

CHISAGO COUNTY
BOARD OF ADJUSTMENT
OFFICIAL PROCEEDINGS
January 30, 2020 - DRAFT

The Chisago County Board of Adjustment met in regular session at 6:00 p.m. on Thursday, January 30, 2020 in County Board Room of the Government Center.

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

Chair Sutcliffe 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, Gregg Carlson and Chip Yeager. A quorum was established with members present.

APPOINTMENT OF OFFICERS

A call for nominations for the Chair position was announced. Gregg Carlson nominated Doug Greene for Chair. Upon multiple calls, there were no other nominations. Second by Chip Yeager and carried unanimously.

A call for nominations for the Vice Chair position was announced. Gregg Carlson nominated Becky Strand for Vice Chair. Upon multiple calls, there were no other nominations. Second by Doug Greene and carried unanimously.

Meeting was called to order by Chair Greene.

APPROVAL OF AGENDA – Motion by John Sutcliffe to accept the amended agenda with the addition of additional materials distributed at the meeting. Second by Chip Yeager. Motion carried unanimously.

APPROVAL OF MINUTES – Motion by Gregg Carlson to approve the January 2, 2020 meeting minutes as presented. Second by Becky Strand. Motion carried unanimously.

ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD – Motion by John Sutcliffe to adopt all applications, submittals, reports and other materials into the record by reference. Second by Gregg Carlson. Motion carried unanimously. Meeting materials distributed in advance to the Board of Adjustment and Appeals for their review included: Staff Report with Attachments, Staff Reports - Commission Appointment, Review of 2020 Meeting Dates, Year End Recap, and 2020 Rules of Order and Operation Policies. 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

Thomas Budzynski – Mr. Budzynski was present at the hearing to request a variance to expand on a nonconforming lot and rebuild closer to the side property line than the required setback and to be allowed more than the maximum square footage of accessory storage area in the RRI Zoning District. The property is located on 1490 509th Street, Nessel Township; Sec.22, T.37, R.22, (PID #06.00465.00).

Coordinator Jagoe presented background information on the Budzynski application. The request is seeking two variances for consideration. The first variance is expanding the nonconforming dwelling that would increase the height of the dwelling while maintaining existing setbacks. The second variance is requesting to exceed the maximum square footage of accessory storage allowed in RRI. The West Rush Lake lots are considered substandard by today's standard. The lot has a seasonal cabin, detached garage and shed. The proposed plan would reconstruct the house and increase the height, add a third bedroom, add attached garage, and a detached garage. The shed would be removed. The proposed attached 28 x 24 garage and detached 25 x 30 accessory storage would exceed the maximum storage area by 422 square feet. Nessel

Township Board recommended approval of the variance on November 12, 2019 with no conditions. Technical Review was held on November 13, 2019 and did not identify any impacts or impacts to neighboring properties.

The board reviewed the information and questioned the location of the well, setback from ordinary high water (OHW), and septic system location on the lot across the street. Mr. Budzynski provided additional information on the house design, detached garage, and septic system. Mr. Budzynski reported he will install an additional holding tank as backup if the current design fails; but as to date, he has not had any issues. John Sutcliffe commented the design should maintain current location and not move closer to the lake. 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 John Sutcliffe. Motion carried unanimously. Chair Greene asked for additional questions and comments from the board. **Motion** by Chip Yeager to approve the variance request to expand the nonconforming structure to:

1. Maintain an existing side yard encroachment on the west property line of five feet, and
2. Maintain the current rear yard encroachment for an existing deck up to 45 feet from OHWM, and
3. Maintain the current rear yard encroachment on north wall of dwelling up to 60 feet from OHWM, and
4. Increase the overall height of dwelling when it is rebuilt for up to 29.6 feet from 18.6 feet tall, based on the Staff Report and Findings of Fact. Second by John Sutcliffe. Motion carried unanimously.

Motion by John Sutcliffe to allow up to 1,422 square feet of accessory building floor area in the RRI Zoning District with following conditions. Second by Becky Strand. Gregg Carlson had additional questions on the garage dimensions which Mr. Budzynski addressed. Motion carried unanimously.

Conditions:

1. Based upon the site plan and narrative of record as provided by the applicant.
2. Expansion of the septic system to accommodate additional bedroom(s) is in accordance with Minnesota Rules 7080 through 7083 and County Subsurface Sewage Treatment Ordinance 10-1.
3. Installation of gutters and downspouts shall be directed in a manner that water flows onto his property and not towards the neighboring parcel.
4. Lots must be combined for zoning and building purposes and shall thereby in the future never be separated as standalone parcels.

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 of the non-conforming structures by not increasing the setback encroachment to the street in which a reasonable use of the property is maintained within this zoning district.

2020 Meeting Schedule

Coordinator Jagoe reviewed the 2020 Meeting Schedule and recommended rescheduling November and December tour and meeting dates due to conflicts with Federal Holidays. Board reviewed the rescheduled dates that staff provided. Chair Greene made a recommendation to the Board to approve the 2020 Meeting Schedule as prepared by staff. **By consensus** the revised 2020 Meeting Schedule was approved unanimously.

Rules of Order and Board By-Laws

Coordinator Jagoe reported the zoning ordinance states the Rules of Order and By-Laws are to be reviewed annually by the Planning Commission. This is not a new policy, just one that has not been reviewed on an annual basis. The Board of Adjustment and Appeals (BOA) conducts similar meetings and it made sense to

incorporate the BOA into the policy. The policy document has been reviewed by the County Attorney. Edits noted in red were done by staff, many included the addition of the BOA into the document. Staff included two new sections, Section 17 - Member Attendance and Section 18 - Remote Attendance Policy.

Coordinator Jagoe reviewed the open meeting laws for the BOA tours and group communication. The policy document will be reviewed by the Planning Commission and following any edits and changes will go to County Board for review. Discussion was held on remote attendance. Chair Greene made a recommendation to approve the policy for Rules of Order and General Procedures as presented by staff with a minor change to Section 17 C, "published time 7PM" with the direction for staff to forward on to the County Board.

By consensus the recommendation was approved unanimously.

Year End Recap of 2019 Activity

Coordinator Jagoe reviewed the map and table of applications the BOA has reviewed in 2019. A 2019 recap was also done for the Planning Commission. Staff is reviewing a five year history of BOA applications to check for common requests the BOA has approved. Ordinance language will be considered by the Planning Commission during the zoning ordinance review and update.

ADJOURNMENT - John Sutcliffe moved to adjourn. Second by Becky Strand. Motion carried unanimously. With no further business, the meeting was adjourned at 7:56 p.m.