



Chisago County, MN
BOARD OF ADJUSTMENT AND APPEALS
Meeting Agenda
March 30, 2023 | 7:00 pm

Chisago County Government Center | 313 N. Main Street | Center City, MN 55012

The Wednesday, March 29, 2023 tour has been **canceled** due to the nature of the agenda items.

1. **Call to Order – Pledge of Allegiance**
2. **Roll Call: Determination of a Quorum**
3. **Approval of Agenda**
4. **Approval of Minutes**
 - a. January 26, 2023
5. **Receive all Materials and Submittals into Record**

Previously Distributed Materials:

 - a. Meeting packet including staff reports with attachments for agenda item(s) 9a
6. **Public Hearings – New Applications**

None
7. **Public Hearings – Continued Hearings**

None
8. **Old Business**
9. **New Business**
 - a. **Brad & Tessa Nelson** – Property owners Brad & Tessa Nelson are requesting a second extension to a Variance granted on March 25, 2021 for property located at 13380 322nd Street in Chisago Lake Township, S22, T34, R20 (PID# 02.01316.26).
10. **Miscellaneous**
 - a. Planning Commission and Board of Adjustment and Appeals Policy on Commission / Board Structure, Meeting Order and General Procedure (County Board Resolution No. 23/0215-5)
11. **Adjourn Meeting**

The next meeting is scheduled for Thursday, April 27, 2023 at 7:00 pm.

**CHISAGO COUNTY
BOARD OF ADJUSTMENT & APPEALS
OFFICIAL PROCEEDINGS
January 26, 2023 - DRAFT**

The Chisago County Board of Adjustment & Appeals met in regular session at 7:00 p.m. on Thursday, January 26, 2023 in the County Board Room of the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; and, Diane Sander, Support 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.

APPOINTMENT OF OFFICERS – Chair Yeager called for nominations for 2023 Chair. Chair Yeager nominated Gregg Carlson for Chair; second by Becky Strand. Upon multiple calls, no other nominations were made. Roll call vote was taken and motion carried unanimously.

Chair Yeager called for nominations for 2023 Vice Chair. Gregg Carlson nominated John Sutcliffe for Vice Chair. John Sutcliffe nominated Chip Yeager for Vice Chair. Chip Yeager declined the nomination. Gregg Carlson nominated John Sutcliffe for Vice Chair; second by Doug Greene. Upon multiple calls, no other nominations were made. Roll call vote was taken and motion carried unanimously.

Chair Carlson thanked Chip Yeager for his work as 2022 Chair of the Board of Adjustment & Appeals.

APPROVAL OF AGENDA – Motion to approve the agenda as presented by Becky Strand; second by Chip Yeager. The motion passed and carried unanimously.

APPROVAL OF MINUTES – Motion to approve the December 29, 2022 meeting minutes as presented by Doug Greene; second by John Sutcliffe. 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: 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 – None

PUBLIC HEARINGS – CONTINUED HEARINGS – None

OLD BUSINESS – None

NEW BUSINESS

Best Practices in Deciding Variances – Assistant County Attorney Jeff Fuge provided background and guidance on best practices in the determination of Variances with regards to the state mandated practical difficulty standard, explaining that practical difficulties are determined on a case by case basis. There are two types of

Variances: area and use. Variance from area is a petition to deviate from established standards (setback, height, etc.). Variance from use is a petition to amend the Zoning Ordinance for a specific property. Attorney Fuge reviewed Minnesota Statute Section 394.27 and scope of authority for the Board of Adjustment & Appeals, explaining that the Board functions as a “quasi-judicial decision-making authority.” Site visits are used to collect observations of the specific property without engaging in conversation. Observations help build a foundation for dialogue during the public hearing. Once the public hearing is closed, board members enter into a deliberation period; however, the public hearing could be reopened to hear additional testimony and collect additional information at the Chair’s discretion. John Sutcliffe provided background on previous Variance requests that greatly deviated from Zoning Ordinance standards and described how the Board discussed / negotiated reduced setbacks or size of a building. Sutcliffe indicated the result provided an approval for the applicant, but that approval differed from the original request. Attorney Fuge indicated that the Board could make modifications; however, it would need to be consistent with the general purposes and intent of the Zoning Ordinance and consistent with the Comprehensive Plan. Fuge added that the applicant is required to demonstrate that the property is unique, in such a way that was not created by the landowner, and the proposed action will not be out of scale or inconsistent with the surrounding area. Economic considerations alone do not satisfy the practical difficulty standard. The decision should reflect the spirit and intent of the Zoning Ordinance and Comprehensive Plan to build a good record.

John Sutcliffe inquired if it was appropriate to extend the review period for a Variance request in order to allow the applicant time to collect additional information. Sutcliffe recounted one particular request where the applicant needed a survey to determine if a Variance was needed or not due to property line inconsistency. Attorney Fuge indicated the dialogue was appropriate with the applicant for the request of additional information. Chair Carlson discussed the three-factor practical difficulty standard, including reasonableness, uniqueness, and essential character. Carlson expanded on the uniqueness of properties (e.g., legal non-conforming lot sizes or topography characteristics) and questioned if a small legal non-conforming lot could satisfy the uniqueness factor. Attorney Fuge indicated that each Variance application goes through an eight-question analysis contained within the Zoning Ordinance, and, typically, the staff report includes comments about each of the eight questions. Fuge added that staff reports created for each Variance request are detailed and thorough regarding facts of the property and the applicant’s request, and staff typically provides a recommendation based on this information which is then considered by the Board. Further, staff helps determine if the request meets standards outlined in the Zoning Ordinance and Comprehensive Plan. If the request does not meet the established standards, staff will indicate that the proposal / plans need to be modified in order to meet requirements or if the request is able to proceed. Coordinator Gervais indicated that staff stresses the importance of the applicant’s request to be the minimum to alleviate the hardship / practical difficulty. Staff has an interactive dialogue with the applicant with the goal of identifying the minimum necessary Variance request. Attorney Fuge interjected that the customer service provided by zoning staff is tremendous to property owners. Ultimately the request should meet the spirit and intent of the County’s Zoning Ordinance and Comprehensive Plan. Chair Carlson asked if Attorney Fuge has seen many decisions appealed; Attorney Fuge responded saying that he has seen some appeals but not many.

