontage. A 10' wide access path shall be allowed for lake access.

Cody agreed the staff report was accurate.

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

Correspondence received: None.

Public comment:

Chuck Blankenship lives next door to Cody and complimented Cody on how he has cleaned up the property since he obtained it and has done a lot of work on it. He was concerned about the septic system with no drain field, that it meets the side property line setback and is concerned when it is full it gives off odor across his place. That is his biggest concern.

Board discussion:

Russ asked if there was an inspection on the existing system?

Cody stated it was inspected within the last three years.

Adam, stated yes, July of 2022 and compliant.

Chuck asked if that includes the proper setbacks?

Adam stated compliance inspections do not look at setbacks they look at functionality of the existing systems.

Chuck asked if that could be checked?

Adam yes, we would need to first establish where the property line is and that would require a survey.

Chuck stated just had it surveyed this year.

Adam stated we will not be able to solve that here tonight, but he can go back to when it was originally installed. He may even have that, so he will look quick.

Russ asked how far the road was from the trailer?

Cody stated approximately 47' from the center of the road to where the nearest point of the concrete is poured.

Rick asked if he knew how far the holding tank was from the concrete slab?

Cody, approx. 30'.

Rick, is the new building going to go on that slab?

Cody yes, it will go on the existing slab. He has a partial amount of concrete poured right now, that represents a portion of the permit that allows "exact for exact" footprint. He has the remaining amount to be poured that fulfills this change of composition. What he is asking is on the back side of the property, there was a deck previously, the rest of it was dwelling structure. The property was cluttered up with jerry-rigged storage options, that he doesn't prefer. His family has owned this property for a long time and he is speaking of the past. Now, what he would like to do is forgo the deck on the back side of the house that faces Chuck and to put the garage on the front to alleviate all storage issues. There will be a little bit less noise too, because that was just where they all gathered and knows this too has been a concern for Chuck. There is not a lot of room back there, and he wanted to make it a little more peaceful for the community, too. It will all be in line with the width of the current concrete, it will just be the depth he is changing.

Adam stated the existing tank was installed in 2004 and it is 11' from the property line.

Russ, we have to be ten, so, we should be good there.

Cody stated he was planning on capturing water in gutters and to use water barrels for rain collection and watering his garden.

Ken stated the footprint won't change, but you are changing use, can you tell from what to what new use?

Cody, correct, explained where the proposed garage space is, that used to be dwelling space, toward that section of the house, but will be changing a portion of that dwelling space into storage space. Previously where the deck was, he will be changing that into dwelling space without changing the overall footprint.

Russ, how wide is the garage?

Cody 22' x 22' and would fit his work truck.

Russ asked about the other room.

Cody utility room and tool bench and workout space.

Russ, the footprint is not changing?

Cody, correct, it will be 64' x 22' as currently permitted.

Russ asked if he was using the same cement.

Cody, no, the old had to be torn out as it was damaged in the fire.

Russ asked Adam if the footprint is the same and he is changing the inside only, we still have to rule on that?

Adam, yes, as the ordinance allows for change of use of non-conformities if no structural alterations are being made. But, the structural alterations here to accomplish internally, therefore the variance is required for the change of use. He has a permit for exact for exact replacement because of the damage from the fire, this is just re-orientation of the inside of it.

Public stated he is actually changing the ground structure of what is there now, he has a camper now, and is changing that.

Ken agreed as that is what is in the application.

Cody stated he has been living in the park model, temporary means just to save money for the re-build, for the last few years while I cleaned up the property. As soon as he starts to build that will be gone.

Rick addressed Adam, the old structure burned down, means he is able to replace exact for exact, and does that mean the exact location?

Adam, right.

Rick to Cody, and that's what you are doing?

Chuck addressed Cody, you are putting in a whole new foundation?

Cody, yes, he had to as, the old concrete was damaged in the fire.

Public putting a completely new slab in? Why would you tear out the one you just put in?

Cody explained the slab he has the camper sitting on is part of the footprint that is being replaced that has already been replaced. The old cement has already been torn out, when they cleaned up the house. So, the cement that the camper is sitting on is part of that replacement.

Chuck, so you are going further North and South with the cement.

Cody, yes, 9' on the deck side and 19' to the North. Not allowed any larger than what he had.

