

**CHISAGO COUNTY
BOARD OF ADJUSTMENT
OFFICIAL PROCEEDINGS
July 30, 2020 - DRAFT**

The Chisago County Board of Adjustment met in regular session at 7:00 p.m. on Thursday, July 30, 2020 in the County Board Room of the Government Center.

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 to approve the agenda by Becky Strand. Second by John Sutcliffe. Motion carried unanimously.

APPROVAL OF MINUTES – Motion to approve the June 25, 2020 meeting minutes by Gregg Carlson. Second by Chip Yeager. Motion carried unanimously.

ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD – Motion by Becky Strand to adopt all applications, submittals, reports and other materials into the record by reference. Second by John Sutcliffe. 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

Dennis Frandsen – James Ertz, on behalf of Dennis Frandsen, Property Owner, was present at the hearing to request a variance from Chisago County Zoning Ordinance Section 7.018.B, which requires one acre buildable area for properties not served by a community water and sewer system, in reference to a proposed four lot subdivision. The property is located on 51170 Rush Lake Trail, Nessel Township; Sec. 14, T. 37, R. 22 (PID# 06.00280.00). Coordinator Jagoe presented background information on the Frandsen application. The parcel is a 3 acre lakeshore lot on West Rush Lake and zoned Rural Residential I (RRI). This is the former site of “Peterson’s Campground or Rush Lake Resort”. In 2019, a prior owner demolished all of the structures on the property with intentions of redeveloping the site with a higher density campground. The property was then sold to Mr. Frandsen who plans to subdivide the three acre parcel into four residential lots. The parcel has access to sewer services from the Shorewood Park Sanitary District. Shorewood Park Sanitary District approved five sewer connections. Each proposed lot will have individual well. Coordinator Jagoe reviewed the Shoreland Ordinance and Zoning Ordinance for “one acre buildable area” along with minimum lot size requirements for RRI and Shoreland. Nessel Township recommended approval with no conditions on July 14, 2020. Technical review was held on July 7, 2020 and staff indicated no other identified impacts.

Jim Ertz indicated the application would not have been submitted if the sewer connections were not granted from Shorewood Park Sanitary District. Chip Yeager asked if there was any concerns with individual wells. Coordinator Jagoe commented the Minnesota Department of Health (MDH) will address concerns and setbacks for each well. The application review applies to proposed lots meeting zoning requirements. Gregg Carlson inquired on the easement identified on Lot 4 and questioned if there was enough room for a house and well. Coordinator Jagoe indicated there are no setbacks from easements and the developer would need to comply with zoning setback requirements. Discussion followed on the Shoreland Ordinance and smaller lot sizes. Chair Greene sought public comment, no one was present to testify in the matter. With no additional person wishing to speak, **motion** by Chip Yeager to closed the public hearing. Second by Gregg Carlson and

carried unanimously. Each board member was asked for additional questions and comments. **Motion** by Gregg Carlson to approve the variance request from Chisago County Zoning Ordinance Section 7.018.B to not require one acre buildable area for the proposed four lot subdivision at 51170 Rush Lake Trail based on findings of fact, staff report, site plan and narrative of record as presented. Second by John Sutcliffe. Motion carried unanimously.

Findings of Fact:

1. The Variance request is not created by the Landowner and is due to unique circumstance in which the future subdivision will be connected to a community sewage treatment system with lots that meet the dimensional requirements as allowed under the shoreland ordinance.
2. The Variance does not change the character of the neighborhood and is consistent with previous approvals when the threshold for a Practical Difficulty as defined has been demonstrated.
3. The Variance as presented by the Applicant has demonstrated the least impactful design and establishes a reasonable use of the property as allowed for under the zoning code and shoreland ordinance.

