

## **Minutes of the Todd County Board of Adjustment Meeting**

**January 27<sup>th</sup>, 2022**

Submitted by Jamie Christenson, P&Z Staff

Meeting conducted by board members: Chair Rick Johnson, Vice Chair Bill Berscheit, Mike Soukup, Danny Payton, Russ Vandenheuvell, and Planning Commission Liaison Ken Hovet.

Staff members present: Adam Ossefoort and Jacob Nosbush

Public in attendance: None

Meeting was called to order at 6:00 PM by Chair Rick Johnson. Each board member introduced themselves and Rick explained the process for those attending.

Adam noted the addition of the Training Minutes to the agenda as well as approval of the rules of business. Bill noted the change of year from 2021 to 2022 on the agenda. Dan made a motion to amend the agenda with the three changes, seconded by Russ. Voice vote, no dissention heard. Motion carries.

December 16<sup>th</sup>, 2021 meeting minutes were reviewed. Russ made a motion to approve the meeting minutes. Motion seconded by Bill. Voice vote, no dissention heard. Motion carries.

January 20<sup>th</sup>, 2022 training session meeting minutes were reviewed. Dan made a motion to approve the meeting minutes. Motion seconded by Ken. Voice vote, no dissention heard. Motion carries.

The complete staff report is available and is part of the record for these proceedings, as are the criteria questions used. Staff report was created and read in meeting by Adam Ossefoort. Site visit to the location was conducted by Adam Ossefoort and Rick Johnson on October 20<sup>th</sup>, 2021.

### **Agenda Item #1: Reorganization of the Board and Review Business Rules**

Dan made a motion to nominate Rick Johnson as Chair, Bill seconded. Voice vote, no dissention heard.

Russ made a motion to nominate Bill Berscheit as Vice Chair. Mike seconded. Voice vote, no dissention heard.

Adam noted a single change to the rules of business under number 24, the number of Board members now includes a Planning Commission Liaison in addition to the 5 regular members and 1 alternate.

Rick asked to confirm if the Planning Commission Liaison is a voting member. Adam confirmed it is. Adam stated the Ordinance does not have language indicating they would not be a voting member. Adam also stated he confirmed the Liaison is a voting member with Jason Kuboushek Todd County Attorney.

Dan made a motion to approve the rules of business, seconded by Mike. Voice vote, no dissention heard.

### **Agenda Item #2: Linda Stieve: Lake Osakis, Section 34/35, Leslie Township**

**Site Address:** 21501 Finch Avenue

**PID:** 15-0060600

Requests:

1. Request to reduce side line setback in Shoreland GD Zoning (Lake Osakis) from 10 feet to 7 feet for a garage addition.
2. Request to reduce road right-of-way setback in Shoreland GD Zoning (Lake Osakis) from 20 feet to 17.5 feet for a garage addition.
3. Request to increase the roofed impervious surface in Shoreland GD Zoning (Lake Osakis) from 15% to approximately 17.25% for a garage addition.

Linda Stieve was present as the applicant with a family member.

Correspondence: There was one new piece of correspondence from Jon Roeschlein from Sauk River Watershed District. Written correspondences are on file at the Planning & Zoning Office and available upon request.

Adam did not present the staff report as it had previously been presented. The applicants presented their changes to the proposal, noting blueprints drawn for the garage build and the smaller size of the requested garage.

Adam noted the difference between the old and new requests as well as displayed the new plans. Adam also explained the new calculations for impervious surface.

Adam presented two proposed conditions as follows:

1. Installation of a gutter system to drain into the adjoining road ditch.
2. Maintain 50% screening of the structure as viewed from the lake during leaf-on conditions.

The applicant noted the inconvenience of the existing garage.

Public Comment: None

Board Comments:

Ken clarified the request.

Ken asked if there had been consideration given to widening the current garage, as it would minimize the variance requests. The applicant noted they are hoping to use the existing concrete pad. Discussion followed regarding the issue with the width of the garage. Ken noted the depth of the garage is the same as presented and existing.

Rick noted that the request and adding onto the garage is not an unreasonable use of the property, however, there is a garage existing already. Rick noted that the board should consider alternate sites to minimize the variance.

Discussion ensued reviewing the original dimensions of the proposed garage and the revised dimensions for the application.

Rick inquired why the existing garage can't be expanded. The applicant stated they wished to use the existing driveway slab for a new garage to reduce the footprint of impervious surface on the parcel.

The applicant noted that the well is at the lake side corner of the garage.

Discussion ensued on positioning the proposed garage further east in front of the house.

Bill noted the board needs to observe when a hardship is presented and consider the minimum variance to alleviate the hardship. Bill noted the easiest way to alleviate the hardship would be to expand the existing garage and impose a condition to maintain the current impervious surface.

Discussion ensued to meet the minimum need by adding to the existing garage instead of adding an additional garage.

Russ inquired if the expansion of the existing garage would require a variance from the 10 foot setback. Board confirmed a variance would still be needed.

Discussion ensued about the impervious surface. Adam clarified the request presented is for roofed impervious surface increase, not total.

Ken inquired if the applicant would be willing to revise their application request to expanding the existing garage. Ken suggested expanding the existing garage may be the only way to be passed.

Rick said all he sees now is an economic consideration with using the existing concrete pad.