Annual Review of Planning Commission and Board of Adjustment and Appeals Policy on Commission / Board Structure, Meeting Order and General Procedure – Coordinator Gervais provided a brief outline of the annual review process of the policy, explaining that both the Planning Commission and the Board of Adjustment & Appeals review the document on an annual basis with the ability to suggest changes for the County Board’s consideration. Chair Carlson asked Board members for any comments or suggested changes. Review followed on the Planning Commission’s recommended changes as discussed at the Commission’s January 5, 2023 meeting. Clarification was asked on Section 12. Meeting Decorum (C). A recommendation pertaining to Section 8. Regular Proceedings was offered as follows: Section 8. Regular Proceedings, (A) 1. Call to Order and Pledge of Allegiance,

with subsequent renumbering of other agenda items. **Motion** by Chair Carlson to add the Call to Order and Pledge of Allegiance to the regular order of business; second by John Sutcliffe and motion carried unanimously.

Clarification was asked on Section 13. Public Hearing Format (J) and Section 17. Member Attendance (B). **Motion** by Chip Yeager to forward the *Planning Commission and Board of Adjustment & Appeals Policy on Commission / Board Structure, Meeting Order and General Procedure* with the Planning Commission's and Board of Adjustment & Appeals' recommendations (as detailed in the Planning Commission's January 5, 2023 meeting minutes and as noted above) for County Board consideration; second by John Sutcliffe and motion carried unanimously.

MISCELLANEOUS – None

ADJOURN MEETING – **Motion** to adjourn by John Sutcliffe; second by Chip Yeager. The motion passed and carried unanimously. With no further business the meeting was adjourned at 8:31 p.m.

Gregg Carlson
Chair

ATTEST:

Beth Gervais
Land Services Coordinator



Staff Report

TO: Board of Adjustment and Appeals
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Consideration of Variance Extension
 13380 322nd Street, Chisago Lake Township
 DATE: March 30, 2023

ACTION TO CONSIDER

The Board of Adjustment and Appeals (Board) will consider a request for extension of a Variance allowing a dwelling addition to be 68' from the OHWL at 13380 322nd Street in Chisago Lake Township. The proposed extension would be the second extension of this Variance. The first extension was granted by the Board on March 31, 2022.

SITE & APPLICATION INFORMATION

Applicant(s):	Brad & Tessa Nelson
Property Owner(s):	Brad & Tessa Nelson
Property Address:	13380 322 nd Street
	Chisago Lake Township
General Location:	Section 22, Township 34, Range 20
PID:	02.01316.26
Property Area:	1.27± Acres
Current Zoning:	Rural Residential I (RRI) District / Shoreland Management District
Adjacent Zoning:	
North:	Rural Residential I (RRI) District
South:	Rural Residential I (RRI) District
East:	North Center Lake
West:	Rural Residential I (RRI) District
Date Variance Issued:	March 25, 2021

BACKGROUND

Brad & Tessa Nelson requested and received a Variance in March 2021 allowing them to build an addition onto the rear of their house closer to the OHWL than allowed by the Shoreland Management Ordinance. As is customary with all Variance approvals, the property owners were required to make use of the Variance within one year of approval in order to keep the approval valid.



Zoning Ordinance Section 8.06, I. states that “any Variance approved but not utilized within twelve (12) months of the date of approval may become null and void, unless the applicant requests a one year extension in writing, prior to the one year anniversary date of approval, and states a valid reason for non-use of the Variance.” The Nelsons submitted a written request for extension in March 2022, for which the Board granted approval on March 31, 2022. The extension will expire / expired on March 25, 2023 (two years from original date of approval). On February 28, 2023, prior to the expiration of the one-year extension, the Nelsons submitted a second written request for extension of their Variance approval (see attached).

Because Zoning Ordinance Section 8.06, I. is not entirely clear on how many requests for extension may be considered for a single Variance approval, staff allowed submission of the Nelson’s second request. However, following submission of the request and upon closer review of Section 8.06, I., staff believes that the Board could interpret “ prior to the *one* year anniversary date of approval,” as an indication that only one extension may be considered being that any further extension requests would be submitted beyond the “one year anniversary” timeframe. Ultimately, because there may be other interpretations of Section 8.06, I., staff is requesting that the Board consider the current request for extension and, additionally, provide clarification to staff for future similar requests.

STAFF RECOMMENDATION

Staff recommends that the Board consider the Nelson’s request for extension and act accordingly. If the Board supports the request, staff recommends that the approval be conditioned on no future extensions of the 2021 Variance.

Additionally, staff recommends that the Board review Zoning Ordinance Section 8.06, I. and provide staff with clarification on how many extensions shall be considered for a single Variance approval.

