

Minutes of the Todd County Board of Adjustment Meeting

August 24th, 2023

Completed by: Sue Bertrand P&Z Staff

Site visits completed by Adam Ossefoort and Rick Johnson on July 18th for the Terry and Klimek Sites.
Site visits completed by Adam Ossefoort and Bill Berscheit on August 16th for the Ewer-Marshall/Schaper, Sales/Kruzel, and Schwartz Sites.

Meeting attended by board members: Chair Rick Johnson, Vice Chair Bill Berscheit, 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. The Pledge of Allegiance was recited and each board member introduced themselves. Rick explained the process for those attending.

Dan made a motion to approve the agenda with the change of Klimek being tabled until next month and Russ seconded. Voice vote, no dissent heard, motion carried.

Rick motioned to have the July 27th, 2023 meeting minutes amended to correct a typo and approved. Danny seconded the motion. Voice vote, no dissent heard. Motion carried.

Introduction of the meeting process and etiquette.

AGENDA ITEM 1: Wayne Terry – PID 03-0050500 – Birchdale Township

Request(s):

1. Variance request to reduce the ordinary-high-water-mark setback from 100' to 76' for dwelling replacement in Recreational Development Shoreland Zoning.
2. Variance request to increase the height restriction from 18' to 20' for dwelling replacement in Recreational Development Shoreland Zoning.
3. Variance request to reduce the road right-of-way setback from 35' to 24' for dwelling replacement in Recreational Development Shoreland Zoning.

Wayne and his wife, Michelle, 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 all roof water from the proposed structure based on a 10 year/24-hour rainfall event.
2. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.

Wayne confirmed the staff report was accurate.

Rick reviewed his site visit inspection notes to the Board and public. These notes may be viewed in full, upon request, in the Planning and Zoning office.

Correspondence received: None.

Public comment: Bridgett Salzmann, 27021 Amber Lane, two lots down from Terry, stated she is in favor of the build and it will not bother anyone, no problem from the road, and her husband is in agreement and sees no issues, although he is not present.

Board discussion:

Russ questioned if the land to the south is owned by the state?

Michelle stated it is a public access.

Rick noticed the road does not go all the way through and was inquiring if it is a dead end.

Wayne stated it has always been a dead end, since 1961, and at that time it was a cow pasture.

Danny, according to the surveyor, asked if the shed is off of the property and Wayne confirmed that indeed it is, and it has always been.

Bill asked if there is any cul-de-sac turn around at all, or is it just a dead end?

Michelle stated it is just grass (dead end).

Bill also inquired if any public services go down there?

Michelle stated yes.

Bill asked how far is it from the end of the road to the public property?

Wayne stated the road ends within about 3' of the property line and there's a creek that runs the whole length and out to the lake.

Danny asked about big vehicles, if there was a fire at their house, could vehicles pass, going both ways?

Wayne asked to view the overhead shot and pointed out an area where they can pass each other and turn around between the Anderson property and the Salzmann property.

Danny addressed Rick and asked if he felt there was a road safety concern, to which Rick stated no, not with this particular variance.

Rick addressed Wayne and was wondering if it was a seasonal cabin to which Wayne stated yes. Then Rick asked what the purpose and intent of the scope of the work is.

Wayne stated the property was built in three different stages, right on the ground over gravel, with the proposed new corner of the cabin as the oldest portion (NW) and it has been progressively getting worse. He would like to tear it down and center it with a concrete foundation.

Rick stated it looks like this is a replacement with an expansion off the back of how much?

Wayne stated 28' x 30' and are asking for an additional 4 feet off the back side, for a utility room. He added about the same width, but centered.

Danny asked for confirmation that the addition is on the side opposite the lake, and reminded them they are allowed to build exact for exact without a variance.

Mike asked for clarification, according to the survey, the new building and decking will not come any closer, and asked if they were intending to add a deck that is encroaching closer to the lake?

Wayne and Michelle said the closest point will still be 75' from the OHW, however, it will be rotated a bit.

Adam corrected; the 75' is actually 76', so it is one foot further away from the lake.

Rick called for Criteria Questions individually by request, and include all three variance requests to be addressed, to which all agreed.

Criteria Question #1: Is the variance in harmony with the general purposes and intent of the official control?	
Board Member	Vote and Comments
Mike Soukup	Yes.
Russell Vandeneuvel	Yes, as it is quite reasonable.
Danny Payton	Yes.
Richard Johnson	Yes, and he stated it may be mitigated with proper storm water management of the structure, added as a condition.
Bill Berscheit	Yes. It's predominantly a replacement of what is there.
Ken Hovet	No.

