

**CHISAGO COUNTY
BOARD OF ADJUSTMENT
OFFICIAL PROCEEDINGS
June 24, 2021 - DRAFT**

The Chisago County Board of Adjustment met in regular session at 7:00 p.m. on Thursday, June 24, 2021 in County Board Room of the Government Center.

Staff Present: Patty Perreault; Office Manager and Diane Sander; Land Services & Parks Specialist.

Chair Strand 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: Becky Strand, Doug Greene, John Sutcliffe and Gregg Carlson. Board member absent: Chip Yeager. A quorum was established with members present.

APPROVAL OF AGENDA – Motion to approve the agenda by Doug Greene. Second by John Sutcliffe. Roll call vote was taken and motion carried unanimously.

APPROVAL OF MINUTES – Motion to approve the May 27, 2021 meeting minutes by Gregg Carlson. Second by Doug Greene. Roll call vote was taken and motion carried unanimously.

RECEIPT OF MATERIALS AND SUBMITTALS INTO THE RECORD – Motion by Gregg Carlson to receive 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 the Public Hearing Staff Reports with Attachments. Staff Reports had been distributed in advance to the Board and the applicant for their review. Copies of all correspondence, meeting materials, and Staff Reports were made available at the entrance to the hearing room and for electronic distribution.

PUBLIC HEARING

Mary Callahan – Ms. Callahan and Ross Callahan were at the hearing to request a variance to expand and enclose an existing nonconforming deck closer to the ordinary high water (OHW) of the lake and side yard than the required setbacks. The property is located at 44085 Cedarcrest Trail, Fish Lake Township; Sec. 22, T. 36, R. 22 (PID# 03.00304.00). Manager Perreault presented background information on the Callahan application. The property is 0.15 of an acre and located on the west side of Horseshoe Lake. The property is zoned Rural Residential I (RRI) and within the Shoreland Overlay of the Horseshoe Lake Estates Plat. The plat was approved in 1996 and Ms. Callahan owns Lot 3. The structure as it exists today, does not meet the required 75 feet from OHW and is within the Shore Impact Zone. The proposed plan is to add another 16 feet to the existing deck on the back (lakeside) of the cabin as well as a 4 x 5 landing with stairs. The entire lakeside of the deck (approximately 10 x 36) will then be enclosed with a screen porch. The landing and stairway will be constructed outside of the screened in area on the south end of the new deck near the side property line. The existing walkway on the north side of the cabin will remain the same and will not be enclosed. Fish Lake Township recommended approval with no conditions on June 14, 2021. Technical review was held on June 9, 2021 and not aware of concerns to nearby properties.

Ms. Callahan and Ross Callahan were available to address questions and concerns. Discussion was held on the location of the landing and stairs to the lake and side yard setbacks. Chair Strand opened the public hearing and sought comment. No one was present to testify in the matter. With no additional person wishing to speak, **motion** by Gregg Carlson to close the public hearing. Second by Doug Greene. Roll call vote was taken and motion carried unanimously. Each board member was asked for additional questions and comments.

Motion by John Sutcliffe to approve the variance application to allow expansion of a nonconforming structure at 44085 Cedarcrest Trail, (PID#03.00304.00), to be no closer than a setback of 42 feet from OHW or not to encroach beyond existing rear deck line with covered porch, to be no closer than a setback of 43 feet from

OHW for stairs, not to be closer than 3 ft from side property line and not to exceed 25% impervious surface. Motion is based on findings of fact, staff report, site plan and narrative of records as presented. Second by Doug Greene. Roll call vote was taken 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.

John and Ana Bivans – The property is located at 52295 Azalea Avenue, Nessel Township; Sec. 9, T. 37, R. 22 (PID# 06.01284.00). Manager Perreault reported the applicants have extended the time limit of their application to allow additional time to work with the Department of Health.

Jesse Kramer – Mr. Kramer and Mrs. Kramer were present at the hearing to request a variance to rebuild and expand an existing nonconforming detached garage closer to road than the required setback. The property is located at 29940 Glader Boulevard, Chisago Lake Township; Sec. 3, T. 33, R. 22 (PID# 02.01713.00). Manager Perreault presented background information on the Kramer application. The property is 0.39 of an acre and located on South Center Lake. The property is zoned Urban Residential (UR) and within the Shoreland Overlay and Lot A of the Sunset Point Plat. The plat was approved in 1947. The proposed plan is to demo the current detached 14 x 28 garage due to age and water problems with the foundation. Mr. Kramer would replace the structure with a larger detached 24 x 24 garage and raise the foundation to fix drainage problems. The impervious surface calculation with the new garage is approximately 17%. Chisago Lake Township recommended approval on June 15, 2021 with no conditions. Technical review was held on June 9, 2021 and staff noted denial of the variance would be inconsistent with past practice due to preexisting development.

Mr. Kramer and Mrs. Kramer were available to address questions and concerns. Gregg Carlson asked for clarification on the side yard setback. Chair Strand opened the public hearing and sought comment. No one was present to testify in the matter. With no additional person wishing to speak, **motion** by John Sutcliffe to close the public hearing. Second by Doug Greene. Roll call vote was taken and motion carried unanimously. Each board member was asked for additional questions and comments. **Motion** by Gregg Carlson to approve the variance application to replace the detached accessory building with a 24 x 24 detached structure four feet further from the front property stakes, closer to the road than the required setback on a substandard lake lot at 29940 Glader Boulevard, (PID#02.01713.00). Motion is based on findings of fact, staff report, site plan and narrative of record as presented. Second by Doug Greene. Roll call vote was taken 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 on substandard lake lots.
3. The Variance as presented by the Applicant has demonstrated the least impactful design that seeks the minimalist degree of variance that still allows for expansion of the non-conforming structure in a reasonable manner and maintains a reasonable use of the property within this zoning district.

Motion by Gregg Carlson to adjourn. Second by John Sutcliffe. Roll call vote was taken and motion carried unanimously. With no further business the meeting was adjourned at 7:23 p.m.