OPTIONS

1. **Approve** the Variance extension with conditions as presented or amended.
2. **Deny** the Variance extension. Given that the current Variance extension expired on March 25, 2023, denial will affirm nullification of the 2021 Variance. This will mean that the property owners will need to apply for and be granted a new Variance if they wish to proceed with the previously proposed dwelling addition.

ACTION REQUESTED

1. Motion to either approve or deny the request for a one-year Variance extension. Staff has prepared two separate resolutions – one for approval and one for denial – for the Board’s consideration.
2. Provide staff with clarification on how many extensions should be considered in accordance with Zoning Ordinance Section 8.06, I. for a single Variance approval.

ATTACHMENTS

1. Written request for extension dated February 24, 2023
2. March 31, 2022 meeting packet
 - a. March 31, 2022 staff report
 - b. Request for extension dated March 8, 2022
 - c. March 25, 2021 public hearing packet (staff report and attachments)
 - d. March 25, 2021 meeting minutes

- e. Legal recording for Variance issued on March 25, 2021 (Doc #28011)
- 3. March 31, 2022 meeting minutes
- 4. Draft Resolution No. BOAA2023-0301 – Approval
- 5. Draft Resolution No. BOAA2023-0301 – Denial

CC: Brad & Tessa Nelson, applicants
County file

February 24, 2023

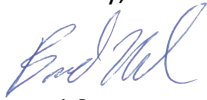
Board of Adjustment & Appeals

RE: Variance Extension -- PID 02.01316.26

The attached variance was approved on March 25th, 2021 and we were granted an extension on March 31, 2022. During the past year, we have not further pursued procurement of our home addition due to factors mentioned in our previous variance extension request. The largest factor contributing to holding off on executing our house addition is cost. Inflation is at an all-time high and while we want to add on to our existing house, we simply cannot afford to do so at the current market rates. The past few months have shown a little bit of economic slowdown, which in turn has helped bring some building-related material costs down also. Assuming this trend continues for the foreseeable future it is our intention to file for a building permit later this year or early next year. In hindsight, timing for our proposed additional along with the variance approval was not ideal given the current state of the economy (including the past two years).

We would like to request an extension of this variance for one additional year to make use of the originally approved variance. Please consider our request for the variance extension given the explanation stated above. If you have any questions, please contact Brad at the number listed below.

Sincerely,



Brad & Tessa Nelson





28011

Fees:

REC'D COMPLIANCE FUND: \$11.00
STATE GENERAL FUND: \$10.50
TECHNOLOGY FUND: \$10.00
TORRENS ASSURANCE FUND: \$1.50
GENERAL TORRENS: \$13.00

Office of the Registrar of Titles
Chisago County, Minnesota

Certified, filed, and/or Recorded on: May 12, 2021 1:16:00 PM

Janet R. Converse, Registrar of Titles

Received from: CHISAGO COUNTY DEPT OF ENVIRONMENTAL SERVICES

Returned To: CHISAGO COUNTY DEPT OF ENVIRONMENTAL SERVICES

CERT #: 6472

PAGES: 1

Chisago County Department of
Environmental Services and Zoning
313 No. Main St. Room 240
Center City, MN 55012-9663
651-213-8379
Official Notification Of
VARIANCE APPROVAL

NAME AND ADDRESS: Bradley Scott Nelson and Tessa Jo-Sue Nelson
13380 322nd Street
Lindstrom, MN 55045

DESCRIPTION OF REQUEST: Variance to add a 12' x 23' addition onto the rear of the house closer to OHW than the required setback.

PROPERTY ADDRESS: 13380 322nd Street

PID: 02.01316.26 SECTION: 22, TOWNSHIP: 34, RANGE: 20

LEGAL DESCRIPTION:

Lot 1, Block 2, IMPERIAL ESTATES AND Outlot Number One (1) except the South 60 feet thereof, REVISED HERBERG BEACH 2ND ADDITION

BOARD OF ADJUSTMENT DECISION: Approved as requested.

VARIANCE: Approved to build an addition onto the rear of the house closer to OHW to be no closer than a setback of 68 feet from OHW or not to encroach beyond existing rear building line.

SPECIAL CONDITIONS: None

ISSUE DATE OF VARIANCE: March 25, 2021

Variance must be made use of within one year of the date of approval or it shall become null and void.

CERTIFICATION

State of Minnesota)
County of Chisago) ss.



I hereby certify that the foregoing record of decision is a true and correct record of the decision adopted by the Chisago County Board of Adjustment at a duly authorized meeting thereof on the 25th day of March 2021.


Jessica Jagoe, Clerk
Chisago County Board of Adjustment and Appeals

4/29/21
Date

This document drafted by Jessica Jagoe, Land Services Coordinator, Chisago County Environmental Services, 313 No. Main St. # 240, Center City, MN 55012
Please return to:
Chisago County Environmental Services/Zoning Department
313 No. Main St. #240
Center City, MN 55012



Staff Report

TO: Board of Adjustment and Appeals
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Consideration of Variance Extension
 13380 322nd Street, Chisago Lake Township
 DATE: March 31, 2022

ACTION TO CONSIDER

The Board of Adjustment and Appeals (Board) will consider a request for extension of a Variance allowing an addition 68' from the OHWL at 13380 322nd Street in Chisago Lake Township.

