

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

**November 20, 2025**

Completed by: Sue Bertrand P&Z Staff

Meeting attended by board members: Chair Russ Vandenheuvell, Vice Chair Bill Berscheit, Rick Johnson, Dan Peyton, Mike Soukup 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.

Russ called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited. Each board member introduced themselves and Russ explained the process for those attending.

Danny motioned to have the agenda approved as presented. Ken seconded the motion. Voice vote, no dissent heard. Motion carried.

Danny motioned to have the October 23, 2025 meeting minutes approved. Rick seconded the motion. Voice vote, no dissent heard. Motion carried.

### **AGENDA ITEM 1: Bob & Colleen Voltz: – PID– 17-0016802 – Little Sauk Township, Maple Lake**

Request(s):

1. Request to reduce the new lot size from the standard of 40,000 sq. ft.
2. Request to reduce the buildable area from the standard of 18,000 sq. ft.
3. Request to reduce the lot width from the standard of 150'
4. Request to replace the public road requirement with recorded access easement in Recreational Development Shoreland Zoning.

Bob & Colleen 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 Conditions, if approved:**

1. Proposed new parcel of land shall forever be connected to the associated, adjacent lot within the Maple Shelter Plat. No lots shall be sold separately from one another.

Bob and Colleen stated the staff report was accurate.

Adam explained there was no need for a site visit.

Correspondence received: None.

Public comment: None.

Board discussion:

Dan asked if after the combination, will the lot meet the standard requirement of an RD lot size of 40,000 sq. ft? Noticed the road was not put in where it was supposed to be, is there a ROW in the center of this?

Adam stated there is along time road access easement. Explained the GIS labeled it Echo Drive it needs to have a name for the addresses. He pointed out the old platted ROW that was never developed, and it is in hopes all of the neighbors can vacate this area to be absorbed into the associated properties, too. In answer to Dan's lot size question, based on his quick math, they would be just short of 33,000 sq. ft.

Dan, so we are still under 40,000?

Adam, yes.

Bob asked what it would be with the cart way added in the sq. footage?

Adam calculated it would add about 1,000 sq. ft. extra.

Dan assumed the back side is buildable.

Adam stated they would gain 10,500 sq. ft. of buildable space, in that separate lot they are looking to split off.

Bill asked for clarification on taking out the ROW. That is going to be abandoned or closed off?

Adam, yes. Stated the easement as described, won't be changing. Showed on the overhead individual lots would have access by the existing easement that is currently further South.

Discussion on how the access easement runs and how neighboring lots connect via driveways, and none of that is changing.

Russ the road access is not changing.

Adam correct, and the easement will remain as described.

Mike asked about the existing lot and if it is currently buildable?

Adam explained it is already developed and anything else would require a variance. That is the reason is for the extra lot to be added, as they would like to install a septic system and possible storage.

Bob stated most importantly there is no room on the existing lot to put a new mound septic, as the old one is over 25 yrs. old, and this would give us an option to build the septic.

Mike questioned with all the square footage of buildable space and all impervious surfaces gained, is it going to be included as a whole, or is it separate?

Adam explained, if this were approved, to meet that condition, there is a document that gets recorded to the property, that ties them together forever. We look at the total of the two together for permitting purposes, even though they will have separate parcel numbers.

Russ asked if they have a cabin there now?

Bob explained they have a house and a garage.

Russ asked if they lived there?

Bob, yes, and their intentions are when the existing drain field meets it's end of life, they may install a new mound on that property. Really has no plans to add to the existing property as far as building. The new property gained, possibly some sort of storage and the mound, and to keep people from building there.

Russ asked if they own this lot yet?

Bob stated they own the one lot on Maple lake and want to buy the property in question.

Russ asked if they bought it, would they need a variance for the septic?

Adam explained, right now, exact for exact replacement only on the septic, but it is a type III system with no guarantee the system will function as designed. Type III is a deviation from the strict standard of the septic rule. If they bought the proposed lot, they will meet all setbacks for the septic and it will function as designed.

Russ asked how far away from the lake are they?

Colleen stated they had to get a variance originally, back in the day, in 1999, but the original cabin of her father's was only 40'. Now they are at 50' from the lake.

Rick stated he found either 53' or 63' feet when he checked GIS, and stated it's close.

Ken, so the piece of property you are thinking of buying is lot "N", correct?

Bob, yes.

Rick brought up a previous variance request, a few months ago, that is very relevant to this individual variance. He was the one who did the Site Visit Report and noticed the owner of the property behind them, lets a lot of these cabin users use that space, because a lot of them had their boats and trailers parked on his property. But, he is willing to give up property behind the road easement, to alleviate a lot of these issues that a lot of these property owners have, because they have small substandard sized lots. In his opinion, granting this one variance, for this one applicant and even more in the future, if they happen to come to the board, he sees absolutely no adverse impacts to granting this variance. In fact, in his opinion, it is a step in the right direction toward becoming more compliant with the standards. Because of that, he stated he fully supports this variance.

