

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

**April 27<sup>th</sup>, 2023**

Completed by: Sue Bertrand P&Z Staff

Site Visits conducted by Adam Ossefoort and Larry Bebus on April 18th, 2023.

Meeting attended by board members: Chair Rick Johnson, Alternate Larry Bebus, Mike Soukup, Danny Payton, Russ Vandenheuvel, 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.

Russ motioned to have the meeting agenda approved. Ken seconded the motion. Voice vote, no dissent heard. Motion carried.

Dan motioned to have the March 23rd, 2023 meeting minutes approved. Mike seconded the motion. Rick abstained from the vote as he was not at that meeting and called for a voice vote, no dissent heard. Motion carried.

Introduction of the meeting process and etiquette.

### **AGENDA ITEM 1: Robin & Scott Sedey – PID 11-0073000 – Grey Eagle Township**

Request(s):

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.

Rick mentioned they will be discussing the new information provided since the application was tabled last.

Correspondence received: Yes. Letter from Anita Walker on behalf of her father Robert Lanners, who is the neighbor to Sedey's. This letter is on file at the Planning and Zoning Office, and may be viewed upon request.

Public comment: Anita Walker, neighbor, read her letter to the board. A copy of this letter may be read in its entirety at the Planning and Zoning office upon request. She stated her dad, Mr. Lanners, is the neighbor to Sedey.

Scott was present as the applicant. Stated he had a survey done since the last meeting. Based on the survey, the new request is now a 14-foot setback instead of eleven. He described the use of retaining walls to help compensate for the slope.

Richard asked if staff had anything new to add to which Adam pointed out, in the staff report, where the new information started and confirmed the placement request had been changed from 11' to 14' from the ROW. This report may be viewed in full at the Planning and Zoning office upon request. He also directed the board to

the updated photos submitted, showing the survey stakes relating to the ROW and the last page is the survey showing proposed placement and where the shed sits now.

Rick asked if staff had been out there to confirm the fourteen feet to which Adam stated we had not, since nothing was staked, the shed has not been moved and if the variance request is granted, we can do that before issuing a permit. He stated staff has been out there twice since the survey had been done.

Board discussion:

Ken mentioned to Scott that it appears he is going to move it down a little, and if the trees were not there a little further, and noted, it may be feasible without needing a variance.

Scott said he would maybe gain a foot or two only, not six more feet.

Ken asked if it was a township road and Adam explained it was a public road, privately maintained, 66' ROW.

Rick asked Anita what she was trying to achieve with her measurements, and inquired why she hired a surveyor.

Anita stated she is proving it is a goat path with hardly any room when meeting a car, as driven. The reason for the pictures shows a lot of encroachment and trespassing, in that area where it should be a 66' foot road right of way. That is where the frustration comes in. She stated she had the survey done to establish her property lines and where the sixty-six-foot road right away is.

Rick addressed Scott and clarified he had also gotten a survey, after hers.

Scott explained, after he had talked with the Board, back in November, he had decided to have a survey done.

Rick added he wanted to make sure what she found and put forth, as finding of facts, is not contrary to what Scott's survey had produced to which Scott agreed they stated the same thing.

Danny assumed Scott had a permit to put it there in the first place to which Adam corrected, we would not have issued one without securing a variance, so this is after-the-fact in every way.

Danny clarified this is a ten by eighteen storage shed.

Rick asked Scott about using this as a guest cabin.

Scott stated there is a work area in the storage shed with a desk, as there is no room in his cabin.

Russ asked about electricity to which Scott confirmed there was.

Rick stated he did not consider it a second dwelling and he didn't see any heat for it.

Danny asked Rick (site visit) if there was any alternative spot to place it.

Rick added there is a 20% slope and they have had to use at least three retaining walls to help with the slope. Noted there is a flat spot where he parks his cars.

Larry asked about possibly turning the shed sideways and moving it down, to meet setbacks.

Scott stated they have entertained that idea, and there is the septic system to clear. He stated the retaining wall would get quite high at that point. He stated being they had the variance application submitted, they would like to continue with the request.

Russ stated he had questions; if there was cement under the building, to which Scott described the shed as pre-made and is set on a base that is made with ties for a border and filled with crushed granite. Russ also asked when it was built and did he apply for a permit at that time, to which Scott stated no permit was applied for when it was put up last year.

Rick inquired as to why they did not get a permit for the shed in the first place, to which Scott said it was just negligence on their part.

There was more discussion on the septic system placement and turning the shed to gain another six feet and Scott agreed that they have not figured that out exactly, and are still investigating.

