

**CHISAGO COUNTY
BOARD OF ADJUSTMENT
OFFICIAL PROCEEDINGS
June 27, 2019**

The Chisago County Board of Adjustment met in regular session at 7:00 p.m. on Thursday, June 27, 2019 in Room 150B of the Government Center with the following Board members present:
John Sutcliffe, Doug Greene, and Gregg Carlson.

Also Present:

Jeff Fuge, Assistant County Attorney; Kurt Schneider, Director Environmental Services; and Patty Perreault, Office Manager Environmental Services.

The Chair called the meeting to order and led the assembly in the Pledge of Allegiance. The roll call of Board members was then taken. A quorum established with members present. (The Second and Fourth Commissioner Districts remain unrepresented on the Board.)

APPROVAL OF AGENDA – Chair Sutcliffe reported Zank and Peshorn variance requests were removed from the agenda. Gregg Carlson moved to amend the agenda to call for nomination for Vice Chair (as previous Vice Chair had resigned from the Board). Doug Greene seconded and the motion was carried to approve the agenda as amended. Gregg Carlson then moved to nominate Doug Greene as Vice Chair, John Sutcliffe seconded and the motion was carried unanimously.

APPROVAL OF MINUTES - Gregg Carlson moved to make a correction to the minutes of the meeting of May 30, 2019. The Matthew Bonin item sentence that read ‘*The new residence once constructed will be setback 33 feet from the property line*; should read: **The new residence once constructed will be set back 33 feet from the road right-of-way**. Doug Greene seconded. Gregg Carlson moved to approve the minutes as presented with the correction, Doug Greene seconded and the motion was carried unanimously.

ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD – Gregg Carlson moved to adopt all applications, submittals, reports and other materials into the record by reference. Doug Greene seconded and the motion carried unanimously. 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

Robert Wey - Mr. Wey was present at the hearing to request a variance to build a 24 x 40 pole shed closer to the road than the required setback. This is located in Fish Lake Township; Sec.6, T.36, R.22 at 1900 Rush Point Drive West (PID #03.00066.10). The Fish Lake Township Board recommended approval with no conditions. Patty Perreault addressed an email received from Mr. Wey clarifying that although the staff report stated the septic system was upgraded in 2005 to that location, the system was installed in 1993 in that location, but the tank was replaced in 2005. Additionally, that as the house did not have boxed eaves, they will not be present on the proposed structure. Gregg Carlson verified with staff that boxed eaves were not required on this accessory structure as the property is zoned Agricultural. He then asked Mr. Wey to confirm that the proposed structure would be 107 feet from the road right-of-way rather than the 135 foot required setback. Mr. Wey stated it would. Gregg Carlson asked Mr. Wey to speak to the issue with the eaves; Mr. Wey explained that boxed eaves are not included in the building kit for the structure. If the house had boxed eaves he would attempt to match, but since it does not he will not have enclosed ends. Chair Sutcliff confirmed there would be no ingress under the eaves, Mr. Wey agreed there would be angled soffits. As there were no audience members present for the

matter, Chair Sutcliffe closed the public hearing and asked for discussion. Doug Greene moved to approve the variance as presented, Gregg Carlson seconded and the motion was carried unanimously.

Trisha & Tim Donelon - Mr. Donelon was present at the meeting to request a variance to build a 20 x 32 pole building closer to the road than the required setback, and taller than the existing cabin. This is located in Nessel Township; Sec.28, T.37, R.22 at 49725 Afton Ave (PID #06.00751.00). The Nessel Township Board had denied the request with concerns over cars and trailer encroaching on road right-of-way impacting grading and plowing, and due to the fact that Mr. Donelon refused to consider downsizing the length of the building. Mr. Donelon explained he was asking to build a detached, stick-built, garage with a peak height of 14' 6" but would be willing to compromise by building a pole building with a peak height of 13'6" (achieved by the difference in roof pitch of the two buildings), although he felt it would be less aesthetically pleasing. Patty Perreault read the three emails received from neighboring landowners (2 in favor and 1 opposed to this request). Mr. Donelon presented a letter he had received from the neighbor across the street and Kurt Schneider read it into the record. Mr. Schneider also distributed copies of a power point presentation submitted by Mr. Donelon, to the Board and audience members. Gregg Carlson moved to accept the information as part of the record, Doug Greene seconded, and the motion carried unanimously.

