

**CHISAGO COUNTY
BOARD OF ADJUSTMENT
OFFICIAL PROCEEDINGS
May 28, 2020**

The Chisago County Board of Adjustment met in regular session at 7:00 p.m. on Thursday, May 28, 2020 in a synchronous e-meeting due to Declaration of Local Emergency.

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

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

APPROVAL OF MINUTES – Motion by Gregg Carlson to approve the February 27, 2020 meeting minutes as presented. Second by John Sutcliffe. Motion carried unanimously with Chip Yeager abstaining.

ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD – Motion by Chip Yeager 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 Reports with Attachments. 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 for electronic distribution.

PUBLIC HEARING

Corey Sheehan – Mr. Sheehan was present at the hearing to request to build a 40 x 42 detached garage closer to the road than the required setback. The property is located on 44784 Maple Lane, Fish Lake Township; Sec. 24, T. 36, R. 22 (PID# 03.00325.30). Coordinator Jagoe presented background information on the Sheehan application. The parcel is five acres and zoned Agriculture (AG). The lot is a corner lot with street frontage on Deerwood Trail/County Road 60 (County Road) and Maple Lane (Township Road). The AG district does not limit the number of accessory buildings, but total area of all buildings shall not exceed more than 50% of the total lot area. Total area of all buildings is less than 2% of the lot coverage. Mr. Sheehan indicated the change in elevations and drainage areas restrict his building area. Aerial photo displaying contours and drainage were provided along with property photos from County Road 60 and Maple Lane viewpoints. Fish Lake Township recommended approval with no conditions on May 11, 2020. Technical review was held on May 12, 2020 and staff indicated a septic certification was needed. Staff agreed the parcel has elevation changes, but not significant enough to prevent construction in another area to meet setbacks. The variance request did not meet provisions for establishing practical difficulty by State Statute and County ordinances. Alternate locations on the property could meet setback requirements allowed by code.

Mr. Sheehan indicated he needed more room to turnaround to avoid hitting buildings and felt he was still a ways back from the road. Chair Greene asked each board member for comments and questions. Chip Yeager inquired to staff findings on alternate location for the proposed building. Coordinator Jagoe indicated there was another location that was deemed feasible; however it was not the desired location of the applicant. Gregg Carlson asked if staff had been on the property. Coordinator Jagoe indicated staff reviewed the site from each road and took pictures. Staff has met with Mr. Sheehan at the front counter to discuss his variance request. Mr. Sheehan stated if the 105 ft. setback would not be granted, he could do a 115 ft. which provides enough room for him for turning around. Becky Strand inquired to a 135 ft. setback and location of the proposed garage to other buildings and room to access the well. Mr. Sheehan indicated the new garage

would be approximately 45 ft. from the driveway and not enough room to back into the new garage. Coordinator Jagoe identified four members from the public on audio and asked if they would like to speak on the Sheehan variance, but no one testified in the matter. Coordinator Jagoe reported no public correspondence was received prior to the public hearing. **Motion** by Gregg Carlson to close the public hearing. Second by Chip Yeager. Roll call vote was held and motion carried unanimously. Chair Greene asked for additional questions and comments from each board member. Chip Yeager noted there were possibilities to build in another location and the board has made adjustments to setbacks or size of buildings on previous variance requests. Mr. Sheehan indicated he was willing to go with a 115 ft. setback from County Road 60. **Motion** by John Sutcliffe to approve to build a detached 40 x 42 building with a 115 ft. setback from County Road 60 based on findings of fact, staff report, site plan and narrative of record, with a condition for the septic system to be inspected. Second by Becky Strand. Roll call vote was held and motion carried unanimously with Gregg Carlson abstaining.

Condition:

1. The County will require a septic system inspection stating the existing system is in compliance.

Findings of Fact:

1. The Variance request does not change the rural Agriculture character of the neighborhood and is consistent with previous approvals for accessory structures.

