

**CHISAGO COUNTY  
BOARD OF ADJUSTMENT & APPEALS  
OFFICIAL PROCEEDINGS  
May 25, 2023**

The Chisago County Board of Adjustment & Appeals met in regular session at 7:00 p.m. on Thursday, May 25, 2023 in the County Board Room of the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; and, Nadia Broome, Support Specialist.

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: Doug Greene, Gregg Carlson, John Sutcliffe, and Becky Strand. Absent: Chip Yeager (excused). A quorum was established with all members present except Yeager.

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

**APPROVAL OF MINUTES – Motion** to approve the April 27, 2023 meeting minutes as presented by John Sutcliffe; second by Doug 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 Becky Strand; second by Doug Greene. The **motion passed** and carried unanimously. Meeting materials distributed in advance to the Board of Adjustment & Appeals for their review included: a staff report 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**

**Danny Ketchel** – Coordinator Gervais provided background information on Danny Ketchel’s Variance request for property located at 12228 Lindo Trail in Chisago Lake Township (PID 02.00461.00), explaining that the property owner was proposing to expand a legal non-conforming structure by reconstructing the second story of the dwelling and expanding it further west toward the rear of the dwelling and replacing the two existing decks with one covered deck on the side and rear of the dwelling. Based on the site plan, the existing second story appeared to be 319 sf and the proposed expansion would result in 451 sf.

Gervais explained that the 5.34-acre subject site was zoned Agricultural (AG) District and located approximately 340’ south of 374<sup>th</sup> Street / CR 74 on the west side of Lindo Trail. The site had been developed with a dwelling and two detached accessory structures, with the dwelling reported by the property owner to be more than 100 years old. Gervais stated that the property, although it met the minimum lot area, lot width and lot depth requirements for the AG District, was considered legal non-conforming due to the fact that it did not appear to have any road frontage. The application materials explained that the proposed project was an effort to restore the historic dwelling by reusing, preserving, and repurposing as much of the original materials as possible; the property owner was not

proposing to expand the existing dwelling any closer to the road; there would be no change to the existing footprint of the dwelling; and, the proposed project would improve the aesthetics of the dwelling and, as a result, the neighborhood.

The Technical Review Committee met with property owner Danny Ketchel and wife Jennifer Sorenson on May 10, 2023. Ketchel and Sorenson confirmed that no bedrooms would be added as part of the proposed project; the last septic compliance inspection was completed in approximately 2019; and, the project included the replacement of a deck on the rear and side of the dwelling. The Chisago Lake Town Board considered the request on May 16, 2023 and recommended approval with no conditions. The state mandated 60-day review period was scheduled to expire on July 1, 2023.

Gervais commented that staff believed the request to be reasonable based on the property and existing dwelling constituting pre-existing development for which the property owner had no control, and the proposed dwelling expansion not exacerbating the road setback encroachment and meeting or exceeding all other required setbacks. Gervais added that staff supported the request for Variances with draft Findings of Fact and five conditions.

Chair Carlson invited the property owner to address the Board. Property owner Danny Ketchel and wife Jennifer Sorenson stepped forward.

Chair Carlson asked staff a clarifying question regarding the recommendation for a septic certification. Coordinator Gervais explained that septic certifications were valid for three years and the County Sanitarian was recommending that a certification be completed as a preventative measure. Carlson and Gervais discussed the Board's ability to add septic certification as a condition of approval if so desired. Becky Strand asked Ketchel for clarification about the size of the proposed deck. Ketchel explained that the deck would be a 6-foot wide "L-shaped" wrap around deck on the side and rear of the dwelling with a hip roof. Strand asked staff if the proposed deck would encroach on the required roadway setback. Gervais, utilizing the County's GIS Viewer, shared that the proposed deck appeared to be approximately 40' from the east property boundary (adjacent to roadway) and approximately 74' from the centerline of Lindo Trail. Gervais suggested that the Board could add a condition requiring that the new deck not be less than 73' to the centerline of Lindo Trail. Chair Carlson inquired if the property owner intended to replace the roof as part of the project. Ketchel confirmed that the roof would be replaced along with siding and windows.

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 Becky Strand; second by Doug Greene. The **motion passed** and carried unanimously.

**Motion** by Becky Strand to adopt Resolution No. BOAA2023-0501, a resolution of the Board of Adjustment and Appeals of Chisago County, Minnesota, approving Variances to Zoning Ordinance Section 4.03 (Non-Conforming Structures and Uses) allowing the expansion of a legal non-conforming structure on property located at 12228 Lindo Trail in Chisago Lake Township, with recommended Findings of Fact, staff's five recommended conditions, and the addition of conditions requiring a septic compliance inspection and requiring that the deck be no closer than 73' from the centerline of Lindo Trail; second by Doug Greene. The **motion passed** and carried unanimously.

Conditions:

1. This approval allows for the expansion of a legal non-conforming structure in the Agricultural (AG) District by allowing:
  - a. The reconstruction and expansion of the second story; and,
  - b. The reconstruction and expansion of the existing deck on the rear and side of the dwelling. The expansion includes the addition of a roof and second set of steps.
2. The expansion shall be constructed in general conformance with the application materials, including site plan and building plans, dated received May 1, 2023. Any significant deviation from the approved request and plans, 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 expansion shall not exacerbate the existing township road setback encroachment, meaning the structure shall not be located any closer to the east property boundary / township road as a result of this Variance.
4. The deck shall not be located any closer than 73' to the centerline of Lindo Trail.
5. The property owner shall arrange for a septic compliance inspection prior to or in conjunction with the building permit application process.
6. The property owner shall obtain a building permit prior to construction and, further, the dwelling expansion shall comply with all applicable codes and regulations.
7. 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 BUSINESS**

None

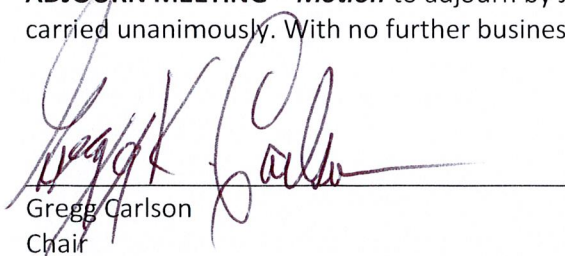
**NEW BUSINESS**

None

**MISCELLANEOUS**

None

**ADJOURN MEETING – Motion** to adjourn by John Sutcliffe; second by Becky Strand. The **motion passed** and carried unanimously. With no further business the meeting was adjourned at 7:24 p.m.

  
Gregg Carlson  
Chair

ATTEST:   
Beth Gervais  
Land Services Coordinator