

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

**January 12<sup>th</sup>, 2023**

Completed by: Sue Bertrand P&Z Staff

Site Visits conducted by Adam Ossefoort and Rick Johnson on December 12<sup>th</sup>, 2022.

Meeting attended by board members: Chair Rick Johnson, Vice Chair Bill Berscheit, Danny Payton, Larry Bebus alternate 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.

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

Rick pointed out the need for a correction on the November 17<sup>th</sup>, 2022 minutes. He also pointed out an agenda change with the addition of the reorganization of the Board and a review of the Business Rules had been added as the first Agenda item.

Ken motioned to approve the agenda, seconded by Danny, voice vote, no dissent heard. Motion carried.

Larry Bebus was not present at the November 17<sup>th</sup> meeting, so he abstained from approving the minutes.

Danny motioned to have the November 17<sup>th</sup>, 2022 meeting minutes approved with the correction stated by Rick. Ken seconded the motion. Voice vote, no dissent heard, motion carried.

### **AGENDA ITEM 1: Reorganization of the Board and review Business Rules**

Rick directed the board to appoint a new Chairperson and Vice Chairperson, and after a pause offered he would be happy to Chair for another year.

Motion by Bill, seconded by Danny to have Rick Chair for another year. Voice vote, no dissent heard, motion carried.

Bill offered to be Vice Chair again, unless someone else wanted it.

Motion by Ken to appoint Bill for Vice Chair and Rick seconded. Voice vote, no dissent heard, motion carried.

Rick mentioned he is happy and satisfied with the Rules of Business as written and made a motion to adopt the Business rules for 2023, Ken seconded, voice vote, no dissent heard, motion carried.

Rick directed they move on to the applicants and asked if any had been tabled, to which Adam pointed out two could not make the rescheduled date of tonight, stating Gallagher and Sedey opted for January 26<sup>th</sup> meeting, with signed extension forms.

**AGENDA ITEM 2: George Sutton– PID 24-0000100 – Turtle Creek Township**

Request(s):

1. Variance request to reduce the ordinary high-water mark setback from 150' to 102' for dwelling addition in Natural Environment Shoreland Zoning.

George was present as the applicant.

Rick stated George's application had been heard previously on the November 17<sup>th</sup>, 2022 meeting and it was agreed he would return with more accurate measurements. He also stated the staff report was read at that time and asked Adam if there were any changes to the staff report.

Adam stated he has additional information to share, with the setback request at 88'. He also added the public was re-notified to reflect the survey confirmed, 88' setback.

Staff Findings: Adam read the applicable statements of the staff report pointing out the dates on the staff report still show the original December 22<sup>nd</sup>. The staff report is available for viewing upon request in the Planning & Zoning Office.

George has requested an update with 88' instead of 102' as originally requested and submitted a survey.

Proposed Condition(s):

1. Maintain a minimum of a 15' vegetated buffer along the shoreline of the lake downslope from the structure.
2. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.

George confirmed the staff report was accurate. The distance from the lake to the corner of the proposed screen porch has now been surveyed to reflect the 88'.

Correspondence received: None

Public comment: None

Board discussion: Danny mentioned due to the fact the new addition is going to be built on top of the portion where the board granted a previous Variance for an underground garage, he wondered if it would have been granted, had they known George will want to construct the screen porch over the top.

Rick agreed with the same point, but stated he always goes back to the findings of facts. If it was not part of the conditions when the variance was granted for the subsurface garage, and the porch may still be considered.

Adam went back in archives to locate the conditions at that time.

Danny also stated it is a 150-foot setback and is wondering when they start saying no. It is not just one direction, it is all three directions. He stated he is for not building on top of the underground garage, and we are supposed to be protecting the lake.

Adam stated there were no conditions on the first Variance request in 2017 and in 2018 no conditions other than maintain screening and dedicated no mow zones.

George said he never did build the accessory structure for the 2018 request, then they had the tornado.

Adam stated the 2018 Variance is no longer in effect, as it has expired and said it was the 2017 Variance that was for the subsurface garage, with no conditions.

