

**CHISAGO COUNTY  
BOARD OF ADJUSTMENT & APPEALS  
OFFICIAL PROCEEDINGS  
April 27, 2023**

The Chisago County Board of Adjustment & Appeals met in regular session at 7:00 p.m. on Thursday, April 27, 2023 in the County Board Room of the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; and, Diane Sander, Office Manager.

Chair Carlson 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: Chip Yeager, Doug Greene, Gregg Carlson, John Sutcliffe, and Becky Strand. Absent: None. A quorum was established with all members present.

**APPROVAL OF AGENDA – Motion** to approve the agenda as presented by Strand; second by Sutcliffe. The **motion passed** and carried unanimously.

**APPROVAL OF MINUTES – Motion** to approve the March 30, 2023 meeting minutes as presented by Yeager; second by Greene. The **motion passed** and carried unanimously.

**RECEIVE ALL MATERIALS AND SUBMITTALS INTO THE RECORD – Motion** to receive all applications, submittals, reports, and other materials into the record by Strand; second by Greene. The **motion passed** and carried unanimously. Meeting materials distributed in advance to the Board of Adjustment & Appeals for their review included: staff reports with attachments. Copies of all correspondence and meeting materials were made available at the entrance to the hearing room and for electronic distribution.

**PUBLIC HEARINGS – NEW APPLICATIONS**

**Max & Mary Gustafson** – Coordinator Gervais provided background information on Max & Mary Gustafson’s Variance request for property located at 11890 Mentzer Trail in Chisago Lake Township (PID 02.01619.00), explaining that the Gustafson’s were proposing to expand their existing dwelling by constructing a 32’ x 11’6” (368 sf) addition onto their legal non-conforming dwelling, replace their existing 10’ x 12’ (120 sf) detached accessory structure with a 6’ x 8’ (48 sf) detached accessory structure, and exceed the maximum allowable amount of impervious surface coverage by 2% (a reduction from 28.6% to 27%).

Gervais explained that the .25-acre subject site was zoned Rural Residential I (RRI) District / Shoreland Management District and was located on the south side of South Lindstrom Lake. Properties to the west, east and south were similarly zoned. Topography of the site included fairly level elevations ranging from 903’ near the south property boundary / roadway to 898’ near the shore of South Lindstrom Lake. Neighboring properties were similar sized and had been developed with seasonal cabins / dwellings and related accessory structures.

The Technical Review Committee met with Mary Gustafson on April 12, 2023 and discussed the various Variance requests. County staff acknowledged that the Variances would bring the dwelling size into compliance and the impervious surface coverage would come closer to compliance. The Committee did not identify any concerns. The Chisago Lake Town Board considered the request on April 18, 2023 and recommended approval with the condition that structures were no closer to the lake than current conditions. The state mandated 60-day review period was scheduled to expire on May 29, 2023.

Gervais commented that staff supported the request for Variances with draft Findings of Fact and four conditions.

Chair Carlson invited the applicants to address the Board. Mary Gustafson, property owner, stepped forward along with Kelly Corbin. Gustafson thanked the Board for visiting the site on April 26, 2023.

Chair Carlson asked each Board member for additional questions and comments. Chair Carlson asked clarifying questions on the existing concrete between the proposed shed and dwelling addition. Gustafson indicated that the concrete located behind the garage would be removed with the exception of the concrete under the proposed shed and the walkway. Chair Carlson asked staff for clarification on decks and whether they were considered pervious or impervious. Gervais explained that they were considered pervious so long as water could flow through the deck boards and into the ground below. Yeager sought and received clarification from Gustafson regarding the impervious surface calculation.

Chair Carlson opened the public hearing and sought public comment. With no members of the audience wishing to speak, ***motion*** to close the public hearing by Sutcliffe; second by Yeager. The **motion passed** and carried unanimously.

***Motion*** by Sutcliffe to adopt Resolution No. BOAA2023-0401, a resolution of the Board of Adjustment and Appeals of Chisago County, Minnesota, approving Variances to Zoning Ordinance Section 4.03 and Shoreland Management Ordinance Sections 5.21 and 5.52 in order to expand a legal non-conforming structure which is closer to the OHWL than required, to allow the placement of a detached accessory structure closer to the OHWL than required, and to exceed the maximum allowable amount of impervious surface coverage on property located at 11890 Mentzer Trail in Chisago Lake Township, as presented; second by Strand. The **motion passed** and carried unanimously.

