

**CHISAGO COUNTY
BOARD OF ADJUSTMENT & APPEALS
OFFICIAL PROCEEDINGS
August 25, 2022**

The Chisago County Board of Adjustment & Appeals met in regular session at 7:00 p.m. on Thursday, August 25, 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, Gregg Carlson, John Sutcliffe, and Becky Strand. Absent: None. A quorum was established with all members present.

APPROVAL OF AGENDA – Gregg Carlson requested to add Variance Refund Discussion to Old Business as item 8a. Motion to approve the agenda with the addition of item 8a. Variance Refund Discussion by Gregg Carlson; second by Becky Strand. The motion passed and carried unanimously.

APPROVAL OF MINUTES – Motion to approve the July 28, 2022 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 by Becky Strand to receive all applications, submittals, reports, and other materials into the record with a noted correction to the staff report prepared for Steve and Cynthia Eisenbraun’s Variance request, with said correction being a text change of the Technical Review Committee Date of ~~April 13, 2022~~ to August 10, 2022; 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

Rusty and Jenny Schmidt – Property owners Rusty and Jenny Schmidt requested Variances to Zoning Ordinance Sections 4.08.2 and 5.15, allowing the construction of a single family dwelling and attached garage closer to the township road Right-of-Way and southerly side yard than allowed in the Rural Residential I (RRI) District / Shoreland Management District and to exceed the maximum amount of accessory storage space. The .49-acre property is located at 49960 Bayside Avenue, Nessel Township, S27, T37, R22 (PID# 06.01214.00).

Coordinator Gervais presented background information on the Schmidt application which is proposing to redevelop the property by removing the existing dwelling and detached garage and constructing a dwelling with attached garage. The previous property owner received a Variance in 1995 allowing the detached garage to be located no closer than 21’ from the Right-of-Way. The original request was for a 660 square foot (sf) garage; however, the Board ultimately approved the Variance allowing the garage to be no more than 572 sf. The total amount of accessory storage space was not a factor in the 1995 Variance. The site is Lot 2, Block 1 of the Pikkusuo Park subdivision, platted in 1961 prior to the County’s adoption of zoning, subdivision and shoreland regulations and considered a legal non-conforming parcel. The existing amount of impervious surface is unknown but is presumed to be less than 25% based on the proposed amount being 22.2%.

The proposal is to demolish the existing dwelling and detached garage in order to construct a 1,600 sf dwelling with partially covered 600 sf deck and attached 1,155 sf three-stall garage in generally the same location. The

site plan shows the garage as being 1,140 sf; however, the building plans show the garage at 1,155 sf. While the proposed structure will encroach on the roadway, it will not exacerbate the existing roadway setback. The number of bedrooms will not change; therefore, the septic system will not be required to expand. The existing system was deemed compliant in April 2022. In addition to the requested setback Variances, the property owners are requesting a Variance to allow a total of 1,315 sf of accessory storage space (attached garage = 1,155 sf + shed = 160 sf) where the maximum allowed – based on the zoning and size of the subject site – is 1,067.2 sf. In the past, the Board has viewed Variances on garage space to be reasonable requests on smaller lake properties. However, in many of those instances, it has been for properties with either no existing garage or possibly a one-stall garage. The applicants are proposing a three-stall garage. The Nessel Town Board recommended approval on August 10, 2022 with no conditions. The Technical Review Committee met on August 10, 2022 and the property owners discussed the challenges related to placement of the existing septic system and well. The committee did not identify any concerns.

Rusty and Jenny Schmidt were present and available to address questions and concerns. Chair Yeager asked each board member for additional questions and comments. Chair Yeager sought public comment. With no members of the audience wishing to speak, ***motion*** to close the public hearing by John Sutcliffe; second by Becky Strand. The motion passed and carried unanimously. Each Board member was asked for additional questions and comments. Chair Yeager asked board members for discussion on staff's recommendation to reduce the garage size. J. Schmidt questioned staff's determination that the square footage of the garage was 1,155 sf rather than 1,140 sf. Discussion followed on the garage size with Board members and Coordinator Gervais stating that outside dimensions/footprint of the structure are considered rather than interior dimensions. Doug Greene commented that the existing shed should meet the required setbacks and the proposed garage size should be reduced to provide better access to the well to prevent driving on the neighbor's property. Gregg Carlson supported the shed being moved to comply with the required OHWL setback (75').