SITE & APPLICATION INFORMATION

Applicant(s):	Brad & Tessa Nelson
Property Owner(s):	Brad & Tessa Nelson
Property Address:	13380 322 nd Street Chisago Lake Township
General Location:	Section 22, Township 34, Range 20
PID:	02.01316.26
Property Area:	1.27± Acres
Current Zoning:	Rural Residential I (RRI) District / Shoreland Management District
Adjacent Zoning:	
North:	Rural Residential I (RRI) District
South:	Rural Residential I (RRI) District
East:	North Center Lake
West:	Rural Residential I (RRI) District
Date Variance Issued:	March 25, 2021

BACKGROUND

Brad & Tessa Nelson requested and received a Variance in March 2021 allowing them to build an addition onto the rear of the house closer to the OHWL than allowed by the Shoreland Management Ordinance. As is customary with all Variance approvals, the property owners were required to make use of the Variance within one year of approval in order to keep the approval valid.



Zoning Ordinance Section 8.06 I. states that “any Variance approved but not utilized within twelve (12) months of the date of approval may become null and void, unless the applicant requests a one year extension in writing, prior to the one year anniversary date of approval, and states a valid reason for

non-use of the Variance.” The Nelsons submitted a written request, dated received March 8, 2022, for extension (attached).

The March 25, 2021 public hearing packet and meeting minutes are attached for reference.

STAFF RECOMMENDATION

Staff recommends that the Board consider the Nelson’s request for extension and act accordingly.

OPTIONS

1. **Approve** the Variance extension as requested, making the Variance valid until March 25, 2023.
2. **Deny** the Variance extension. Given that the current Variance approval was valid until March 25, 2022, denial would essentially nullify the Variance.
3. **Table** action to allow for further review and consideration.

ACTION REQUESTED

Motion to either approve or deny the request for a one-year Variance extension.

ATTACHMENTS

1. Written request for extension dated received March 8, 2022
2. March 25, 2021 public hearing packet
3. March 25, 2021 meeting minutes
4. Legal recording for Variance issued on March 25, 2021

CC: Brad & Tessa Nelson, applicants
County file

March 8, 2022

Board of Adjustment & Appeals

RE: Variance Extension -- PID 02.01316.26

The attached variance was approved on March 25th, 2021. We would like to request an extension of this variance for one additional year to make use of the approved variance. Shortly after the variance was approved, we began working on hiring an architect to draw house plans. Given the current demand in the housing market, we were surprised to find out most architects were booked out for 6+ months. We have been working diligently with an architect for quite some time, but we have encountered several road blocks along the way:

- architect availability
- engineering availability
- constructability of our addition due to existing conditions
- delays in receiving estimates from suppliers & subcontractors due to their availability
- building costs (both labor and materials)
- ongoing & current supply chain issues

All of the above issues have all contributed minor and major delays in completing our final construction plans required for a building permit. Even though we are getting close to final drawings; we simply do not have a full construction planset that is suitable for a building permit at this time.

Please consider our request for the variance extension given the explanation stated above. If you have any questions, please contact Brad at the number listed below.

Sincerely,



Brad & Tessa Nelson





Staff Report

TO: Chisago County Board of Adjustment and Appeals

FROM: Jessica Jagoe, Land Services Coordinator

DATE: March 18, 2021

RE: Nelson Variance – PID# 02.01316.26
Chisago Lake Township, 13380 322nd Street

Action to Consider

Property Owner is requesting a variance to build an addition onto the rear of the house closer to OHW than the required setback.

Background

Bradley Nelson, Property Owner, purchased the home in 2020 and is requesting to add an addition onto the rear of the house closer to OHW. The subject property is located in Chisago Lake Township, Lot 1, Block 2, Imperial Estates (PID #02.01316.26.) and is associated with the abutting residential parcel at the same address, Revised Herberg Beach 2nd Addition, Outlot A (PID #02.01271.00). The properties are zoned RRI, Rural Residential I with Shoreland Overlay.

The known history of the property includes a variance approved in 1987 for the original owner to construct a pole barn on the adjacent property (which is a separate substandard lot in the same ownership as the residence) to serve as an accessory structure to the existing house. The variance was approved to be closer to the road, lake and lot line than the required setback. Also, a variance was denied in 2018 to separate the substandard lake lot from the abutting property with the principal dwelling which are under common ownership, and convert an existing building that is accessory to the associated residence into a year round dwelling.

Site Plan/Proposal Analysis

The proposal is to build a 12' x 23' addition onto the rear of the house. This addition will extend 12 feet east and would not encroach closer to OHW than the existing "bump out" on the home, and extends 23 feet north to maintain the existing side building line. In the RRI District, the following setbacks would apply:

	<u>RRI Zoning - Setback</u>	<u>Proposed</u>
Side Yard – For Principal Dwelling	10 feet	16 feet
Rear Yard – From OHW	75 feet	69 feet

As mentioned, the proposed addition will extend towards OHW and maintains the existing rear building line of the house as measured from the “bump out”. That existing rear setback from OHW is 68 feet as measured from the SE corner of the “bump out”. Therefore, a variance is needed for enlarging the legal nonconforming structure. The Applicant has stated in the application that the practical difficulty in this case is that of pre-existing development and the current house layout not being conducive for expansion in another configuration.

Lastly, the impervious surface coverage allowed in the Shoreland District is up to a maximum of 25% of the lot area. As proposed, the impervious surface lot coverage with the addition would be approximately 16%.

Technical Review

The Technical Review Panel met on March 10th and had no other identified impacts from that review.