Neighbor asked if he would have access to the back yard with the added garage?

Cody, yes.

Rick stated his thoughts on this is exact for exact, due to the loss from a fire, same exact spot, but because he is changing the use of that footprint and he needed to apply for the variance, didn't think a lot of the criteria questions would pertain to this case. Rick stated he was comfortable not going through the questions and made the motion to approve with conditions, seconded by Ken, and added a comment, with Rick's onsite report he has basically covered the criteria questions.

Roll call vote commenced as follows:

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

Motion carried, variance has been approved.

AGENDA ITEM 2: Jeffrey & Sara Tiaht – PID 26-0039100– Ward Township, Horseshoe Lake

Request(s):

1. Request to reduce the lake setback from 150' to 102' to add a roof to an existing deck in Natural Environment Shoreland Zoning 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. Implement Best Management Practices as identified in the application for variance.

Sara was present as the applicant, and agreed it accurately reflected the application.

Correspondence received: None.

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

Public comment: None.

Board discussion:

Ken asked Sara to explain their plot plan drawing with the different colors, which she did, showing they do have water management in place with rock and natural vegetation for the drip trenches and natural berm.

Russ and Danny asked about the roof.

Sara stated the roof will continue on from the house like an A-frame.

Danny, open or enclosed?

Sara, just screens. It will be a screened in porch.

Danny mentioned he has concerns, this roof eventually it is a three season, eventually it will be then lived in. When the roof goes on, what's the next step and the next step? Then closer to the lake which we are trying to protect. Where does the County stop on this category?

Adam responded we can only address what is in front of us today and if they propose to make changes in the future hope they would come and check permits and requirements and we could take them down the appropriate road from there, so you can only look at what is proposed in front of you today.

Danny, correct.

Sara, stated this is their second home. It's not a primary residence. They already have a four-bedroom home with two nice living rooms and do not think they will be needing any more interior space.

Ken asked if it was bare ground under the deck?

Sara, the deck was just replaced from the hail damage and it was pretty old. They have a new framing structure with new deck boards, and under it there is no room to do anything. Bare ground no concrete slab.

Larry asked if Rick if he stated the berm would be enough to stop the water flow?

Rick clarified, he noted there was a berm there, and in his opinion, when you have a berm along the shoreline, it would help manage the runoff. He asked Sara if she ever watched to see how much water the berm actually holds?

Sara stated she is not at the house all the time and has never noticed water standing between the house and the berm, only there on the weekends and has never seen enough rain to even pool up.

Rick stated he is not a qualified engineer, but he noted it because he thinks it is a positive in this case, that there is a natural earth berm there.

Sara agreed it is higher than the rest of the yard.

Ken stated he knows the area and the soils are very sandy and probably don't hold much water. Pointed out the two rain barrels?

Sara stated yes, they are proposing some rain barrels.

Ken, something needs to be done more than rain barrels, to catch the overflow. He guarantees those rain barrels are going to fill up in a hurry.

Larry added with the rains we have here, those barrels would not hold the water.

Sara stated they have gutters and do have downspouts and do have it go somewhere now, but being they are adding impervious surface thought they should add rain barrels.

Ken stated he would have to see something to treat the overflow; rain gardens or something else, we must account for that.

Rick reminded the board we can set conditions if the appeal is approved, but those conditions have to be directly related to the variance. Here we are putting a roofed surface over an existing deck, where as before, when it rains the water hits the deck, goes through and/or around and onto the ground, and in his mind doesn't see a big difference whether it is a roof or a deck. We can add conditions.

Russ what size is the deck?

Sara stated 20' X24'.

Adam stated we reviewed the impervious surface figures and they are under. The proposed structure is 16' X 24' with a total square footage of 384 sq. ft. for the area you are looking at for mitigation.

Ken asked to add a condition to manage what is going to come off the roof.

Adam added the condition of a development of a stormwater management plan to address 384 sq. ft of added impervious roof surface.

Rick stated she will have to work with the Todd County Staff to help design storm water infrastructure to effectively capture that water and treat it before it enters the lake. He agreed, rain barrels do not effectively do enough. His own rain barrels fill up in a matter of 2 or 3 hours.

Larry agreed.