Motion by Chip Yeager to approve Resolution No. BOAA2022-0801, a resolution of the Board of Adjustment and Appeals of Chisago County, Minnesota, approving a Variance allowing a reduced roadway setback and to exceed the maximum allowable accessory storage area on property located at 49960 Bayside Avenue in Nessel Township, with Findings of Fact and conditions as presented and with an amendment to condition #2 stating that the property owners shall ensure the existing shed meets all required setbacks; second by Becky Strand. The motion passed and carried unanimously.

Approved Conditions:

1. This approval grants the following Variances:
 - a. An approximate 13' Variance to the township road Right-of-Way setback allowing the proposed dwelling with attached garage to be no closer than 27' from the Bayside Avenue Right-of-Way. Ultimately, the proposed dwelling with attached garage shall be no closer to the township road Right-of-Way than the existing detached garage.
 - b. A 93.8 sf Variance to the maximum accessory storage space requirement allowing a total of 1,161 sf of accessory storage space where the maximum allowed is 1,067.2 sf. This allows the proposed attached garage to be no larger than 1,001 sf in addition to an existing 160 sf shed.
2. The property owners shall ~~relocate~~ ensure the existing shed ~~so that it~~ meets all required setbacks.
3. Other than the required modifications contained herein, the dwelling shall be constructed in general conformance with the application materials, including site plan, dated received July 19, 2022. Any significant deviation from the approved request and site plan, 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.

4. The property owner shall obtain a building permit prior to construction and, further, the dwelling shall comply with all applicable codes and regulations.
5. This Variance shall be made use of within one year of the date of approval or it shall become null and void.

Steve and Cynthia Eisenbraun – Property owners Steve and Cynthia Eisenbraun and applicant Al Eisenbraun requested Variances to Zoning Ordinance Sections 4.03 and 5.15 to construct a detached accessory structure closer to the centerline of Cedarcrest Trail / CSAH 8 than allowed in the Agricultural (AG) District / Shoreland Management District. The 4.4-acre property is located at 44044 Cedarcrest Trail, Fish Lake Township, S22, T36, R22 (PID# 03.00306.00).

Coordinator Gervais presented background information on the Eisenbraun application which is proposing to construct a 22' x 26' detached garage (572 sf) on property generally located between Little Horseshoe Lake and Horseshoe Lake. The parcel was created prior to adoption of the zoning and subdivision regulations. The property has a single family dwelling with attached garage, located approximately 118' from the centerline of Cedarcrest Trail / CSAH 8 and approximately 60' from the OHWL of Little Horseshoe Lake. A Variance was approved in 2001 to allow the dwelling to be no closer than 60' to the OHWL and no closer than 95' to the centerline of Cedarcrest Trail/CSAH 8. The July 5, 2001 Board of Adjustment and Appeals meeting minutes explain that the Variance was approved based on the hardship of pre-existing development and the strict application of the setback requirements rendering the lot unbuildable without a Variance. The proposed detached garage location is due to the property sloping down into a wetland area located within 60 feet of the existing dwelling. The Fish Lake Town Board recommended approval on August 8, 2022 with no conditions. The Technical Review Committee met on August 10, 2022 with no concerns identified.

Steve Eisenbraun and Al Eisenbraun were present and available to address questions and concerns. Chair Yeager asked each board member for additional questions and comments. Gregg Carlson stated the new detached garage would not be closer to the road than the attached garage. Chair Yeager sought public comment. With no other 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. Each Board member was asked for additional questions and comments.