Conditions:

1. This approval grants the following Variances:
  - a. A 47' Variance to the Ordinary High Water Level (OHWL) setback requirement allowing the proposed dwelling addition to be no closer than 28' from the OHWL of South Lindstrom Lake. The addition shall comply with all other required setbacks.
  - b. A 25' Variance to the OHWL setback requirement allowing the proposed detached accessory structure to be no closer than 50' from the OHWL of South Lindstrom Lake. The structure shall not be located any closer to the OHWL of South Lindstrom Lake than the existing 10' x 12' detached accessory structure which its replacing. The structure shall comply with all other setback requirements.
  - c. A 2% Variance to the impervious surface coverage requirement allowing the total amount of impervious surface to be no greater than 27%.
2. The sizes and locations of the dwelling addition and detached accessory structure shall be in general conformance with the application materials, including site plan, dated received March 20, 2023. Any significant deviation from the approved request and site plan, as determined by Department of Environmental Services staff, shall require further review and approval from the Board of Adjustment and Appeals at the property owner's expense.
3. The property owner shall obtain a building permit prior to construction of the dwelling addition and, further, the addition shall comply with all applicable codes and regulations.
4. This Variance shall be made use of within one year of the date of approval or it shall become null and void.

**Kenneth & Mary Evanoff** – Coordinator Gervais provided background information on Kenneth & Mary Evanoff's Variance request for property located at 32740 N. Center Court in Chisago Lake Township (PID

02.01080.00), explaining that the property owners were requesting Variance approval to allow the expansion of their non-conforming structure by expanding the basement which would result in a taller ceiling height in the basement and an overall increase in the height of the dwelling.

Gervais explained that the .21-acre parcel was platted in 1955 and was considered a legal non-conforming parcel, adding that the site was located on the east side of North Center Lake in the Rural Residential II (RRII) District / Shoreland Management District. The subject site had been developed with a dwelling and detached garage and received Variance approval in 2022 to construct an addition which would connect the two structures. Surrounding properties were similarly zoned and developed.

Gervais again reviewed the proposal, explaining that the Evanoffs were requesting Variance approval to allow the expansion of their legal non-conforming structure by expanding the basement. The proposed expansion, similar to the existing dwelling, would be closer to the OHWL than allowed by the Shoreland Management Ordinance but would not encroach any closer than the existing dwelling. The ceiling height of the basement currently varied, with the greatest height being 6'6", and the Evanoffs wished to increase the height of the basement to be in compliance with the Building Code. Being that the lowest floor elevation would need to be at least 3' above the highest known water level or 3' above OHWL, whichever was higher, this would likely mean that the basement floor could not go any deeper and the overall height of the dwelling would need to increase. During the Technical Review Committee meeting, the Evanoffs explained that the dwelling would be lifted approximately 32" to accommodate the expanded basement and to bring the dwelling to the same elevation as the garage. Gervais added that the Evanoff's stated purpose for improving the basement was to have an accessible area for safety and protection in bad weather and to have adequate dry space for a furnace, air conditioner, water heater, and possible extra storage area. The existing dirt floor would be improved with concrete. No additional bedrooms were proposed as part of the expansion.

The Technical Review Committee met with the property owners on April 12, 2023. The Committee did not identify any issues or concerns. The Chisago Lake Town Board considered the request on April 18, 2023 and recommended approval with the condition that the basement was to be built above high water level. The Town Board also commented that the property owners were not proposing to expand the footprint and that the Board supported extension of the 2022 Variance approval. The State mandated 60-day review period was scheduled to expire on May 29, 2023.

Gervais stated that staff recommended approval of the request with draft Findings of Fact and six conditions.

Property owners Kenneth & Mary Evanoff were present and available to address questions and concerns. M. Evanoff thanked the Board for visiting the site on April 26, 2023.

