

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

**March 24th, 2022**

Completed by: Jamie Christenson, P&Z Staff

Site Visits conducted by Adam Ossefoort and Bill Berscheit on March 14, 2022.

Meeting attended by board members: Vice Chair Bill Berscheit, Mike Soukup, Danny Payton, Russ Vandenheuvel, Larry Bebus, and Planning Commission Liaison Ken Hovet.

Staff members: Adam Ossefoort and Jamie Christenson

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

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

Ken motioned to have the February 24, 2022 meeting minutes approved. Larry seconded the motion. Voice vote, no dissent heard. Motion carried.

Motion to approve the revised agenda with the addition of item #3 made by Danny and second by Russ.

### **AGENDA ITEM 1: Thomas Ahlers – PID 14-0034400 – Kandota Township**

Requests:

1. Request to increase the roofed impervious surface from 15% to 17.2% in Shoreland-RD zoning (Sauk Lake) for a 560 square foot garage.
2. Request to reduce the road right-of-way setback from 35' to 5' in Shoreland-RD zoning (Sauk Lake) for the same 560 square foot garage.

Thomas was present as the applicant.

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

Proposed Condition(s):

1. Submittal of a property line survey prior to issuance of a land use permit.
2. Establishment of a rain garden to account for 189 square feet of roofed surface based on a 10 year/24 hour rainfall.
3. Applicant must obtain additional permitting as necessary from other governmental agencies including but not limited to the Sauk River Watershed District.

Thomas confirmed the staff report was accurate.

On site board member, Bill, presented site observations. Bill stated if there are no existing survey markers it is difficult to establish the exact location for the structure with the tight parameters. There is less than 50% screening of the cabin from the lake side. There is a significant and consistent slope from the building site to

the lake. Bill stated the addition's runoff water will run to the north or neighbor's property without any management.

Correspondence received:

Jon Roeschlein submitted a written corresponded. It is available on file at the Planning & Zoning Office upon request.

Public comment: None.

Board discussion:

Russ inquired the distance from the cabin to the ordinary high water level. Thomas estimated it is 80 feet. Adam confirmed the ordinance setback is 100 feet for Sauk Lake.

Danny asked for the dimensions of the proposed garage. Thomas stated 20' x 26'. The garage door will face the road. Danny inquired about the roofline direction. Thomas said he currently doesn't have plans as a contractor is requiring an approved variance first.

Bill asked if runoff from the structure is accurate. Thomas noted he is open to additional conditions for his project.

Russ inquired about the cabin patio landscaping. Discussion of the deck and 4' x 7' step that is concrete.

Ken commented the garage will go parallel with the house. Thomas said it has to do there due to the lot size. Bill agreed there is no alternate locations.

Mike asked what the distance from the road to house is. Thomas stated 39'. Adam presented the online GIS measurement of 43' from where the estimated the footing would be for the garage.

Bill stated the road right of way does not match the road overlay. Adam shared the history of the plat. Enblom's Resort plat has public right of way. The access does not follow the right of way but rather has an access easement. Bill stated the primary issue is that there is a platted road where the existing road is not located.

Mike asked what the setback is from the road right of way. Adam clarified there is no setback from an access easement.

Bill asked if there are any current survey stakes. Thomas stated he is not aware of any pins for the property corners. Bill discussed the significance of knowing the exact property line to determine distance of the variance.

Ken asked who maintains Alabama Drive. Thomas stated he is unaware of who maintains it and only one person lives there year round. Adam stated the road is a private access easement.

Danny asked if the building will be a hindrance for the person moving the snow. Bill stated the existing road location will not be an issue if it remains where it is.

Bill inquired if the board is comfortable with moving forward without a survey. Larry stated he is not comfortable and a survey is necessary to determine where everything is.

Ken stated the rear of the cabin is 43' to the property line and the garage would be 20'. Ken asked how close to the house Thomas was going to place the garage. Thomas stated 8' between the house and the garage. Ken Ken stated with the close quarters of the structures a survey would be necessary.

Bill discussed options with the applicant.

The applicant requested to table the application.

Discussion on surveying.