Ken asked, the lot "N" you have outlined on the map here, would he be correct in assuming you have made that as big as you can without encroaching on roads?

Colleen, yes, added it is as far South as they could get it, and still meet the road setback. They had two septic designers come out, before they decided to go on with this, and they said because they have a four-bedroom home, would need 80' x 60' for the mound, way bigger, even if they had just gone directly behind their lot and that is why the weird shape. There are also high line wires by the road.

Ken stated he was good with that.

Rick, stated he would imagine, depending on each lots' facts and circumstances, if they wanted to expand, like Adam was talking about earlier, they still may need a variance. They still may need to come back here. We are just simply allowing them to buy more land to become closer to being compliant with the standards.

Russ, I am good with this.

Adam stated the only reason this is here is because of the fact this is in the Maple Shelter Plat, all of their neighbors on each side, outside of that, we have just been doing these as really straight forward, simple, property line adjustments, but we can't work across that platted boundary from platted to non-platted, so we have to split it off as a separate lot. Otherwise we would have just handled this administratively.

Bill when looking at proposed activity and they list out four basic requests, they are 100% dependent of each other, the request is just to allow the purchase of a lot that doesn't meet required lot size.

Rick, has lot "N" been platted yet?

Adam, no, and explained they had to approve the variance application first, then they will submit the application to do the actual split of it.

Rick, the two will be joined together...

Adam finished, they will be through another separate document that we're going to require of them, to submit with the application with the split.

Rick, and that will be the condition. Two separate plats, two parcel numbers, but considered one lot, in reality.

Adam, right.

Mike asked about the condition, the lots cannot be sold separately, will it stand out in the deed?

Adam explained that it is an entirely separate document that gets recorded to those properties. We develop that, we sign that and then we send it upstairs, pay the recording fee, and get it recorded.

Bill, so when it is done, it will be one parcel number?

Adam explained, it will still be two parcel numbers, two tax statements, but for Planning and Zoning purposes, one lot.

Bill asked if there is a way to make it one parcel number?

Adam, not with our current taxing system, we have to keep them separate.

Bill stated the reason he is asking is, it puts the board in a situation where we grant this, to do the right thing. However, thirty or fifty years from now, a different owner of this particular parcel, being it would be two parcel numbers, could actually sell one, then sell the other, and unless the recorder notices it and stops it, it can, in effect be split, even though we do all these things to say it can never be split.

Adam, right, and we’ve had situations like that, unfortunately, then, when they come in to get a permit to build a house, we do not issue the permit.

Bill, thank you.

Ken motion to approve this with the one condition and Bill seconded.

1. Proposed new parcel of land shall forever be connected to the associated, adjacent lot within the Maple Shelter Plat. No lots shall be sold separately from one another.

Roll call vote commenced as follows:

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

Motion carried, variance has been granted.

**AGENDA ITEM 2: E.A.R.T.H. Program discussion**

Correspondence received: None.

Public comment: None.

Board discussion:

Dan stated he read through this whole thing and loves to see the scores on the different properties. His concern is we have the score, how can I use that score to approve or disapprove an agenda item here?

Ken stated he thinks you set a minimum number of points.

Danny, at this time, that is not written in any of our structure.

Bill, this is just a guiding principle. It's not hard and fast in regards to; this percentage equals a denial and this percentage should guarantee our support. It's still just a guiding principle. Agrees, he loves all the data and everything it puts before us. It's phenomenal! He thinks it should make our decision process easier.

Dan, but, can we use it in a court of law or in our paperwork that says "I am not going to approve you as you have too low of a score"?

Adam stated he thought we would have a hard time doing that. The statute is pretty clear on the criteria you need to meet or not meet to grant or deny. We've talked about using this in different ways, and one of the ways we thought is; we'd have to make Ordinance amendments to require it as a part of our application but, we could make it as; this assessment has to be done prior to your submittal of your application to the County? Weather that be; staff going out and doing it, once we have it, then they can apply, or, even making the land owner complete their own assessment as part of that application and submitting it at that time. One way, you are probably going to get an accurate score. The other way, at least you are making the land owner think about it when they are walking their property and they are putting the thought into what is going on, on their property, at a minimum. Those are the two ways we have thought about using this. We could certainly incorporate this as part of the application process, but may not be able to lean on what the score is, in order to grant or deny the variance. You'd still go with your same criteria.