Chair Carlson asked each Board member for questions and comments. Yeager asked a clarifying question about the proposed expansion, seeking confirmation that the proposed expansion was vertical / height rather than expansion of the footprint. Gervais confirmed that the proposed expansion related to the height of the structure. Chair Carlson inquired if the dwelling would be designed as a walk-out. K. Evanoff confirmed that it would be a walk-out. Carlson inquired about other design specifications and the Evanoffs provided the requested details.

Chair Carlson opened the public hearing and sought public comment. With no members of the audience wishing to speak, **motion** to close the public hearing by Strand; second by Sutcliffe. The **motion passed** and carried unanimously.

Yeager inquired if the conditions approved in 2022 would still be in effect if the current request was approved. Gervais confirmed that all 2022 conditions would still be in effect, except for that staff was proposing the extension of the 2022 Variance to align with the 2023 Variance if approved.

**Motion** by Strand to adopt Resolution No. BOAA2023-0402, a resolution of the Board of Adjustment and Appeals of Chisago County, Minnesota, approving Variances to Zoning Ordinance Section 4.03 and Shoreland Management Ordinance Section 5.21 in order to expand a legal non-conforming structure on property located at 32740 N. Center Court in Chisago Lake Township, as presented; second by Sutcliffe. The **motion passed** and carried unanimously.

Conditions:

1. This approval allows for the expansion of a legal non-conforming structure in the Rural Residential II (RRII) District / Shoreland Management District through improvement of the existing basement. This approval specifically grants the following Variances:
  - a. A Variance to allow the expansion of a legal non-conforming structure.
  - b. A 47' Variance to the Ordinary High Water Level (OHWL) setback requirement allowing the existing dwelling and proposed basement expansion to be situated 28' from the OHWL.
2. The County acknowledges that the following Variances were granted on July 28, 2022 and filed with the Chisago County Recorder as Document #A-661410 allowing for a 422.5 sf addition to connect the existing dwelling and detached garage:
  - a. A 5.5' Variance to the side yard setback requirement allowing the proposed dwelling with attached garage to be situated 4.5' from the southerly property boundary;
  - b. An approximate 25' Variance to the OHWL setback requirement allowing the proposed addition to be situated approximately 50' from the OHWL;
  - c. An approximate 14' Variance to the township road setback requirement allowing the proposed addition to be situated approximately 26' from the township road Right-of-Way; and
  - d. A .7% Variance to the maximum amount of impervious surface coverage allowing the subject site to have an impervious surface coverage of 25.7%.
3. The property owners shall comply with all conditions of approval included in the July 28, 2022 Variance approval (Document #A-661410) unless specifically noted otherwise by this approval.
4. The expansion shall be constructed in general conformance with the application materials, including site plan, dated received March 29, 2023. Any deviation from the approved request shall require further review and approval from the Board of Adjustment and Appeals at the property owners' expense.
5. The property owners shall obtain a building permit prior to construction and, further, the expansion shall comply with all applicable codes and regulations except as permitted by this Variance.
6. This Variance shall be made use of within one year of the date of approval or it shall become null and void. Additionally, this approval grants an extension to the July 28, 2022 Variance approval such that the 2022 and 2023 approvals must be made use of within one year of the date of the 2023 approval or they shall both become null and void.

**John & Cassandra Clements** – Coordinator Gervais provided background information on property owner John Clements' Variance request for property located at 14824 310<sup>th</sup> Street / CSAH 37 in Chisago Lake Township (PID 02.00751.20), explaining that the property owner was seeking Variance approval in order to exceed the maximum amount of allowable accessory storage space in the Rural Residential II (RRII) District. Gervais shared that the subject site was 4.9 acres in size and generally located north of the intersection of 310<sup>th</sup> Street / CSAH

37 and Pleasant Valley Road. Surrounding properties to the west, east and immediate south were zoned RR11 and properties to the north were zoned Agricultural (AG) District. The subject site was considered a legal non-conforming parcel due in part to the fact that it had no frontage on a public road. The site had been developed with a dwelling and 1,800 sf detached accessory structure. The RR11 District allowed a maximum of 2,000 sf of accessory storage space and the property owner was seeking a Variance allowing a total of 4,680 sf of accessory storage space. The proposed detached accessory structure was 40' x 72' (2,880 sf).