Mr. Donelon was asked to walk the Board through the presentation. He explained the aerial view and photos of neighboring properties showing the existing location of the houses, cabins, and garages along the road, all situated 15 feet from the road as he was proposing for his garage. One of the photos was of a house which was approved a variance within the last two years to double the size of the house and build a pole building 15 feet from the road; another was for a request similar to his, for a garage which was approved last year. Included in the presentation was information related to township's authority to enforce parking rules on a township road. Gregg Carlson noted that the township was concerned about cars and trailers encroaching on the right-of-way and mentioned that Mr. Donelon had been unwilling to downsize at the township meeting. Mr. Donelon explained that he currently has a canvas hoop structure on the property of the same size that he is requesting. In order to place the pontoon and trailer inside and be able to shut the doors, the 32 foot garage is necessary. If he were to move the garage back further from the road, he would need to encroach on the ten foot setback required to his holding tank, something he would be willing to do, if allowed, if he could keep the 32 foot depth of the garage. Kurt Schneider explained that a variance to build closer to the holding tank was not on the agenda, and would need to be looked at as a separate request the following month after publishing and notifying neighbors. Chair Sutcliffe asked where vehicles were parked currently. Mr. Donelon explained they parked on both the north and south side of the house and there was not enough room between the well house and fenced property line on the south side of the property to allow for the construction of the garage. Discussion continued regarding the township concerns, the grading of the road, and vehicles parking on the road. Mr. Donelon stated they would be able to fit their vehicles off of the road within the fifteen feet, and that this is a seasonal property in which they visited in the summer with only occasionally in the winter. Chair Sutcliffe stated that he performed the grading and maintenance on the road for the township, and asked staff if the board could place a condition of approval on the variance that there be no parking on the road. Mr. Schneider stated that with the County not being the road authority, there would not be much that could be done as far as enforcement of such a condition. He then deferred to Mr. Fuge, who agreed and explained that the jurisdiction of the Board was on the land use, and that jurisdiction stops at the road. Even in the case of a county road, it would not be enforceable over and above the property.

As no one was present in the audience regarding this matter, Chair Sutcliffe closed the public hearing and made a motion to approve the variance with the condition that no vehicles park on the road. Gregg Carlson seconded it. Doug Greene suggested to the applicant to remain in contact with neighbors and ask them to refrain from parking on the road not only for maintenance but for safety in the instance of fire/rescue vehicles. He then moved to approve the variance as presented based on the existing development in the area, Gregg Carlson seconded and the motion was carried unanimously.

Kai & Sharon Kroll - Mr. Kroll was present at the meeting to request a variance to replace a roof with a higher pitched roof increasing the height of the existing nonconforming structure. This is located in Fish Lake Township; Sec.3, T.36, R.22 at 1594 Goose Lake Narrows (PID #03.01151.00). The Fish Lake Township Board recommended approval with no conditions. Mr. Kroll explained that a new roof was necessary and the change of pitch would look better, make the home roomier, and would not block the view to any neighbors. He stated that due to the higher pitched roof, the space the ‘vertical footprint’ of the house takes up would lessen as the eaves will be one foot rather than the two foot currently on the home. Gregg Carlson asked about the weight of the new roof, and the structural integrity of the existing house. Mr Kroll stated he had a civil engineer run the numbers and found there would be no problem support the new roof. Half of the upper portion of the house will remain open and half will be dedicated to storage. There being no public in the audience regarding this matter, Chair Sutcliffe closed the public hearing portion of the meeting. Gregg Carlson moved to approve the variance as presented, Doug Greene seconded and the motion was carried unanimously.

DISCUSSION ITEMS

Kurt Schneider pointed out the new format of the staff reports, and asked the board for comments or suggestions. All members agreed that the format was helpful, and were glad to hear that the electronic format would continue to be included. Gregg Carlson mentioned the maps were useful as well and would like to see them continued.

Tour day and time was confirmed with it being agreed upon that Wednesday mornings, the day before the meeting, at 8:00 a.m. (one hour earlier than currently) would work best for all.

Legal counsel was present for the meeting. Mr. Fuge explained that whether or not that would continue, or would be available in the future would be up to the County Attorney.

There was discussion regarding the two vacancies, advertising, and the make-up of the Board of Adjustment, which it was explained was currently being looked into as far as whether or not an at-large member is allowed.

ADJOURNMENT - Gregg Carlson moved to adjourn, Doug Greene seconded it and the motion was carried unanimously. There being no further business, the meeting was adjourned at 7:55 p.m.