Rick stated he agreed with Danny, however, pointed out this structure was built prior to 1972.

George stated they have gone to extraordinary lengths to protect the lake and said his first intentions were to renovate and stay within the footprint, however, they built the garage with the sod roof to make everything work, with a couple of Variance requests. He stated since the tornado hit, how they view the house has changed, and the best place, the least intrusive to the lake, is to have the screen porch where requested. About 80 square feet of the proposed structure is already covered with the concrete apron. George stated this property does have Covenants to prevent over development. George stated he purchased additional land on the lake so it will not be overdeveloped, as well.

Rick stated it is a legal non-conforming structure and must prove a practical difficulty in order to allow expansion. The intent of the rules is to not expand and hopefully someday these nonconformities will be eliminated. This is a large piece of property with a lot of sq. footage, however, it is the shape that makes it very unique. Just something to think about.

Bill mentioned he made the comment of the grass roof garage and agreed he was sold as to why he granted that Variance when he was on the board at that time. The fact that one Variance was not used may help balance that out. He stated the board wants to keep the structure there and keep it usable. This site and the lake have a lot of cattails. This helps maintain the natural vegetation after all these years and it is a huge asset to the lot.

Rick agreed and directed the board to go over the criteria questions.

<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	No. Controls are protecting our natural resources. We have run-off going to the lake from three directions. Have to say No.
Ken	Yes.
Rick	Yes. Agreed with Dan stating the purpose and intent is to also help preserve the natural characteristics of the shore line. Continuous expansion of a non-conforming building is a concern, however, the size and placement of the screen porch is of little significance, when

	taking everything into consideration. He stated he felt there should be proposed conditions if granted.
Larry	Yes, does have concerns with more run-off with the expansion and must have conditions. He did agree with the cattails being an asset.
Bill	Yes, this is a lot that has three directions for run-off, as stated by other board members, in time, we would like structures to move back, but that is off the table as this is closed in on three sides and cannot move back. Another factor, this is not a seasonal cabin, it is a year-round residence. In this case, it does make a slight difference.

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>
Rick	Yes, comprehensive plan promotes and guides orderly development and protects natural resources.
Larry	Yes, there are concerns with run-off, but again, as long as the year-round structure has been there, the cattails have helped with clarity for the lake.
Bill	No.
Dan	Yes.
Ken	Yes.

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>
Bill	Yes.
Dan	Yes.
Ken	Yes.
Rick	Yes.
Larry	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>
Larry	Yes. Lot size and shape limits options.
Bill	No. The need for the Variance is for a screen porch, and is a desire of the land owner.
Dan	No. I believe it is a want of the landowner.
Ken	Yes. Same reasons as Rick.
Rick	Yes. It is unique primarily due to its shape. You have limited options to develop.

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>
Rick	Yes, for the same reasons as Ken.
Larry	Yes.
Bill	Yes.
Dan	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>
Ken	Yes. He has elected to put the screen porch on the back side of the house, not very visible and still quite a distance from the lake.

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>
Ken	Yes.
Rick	Yes.
Larry	Yes.
Bill	Yes.
Dan	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>
Rick	Yes. Same reasons as Ken.
Larry	Yes. With conditions
Bill	No. Need for some work there.
Dan	No. Due to we are expanding a footprint on a very small lot which is a negative factor to the lake.
Ken	Yes, we still have the ability to address concerns with conditions.

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

Rick invited the board to deliberate on conditions. Good place to start is with Adam's staff report.

Adam re-read the staff report conditions.

1. Maintain a minimum of a 15' vegetated buffer along the shoreline of the lake downslope from the structure.
2. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.

Ken suggested rain gardens along with the proposed conditions.

Rick agreed the condition of rain gardens should be mandatory, due to storm water run-off.

Bill and Larry agreed.

Rick suggested we deal with this now and adopt some language.

George asked for clarity of what is expected.

Ken said several options: rain gardens, ponds and whatever to keep the run-off from going into the lake.

Rick suggested to work with the county and the staff on the run-off issues.

