

**CHISAGO COUNTY
BOARD OF ADJUSTMENT
OFFICIAL PROCEEDINGS
May 27, 2021 - DRAFT**

The Chisago County Board of Adjustment met in regular session at 7:00 p.m. on Thursday, May 27, 2021 in a synchronous e-meeting due to Declaration of Local Emergency.

Staff Present: Jessica Jagoe; Land Services Coordinator, Diane Sander; Land Services & Parks Specialist, and Kurt Schneider; Environmental Services Director.

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

Coordinator Jagoe provided an overview of the electronic meeting format, review of muted microphones, speaking order, how to “raise hand”, with the Chair leading and following meeting order/procedures.

APPROVAL OF AGENDA – Motion to approve the amended agenda with the addition of one public comment by Gregg Carlson. Second by Doug Greene. Roll call vote was taken and motion carried unanimously.

APPROVAL OF MINUTES – Motion to approve the April 29, 2021 meeting minutes by Chip Yeager. Second by Gregg Carlson. Roll call vote was taken and motion carried unanimously.

RECEIPT OF MATERIALS AND SUBMITTALS INTO THE RECORD – Motion by Gregg Carlson to receive all applications, submittals, reports and other materials into the record by reference. Second by Doug Greene. Motion carried unanimously. Meeting materials distributed in advance to the Board of Adjustment and Appeals for their review included: Public Hearing Staff Report with Attachments and one Public Hearing comment for Peterson PID 06.00835.00. Public Hearing Staff Report had been distributed in advance to the Board and the applicant for their review. Copies of all correspondence and meeting materials were made available for electronic distribution.

PUBLIC HEARING

Deborah Larson – Ms. Larson were present at the hearing to request a variance to reconstruct an existing nonconforming dwelling in a new location that reduces the setback encroachment of 12 feet to 47 feet as measured from ordinary high water (OHW) by moving the dwelling closer to the road and attaching to an existing detached structure. The property is located at 32800 N. Center Court, Chisago Lake Township; Sec. 22, T. 34, R. 20 (PID# 02.01087.00). Coordinator Jagoe presented background information on the Larson application. The property is 0.65 of an acre (28,314 square feet) located on the NE Corner of North Center Lake. The property is zoned Rural Residential II (RRII) and within the Shoreland Overlay of the Chi Gak Wa Shores Plat. The plat was approved in 1955 and Ms. Larson owns lots 16 and 17. Under State Statute and Shoreland Ordinance, neither lot met minimum lot requirements. Ms. Larson has taken the necessary action to have the legal description and PID# updated. The existing dwelling is setback approximately 12 feet from OHW in the rear yard and is located in the floodplain. The proposed plan is to demo the dwelling and rebuild a new structure closer to the road by attaching the home to an existing detached garage and removing three sheds. Chisago Lake Township recommended approval on May 18, 2021 with special notation that the septic system may not be located in the road right of way. Technical review was held on May 12, 2021 and had no other identified impacts. County Sanitarian requested the applicant be required to provide proper documentation and/or Certificate of Survey showing location of new septic system. Site plan provided did not indicate distance from front property line. Property owner will be required to locate and/or verify property lines to ensure septic system meets requirements the Subsurface Sewage Treatment Systems Ordinance 10-1.

Ms. Larson was present and available to address questions and concerns. Discussion was held on the proposed screen porch being in the floodplain and recommended certificate of survey or another form of documentation that verifies

construction activities are located outside of floodplain to meet requirements of Floodplain Management Ordinance Section 5.1. Chair Strand opened the public hearing and sought comment. No one was present to testify in the matter. With no additional person wishing to speak, ***motion*** by Gregg Carlson to close the public hearing. Second by Chip Yeager. Roll call vote was taken and motion carried unanimously. Each board member was asked for additional questions and comments. ***Motion*** by Gregg Carlson to approve the variance application to demolish and reconstruct a single family residential dwelling in a new location that reduces the setback encroachment of 12 feet to 47 feet as measured from OHW by moving the dwelling closer to the road and attaching to an existing detached structure at 32800 N. Center Court (PID# 02.01087.00) with conditions. Motion is based on findings of fact, staff report, site plan and narrative of records as presented. Second by Chip Yeager. Roll call vote was taken and motion carried unanimously.