Gervais explained that the applicants cited various reasons for the proposed Variance, including the fact that they owned several pieces of machinery and equipment (a 30' motorhome, a 20' boat, a skid steer with many different attachments and a 24' trailer, two snowmobiles and a snowmobile trailer, a car trailer, a tractor, a riding lawnmower, and a 4-wheeler); the proposed structure would provide dedicated covered storage for the machinery and equipment; the applicants maintained and repaired their own machinery and equipment and the proposed structure would provide dedicated space for a workshop; the applicants believed that an indoor workshop would reduce noise pollution associated with maintenance and repair; and, the applicants believed that the proposed structure would provide security for their machinery and equipment and provide a better appearance of their property.

Gervais commented that the application materials, in an effort to demonstrate that the request would not alter the essential character of the neighborhood, cited four other properties in the immediate vicinity which had more than 2,000 sf of accessory storage space. Gervais reviewed details of each property, explaining that one was located in the AG District which had no limit on the amount of accessory storage space, two were classified as legal non-conforming uses, and the final property was likely issued a building permit in error.

Gervais reviewed two examples of similar requests reviewed by the Board in 2022 in an effort to demonstrate that the Clements' request far exceeded what the Board had allowed by Variance approval in the recent past.

The Technical Review Committee met with the applicants on April 12, 2022. The group discussed the basis of the request as being a personal preference rather than related to uniqueness of the property / compliance with the State mandated practical difficulties standard. The Committee also recommended that a septic compliance inspection be completed. The Chisago Lake Town Board considered the request on April 18, 2023 and recommended approval with the condition that the structure met all setback requirements. The Town Board also commented that the proposed structure was "not out of character with neighboring parcels". The 60-day review period was scheduled to expire on May 29, 2023.

Gervais shared that staff did not support the request for Variance and recommended denial and provided the Board with draft Findings of Fact for their consideration. Gervais added that, if the Board determined that the request satisfied the State mandated practical difficulties standard and provided revised Findings of Fact, staff would suggest that the Variance be approved with five conditions of approval.

Applicants John & Cassandra Clements were present and available to address questions and concerns. J. Clements inquired if the Board had viewed the surrounding properties and their accessory structures during the Board's April 26, 2023 tour, commenting that he believed his request to be in keeping with the surrounding area.

Chair Carlson opened the public hearing and sought public comment.

Roger Spencer – 14702 310<sup>th</sup> Street, Chisago Lake Township. I am the neighbor to the west. I had to adjust my lot, selling some land to the Clements. The Clements live up in woods, not bothering anyone. I don't even see their property in the summertime. I support their request.

With no other members of the audience wishing to speak, **motion** to close the public hearing by Strand; second by Yeager. The **motion passed** and carried unanimously.

Chair Carlson asked each Board member for additional questions and comments. Greene asked a clarifying question about the size of the existing detached accessory structure, believing the structure to be 1,200 sf rather than 1,800 sf (difference being a lean-to on the west end). Gervais clarified that the County included lean-tos in the overall amount of accessory storage space. Chair Carlson asked how the applicants determined the size of the proposed structure. J. Clements described that they added the measurements of all the items needing to be stored and believed the proposed size of 40' x 72' would be sufficient and still allow a small amount of room for future needs. Sutcliffe inquired if the applicants would have any objection to a septic compliance inspection if the Variance were to be approved. J. Clements indicated that he would have no problem with that requirement. Sutcliffe inquired if the proposed structure would impede an alternate septic site. J. Clements explained that the alternate septic site would be located far north or east of the house. Due to the steep slope in the proposed location of the structure, Strand inquired if the applicants intended to bring in fill. J. Clements explained that he intended to construct a 12' x 100' retaining wall system and fill to level and establish the building area. Strand questioned the setback of the retaining wall and J. Clements indicated that the retaining wall would be approximately 15' from the west property boundary at its closest point.

**Motion** by Sutcliffe to adopt Resolution No. BOAA2023-0403, a resolution of the Board of Adjustment and Appeals of Chisago County, Minnesota, approving a Variance to Zoning Ordinance Section 4.08.2, F. to exceed the maximum allowable amount of accessory storage space on property located at 14824 310<sup>th</sup> Street / CSAH 37 in Chisago Lake Township, with staff's five recommended conditions and the addition of condition no. 6 requiring a septic compliance inspection and amended Findings of Fact (shown below); second by Strand. The **motion passed** and carried unanimously.