It should be noted that the variance application originally submitted an interior floor plan with a three bedroom design. Mr. Nelson has indicated the house currently has three bedrooms. The house design presented with the application would have converted an existing lower level bedroom to an Office/Storage space and added a lower level third bedroom within the floor area of the addition. The County Sanitarian has indicated that the current septic system may only be sized for a two bedroom home. Therefore, she has requested documentation from Mr. Nelson to confirm whether the septic system is sized for a two or three bedroom home. Seasonal constraints hinder a designer being able to verify the septic size for at least another month. Mr. Nelson has submitted a revised interior floor plan (which is the plan included in packet) that eliminates a lower level bedroom entirely (i.e. no bedroom in proposed addition and existing lower level bedroom is still converted to Office). Based on the revised plan, the house as Mr. Nelson has indicated would only have two bedrooms. The Applicant understands that an application for a building permit now or in the future with a three bedroom house design will require documentation of septic size and that future remodeling to add a bedroom at a later date shall require a separate building permit. For the Board of Adjustment and Appeals review this detail is being provided for informational purposes and does not impact the setback of the addition as proposed.

60-Day Agency Action

The application was deemed complete on February 25, 2021. The 60-day deadline would be April 26, 2021.

Township Recommendation

Chisago Lake Township Board reviewed at their meeting on March 16, 2021 and has recommended Approval with no conditions.

Ordinance/Proposal Analysis

The County Ordinance defines a Non-Conforming Structure, Legal as *“A structure which predates the adoption of the official controls that does not allow such structure, or does not comply with one (1) or more of the regulations applicable in the zoning district in which it is located.”* In this case, the existing dwelling does not meet the setback requirements in the RRI from the rear yard (OHW). However, this structure and lot are considered legal nonconforming

and are allowed to continue by State Law. There are three Zoning Code provisions in Section 4.03 which are pursuant to MN State Statute 394 that are applicable to this variance application. Those provisions are:

4.03 Non-conforming Structures and Uses

A. Purpose.

It is the purpose of this Section to provide for the regulation of non-conforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which non-conforming buildings, structures, and uses shall be operated and maintained consistent with the Ordinance. The Ordinance establishes separate districts each of which has been determined to be an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that non-conforming buildings, structures and uses shall not be permitted to continue without restriction. Furthermore, it is the intent of this Section to provide for the gradual elimination of nonconformities.

B. Any non-conforming structure or use lawfully existing upon the effective date of this Ordinance shall not be enlarged, intensified, made more permanent, or expanded. Any non-conforming structure or use may be continued at the size and in the manner of operation existing upon such date except as hereinafter specified or subsequently amended.

H. Normal maintenance of a lawful non-conforming structure or use is permitted, including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the non-conforming use, provided the necessary repairs shall not constitute fifty (50) percent or more of fair market value of such structure. Said value shall be determined by the County Assessor.

In review of consistency with the criteria set forth in the Zoning Ordinance and Minnesota Law:

1. *Is there another feasible method to alleviate the need for a variance, and if not, is the variance requested the minimum variance which would alleviate the hardship? How substantial is the requested variation from the requirements of the zoning ordinance?*
Given current setbacks, location of utilities, and house configuration of preexisting development on this parcel, the variance as requested by the Applicant is viewed by Staff as the least impactful design in order to allow for expansion. Minnesota law does not allow for expansion of a nonconforming property or use without going through a variance process. This type of review is not out of character with other RRI, Rural Residential I and Shoreland properties as homeowners look to improve on existing development.
2. *Would variance approval effect a substantial change in the character of the neighborhood or result in any significant detriment to neighboring properties?* No.

3. *Did this landowner, or a previous owner create the need for the variance? If so, does the need for a variance arise from an owner's actions under the current law?* No. These lots were created many years ago (i.e. 1979 & 1963). Like most shoreland lots, the Owners are looking to make improvements to the property which requires a variance for almost any type of expansion with preexisting development. The homeowners are looking to the Board of Adjustment and Appeals to be allowed to make said improvements. In this case, the practical difficulty is the pre-existing development which precludes meeting any of the modern day requirements within the barriers of site and house layout.

4. *Were economic conditions or circumstances cited as reasons for the variance request? Are the economic circumstances the sole reason for seeking a variance?* Economic circumstances were not cited by the Applicants as any part of the rationale for seeking the variance.

5. *Do exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant ordinance have had no control?* Yes, please refer to Item #3 in this section, above.

6. *Would literal interpretation of the provisions of this Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same district under the strictly applied terms of this Ordinance?* Yes. Many similar variance requests have been approved by the Board of Adjustment and Appeals based upon the same practical difficulty, pre-existing development. There is historic acknowledgment on the part of the County of a basic development right conferred upon a property, and the owner's vested interest in maintaining and improving his property. Any resulting approval would not grant a use that is otherwise prohibited by Code and is consistent with the Comprehensive Plan.

7. *Will granting the variance result in allowing a use otherwise not permitted in the same district?* No.

8. *Would variance approval be materially detrimental to the purposes of this Ordinance, or to property in the same zone?* No. No material harm or detriment would result from this variance being approved.

9. *Does a reasonable use of the property exist under the terms of this Ordinance without variance approval?* Yes, a reasonable use in the context of the immediate area, and properties in the same zoning exists. "Reasonable use" has traditionally been viewed by the Board of Adjustment and Appeals to include enlargement of structures on nonconforming lots in this same manner.

10. *Would variance approval permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for this particular area, or permit standards lower than those required by State law?* No.

11. *In light of all of the above factors, would denying a variance serve the interests of justice?* Yes, denial would be inconsistent with past practice by the Board of Adjustment, in allowing reasonable variances for older substandard lots of record.

Variance Analysis

The Board of Adjustment in your review of the Variance requests is tasked with determining whether or not a “practical difficulty” or “practical hardship” exists to the property owner with the use of this land. That threshold is within the guidance of MN State Statute 394 which states:

“The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.”

