

**CHISAGO COUNTY
BOARD OF ADJUSTMENT
OFFICIAL PROCEEDINGS
AUGUST 30, 2018**

The Chisago County Board of Adjustment met in regular session at 7:00 p.m. on Thursday, August 30, 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 Greene, the meeting agenda was approved as presented.

APPROVAL OF MINUTES - On motion by Sutcliffe and second by Nowicki, the minutes of the meeting of July 26, 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 :

Shannon Foote - Mr. Foote was present at the hearing to request a variance to be allowed more than the maximum 2000 square feet of accessory storage area in an RR11 Zoning District. This is located in Nessel Township, Sec.29, T.37, R.22, at 385 500th Street (PID #06.00630.00). The Nessel Township Board had recommended approval with no conditions. Mr. Foote explained that he had bought 20 acres, assuming the large property would be zoned Agricultural, but later learned the tract fell within the RR11 Zoning District boundary despite its large size. He needs additional storage space for his equipment, as he is a mason by trade. He is proposing a 40 x 50 foot pole shed, which will be in addition to his existing residential garage which is 1230 square feet, for a total of 3230 square feet. The Chair sought public comment, but no one was present to testify in the matter. The Board concurred that the large 20 acre tract was more agricultural in nature than residential, and constituted a unique circumstance that merited exception from the usual rule. Tara suggested including language in the variance approval that would provide notice that the building could only be used for allowed residential accessory purposes, so future owners would understand that it was not a commercial structure. After brief discussion, John Sutcliffe moved to approve the variance as requested, Doug Greene seconded it and the motion was carried unanimously.

Steve Hargreaves - Mr. Hargreaves was present at the hearing to request a variance to build an accessory storage structure closer to the property line than the required setback. This is located in

had recommended approval with no conditions. Mr. Hargreaves explained that he proposes to build a 25 by 48 foot shop building on the east side of his house, but it will encroach slightly on the property line. The setback will be 18.2 feet on one end, and 19.4 feet on the other, versus the required 20 feet stipulated in the Ag zone. Tara explained that Sunrise Trails and Sunrise Trails Plats 2 and 3 were developed as a Planned Unit Development, with shared amenities, community septic and shared open space. The lots were platted smaller than normally allowed in the Ag zone, in return for large areas of open space being preserved. The Zoning District however, did not change, so all of the normal dimensional setback requirements are the same, even though the lots are much smaller. She added that this should have been handled in the PUD covenants, but was not. The Chair sought public comment, but no one was present to testify in the matter. The Board concurred that the request for the minimum variance necessary to meet the needs of the landowner, and were only a fraction short of the usual requirement. After brief discussion, Donna Nowicki moved to approve the variance as requested, Doug Greene seconded it and the motion was carried unanimously.

Gina Frey - Ms. Frey was present at the hearing to request a variance to add onto her house closer to the lake than the required setback. This is located in Nessel Township, Frandsen's Parcels, #13, at 50768 Lakeview Drive (PID #06.00841.00). The Nessel Township Board had recommended approval with no conditions. Ms. Frey explained that she wished to add a sunporch onto the front of her house, extending about four feet closer to the lake than the existing structure. The house presently meets the 50 foot setback requirement from Rush Lake, and is slightly further back from the lake than the two cabins to the north. There will be no additional impervious surface that results from the project, as the addition will be built over existing patio pavers. The Chair sought public comment, but no one was present to testify in the matter. After brief discussion, John Sutcliffe moved to approve the variance as requested based upon its consistency with the immediate neighborhood. Doug Greene seconded it and the motion was carried.

Phou Sivilay - Mr. Sivilay was present at the hearing to request a variance to build a new home and deck closer to the bluff and road than the required setback. This is located in Nessel Township, County Auditor's Plat 1, Lot 5, at 379 Acacia Way (PID #06.00746.19). The Nessel Township Board had recommended approval with no conditions. Mr. Sivilay explained that he wished to build a second home for recreational purposes, for his large family. The house is a two story house, with five bedrooms, and will encroach upon the bluff by five feet, leaving a setback of 25 feet instead of the required 30. The structure will exceed the required setback from the OHWM, but will encroach up to 20 feet from the Township Road right of way, rather than the required 40 feet. Tara commented that the applicant has put much thought into the site design, and maximized the setback from the bluff, including no walkout basement which would destabilize the bluff. He also went to great lengths to obtain a septic system design that will fit on this challenging lot. The totally nonconforming original structure was very nearly in lakebed, and this variance will allow a new home that will be more nearly conforming. The Chair sought public comment, but no one was present to testify in the matter. Neighboring landowner Ken Ausmus was present, but he stated that his original concerns about potential erosion had been addressed, and he expressed no objection. After further brief discussion, John Sutcliffe moved to approve the variance as requested, Donna Nowicki seconded it and the motion was carried.

Kai Kroll - Mr. Kroll requests a variance to install a holding tank closer to his house than the required setback. This is located in Fish Lake Township, Goose Lake Pass, Lot 18, at 1594 Goose Lake Narrows (PID #03.01151.00). The Fish Lake Township Board had granted Mr. Kroll a revocable certificate of occupancy to encroach into the road right of way with part of his holding tank, but the septic design resulted in the tank also encroaching upon the house up to three feet instead of the required ten. Mr. Kroll explained that the original well had been grouted and sealed, and he would be installing a new deep well that would meet the required 50 foot

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setback, or obtain the required variance from the MN Department of Health if necessary. The Chair sought public comment, but no one was present to testify in the matter. After further brief discussion, John Sutcliffe moved to approve the variance as requested, for the tank to encroach up to three feet from the house based upon the substandard lot size and pre-existing development. Doug Greene seconded it and the motion was carried unanimously.

ADJOURNMENT - There being no further business, the meeting was adjourned at 7:25 p.m.