

**CHISAGO COUNTY
BOARD OF ADJUSTMENT
OFFICIAL PROCEEDINGS
MARCH 29, 2018**

The Chisago County Board of Adjustment met in regular session at 7:00 p.m. on Thursday, March 29, 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

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. (The Fourth Commissioner District remains unrepresented on the Board.)

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 Sutcliffe and second by Nowicki the meeting agenda was approved as presented.

APPROVAL OF MINUTES - On motion by Sutcliffe and second by Greene the minutes of the meeting of February 22, 2018 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 Burke - Mr. Burke and Mrs. Burke were present at the meeting to request a variance to add onto their cabin closer to the lake and side property line than the required setback. This is located in Chisago Lake Township, Bergquist's Beach, Lot 6, at 32949 Northland Trail (PID #02.01002.00). The Chisago Lake Township Board had recommended approval with no conditions. Mr. Burke explained that the cabin presently has a small bedroom with a bathroom in the corner of it the size of a closet. He is seeking to add a 17 x 17 foot addition which will serve as a new remodeled bedroom and bath. The existing cabin is approximately 30 feet from the OHWM, and the new portion of the structure will be added away from the lake, 58 feet from OHWM and six feet from the west property line. The Commission had viewed the property, and had no further questions for the applicant. The Chair called for public testimony, but no one was present to comment. A letter had been received from the neighbor to the west, Scott Nelson, supporting the request. When there were no comments or questions forthcoming from the Board, John Sutcliffe moved to adopt the Staff analysis in the Staff Report as findings in support of approval, and to approve the variance as requested, based upon the pre-existing development. Doug Greene seconded it and the motion was carried unanimously.

Thomas Hoch - Mr. Hoch was present at the meeting to request a variance to have more than the allowed maximum 2000 square feet of accessory structure on his property which is zoned RR11. This is located in Chisago Lake Township, Section 15, T.34, R.20, at 33465 North Lakes Trail (PID #02.00572.10). The Chisago Lake Township Board had recommended approval with no conditions. Mr. Hoch explained that he had bought the

property a few months early, having been misinformed by his realtor that there was no size limitation for accessory structures that would affect the property. He subsequently learned that the property was zoned RR11 and that there was a 2000 square foot maximum allowed for accessory buildings, and had no place to keep his horses. His property is the last property zoned RR11 within the district boundary, and across the road on both sides the Zoning is Agricultural, where there are a number of similarly sized horse barns. The Board had viewed the property on-site, and had no questions or comments on the request. The Chair called for public testimony. Nearby landowner **Kyle Johnson** (33348 Oasis Rd.) was present to learn more about the proposal, such as the height and size of the building, but expressed no objection to the proposal. Mr. Hoch presented signatures from three nearby landowners expressing no objection (**Ryan Wiome** of 33414 Oasis Road, **Jody Green** of 33452 No. Lakes Trail, and **Becky Bacon** of 33401 North Lakes Trail) and a letter in support of approval from the nearby property owner **Cathy Johnson** of 33565 Oasis Road. When there were no further comments or questions forthcoming, Donna Nowicki moved to adopt the Staff analysis in the Staff Report as findings in support of approval, and to approve the variance as requested. Doug Greene seconded it and the motion was carried unanimously.