Jared & Miranda Dyrdaahl – Mrs. Dyrdaahl was present at the hearing to request to expand an existing nonconforming structure to build a 16 x 16 four season porch and deck closer to the lake than the required setback. The property is located on 46697 Cambridge Drive, Fish Lake Township; Sec. 10, T. 36, R. 22 (PID# 03.01010.00). Coordinator Jagoe presented background information on the Dyrdaahl application. The parcel is 0.72 acre and located on the west side of Goose Lake within the Shoreland District. The structure was determined nonconforming due to a preexisting development and does not meet the required rear yard setback in the Shoreland District. The proposed site plan was displayed and indicated a one foot additional encroachment. Fish Lake Township recommended approval with no conditions on May 11, 2020. Technical Review was held on May 12, 2020 and no other identified impacts and is not aware of identifiable impacts to nearby properties.

Coordinator Jagoe identified four members from the public on audio and asked if they would like to speak on the Dyrdaahl variance, but no one testified in the matter. Coordinator Jagoe reported no public correspondence was received prior to the public hearing. **Motion** by John Sutcliffe to close the public hearing. Second by Becky Strand. Roll call vote was held and motion carried unanimously. Chair Greene asked for additional questions and comments from each board member. **Motion** by Gregg Carlson to approve the expansion of a nonconforming structure based on findings of fact, staff report, site plan and narrative of record. Second by Becky Strand. Roll call vote was held and 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 and adopted shoreland controls.
2. The Variance does not change the character of the neighborhood and is consistent with previous approvals for expansion of a nonconforming structure in the Shoreland District.
3. The Variance as presented by the Applicant has demonstrated the least impactful location that is feasible and maintains a reasonable use of the property within this zoning district.

Matt Bonin – Mr. Bonin was present at the hearing to request to subdivide a lot without formal platting in order to convey land to a nonconforming lot across the street. The property is located at 50302 Bayside

Avenue, Nessel Township; Sec. 22, T. 37, R. 22 (PID# 06.00791.16). Coordinator Jagoe presented background information on the Bonin application. Mr. Bonin and Mr. Kettler purchased an undeveloped parcel together in 2018 with the intent to use the parcel in combination with their lake parcels across the road. Area is zoned Rural Residential (RRI) District within the Bees Nest Plat. The parcel will be split equally and Mr. Bonin will have his septic system located within the split parcel. Mr. Kettler has not identified his future use of the property. Nessel Township approved the request with no conditions on May 12, 2020. Technical Review determined the following: site will accommodate a septic system, lessen existing nonconforming substandard lake lots, reduce over-crowding of accessory structures and furthers resource protection. Staff indicated a septic design will need to be submitted to the County Sanitarian for approval. Each lot will be combined with the riparian lot across the road and never be separated. Chair Greene asked each board member for comments and questions. General discussion was held on general placement and design of the septic system. Chip Yeager asked for clarity of formal platting vs variance to subdivide. Coordinator Jagoe indicated the size of the parcels would not be in compliance with the formal platting ordinance and a variance would be required for the subdivision.

Coordinator Jagoe identified four members from the public on audio and asked if they would like to speak on the Bonin variance, but no one testified in the matter. Coordinator Jagoe reported no public correspondence was received prior to the public hearing. **Motion** by Chip Yeager to close the public hearing. Second by John Sutcliffe. Roll call vote was held and motion carried unanimously. Chair Greene asked for additional questions and comments from each board member. **Motion** by Gregg Carlson to approve the expansion of a nonconforming structure based on findings of fact, staff report, site plan and narrative of record with a condition of the lots be combined. Second by Becky Strand. Roll call vote was held and motion carried unanimously.

Condition:

1. Both newly created subdivided lots must be combined for zoning and building purposes with the nonconforming lake lot across the street and shall thereby in the future never be separated as a standalone parcel.

Findings of Fact:

1. The Variance request would further the goals of the Shoreland regulations which seek to limit or reduce (bring closer to conforming) nonconformities.
2. The Variance does not change the character of the neighborhood and is consistent with previous approvals on substandard lake lots.