Ken moved to approve with those two conditions and not necessary to go through the criteria questions.

Larry seconded.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Mike Soukup	Yes
Rick Johnson	Yes
Danny Peyton	No, encroaching into the lake and to him there is no reason except for comfort to add the roof line onto the house. He is looking for the protection of the lake, within 150 ft. of the lake.
Ken Hovet	Yes
Larry Bebus	Yes
Russell Vandenheuvel	Yes

Motion carried. Variance has been granted.

AGENDA ITEM 3: Tyler & Kelly Korhonen: – PID 17-0040300 – Little Sauk Township, Cedar Lake

Request(s):

1. Request for structure addition in a severe steep slope.
2. Request to reduce the lake setback from 100' to 30' in Recreational Development Shoreland Zoning District.

Tyler and Kelly were present as the applicants.

Staff Findings: Adam read through the staff report, and this is available for viewing in full, upon request in the Planning & Zoning Office.

Proposed Condition(s):

1. Implementation of the storm water management plan as designed in the application.
2. Maintain existing vegetated buffer along the severe steep slope. No vegetative alterations shall be allowed.

3. Submittal of an erosion and sediment control plan prior to issuance of a land use permit.
4. Obtain additional permitting as necessary from other governmental agencies.

Tyler and Kelly both agreed the staff report was accurate.

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

Correspondence received: None.

Public comment:

Dave Drager stated he was Chairman of the Little Sauk township, was down and looked at the lot. Felt he has to pay taxes on a piece of worthless property, he has to do something with it or just abandon the property. The township does not have a problem with the construction proposed.

Adam clarified the severe steep slope: He believes the slope was at or greater than 30%, but it did not reach the elevation change to meet the bluff definition. You need a minimum of 25-feet from the ordinary high, so it is a severe steep slope and not a bluff.

Board discussion:

Ken why remove the steps down to the lake?

Tyler stated they are extremely steep, not up to code, crumbling and afraid someone will get hurt on them. Want to remove and replace with normal vegetation.

Ken, other than that, just covering the existing stairs attached to the cabin.

Tyler, correct.

Ken, and you are changing the roof a little bit to route the water back away from the lake.

Tyler, correct, added he will add a second level and walk in at ground level to gain enough elevation to slope the water away from the lake.

Ken and to make more living space, for the whole footprint?

Tyler, yes, for that exact footprint.

Kelly added you can actually go inside the cabin, and underneath the stairs, from inside the cabin, where the water heater is and the well comes in.

Russ asked how long they have owned the property.

Tyler, about 2 years.

Russ, have you stayed there?

Tyler and Kelly, no, it is unlivable. The reason for the replacement, we add the second level on and get that storm water to pitch to the ditch that is along Cedar Lake Rd., sketch shows, so we can take all of the rain water from the roof and get it to go away from the lake. It is about a three-foot incline right now. If he adds the addition on he will gain enough elevation needed to get the water to drain to the ditch alongside the road.

Rick you want to remove the entire structure and would like to go with a new structure with an expansion, using the stairs as part of the footprint. This is a whole new structure and adding another level. Removing the old replacing with new and expanding what's there.

Tyler, correct, stated the entire foundation walls are bowed and cracked and have to replace the 8' block with 10' block and replace the entire foundation. To also address the water and the safety concerns with the outside stairs.

Rick get more height to channel the water off the back corner to where?

Tyler the township road ditch, not the neighbor, and slopes down the ditch of Cedar lake road and will assumed it will end up in the pond.

Rick capture all of the rain?

Tyler, yes, to capture all of the rain is the best solution. Stated there is no way to capture the water and route it anywhere on the slope to retain it or prevent the infiltration, with the existing design of the old cabin. This was the best solution they could come up with.

Rick agreed it was a great solution, but we have to see if it meets the seven criteria questions.

Tyler, to address the construction side, he mentioned he is SWPP trained, as a requirement for solar site installations as far as inspecting the sites and is fully versed and aware of the all of those difficulties with this site. There will be silt fences, bio logs on both top and bottom of the construction site, during construction to obviously keep any sediment from entering the lake when they remove it from out of that area.

Russ, had a question on the drawing, guessing from an engineer, still having some of the roofline going towards the lake?

