

**CHISAGO COUNTY
BOARD OF ADJUSTMENT & APPEALS
OFFICIAL PROCEEDINGS
June 29, 2023**

The Chisago County Board of Adjustment & Appeals met in regular session at 7:00 p.m. on Thursday, June 29, 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, Chip Yeager, John Sutcliffe, and Becky Strand. A quorum was established with all members present.

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 May 25, 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

Kenneth and Mary Evanoff – Coordinator Gervais provided background information on Kenneth & Mary Evanoff’s Variance request for property located at 32740 N. Center Court in Chisago Lake Township (PID 02.01080.00), explaining that the property owners were requesting Variance approval to allow the expansion of their non-conforming deck. The proposed deck, similar to the existing deck, will be closer to the OHWL than allowed by the Shoreland Management Ordinance and closer to the southerly property boundary than allowed by the Zoning Ordinance but will not encroach any closer than the existing deck. The proposed deck is considered an expansion due to the fact that the height will be increased in conjunction with increasing the height of the dwelling.

Gervais explained that the .21-acre parcel was platted in 1955 and was considered a legal non-conforming parcel, adding that the site was located on the east side of North Center Lake in the Rural Residential II (RRII) District / Shoreland Management District. The subject site had been developed with a dwelling and detached garage and received Variance approval in 2022 to construct an addition which would connect the two structures, and in April 2023 allowing for the expansion of the existing basement and, subsequently, increasing the height of the dwelling. Surrounding properties were similarly zoned and developed.

The Technical Review Committee met with property owners on June 14, 2023. The group discussed the submitted impervious surface calculation worksheets and the fact that the property owners did not include a new 8'x10' structure; the property owners' intentions to maintain a pervious surface and/or use pervious materials underneath the proposed deck; and, the anticipated height of the proposed deck. The Chisago Lake Town Board considered the request on June 20, 2023 and recommended approval with no conditions. The state mandated 60-day review period was scheduled to expire on August 6, 2023.

Gervais commented it is staff's understanding that the proposed deck expansion is an expansion in height only and it will not exacerbate existing setback encroachments. The property owners have not yet acted on their previous 2022 and 2023 Variances but are satisfied with all previously approved Variances and conditions of approval. Given that the current Variance request is directly tied to the project for which Variances were granted in July 2022 and April 2023, staff is recommending, if the request is approved, that the requirement for acting on the previous Variances be extended to be in line with the current Variance request.

Chair Carlson invited the property owners to address the Board. Property owners Kenneth and Mary Evanoff stepped forward.

Chair Carlson asked staff a clarifying question regarding the pervious and impervious surface coverage, and if needed, should it be stricken out. Coordinator Gervais stated it would be a little more complicated than just striking out the previously allowed impervious surface coverage percentage of 25.7%, and allowing the amount to remain allows for unforeseen issues.

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 Chip Yeager. The ***motion passed*** and carried unanimously.

Chair Carlson sought comment from the Board. Chip Yeager stated he saw no compelling reason to change or remove the previously allowed impervious surface coverage. All members were in agreement. The Board had no other comments or questions.

Motion by Chip Yeager to adopt Resolution No. BOAA2023-0601, a resolution approving Variances to Zoning Ordinance Section 4.03 and Shoreland Management Ordinance Section 5.21 in order to expand a legal non-conforming structure on property located at 32740 N. Center Court in Chisago Lake Township, as presented or amended.; second by Doug Greene. The ***motion passed*** and carried unanimously.

Conditions:

1. This approval allows the expansion of a non-conforming structure in the Rural Residential II (RRII) District / Shoreland Management District and grants the following Variances:
 - a. A Variance to allow the replacement and expansion of a non-conforming deck by increasing the height. The existing deck appears to be less than 12" off the ground and the expanded deck will be placed at the same level as the main level sliding door on the west wall of the

dwelling (approximately 66 ½" – 74 ½" off the ground as measured at the west wall of the dwelling).

- b. A Variance to allow the expanded deck to be situated closer to the Ordinary High Water Level (OHWL) than allowed by the Chisago County Shoreland Management Ordinance and closer to the southerly property boundary (side yard) than allowed by the Chisago County Zoning Ordinance. The approved deck shall be located no closer to the OHWL or southerly property boundary than the existing deck.
2. The approved deck shall be constructed in conformance with application materials dated received May 30, 2023 and kept on file with the Department of Environmental Services, including that the deck shall be no greater than 12' wide x 8' deep (96 sq ft). Any deviation from the approved request shall require further review and approval from the Board of Adjustment and Appeals at the property owners' expense.
3. The ground underneath the deck shall remain pervious.
4. The County acknowledges that the following Variances were granted on April 27, 2023 and filed with the Chisago County Recorder as Document #T-29208 allowing the expansion of a legal non-conforming structure through expansion of the basement and overall increase in height of the dwelling:
 - a. A Variance to allow the expansion of a legal non-conforming structure.
 - b. A 47' Variance to the Ordinary High Water Level (OHWL) setback requirement allowing the existing dwelling and proposed basement expansion to be situated 28' from the OHWL.
5. The County acknowledges that the following Variances were granted on July 28, 2022 and filed with the Chisago County Recorder as Document #A-661410 allowing for a 422.5 sf addition to connect the existing dwelling and detached garage:
 - a. A 5.5' Variance to the side yard setback requirement allowing the proposed dwelling with attached garage to be situated 4.5' from the southerly property boundary;
 - b. An approximate 25' Variance to the OHWL setback requirement allowing the proposed addition to be situated approximately 50' from the OHWL;
 - c. An approximate 14' Variance to the township road setback requirement allowing the proposed addition to be situated approximately 26' from the township road Right-of-Way; and
 - d. A .7% Variance to the maximum amount of impervious surface coverage allowing the subject site to have an impervious surface coverage of 25.7%.
6. The property owners shall comply with all conditions included in the July 28, 2022 Variance approval (Document #A-661410) and April 27, 2023 Variance approval (Document #T-29208) unless specifically noted otherwise by this approval.
7. The property owners shall obtain a building permit prior to construction and, further, the deck shall comply with all applicable codes and regulations except as otherwise permitted by this Variance.
8. This Variance shall be made use of within one year of the date of approval or it shall become null and void. Additionally, this approval grants an extension to the July 28, 2022 Variance and April 27,

2023 Variance approvals such that the 2022 and 2023 approvals must be made use of within one year of the date of this approval or they shall all become null and void.

PUBLIC HEARINGS – CONTINUED HEARINGS

None

OLD BUISNESS

None

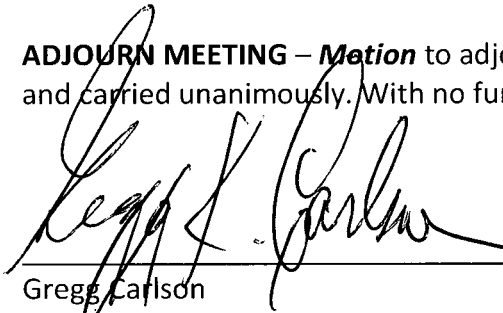
NEW BUISNESS

None

MISCELLANEOUS

None

ADJOURN MEETING – *Motion* to adjourn by Chip Yeager; second by Doug Greene. The **motion passed** and carried unanimously. With no further business the meeting was adjourned at 7:22 p.m.



Gregg Carlson
Chair

ATTEST:



Beth Gervais
Land Services Coordinator