George agreed to do that.

Bill addressed the 50% screening and would like to see that increase to at least 60%-70% on two sides for screening as that is the way the lot used to look prior to the storm.

Ken felt we were beyond what should be expected.

George agreed with proposed and said once the trees mature, it will be more than 50% for screening.

Rick stated he felt George was a good steward.

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

Conditions:

1. Maintain a minimum of a 15' vegetated buffer along the shoreline of the lake downslope from the structure.
2. Establishment of a water retention structure to account for 112 square feet of impervious surface based on a 10 year/24-hour rain fall event.
3. 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)
Danny Peyton	No.
Bill Berscheit	No.
Larry Bebus	Yes.
Ken Hovet	Yes.
Rick Johnson	Yes.

Motion carried.

**AGENDA ITEM 3: Robin & Scott Sedey– PID 11-0073000 – Grey Eagle Township**

Request:

1. Variance request to reduce the road right-of-way setback from 20' to 11' for an after-the-fact storage shed in Recreational Development Shoreland.

Robin & Scott have signed the Extended Time Application and are requesting to be on the January 26<sup>th</sup>, 2023 BOA meeting.

**AGENDA ITEM 4: Sandy Lange– PID 06-0025800 – Burnhamville Township**

Request:

1. After-the-Fact Variance request to reduce the ordinary high-water mark setback from 50' to 8' for Water Oriented Accessory Structure in Recreational Development Shoreland Zoning.

2. After-the-Fact Variance request to increase the size of Water Oriented Accessory Structure from 250 square feet to 307 square feet in Recreational Development Shoreland Zoning.

Sandy was present as the applicant.

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. Establishment of an 8' vegetated buffer along the lake frontage of the property. Vegetation shall consist of deep rooted, native vegetation.

Sandy confirmed the staff report was accurate. Sandy stated the fire pit has been there for a long time, they've been using it a lot and it breaks down a lot. They added the patio blocks which have sand underneath. This helps soak up any water instead of going towards the lake. The wall helps to keep everything in place. She stated they built it up that way to contain any water and keep it in that area. She explained to the board how any other area on the lot has very limited space for the fire pit and consists of wetland and septic system. She stated they have done a lot to maintain the shoreline.

Rick mentioned he did conduct the site review and went over a few of his notes. A copy of these may be viewed in full at the Planning and Zoning office.

Correspondence received: Yes, submitted by Burnhamville Township. This letter may be viewed in full at the Planning & Zoning office upon request.

Public comment: None

Board discussion:

Ken asked what the side yard setback was to which Adam stated ten feet and there was a survey pin found.

Dan asked about the house and noticed the large overhang and stated it looks like it is very close to the lake. He noticed the septic drain field placement.

Sandy stated they bought the house in 1999 and the overhang was already there and she had the rocks placed on the shoreland to prevent erosion.

Dan asked to see the photos of the drain field again, also wanted to see what he is looking at on the site map. He asked Sandy if the area near the road in the SW corner of the lot was wetland and she stated yes.

Ken had a question if there was any way you could place that patio in and amongst the trees. He stated it looks like it would almost be 50 feet from the lake, straight back from where it is now.

Sandy stated that the area Ken was pointing out would make the lawn chairs sink into the ground due to wetlands. She pointed out the wetland portion of the lot, on the overhead, that addressed Ken’s suggestion.

Adam used the overhead GIS to show where the 50’ setback was.

Rick stated he felt there were other areas to be used unless she produced the facts to support her request, to which Larry agreed. Dan also agreed and added it would be hard to grant this, as it is so close to the lake.

Rick stated this is not even a minimal request and directed to move on to the criteria questions.

<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	No.
Ken	No.
Rick	No.
Larry	No.
Bill	No.

Majority response- No

<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>
Rick	No.
Larry	No.
Bill	No.
Dan	No.
Ken	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>
Bill	Yes.
Dan	Yes, trying to use it as a recreational spot.
Ken	Yes, wanting a patio is reasonable.
Rick	Yes, for the same reasons as Dan.
Larry	No.