Majority response- Yes

Criteria Question #2: Is the variance request consistent with the goals and policies of the comprehensive plan?	
Board Member	Vote and Comments
Mike Soukup	Yes.
Russell Vandeneuvel	Yes.
Danny Payton	Yes, and in support of #2 condition of the staff report, to collect the water off of the structure, for the 24-hr. rainfall.
Richard Johnson	Yes, for the same reasons as Bill articulated.
Bill Berscheit	Yes, the two feet of additional height can be mitigated by screening and the distance to the lake with proper water treatment.
Ken Hovet	Yes.

Majority response- Yes

Criteria Question #3: Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?	
Board Member	Vote and Comments
Mike Soukup	Yes
Russell Vandenheuvel	Yes.
Danny Payton	Yes.
Richard Johnson	Yes, proposing to build a small structure on a small residential lot and not proposing to build a massive structure on a small lot.
Bill Berscheit	Yes.
Ken Hovet	Yes, almost an exact replacement.

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	Yes.
Russell Vandenheuvel	Yes.
Danny Payton	No. We are putting more pressure towards the lake and it is being requested by the landowner for three variances, for the size of this lot, it is a heavy burden. It is always a tough question to answer. Would be yes, if it were exact for exact.
Richard Johnson	Yes.
Bill Berscheit	Yes.
Ken Hovet	Yes

Majority response- Yes

Criteria Question #5: Will the variance maintain the essential character of the locality?	
Board Member	Vote and Comments
Mike Soukup	Yes.
Russell Vandenheuvel	Yes.
Danny Payton	Yes.
Richard Johnson	Yes, we are in an area of small lots and fits right in.
Bill Berscheit	Yes.
Ken Hovet	Yes.

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	Yes.
Russell Vandenheuvel	Yes.
Danny Payton	Yes.
Richard Johnson	Yes, is due to the circumstances of the land, it's an extremely small lot.
Bill Berscheit	Yes.
Ken Hovet	Yes, and involves safety and environmental concerns.

Majority response- Yes

Criteria Question #7: Have safety and environmental concerns been adequately addressed?	
Board Member	Vote and Comments
Mike Soukup	Yes, as long as we go forward with the proposed conditions listed in the staff report.

Russell Vandenheuvel	Yes.
Danny Payton	Yes. Including expanding the structure, this increases the pressure and run-off, and by collecting the water and taking care of it, this is where the environmental concern is addressed. He stated he is not so much concerned with any safety issues.
Richard Johnson	Yes, no specific safety concerns, and with the shed sitting between the structure and the road, this helps mitigate somewhat. With the storm water run-off, it is sufficiently mitigated, providing we follow what is listed in the staff report. It is not a large structure with large run-off.
Bill Berscheit	No, and stated his reason is when he asked the question in reference to the distance between Amber Lane and the State property, there is space in there, however, when looking at the survey, it looks like Amber Lane goes right up to the State property, which in his opinion, opens up an opportunity to create a loop here, which is going to significantly increase the traffic going across these lots and can change both safety and environmental concerns.
Ken Hovet	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

Ken motioned to approve the variance request, Russ seconded with the two conditions as presented.

Conditions:

1. Establishment of a water retention structure to capture all roof water from the proposed structure based on a 10 year/24-hour rainfall event.
2. 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)
Ken Hovet	Yes
Dan Payton	Yes
Bill Berscheit	Yes
Mike Soukup	Yes
Russ Vandenheuvel	Yes
Rick Johnson	Yes

Motion carried.

AGENDA ITEM 2: Nicholas & Abigail Klimek – PID 15-0027100 – Leslie Township

Request(s): Has been tabled.

AGENDA ITEM 3: Lisa Ewer-Marshall and Michael Schaper: – PID 15-0029800 – Leslie Township

Request(s):

1. Variance request to reduce the road right-of-way setback from 20' to 0' for construction of a pole shed in Recreational Development Shoreland Zoning.

Lisa and Mike 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. All storm water collected from the proposed structure shall be directed to the adjacent wetland.
2. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.

Lisa and Mike confirmed the staff report was accurate.

Bill went over his on-site report notes. These notes may be viewed in full, upon request, in the Planning and Zoning office.

Correspondence received: Yes, two letters, and these may be read in full, upon request, in the Planning and Zoning office.

