

CHISAGO COUNTY
BOARD OF ADJUSTMENT
OFFICIAL PROCEEDINGS
February 27, 2020 - DRAFT

The Chisago County Board of Adjustment met in regular session at 7:00 p.m. on Thursday, February 27, 2020 in County Board Room of the Government Center.

Staff Present: Jessica Jagoe; Land Services Coordinator and Diane Sander; Land Services & Parks Specialist.

Chair Greene called the meeting to order and led the assembly in the Pledge of Allegiance. The roll call of Board members was then taken. Board members present: Chair Doug Greene, John Sutcliffe, Becky Strand, and Gregg Carlson. Excused absence: Chip Yeager. A quorum was established with members present.

APPROVAL OF AGENDA – Motion by Becky Strand to accept the agenda. Second by John Sutcliffe. Motion carried unanimously.

APPROVAL OF MINUTES – Motion by Gregg Carlson to approve the January 30, 2020 meeting minutes as presented. Second by Becky Strand. Motion carried unanimously.

ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD – Motion by Gregg Carlson to adopt all applications, submittals, reports and other materials into the record by reference. Second by John Sutcliffe. Motion carried unanimously. Meeting materials distributed in advance to the Board of Adjustment and Appeals for their review included: Staff Report with Attachments and Rules of Order and Board By-Laws. Staff Reports had been distributed in advance to the Board and the applicants for their review. Copies of all correspondence and meeting materials were made available on a table at the entrance to the hearing room.

PUBLIC HEARING

Tom Saari – Mr. Saari was present at the hearing to request a variance to build a second detached 60 x 40 pole building and be allowed more than the maximum square footage of accessory storage floor area in the RRI Zoning District. The property is located on 49505 Adonis Avenue, Nessel Township; Sec.28, T.37, R.22, (PID# 06.00593.00).

Coordinator Jagoe presented background information on the Saari application. The parcel is 63 acres, zoned Rural Residential I (RRI), 550 ft long driveway, with single family dwelling, attached three car garage, and second detached garage. RRI allows 5% of lot or 1,000 sq ft, whichever is greater, but in no case to exceed 2,000 sq ft for accessory structure ground area. Total proposed accessory ground area is 4,481 sq ft. Parcel does have areas with active farming. Township recommended approval with no conditions on February 11, 2020. The parcel has three access points and has the potential to be developed. Board members asked questions on the detached shed, new building specifications, and future development. Mr. Saari indicated he does not plan on developing during his ownership, current building has a low profile which limits use, and farming area is leased, and the proposed building will be for personal use. Chair Greene sought public comment, but no one was present to testify in the matter. **Motion** by John Sutcliffe to close the public hearing. Second by Gregg Carlson. Motion carried unanimously. Chair Greene asked for additional questions and comments from board members. **Motion** by John Sutcliffe to approve to build a second detached 60 x 40 pole building and be allowed more than the maximum square footage of accessory storage floor area in the RRI Zoning District based on findings of fact, site plan and narrative of record, with a condition on future subdivision. Second by Gregg Carlson. Motion carried unanimously.

Condition:

1. Future subdivision of the property must occur in a manner for which the parent parcel remain no less than the minimum lot size in the AG, Agricultural District in effect at the time of development or the

parent property be brought into compliance with the regulations for Accessory Structures in the RRI District at the time of development.

Findings of Fact:

1. The Variance request is not created by the Landowner and is consistent with previous approvals on larger tracts of land that fall within the residential zoning, but are comparable to the AG District in size and use.
2. The Variance does not change the character of the neighborhood and falls within the allowance for number of detached accessory structures and is designed to meet the architectural requirements for residential districts.
3. The Variance as presented by the Applicant is determined to be a reasonable request and use of the parcel given the size of the lot.

Richard & Randi Greene – Mr. and Mrs. Greene were present at the hearing to request a variance to rebuild a farm building closer to the road than the required setback. The property is located on 37655 Oriole Avenue, Amador Township; Sec. 26, T. 35, R. 20, (PID# 01.00389.00).

Coordinator Jagoe presented background information on the Greene’s application. The 80 acre parcel is within the Agricultural zoning district and is being used for farming and livestock. A farm building was damaged during a storm and the request is to rebuild a 40 x 56 farm building closer to the road than the required setback. The new building will be smaller, north/south configuration, and safer for handling livestock. The setback is 135 ft from centerline and the rebuild will be 120 feet from centerline, which will maintain an existing front building line. The property predates adoption of zoning ordinance, County Highway Department indicated no impact with the proposed location or future road projects. Township recommended approval with no conditions at their February 18, 2020 meeting. The Technical Review was held on February 12, 2020 with no comments. Mr. Greene reported the new building will be in line with another shed. Mrs. Greene commented the design will allow cattle to move easier and improve safety for cattle. Chair Greene sought public comment, but no one was present to testify in the matter. **Motion** by Gregg Carlson to close the public hearing. Second by Becky Strand. Motion carried unanimously. Chair Greene asked for additional questions and comments from board members. **Motion** by Becky Strand to approve the rebuild of the farm building closer to the road than the required setback based on findings of fact with site plan and narrative of record. Second by John Sutcliffe. Motion carried unanimously.