Russ noted that with the neighbor having a reduced side lot setback and potentially reducing this property's side lot setback an emergency vehicle may not be able to access the lakeside of the properties.

Bill asked to clarify how far the existing garage is from the side property line. Adam stated it is 11.4 feet. Discussion ensued on the calculations of the setback request, proposed garage, overhang of the existing garage to the side line, and outside dimensions.

Rick called for Criteria Questions individually by request.

Criteria question responses are as follows to address request #1: side line setback from 10" to 7"

<b>Criteria Question #1: Is the variance in harmony with the general purposes and intent of the official control?</b>	
<b>Board Member</b>	<b>Vote and Comments</b>
Dan	Yes
Mike	Yes
Bill	Yes
Russ	Yes
Rick	Yes
Ken	Yes

Majority response- "Yes".

<b>Criteria Question #2: Is the variance request consistent with the goals and policies of the comprehensive plan?</b>	
<b>Board Member</b>	<b>Vote and Comments</b>
Mike	Yes
Bill	No- As it applies to widening the existing garage it would be yes, but for an additional garage, no
Russ	Yes
Rick	No- Agreed with Bill
Ken	No
Dan	No

Majority response- "No".

<b>Criteria Question #3: Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?</b>	
<b>Board Member</b>	<b>Vote and Comments</b>
Rick	Yes- Don't think the use is changing and the desire for a wider garage is reasonable.
Ken	Yes
Dan	Yes- No other uses other than as a garage.
Mike	Yes
Bill	Yes
Russ	Yes

Majority response- "Yes".

<b>Criteria Question #4: Is the need for a variance due to the circumstances unique to the property not created by the landowner?</b>	
<b>Board Member</b>	<b>Vote and Comments</b>
Bill	No- According to the practical difficulty is the width of the garage, but according to the applicant it is use of the existing cement- so economic.
Russ	No- Alternatives available.
Rick	No- Circumstances are economic.
Ken	No- Reasonable alternatives not considered.
Dan	No- Not unique to the property
Mike	No

Majority response- "No".

<b>Criteria Question #5: Will the variance maintain the essential character of the locality?</b>	
<b>Board Member</b>	<b>Vote and Comments</b>
Ken	Yes- Currently garage, use won't change.
Dan	Yes- Close to and encroaching on property lines is common here.
Mike	Yes- Agreed with above.
Bill	Yes
Russ	No- More packed on small property changes.
Rick	Yes- Agreed with Ken

Majority response- “Yes”.

<b>Criteria Question #6: Does the need for the variance involve more than just economic considerations?</b>	
<b>Board Member</b>	<b>Vote and Comments</b>
Russ	Yes
Rick	No- Do not see any findings of facts other than economic considerations.
Ken	No- Agreed as above.
Dan	No
Mike	No
Bill	No

Majority response- “No”.

<b>Criteria Question #7: Have safety and environmental concerns been adequately addressed?</b>	
<b>Board Member</b>	<b>Vote and Comments</b>
Mike	Yes
Bill	No- Agree with Russ earlier, side lot variance already present on other parcel, this would make it worse.
Russ	No- Agreed with Bill.
Rick	No- Too much encroachment to address safety concerns.
Ken	Abstain- No firsthand information on safety concerns, environmental concerns could be addressed with conditions
Dan	Yes

Majority response- “No”.

Bill made a motion to deny request #1, seconded by Dan.

Rick requested a roll call vote to the motion to deny request #1.

<b>Board Member</b>	<b>Vote to the motion to deny the request</b>
Bill	Aye
Russ	Aye
Mike	Aye
Dan	Aye
Ken	Aye
Rick	Aye

Motion carries unanimously to deny the appeal for a variance based on failure to meet the criteria necessary for granting of a variance and failure to establish a practical difficulty.

The applicant requested to withdraw requests #2 & 3. Dan made a motion to accept the withdrawal of request 2 and 3, seconded by Ken. Voice vote, no dissention heard. Motion carries.

Ken asked to revisit the rules of business. Ken inquired how a tied vote is resolved. Adam stated a tied vote is a failed vote.

Discussion of site visit criteria for site visits.

Motion to adjourn made by Bill and second by Mike. Voice vote to adjourn. No dissent heard. Meeting adjourned at 6:55 PM.

**Minutes of the Todd County Board of Adjustment Special Training Meeting  
& Todd County Planning Commission Special Training Meeting**

**January 20<sup>th</sup>, 2022**

Submitted by Jamie Christenson, P&Z Staff

Meeting conducted by BOA board members: Chair Rick Johnson, Vice Chair Bill Berscheit, Mike Soukup, Danny Payton, and Larry Bebus.

Planning Commission board members present: Chair Mike Wiener, Vice Chair Jim Pratt, Arnie Boie, Lloyd Graves, Ken Hovet, and Roger Hendrickson.

Staff members present: Adam Ossefoort, Jacob Nosbush, and Jamie Christenson

Public in attendance: None

Meeting was called to order at 4:30 PM by Chair Rick Johnson. Each board and staff member introduced themselves.

BOA training commenced with Jason Kuboushek.

Break was taken at 5:40 PM. At 6:00 PM additional Planning Commission members arrived and introduced themselves.

Planning Commission training commenced with Jason Kuboushek.

Motion to adjourn made by Mike Wiener and second by Larry Bebus. Voice vote to adjourn. No dissent heard. Meeting adjourned at 7:08 PM.