Motion by John Sutcliffe to approve Resolution No. BOAA2022-0802, a resolution of the Board of Adjustment and Appeals of Chisago County, Minnesota, approving Variance allowing reduced roadway and OHWL setbacks on property located at 44044 Cedarcrest Trail in Fish Lake 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 allows the construction of a 22' x 26' detached accessory structure no closer than approximately 118' from the centerline of Cedarcrest Trail / CSAH 8 (17' Variance) and approximately 60' from the OHWL of Little Horseshoe Lake (40' Variance). The structure shall not encroach on the roadway or OHWL setback any further than the existing dwelling.
2. The detached accessory structure shall be constructed in general conformance with the application materials, including site plan, dated received July 25, 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 detached accessory structure 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.

James and Elizabeth Langevin – Property owners James and Elizabeth Langevin are requesting Variances to Zoning Ordinance Section 5.15 and Shoreland Management Ordinance Sections 5.21 and 5.52 to construct a dwelling and attached garage closer to the township road Right-of-Way and Ordinary High Water Level than allowed in the Rural Residential I (RRI) District / Shoreland Management District and to exceed the maximum allowable amount of impervious surface area in the Shoreland Management District. The .27-acre property is located at 51685 Belle Isle Drive, Nessel Township, S15, T37, R22 (PID# 06.01018.00).

Coordinator Gervais presented background information on the Langevin application which is proposing to redevelop the property to construct a single family dwelling with attached garage. The site is Lot 51 of the LaBelle Isle subdivision, platted in 1959 prior to the County's adoption of zoning, subdivision and shoreland regulations and considered a legal non-conforming parcel. The Langevins own a second parcel, PID 06.01109.00, which is located on the west side of Belle Isle Drive which is vacant land aside from a shed and is intended to have the new septic system installed on it. The property owners are proposing to demolish the existing 1,700 sf house with attached garage and construct a 2,389 sf dwelling with attached garage in generally the same location. The proposed structure will encroach on the roadway and OHWL setbacks; however, it will not exacerbate the roadway setback and it is improving the non-conforming OHWL setback by 10 ft.

In addition to the requested setback Variances, the property owners are requesting a Variance to allow a total of 29% impervious surface coverage (PID 06.01018.00 only). This will be an increase from 16.2% due to the proposed driveway. The width of the proposed driveway and turnaround area is 18 ft and is intended to improve traffic safety by allowing off-street parking and the ability to turn a vehicle around in the driveway rather than backing out directly onto the road. While staff supports the safety improvement, staff believes the increase of impervious surface area from 16.2% to 29% is excessive. Staff recommended the 18' wide driveway be reduced. Gervais presented the Board with a couple of options to lower the amount of impervious surface coverage. A Type 1 septic system will be installed on their adjacent parcel (PID 06.01109.00). The existing 211 sf shed is considered non-conforming in that it encroaches on the Belle Isle Drive Right-of-Way and OHWL, and the shed exists on a parcel with no dwelling which is prohibited in the Rural Residential Districts. The Nessel Town Board recommended approval on August 10, 2022 with no conditions. The Technical Review Committee met on August 10, 2022 and recommended that the Langevin's two parcels be combined.

James Langevin was present and available to address questions and concerns. J. Langevin indicated the large driveway was intended to help accommodate vehicles for the property owners and their two adult children and reduce stacking of vehicles and backing onto the road. Becky Strand provided an option that a portion of the driveway be natural to reduce the amount of impervious surface and allow for drainage/parking. J. Langevin indicated he would be open to that option or shortening the driveway by 10 ft. Gregg Carlson indicated that option was reasonable. Doug Greene recommended to set a condition not to exceed 26% impervious surface coverage, allowing the homeowner to decide / design the driveway to stay within that 26%.

Chair Yeager sought public comment. With no persons wishing to speak, ***motion*** to close the public hearing by John Sutcliffe; second by Gregg Carlson. The motion passed and carried unanimously. Each Board member was asked for additional questions and comments.

Motion by Doug Greene to approve Resolution No. BOAA2022-0803, a resolution of the Board of Adjustment and Appeals of Chisago County, Minnesota, approving a Variance allowing reduced roadway and OHWL setbacks and more impervious surface coverage than allowed on property located at 51685 Belle Isle Drive in Nessel Township, with Findings of Fact and conditions as amended; second by John Sutcliffe. The motion passed and carried unanimously.

