

**CHISAGO COUNTY
BOARD OF ADJUSTMENT
OFFICIAL PROCEEDINGS
July 29, 2021**

The Chisago County Board of Adjustment met in regular session at 7:00 p.m. on Thursday, July 29, 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, Chip Yeager, John Sutcliffe and Gregg Carlson. A quorum was established with members present.

APPROVAL OF AGENDA – Motion to approve the agenda by Gregg Carlson. Second by Chip Yeager. Roll call vote was taken and motion carried unanimously.

APPROVAL OF MINUTES – Motion to approve the June 24, 2021 meeting minutes by Gregg Carlson. Second by Doug Greene. Roll call vote was taken (Chip Yeager abstained; absent for this meeting) and motion carried unanimously.

RECEIPT OF MATERIALS AND SUBMITTALS INTO THE RECORD – Motion by Doug Greene to receive all applications, submittals, reports and other materials into the record by reference. Second by John Sutcliffe. Roll call vote was taken and 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

David Pederson – Mr. Pederson was at the hearing to request a variance to construct a fence taller than six feet within the road setback area. The property is located at 46680 Beach Road, Fish Lake Township; Sec. 10, T. 36, R. 22 (PID# 03.01157.00). Manager Perreault presented background information on the Pederson application. The property is 0.31 of an acre and located on the east side of Goose Lake. The property is zoned Rural Residential I (RRI) and within the Shoreland Overlay. The parcel is located within the Hilding Beach Plat. The plat was approved in 1965 and Mr. Pederson owns Lot 6, Block 1. The proposed plan is to install an eight feet tall fence, five feet from the side property line starting at the back of the detached garage running west 20 feet towards the lake. The fence will be approximately 140 feet to the Ordinary High Water (OHW) mark. The requested fence is to reduce and block neighboring noise due to the proximity of a jungle gym to the property line and bedrooms on the north side of the home. The fence would not affect traffic site lines and an existing arborvitae hedge along the property line adds additional screening from the neighboring property. Fish Lake Township recommended approval with no conditions on July 12, 2021. Technical review was held on July 14, 2021 and determined there were no identified impacts or concerns.

Mr. Pederson was available to address questions and concerns. Mr. Pederson explained that three arborvitae will be removed due to missing lower branches. The arborvitae have provided privacy but now provide less coverage. The jungle gym is only 28 feet from a bedroom on the property. Mr. Pederson had constructed a fence on the other side of the property, which met setbacks and the new fence will match the existing fence. Mr. Pederson explained an eight foot tall wooden fence would provide privacy from the neighbors. It may not reduce noise during a busy weekend, but would allow for additional privacy. Chip Yeager reminded the applicant the finished side of the fence will be facing the neighbors.

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 Chip Yeager to close the public hearing. Second by John Sutcliffe. 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 build a fence up to eight feet in height and be closer to the road right of way than the required setback at 46680 Beach Road, (PID#03.01157.00) based on findings of fact, staff report, site plan and narrative of records as presented. Second by Chip Yeager. Roll call vote was taken and motion carried unanimously.

Findings of Fact:

1. The Variance request is not created by the Landowner and is consistent with previous approvals on small tracts of land with unique noise or sight circumstances.
2. The Variance as presented by the Applicant is determined to be a reasonable request and use of the parcel.
3. The Variance does not cause a detriment to neighboring properties.

Michael and Anna Ashley – Mr. and Mrs. Ashley were present at the hearing to request a variance to rebuild an existing home and detached garage with a new house, portico, rear addition and attached garage on the same foundation, closer to the road than the required setback. Alternatively/Option #2 request a variance to replace the garage with a larger attached garage and add a portico on the home closer to the road than the required setback. The property is located at 10800 Green Lake Trail, Chisago Lake Township; Sec. 19, T. 33, R. 20 (PID# 02.00159.00). Manager Perreault presented background information on the Ashley application. The owners would like to rebuild a year-round dwelling with attached garage. The new house would be placed on the existing foundation and would include an addition on the lakeside and portico front entry that would be six feet closer to the road than the existing structure. The attached garage would be 12 feet closer to the road than the existing detached garage. All existing structures would be removed. The second option would replace the existing 24 x 30 detached garage with a larger 36 x 50 attached garage, 12 feet closer to road; construct the lakeside addition on the existing home and add 10 x 6 portico entry six feet closer to the road. The property is 1.8 acres and located on Green Lake. The property is zoned RRI and within the Shoreland Overlay. The Green Lake Trail runs on the south end of the property. Most of the detached garage and more than half of the existing house are within the setback area. The existing structures are considered legal nonconforming, and impervious surface would not be an issue with either proposal. The 36 x 50 (1,800 square foot) attached garage falls within the maximum 2,000 square feet of accessory storage allowed in RRI district on this lot size. Chisago Lake Township recommended approval on July 20, 2021 with no conditions. Technical review was held on July 14, 2021. County Engineer stated that the Ashley's were recently allowed a second access so they would not have to back their trailer into the small driveway from the highway. In looking to rebuild, the County Engineer expected the proposal as presented would require the access to revert back to a single driveway access.