Amended Findings of Fact:

Criteria #1      The proposed action will not impair an adequate supply of light and air to adjacent property;  
Finding #1      *The proposed accessory structure will be situated in a manner that meets minimum setback requirements so as not to impair an adequate supply of light and air to adjacent properties.*

Criteria #2      The proposed action will not unreasonably increase the congestion in the public right-of-way;  
Finding #2      *The proposed accessory structure will not create additional bedrooms and will not increase the number of occupants in the proposed single family dwelling and will, therefore, not cause an increase in the amount of traffic generated at the subject site and will not increase congestion on 310<sup>th</sup> Street / CSAH 37 or surrounding roadways.*

Criteria #3      The proposed action will not increase the danger of fire or endanger the public safety;  
Finding #3      *The property owner will be required to obtain a building permit prior to construction of the proposed accessory structure and it will, therefore, be constructed in compliance with all applicable codes. Being compliant with all applicable codes will help ensure that there will be no increase to the danger of fire or endangerment of the public's safety.*

Criteria #4      The proposed action will not unreasonably cause undue negative impact to surrounding properties;  
Finding #4      ~~*The proposed accessory structure itself will likely not cause undue negative impact to surrounding properties; however, the Variance may perpetuate similar requests which, per Finding #7 below, is contrary to the intent of Zoning Ordinance Section 4.08.2, F.*~~  
*The County finds that the proposed action is consistent with surrounding properties – in terms of size / amount of accessory storage space – and therefore will not cause undue negative impacts.*

- Criteria #5  
Finding #5
- The proposed action will not cause an unreasonable strain upon existing facilities and services; *The proposed accessory structure will not create additional bedrooms and will not increase the number of occupants in the dwelling or the need for additional facilities and services; therefore, the County finds that the proposed accessory structure will not have any strain or increased impact upon existing facilities and services.*
- Criteria #6  
Finding #6
- The proposed action will not have a negative direct and indirect fiscal impact upon the County or school district, unless the proposed use is determined to be in the public interest; and *The proposed accessory structure will not have any negative fiscal impact on the County or school district. The Board of Adjustment and Appeals finds that the proposed structure will increase the property value which will, in fact, create a positive fiscal impact for both the County and school district.*
- Criteria #7  
Finding #7
- The proposed action will not be contrary in any way to the spirit and intent of applicable land use controls.
- ~~*The intent of Zoning Ordinance Section 4.08.2, F, is to establish a maximum amount of accessory storage space in the County's various zoning districts, including the Rural Residential II (RRII) District, and allows accessory storage space in proportion to lot size. The Board of Adjustment and Appeals finds that the proposed action is contrary to the intent of Zoning Ordinance Section 4.08.2, F, and finds that the application fails to fully or satisfactorily address the State mandated practical difficulties standard, specifically in terms of reasonableness and uniqueness.*~~
- The intent of Zoning Ordinance Section 4.08.2, F, is to establish a maximum amount of accessory storage space in the County's various zoning districts, including the Rural Residential II (RRII) District. However, the Zoning Ordinance also allows for Variances, including Variances to exceed the maximum amount of accessory storage space, when the requested action proves to be reasonable, when there is a unique circumstance to the property, and when it will not alter the essential character of the surrounding area. The Board of Adjustment and Appeals finds that the proposed action satisfies the three-factor test of uniqueness, reasonableness and essential character.*

Conditions:

1. This approval grants a 2,680 square foot Variance to Zoning Ordinance Section 4.08.2, F, allowing the property to have a total of 4,680 square feet of accessory storage space in the Rural Residential II (RRII) District. In addition to the existing 30' x 60' (1,800 square foot) detached accessory structure, this approval allows the construction of a 40' x 72' (2,880 square feet) detached accessory structure.
2. The accessory structure shall be constructed in general conformance with the application materials, including site plan, dated received March 30, 2023. Any significant deviation from the approved request and site plan, as determined by Department of Environmental Services staff, shall require further review and approval from the Board of Adjustment and Appeals at the property owner's expense.
3. Any future subdivision or reconfiguration of the property shall only occur in such a manner that does not reduce the existing lot area of 4.9 acres, unless the property is brought into compliance with the regulations for accessory structures / accessory storage space in the Rural Residential II (RRII) District in effect at the time of said subdivision or reconfiguration.
4. The property owner shall obtain a building permit prior to construction and, further, the accessory structure shall comply with all applicable codes and regulations except as permitted by this Variance.
5. This Variance shall be made use of within one year of the date of approval or it shall become null and void.