Tyler explained, yes, then having a gutter around to that back corner, and pitch the gutter to the right on the screen then to the back of the house.

Danny, you are within the 50 feet from the lake, which is considered the no-build zone from the DNR. Also, the ordinance does not allow structure within a steep slope. That is two big strikes already. Trying to figure out, is the environmental concerns with this structure going to improve enough to be worth the construction. This should be a gov't buyout. This structure should not exist.

Tyler, but it does exist.

Mike, addressing Rick who was on the site visit, being this is going to be a reconstruction, is there any other site suitable on the lot?

Rick, absolutely not. He definitely meets the definition of a practical difficulty, and is absolutely no alternate site, unless you want to encroach on the right of way.

Danny, how far are we from the road?

Tyler, 55' from the center line, really close.

Adam it is very near, but is meeting the twenty-foot setback.

Larry, right on the existing footprint?

Tyler, correct.

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, due to the slope and the proximity to the lake.
Rick Johnson	No, we should not be constructing on a steep slope, it's within the shoreline impact zone and the DNR strongly frowns on building in the shore impact zone, and the variance requests are too extreme.
Danny Peyton	No, it gets back to no structure within a steep slope and it's within 50% of the lake setback.
Ken Hovet	Yes, Ken, the official control protects the quality of the lake and this project will protect the lake more than the current structure does and will improve the quality of the lake.
Larry Bebus	No, building is too close to the lake, building into too steep slope of a slope, and too far out of the comfort zone.
Russell Vandenheuvel	No, structure just too close to the lake.

Majority response- No.

Criteria Question #2: Is the variance request consistent with the goals and policies of the comprehensive plan?	
Board Member	Vote and Comments
Mike Soukup	No, due to the slope and proximity of the lake.
Rick Johnson	Yes.
Danny Peyton	No, common sense can't see how this exists in the comprehensive plan.
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	No, reasons that have been stated.
Rick Johnson	No, this activity is unreasonable, because we are not replacing exact for exact, which is allowed, goes back to the sonar that had allowed these regulations prior to 1972, they will allow exact for

Criteria Question #3: Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?	
	exact, but if you want an expansion, they frown upon that, and the whole intent hopefully is to see all of these non-conforming structures disappear.
Danny Peyton	Yes, using this property in a reasonable manner as best as he can.
Ken Hovet	Yes, replacement cabin is a reasonable use.
Larry Bebus	No, for reasons stated.
Russell Vandenheuvel	No, can't get over that impact zone.

Majority response: No

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, circumstances are created by the land not the land owner.
Rick Johnson	Yes, it was created by nature, making the steep slopes perhaps a glacier and whoever platted these plots making them so small.
Danny Peyton	Yes
Ken Hovet	Yes
Larry Bebus	Yes, circumstances are not created by the land owner, they are created by the land.
Russell Vandenheuvel	Yes

Majority response- Yes

Criteria Question #5: Will the variance maintain the essential character of the locality?	
Board Member	Vote and Comments
Mike Soukup	Yes
Rick Johnson	Yes
Danny Peyton	No, adding height within the 50% setback, didn't see much for structures on the photos, since going outside the boundary.
Ken Hovet	Yes
Larry Bebus	Yes
Russell Vandenheuvel	No, it's going to be higher, more livable space and just a busier place on the lake.

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
Rick Johnson	Yes, absolutely.
Danny Peyton	Yes
Ken Hovet	Yes, it involves environmental and safety considerations.
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, for run off and erosion concerns and within the setback zone.
Rick Johnson	Yes, he is comfortable with what he has proposed to do for his storm water management.

Danny Peyton	No, it is just the location, safety: steep slope, can see a person sliding all the way to the lake on this one.
Ken Hovet	Yes, the new roof line will satisfy the environmental concerns according to his plan and the new structure by itself will eliminate the safety concerns that are there now.
Larry Bebus	Yes, for the storm water management.
Russell Vandenheuvel	No, too much on this small lot and too close to the lake.

Majority response- No

Summary of criteria question majority responses as follows:

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

Rick stated, in order for us to grant our variance appeal, they need to pass all seven criteria. Because that was not met or achieved, he motioned to deny the variance request, Danny seconded.

