

**CHISAGO COUNTY  
BOARD OF ADJUSTMENT  
OFFICIAL PROCEEDINGS  
January 27, 2022**

The Chisago County Board of Adjustment met in regular session at 7:00 p.m. on Thursday, January 27, 2022 in the County Board Room of the Chisago County Government Center.

Staff Present: Beth Thorp, Land Services Coordinator and Diane Sander, Land Services & Parks Specialist.

Coordinator Thorp 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: Doug Greene, Becky Strand, John Sutcliffe, Chip Yeager and Gregg Carlson. A quorum was established with all members present.

**APPOINTMENT OF OFFICERS** – Coordinator Thorp called for nominations for 2022 Chair. Gregg Carlson nominated Chip Yeager for Chair, second by Becky Strand. Upon multiple calls, no other nominations were made. Roll call vote was taken and motion carried unanimously.

Chair Yeager called for nominations for 2022 Vice Chair. Doug Greene nominated John Sutcliffe for Vice Chair. John Sutcliffe nominated Gregg Carlson for Vice Chair, second by Doug Greene to nominate Gregg Carlson as Vice Chair. Upon multiple calls, no other nominations were made. Roll call vote was taken and motion carried unanimously.

Chair Yeager thanked Becky Strand for her work as 2021 Board of Adjustment Chair.

**APPROVAL OF AGENDA** – Motion to approve the agenda by John Sutcliffe, second by Becky Strand. The motion passed and carried unanimously.

**APPROVAL OF MINUTES** – Motion to approve the October 28, 2021 meeting minutes by Gregg Carlson, second by John Sutcliffe. The motion passed and carried unanimously.

**RECEIVE ALL MATERIALS AND SUBMITTALS INTO THE RECORD** – Motion by Becky Strand to receive all applications, submittals, reports, and other materials into the record by reference, second by Doug Greene. Motion carried unanimously. Meeting materials distributed in advance to the Board of Adjustment and Appeals for their review included: Public Hearing Staff Report with Attachments, 2022 Meeting Schedule Staff Report, Site Visit Guidelines Staff Report, and Annual Review of Planning Commission and Board of Adjustment and Appeals Policy on commission/Board Structure, Meeting Order and General Procedure Staff Report. Public Hearing Staff Report had been distributed in advance to the Board and the applicant for their review. 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**

**Spencer Richards** – Mr. and Mrs. Richards were present at the hearing to request a three-part Variance to assist with the conversion of a seasonal cabin into a year-round home. The Variance request includes: First, construct a garage 15 feet from the township road right-of-way where the minimum required setback is 40 feet; second, to construct an addition to the existing dwelling that will encroach into the required minimum 20 foot setback to the septic system; and third, to construct an addition to the existing dwelling 5 feet from the southern property

boundary where the minimum required side yard setback is 10 feet. The property is zoned Rural Residential I (RRI) District in the Shoreland Management District located at 46340 Beach Road, Fish Lake Township, S10, T36, R22 (PID# 03.01183.00).

Coordinator Thorp presented background information on the Richards' application. The lot is located on the southeast shore of Goose Lake in the Hilding Beach subdivision, platted in 1965 prior to adoption of the County's Zoning and Shoreland Management Ordinances. Several Beach Road properties include garages constructed closer to the roadway than the required 40-foot setback. The proposed Variance, if approved, could potentially result in a significantly larger dwelling with attached garage generally situated near the southern property boundary. The property to the south is undeveloped and would see little impact; the property to the north is separated by distance and Richards' septic system and would likely see little impact. Thorp explained that the applicant is proposing a 15-foot setback to the township road right-of-way and a side yard setback of 5 feet; however, through the course of the review process it was determined that the applicant could meet the required septic system setback of 20 feet. Thorp stated that the applicant withdrew the septic system setback portion of his request. Proposed impervious surface coverage after construction is reported to be 18.9%. The maximum amount of accessory storage space will be 1,241 square feet. Thorp explained that the existing septic system was designed for two bedrooms and the applicant was proposing a three-bedroom dwelling, adding that the applicant's septic designer provided options to address the increase in bedrooms and recommended the use of a flow restriction device. Thorp added that the septic designer's suggestions were incorporated into the proposed conditions of approval. The Minnesota Department of Natural Resources (DNR) did not comment on this Variance; however, the DNR generally cautions against Variances in the shoreland area and recommends upholding established shoreland standards in order to reduce impacts on water quality. Fish Lake Township recommended approval on January 10, 2022 with no conditions. Technical review was held on January 12, 2022 and had no other identified impacts.

Mr. and Mrs. Richards were present and available to address questions and concerns. Mr. Richards noted his biggest concern was the setback from the septic system. He has been working with Kellie Strobel, County Sanitarian on options for the septic system. He did not have plans/design for the addition yet, but it will include a large mud room and will not exceed the maximum accessory storage space. John Sutcliffe asked clarifying questions on the new driveway location; Richards stated that a new driveway will be constructed off with direct access to Beach Road. Becky Strand noted concerns of the well and garage location. Gregg Carlson asked how Richards determined the impervious surface calculation without a concept drawing; Richards explained he used the largest addition measurements and accessory storage square footage to determine the impervious surface percentage. Richards stated that he was seeking Variance approval prior to finalizing building plans so that he would know how big the addition could be. Coordinator Thorp indicated the applicant will need to identify the ordinary high water level (OHWL) and demonstrate compliance with the required setback.