6. The property owner shall apply for and ensure completion of a septic compliance inspection prior to or in conjunction with the building permit application process for the approved accessory structure.

**Louis & Angela Biondo** – Coordinator Gervais provided background information on Louis & Angela Biondo’s Variance request for property located at 13XXX North Lakes Lane in Chisago Lake Township (PID 02.01271.21), explaining that the property owners wished to develop their currently vacant lakeshore property by constructing a 2,044 sf dwelling with 816 sf attached garage and 522.4 sf deck. The 1.09-acre subject site, platted as Lot 2, Block 1, Hillcrest Estates in 1989, was located within the Rural Residential I (RRI) District / Shoreland Management District. Surrounding properties located within Hillcrest Estates were similarly sized and four of the lots had been developed with dwellings and related accessory structures. It did not appear that any of the developed properties required setback Variances.

Gervais explained that the proposed dwelling and deck were shown on the survey to be as close as 17.6’ from the Top of Bluff and the attached garage was shown to be as close as 20’ to township Right-of-Way. As proposed, the dwelling, attached garage and deck were shown to meet the required 10’ side yard setbacks (north and south). The primary septic site was shown to meet all required setbacks; however, the alternate septic site was shown to be 6.9’ from Top of Bluff. The required setbacks were 30’ from Top of Bluff and 40’ from township Right-of-Way.

Gervais shared with the Board that the Chisago County Planning Commission had expressed concern about the subject site when it was platted in 1989, with the concerns relating specifically to severe slopes and buildability. Gervais added that, ultimately, the County deemed the subject site to be buildable, which in 1989 required a minimum dwelling size of 750 sf (current requirement was 960 sf) and a 10,000 sf area for primary and alternate septic sites.

The Technical Review Committee met with L. Biondo on April 12, 2022. Biondo had explained that he and his wife had modified their building plans multiple times in an effort to meet the required setbacks to the best of their ability. The Chisago Lake Town Board considered the request on April 18, 2023 and recommended approval with no conditions, commenting that the primary septic system met code, the builder planned to use an infiltration system to help mitigate erosion, site line for road and driveway, and the structure was outside road Right-of-Way. The State mandated 60-day review period was scheduled to expire on June 2, 2023.

Gervais commented that staff believed that the proposed uses – including dwelling, attached garaged, deck, and septic sites – were reasonable uses and consistent with the essential character of the neighborhood, and also believed that the subject site was unique in that it was classified as a bluff and the bluff along with required Top of Bluff setback area encompassed most of the subject site; however, staff was concerned that the applicants were proposing a structure size which was not well suited for the subject site. Gervais added that staff supported the Top of Bluff setback Variance for the alternate septic site and some level of Top of Bluff and township Right-of-Way setback Variances for the proposed dwelling, attached garage and deck; however, staff encouraged the Board to discuss further with the applicants their ability to reduce the dwelling and attached garage sizes in an effort to reduce the setback Variances needed. Ultimately, Gervais provided a recommendation of approval with six conditions.

Property owner L. Biondo was present and available to address questions and concerns. In regard to the Chisago Lake Town Board’s comments, Biondo explained that the township did not believe the proposed structure would inhibit the line of sight for traffic. He continued by describing his efforts to design and fit the proposed dwelling on the challenging triangular buildable area. Chair Carlson asked Biondo to review the five surveys included in his application materials to describe for the Board how the proposed dwelling, attached garage and septic sites had been redesigned to better fit the subject site. Board members and Biondo discussed site and neighborhood conditions and existing development within the neighborhood.