Ken suggested that Scott thoroughly exhaust other options before having the board decide on this, as it may be feasible to turn the shed and not need a variance. He also asked Scott if he would prefer to table this, as Ken stated he would like it to be explored and come to a “yes” it will work or “no” it won’t work and bring that back to the board, as it is hard to make a judgement on a “maybe”.

Scott agreed with Ken and stated they thought about pulling the application all together, but decided to go ahead with it.

Larry asked about water run-off with the retaining walls.

Scott said they would have to use gutters to route the water to the side and down to the lake or other wise it would go directly to the cabin.

Rick reminded Scott we have the seven criteria questions and other considerations like; is there an alternate site or an alternate means to achieve a lesser variance? He explained unless you present those findings of facts, that there is no other means, or not, that is something we need to consider in our decision.

Rick called for Criteria Questions individually by request.

<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>
Mike Soukup	No
Russell Vandenheuvel	No
Danny Peyton	No

Rick Johnson	No, 14 feet isn't sufficient enough to provide for zone safety.
Larry Bebus	No
Ken Hovet	No

Majority response- No

Ken brought up the discussion to table, and Rick stated he did take that into consideration, however, based on what he heard from Scott, decided to proceed.

Danny agreed to move forward.

Adam stated unless the applicant agrees to table it, the board must decide, based on what they have in front of them.

Ken addressed Scott to clarify what his choices were, and Scott agreed to proceed tonight.

<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 Soukup	No
Russell Vandenheuvel	No
Danny Peyton	Yes
Rick Johnson	No. For the same reason, because of the encroachment into the ROW.
Larry Bebus	No
Ken Hovet	No, same reason.

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>
Mike Soukup	Yes
Russell Vandenheuvel	Yes
Danny Peyton	Yes
Rick Johnson	Yes
Larry Bebus	Yes
Ken Hovet	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>
Mike Soukup	No
Russell Vandenheuvel	Yes, because the road is kind of goofy.
Danny Peyton	No
Rick Johnson	No
Larry Bebus	Yes
Ken Hovet	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>
Mike Soukup	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>
Russell Vandeneuvel	Yes
Danny Peyton	Yes
Rick Johnson	Yes. I am very familiar with the locality, it won't change anything.
Larry Bebus	No
Ken Hovet	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 Soukup	Yes
Russell Vandeneuvel	Yes
Danny Peyton	Yes
Richard Johnson	Yes
Larry Bebus	Yes
Ken Hovet	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>
Mike Soukup	No
Russell Vandeneuvel	No, he did not get any kind of permit so, No.
Danny Peyton	No, definitely with water safety.
Rick Johnson	No
Larry Bebus	No
Ken Hovet	Yes

Majority response- No

Summary of criteria question majority responses as follows:

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

Russ made a motion to deny the variance, seconded by Mike, roll call vote is as follows:

<b>Board Member</b>	<b>Vote to the motion to deny the request</b>
Mike Soukup	Yes
Ken Hovet	Yes
Larry Bebus	Yes
Russell Vandeneuvel	Yes
Danny Peyton	Yes
Rick Johnson	Yes

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.

**AGENDA ITEM 2: George Tribbett – PID 06-0051100 & 06-0001900 – Burnhamville Township**

Request(s):

1. Variance request for a reduced side yard property line setback from 10 feet to 3 feet for a proposed water oriented accessory structure in Recreational Development Shoreland Zoning.

George 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. Completion of a property line survey prior to issuance of a land use permit.

George confirmed the staff report was accurate although some of it was “Greek” to him and didn’t understand half of it.

Larry went through his site visit. This report is available for review upon request in the Planning and Zoning office.

Larry did ask George if he had any type of water drainage control to which George stated possibly a rain barrel.

Correspondence received: None

Public comment: None

Board discussion:

Danny asked if the three-foot encroachment was from his own property line or the neighbor’s, to which Adam explained it is from the neighbor to the South.

Rick clarified where the existing old RV sits is where the proposed structure will sit and the RV will be removed completely.

Danny also inquired as to the size of the shed, and if it could be moved over the other direction to which Scott answered 12’ x 16’, and explained it starts sloping up hill, there is an apple tree there and he can’t move it down hill as it is a steep slope.

Rick stated it is fair to say, the practical difficulty isn’t so much to 25’ lot size, it is more so, if you go any further away from the neighbor’s property line, you hit a steep slope.

George added, his neighbor, Howard, said it could be closer, or two feet away from the lot line if he wanted, but George was advised by staff to ask for the least encroaching distance possible and to leave it at three feet.