Approved Conditions:

1. This approval grants the following Variances:
 - a. A 26.2' Variance to the township road Right-of-Way setback allowing the proposed dwelling to be no closer than 13.8' from the Belle Isle Drive Right-of-Way.
 - b. An 11.2' Variance to the OHWL setback allowing the proposed dwelling to be no closer than 63.8' from the OHWL of East Rush Lake.
 - c. A .2% Variance to the impervious surface coverage requirement allowing the total impervious surface coverage of PID 06.01018.00 to be no greater than ~~25.2~~ 26%.
2. The property owners shall combine PIDs 06.01018.00 and 06.01109.00 utilizing the Department of Environmental Services' "Tie Together" process. The proposed septic system shall not be installed on PID 06.01109.00 until such time that the two parcels are "tied together".
3. The dwelling shall be constructed in general conformance with the application materials, including site plan, dated received July 25, 2022. Any significant deviation from the approved request and site plan, 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.
4. The property owner shall obtain a building permit prior to construction and, further, the detached accessory structure shall comply with all applicable codes and regulations.
5. This Variance shall be made use of within one year of the date of approval or it shall become null and void.

Teresa M. Simmons Trust – Property owners Teresa and Scott Simmons requested Variances to Zoning Ordinance Section 5.15 and Shoreland Management Ordinance Section 5.52 to construct a detached garage closer to the township road Right-of-Way and southerly side yard than allowed in the Rural Residential II (RRII) District / Shoreland Management District. This is an amended request, originally considered and tabled by the Board of Adjustment and Appeals on June 30, 2022. A new / second public hearing has been scheduled due to the expanded nature of the request. The .31-acre property is located at 32770 N. Center Court, Chisago Lake Township, S22, T34, R20 (PID# 02.01084.00).

Coordinator Gervais presented background information on the Simmons application. The property owners submitted a Variance request on May 26, 2022 to construct a 16' x 28' detached garage closer to the township road than the required setback. The Board conducted the requisite public hearing on June 30, 2022 and tabled the request and extended the review period by 60 days to allow time for the applicants to prepare a survey to establish the location of the property boundaries, specifically the east and south property boundaries. The applicants submitted a survey and amended Variance request on July 26, 2022. Additionally, the applicants requested another extension of the review period to allow the Board sufficient time to make a determination. The extended review period expires on November 22, 2022.

The amended request, based on the survey, is for a 39' Variance to the township road Right-of-Way setback requirement and a 3' Variance to the side yard setback requirement, allowing the structure to be located 1' from the road Right-of-Way and 2' from the southern property boundary. The amended request shows the garage size reduced from 16' x 28' (448 sf) to 20' x 20' (400 sf). The area where the garage will be constructed is already impervious and will not increase the existing 32% impervious surface coverage.

The Chisago Lake Town Board reviewed the amended Variance request and recommended approval on August 16, 2022 with the condition that the roof line of the proposed garage not encroach on the public Right-of-Way

or the neighboring property. The Technical Review Committee met on August 10, 2022 to review the survey and did not identify any new concerns. A septic certification has been initiated by the property owners.

Scott Simmons was present and available to address questions and concerns. Chair Yeager asked for clarification on the driveway access. Chair Yeager sought public comment. With no persons wishing to speak, ***motion*** to close the public hearing by Becky Strand; second by Gregg Carlson. The motion passed and carried unanimously. Each Board member was asked for additional questions and comments.

Motion by John Sutcliffe to approve Resolution No. BOAA2022-0804, a resolution of the Board of Adjustment and Appeals of Chisago County, Minnesota, approving a Variance allowing reduced roadway and side yard setbacks on property located at 32770 N. Center Court in Chisago Lake Township, with Findings of Fact and conditions as presented; second by Gregg Carlson. The motion passed and carried unanimously.