Chair Carlson asked each board member for additional questions and comments. Yeager asked clarifying questions on the proposed amount of impervious surface. Biondo commented it was proposed to be well under the maximum allowable amount of 25%. Chair Carlson inquired about the Top of Bluff setback requirement, wondering if it was a new requirement. Gervais confirmed that it had been a long-standing requirement but the County had not received many Variance requests of that type. Chair Carlson inquired about stormwater runoff concerns. Biondo responded that he intended to install an infiltration trench to ensure that water runoff from the dwelling was captured. Gervais commented that staff's recommended conditions of approval included a condition that would allow County staff to require submission of a Stormwater Pollution Prevention Plan and/or erosion control plan if deemed necessary. Chair Carlson inquired about including a condition which would prohibit clear cutting of trees. Gervais responded that the Shoreland Management Ordinance would address clear cutting, but the Board could include a condition if so desired.

Chair Carlson opened the public hearing and sought public comment. With no members of the audience wishing to speak, ***motion*** to close the public hearing by Strand; second by Greene. The ***motion passed*** and carried unanimously.

***Motion*** by Greene to adopt Resolution No. BOAA2023-0404, a resolution of the Board of Adjustment and Appeals of Chisago County, Minnesota, approving Variances allowing reduced Top of Bluff and township Right-of-Way setbacks on property located at 13XXX North Lakes Lane in Chisago Lake Township, as presented; second by Strand. The ***motion passed*** and carried unanimously.

Conditions:

1. This approval grants the following Variances:
  - a. A 12.4' Variance allowing a dwelling and deck to be no closer than 17.6' from Top of Bluff.
  - b. A 20' Variance allowing a dwelling with attached garage to be no closer than 20' from township Right-of-Way.
  - c. A 23.1' Variance allowing an alternate septic site to be no closer than 6.9' from Top of Bluff.
2. The subject site shall be developed in general conformance with the application materials, including survey, dated received March 31, 2023 and kept on file with the Department of Environmental Services. Any significant deviation from the approved request and survey, as determined by Department of Environmental Services staff, shall require further review and approval from the Board of Adjustment and Appeals at the property owners' expense.
3. The property owners shall provide a Stormwater Pollution Prevention Plan (SWPPP) and / or erosion control plan if deemed necessary by the Department of Environmental Services.
4. The property owners shall obtain a building permit prior to construction and, further, the structures shall comply with all applicable codes and regulations.
5. The property owners shall obtain a septic permit prior to installation of either the primary or alternate septic systems and, further, the systems shall comply with all applicable codes and regulations.
6. This Variance shall be made use of within one year of the date of approval or it shall become null and void.

#### **PUBLIC HEARINGS – CONTINUED HEARINGS**

None

#### **OLD BUISNESS**

None

**NEW BUSINESS**

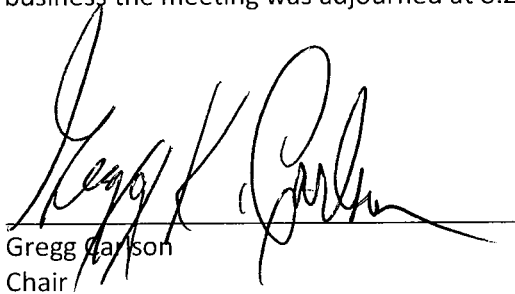
None

**MISCELLANEOUS**

Yeager explained that he was not able to attend the April 26, 2023 tour and, therefore, took a self-guided tour the weekend prior. Yeager added that when he submitted a mileage reimbursement, he was informed by staff that he was only eligible to receive a reduced mileage rate of \$0.35/mile and that prior authorization was required from staff. Yeager asked staff to address the issue of prior authorization. Gervais explained that prior authorization was ideal so that property owners / applicants could be notified. Gervais added that self-guided tours should not be a regular occurrence; they should be the exception rather than the rule. Sutcliffe commented that he had taken self-guided tours in that past and viewed subject sites from the roadway, adding that he had been questioned at times. Yeager suggested that this subject be discussed at the next Planning Commission meeting as well.

**ADJOURN MEETING**

**Motion** to adjourn by Yeager; second by Strand. The **motion passed** and carried unanimously. With no further business the meeting was adjourned at 8:28 p.m.

  
\_\_\_\_\_  
Gregg Carlson  
Chair

ATTEST:   
\_\_\_\_\_  
Beth Gervais  
Land Services Coordinator