Public comment: None.

Board discussion:

Russ stated he had three questions:

1. Do you live there year around, to which Lisa stated yes.
2. Are you planning on a cement floor, to which Lisa stated probably not, because of the wetland.
3. During the summer, will you keep the boats and pontoon in there, to which they said probably the trailers.

Ken asked to view the satellite to clarify lot placement. He asked who owns the road, to which they stated Leslie twp. Lisa stated the township has done very well, and they do not block them in when plowing during the winter, as opposed to the other homes.

Rick asked for clarification on the ROW easement that splits the property, and if the property on both sides of the road share one single parcel #, to which Lisa and Michael stated yes.

Danny asked for clarification on the request, because the math was not adding up.

Ken asked if they were proposing to set the structure on the edge of the right of way, to which they stated yes.

Rick, stated after discussion, he sees only a 14' encroachment into the road right-of-way setback as parking space is not included as the structure. He added Kasen's buildable area is 26' x 70'.

Adam corrected, it would be 6 feet off of the right of way.

Lisa and Michael agreed.

Rick stated the applicant would like to amend it to 6' off the ROW as opposed to 0', for the record. Rick added setbacks provide a means of accurate maintenance, and address safety concerns and he asked Lisa and Michael if they had anything to offer, for the record, that would address the safety concerns having a structure 6' from the right of way.

They stated they have no concerns. They stated the neighbor is two feet onto their property and there has never been a plowing issue or anything, they actually have an easement for the shed encroachment because it is on Lisa and Michael's property.

Rick asked what the speed limit is on the gravel road.

Adam reminded the Board; the township had been notified of the application and we have received nothing.

Rick called for Criteria Questions individually by request.

Criteria Question #1: Is the variance in harmony with the general purposes and intent of the official control?	
Board Member	Vote and Comments
Mike Soukup	No.
Russell Vandenheuvel	Yes.
Danny Payton	No. This is past 50%. Snowplows used to come by, slower and now they are coming by, throwing the snow way beyond the ROW, even though they might slow down, any damage to building would hold the township liable.
Richard Johnson	No. Definitely at zero and at 6' it is too much of a variance.
Bill Berscheit	No.
Ken Hovet	No.

Majority response- No.

Criteria Question #2: Is the variance request consistent with the goals and policies of the comprehensive plan?	
Board Member	Vote and Comments
Mike Soukup	No. For the same reasons as Bill
Russell Vandenheuvel	Yes, because of no push back from the township.
Danny Payton	No, not orderly development.
Richard Johnson	No, in his opinion is not an orderly development of growth or a common-sense manner, and too extreme for his comfort.
Bill Berscheit	No, when you go through the onsite questions, he agreed there is no other place to build, however, the ability to put on 30-foot pontoon into a shed is not a hardship. You can certainly put a 30' pontoon in a 70' long structure going North and South, and there is still room left to access that from one side or the other, using the buildable space and the organization of the building, the pontoon could be put in there without a variance.
Ken Hovet	Yes.

Majority response- No.

Criteria Question #3: Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?	
Board Member	Vote and Comments
Mike Soukup	Yes.
Russell Vandenheuvel	Yes
Danny Payton	Yes.
Richard Johnson	Yes.
Bill Berscheit	Yes.
Ken Hovet	Yes.

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 Vandenheuvel	No. There is the ability for the pontoon to go in sideways.
Danny Payton	No.
Richard Johnson	Yes. Reasons being, the space is limited, due to the right-of-way on one side and the wetland on the other and feels that creates a unique circumstance.
Bill Berscheit	No, agreeing with Russ.
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	No.
Russell Vandenheuvel	Yes.
Danny Payton	No. stated he doesn't see many structures up and down the road that close to the road.
Bill	No, Difficult question, as the only other structure is the one next door, however, he did not know if one structure creates a norm. Most of the other lots in this area, will not have the ability to put up a structure across the road and believes it does change the character of the locality.
Rick	Yes.
Ken Hovet	Yes.

Majority response- No.

Criteria Question #6: Does the need for the variance involve more than just economic considerations?	
Board Member	Vote and Comments
Mike Soukup	No.
Russell Vandenheuvel	Yes.
Danny Payton	Yes.
Richard Johnson	Yes. Felt there is a clear practical difficulty due to the limited space and buildable space.
Bill Berscheit	Yes.
Ken Hovet	Yes.

Majority response- Yes.