Adam offered to shed some light on the situation and stated the shed is twelve feet wide and you have to meet setbacks, even to your own property line including the other side, and if you do the math; ten feet and

twelve feet, leaves three feet either way, and to keep it to the minimum request, the maximum distance away he could be is three feet, otherwise, for every foot more away from the neighbor's line it encroaches on the opposite side property line of this 25' wide lot, even if it is to your own property line, as you are not the guaranteed owner forever.

Rick stated the 25' lot size is, in fact, relevant in this case.

George added the well is on this 25' lot with the line going to the back of the house.

Rick addressed George for clarification on the flat area of the lot to which George explained the whole 25' lot is fairly flat with a slope down to the lake.

Russ asked if it was a permanent shed or portable, to which George stated that he would put it on blocks, no cement floor, some sort of floor joists, but not a dirt floor, as eventually, they will want to live here permanently.

Rick confirmed he was asking for a water oriented accessory structure.

Adam explained that is why the lake setback is not a factor. The shed he is building is less than 250 sq. ft., less than a ten-foot peak height, so he can be only 50' from the lake without a variance.

Rick agreed as long as he is out of the shore impact zone.

Discussion that the 16' side would go East and West on the lot.

Russ inquired if there was a letter from the neighbor, to which Adam stated no.

George added he is on good terms with his neighbor, and had no more comments.

Rick called for Criteria Questions individually by request.

<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>
Mike Soukup	Yes
Russell Vandenheuvel	No, then he changed to yes, because there is no letter from the neighbor and knowing it will be on skids.
Danny Peyton	Yes
Rick Johnson	No, because it is a significant encroachment on the neighbor.
Larry Bebus	Yes
Ken Hovet	No

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 Soukup	Yes

Russell Vandenheuvel	Yes
Danny Peyton	Yes
Rick Johnson	No. He stated 3' is not a reasonable type of growth and development.
Larry Bebus	Yes
Ken Hovet	No, for the same reason as Rick.

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>
Mike Soukup	Yes
Russell Vandenheuvel	Yes
Danny Peyton	Yes
Rick Johnson	Yes
Larry Bebus	Yes
Ken Hovet	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>
Mike Soukup	Yes
Russell Vandenheuvel	Yes
Danny Peyton	Yes
Rick Johnson	Yes
Larry Bebus	Yes
Ken Hovet	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>
Mike Soukup	Yes
Russell Vandenheuvel	Yes
Danny Peyton	Yes
Rick Johnson	Yes
Larry Bebus	Yes
Ken Hovet	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 Soukup	Yes
Russell Vandenheuvel	Yes
Danny Peyton	Yes
Richard Johnson	Yes
Larry Bebus	Yes
Ken Hovet	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>



Mike Soukup	Yes, if some kind of water control is put in place, like gutters in place for run-off.
Russell Vandenheuvel	Yes, for the same reason as Ken.
Danny Peyton	No, you can't get around this structure with safety equipment.
Rick Johnson	Yes, for the same reason as Ken.
Larry Bebus	Yes, with rain gutters, rain barrels and vegetation
Ken Hovet	Yes, minimal concerns.

Majority response- Yes

Russ asked the Chair to reopen question number one, so he could describe his hang up a little bit.

Summary of criteria question majority responses as follows:

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

There was discussion on the conditions, to which Adam stated the only condition listed is the one that pertained to the side yard property line and obtaining a survey to know where the southern boundary is, prior to granting a permit. It is not encroaching on any other setbacks and not reaching any impervious surface levels. He stated the conditions have to relate to the request.

Rick added this is a variance relating to a safety issue, that does not relate to the quality of the surface water.

Mike would like to add a condition to control the roof run-off, like a rain barrel or something, for the sake of the neighbor's property, not because it is too close to the lake.

Adam agreed, as our Ordinance clearly states you cannot direct additional roof water onto the neighbor's property.

Rick suggested to add the condition to Install rain gutters to ensure water is not directed to the neighbor's property.

Adam adjusted the conditions to read:

1. Completion of a property line survey prior to issuance of a land use permit.
2. Establishment of rain gutters on the proposed structure to prevent water reaching neighboring properties.

Ken motioned to approve, Mike seconded with the two conditions as amended.

1. Completion of a property line survey prior to issuance of a land use permit.
2. Establishment of rain gutters on the proposed structure to prevent water reaching neighboring properties.

Roll call vote commenced as follows:

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

Motion carried to approve.

**AGENDA ITEM 3: Richard & Karen Seavert – PID 10-0054300 – Gordon Township**

Request(s):

1. Variance request to reduce the 75-foot lake setback to 57 feet for proposed new house in General Development Shoreland Zoning.
2. Variance request to increase the height limitation within the OHWM from 18' to 29'3" for the proposed new house in General Development Shoreland Zoning.

