

**CHISAGO COUNTY  
BOARD OF ADJUSTMENT  
OFFICIAL PROCEEDINGS  
FEBRUARY 28 , 2019**

The Chisago County Board of Adjustment met in regular session at 7:00 p.m. on Thursday, February 28, 2019 in Room 150B of the Government Center with the following Board members present: John Sutcliffe, Donna Nowicki, Doug Greene, and Gregg Carlson.

Also Present: Tara Guy, Assistant Zoning Director

The Chair called the meeting to order and led the assembly in the Pledge of Allegiance. The Chair called for nomination for officers for 2019. Chairman Gregg Carlson nominated John Sutcliffe as Chair, and Doug Greene seconded it. With no further nominations, John Sutcliffe was elected Chair for 2019. Chairman Sutcliffe then sought nominations for Vice-Chair. Gregg Carlson nominated Donna Nowicki as Vice-Chair, and Doug Greene seconded it. With no further nominations, Donna Nowicki was elected Vice-Chair for 2019. The roll call of Board members was then taken and a quorum established, with all members present. (The Fourth Commissioner District remains unrepresented on the Board.)

**APPROVAL OF AGENDA** - On motion by Nowicki and second by Greene the meeting agenda was approved as presented.

**APPROVAL OF MINUTES** - On motion by Carlson and second by Nowicki the minutes of the meeting of December 6, 2018 were approved as drafted.

**ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD** - Clerk Tara Guy noted that a letter had been submitted by Linda Pream, concerning the Cell variance request, after the packets had been mailed to the members, and it was provided for their reference. Upon motion by Greene and second by Carlson, all applications, submittals, reports and other materials were adopted into the record by reference. Staff Reports had been distributed in advance to the Board and the applicants, for their review. Copies of all applications, correspondence and Staff Reports were made available on a table at the entrance to the hearing room.

## **PUBLIC HEARINGS**

**Doug O'Brien** - Mr. O'Brien was present at the meeting to request a variance to convey a strip of a platted lot to an abutting platted lot without formal re-platting. This is located in Nessel Township, Pikkusuo Park, Lots 10 and 11, at 49790 Bayside Avenue (PID #06.01223.00 and 06.01222.00). The Nessel Township Board had recommended approval with no conditions. Mr. O'Brien explained that he presently owns two lots, each of which contains a cabin. He intends to remove both cabins and build one new dwelling in their place. He wishes to convey a 30 foot strip of land from the northern most lot to his neighbor, to provide additional square footage to that property, without going through the onerous re-platting procedure. Tara explained that Staff had recommended approval of the request, and called attention to the summary in the Staff Report: "While Zoning Staff generally do not support the carving up of formally platted lots without re-platting, this request is supported by Zoning Staff for several reasons. The applicant is prepared to remove both cabins, in return for building a larger single house. This is a voluntary lessening of the existing nonconformity of two substandard abutting lake lots, each of which has a legal development right, pursuant to MN Statute, due to the existing cabins. Typically, each lot would be further developed into larger year-round dwellings (in keeping with development patterns around Rush Lake) increasing the nonconformity and over-crowding of the immediate area. This property is large enough to donate a strip to the neighboring property, thus

lessening that conformity as well. In the opinion of Staff the proposal is a win-win-win.” When there were no comments or questions from the Board, Chairman Sutcliffe called for public testimony, but no one was present to offer comment. After further brief discussion, the Board concurred with the findings in the Staff Report. Gregg Carlson moved to Board of Adjustment continued.....February 28, 2019  
Page 2

approve the variance as requested, Donna Nowicki seconded it and the motion was carried unanimously.

**Gary Cell** - Gary and Penny Cell were present at the meeting to request a variance to build a new garage closer to the road and holding tanks than the required setback, and to slightly exceed the 25% maximum impervious surface (25.3%). This is located in Fish Lake Township, Holiday Shores 2<sup>nd</sup> Plat, Lot 3, at 44850 Bending Circle (PID #03.01252.00). The Fish Lake Township Board had recommended approval with no conditions. They explained that they hope to build a small single garage which will encroach upon the road by eight feet, with a 32 foot setback from the right of way, and the building will be eight feet from the septic tanks instead of the required ten. The sideyard setback of five feet will be met. The letter from Linda Pream on behalf of her mother who lives next door (Elaine Franta) expressed concern about drainage from the new building impacting her mother’s property which already has drainage problems. Mrs. Cell explained that they had met with Mrs. Franta the previous weekend to work out a plan. They will be controlling run-off with gutters and downspouts, and Mrs. Franta has agreed to install a culvert under her driveway to assist in drainage. The Chair called for public testimony, but no one was present to offer comment. After brief discussion, Gregg Carlson moved to approve the variance as requested based upon the pre-existing development and the existing setback patterns in the neighborhood, Donna Nowicki seconded it and the motion was carried unanimously.

**ADJOURNMENT** - There being no further business, the meeting was adjourned at 7:18 p.m.