Mr. and Mrs. Ashley were available to address questions and concerns. Mr. Ashley reported his request changed and would like to leave the house as is and remodel it. The updated proposal would increase the height of the existing home by removing the roof, increase height of the walls to allow for windows and engineered trusses. The proposal would still include the addition on the lakeside with a walkout, add the front portico, and bring the garage forward and attached it to house. Discussion followed on the proposed remodel and building options the applicants have provided and currently proposed. Manager Perreault recommended the applicants should request a time extension since the scope of the project has changed with increasing height of the home and allow additional time to finalize their building plans. Manager Perreault reviewed the variance process and changes to a legal nonconforming structure. The applicants could tear down and replace

exactly the same without a variance or adhere to their initial request. Mr. Ashley explained no matter what he is proposing would be considered expanding the existing home. Mr. and Mrs. Ashley request a time extension to finalize their building plans. **Motion** by Gregg Carlson to approve a 90 day time extension. Second by John Sutcliffe. Roll call vote was taken and motion carried unanimously.

Robert and Katherine Robins – Mr. and Mrs. Robins were present at the hearing to request a variance to rebuild, add onto, and raise a nonconforming cabin and replace an existing nonconforming detached garage, closer to the road, side property lines, and lake than the required setbacks, and to exceed impervious surface coverage requirements in the RRI Zoning District. The property is located at 12200 Mentzer Trail, Chisago Lake Township; Sec. 5, T. 33, R. 20 (PIDS #02.01647.00 & 02.01645.00). Manager Perreault presented background information on the Robins application. The two parcels total 0.31 of an acre and located on the south side of South Lindstrom Lake. The property is zoned RRI and within the Shoreland Overlay. The parcels are located within the South Beach Plat. The plat was approved in 1952; Lots 33 and 34. The lots were created legally, prior to zoning and considered nonconforming due to noncompliance with present day zoning and shoreland ordinance requirements. Minnesota law allows for the exact reconstruction/replacement for nonconforming structures, but it does not allow for any expansion. The proposal would include an addition and raising the foundation. The cabin sits approximately 10 feet from the OHW mark at the closest point and a substantial portion of the dwelling and garage is within the floodplain. The Floodplain Ordinance prohibits new construction or expansion of the dimensions of a structure within a floodplain. The proposal would exceed impervious surface coverage at 25.5 percent. The proposed detached garage would be 35 feet from the Township Road right of way. The dwelling would remain ten feet from OHW mark. Chisago Lake Township recommended approval with no conditions on July 20, 2021. Technical review was held on July 14, 2021. The Department of Natural Resources (DNR) Area Hydrologist expressed concern whether the proposal could meet the Floodplain Ordinance and seeking comment from the DNR Floodplain Coordinator. Staff noted concerns in the Floodplain Ordinance Section 10.5(a) and expansion of the use proposed should it remain in the floodplain. Mr. Robins requested a variance in 2009 and the Board of Adjustment approved a modified variance to relocate the house so the lakeside of the house (not including the existing deck) would be located at the same setback as the garage, approximately 35 ft from the road right of way.

Mr. and Mrs. Robins were available to address questions and concerns. Mr. Robins indicated the water was the highest in 1992 and a controlled outlet structure was installed. Mr. Robins indicated his neighbor received a variance. He is requesting to raise the foundation higher, add living space to make the structure more useable, and trying to reduce a wet basement/smell by getting the structure out of the flood zone. Mr. Robins did not think it was an unreasonable request. Discussion followed on relocating the house away from the lake and the 2009 variance that was never acted on. Mr. Robins indicated he did not want to relocate the house because there would be additional expense in a new foundation, redesign for the septic system, and relocation of a fence. Manager Perreault reviewed the variance process and changes to a legal nonconforming structure and the need for the applicant to discuss the proposal with DNR Floodplain Coordinator. Discussion was held on the proposal and scope of project did not include lifting garage. Concerns were raised with the amount of fill needed to raise the foundation and variance needed from the DNR. Mr. Robins requested a time extension to allow for additional time to discuss his project with DNR Floodplain Coordinator and update the building site plan. **Motion** by John Sutcliffe to approve a 90 day time extension. Second by Gregg Carlson. Roll call vote was taken and motion carried unanimously.

Motion by Chip Yeager to adjourn. Second by John Sutcliffe. Roll call vote was taken and motion carried unanimously. With no further business the meeting was adjourned at 7:45 p.m.