Approved Conditions:

1. This approval grants a 39' Variance to the township road setback requirement and 3' Variance to the side yard setback requirement allowing the construction of a 20' x 20' detached garage 1' from the township road Right-of-Way and 2' from the southern property boundary.
2. The roof of the detached garage shall not encroach on the public Right-of-Way or the neighboring property to the south.
3. The property owner shall obtain a building permit prior to construction and, further, the accessory structure shall comply with all applicable codes and regulations except as permitted by this Variance.
4. The detached garage shall be constructed in general conformance with the application materials, including survey dated signed July 22, 2022. Any deviation from the approved request and site plan (survey) shall require further review and approval from the Board of Adjustment and Appeals at the property owner's expense.
5. This Variance shall be made use of within one year of the date of approval or it shall become null and void.

Craig and Julie Granroth – Property owners Craig and Julie Granroth requested Variances to Zoning Ordinance Section 5.15 and Shoreland Management Ordinance Sections 5.21 and 5.52 in order to construct a dwelling and attached garage closer to the township road Right-of-Way and Ordinary High Water Level than allowed in the Rural Residential I (RRI) District / Shoreland Management District and to exceed the maximum allowable amount of impervious surface area in the Shoreland Management District. The .24-acre property is located at 51675 Belle Isle Drive, Nessel Township, S15, T37, R22 (PID# 06.01019.00).

Coordinator Gervais presented background information on the Granroth application which is proposing to redevelop the property to construct a single family dwelling with attached garage. The site is Lot 52 of the LaBelle Isle subdivision, platted in 1959 prior to the County's adoption of zoning, subdivision and shoreland regulations and considered a legal non-conforming parcel. The property owners are proposing to demolish the existing 894 sf dwelling and 545 sf detached garage and construct a 2,370 sf dwelling with attached garage in generally the same location but situated closer to the township road Right-of-Way and slightly closer to the OHWL. The proposed structure will meet both side yard setback requirements but will exacerbate both the non-conforming township road Right-of-Way setback (current setback = 18.3'; proposed setback = 4.9') and the non-conforming OHWL setback (current setback = 56.4'; proposed setback = 50'). Currently the property owners have the ability to back out of their garage and safely wait before entering the adjacent Right-of-Way. The Board has granted similar Variance requests in the past; however, staff has identified the proposed 4.9' setback to right-of-Way as a safety concern with vehicles backing out of the garage directly onto the road Right-of-Way. In

addition to the requested setback Variances, the property owners are requesting a Variance to allow a total of 27.1% impervious surface coverage; an increase from 17% due to the increased dwelling size.

The existing dwelling is currently served by a holding tank. Having received a Variance in 2006, the tank is located immediately adjacent to the township road Right-of-Way. As part of the current proposal, the Granroths are proposing to install a Type 1 septic system on property located across the street (PID 06.01109.00) owned by neighbors James & Elizabeth Langevin. The application does not discuss arrangements between the neighbors, but staff recommends the Granroths secure a permanent easement prior to installation of the septic system. The Nessel Town Board recommended approval on August 10, 2022 with no conditions. The Technical Review Committee met on August 10, 2022 and discussed setbacks and the septic system proposed to be located on the neighbor's property across the street.

Craig Granroth was present and available to address questions and concerns. Discussion was held on the septic system design and the importance of securing an easement. John Sutcliffe inquired if there was enough room on PID 06.01109.00 for septic repairs / secondary septic sites. C. Granroth indicated he did not know and would have to check with the septic designer. Gregg Carlson commented that the request was similar to Langevin's Variance request with the encroachment of the township road Right-of-Way.

Chair Yeager sought public comment. With no persons wishing to speak, ***motion*** to close the public hearing by John Sutcliffe; second by Doug Greene. The motion passed and carried unanimously. Each Board member was asked for additional questions and comments. Gregg Carlson asked clarifying questions about the OHWL. Chair Yeager asked the applicant if there was any interest in reducing the footprint of the dwelling. Coordinator Gervais indicated a condition could determine setback requirements and impervious surface coverage which allows the homeowner to have flexibility. Lengthy discussion followed with C. Granroth regarding setbacks and adjusting building size to reduce the impervious surface coverage. C. Granroth noted that he put thought into the drainage from his property to the lake and his lot is one of the smaller lots in the area. Doug Greene commented that there was no benefit to adjusting the building size, suggesting that the Board establish conditions and let the homeowner determine how to proceed.