Additional factors for the Boards consideration as outlined in the County Ordinance are as follows:

1. *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control;*
2. *That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;*
3. *That the special conditions or circumstances do not result from the actions of the owner(s) or under previous owner(s) under the current law;*
4. *That granting the variance requested will not result in allowing a use otherwise not permitted in the same district;*
5. *The variance requested is the minimum variance which would alleviate the hardship;*
6. *The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone;*

7. *Economic conditions or circumstances alone shall not be considered in the granting of a variance request if a reasonable use of the property exists under the terms of this Ordinance; and*
8. *In the Flood Plain District, no variance shall be granted which permits a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permits standards lower than those required by State law.*

Staff Findings

County Staff has found that the Variance request by Mr. Nelson is not in conflict with any of the above provisions. In addition, it is the determination of County Staff that denial of the variance would be inconsistent with past practice, and many previous requests that have been considered and approved by the Board.

Recommendation

In considering all requests for a variance, the Board of Adjustment and Appeals shall make a finding of fact as appropriate that the proposed action will not:

1. Impair an adequate supply of light and air to adjacent property;
2. Unreasonably increase the congestion in the public right-of-way;
3. Increase the danger of fire or endanger the public safety;
4. Unreasonably cause undue negative impact to surrounding properties;
5. Cause an unreasonable strain upon existing facilities and services;
6. Have a negative direct and indirect fiscal impact upon the County or school district, unless the proposed use is determined to be in the public interest; and
7. Be contrary in any way to the spirit and intent of applicable land use controls.

Barring any new or unknown evidence discovered after the completion of this report or during the course of the public hearing, staff has provided below the following recommended motion for your consideration:

The variance application to build an addition onto the rear of the house closer to OHW than the required setback up to 69 feet and shall not encroach beyond existing rear building line is hereby approved for Brad Nelson, at 13380 322nd Street (PID# 02.01316.26), based on the staff report as presented and the following Findings of Fact:

- 1. The Variance request is not created by the Landowner and is due to pre-existing development of site and house layout.***
- 2. The Variance does not change the character of the neighborhood and is consistent with previous approvals on pre-existing development.***
- 3. The Variance as presented by the Applicant has demonstrated the least impactful design for an expansion of the non-conforming property in order to maintain a reasonable use of the property within this zoning district.***

Alternate Options

Alternatively, should the Board of Adjustment and Appeals determine differently upon completion of the Public Hearing and upon discovery of any new or unknown factors of the

proposal, staff has provided below other motions for your consideration (*Note: The Board of Adjustment will need to modify to include Findings of Facts*):

- Move to table action and extend the initial 60-day period for required action on this Variance application for up to an additional 30 days, so to allow for further review of the record and to make a decision on this application, as allowed under Minnesota State Statute 15.99 Subd. 3(f).
- Recommend Denial based on the following suggested Findings of Fact or other contributing factors deemed appropriate (*note: these can be modified or omitted and are only suggested text to assist in motion language*)
 1. The Variance application as proposed is not consistent with the zoning regulations and Comprehensive Plan for Chisago County.
 2. The Variance application has a negative adverse impact on the area due to _____ and therefore cannot be supported by the Board of Adjustment and Appeals.
 3. The Variance application as presented does not meet the threshold for Practical Difficulty as required by MN State Statute 397 and County Ordinance 8.06.D because of _____.

CC: Brad Nelson, Applicant
County File

60 Day Deadline:

Recording Fee 46.00

Base Fee 500.00

Wetland or Septic Fees Checked in 202

Plat Compliance Fee -
TOTAL FEE \$ 546.00

Permit # 21-190

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Street Location 13380 322nd Street Tax Parcel # 02.01316.26

Legal Description IMPERIAL ESTATES Lot 001 Block 002 E-Mail Address: [REDACTED]

Owner: Bradley Scott Nelson Day Phone [REDACTED]

Address 13380 322nd Street, Lindstrom, MN 55045

Applicant (if other than owner) [REDACTED] Day Phone ()

Address S 22, T 34, R 20

Type of Request: Variance ☒ Preliminary Plat ☐

Administrative Appeal ☐ Administrative Permit ☐

Conditional Use Permit ☐ Ordinance Amendment ☐
(or amendment to CUP)

Interim Use Permit ☐ Rezoning ☐
(or amendment to IUP)

Applicable section of ordinance: Shoreland ordinance 5.21.A - Structure setback from OHW

Description of request: 12'x23' addition to back of house in NE corner. Addition to include main floor and basement.
Proposed addition will be no closer to the OHW than the current structure is. Closest part of the structure is currently 68' from OHW on the south and 69' from OHW on the north. Addition will remain at 69' from OHW.

If Variance Application, Brief

Description of Practical

Difficulty The west side of house has all main utility lines (power, water, sewer) entering/exiting to the west. South side of the house is the garage. South east side of house has a deck. North side is too close to northern property line.

[Signature] 2/23/21
Signature of Applicant Date of Application

Thereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

4/26/21
60 Day Deadline
(If Application is Complete)

Received
at counter
2/25/21

Date of Public Hearing: Thurs 3-25-21

Questions? Contact Jessica Jagoe, Land Services Coordinator at 651-213-8379 or Jessica.jagoe@chisagocounty.us

TOWNSHIP PRESENTATION FORM

Street Location 13380 322nd St.

