

**CHISAGO COUNTY  
BOARD OF ADJUSTMENT  
OFFICIAL PROCEEDINGS  
APRIL 26, 2018**

The Chisago County Board of Adjustment met in regular session at 7:00 p.m. on Thursday, April 26, 2018, 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. Roll call of Board members was taken and a quorum established, with all members present. (The Fourth Commissioner District remains unrepresented on the Board.)

Staff Reports on the application had been prepared and distributed in advance to the members, and made available to the audience as well, along with copies of the applicants' files.

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

**APPROVAL OF MINUTES** - On motion by Sutcliffe and second by Nowicki the minutes of the meeting of March 29, 2018 were approved as drafted.

**ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD** - Upon motion by Nowicki and second by Greene 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 :**

**John Barnes** - Mr. and Mrs. Barnes were present at the meeting to request a variance to construct a fence taller than the maximum height along a public roadway, and inside the unbuildable setback area, approximately 60-65 feet from the centerline of County Road 19. This is located in Chisago Lake Township, Hillsvie Estates, Lot 1, Block 1, at 30980 Wallmark Lake Drive (PID #02.01271.20). The Chisago Lake Township Board had recommended approval with no conditions. Mr. Barnes explained that since their property is on the corner of the Township Road and the busy County Road 19, Stacy Trail, they are hoping to fence the lot to provide additional security for the home, and their dogs, and gain some sound buffer from the busy road. The maximum fence height along public roads is 36 inches, and they wish to install fence six feet tall, which is considered a structure that requires a building permit. The structure setback from Co. Rd 19 is 135 from centerline. Staff recommended maintaining a 65 foot setback from the centerline of the road, in keeping with the County Engineer's policy of preserving 60 feet on either side of centerline on County Roads, for future road improvements. When there were no questions from the Board, the Chair sought public comment, but there was no one present to testify. After further brief discussion, Doug Greene moved to approve the variance for the six foot fence height, and a minimum setback of 65 feet from the centerline of the road along Co. Rd. 19. John Sutcliffe seconded it and the motion was carried.

**Robert Steman** - Mr. Steman was present at the meeting to request a variance to install a new foundation and crawl space under his cabin, closer to the lake and road than the required setback.

#03.00846.00). The Fish Lake Township Board had recommended approval with no conditions. Mr. Steman explained that repeat applications of gravel to the Township Road had raised the elevation of the road such that all runoff had eventually begun to drain directly under the old cabin, and rotted the foundation over the years. He wished to replace the rotting foundation with a new concrete block foundation with a slab, in order to locate the utilities in the new crawlspace. The cabin will remain in the same location, approximately 40 feet from the OHWM of Goose Lake, and eight feet from the road right of way (20 feet +/- from the traveled road.) The Board had no questions or concerns, and the Chair called for public comment. No one was present to offer comment on the variance. After brief discussion, John Sutcliffe moved to approve the variance as requested, based upon the practical difficulty of pre-existing development, Donna Nowicki seconded it and the motion was carried.

**Steve Erickson** - Mr. Erickson was present at the meeting to request a variance to build a garage closer to the road than the required setback. This is located in Chisago Lake Township, Lot 3, Block 1, Herberg Beach, at 32203 Herberg Court (PID #2.01243.00). The Chisago Lake Township Board had recommended approval with no conditions. Mr. Erickson explained that he wishes to take down the existing small shed, and replace it with a new one the same size as the existing foundation (10 x 15), and to build a new 20 x 22 foot garage along the south property line, approximately 22 feet off the road right of way. The impervious surface following construction is projected to be 17%, less than the maximum allowed 25%. The Board had viewed the property on-site, and noted the pre-existing development of the small lots, and the similar development pattern of the immediate neighborhood. When the Board had no questions or concerns, the Chair sought public testimony. Neighboring property owner to the north, Kevin Gaynor, 32219 Herberg Court spoke to offer support for variance approval. When there were no further comments, Donna Nowicki moved to approve the variance as requested, based upon the practical difficulty of pre-existing development, John Sutcliffe seconded it and the motion was carried.