Trevor & Jessica Scanlon – John Sutcliffe stated he would abstain from the Scanlon variance request. Mr. Scanlon was present at the hearing to request a variance for a standalone septic system to serve a temporary accessory residence for medical hardship. The property is located at 45138 Acacia Drive, Fish Lake Township; Sec. 18, T. 36, R. 22 (PID# 03.00231.10). Coordinator Jagoe presented background information on the Scanlon application. The parcel is 5 acres, zoned Agriculture with a single family dwelling and detached accessory structures. It was noted Mr. Scanlon could not connect the temporary accessory residence to the existing septic system, as required by ordinance, due to the location of the existing tank and high water table on the property. Coordinator Jagoe reviewed the Temporary Residence Section 4.11 G of the Zoning Ordinance – Accessory Residence for Medical Hardship Reasons. Fish Lake Township recommended approval with no conditions on July 13, 2020. Technical Review was held on July 7, 2020 with no additional comments.

Gregg Carlson asked about the bond and location of the system in relation to the pond on the property. Mr. Scanlon indicated he was aware of the two bonds for financial surety and the annual review of medical status. Chip Yeager inquired about the history of the ordinance and need for additional financial surety. Coordinator Jagoe confirmed the County Sanitarian recommendation for the additional financial guarantee for proper discontinuance of the separate septic system.

Chair Greene sought public comment. John Sutcliffe stated his company was hired to install the new septic system. Mr. Sutcliffe indicated he did not support the additional bond and the discontinuance of the second system. If the primary septic system fails, the second system could be utilized instead of having it discontinued. There would be an opportunity to set a new tank and use the system instead of just shutting it down when the medical hardship was discontinued. Chair Greene identified no one else was present to testify in the matter. With no additional person wishing to speak, **motion** by Gregg Carlson to closed the public hearing. Second by Chip Yeager and carried unanimously. Each board member was asked for additional questions and comments.

Gregg Carlson inquired about the age of the existing system. Discussion followed about the review and approval process for septic systems. Gregg Carlson noted the second bond may not be necessary if the new system could be extended and switched over for use of the house. Chair Greene mentioned that the Board of Adjustment and Appeals does not have authority to change the variance request to allow a second system on a permanent basis or decide now how this may be handled in the future or change the ordinance as it relates to the Subsurface Sewage Treatment Systems Ordinance. Chair Greene added that the second system would be allowed as long as the permit is valid and that could be five or ten or more years at which time when the use ceases the Owners will need to then decide how to achieve compliance in accordance with the ordinance.

Coordinator Jagoe reviewed the County Sanitarian recommendations and annual review of the medical hardship. Coordinator Jagoe indicated that the variance is to allow a standalone septic system for medical hardship and when that use ceases the Applicants will need to work with the County Sanitarian on options for compliance. Discussion followed by Board members for the need of a second bond and utilization of the second septic system to assure the primary dwelling would be in compliance with the sewage treatment ordinance.

Motion by Gregg Carlson to approve the variance for a standalone septic system to serve a temporary accessory residence for medical hardship at 45138 Acacia Drive (PID# 03.00231.10) with a condition. Motion is based on the staff report, findings of fact, site plan and narrative of record as presented. Second by Becky Strand. Motion carried unanimously.

Condition:

1. The Applicants will be required to provide the County with an additional \$5,000 in financial surety to ensure the sewage treatment system for the property be brought into compliance in accordance with County regulations whereby resulting in one system when the temporary medical hardship approved use ceases.

Findings of Fact:

1. The Variance request is not created by the Landowner and is due to unique circumstances of the pre-existing development, topography, and soils.
2. The Variance does not change the character of the neighborhood and is consistent with previous approvals when the threshold for a Practical Difficulty as defined has been demonstrated.
3. The Variance as presented by the Applicant has demonstrated the least impactful design to provide for a Temporary Accessory Structure for Medical Hardship as allowed for under the zoning code.

Coordinator Jagoe reviewed safety protocols similar to County Board meetings to accommodate an in-person meeting.

Gregg Carlson moved to adjourn. Second by John Sutcliffe. Roll call vote was held and motion carried unanimously. With no further business the meeting was adjourned at 7:50 p.m.