Minutes of the Todd County Board of Adjustment Meeting

September 24th, 2026

Completed by: Sue Bertrand P&Z Staff

Site Visits conducted by Adam Ossefoort and Danny Peyton on August 19, 2026.

Meeting attended by board members: Chair Russ VanDenheuvel, Vice Chair Bill Berscheit, Mike Soukup, Danny Payton, 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., 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 as amended, as Waldvogel requested to table until October. Ken seconded, voice vote, no dissent heard. Motion carried.

Mike motioned to have the August 27th, 2026 meeting minutes approved. Danny seconded the motion. Voice vote, no dissent heard. Motion carried.

AGENDA ITEM 1: Dennis Waldvogel – PID 03-0059200 – Birchdale Township

Request(s):

1. Request to reduce the Road Right-of-Way setback from 20' to 10' for the replacement of the garage.
2. Request to increase the allowed height for a non-conforming accessory structure from 18' to 25' for the replacement of the garage.
3. Request to increase the allowed roof surface coverage from 15% of the total lot size to 19.18% for the garage replacement all in Recreational Development Shoreland Zoning District.

Dennis has requested to table his application until next month.

AGENDA ITEM 2: Jason Arnzen, St. Rosa Lumber – PID 03-0058700 – Birchdale Township

Request(s):

1. Request to reduce the OHW lake setback from 100' to 70.29'
2. Request to increase the roofed impervious surface area from 15% to 22%

Jason 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. Development and submittal of a stormwater management plan prior to Land Use Permitting. Stormwater planning shall include a preconstruction erosion control plan.
2. All erosion controls shall be installed and reviewed by County staff prior to the start of construction.

3. Establishment of a 20’ vegetated buffer (no mow zone) along the lake frontage. A 6’ wide maintained area shall be allowed for dock access.
4. Land owner shall maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.
5. Applicant shall abide by all other applicable federal, state, and local standards.

Jason confirmed the staff report was accurate.

Danny Peyton ran through his Site visit review. This report may be viewed in full, upon request, at the Planning and Zoning office.

Correspondence received: None.

Public comment: None.

Board discussion:

Russ, is the house currently non-conforming?

Adam, yes, and explained, it is only 52.8’ from the lake. They are going to do a non-conforming structure replacement with an addition to the back (roadside). The request is from the nearest point of the addition and pointed out on the overhead which is 72.9’. For clarification, the major change from last month is the shed is going to be removed, deck removed and added they are proposing to do the vegetative buffer. With those proposed changes, they have brought the lot under the total impervious requirement.

Russ, how far from the road right-of way is the proposed addition?

Adam, 25.99’ and the setback is 20.

Mike, what does the drainage look like from the road into the lake?

Adam, it is flat, not much of a ditch.

Danny, maybe 6” of fall across the property.

Mike, no indication of water overflowing from the ditch on the other side of the road?

Danny, no culverts. Really flat. More sandy than sandy loam.

Bill, room for water treatment?

Dan, either the N or S or several places, they could use water treatment infrastructure, flat, should be a place to create something to help the water infiltrate the ground, rain garden or something that filters into the soil and not run straight into the lake. There is no basement to the proposed, so not worried there.

Bill directed his question to Danny, condition #4 50% screening, are you asking for more screening?

Danny, he looks at the shading for 50%, more trees are less sunlight to grow grass. It is a tough one, but he says this is adequate.

Russ, on proposed will there be a garage?

Jason, no, there is already a detached. Small buildable area.

Ken, keep the detached garage but get rid of the shed?

Jason, yes.

Danny distance between garage and proposed house?

Jason, maybe about fifteen feet.

Discussion about rain gardens, and should be able to make something work, with no basement to worry about.

Danny, what kind of septic system?

Jason, a holding tank.

Danny, so more room to work with for catch areas.

Adam asked the board if they wanted him to add the 24-hour rainfall specification?

Bill, agreed and stated to list the minimum standard.

Jason stated the existing impervious is at 33.4% is coming down 24.6% decreasing by 10% with a lot of pavers coming out, as well, and they do not have a water issue as is.

Bill made the comment, the requested setback distance is 70.29 feet, and that is a little too accurate for his taste.

Adam, with a survey you get that accuracy.

Jason, we eliminated the shed and also shrunk the square footage of the house from the previous request. This structure is pretty similar to what we have there. The owners have two children already, with one on the way, so for today's standards, it is actually pretty small. There is only a 4/12 pitch, so it is a low-profile footprint, not too much bigger and there are variances granted that are much larger with much more square footage along there and he does not think this is an unreasonable request.

Danny, five or six years ago, the DNR did not push the impaired lake issues, like they are doing today.

Danny, what were the numbers from last proposal to this proposal for the structure sq. footage?

Jason, we have decreased the square footage 2 ft. along the width and by 2 ft. along the length, so around 250 Sq. ft.

Russ, is this a year around structure?

Jason, it is insulated but they typically go South for the winter.

Ken suggested skipping criteria, because all have been addressed, no concerns.

Danny made the motion to approve both requests with all six conditions as amended, Ken seconded.
Conditions:

1. Development and submittal of a stormwater management plan prior to Land Use Permitting. Stormwater plan shall be based on a 10 year/24 hour rainfall event. Stormwater planning shall also include a preconstruction erosion control plan.
2. All erosion controls shall be installed and reviewed by County staff prior to the start of construction.
3. Establishment of a 20' vegetated buffer (no mow zone) along the lake frontage. A 6' wide maintained area shall be allowed for dock access.
4. Land owner shall maintain a minimum of 50% screening as viewed from the lake during leaf on conditions.
5. Removal of shed and deck as proposed in the application.
6. Applicant shall abide by all other applicable federal, state, and local standards.

Roll call vote commenced as follows:

Board member	**Vote (yes or no)**
Mike Soukup	Yes
Bill Berscheit	Yes
Danny Peyton	Yes
Ken Hovet	Yes
Russ VanDenheuvel	Yes

Variance granted and motion carried.

Ken motioned to adjourn and Russ seconded. Voice vote to adjourn. No dissention heard. Motion carried and the meeting adjourned at 6:27 PM.