Ken stated there are a lot of things about this that he really likes, but of them for sure is completely objective. It is all quantifiable, there is no subjective people's opinions at all. He can envision it being used as: yes, you are going to come in and make an application for a variance but you have to fill this out or have someone else do it for you, the score comes back, we get to see that, let's say the score is thirty, we can put on a condition that says within a year, your score has to be a sixty. That gives them quite a few options how to get there and at least it will be an improvement. Or maybe their score comes back a 60 maybe we ask them to reach ninety in a year. He definitely sees it as a tool to use to improve the property.

Bill stated he liked Ken's suggestion and his thought was this may be a part of the on-site inspection rather than you tying up a bunch of staff and staff hours trying to get this. He assumed he probably doesn't have the staff available to do it, so it could maybe be a part of our on-site inspection. The significant limitation of course, is it is going to be nearly impossible to conduct these during the winter.

Adam stated Josh has been doing those scores already, and completed these, and Deja has already developed the signs that get put up at the end of their driveway showing if they are a "gold" or whatever, so, they are already doing some scores. Josh could potentially continue doing them, but again, it comes down to staff capacity and time to be able to do that.

Larry voiced support of all of it and suggested if the home owner fills out his own score it may not be as objective as Bill's or Josh's, but you could always compare the two for discussion.

Adam agreed that if we incorporated it as part of the variance application process to be filled out and submitted with the variance application, we would include that score sheet as a part of the board packets prior to the site visit and meeting so this would be included in it, and you could do that comparison.

Dan, with all that, can we say, “to approve this, you have to increase your score by twenty points. You have to tell us how you are going to increase it”?

Adam stated he thinks it goes to Ken’s idea. He didn’t think we could use it to, “We’ll approve this if you get to this score, but you say, “We’ll approve this with the condition, you improve your score to this point”.

Dan, it still gets back to, who is doing the scoring and gets back to more work for staff and everything. He love it, but how to use it?

Adam stated his perfect world, we use this but we also do a pre-application meeting with every single applicant, whether we have Planning Commission or Board of Adjustment, and this is what Morrison County does, every Monday from 8-noon, they just go twenty minutes with each applicant and they have DNR the township, the applicant, the staff and you have to attend that meeting before they will accept your application. This review could be a part of that too, so that every applicant knows what the DNR thinks of it, what the Township thinks of it, but Adam stated he would like to make this even more comprehensive and again, this is a staff capacity thing, but in a perfect world, that is what he sees us doing when making Ordinance amendments. He added, we can put this on next month again and in the meantime, he will get legal opinion on this too, and how we can apply this, if that is something everyone is interested in.

Ken stated he thinks that is exactly appropriate to ask legal mustard on this, now better than later. When he first read this, he fell in love with this right away, as we struggle with these kinds of issues every time we grant a variance by a lake. He wouldn’t say they have been terribly consistent, but this should help us along and get us more consistent with what we’re asking with everybody, instead of whatever we think of tonight.

Bill agreed.

Larry stated it gives people ownership on what they are doing with this. Mentioned he was out with Deja on Big Swan, and they were talking about the people involved in this E.A.R.T.H. program and there were two competitive neighbors, one got, let’s say, a bronze and the next-door neighbor a silver and pushed the one neighbor to compete to get the highest score. It may seem like a drastic situation, but this can help everyone.

Ken stated “drastic” in this case is not in a negative way. He could see Lake Associations using this as an award program.

Bill stated what it could potentially do for us, is, basically when an applicant comes in, they come with a bucket full of excuses and wants as why I should get this. It may change that focus somewhat a little bit to our perspective of what does the environment get out of this? What does the County get out of this as opposed to what do I get today?

Larry, yes, and agrees with getting legal input. Thinks this is just dynamite, outstanding!

Adam stated this is Deja's.

Ken, so, providing this passes legal mustard, what is our next step?

Adam stated we would have to make Ordinance amendments to include that it's a requirement of our application packet, which then, it takes a public hearing, Planning Commission review, Commissioner adoption, but before that, we take it to the work session to present the concept to the commissioners, to kind of give them a chance to give us the thumbs up to pursue it. When we get to that point, I would hope somebody from this board would attend that work session with him and talk about it with the board, too. Then take it to public hearing, adopt it and from that point forward, we make it a part of our process.

Bill mentioned he thought this has been taken off a blue print out of Maine, when communicating with Deja.

Adam stated MN has a "score your shore" program, but that is shoreline, Maine has a more comprehensive one and there might have been some other states too, she gathered information from, but what Deja has done is brought it all together into something maybe even better.

The board agreed to give Deja an "Atta girl"!

Adam stated we will have this on for next month again and continue to discuss.

Bill moved to adjourn seconded by Mike, voice vote, no dissent heard, motion carried to adjourn at 6:49 pm.