U.S. Solar - Erica Forsman was present on behalf of U.S. Solar to appeal an Administrative Decision made by the Department of Environmental Services and Zoning that their application for a solar garden must be processed as a Conditional Use Permit based upon the aggregate impact resulting from its proximity to an existing solar energy installation. The subject property is the Dennis Decheine property in Sunrise Township, Sec.29, T.35, R.20, at 37170 Kost Trail (PID #09.00330.00). The Sunrise Township Board had recommended approval with no conditions. Ms. Forsman explained that US Solar had relied upon the language in the Zoning Ordinance in good faith, that they were entitled to an Administrative Permit for their project, as it was under 20 acres in size. They learned belatedly that the Zoning Director had determined that due to the project's proximity to the large North Star Solar Farm (650-700 feet to the west) that the cumulative impact to the immediate area from this additional project would trigger the need for a Conditional Use Permit. Ms. Forsman explained that the company would have factored the necessary lead-time into their construction schedule had they known of the CUP requirement. Their construction timeline would be delayed by a year according to the proposer, with the County's CUP process that extends into mid-May, at the earliest. When Ms. Forsman had concluded her presentation, and the Board had no questions or comments, the Chair called for public testimony. Nearby property owner **Dirk Doble** (37185 Little Oak Lane) was present to learn more about the proposal, but expressed no direct opposition. When there was no one else wishing to speak, the Chair closed public comment. The Board reviewed the Staff Report, in which Tara Guy had written:the goals of the Conditional Use Permit process will have been met during the Administrative Appeal process, if the appeal is approved. The proposer has met with the Sunrise Township Planning Commission, the Sunrise Township Board, has mailed certified letters describing their project to adjoining property owners, and will appear before the Board of Adjustment in public hearing. All neighbors within 500 feet or the closest ten landowners have been notified by the County of the proposal and the appeal, and all are invited to offer comment, or offer input on appropriate conditions of approval. US Solar has taken the new proposed ordinance revisions [draft language] into account, and have offered a robust landscaped screening plan, which will meet the new requirements... Staff has not identified any additional benefit in requiring a CUP public hearing before the Planning Commission, and County Board approval, with all relevant standards being met as a condition of approval on the Administrative Permit. Requiring the CUP process will cause a delay of an additional seven weeks, and push the construction project into next year according to the proposer. The appeal is a public hearing, public notice has been sent, the same essential process is

being followed, and the final outcome will be identical, regardless of the process. When there were no further questions or comments from the Board, Doug Greene moved to adopt the analysis contained in the Staff Report in support of approval, and to approve the variance as requested. Donna Nowicki seconded it and the motion was carried unanimously.

Raymond Keller - Mr. Keller was present at the meeting to request a variance to add on to his house closer to the lake than the required setback. This is located in Chisago Lake Township, North Center Park, Lot 7, at 31625 Olinda Trail (PID #02.01565.00). The Chisago Lake Township Board had recommended approval with no conditions. Mr. Keller explained that his attached garage has a flat roof, which has been problematic with leakage and related problems, and he is seeking the variance to add onto his house over the top of the garage. There will be

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no additional impervious surface (presently at 10%) nor any expansion of the home's footprint. The new addition will function as a dining room, as well as a bedroom and bath. When there were no questions or comments from the Board, the Chair called for public comment. There was no one present to offer testimony. After brief discussion, Donna Nowicki moved to adopt the analysis in the Staff Report as findings in support of approval, and to approve the variance as requested. John Sutcliffe seconded it and the motion was carried unanimously.

Kurt and Kent Erickson - The Ericksons were present at the meeting to request a variance to construct an accessory structure which will exceed the principal dwelling in height, and the maximum allowed 2000 square feet of accessory storage building in an RRI Zoning District. This is located in Nessel Township, Sec.22, T.37, R.22, at 1620 509th St. (PID #06.00474.00). The Township Board had recommended approval, with the condition that the applicants install a silt fence during construction to control runoff and siltation. Kurt Erickson gave a brief overview of their plan to replace a storage building they had taken down last year, with a larger structure to enable them to get all of their recreational equipment under cover. They jointly own the small lake lot with the cabin, and three additional parcels across the road, which they are willing to combine in return for being allowed the larger building. The structure will also be two stories in height, with the upper level used only for cold storage, as stipulated by the Zoning Ordinance. The building itself will be 36 x 50, but will also have a 12 foot lean-to across the back of the structure, which along with the existing shed will result in 2560 square feet of storage area on the lots. The Board had viewed the property on-site and had no additional comments or questions. The Chair called for public comment, but there was no one present to testify. After brief discussion, John Sutcliffe moved to approve the variance as requested, with the use of a silt fence stipulated during construction. Donna Nowicki seconded it and the motion was carried unanimously.

ADJOURNMENT - There being no further business, the meeting was adjourned at 7:52 p.m.