## **AGENDA ITEM 2: Stephen & Karen Konsor – PID 11-0021700 & 11-0025200 – Grey Eagle Township**

Request:

1. Request to reduce the ordinary high water level setback from 100' to 71' in Shoreland-RD zoning (Big Birch Lake) for a screen porch.

Stephen, Karen and Paul Konsor were present as the applicants.

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

Proposed Condition:

1. Establishment of a raingarden to account for 462 square feet of roofed surface based on a 10 year/24 hour rainfall.
2. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.
3. Applicant must obtain additional permitting as necessary from other governmental agencies including but not limited to the Sauk River Watershed District.

Stephen confirmed the staff report was complete and accurate.

Correspondence received:

Two correspondences were received for this application from Jon Roeschlein with Sauk River Watershed District and Hollis and Mary Jo Hinnenkamp. These are available on file at the Planning & Zoning Office upon request.

Public comment: None.

Board discussion:

On-site board member, Bill, presented findings and addressed questions from the on-site review sheet.

Setbacks were not measured during the site visit. Elevation is fairly flat and would assume no erosion issues.

Existing gutters direct water to the lakeside of the property. Current vegetation on the property has two

mature oak trees and leaf screening is 50% or less. Bill noted there is an alternative location for the structure between the garage and the dwelling that would meet setbacks but isn't reasonable. Setback is consistent with neighboring properties. No noticeable unique circumstances observed. Bill stated the discharged water from the additional roof will be warmer compared to the current cement and would have a need to be treated to avoid having an impact on the lake or an adjoining property. The property conditions and the addition would have no negative impact on the lake. Bill stated he is concerned that the screened in porch turns into 4 season living space.

Russ inquired who put the 1962 stamp into the cement. Stephen stated it was present when it was purchased. Karen stated they have owned the property for 6 years. Russ inquired how far from the property line it would be from the side line setback. Stephen stated they have 8-10 feet.

Danny confirmed the porch is going to be placed on the existing cement and confirmed the impervious surface is not going to be increasing.

Russ inquired if they currently park on the cement or if anyone has since they purchased it. Stephen and Karen stated no one has since they have owned it. Bill stated the term carport is misleading and the cement is more like a patio, the location is difficult to get to with a vehicle, and there is no roof over it.

Stephen stated the cement has footings for a carport with a 4 foot apron. Stephen also stated the garage that exists on the property was built later.

Mike inquired if the cement ever had a roof. Stephen stated not to his knowledge.

Ken asked if the runoff will change with the addition. Stephen stated the current gutter system is directed towards the lake. Stephen stated the addition will alter the gutter to send the runoff towards the road into a 22' x 40' lilac bush area to act as a raingarden.

Ken inquired where the current slab runoff goes. Karen stated depending on the wind the direction can change but the cement is flat and has pooling. Bill stated the water has been running off the lakeside of the cement and has exposed it a few inches.

Larry inquired how far from the neighbor's lot line to be 25' according to the drawing submitted. Stephen confirmed. Larry asked Stephen to confirm the addition will be flush with the existing home on the roadside and lakeside. Adam reviewed the aerial measurement from the online GIS website and noted the parcel lines are not survey grade. Adam measured 20 feet and the applicants should be able to meet the setback.

Danny inquired if there is proof that the lilac area will be adequate. Adam reviewed the proposed condition #1 to capture the addition's 462 square feet of runoff.

Stephen stated the lilac area is 880 square feet. Stephen stated he is open to alterations to the raingarden plan. Adam stated the applicant will have to submit a design of the raingarden to be submitted prior to the issuance of a permit.

Discussion of the alternate location observed from the on-site review.

Russ inquired if the existing cement will remain. Stephen indicated they would use the existing cement and was advised by Kramer Lumber that the existing cement would be useable.

Stephen share a few items before the board addressed the criteria questions:

There are trees on the edge of the property that are mature trees to make the 50% coverage not be an issue. They are willing to develop a raingarden. The original design was to have louvers around the carport. The screening won't include the entire cement space and there will be a small portion unscreened on the lakeside. The addition of the structure will improve the stormwater runoff and the dwelling runoff to a better location. Stephen also noted the safety issue.