Legal Description Imperial Estates Lot 001 Block 002

Owner Name Bradley Scott Nelson

Day Phone: [REDACTED]

Address: 13380 322nd St. Lindstrom, MN 55045

Applicant: _____

(if other than owner)

Day Phone: () _____

Address
:

Type of Request:

Variance ☒

Preliminary Plat ☐

Administrative Appeal ☐

Administrative Permit ☐

Conditional Use Permit ☐
(or amendment to CUP)

Rezoning ☐

Interim Use Permit ☐

Ordinance Amendment ☐

Description of Request: 12'x23' addition to back of house in NE corner

Date of County Public Hearing: _____

Date of Township Presentation: _____

TOWNSHIP ACTION TAKEN

Approved ☒

Denied ☐

Reasons and Conditions:

addition does not extend current addition
in center of house

Signature of Township Officers:

[Signature]
[Signature]
[Signature]

[Signature]

Signature of Applicant

2/25/21
Date

SCHEDULE OF REQUIRED MEETINGS

Zoning Department will fill out this form for you at the time of your application

February 23, 2021

Chisago County Environmental Services
Board of Adjustment & Appeals

RE: Variance for House Addition Closer to OHW than Required Setbacks

To Whom it may concern:

I am requesting a variance to add an addition to the back of my house that would be closer to OHW than the required setbacks. The addition would be 12' x 23' and would not encroach any closer to the OHW than the current middle "bump out" of the existing house. The addition would extend east 12' to be flush with the current wall that is closest to OHW. The addition would be 23' long from north to south and be flush with the northernmost house wall and abut the north wall of the existing "bump out." The addition would match the existing basement floor elevation of 905.71 which is 5.5' higher than OHW. I am requesting the variance in order to provide more living room space in the basement.

I have analyzed all of the other areas of the house and none of them support an addition to provide living room space in the basement. Here are the reasons why:

- The north side of the house is 16' from the property line and does not have enough room for an addition.
- The northwest side of the house could support an addition that would be about half the size I'd like, but would require most, if not all, of the roof to be torn off to support an addition in that area. Also, the addition on that side would be fully underground and not ideal for additional living room space.
- The porch area of the house could be converted to living space on the main level, but the area below would again be underground. This area also has precast concrete planks and very low head room. It's currently used as storage and isn't suited for much more.
- The southwest side of the house is the attached garage with tuck under garage below it.
- The south side of the house is mostly garage and doesn't support being attached to the house as the garage would be in the middle of the addition and the house. Also, the grade on the south side of the house isn't very supportive of a garage should I convert the existing garage area to living space and add a new attached garage.
- The southeast side of the house is where the deck currently is.
- Adding onto the "bump out" would further encroach toward OHW

The south corner of the "bump out" is 68' from OHW and the north corner is 69' from OHW. As mentioned above, the addition would not encroach any further to the east than the easternmost line of the house. The addition would not encroach any closer than 69' from OHW.

Please review my request along with the attached additional information.

Respectfully,

Brad Nelson





Top Photos: Current Rear View of House
Bottom Photos: Side View & Front View of House



