

**CHISAGO COUNTY
BOARD OF ADJUSTMENT
OFFICIAL PROCEEDINGS
JANUARY 25 , 2018**

The Chisago County Board of Adjustment met in regular session at 7:00 p.m. on Thursday, January 25, 2018, in Room 150B of the Government Center with the following Board members present: John Sutcliffe, Donna Nowicki, Doug Greene, and Gregg Carlson.

Also Present: Tara Guy, Assistant Zoning Director

Tara Guy called the meeting to order and called for election of officers for the new year. Donna Nowicki nominated Gregg Carlson as Chair, seconded by Doug Greene. There were no further nominations, and Carlson was elected Chair. The Chair then led the assembly in the Pledge of Allegiance. Roll call of Board members was taken and a quorum established, with all members present (the Fourth Commissioner District continues to remain unrepresented.)

Staff Reports on the applications 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 Sutcliffe and second by Greene the meeting agenda was approved as presented.

APPROVAL OF MINUTES - On motion by Nowicki and second by Greene the minutes of the meeting of December 7, 2017 were approved as drafted.

ADOPTION OF MATERIALS AND SUBMITTALS INTO THE RECORD - Upon motion by Nowicki and second by Sutcliffe all applications, submittals, reports and other materials were adopted into the record by reference. Staff Reports had been distributed in advance to the Board and the applicants, for their review. Copies of all applications, correspondence and Staff Reports were made available on a table at the entrance to the hearing room.

PUBLIC HEARINGS :

Michael and Jill Ricci - The Riccis were present at the meeting to request a variance to add onto their home closer to the lake than the required setback. This is located in Nessel Township, McGuire's Eastside, Lot 1, Block 1, at 51408 Dakota Circle, PID #06.01188.01. The Nessel Township Board had recommended approval with no conditions. Mr. Ricci explained that the house had an unusual configuration which limited the amount of shared gathering space available for the family. They were seeking to add a 14 x 28 foot addition along the lake side which would consist of simple living space, no bedrooms or baths proposed. They will also square off the decks which flank the proposed addition, at the same setback as the house. The existing house is approximately 82 feet from the OHWM, and the addition will result in an encroachment of seven feet upon lake, and a setback of approximately 68 feet. The Board had viewed the property on-site, and noted that the house was closer to the lake than the neighboring house to the north, but approximately the same distance as the cabins to the south. Because of the pie-shaped lots which widen at the lake, there would be no impairment of lake view for the neighboring homes. The Chair called for public comment, but no one was present to offer testimony. After further brief discussion, John Sutcliffe moved to approve the variance as proposed, Donna Nowicki seconded it and the motion was carried unanimously.

Les Hanke - Mr. and Mrs. Hanke were present at the meeting to request a variance to rebuild a burned house closer to the road than the required setback. This is located in Nessel Township, Sec.22, T.37, R.22, at 1508 507th Street (PID #06.00467.00). The Nessel Township Board had recommended approval with no conditions. Mr. Hanke explained that they hoped to rebuild their house which burned last year, larger than the original footprint, closer to the Township Road than the required setback (approximately 22 feet from ROW) in a bluff contour, and also to exceed the maximum 25% impervious surface allowed in a Shoreland District. The original house was centrally located in the bluff, and the new house will be rebuilt in the same location. He explained that the larger size, and the encroachment upon the road was the new attached garage, which didn't exist as part of the original home. This is also the portion of the structure which will result in 30% impervious surface. Tara noted that the property was technically considered "shoreland" as it was within 1000 feet of Rush Lake, but in actual fact, did not front directly upon the lake, with a road and other cabins in between the Hanke property and the lake. Previously there had only been a parking pad along the east property line, which had encroached over the neighbor's property line. Mr. Hanke explained that they had been misled by the previous owner of the old house as to the property line location, and they had already removed the original driveway which had encroached over the line. He explained that he would be removing the parking pad and fill during the construction project. The new house will be 17 feet from the line, and the garage 27 feet, and the garage will be 22 feet from the right-of-way of 507th Street. The neighboring landowner to the east, Tom Budzynski, had emailed his concern over the property line encroachment, possible erosion from the proposed construction, and potential impact upon his septic system. Tara Guy explained that the customary construction best management practices would be required at the time of building permit application, primarily silt-fencing or some other effective method of erosion control, and stabilization of the slope along the common property line after removal of the parking pad encroachment. In addition, Staff recommended the installation of gutters, downspouts, and some form of run-off capture, such as rain barrels or the like to effectively control drainage off the property. The Chair called for public testimony, but there was no one present to comment. After further brief discussion, Donna Nowicki moved to recommend approval of the variance as requested with the condition that best management erosion control devices be employed during construction and removal of the parking pad, that the slope be permanently stabilized along the east lot line, and that gutters and downspouts and some form of water-capture (i.e. rain barrels or the like) be installed on the new construction. John Sutcliffe seconded it and the motion was carried unanimously.

ADJOURNMENT - There being no further business, the meeting was adjourned at 7:20 p.m.