Roll call vote commenced as follows:

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

Motion passed, variance denied.

Russ called for a five-minute recess at 7:25 pm.

Russ called the meeting back to order at 7:30 pm.

AGENDA ITEM 4: Jason Bergmann: – PID 17-0016802 – Little Sauk Township, Maple Lake

Request(s):

1. Request to reduce the new lot size from the standard of 40,000 sq. ft.
2. Request to reduce the buildable area from the standard of 18,000 sq. ft.
3. Request to reduce the lot depth from the standard of 200'
4. Request to reduce the lot width from the standard of 150'

Request to change requirement of 50 feet of frontage along a public road to 50 feet of frontage along a private access easement in Recreational Development Shoreland Zoning.

Peter Klick was present as a representative for the applicant.

Staff Findings: Adam read through the staff report, and this is available for viewing in full, upon request in the Planning & Zoning Office.

Proposed Condition(s):

1. Each proposed new parcel of land shall forever be connected to the associated, adjacent lot within the Maple Shelter Plat. No lots shall be sold separately from one another.

Peter Klick stated the staff report was accurate.

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

Correspondence received: Yes. Carol Haggermann, which Adam read into the record.

This letter may be viewed in full, upon request, at the Planning and Zoning office.

Public comment:

Todd County Commissioner Randy Neuman, 14201 Ferret Drive, Osakis stated this project here is a win-win for both the residents and the County. It will eliminate a lot of variances and thinks it is the way to go. Get them up to compliance and no longer non-conforming lots.

Board discussion:

Danny asked about the easement.

Klick explained right now there are two easements on this. There is one easement that was dedicated as a driveway easement in 1940 to the original ten Maple Shelter lots, then there is an easement from 1989 that the person that owned the farm before Bergmanns, wanted to put a chain across the road and keep everybody from getting into their lots. So, there was a court hearing on that, which drug on for a couple of years. Then there was a new easement established, for all of the lots on Maple Lake and that is the current easement being used right now. The dedicated driving easement there, in talking to the township, if this is approved and we buy this property, then they can petition the township to get rid of the driveway easement, then the lots will all be one piece but, because of the platting, they went through Adam, talked to attorneys, the County land attorney, they've had an attorney they've been in touch with, because of the platting of the Maple Shelter back in the 1900's, you can't combine them, so they will get two tax statements for one piece of land. Apparently, the Legislature would have to approve that, so he's been told. None of the properties up here are buildable, except for lot six. It is in the process of tearing down and building a new place. Everybody else has built what is going to be built on the properties. This is land that they've used for over 70 years, and they'll be able to purchase now, as the former owners wouldn't sell to them before. Had they back when they first bought it, you could have just bought it, there were different rules. The attorneys and the Todd County land attorney stated this is the best way to go. Go to this board and if you approve these, then we can buy these and that is more area for their lots and their lots will be more compliant.

Adam, added, there is actually ten lots in the Maple Shelter Plat. If that platted boundary didn't exist, we could do simple property line adjustments and we wouldn't be sitting here tonight, but, it's a function of how a legal description would have been written, involving both platted descriptions and meets and bounds descriptions and our County taxing system wouldn't allow that, so, through no fault of the land owners, in order to accomplish what they want to do, it just requires these small lots to be created and then we can tie them together forever. Essentially, single parcel, yet again, two tax statements.

Russ, so each land owners would have to buy the corresponding lot, from the Bergmanns?

Klick, yes. (explained each owner's parcel and corresponding lot) and added, the pictures show the lot owners are all mowing and maintaining it already and it's been like that forever. He stated they first bought in 1957 and at that time the septic system was in the easement.

More discussion on the road easement and history of lots.

Ken asked about the dedicated driveway that is to be vacated, that land will be added to the property owners?

Klick confirmed.

Danny made the motion to approve with the one condition, and Mike seconded it.

Proposed condition:

1. Each proposed new parcel of land shall forever be connected to the associated, adjacent lot within the Maple Shelter Plat. No lots shall be sold separately from one another.

Roll call vote commenced as follows:

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

Motion carried, the variance has been granted.

AGENDA ITEM 5: Jason & Dorothy Braun: – PID 06-0062200 – Burnhamville Township, Mons Lake

Request(s):

1. Request to reduce the lake setback from 150' to 87' for structure addition in Natural Environment Shoreland Zoning District.