Motion by John Sutcliffe to approve Resolution No. BOAA2022-0805, a resolution of the Board of Adjustment and Appeals of Chisago County, Minnesota, approving a Variance allowing reduced roadway and OHWL setbacks and more impervious surface coverage than allowed on property located at 51675 Belle Isle Drive in Nessel Township, with Findings of Fact and conditions as amended; second by Gregg Carlson. The motion passed and carried unanimously.

Approved Conditions:

1. This approval grants the following Variances:
 - a. A 35.1' Variance to the township road Right-of-Way setback allowing the proposed dwelling to be no closer than 4.9' from the Belle Isle Drive Right-of-Way.
 - b. A 25' Variance to the OHWL setback allowing the proposed dwelling to be no closer than 50' from the OHWL of East Rush Lake.
 - c. A 2.1% Variance to the impervious surface coverage requirement allowing the total impervious surface coverage to be no greater than 27.1%.
2. The property owners shall secure a permanent easement prior to installing a septic system on the adjacent property identified as PID 06.01109.00.

3. The dwelling shall be constructed in general conformance with the application materials, including site plan, dated received July 29, 2022. Any significant deviation from the approved request and site plan, 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.
4. The property owner shall obtain a building permit prior to construction and, further, the ~~detached accessory~~ structure shall comply with all applicable codes and regulations.
5. This Variance shall be made use of within one year of the date of approval or it shall become null and void.

John and Melinda Rieck – Property owners John and Melinda Rieck requested Variances to Zoning Ordinance Sections 4.03 and 4.08.2 and Shoreland Management Ordinance Section 5.21 in order to construct a garage addition closer to two Ordinary High Water Levels than allowed in the Shoreland Management District, and to exceed the maximum amount of accessory storage space and number of detached accessory structures allowed in the Rural Residential II (RRII) District. The 4.94-acre property is located at 30710 Mattson Court, Chisago Lake Township, S31, T34, R20 (PID# 02.00860.00).

Coordinator Gervais presented background information on the Rieck application which is proposing to construct a 40' x 40' (1,600 sf) addition to their existing two-level 25' x 25' attached garage. The addition would have 14' ceilings with 12' garage doors and exterior siding and roofline to complement the dwelling. The property is unique due to its location between Lake Mattson and School Lake. The property has a single family dwelling with attached garage and five detached accessory structures. The Riecks purchased the property and all existing structures were on the property at that time. The application materials provide conflicting dimensions for the attached garage and detached accessory structures. The applicants explained prior to the meeting that the dimensions were interior dimensions whereas the impervious surface calculations were based on exterior dimensions (footprints). Staff noted that there were still conflicts with the dimensions and commented that staff used the largest reported dimensions in preparation of the staff report. The Zoning Ordinance limits the number of detached accessory structures in the Rural Residential Districts to two with a maximum of 2,000 sf of accessory storage space (which includes attached garages). The property complies with the overall area of accessory storage space but exceeds the number of allowable detached accessory structures by three. The proposed garage addition will bring the total amount of accessory storage area up to 3,354.5 sf, nearly doubling the amount of accessory storage space on the subject site. The property owners are aware of the County's zoning regulations but believe the property is sized more in accordance with the Agricultural (AG) District than the RRII District.