Conditions:

1. The Applicant shall provide as part of the building permit process a Certificate of Survey or other form of documentation as deemed sufficient by the Building Official that demonstrates construction activities shall not occur within the floodplain.
2. The Applicant shall meet the requirements of the Chisago County Subsurface Sewage Treatment Systems Ordinance 10-1 and that the location of the septic system needs to be staked and fenced off prior to commencement of construction and shall remain in place until completion of the project. Surveyed location of the SSTS system and property line setbacks may be required at time of SSTS permit pursuant to order of the County Sanitarian.
3. Remove the three detached sheds on the property as stated by Applicant.

Findings of Fact:

1. The Variance request is not created by the Landowner and is due to pre-existing development.
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 property in order to maintain a reasonable use of the property within this zoning district.

Craig and Michele Hamersma— Mr. and Mrs. Hamersma were present at the hearing to request a variance to expand an attached garage closer to the side yard than the required setback. The property is located at 2261 Cedarbridge Court, Fish Lake Township; Sec. 22, T. 36, R. 22 (PID# 03.01282.01). Coordinator Jagoe presented background information on the Hamersma application. The property is zoned Agricultural District (AG) with Shoreland Overlay. The property is 2.25 acres located on the north side of Little Horseshoe Lake. The riparian lot is considered a legal lot of record under the Shoreland Ordinance which allows smaller lot sizes for those parcels abutting a public waterbody. This property is Lot 2 of Horseshoe Lake Estates plat approved in 1996. The property was developed in 2001 by the former owner with a dwelling and 2-car attached garage. Due to the location of preexisting development (i.e. house, septic, driveway) that other reasonable options for expansion without a variance were limited. The proposed plan is to build a 14' x 26' garage onto the existing attached garage. The addition would be even with the existing back garage/house line and 15 feet from side yard. The AG district side yard setback is 20 feet. Fish Lake Township did not discuss or provide recommendation since the applicants were not present at the May 11, 2021 meeting. Technical review was held on May 12, 2021 and had no other identified impacts. Mr. and Mrs. Hamersma were present and available to address questions and concerns. Discussion followed on construction and miscommunication on the Township Board meeting. Chair Strand opened the public hearing and sought comment. No one was present to testify in the matter. With no additional person wishing to speak, ***motion*** by Doug Greene to close the public hearing. Second by Gregg Carlson. Roll call vote was taken and motion carried unanimously. Each board member was asked for additional questions and comments. ***Motion*** by Chip Yeager to approve the variance application to expand an attached garage up to 15 feet from the side property line at 2261 Cedarbridge Court (PID# 03.01282.01). Motion is based on findings of fact, staff report, site plan and narrative of record as presented. Second by Doug Greene. Roll call vote was taken and motion carried unanimously.

Findings of Fact

1. The Variance request is not created by the Landowner and is due to location of existing development on the property.
2. The Variance does not change the character of the neighborhood and falls within the allowance for accessory structures in the AG District and is designed to meet the architectural requirements for residential districts.

3. The Variance as presented by the Applicant has demonstrated the least impactful design and is determined to be a reasonable request and use within this zoning district.

Roy and Sarah Peterson— Mr. and Mrs. Peterson were present at the hearing to request a variance to rebuild and expand a nonconforming structure by adding a second story and to reconfigure the layout in a manner that is closer to side property lines than the required setback; and to be allowed more than the maximum square footage of accessory storage floor area and impervious surface coverage in the Rural Residential I (RRI) Zoning District. The property is located at 50836 Lakeview Drive, Nessel Township; Sec. 23, T. 37, R. 22 (PID# 06.00835.00). Coordinator Jagoe presented background information on the Peterson application.

Mr. and Mrs. Peterson purchased the property about 18 months ago and are looking to demo the existing structure and rebuild in a new configuration on the parcel. The applicants have stated the existing structure is beyond repair/maintenance due to mold issues and the functionality of the existing house layout does not meet their family needs. The property is 0.45 of an acre (19,602 square feet) located on East Rush Lake. The property is zoned Rural Residential I (RRI) and within the Shoreland Overlay. Two unique factors of this lot; connected to a community sewer service through the Shorewood Park Sanitary Sewer District and has two private roads located on the parcel. The lot was created legally at the time via metes and bounds description and pre-date zoning controls. It is an existing lot of record that is considered to be a non-conforming lot due to noncompliance with present day zoning and shoreland ordinance requirements. Mr. and Mrs. Peterson have provided a certificate of survey with current and proposed lot configuration, elevation renderings and floor plans for the proposed house. In new construction, there is a clean slate and opportunity to bring the property closer to conforming to current ordinance requirements, but at a minimum maintain the current degree of nonconforming. The proposal is seeking to encroach into both side yards as part of the building plans for expansion of the home; NW Corner (current 9.0 ft) to (proposed 4.7 ft.) SE Corner (current 9.3 ft) to (proposed 4.8 ft.). The RRI Zoning District side yard setback is 10 feet. Current dwelling has a foundation footprint of 62.8 x 24.6 feet. Proposed dwelling would have a foundation footprint of 70 x 37 feet. Accessory structure ground area would increase by 71 sq. ft and total 1,510 sq. ft. The existing impervious surface calculation was 39% and proposed calculation would total 44% impervious surface. Nessel Township recommended approval on May 11, 2021 with no conditions. Technical review was held on May 12, 2021 and identified side yard setbacks have decreased with new proposed design/structure.

