

Minutes of the Todd County Board of Adjustment Meeting

June 26, 2025

Completed by: Sue Bertrand P&Z Staff

Site Visits conducted by Adam Ossefoort and Russ VanDenheuvel on June 20, 2025.

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

Staff members: Adam Ossefoort and Sue Bertrand

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

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

Ken motioned to have the agenda approved as written. Larry seconded, voice vote, no dissent heard. Motion carried.

Rick motioned to have the May 22nd, 2025 meeting minutes approved. Danny seconded the motion, voice vote, no dissent heard. Motion carried.

AGENDA ITEM 1: Theresa & Tom Petermeier – PID 03-0030300 – Birchdale Township

Request(s):

1. Request to reduce the lake setback from 100' to 80' for construction of dwelling replacement in Recreational Development Shoreland Zoning District.
2. Request to increase the height of a structure within the setback from 18' to 25' for dwelling replacement in Recreational Development Shoreland Zoning District.

Dan Peyton recused himself from the first application.

Theresa & Tom 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. Establishment of a stormwater controls as proposed in the application.
3. Establishment of a 15' vegetated buffer along the entirety of the lake frontage. A 10' wide maintained access path shall be allowed for lake access.

Theresa and Tom confirmed the staff report was accurate.

Russ went over his Site Visit Report for the board. This report may be viewed in full, upon request at the Planning and Zoning Office.

Correspondence received: None

Public comment: Dan Peyton, 21849 State 287, Long Prairie, stated this particular road runs right down the center of the peninsula going out to Diamond Point, it is traveled fairly heavy, compared to most of our roads, moving this structure closer to the road would probably be a safety concern. People who live on the other side of the road are sloping the other way, so the height of this structure would not affect anybody across the road. There is a sewer and water concern, should the structure be moved to the left.

Theresa stated they have a new sewer design for proposed new septic.

Dan continued, the well is still there on that corner of the house, and stated he doesn't know where else they could put it.

Board discussion:

Russ asked if the Sauk River Watershed commented on this.

Adam, we had no commentary from them.

Larry asked going from 18 to 25 feet, how does that fit in with the neighbors other than across the street?

Tom stated they cannot see it at all, and Theresa added, due to the existing trees.

Ken asked Russ as he was on site what he thought.

Russ stated he thought it was perfect, moved away from the lake, so that is a plus and if we put some conditions on their water run-off he thinks it is a plus.

Ken asked to go back to the plot plan, the part of the structure not meeting the setback is the SE? Asked if they could move it 90 degrees and stay in the setbacks?

Theresa showed and explained how any way they turn it would encroach on the setback.

Larry stated you are currently 53 feet from the lake now?

Theresa correct, on the NW corner, it is considered the high-water mark even though it is considered it is unusable, no boats can get in there.

Russ asked about the slope coming off the road.

Theresa explained their idea was to bring that up a little bit so there is less of a slope.

Rick noted the height included a walk out portion of the basement and asked if they are going to stick with the same elevation for the new structure? Will there be a lot of excavating?

Theresa stated they will possibly be doing a little more leveling, so there is less run-off to the lake.

Rick asked for clarification on the plot plan drawing and pointed out, on the overhead how the lake setback line to the North is unclear.

Sees a practical difficulty, but are you meeting the criteria, and are you putting the house where it minimizes the variance? He added he thinks they have. Wanted to ask them what is so great about that site that you want the house to be there?

Theresa stated she had Kevin out about three years ago and they have been trying to remodel their existing house. They have a handicapped daughter with mobility issues and now it is going downhill to get to the house and would like to be farther away from the lake, for more usable yard space and easier access for her daughter.

Rick stated they have picked the best spot. You need the land, the trees and the buffer zone, just an odd shaped lot, just not deep enough and have a lot of land for storm water management.

Ken asked her to trace out where the shoreline is as the measurement could be a pin and not the shoreline.

Theresa explained on the overhead, and explained it is swamp area or wetland.

Adam stated 80 is the number

Danny stated you have shoreland and wetland, and the 65 feet is not shoreline, it is wetland.

Rick stated when we do not have all of the facts for the circumstances, you run the risk of it being denied.

Adam stated the only way to get that answer is to talk to the surveyor.

Mike suggested to table until we get the information.

All agreed.

Theresa and Tom requested to table for more information.

Adam told them he would give them his contact information and tomorrow he will let them know what information we are looking for.