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>
Larry	No.
Bill	No, it is a desire on the part of the landowner.
Dan	No, it is due to the landowner.
Ken	No, feels there are alternative areas.
Rick	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>
Rick	No.
Larry	No.
Bill	No, stated he would need more information as to the other properties before he could say yes.
Dan	No, without even looking at the other properties.
Ken	No.

Majority response- No

<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>
Ken	Yes.
Rick	Yes.
Larry	Yes.
Bill	Yes, nothing economic about it.
Dan	Yes.

Majority response-

<b>Criteria Question #7: Have safety and environmental concerns been adequately addressed?</b>	
<b>Board Member</b>	<b>Vote and Comments</b>
Rick	No.
Larry	No.
Bill	No. Sometimes small requests may be offset somehow to provide advantage to the lake in return, and he does not see how there could be an offset to granting this or what could be done to make this better.
Dan	No.
Ken	No.

Majority response- No

Summary of criteria question majority responses as follows:

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

Rick clarified this addressed both Variance requests and the board members agreed.

Danny made a motion to forego the after-the-fact criteria questions, as there is sufficient evidence to decide, seconded by Ken, voice vote, no dissent heard, motion carried.

Danny made a motion to deny the Variance request and Larry seconded.

Roll call vote commenced as follows:

<b>Board member</b>	<b>Vote (yes or no)</b>
Larry Bebus	Yes
Ken Hovet	Yes

Danny Peyton	Yes
Bill Berscheit	Yes
Rick Johnson	Yes

Motion carried. Variance has been denied.

**AGENDA ITEM 5: Bruce Brotten– PID 15-0077600 – Leslie Township**

Request:

1. After-the-Fact variance request to reduce the 75’ ordinary high-water setback to 64’ for building addition in General Development Shoreland Zoning.

Bruce and Pat were present as the applicant.

Rick asked Adam for clarification on the Variance request time stamp.

Adam explained the first application was denied. This is a totally new application with new information submitted for the same request.

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. Unpermitted structure must be permitted and paid at after-the-fact rates of 2 times the permitting fee.
2. Establishment of a 10’ vegetated buffer (no mow zone) along the lake frontage. Vegetation shall consist of deep rooted, native vegetation.
3. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.
4. Applicant must obtain additional permitting as required from other agencies including but not limited to the Sauk River Watershed District.

Bruce confirmed the staff report was pretty close. Bruce stated he would like to add that there is a natural berm that goes approximately above your calf and the other natural berm goes to mid-thigh, indicating on the overhead pictures, and stated they have not done anything to the berms since 1912.

Rick asked for clarification on why this information helps, to which Bruce stated it is a natural berm that highly reduces the run-off to the lake.

Bruce said the no mow zone is well over fifteen feet. He stated there is a no mow zone on the road side also preventing any water to run to the lake. Bruce stated the 50% coverage is already in place from the lake side view during leaf on conditions, as you can’t see his cabin from the lake. Bruce pointed out where the original cabin sat and explained where the bedrooms are, so the entry could not be on that side.

Rick stated he did a good job articulating and pointing out the existing facts. He stated it is a lot of compelling and good information.

Rick mentioned his on-site notes are not real relevant to this case, but did review. These notes are on file in the Planning and Zoning office and are available upon request.

Adam pointed out the extra photos in the board packets for review. He offered colored copies if need be.

Correspondence received: Yes, from Robert and Margaret Fortmann. This letter is on file in the Planning and Zoning office and may be reviewed upon request.

Public comment: None

Board discussion:

Danny stated a practical difficulty to the land and not to family size.

Pat pointed out there are two bedrooms in the front and they wanted it to come in where the door is located already, plus it added more accessibility from car parking and unloading. With a larger family, there is no place for any coats, shoes etc. other than tossed in the living room.

Rick agreed Pat expressed her practical difficulty. He related the practical difficulties in relation to the property, as it must be unique to the property. It is a legal non-conforming structure. If you go back, the state law is: to phase out these non-conformities and not allow the expansion.