Mr. and Mrs. Peterson were present and available to address questions and concerns. Detailed discussion was held on position of the new house with relation to lake, side yard and road setbacks. Mr. and Mrs. Peterson indicated the new house would not be any closer than 4.7 ft in the NW corner and could move it closer to the road to give a little bit more room. Chip Yeager noted the setback from the lake is not an issue and perhaps 6 ft would be more acceptable for side yard setback. Coordinator Jagoe indicated Lakeview Drive is a private road and the new dwelling could move closer to the road. Chair Strand inquired to the impervious surface calculations and position of the new house/driveway. Chair Strand opened the public hearing and sought comment. Chair Strand asked Coordinator Jagoe to read the written public comment submitted in advance of the meeting.

Kevin Sybrant – 50894 Lakeview Drive, we have some concerns with this project that include: roads, runoff, and vehicles. Our roads are in poor condition and are designed for three tons. Our concern is the impact of all the large equipment that will need to travel on the road to excavate and deliver building materials. Second, with the size of the house that is proposed it will cover the whole lot and concerned where the rain runoff will go. Final concern is where are all the vehicles going to park as there is little or no extra space available.

Mike Carroll – 50814 Lakeview Drive, couple of years ago I received a variance to added onto the cabin. Peterson's proposal is going to improve the neighborhood. I want to speak in favor of the proposal. I am not concerned about the roads, since we have heavy equipment such as garbage trucks. The Peterson's are excellent people and know they are quality people and will do a quality job.

With no additional person wishing to speak, **motion** by Gregg Carlson to close the public hearing. Second by Chip Yeager. Roll call vote was taken and motion carried unanimously. Each board member was asked for additional questions and comments

Discussion continued on the side yard setbacks, shifting position of the new house and adjusting the proposed house plans. Chip Yeager commented there were too many unknowns and would consider to table to allow additional time for a new design and placement on property. Doug Greene commented the board appeared to support adding the second story and reconfigure the layout but needed to work through concerns with side yard setback and preferred to make a decision at the meeting. This is a new build and should be conforming to current ordinance requirements. Gregg Carlson supported to maintain an 8 ft side yard setback and adjusting plans. **Motion** by Chip Yeager to approve the variance application to rebuild and expand a nonconforming structure by adding a second story and to reconfigure the layout in a manner to be no closer than a side yard setback of 8 ft; and to be allowed up to 1,510 square footage of accessory storage floor area and not exceed 44% impervious surface coverage in the RRI Zoning District at 50836 Lakeview Drive (PID# 06.00835.00). Second by Gregg Carlson. Discussion was held on the impervious surface calculation. Depending on the position of the new house it would reduce the length of driveway/impervious surface. **Amended motion** by Chip Yeager to approve the variance application to rebuild and expand a nonconforming structure by adding a second story and to reconfigure the layout in a manner to be no closer than a side yard setback of 8 ft; and to be allowed up to 1,510 square footage of accessory storage floor area and not exceed 39% impervious surface coverage in the RRI Zoning District at 50836 Lakeview Drive (PID# 06.00835.00) with a condition. Motion is based on findings of fact, staff report, site plan and narrative of record as presented. Second by Chip Yeager. Roll call vote was taken and motion carried unanimously.

Condition:

1. The Applicant shall be required to remove the shed as presented.

Findings of Fact:

1. The Variance request is not created by the Landowner and is due to pre-existing development and roadways.
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 property in order to maintain a reasonable use of the property within this zoning district.

Board discussed in-person meetings and option for TEAMS electronic format. **By consensus**, Board of Adjustment and Appeals supported meeting in-person.

Motion by Gregg Carlson to adjourn. Second by Chip Yeager. Roll call vote was taken and motion carried unanimously. With no further business the meeting was adjourned at 7:22 p.m.