The table below represents existing accessory storage structures with corresponding dimensions and area (the red text is applicants' label for each structure as identified on the site plan dated received August 1, 2022, e.g., Home (1)):

Existing Accessory Structure Description	Largest Reported Dimension (footprint)	Area
Attached Garage (2)	25' x 25'	625 sf
Sauna (4)	9.5' x 17'	161.5 sf
Shed 1 - Garden Shed (3)	20' x 24'	480 sf
Shed 2 - Garden Shed (7)	12' x 19'	228 sf
Shed 3 - Wood Shed (6)	12' x 10'	120 sf
Shed 4 - Lake Shed (5)	10' x 14'	140 sf
TOTAL		1,754.5 sf

The required setback from the OHWL of natural environment lakes is 150' and it appears that none of the existing structures – including the dwelling – meet the minimum OHWL setback requirements. Staff did not find any record of Variances for the existing structures and, further, believes that building permits were not requested or granted for the detached accessory structures. The Technical Review Committee met with Riecks on August 10, 2022 and discussed property size, unique lot configuration, and the addition being constructed atop an existing hard surfaced area and will not increase the amount of impervious surface area or encroach on the non-conforming OHWL setbacks any more than the existing structures do presently. No other concerns were identified by the committee. The Chisago Lake Town Board reviewed the Variance request and recommended approval on August 16, 2022 with no conditions. Staff provided four options for Board consideration, including: allowing the proposed garage addition and removing all five existing illegal detached structures; allowing the proposed garage addition along with a maximum of two detached accessory structures; or, allowing the proposed garage addition along with all five detached accessory structures; or, other options identified by the Board.

John and Melinda Rieck were present and available to address questions and concerns. J. Rieck pointed out that the addition will not encroach on the OHWL setbacks any more than it does presently, adding that the majority of the addition's footprint is already there. The addition would streamline and enhance the look of the property. Rieck acknowledged the five existing sheds and stated that they were willing to negotiate on that issue and get closer into compliance if deemed necessary by the Board (i.e., reducing the number of detached accessory structures). M. Rieck noted that the addition would make the property visually pleasing, correct uneven retaining walls, and fix poor runoff / drainage issues. Each Board member was asked for additional questions and comments. Gregg Carlson asked clarifying questions about the detached accessory structures and the proposed measurements of the addition. Doug Greene indicated the need to accurately identify square footage of the structures. Gregg Carlson indicated he supported allowing two detached accessory structures – Shed 1 - Garden Shed (3) and Sauna (4) – along with the existing attached garage and proposed addition for a total of 2,867 sf.

Chair Yeager sought public comment. With no persons wishing to speak, ***motion*** to close the public hearing by Gregg Carlson; second by Becky Strand. The motion passed and carried unanimously.

Gregg Carlson commented that the structures would remain at the same nonconforming OHWL setbacks and suggested allowing two accessory structures to remain. Doug Greene suggested determining the total sf allowed and allowing the homeowners to decide which structures would stay, since the Board does not know the building materials / integrity of the buildings. Becky Strand indicated that she did not support keeping Shed 1 - Garden Shed (3) since it is located extremely close to the OHWL and located right along the driveway but would be open to allowing the homeowners to relocate the shed to another location on the property. J. Rieck indicated if Shed 1 - Garden Shed (3) was moved it would still be too close to the OHWL. Becky Strand reiterated that the location of Shed 1 - Garden Shed (3) appears to be the closest structure near / on the water and could be moved to a slightly higher location on the property. J. Rieck indicated that Shed 1 - Garden Shed (3) and Sauna (4) would be the most costly and difficult to relocate on the property. M. Rieck indicated that Shed 1 - Garden Shed (3) was the most functional and most used structure on the property. M. Rieck provided an alternate option of reducing the addition from 40' x 40' to 40' x 36', removing Shed 2 - Garden Shed (7), and leaving all other detached accessory structures on the property. Gregg Carlson commented that the suggested option would leave four detached accessory structures on the property and the Zoning Ordinance only allows two detached accessory structures. J. Rieck indicated that he and his wife use the detached accessory structures and prefer to reduce the size of the proposed garage addition rather than remove any sheds and sauna. M. Rieck provided another option of removing Shed 3 - Wood Shed (6) and Shed 2 - Garden Shed (7) for an approximate impervious surface coverage of 1.27%. Gregg Carlson clarified that, according to this option, three detached

accessory structures would remain, including the Sauna (4), Shed 1 - Garden Shed (3), and Shed 4 - Lake Shed (5). Doug Greene asked for clarification on the proposed addition size. The option that was being discussed by the Board at this point was removal of two detached structures (Shed 3 - Wood Shed (6) and Shed 2 - Garden Shed (7)); garage addition of 40' x 36'; and, allowing the following detached structures to remain on the property: Sauna (4), Shed 1 - Garden Shed (3), and Shed 4 - Lake Shed (5).