Criteria Question #7: Have safety and environmental concerns been adequately addressed?
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Board Member	Vote and Comments
Mike Soukup	No.
Russell Vandenheuvel	Yes.
Danny Payton	No.
Richard Johnson	No.
Bill Berscheit	No.
Ken Hovet	No.

Majority response- No.

Summary of criteria question majority responses as follows:

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

Dan motioned to deny the variance. Mike seconded.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Bill Berscheit	Yes
Mike Soukup	Yes
Ken Hovet	Yes
Dan Payton	Yes
Russ Vandenheuvel	Yes
Rick Johnson	Yes

Motion carried to deny the variance.

Rick called for a short four-minute recess.

Rick called the meeting back to order.

AGENDA ITEM 4: Bruce & Christine Sales & Colten & Haileigh Kruzel: – PIDS 06-0033000 & 06-0033001 – Burnhamville Township

Request(s):

1. Variance request to eliminate road frontage requirement and replace with an access easement in Natural Environment Shoreland Zoning.

Christine Sales & Colten Kruzel were present as the applicants. They stated one each to represent each party.

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. No additional property splits, beyond one, shall be allowed as a result of the approval of this variance.

Christine and Colten confirmed the staff report was accurate.

Bill went over his on-site report notes. These notes may be viewed in full, upon request, at the Planning and Zoning office.

Correspondence received: None.

Public comment: None.

Board discussion:

Russ, stated he is sure there is a survey done, and asked for confirmation.

Christine confirmed it was surveyed two years ago, for the five-acre lot to the North.

Russ asked, where it says Derek property, is there a road along there somewhere? Or where is it?

Christine answered, no, as the road ends at their driveway and Derek's driveway goes off to the North.

Bill pointed out the area that is being used as a turn-around for the snowplow on private property.

Russ, asked for clarity where Dutchman drive ends.

Adam offered to explain, under our current ordinance for subdivision standards, there would be a cul-de-sac, at the end of Dutchman, however, in 1980, for some reason, it was not platted that way. In order to split another five-acre piece of property to the north of 06-0033000, they are required to have road frontage, in shoreland zoning, which is not available. For their variance request, they are asking to be alleviated from road frontage requirement, and will obtain a legally recorded "access easement" off the end of Dutchman Drive to have access to that platted area to the North.

Rick asked how far would that go across the North end.

Christine stated they would like the full length of the 33' wide easement to go all the way across the North end of Haileigh Sales, as it would give them another access to their own property at the end.

Adam measured a 333' long easement at 33' wide and 200' in NES shoreland zoning is the road frontage requirement.

Bill added that not only does this option alleviate the issue of road frontage, it also alleviates the issue of accessing the other property back there.

Christine added they currently have an easement and would have another access with this, without having to go all the way around.

Rick agreed, very reasonable.

Dan asked for clarification, which was pointed out to him, on the overhead.

Bill made a motion to grant the variance, with the staff conditions, and to not go through the criteria questions as they do not really apply to the variance request, seconded by Dan.

Conditions:

- 1. 1. No additional property splits, beyond one, shall be allowed as a result of the approval of this variance.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Russ Vandenneuvel	Yes
Mike Soukup	Yes
Ken Hovet	Yes
Dan Payton	Yes
Bill Berscheit	Yes
Rick Johnson	Yes

Motion carried.

AGENDA ITEM 5: Michael Schwartz: – PID 15-0058000 – Leslie Township

Request(s):

- 1. Variance request to reduce the OHWL setback from 75’ to 45.95’ for the 281 sq. ft. addition to existing cabin in General Development Shoreland Zoning.

Michael and his wife Kimberly 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. All storm water from the proposed addition shall be directed away from the lake and shall not impact neighboring properties.
- 2. Maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.
- 3. Applicant must obtain additional permitting as required from other agencies including but not limited to the Sauk River Watershed District.

Michael and Kimberly confirmed the staff report was accurate.

Bill went over his on-site report. This report may be viewed in full, upon request, at the Planning and Zoning office.

Correspondence received: None.

Public comment: None.

Board discussion:

Russ stated he had a couple questions;
Is this a year-round home?

Michael stated, just a seasonal cabin, but would love to make it year-round.

Russ, do we have a variance already for this lot? Within the last 4-5 years ago, to which Adam said not to his knowledge, since he has been with Zoning.

Discussion on the area cabins.

Bill asked how he could mitigate the runoff.