Ken asked for clarification on what is on the back side of the house (road side).

Rick asked if you would have made the porch on the road side, could you have met the lake setback to which Pat explained there was a tree on the road side of the house that prevented any expansion meeting setbacks. A storm went through and there is no longer a tree.

Ken addressed the applicants and asked if the tree was never there, would they have built on the roadside.

Pat said probably not, but it was hard to say because, at that time, they did not need to remodel.

Bruce added plumbing is also on that side, put in by the previous owner, and the bedrooms would have had to be switched around. It would have been a much bigger project.

Rick directed board to go over the criteria questions.

<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	No. There are other locations on this lot. This is not protecting the natural resources.
Ken	No. There are alternatives.
Rick	No.
Larry	Yes.
Bill	No. There is other buildable space on the lot although, he understood their reasoning.

Majority response- No.

<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>
Rick	No. Stated he does not think this is a reasonable request and it goes against the spirit and intent of not allowing expansion of nonconformities.
Larry	No.
Bill	No.
Dan	Yes.
Ken	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>
Bill	No.
Dan	Yes.
Ken	Yes.
Rick	Yes.
Larry	No.

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>
Larry	No.
Bill	No.
Dan	No.
Ken	No.
Rick	No. Definitely a situation created by the landowner.

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>
Rick	Yes.
Larry	Yes.
Bill	Yes.
Dan	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>
Ken	Yes.
Rick	Yes.
Larry	Yes.
Bill	No.
Dan	No. Agreed with Bill.

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>

Rick	Yes. What you articulated about the natural berm, and loved to see responsible lake owners.
Larry	Yes.
Bill	Yes. What they are doing on the lot in regards to the environment is phenomenal.
Dan	Yes. Agreed the berm helps and thanked them for not disturbing it.
Ken	Yes. For all of the above reasons.

Majority response- Yes

Summary of criteria question majority responses as follows:

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

Rick directed the board to go over the after-the-fact criteria questions before we make a motion.

<b>After-the-Fact Question #1: Was there any attempt to comply with the applicable official controls?</b>	
<b>Board Member</b>	<b>Vote and Comments</b>
Ken	No. Same reason as Rick.
Bill	Yes.
Larry	No.
Rick	No. There were no findings of facts here tonight.
Danny	Yes. Any attempt to comply, yes.

Majority response-No

<b>After-the-Fact Question #2: Did the applicant make a substantial investment in the property before learning of the failure to comply with the applicable official controls?</b>	
<b>Board Member</b>	<b>Vote and Comments</b>
Bill	Yes.
Rick	Yes.
Larry	Yes.
Danny	Yes.
Ken	Yes.

Majority response-Yes

<b>After-the Fact Question #3: Did the applicant complete the work before being informed of the violation of applicable official controls?</b>	
<b>Board Member</b>	<b>Vote and Comments</b>
Larry	No.
Danny	No.
Rick	No.
Ken	No.
Bill	Yes.

Majority response- No.

<b>After-the-Fact Question #4: Are there similar structures in the area?</b>	
<b>Board Member</b>	<b>Vote and Comments</b>
Rick	Yes.
Ken	Abstain, not knowing the area.
Larry	Yes. Not knowing fully, the area.
Danny	Yes.
Bill	Yes,

Majority response-Yes.

<b>After-the Fact Question #5: Based on all of the facts, does it appear to the Board of Adjustment that the applicant acted in good faith?</b>	
Bill	No.
Rick	No. Has no factual data.
Ken	No.
Larry	No.
Danny	Yes.

Majority response-No.

<b>After-the-fact Question #6: Would the benefit to the county appear to be outweighed by the detriment the applicant would suffer if forced to remove the structure?</b>	
<b>Board Member</b>	<b>Vote and Comments</b>
Bill	A Variance & Conditions go with the real estate and not with the property owners. There is potential for a net loss to the County if we do not grant a variance and put conditions in that maintain all of the physical, earthen structures that are there, to prevent run-off to the lake. So, I say No. May be reading that wrong. The detriment to the County, will be greater if the structure were removed, over a long period of time. That would be a "Yes".
Danny	Yes.
Ken	Yes.
Rick	Yes. Same reasons as Bill.
Larry	Yes.