Richard, Karen & Lance, the contractor, 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. Establishment of a water retention structure to capture at least 250 square feet of roof water based on a 10 year/24-hour rainfall event.
2. All stormwater from roofed surfaces must be directed away from the lake and must not be discharged onto neighboring properties.
3. Establishment of trees along the lake frontage to provide a minimum of 50% screening of the proposed structure as view from the lake during leaf on conditions.

Rich confirmed the staff report was very accurate. He added the property has been in the family for 53 years since 1971 when it was developed. Just recently, within the last three years, they acquired more area and passed out survey copies to the board members (survey will be on file at the Planning and Zoning office to review upon request). Said they designed the house not knowing they had the wetland restriction. The survey designated the wetland. He explained majority of the proposed house is back behind the 75' setback and only the one corner of the one side of the sunroom encroaches on the lake setback by 11 feet, and only a small corner of the roof is the over height restriction. The contractor, Lance, confirmed this information. It is not the entire structure encroaching on the setback. Rich and Karen stated they took a number of trees down since they acquired the property, knowing they were going to put a house up there. Lance stated the house design was originally for the lot prior to them obtaining more land.

Lance added only part of the main structure is beyond the setback. They realized they are pinched between the wetland and the setback.

Rich added the initial shoreline is curved and the setback follows the same curve. He added that hopefully this will be their retirement house.

Larry went over his on-site report. A copy of this may be viewed, upon request, at the Planning and Zoning office.

Correspondence received: None.

Public comment: None.

Board discussion:

Russ asked what the footprint is with the proposed house and garage, to which Adam supplied 3,841 sq. ft.

Lance clarified the actual home is 2,774 sq. ft. for the main level footprint, including the sunroom.

Danny asked for clarification of the wetland to which Adam pointed out, the survey listed it as "low area" however, this was confirmed a "wetland" by Kasen, who is a wetland delineator from Soil & Water, when he visited the site.

Karen asked why they call it a wetland to which Adam explained it's hydrology, soils, vegetation and all these different components that make up a wetland. It is the course of History that has created that wetland there. Rich explained water drainage when they get snowmelt in the Spring, there may be standing water. There is a culvert that eventually does help with drainage. The neighboring lots are uphill so 2-3-inch rain causes more water drainage across their lot into the low area.

Adam said there is very limited fill allowed in a wetland.

Lance stated at this point, there is no room to back up, now that there is a wetland delineated.

Rick reminded the board this is a self-imposed practical difficulty, when this is a design they desire.

More discussion on the placement of the proposed house and drainage patterns.

Rick brought up that Lake Osakis is an impaired water body and also on the DNR's list of "Biological Significant" lakes. He stated we need to ensure, if there are any variances granted, they must be the absolute minimum possible.

Larry asked about the garage, to which Karen stated they wanted a three-car garage but are only proposing a two-car garage, due to the impervious surface limit.

Adam pointed out according to the survey, they were sitting at 23.5% proposed.

Russ said the existing house sits 100% in the lake setback, and they will be removing it, which he stated he does like that idea, as it is removing a lot out of the setback area. He also asked about the current septic, to which Rich explained the drain field is across the road and they are connected to a community system. He stated they are proposing their own septic system.

Rich stated if they can't build where they want to, they will rebuild exact for exact and keep it a three-season home. To him, it made more sense to remove that one, and move everything back.

Mike asked for clarification regarding the platted public road lines in the low area, on his survey.

Joe Maus explained it was where the road was originally platted, but the township never built the road there, they put it in the wrong spot.

Adam stated for whatever reason the road did not get built there, they vacated that road right away in that low area and travel the Eagle View Drive platted public road. All of the affected land owners gained that land where the road was vacated.

Danny commented that 29 feet is pretty high.

There was additional discussion on height requirements, and the Board pointed out if they met all setbacks it would be 35-foot height limit.

Lance passed out plans of the structure; showing what part of the design would be encroaching.

Rick mentioned 7.05 talks about construction and design, and quoted from the ordinance. Noticed the dotted "string line" and we may allow this, and wanted to make sure all were aware.

Adam clarified, the key word was "may" not "must" and it is important to address the statutory criteria in that process, but certainly a consideration.

Russ added removing the old house and moving back will be a win for our lake, for the record.

Adam figured the old house was just over 1,500 sq. ft.

Rick pointed out to the board, that again, he feels this is a self-imposed hardship.

Danny asked about the driveway to which Adam said it is a shared driveway with a six-foot access recorded easement that goes onto the neighbor's property.