Ed and Jackie Truskolaski – Mr. and Mrs. Truskolaski were present at the hearing to request variance to be allowed more than the maximum square footage of accessory storage area in the RRI Zoning District and to build a detached garage located closer to the road than the required setback. The property is located across the street from 51050 Rush lake Way, Nessel Township; Sec. 14, T. 37, R. 22 (PID# 06.01184.00 and #06.01173.05). Coordinator Jagoe presented background information on the Truskolaski application. Two variances have been requested, the owners own both lots, overall site size is .92 acre, zoned RRI within the Shoreland District. The parcel is part of the 1976 approved Lois Acres plat. Truskolaski’s and Schellbach’s received variance approval in December 2019 for a lot split. The parcels were identified for future detached garages which staff reported would be located subject to setback requirements. The first variance is to be allowed more than the maximum square footage of accessory storage area. The RRI Zoning District allows 5% = 1,895 sq ft. allowed by code. Total proposed accessory ground area is 2,720 sq ft. a 43% more than allowed. The second variance is to build a detached garage located closer to the road than the required setback. The RRI Zoning District has a front setback from township road right-of-way of 40 ft. and Truskolaski is proposing 10 ft. Aerial photo and site photos from street view were displayed of Rush Lake Way and the unimproved

right-a-way. Staff reported the proper method to address the setback would be for the township to vacate the right-of-way. Nessel Township approved the request with no conditions on May 12, 2020. Technical Review was held and it was identified that a septic certification was needed with no other identified impacts to neighboring properties. Staff review recommended to deny both variances due to the following: not consistent with zoning regulations, has not met the threshold for practical difficulty, total accessory structure floor area is viewed as excessive, and lot has the ability to comply with setbacks.

Mr. Truskolaski indicated Erin Avenue is never really used and setbacks on Rush Lake Way are never going to be used. Our request is not setting precedence due to a pole shed located on another parcel and Schellbach's variance approval for more than the maximum square footage of accessory storage. Our detached garage is smaller than Schellbach's. General discussion followed on future development of Lois Acres plat. Our goal is to blend with the houses across the street instead of placing the detached garage in the woods. Conversation with the township has indicated no improvements will be made or road built and vacating property with attorney fees is cost prohibited. Chair Greene asked each board member for comments and questions. John Sutcliffe reported Nessel Township was advised not to vacate the property and does not plan on any upgrades. Commissioner Robinson has indicated support of the request. Gregg Carlson asked if any comments or correspondence has been received by neighbors. Coordinator Jagoe reported no public correspondence was received prior to the public hearing. Chip Yeager indicated he does not support approval for the request. Chair Greene stated the board has approved similar variance request and the accessory storage will visually look like a garage instead of a pole shed. This property is also under the metes and bounds recording. A document will be recorded indicating the riparian lot and parcel are combined as one. Coordinator Jagoe identified three members from the public on audio and asked if they would like to speak on the Truskolaski variance, but no one testified in the matter.

Motion by Gregg Carlson to close the public hearing. Second by John Sutcliffe. Roll call vote was held and motion carried unanimously. Chair Greene asked for additional questions and comments from each board member. **Motion** by John Sutcliffe to approve the allowance of more than the maximum square footage of accessory floor area in the RRI District based on findings of fact, staff report, site plan and narrative of record, with a condition the septic system is to be inspected and lots be recorded as combined. Second by Chip Yeager. Roll call vote was held and motion carried unanimously.

Condition:

1. Submittal of the Septic Certification as required that is determined to be in compliance as verified by the County Sanitarian before issuance of the Building Permit shall occur.
2. Submittal of a copy of the Certificate of Survey that was a condition of approval on December 5, 2019, for the variance to split the parcel before issuance of the Building Permit shall occur.

Findings of Fact:

1. The Variance request does not change the character of the neighborhood and is consistent with previous approvals on substandard lake lots.

Motion by John Sutcliffe to approve to construct a detached accessory building on PID# 06.01173.05 located closer to the road than the required setback based on findings of fact, staff report, site plan and narrative of record. Second by Becky Strand. Roll call vote was held. In favor: Sutcliffe, Strand, Carlson, and Chair Greene. Opposed: Yeager. Motion carried.

General discussion held on tours and the need to conduct them during COVID-19. Gregg Carlson moved to adjourn. Second by Becky Strand. Roll call vote was held and motion carried unanimously. With no further business the meeting was adjourned at 8:37 p.m.