Jason and Dorothy were present as the applicants.

Staff Findings: Adam read through the staff report, and this is available for viewing in full, 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 stated the staff report was accurate.

Rick 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:
Dan Peyton, asked if the two lots were together.

Jason stated yes, and explained the situation is similar to the previous application where a sliver of land is also included as a separate parcel but will forever be attached.

Adam confirmed it is all one parcel now.

Dan, overall, we gained quite a bit of sq. feet, and you are okay with the 25-foot no mow zone. Asked if the 50% screening is good or is there any concern?

Rick stated it was very heavy, with a lot of cover and with a lot of natural vegetation along the shoreline already providing a very fairly significant buffer that we typically do not see on lake lots, but he likes the 25-feet.

Dan, agreed, definitely helps protect the lake, so maintaining the 25-foot.

Russ do you have a picture of the deck?

Jason stated the plan is to come directly out from the roof line and plan to put aggregate steel roofing with gutters, which they do not currently have.

Russ, it's going to go around the chimney?

Jason, yes.

Danny asked Rick if he saw any problems with water management? Do we need to collect the water off this roof?

Russ, on the lake side?

Rick, he sees this as an expansion, there is an existing deck now, it is going to be enlarged, plus an impervious roof on it now, but he definitely has adequate space to add some type, so he thinks we should.

Jason stated the existing deck is approaching 30 years old.

Ken agreed we should add a storm water management plan condition.

Danny, looks pretty flat.

How far away from the road are we?

Adam, roughly 85', well beyond the setback.

Danny stated he was looking at this as a gain, made a motion to approve with conditions, seconded by Rick.

Roll call vote commenced as follows:

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

Motion carried, the variance has been approved.

AGENDA ITEM 6: Wayne Terry – PID 03-0050500– Birchdale Township, Little Birch Lake

Request(s):

1. Request to reduce the lake setback from 100' to 65' for dwelling replacement in Recreational Development Shoreland Zoning District.

Wayne was present as the applicant.

Larry Bebus recused himself on this one, due to conflict of interest.

Staff Findings: Adam read the staff report. The staff report is available for viewing upon request in the Planning & Zoning Office.

Additional Notes:

Conditions from variance approved in August 2023.

1. Establishment of a water retention structure to capture all roof water from the proposed structure based on a 10 year/24-hour rainfall event.
2. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.

Proposed Condition(s):

None

Terry confirmed the staff report accurately described his application.

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

Asked Wayne the reason he is back in for a variance because of an inaccurate measurement?

Wayne explained the lot interpretation and survey of 65 feet, and how the lot is measured perpendicular to the lakeshore and not parallel with the side lot lines.

Correspondence received: None.

Public comment: Don Salzman, 27621 Amber Ln, and also a neighbor to applicant. Just wanted to say they support this project.

Board discussion:

Adam stated septic plans would be helping to fill in the area between the house and the road.

Russ asked what the conditions were in 2023.

Adam read the two conditions.

Russ asked when were you planning on building?

Wayne, 2025.

Adam explained Wayne's sketch and how the 2023 variance request (that was granted) unknowingly encroached on the side lot line.

Russ stated his opinion, we approved it in 2023, we are splitting hairs and if we are that close, we should grant this with the change.

Rick agreed, and stated he pulled out the records from 2023 and it was just a little tweak from the existing footprint, including height and easement right of way, which was passed overwhelmingly, as he could have replaced it exact for exact, if he had wanted.

Danny asked what are the proposed side setbacks?

Wayne, both sides 10' setback.

Danny stated he did like that and asked if there is 50% screening?

Adam showed photos with good screening.

Mike, already water capture and screening, that will be good, and asked if we could, as a condition, refer to 2023 conditions are still enforceable.

Adam stated he will amend and make that a condition.

Danny made the motion to grant the variance with the one condition, recognizing the original 2023 conditions are still enforceable for the structure, and Ken seconded.

Roll call vote commenced as follows:

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

Motion carried, the variance has been granted.

Ken motioned to adjourn and Rick seconded. Voice vote, no dissention heard. Motion carried and the meeting adjourned at 8:22 PM.