Motion by Gregg Carlson to approve Resolution No. BOAA2022-0806, a resolution of the Board of Adjustment and Appeals of Chisago County, Minnesota, approving a Variance allowing reduced OHWL setbacks and exceed the maximum allowable accessory storage area on property located at 30710 Mattson Court in Chisago Lake Township with the conditions that the garage addition be 40' x 36', the property owners remove detached structures "Shed 3 - Wood Shed (6)" and "Shed 2 - Garden Shed (7)", and allowing a maximum of 2,746 sf of accessory storage space. Chair Yeager suggested rounding up the total sf to 2,750 sf of accessory storage space. Gregg Carlson agreed to the suggested change and offered the following corrected motion:

Motion by Gregg Carlson to approve Resolution No. BOAA2022-0806, a resolution of the Board of Adjustment and Appeals of Chisago County, Minnesota, approving a Variance allowing reduced OHWL setbacks and exceed the maximum allowable accessory storage area on property located at 30710 Mattson Court in Chisago Lake Township with the conditions that the garage addition be 40' x 36', the property owners remove detached structures "Shed 3 - Wood Shed (6)" and "Shed 2 - Garden Shed (7)", and allowing a maximum of 2,750 sf of accessory storage space, with Findings of Fact and conditions as amended; second by Doug Greene. The motion passed with a split vote. Ayes: Chair Yeager, Gregg Carlson and Doug Greene. Nays: Becky Strand and John Sutcliffe.

Approved Conditions:

1. This approval grants a ~~225~~ 750 sf Variance allowing the overall amount of accessory storage area not to exceed ~~2,225~~ 2,750 sf. This amount accounts for the existing 625 sf attached garage, a ~~1,600~~ 1,440 sf garage addition, and a total of ~~685~~ 781.5 sf for detached accessory structures. The proposed addition shall not exceed the dimensions of ~~40' 36'~~ 40' x 40'.
2. This approval allows for the construction of the garage addition to be no closer than 38' from the School Lake OHWL and 130' from the Lake Mattson OHWL where the required setbacks are 150'.
3. The property owners shall remove ~~all five~~ two of the five existing illegal detached structures from the subject site, specifically structures identified as #6 and #7 on the site plan dated received August 1, 2022. The structures shall be removed within one year from the date of Variance approval.
4. The garage addition shall be constructed in general conformance with the application materials, including site plan, dated received August 1, 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.
5. Being that this Variance is in part granted on the basis of lot size, the property shall not be reduced in size unless and until the property is brought into compliance with the strict regulations for accessory structures and accessory storage space in the Rural Residential II (RRII) District in effect at the time of subdivision.
6. The property owners shall obtain a building permit prior to construction and, further, the garage addition 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.

OLD BUSINESS

Variance Refund Discussion

Gregg Carlson summarized the Board's July 28, 2022 discussion with applicant Vince Charles who had requested a refund of his 2018 Variance application fee. Coordinator Gervais reiterated her discussion with Environmental Services Director Kurt Schneider, with Director Schneider stating that the Board of Adjustment and Appeals does not have the authority to issue refunds. Part of the basis for not allowing a refund was that the funds were spent on processing and reviewing the application, mailing and publishing the public hearing notice, and holding a public hearing. Carlson commented that the County Board would need to review and decide if the determination is appealed by Charles.

NEW BUSINESS - None

MISCELLANEOUS

Coordinator Gervais provided a quick update on the upcoming MCIT Training Session: Navigating Key Land Use Issues to be held on September 14, 2022 in St. Cloud. Discussion followed on registration and carpooling.

ADJOURN MEETING – *Motion* to adjourn by Gregg Carlson; second by John Sutcliffe. The motion passed and carried unanimously. With no further business the meeting was adjourned at 8:48 p.m.