Ken stated he didn't see a lot of turn around space on the driveway.

Karen stated they have been working on this for years.

Mike asked if there was any way to fit it all to meet the setbacks.

Karen stated not without changing the whole house plan and they are running out of time for this year.

Lance said it would all have to be redrawn, including the sewer and for it to be a functionable driveway.

Larry asked about cutting the garage down in size, so they would not need a variance.

Lance said we could rebuild the same as what is there and remain in the shoreland setback area.

Mike asked if we are including both variances for the criteria questions, and all agreed to address both with the questions.

Rick called for Criteria Questions individually by request.

<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>
Mike Soukup	Yes,
Russell Vandenheuvel	Yes, removing old house, moving back quite a-ways, small portion is in there.
Danny Peyton	No, oversized house, could be less encroachment or no variance at all.
Rick Johnson	Yes, in reference primarily to the part of the sunroom, as everything else will conform, it is a small insignificant piece of the whole design.
Larry Bebus	No.
Ken Hovet	No. Significant encroachment on an already impaired lake. I draw the line there. There are other alternatives.

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>
Mike Soukup	No.
Russell Vandenheuvel	Yes.
Danny Peyton	No, with a common-sense manner on safety, environmental and encroachment on the lake.
Rick Johnson	Yes. Primarily because this is a minor impact on the quality of the surface waters along with the sightline approach, and also the impact can be easily mitigated with conditions.
Larry Bebus	No.
Ken Hovet	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>
Mike Soukup	Yes.
Russell Vandenheuvel	Yes.
Danny Peyton	No. Still too much encroachment. You could still move it back, as you can build to edge of the wetland in Todd Cty.

**Criteria Question #3: Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?**

Rick Johnson	Yes. To be consistent with questions with one and two.
Larry Bebus	No.
Ken Hovet	Yes, a new house is reasonable.

Majority response- Yes

**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	No.
Russell Vandeneuvel	No, because of what they chose to build there.
Danny Peyton	No, the size of the house is what you want, not what fits on the size of this property.
Rick Johnson	No, primarily the size and design of the house is not a practical difficulty, it is self-imposed by the landowner.
Larry Bebus	No.
Ken Hovet	No.

Majority response- No.

**Criteria Question #5: Will the variance maintain the essential character of the locality?**

Board Member	Vote and Comments
Mike Soukup	Yes.
Russell Vandeneuvel	Yes.
Danny Peyton	No. It is too high and within the setback at 62% over.
Rick Johnson	Yes.
Larry Bebus	Yes.
Ken Hovet	Yes. It is behind the sight-line and height wise there is a power house next to them on one side and a smaller on the other.

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	No.
Russell Vandeneuvel	Yes.
Danny Peyton	No.
Rick Johnson	Yes.
Larry Bebus	No.
Ken Hovet	Yes.

Majority response- No.

**Criteria Question #7: Have safety and environmental concerns been adequately addressed?**

Board Member	Vote and Comments
Mike Soukup	Yes, because of the removal of the old house.
Russell Vandeneuvel	Yes, they are removing the old house and moving back.
Danny Peyton	No, the safety of adequate parking, environmental is still encroaching on the lake and there are other alternatives for building on this site.
Rick Johnson	Yes.
Larry Bebus	Yes.
Ken Hovet	Yes, environmental concerns will be alleviated with the conditions stated.

Majority response- Yes.

Lance said they could reroute the water to the wetland, to increase mitigation.

Rick did not let the public join back in the discussion.

Rick stated

Summary of criteria question majority responses as follows:

#1	No. (tie)
#2	No.
#3	Yes.
#4	No.
#5	Yes.
#6	No. (tie)
#7	Yes.

More explanations were added by applicants to which Rick reminded them the comment part is over, and proceeded to the motion.

Rick addressed the applicants and stated there are six members here tonight, and we are all responsible and have to make a judgement. With the guys, they have to stick to their values which drives their decision making, which drives how they make judgement calls. He stated he could tell by the way we voted tonight there are some who consider your view and others who feel there are other considerations that are more of a priority. We don't always agree, so the majority rules.

Ken motioned to deny, Danny seconded.

Roll call vote commenced as follows:

<b>Board member</b>	<b>Vote (yes or no)</b>
Ken Hovet	Yes
Larry Bebus	Yes
Mike Soukup	Yes
Danny Peyton	Yes
Russell Vandenhuevel	Yes
Richard Johnson	No

Majority vote, the variances have been denied, Motion carried.

Ken motioned to adjourn and Russ seconded. Voice vote to adjourn. No dissention heard. Motion carried and the meeting adjourned at 8:10 PM.