Rick agreed they are confused with what they are looking at, as it may be a distance of 65-feet to the North property line or to the OHW, so talk to the surveyor.

Ken delineate the shoreline and the setbacks, it would help the board a lot, and they are on an impaired lake.

Mike asked if the 100-foot setback can cross through another persons' property?

Adam, yes, the shortest distance and may cross over property lines.

Rick motioned to accept the applicants request to table for more information. Mike seconded.
Voice vote, no dissent heard, motion carried.

AGENDA ITEM 2: Joe & Ann Williams – PID 11-0048200 & 11-0053000 – Grey Eagle Township

Request(s):

1. Request to reduce the Road Right of Way setback from 35' to 26' for proposed shed placement in Recreational Development Shoreland District.

Joe and Ann 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.

Joe and Ann confirmed the staff report was accurate.

Russ went over his Site Review Report for the board. This report may be viewed in full, upon request at the Planning and Zoning office.

Correspondence: None.

Public comment: None.

Board discussion:

Ken asked if it is a township road?

Ann stated it is a publicly dedicated private road, privately maintained.

Russ, does anybody live there year-round?

Ann stated there are nine cottages and eight of them are seasonal. Theirs' is the only one with a furnace, for them to be there in the winter. If they need it plowed, they have to call someone to plow the entire road.

Russ stated you can hardly even call it a minimum maintenance road, 33' from the center of the roadway is a stretch of your imagination.

Adam stated he believed the right of way is a total of twelve feet wide.

Rick stated he is very familiar with this area, on Cottonwood you drive in, it's a private road, there is a gate and you feel like you are way up north at cabins, out in the woods. It's a narrow, gravel road, dead end, not a lot of traffic there, and as far as safety concerns, for a variance on the setbacks, he has no concerns with what they are asking for.

Ken agreed, he has no concerns.

Ann stated when they built their cabin, they brought in lumber, and they had to bring it in on smaller trucks, as there is no place to even turn around. They had to use her driveway. Even gas trucks have to use her driveway because there is no place to turn around.

Danny, alternate site, asked why they cannot be moved over to the right parcel?

Ann explained the septic drain field and tanks prevent it from fitting and there are more slopes with faster run-off. Thought they had more room over there, but after measuring, found out they couldn't do it.

Danny, already ten feet from the property line on the left, so it is as far over as it can be.

Rick felt this is very similar to the first. Feels they found the best spot, however, with only ten feet between the shed and the house that would make him feel uncomfortable and cramped. Why not simply move it ten feet away from the road and attach it right to the existing house?

Ann, there is an egress window on the north side of the house which would then open into the garage, and the utilities come in on the north side of the house. Had considered that, and actually had a builder come out and look at it, too. She continued, it is not like they will be looking out the windows across an alley into the shed wall, because there are no windows on that side of the house.

Ken only looking at 9' of right of way setback and has no problem with that.

Russ agreed.

Danny, the house would be hiding the shed and the shed meets the height requirement.

Rick stated he thinks it is reasonable, and stated it is not like there are going to be cars zooming down this road as it ends two or three lots down. Sometimes we can and must balance the land owner needs with the County needs and what they want to do is reasonable.

Danny, not an oversized shed. Asked if it was surveyed? Is the road centered in the right of way?

Ann stated her drawing started with the survey.

Adam, pretty well centered.

Mike stated he would like to see some stormwater management.

Rick agreed, however, the application has to do with safety for this request, and the conditions have to do with the variance request. This has to do with a road setback and safety, not stormwater management and protecting the lake.

Joe offered, they are planning on putting rain gutters that will direct the water up and around. They never cut any trees down, unless they fall down. Everything is the way it has always been. His mother used to have a small cabin there, by her grandfather, who used to live on the lake and probably owned all of that property and sold it off to people from Kansas City, for fishing. They have never mitigated anything along the shoreline, at all.

Rick complimented, that is fantastic and they have been good stewards of the lake. Stated nearly the only house that is 100 feet from the lake in that area, and they have 100 feet of vegetation in front of them.

Ann, 105 feet.

Rick, you have been a good steward of the land, you have squeezed the shed where you have, and stated he felt that was reasonable.

Danny motioned to approve with the one condition, seconded by Ken.

1. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.

Roll call vote commenced as follows:

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

Motion carried.

Dan motioned to adjourn and Rick seconded. Voice vote to adjourn. No dissention heard. Motion carried and the meeting adjourned at 6:59 PM.