

**CHISAGO COUNTY
BOARD OF ADJUSTMENT
OFFICIAL PROCEEDINGS
June 30, 2016**

The Chisago County Board of Adjustment met in regular session at 7:00 p.m. on Thursday, June 30, 2016, in Room 131 of the Chisago County Government Center in Center City, with the following Board members present: Chairman Frank Storm, Curtis DeYoung, Dick Daniels, and Gregg Carlson.

Also Present: Tara Guy, Assistant Zoning Director

The Chair called the meeting to order and led the assembly in the Pledge of Allegiance. Roll call of Board members was taken and a quorum established, with all members present.

Staff Reports on the application had been prepared and distributed in advance to the members, and made available to the audience as well, along with copies of the applicants' files.

APPROVAL OF AGENDA - On motion by DeYoung and second by Carlson, the meeting agenda was approved as presented.

APPROVAL OF MINUTES - On motion by Carlson and second by DeYoung, the minutes of the meeting of May 26, 2016 were approved as drafted.

ADOPTION OF SUBMITTALS/ APPLICATIONS/ STAFF REPORTS - Upon motion by DeYoung and second by Carlson, the Staff Report along with all submittals and associated documents and materials being considered by the Board at the evening's meeting were thereby adopted by reference into the record of proceedings.

PUBLIC HEARINGS

Eric Barry - Mr. Barry was present at the meeting to request a variance to keep a fence he has constructed on the property line which is taller than the maximum height allowed. This is located in Fish Lake Township, Hillcrest, Lot 2, at 43505 Crown Drive (PID #03.01193.00). The Township Board had made not a recommendation on the matter. Mr. Barry explained that his property is a small, substandard lake lot which was platted before shoreland rules were enacted, and his cabin and the neighboring home are quite close together. When various disputes with the neighbor developed, he felt that erecting a privacy fence would alleviate the conflicts. He was notified after building the fence that it exceeded the four foot maximum height for fences built right on the property line and that it would either need to be reduced in height, or a variance sought. He subsequently applied for a variance to keep the fence. The fence is six feet tall, is situated directly on the property line, and extends from close to the lake along the property line up to the hill. He would extend the fence further, up the hill, if the variance were to be granted. He wished to limit contact with the neighbor, and to keep her dog from accessing his property and frightening his children. When he had concluded his explanation, the Chair sought public comment. There were three people present to offer testimony. Jody Newman spoke first, identifying herself as the neighbor with whom Mr. Barry had ongoing disputes. She stated that she objected to the variance as the fence would partially block her view of the lake. Darryl and Ellen Prattecke were also present to object to the variance, advising the Board of Adjustment that they were the actual property owners, and their daughter Ms. Newman lived on the premises. They objected to the fact that Mr. Barry had built without a permit, and was simply asking for forgiveness after the fact. They felt the fence would negatively impact their property

value, as it impaired the view of the lake from their residence and deck. When they had concluded their comments, the Chair asked the Board members to deliberate. There was general consensus that a six foot fence all the way to the waterline was somewhat problematic in terms of the neighbor's lake view, and suggested reducing the height of the fence closer to the lake. Mr. Barry advised he Board of Adjustment continued...Page 2
June 30, 2016

wished to keep the fence intact in order to avoid further conflict or dispute with the neighbor. After further brief discussion, Dick Daniels moved to approved a modified variance to keep the fence, but angle the height from four feet high at the water, back a distance of three panels (24 feet in length) to the six foot height, further into the yard to maintain some privacy, and to allow the fence to extend up the hill around the tree toward the road. Curtis DeYoung seconded it and the motion was carried unanimously.

Joe Heidelberger - Mr. Heidelberger was present to request a variance to build a new home closer to the side property line than the required setback. This is located in Nessel Township, Frandsen's Parcels, Lot 66, at 50370 Shorewood Circle (PID #06.00889.00). He explained that the new home will be further back from the lake than the existing cabin is, and will also be three feet further from the south property line than the cabin is at present. There is no required setback from the road, as it is a private road serving the Shorewood Park development. The property is served by community sewer, and as such, the usual constraints around the septic system do not exist. The impervious surface is proposed to remain below the maximum 25% stipulated in the Shoreland rules. The neighboring property owner to the north had sent an email stating they had no objection to the variance, and in fact, and that the south property line was actually further south than depicted on the original survey. That neighbor felt that the new home would actually meet the usual ten foot setback requirement once the new survey was verified. No one was present at the meeting to offer comment. After brief discussion, Dick Daniels moved to approve the variance as requested, as it was lessening an existing nonconformity. Curtis DeYoung seconded it and the motion was carried.

There being no further business the meeting was adjourned at 7:35 p.m.