Majority response- Yes.

Summary of After-the-fact criteria questions majority responses as follows:

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

Rick reminded the board in order to grant a variance, the criteria questions must all be a majority "yes" and we do have a non-conforming structure, and by State Law we cannot grant the variance.

Dan motioned to deny, Rick seconded. Roll call vote commenced as follows:

<b>Board member</b>	<b>Vote (yes or no)</b>
Bill Berscheit	Yes

Danny Peyton	Yes
Ken Hovet	Yes
Larry Bebus	Yes
Rick Johnson	Yes

Motion carried to deny the variance.

**AGENDA ITEM 6: Patrick Gallagher– PID 11-0055500 – Grey Eagle Township**

Request:

1. Variance request to reduce the road right-of-way setback from 20’ to 15’ for proposed garage in Recreational Development Shoreland Zoning.

Patrick has signed the Extended Time Application and is requesting to be on the January 26<sup>th</sup>, 2023 BOA meeting.

**AGENDA ITEM 7: Josh Dittrich– PID 24-0042600, 24-0036305 and 24-0062200 – Turtle Creek Township**

Request:

1. Variance 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.

Josh was present as the applicant.

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. Existing parcels 24-0042600 and 24-0036305 shall be platted together with the property expansion. No additional dwelling sites shall be granted along with the approval of this variance request.

Josh confirmed the staff report was accurate. He stated Adam covered it well. Josh added the only way to make this legitimate is to take the triangle piece across the lane but the owners are not willing to sell that piece. So instead, will sell a portion to the north that is outlined. Josh stated his two lots currently are non-conforming because they do not have the required road frontage. He said they would like to acquire the North piece and then plat it, to become one whole piece with the 50 foot of road frontage on the access easement instead of road frontage.

Public comment:

Bob Bryniarski from Turtle Creek township stated when Deb and Jeff Myrum decided to sell, when they platted back in 2009, they came with the proposal to turn Little Pine Lane into a township road instead of what it is. The road standards are 66’ wide with a turnaround at the end. Myrums went another route with the access easement, and the township does not provide services, like road grading or snow plowing, for the easement. It is called a privately maintained public dedicated road. There are 911 services from the County, however, the address signs are not out by the road. He stated he was not here to oppose, he just wanted to relay the facts.

Rick reviewed his on-site visit, and stated it does have relevance to this application.

Correspondence received: Yes. From Ramond T. Renner. This letter may be viewed in full at the Planning and Zoning office upon request.

Board discussion:

Bill made a motion to approve as requested, and criteria questions do not apply to this application.

Dan requested clarification, so there was detailed discussion on the existing road, easement and property lines.

Ken confirmed with Josh his intention for platting this property. It is not to split up and sell smaller lots, it is to acquire extra land to build a storage shed, to which Josh agreed.

Deb Myrum added clarification on why the road was platted the way it was back in 2009.

Rick mentioned, simply stated, the ordinance requires 50' of road frontage to plat. Josh is asking for 50' of access easement frontage to plat.

Bill motioned to approve, Dan seconded with the one condition as presented.

Conditions:

- 1. Existing parcels 24-0042600 and 24-0036305 shall be platted together with the property expansion. No additional dwelling sites shall be granted along with the approval of this variance request.

Roll call vote commenced as follows:

<b>Board member</b>	<b>Vote (yes or no)</b>
Ken Hovet	Yes
Larry Bebus	Yes
Bill Berscheit	Yes
Danny Peyton	Yes
Rick Johnson	Yes

Motion carried to grant the variance.

Adam reminded the board of the upcoming training next Thursday, January 19<sup>th</sup> for PC at 3:00 then a little break and BOA afterwards, and all may attend both session.

Larry motioned to adjourn and Bill seconded. Voice vote to adjourn. No dissention heard. Motion carried and the meeting adjourned at 8:49 PM.