Michael stated he would remove the concrete walkway to the lake and the small deck, replace with native vegetation to help with protection.

Danny asked for clarification on what they were requesting.

Michael stated he meets impervious requirements.

Bill, in regards to the drainage, asked if they been in conversation with staff?

Adam stated that is up to the board, and we have not talked about it.

Rick pointed out a type of collection box for drainage, and asked for more details.

Bill offered, it looked like a low area, and by putting those (grates with drainage pipe leading to the lake) in there, eliminates ponding.

Rick stated, for the record, these are legal non-conforming lots, but significantly encroach on what is required with the current ordinances. This type of development and this type of density has an impact on this lake, one of the few lakes considered an impaired lake, and we are compelled to drive the variances to a minimum and wanted to remind the board members of that.

Rick called for Criteria Questions individually by request.

Criteria Question #1: Is the variance in harmony with the general purposes and intent of the official control?	
Board Member	Vote and Comments
Mike Soukup	Yes.
Russell Vandenheuvel	Yes.
Danny Payton	Yes.
Richard Johnson	No, he stated he holds on to the fact this is a non-conforming structure, which we allow for improvements and replacements, exact for exact, but when you want to expand, you must meet current setbacks, and this request goes against the intent and purpose.

Bill Berscheit	Yes.
Ken Hovet	Yes.

Majority response- Yes

Criteria Question #2: Is the variance request consistent with the goals and policies of the comprehensive plan?	
Board Member	Vote and Comments
Mike Soukup	No.
Russell Vandenheuvel	Yes.
Danny Payton	Yes.
Richard Johnson	No. For same reasons as #1.
Bill Berscheit	No.
Ken Hovet	Yes.

Majority response- No.

Criteria Question #3: Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?	
Board Member	Vote and Comments
Mike Soukup	Yes.
Russell Vandenheuvel	Yes.
Danny Payton	Yes.
Richard Johnson	No. Again, for the same reasons articulated in #1 & #2.
Bill Berscheit	Yes.
Ken Hovet	Yes.

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 Vandenheuvel	Yes.
Danny Payton	Yes.
Richard Johnson	No. Same as Bill.
Bill Berscheit	No. Used to be previous land owners' non-conformity and now, is assumed by the current landowners. He stated he sees this as; choices made on the lot and location of the existing structures on the lot, that has created the need for this variance.
Ken Hovet	Yes.

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 Vandenheuvel	Yes.
Danny Payton	Yes.
Richard Johnson	Yes.
Bill Berscheit	Yes. Lake Osakis has an incredible number of non-conforming structures.
Ken Hovet	Yes.

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 Vandenheuvel	Yes.
Danny Payton	No. Does not know the current drainage system. There were issues in the past and has a feeling there is something we are not seeing here. May need some additional planning for the additional water.
Richard Johnson	Yes.
Bill Berscheit	Yes.
Ken Hovet	Yes.

Majority response- Yes.

Criteria Question #7: Have safety and environmental concerns been adequately addressed?	
Board Member	Vote and Comments
Mike Soukup	No, for the same reasons as Bill.
Russell Vandenheuvel	Yes.
Danny Payton	No, going back to possible flood zone area and again there is something we are not seeing and felt we are further impacting the lake and environment.
Richard Johnson	No, to be consistent with what he has already articulated.
Bill Berscheit	No. There is no plan to address the two drains directing run-off to the lake and would consider a “yes” if there were possible plans to direct water away or conditions addressing the drainage.
Ken Hovet	Yes, with the proposed conditions.

Majority response- No.

Summary of criteria question majority responses as follows:

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

Dan made the motion to deny the variance, Mike seconded.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Mike Soukup	Yes.
Russ Vandenheuvel	No.
Bill Berscheit	No.
Ken Hovet	No.
Dan Payton	Yes
Rick Johnson	Yes

Motion failed to deny the variance.

Adam clarified: You may entertain a new motion and essentially nothing has been decided yet, so you still have the opportunity to discuss it with criteria questions. Would need a new motion, besides that.

Bill defended his “no” answers and said there is a need for County staff and Soil and Water activity or scrutiny

to take place on this lot, and don't see we will achieve that by denying the variance. It doesn't mean we need to grant, but, if we deny, staff certainly has some things that they can do to address the drainage on this lot, as it weakens the footing.