**Mike Guthrie** - Mr. Guthrie was represented at the meeting by his brother-in-law Jim Harmon, to request a variance to build a house, with a deck which will be closer to the lake than the required setback. This is located in Nessel Township, Sec.15, T.37, R.22, on Boxwood Avenue, (PID #06.00304.10). The Nessel Township Board had recommended approval with no conditions. Mr. Harmon explained that the encroachment of the deck upon the lake at one corner to a distance of 65 feet was because of the septic system design. The house itself meets the required 75 foot structure setback. Mr. Harmon explained that at one time, the small shed at the shore had been a cabin, which had been flooded and consequently ruined and uninhabitable. He commented that the new home would be a significant lessening of the previous nonconformity, and would greatly improve the aesthetics of the neighborhood. The Board had viewed the property on-site, and concurred with that assessment. The house would also be further from the lake than the cabin to the north, and approximately the same setback as the house to the south. When there were no questions from the Board, the Chair called for public testimony. Yvonne Cameron, 51139 Boxwood Avenue was present to express support for the variance. After brief discussion, John Sutcliffe moved to approve the variance as requested, based upon the practical difficulty of pre-existing development and the septic system design, to allow the deck to encroach up to 65 feet at the closest point to the lake, Doug Greene seconded it and the motion was carried.

**Jeremy Iverson** - Mr. Iverson was present at the meeting to request a variance to odd onto a cabin closer to the lake, road and bluff than the required setback. This is located in Nessel Township,

County Auditor's Plat I, Lot 1, at 415 Acacia Way (PID #06.00746.10). The Nessel Township Board had recommended approval with no conditions. Mr. Iverson explained that he had an architect design an addition that would blend with the existing cabin, but not extend any closer toward the bluff than the existing structure. It will be a 24 x 24 foot addition, on the north side of the cabin, in the area made available after removal of the existing garage that is presently right on

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the property line. On the south side of the building they hope to add a 17 x 10 attached storage space under a new extended roofline. The addition will be six feet from the north property line for a distance of seven feet, and then will meet the setback, and encroach upon the road at the same setback distance as the removed garage, approximately six feet from the road. When the Board had no questions, the Chair called for public testimony, but there was no one there to comment on the variance. After brief discussion, John Sutcliffe moved to approve the variance as requested to encroach upon the bluff, north property line and road based upon the practical difficulty of pre-existing development Donna Nowicki seconded it and the motion was carried.

**Jim Minnichsoffer** - Mr. Minnichsoffer was present at the meeting to request a variance to create an unplatted 25 acre tract of land having less than 500 feet of width. This is located in Franconia Township, Sec.31, T.33, R.19, at 24925 St. Croix Trail (PID #04.00279.00). The Franconia Township Board had recommended approval with no conditions. Mr. Minnichsoffer explained that he is dividing the parcel of land roughly in half, and trying to sell the viable farmland to the neighboring farmer to the east, and sell the forested portion with the buildings. The new property line will approximately follow the center line of the ravine that divides the property in two, allowing the farmer some of the ravine in order to be able to implement erosion control on his side of the line. Mr. Minnichsoffer explained that one portion of the wooded land will fall short of the minimum 500 foot width requirement necessary to avoid platting. Staff had reasoned that since the purpose of the 400 foot partial width of the proposed westerly parcel was the preservation of good farmland, and since no new lots were being proposed for development, that a variance from the onerous platting process was a reasonable request. When the Board had no questions or comments, the Chair called for public testimony. There was no one present to offer comment. After further brief discussion, Doug Greene moved to approve the variance as requested, in the interest of preserving valuable farm land, and based upon the unique topographical circumstances. Donna Nowicki seconded it and the motion was carried.

**ADJOURNMENT** - There being no further business, the meeting was adjourned at 7:55 p.m.