Chair Yeager sought public 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 Becky Strand. The motion passed and carried unanimously. Each board member was asked for additional questions and comments. ***Motion*** by John Sutcliffe to approve Resolution BOAA2022-0101, a resolution approving a Variance allowing a reduced township road right-of-way setback and side yard setback on property located at 46340 Beach Road in Fish Lake Township, with Findings of Fact and conditions as presented and with the addition of condition #7 *"The applicant / property owner shall relocate the driveway so that it extends directly from Beach Road to the subject site rather than encroaching onto the adjacent privately owned property"*, second by Gregg Carlson. The motion passed and carried unanimously.

#### **Approved Conditions:**

1. This approval grants the following Variances:
  - a. A 5' Variance to the side yard setback requirement (southern property boundary only) allowing the expanded structure to be no closer than 5' from the property boundary.
  - b. A 25' Variance to the township road right-of-way setback requirement allowing the expanded structure (attached garage) to be no closer than 15' from the right-of-way.
2. The addition shall be constructed in general conformance with the application materials, including site plan, dated received December 3, 2021, except as specifically noted below. Any deviation from the approved request and site plan shall require further review and approval from the Board of Adjustment and Appeals.
3. Per the Chisago County Zoning Ordinance, the subject site is limited to a total maximum accessory storage space amount of 1,241 square feet, including all accessory structures / spaces both attached and detached. The proposed attached garage must be constructed in compliance with the accessory storage space requirements of the County's Zoning Ordinance.
4. The applicant / property owner shall provide a survey or otherwise identify the OHWL and demonstrate compliance with all related and applicable setback requirements at the time of building permit application.
5. Per the letter from AT Septic Inspections & Design, Inc. dated January 18, 2022 and on file with the Chisago County Department of Environmental Services, if the applicant / property owner increases the number of bedrooms from two to three, the applicant / property owner shall be required to do the following:
  - The applicant / property owner shall install a flow restriction device (timer and event counter) to the existing septic system, limiting the number of gallons that can be used daily. The system will be put on an operating permit for the life of the system and a new monitoring plan will be required. The property owner will be required to hire a service provider to check the system twice annually. The property owner will be responsible for reading the counter monthly and submitting readings to the Chisago County Department of Environmental Services quarterly. All of this will be required for the life of the system. If these measures are not followed, the system will be classified non-compliant.
  - If the property owner attempts the first option and experiences issues / trouble, the property owner may install another tank after the pump tank as an overflow tank, which will be considered a holding tank. The holding tank will need a pumping contract with a licensed maintainer. A second option would be that the property owner may add an additional 13 feet to the existing mound. This addition would require an Administrative Variance prior to installation in order to encroach on the side yard setback (north property boundary) and would only be permitted if all other required setbacks can be met, including a 100' setback from the neighbor's well.
6. This Variance shall be made use of within one year of the date of approval or it shall become null and void.
7. The applicant/property owner shall relocate the driveway so that it extends directly from Beach Road to the subject site rather than encroaching onto the adjacent privately owned property.

## NEW BUSINESS

### Adoption of 2022 Meeting Schedule

Coordinator Thorp reviewed the 2022 Board of Adjustment meeting schedule, explaining that the draft meeting schedule is consistent with the 2021 meeting schedule with meetings held on the last Thursday of every month at 7:00 pm and affiliated tour conducted on the preceding Wednesday at 8:15 am. Coordinator Thorp identified a November meeting conflict and suggested rescheduling to December 1 at 6:00 pm (*Clerks Note: earlier time due to Planning Commission meeting at 7:00 pm on same date*). **Motion** by Gregg Carlson to approve the 2022 Board of Adjustment and Appeals meeting

schedule as presented with the rescheduled November meeting date being December 1 at 6:00 pm, second by Doug Greene. The motion passed and carried unanimously.

### **Review of Site Visit Guidelines**

Coordinator Thorp provided a quick overview of the guidelines document that was drafted by Assistant County Attorney Fuge with assistance from Environmental Services staff. General discussion followed about proper etiquette for questions and comments during tours and public hearings. No action was requested or taken on this item.

### **Annual Review of Planning Commission and Board of Adjustment and Appeals Policy on Commission/Board Structure, Meeting Order and General Procedure**

Coordinator Thorp indicated the Policy, approved by the County Board in 2020, was drafted for both Planning Commission and Board of Adjustment and each board was tasked with reviewing the Policy annually. She reviewed the Planning Commission's January 6, 2022 discussion and the Commission's recommendation of approval with no suggested changes. General discussion followed on additional meeting materials and distribution by staff. Gregg Carlson suggested making an addition to Section 15, allowing the Chair to make and second motions. It was noted by Thorp and other board members that it was not customary for the Chair to make or second motions, but it was not prohibited. **Motion** by Gregg Carlson to recommend the *Planning Commission and Board of Adjustment and Appeals Policy on Commission/Board Structure, Meeting Order and General Procedure* with addition under Section 15. Duties of Officers to the County Board for consideration:

#### **SECTION 15. DUTIES OF OFFICERS**

7. The presiding officer has the responsibility to facilitate discussion by the Commission/Board. This may occur in a variety of ways, including:
  - Call for motions or recommend motions, or make motions or second motions.

Second by Chair Yeager. The motion passed and carried unanimously.

**ADJOURN MEETING** – **Motion** by Doug Greene to adjourn, second by Becky Strand. The motion passed and carried unanimously. With no further business the meeting was adjourned at 7:48 p.m.