Discussion on the criteria question meanings.

Karen stated the dwelling is their year round residence.

Paul stated the request to use the cement that is present and it will extend or worsen what exists.

<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>
Russ	Yes
Bill	Yes – The county ordinance and comp plan the goal is to achieve the setback.
Danny	Yes – The quality of the lake is the number one concern.
Ken	Yes – The project present as an improvement for the water quality.
Larry	Yes – Since this is one part of a few different permits.
Mike	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>
Bill	No – There is room on the lot to meet setbacks to the lake.
Danny	Yes – With the raingarden catching the water.
Ken	Yes – It won't make a difference on water runoff, but it will improve the water quality with the redirection.
Larry	Yes – With the water runoff changing, the establishment of a water garden, and the existence of the cement currently.
Mike	No – Due to the setback regulations.
Russ	Yes – We will be improving with their proposal.

Majority response- "Yes".

<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>
Danny	Yes

<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>
Ken	Yes
Larry	Yes
Mike	Yes
Russ	Yes
Bill	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>
Ken	Yes
Larry	Yes – Since the cement is already there.
Mike	No
Russ	Yes
Bill	No – The request for the screened in porch that is already existing is a landowner request.
Danny	Yes

Majority response- "Yes".

<b>Criteria Question #5: Will the variance maintain the essential character of the locality?</b>	
<b>Board Member</b>	<b>Vote and Comments</b>
Larry	Yes
Mike	Yes
Russ	Yes
Bill	Yes
Danny	Yes
Ken	Yes

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>
Mike	Yes
Russ	Yes
Bill	Yes
Danny	Yes
Ken	Yes
Larry	Yes

Majority response- "Yes".

<b>Criteria Question #7: Have safety and environmental concerns been adequately addressed?</b>	
<b>Board Member</b>	<b>Vote and Comments</b>
Russ	Yes – Meeting with the watershed district and the conditions.
Bill	Yes – Assuming the proposed conditions will be used and potentially added to.
Danny	Yes – No problem with safety just the water runoff.

<b>Criteria Question #7: Have safety and environmental concerns been adequately addressed?</b>	
<b>Board Member</b>	<b>Vote and Comments</b>
Ken	Yes – If the runoff will be dealt with appropriately.
Larry	Yes – With the conditions from the Watershed District.
Mike	Yes

Majority response- “Yes”.

Summary of criteria question majority responses as follows:

#1	Yes
#2	Yes
#3	Yes
#4	Yes
#5	Yes
#6	Yes
#7	Yes

Danny motioned to approve, Ken seconded with the three conditions as presented.

Conditions:

1. Establishment of a raingarden to account for 462 square feet of roofed surface based on a 10 year/24 hour rainfall.
2. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.
3. Applicant must obtain additional permitting as necessary from other governmental agencies including but not limited to the Sauk River Watershed District.

Voice vote commenced, no dissention. Motion carried.

**Item 3:**

Bill stated he used the sheets and there are some questions that will be difficult to answer due to snow conditions. Bill thought the sheets will give the board good information if they are used.

Adam asked if the questions matched up with what the board was envisioning. Adam stated the goal is to create consistency between members going on site visits and it can be a working document.

Bill asked what the board thought when he used the form when answering the questions for the applications. Danny stated it was good to address some unique questions for runoff that is observed on site. Danny appreciated the alternate location for the screen porch. Bill stated the board has been focusing on the present request and fail to see when alternate sites are available.

Larry sated it will help standardize the review. Ken stated it will help looking for the same things. Russ stated it’s a good idea.

Mike inquired if the site review sheet will become part of the official record. Adam stated it will become part of the official record for each individual sites. Adam stated the process will be to provide them to the on-site board member at the time of site reviews.

Adam stated multiple attempts were made to include Rick on the review of the document and we didn’t

receive any feedback from him.

Danny motioned to accept and initiate the use on-site worksheet as present. Seconded by Larry. Voice vote commenced, no dissention. Motion carried.

Discussion with Paul Konsor on question for alternative locations.

Russ motioned to adjourn and Ken seconded. Voice vote to adjourn. No dissention heard. Motion carried and meeting adjourn 7:22 PM.