Findings of Fact:

1. The Variance request is not created by the Landowner and is determined to be consistent with pre-existing development which predates adoption of zoning regulations.
2. The Variance does not change the character of the neighborhood and falls within the allowance for accessory structures in the AG District.
3. The Variance as presented by the Applicant is determined to be a reasonable request to maintaining an efficient use of the parcel.
4. The Variance as proposed maintains the front building line of existing farm buildings on the property and does not encroach closer to the road than the existing setback.

Greg Witzel – Mr. Witzel was present at the hearing to request to expand an existing non-conforming structure by replacing the roof in a gable design with an overhang closer to the lake than the required setback. The property is located on 29730 Glader Boulevard, Chisago Lake Township; Sec. 3, T. 33, R. 20, (PID# 02.01696.00).

Coordinator Jagoe presented background information on the Witzel application. The parcel is zoned Urban Residential (UR) with shoreland overlay. It is a substandard lake lot with 650 sq ft cabin. The board will be

approving the design of the roof pitch from 5/12 to 6/12 since the deck will not have posts on it supporting the gable roof. The design change from hip to gable roof will add an additional 48 sq ft of unfinished storage space and will not change the existing foot print. It is a reasonable use of structure and not out of character with surrounding property owners. Township recommended approval on February 18, 2020 with no conditions. Mr. Witzel provided an overview of the storage space and history of property on Sunset Point. Chair Greene sought public comment, but no one was present to testify in the matter. **Motion** by Gregg Carlson to close the public hearing. Second by Becky Strand. Motion carried unanimously. Chair Greene asked for additional questions and comments from board members. **Motion** by Gregg Carlson to approve expanding the existing non-conforming structure by replacing the roof in a gable design with an overhang closer to the lake than the required setback based on findings of fact, site plan and narrative of record, with a condition the two lots owned by Mr. Witzel be combined. Second by John Sutcliffe. Motion carried unanimously.

Condition:

The two substandard lake lots under common ownership be combined as required by State Statute 394.36, Subd.5.c.1.

Findings of Fact:

1. The Variance request is not created by the Landowner and is due to pre-existing development that is viewed as the contributing factor in meeting today's required minimum standards in Zoning and adopted shoreland controls.
2. The Variance does not change the character of the neighborhood and is consistent with previous approvals on substandard lake lots.
3. The Variance as presented by the Applicant has demonstrated the least impactful design that seeks the minimalist degree of variance that still allows for expansion of the non-conforming structure in a reasonable manner and maintains a reasonable use of the property within this zoning district.

Kevin Fruetel – Mr. Fruetel was present at the hearing to request to locate the replacement holding tanks in the right-of-way. The property is located on 50380 Bayside Avenue, Nessel Township; Sec. 22, T. 37, R. 22 (PID# 06.00791.11).

Coordinator Jagoe presented background information on the Fruetel application. The parcel is located in the Bee's Nest Plat and zoned RRI with shoreland overlay. The lot is a substandard lake lot on Rush Lake and Mr. Fruetel is replacing the holding tanks. The holding tanks would encroach in the Nessel Township right-of-way. Two options have been discussed. Option #1 would have two, 1,500 gallon holding tanks entirely within the right-of-way. Option #2 would have one, 1,500 gallon tank and encroach up to a couple of feet in the right-of-way. Nessel Township recommended approval with no conditions or preference to options presented on February 11, 2020. The Technical Review was held on February 12, 2020 and no other identified impacts were noted. An approval will be recommended to be condition on Execution of Revocable Certificate of Occupancy, requiring the landowner to be responsible for replacing tanks if any work was done on the road. Board members and Mr. Fruetel discussed holding tank and well locations and preference of Option #1. Chair Greene sought public comment, but no one was present to testify in the matter. John Sutcliffe excused himself from voting due to conflict of interest. **Motion** by Gregg Carlson to close the public hearing. Second by Becky Strand. Motion carried unanimously. Chair Greene asked for additional questions and comments from board members. **Motion** by Gregg Carlson to approve the placement of two septic holding tanks to be located as shown in Option #1 based on site plan and narrative of record, findings of fact with a condition an Execution of Revocable Certificate of Occupancy be recorded. Second by Becky Strand. Motion approved by Carlson, Strand, and Greene. Motion carried unanimously.

Condition:

1. Execution of a Revocable Certificate of Occupancy for encroachment into the Township right-of-way.

Findings of Fact:

1. The Variance request is not created by the Landowner and is due to pre-existing development that is viewed as the contributing factor in meeting today's required minimum standards in Zoning and adopted shoreland controls.
2. The Variance does not change the character of the neighborhood and is consistent with previous approvals on substandard lake lots.
3. The Variance as presented by the Applicant has demonstrated the least impactful design that seeks the minimalist degree of variance that still allows for expansion of the non-conforming structure in a reasonable manner and maintains a reasonable use of the property within this zoning district.

