

**CHISAGO COUNTY
BOARD OF ADJUSTMENT & APPEALS
OFFICIAL PROCEEDINGS
April 28, 2022**

The Chisago County Board of Adjustment & Appeals met in regular session at 7:00 p.m. on Thursday, April 28, 2022 in the County Board Room of the Chisago County Government Center.

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

Chair Yeager 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, Becky Strand, and John Sutcliffe. Absent: Gregg Carlson. A quorum was established.

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

APPROVAL OF MINUTES – Motion by John Sutcliffe to approve the March 31, 2022 meeting minutes as presented, second by Doug Greene. 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 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

Kim Smith – Kim Smith and Susan Hancock, property owners, requested a 20' road setback Variance to construct a dwelling addition 115' from the centerline of Brunswick Road / County Road (CR) 63. The minimum required County Road setback is 135' from centerline. The property is zoned Agricultural (AG) District and located at 45109 Brunswick Road, Fish Lake Township, S17, T36, R22 (PID# 03.00225.00).

Coordinator Gervais presented background information on the Smith-Hancock application. Kim Smith wishes to construct a 20' x 26' dwelling addition with full basement. The existing home was constructed in the 1960s approximately 115' from the centerline of Brunswick Road / CR 63. The existing home pre-dates the County's Zoning Ordinance and is therefore considered a legal non-conforming structure. The property owners will only be allowed to expand the non-conforming structure and encroach on the County Road setback if a Variance is granted. Due to the existing layout of the house and location of the septic system and well, the proposed location of the addition is the most feasible option. The existing septic system was designed for two bedrooms and the proposed addition does not include any additional bedrooms; therefore, the septic system will not need to be enlarged. Fish Lake Township recommended approval on April 11, 2022 with no conditions. The Technical Review Committee considered the request on April 13, 2022 and no concerns were identified.

Kim Smith and Susan Hancock were present and available to address questions and concerns. Chair Yeager sought public comment; no one was present to testify on 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 BOAA2022-0401, a resolution approving a Variance allowing a reduced roadway setback on property located at 45109 Brunswick Road / County Road 63 (PID# 03.00225.00) in Fish Lake Township, with Findings of Fact and conditions as presented, second by Doug Greene. The motion passed and carried unanimously.

Approved Conditions:

1. This approval grants a 20' Variance to the County Road setback requirement allowing the dwelling addition to be no closer than 115' from the centerline of Brunswick Road / CR 63. The structure shall comply with all other setback requirements.
2. The dwelling addition shall be constructed in general conformance with the application materials, including site plan, dated received March 30, 2022. Any deviation from the approved request and site plan 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 and, further, the dwelling 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.

Mark Forsberg and Mary Jane Sahl – Mark Forsberg and Mary Jane Sahl, property owners, requested a Variance to construct a dwelling addition on a legal non-conforming structure with an approximate 25' setback from a Township Road where the minimum required setback for structures is 40'. The property is located at 29140 Summer Street, Franconia Township, S3, T33, R19 (PID# 04.00514.00).

Coordinator Gervais presented background information on the Forsberg-Sahl application. The existing single family home, known as The Paul Munch House, was constructed in 1854 and is listed on the National Register of Historic Places. Research shows that the structure, while constructed in 1854, was moved to the subject site in 1867. The dwelling was moved to the site more than 100 years prior to the County's adoption of the Zoning Ordinance and is therefore considered a legal non-conforming structure. The property owners will only be allowed to expand the non-conforming structure if a Variance is granted. Forsberg and Sahl are proposing two additions to the existing dwelling, including an approximate 12'8" x 20'8" one-story addition to the rear of the dwelling and an approximate 8' x 27' covered porch on the southeast side of the dwelling. The rear addition is intended to provide space for a bathroom and laundry room. The floor plans show that the kitchen will be relocated to the addition, making room for the desired bathroom and laundry room in the existing dwelling. The proposed additions themselves will meet all setback requirements and will not exacerbate the existing non-conforming roadway setback. The existing septic system was designed for four bedrooms. The proposed additions do not include any bedrooms and will therefore not require expansion of the septic system. The Franconia Town Board recommended approval on April 19, 2022 with no conditions. The Technical Review Committee considered the request on April 13, 2022 and overall no concerns were identified; however, the Code Enforcement Officer did inquire about the National Register of Historic Places designation. The property owners informed staff that this designation places very little to no restriction on residential structures. Following the technical review, staff confirmed that "Under federal law, the listing of a property in the National Register places no restrictions on what a non-federal owner may do with their property up to and including destruction, unless the property is involved in a project that receives Federal assistance." Staff is recommending a condition of approval that would place the burden of verifying eligibility to expand the National Register of Historic Places designated structure on the property owners.

Mark Forsberg and Mary Jane Sahl were present and available to address questions and concerns. Chair Yeager sought public comment; no one was present to testify on the matter. With no additional person wishing to speak, ***motion*** by Becky Strand to close the public hearing, second by John Sutcliffe. The motion passed and carried unanimously. Each board member was asked for additional questions and comments. ***Motion*** by Becky strand to approve Resolution BOAA2022-0402, a resolution approving a Variance allowing the expansion of a legal non-conforming structure on property located at 29140 Summer Street (PID# 04.00514.00) in Franconia Township, with Findings of Fact and conditions as presented, second by John Sutcliffe. The motion passed and carried unanimously.

Approved Conditions:

1. This approval allows for the expansion of a non-conforming structure in the Rural Residential I (RRI) District. The County acknowledges that the existing single family dwelling is classified as a legal non-conforming structure due to the fact that it's set back 25' from the Summer Street Right-of-Way where the required minimum setback is 40'; however, the proposed expansions themselves shall meet all minimum setback requirements.
2. The dwelling additions shall be constructed in general conformance with the application materials, including site plan, dated received March 30, 2022. Any deviation from the approved request and site plan 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 and, further, the dwelling additions shall comply with all applicable codes and regulations.
4. The structure is listed on the National Register of Historic Places and it shall be the property owner's responsibility to verify eligibility to expand the structure in compliance with this designation.
5. This Variance shall be made use of within one year of the date of approval or it shall become null and void.

Miscellaneous

Chair Yeager shared that the County Board approved a redistricting plan for the County and that it would not immediately impact the Board of Adjustment and Appeals. Membership of the Board of Adjustment and Appeals is currently in compliance with MN Statute and the Chisago County Zoning Ordinance. Chair Yeager added that the Zoning Ordinance will most likely be amended to address Board and Commission memberships. Coordinator Gervais indicated that each member would most likely serve out their existing term regardless of the likely amendments.

Chair Yeager indicated he will be absent from the May 26, 2022 meeting and Vice Chair Gregg Carlson will serve as Acting Chair for the meeting.

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 7:15 p.m.