Rick justified his decision back to the intent as to why expansions are not allowed for non-conforming structures, but instead, would like to eventually eliminate those structures. Stated he sees a lot of non-conforming structures within setbacks, with additions, that want to expand and there is a lot we can gain, with the right storm water management and allow to pass and help mitigate. He stated he sees the need, if the variance is granted to have the right storm water management plan there.

Michael agreed with Rick.

Ken proposed we add a condition to address that concern, the only problem is this is not dealing with the addition, it is a separate issue, and not sure how to address that, when the application is for the addition.

Rick stated the conditions need to be directly proportionate to the variance we are talking about.

Bill stated there needs to be a nexus/connection.

Russ stated the nexus is the storm water run-off, which is also part of the property.

Bill stated he would think so.

Adam stated he agreed you have to have a connection or nexus between the request at hand and the conditions being proposed. He stated we are also in a situation where the applicant is open to a conversation about it, stated he thinks that changes the dynamic of the condition. Stated we should hear from the applicants.

Michael agreed that he has to find the proper and right way to deal with it, the storm sewer is right on the property line and involves the neighbors and who is affected more by what is being done.

Ken asked Michael if he would be open to working out a plan with Soil and Water.

Adam stated we see additions like this, sometimes, with the Planning Commission of working with the Soil and Water Conservation District to develop a storm water management plan. It's a pretty heavy condition, but you are proposing a mission to work with Soil and Water, to not fix a single issue, but holistically looking at the property and make improvements.

Michael agreed and explained that's the reason for getting rid of the concrete towards the lake (stuff like that).

Dan stated he made a proposal to deny the variance, and stated the only thing we can propose is put rain gutters on the addition. He stated it does not really address everything. That's why we are putting the water away from the lake from the addition, but it will still go through the flow drains back to the lake from the existing drainage system.

Bill and Rick explained a split vote, as two opposing opinions, however the goal is very unified, we have all voted in the same direction, just a question of how to achieve that.

Bill said there is room for no-mow zone and we are tight to the shore impact zone, we still have impact on the lakeside that needs improvement.

Rick totally agreed with Bill, and stated he supports getting back to restoring natural vegetation on lakes.

Michael stated he would be open to part with the deck (944 sq. ft.), the concrete and all of that is in the shore impact zone, as an option.

Dan clarified you would be removing more square feet than what you are going to add with the proposed addition.

Michael said the square footage would be close.

Dan stated if you are moving stuff from the front and putting it in the back it's a "win".

Rick also said we could request staff to work with applicants.

Adam understood the applicants were under a time-line, but he is hearing the Board is willing to go in a certain direction if Schwartzes are willing to do some home work and come back next month.

Michael said he would love to have it started this year.

Adam stated the next meeting would be September 28th.

Michael stated he would like to start with construction and work with the County on the storm water drainage.

Rick articulated to work with Soil and Water Conservation District and come up with a storm water drainage plan, that addresses each concern, must be transparent, then come back and present that to see if this could sway the decision and judgements, otherwise, we could entertain a new motion and finalize the decision here and now, based on what we have.

Adam stated from his perspective, he didn't know what difference it necessarily makes for the Board to see the plan, in order to grant the variance, it was more important that you guys know what plan will get done if you grant the variance. That's what the Soil and Water staff will do, if you are comfortable with that, we, as the condition #1 is worded, will hold the land use permit until we get that plan together and that condition is met. He just wasn't sure if the Board was comfortable with that.

Bill stated he would like to see a treatment plan on both front (by the lake) and the back-treatment plan, to which Rick agreed.

Adam amended the conditions.

Dan asked for clarification of removals on the lake side.

Adam stated he will add to the conditions; to remove everything out of the shore impact zone. He also reminded Michael of his water oriented accessory structure square footage available.

Proposed Conditions:

1. Applicant shall work with the Soil and Water Conservation District to develop a storm water management plan prior to issuance of a land use permit. Plan shall address existing drainage infrastructure, lake frontage protection, and stormwater management from proposed addition.
2. Removal of all structures within the shore impact zone.
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.

Bill made a motion to grant the variance request with the four conditions amended by Staff, seconded by Russ.

Rick called for a roll call vote as follows:

Board member	Vote (yes or no)
Mike Soukup	Yes.
Russ Vandenheuvel	Yes.
Bill Berscheit	Yes.
Ken Hovet	Yes.
Dan Payton	Yes
Rick Johnson	Yes

Motion carried to grant the variance.

Bill motioned to adjourn and Dan seconded. Voice vote to adjourn. No dissent heard. Motion carried and the meeting adjourned at 8:41 PM.