Crystal & David Neuman – Mr. and Mrs. Neuman were present at the hearing to request to rebuild a house on a non-conforming lot closer to the lake than the required setback. The property is located on 11960 Mentzer Trail, Chisago Lake Township; Sec. 5, T. 33, R. 20, (PID# 02.01626.00).

Coordinator Jagoe presented background information on the Neuman's application. Lot size is .29 acre in the South Beach Plat located on South Lindstrom Lake. The first variance request is to rebuild the house on a non-conforming lot closer to the lake than required setback. The existing house is 1,220 sq ft and the proposed new house is 1,170 sq ft to help minimize some setbacks. Mr. and Mrs. Neuman were looking for feedback from the board prior to obtaining house plans. The existing house has a 26 ft rear yard setback and the proposed new house would be at 54 ft. Existing front yard setback is at 5 ft and the proposed is at 40 ft with proposed side yard setback being met at 10 ft. The proposed smaller house would be moved back from the road and making it more conforming, but still have an encroachment to the lake. The second variance request is to exceed the maximum square foot of accessory storage floor area in the RRI Zoning District. The proposal has a 42 x 26 attached garage, total of 1,092 sq ft. RRI allows 5% of lot or 1,000 sq ft, whichever is greater, but in no case to exceed 2,000 sq ft for accessory structure ground area. Chisago Lake Township recommended approval on February 18, 2020 with no conditions. Gregg Carlson inquired on the measurement for the setback and location of septic tanks. Mrs. Neuman indicated during the Township meeting there was discussion on relocating the new house closer to road. Coordinator Jagoe reported the township has not conveyed the new front yard setback and Mr. and Mrs. Neuman would still need a variance to be closer to front and rear setbacks. Coordinator Jagoe added the DNR is usually in favor to moving structures further away from the lake; however, we do not know if Chisago Lake Township is in favor to moving closer to the road. John Sutcliffe commented a variance could be approved for both directions based on Chisago Lake Township response. Becky Strand inquired if the new house and garage align and conform to surrounding structures. Mrs. Neuman indicated it would align with the neighbor's garage. Chair Greene sought public comment, but no one was present to testify in the matter. **Motion** by Greg Carlson to close the public hearing. Second by Becky Strand. Motion carried unanimously. Chair Greene asked for additional questions and comments from board members.

Motion by John Sutcliffe to approve an expansion of a non-conforming structure to encroach into front and rear yard setbacks for reconstruction of a house with attached deck up to 64 feet from OHW and 30 ft front yard setback based on findings of fact, site plan and narrative of record with Chisago Lake Township approval of front yard setback. Second by Gregg Carlson. Motion carried unanimously.

Motion by John Sutcliffe to approve for expansion of a non-conforming structure to encroach into the rear yard setback for reconstruction of a house with attached deck up to 54 feet from OHW based on the same findings of fact, site plan and narrative of record with Chisago Lake Township denial of front yard setback. Second by Gregg Carlson. Motion carried unanimously.

Findings of Fact:

1. The Variance request is not created by the Landowner and is due to pre-existing development that is viewed as the contributing factor in meeting today's required minimum standards in zoning.
2. The Variance does not change the character of the neighborhood and is consistent with previous approvals on pre-existing development.
3. The Variance as presented by the Applicant has demonstrated the least impactful design for an expansion by actually lessening the nonconformity of the structure and decreases the rear yard setback encroachment which is deemed to be a reasonable use of the property within this zoning district.

Chair Greene sought public comment, but no one was present to testify in the matter. **Motion** by Gregg Carlson to close the public hearing. Second by Becky Strand. Motion carried unanimously. Chair Greene asked for additional questions and comments from board members. **Motion** by Becky Strand to approve exceeding the maximum square foot of accessory storage floor area in the RRI Zoning District as proposed with 1,092 square feet of floor area based on the site plan and narrative of record and findings of fact. Second by John Sutcliffe. Motion carried unanimously.

Findings of Fact:

1. The Variance does not change the character of the neighborhood and is consistent with previous approvals on substandard lake lots.
2. The Variance as presented by the Applicant has demonstrated the least impactful design for an expansion by actually lessening the nonconformity of the structure and is viewed to be a reasonable use of the property within this zoning district.
3. The Variance as presented will have an adverse impact on the neighborhood by relocating the dwelling with attached garage in a manner that complies with the front yard/road setback.

Rules of Order and Board By-Laws

Coordinator Jagoe commented she updated the publishing time as request by the board. An overview of the Planning Commission's comments and updates to Sections 16, 17, and 18 were provided. Jeff Fuge, Assistant County Attorney reviewed the recommendations and the Planning Commission will review the updated recommendations at their March 5, 2020 meeting. Gregg Carlson asked for clarification on excused and unexcused absences. Gregg Carlson approved of the recommended change to Section 16 (A) "An ~~unexcused~~ absence from three or more regular meetings in one calendar year ~~will~~ may be considered grounds for removal by the county board." Coordinator Jagoe indicated the goal is to have the Planning Commission approve the document at the next meeting and forward to the County Board.

ADJOURNMENT - Gregg Carlson moved to adjourn. Second by John Sutcliffe. Motion carried unanimously. With no further business the meeting was adjourned at 7:59 p.m.