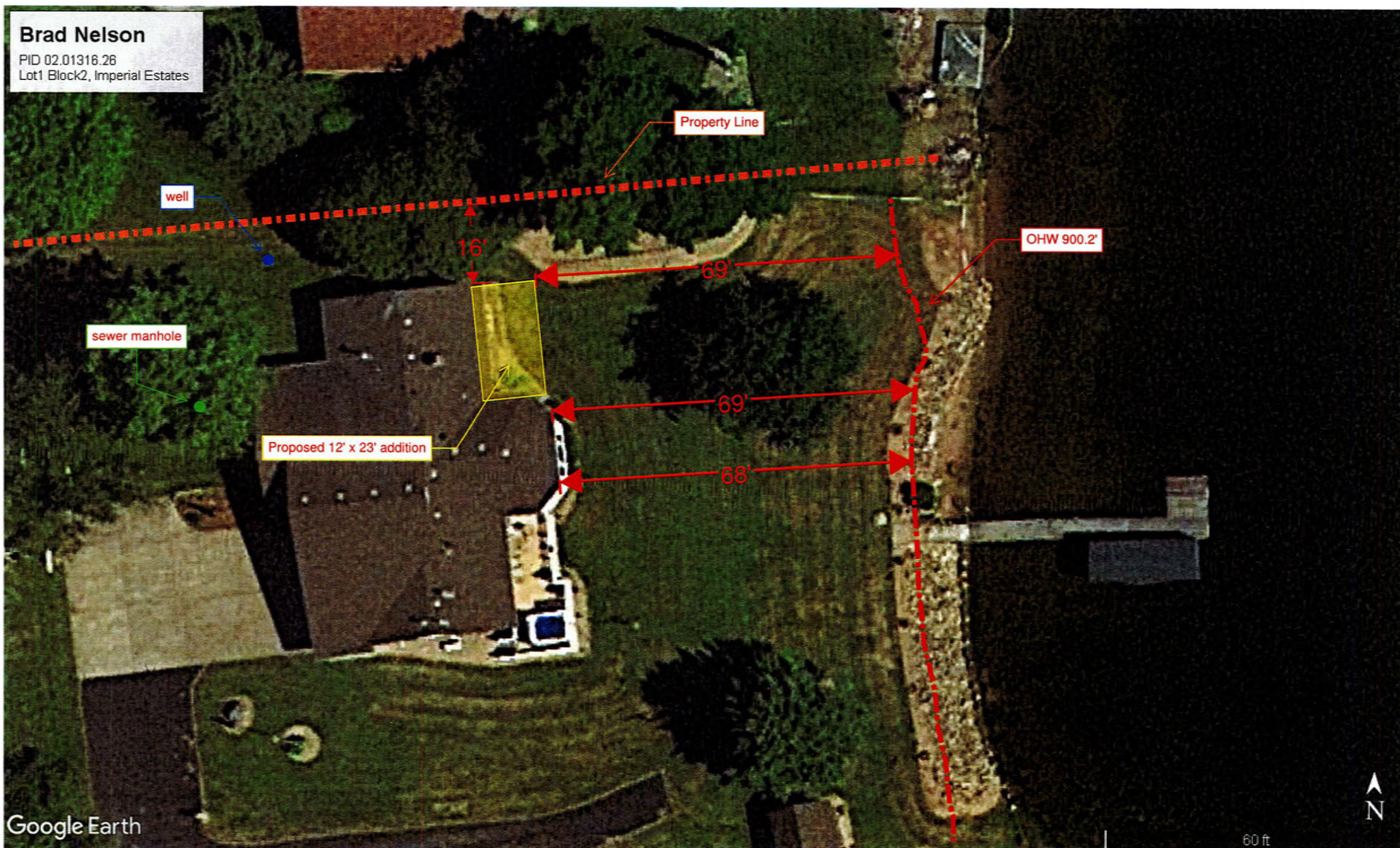
Proposed Addition



BRAD NELSON
1' = 1/4"
REAR ELEVATION

Brad Nelson

PID 02.01316.26
Lot1 Block2, Imperial Estates



Brad Nelson

PID 02.01316.26
Lot1 Block2, Imperial Estates

Property Line

well

OHW 900.2'

sewer manhole

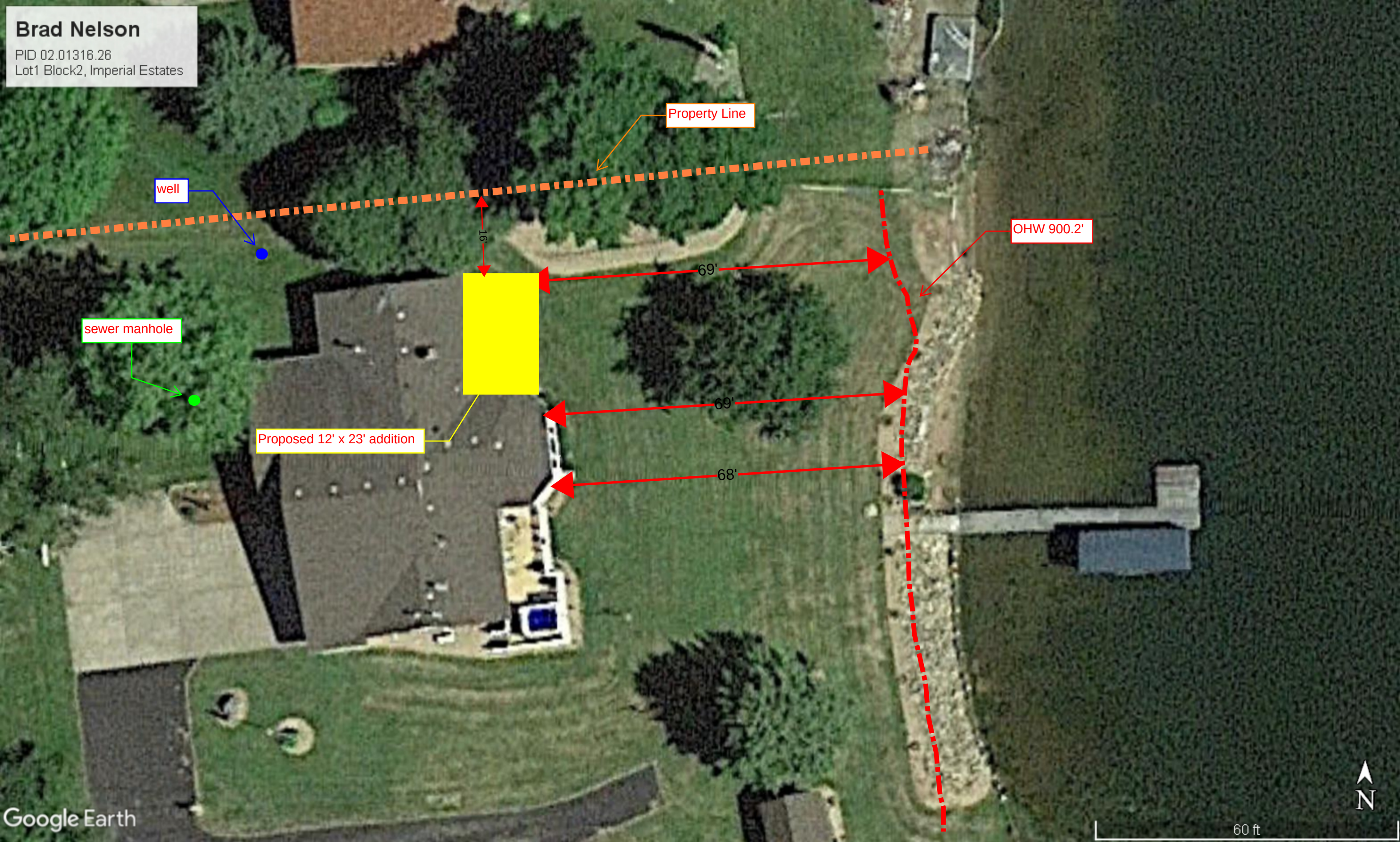
Proposed 12' x 23' addition

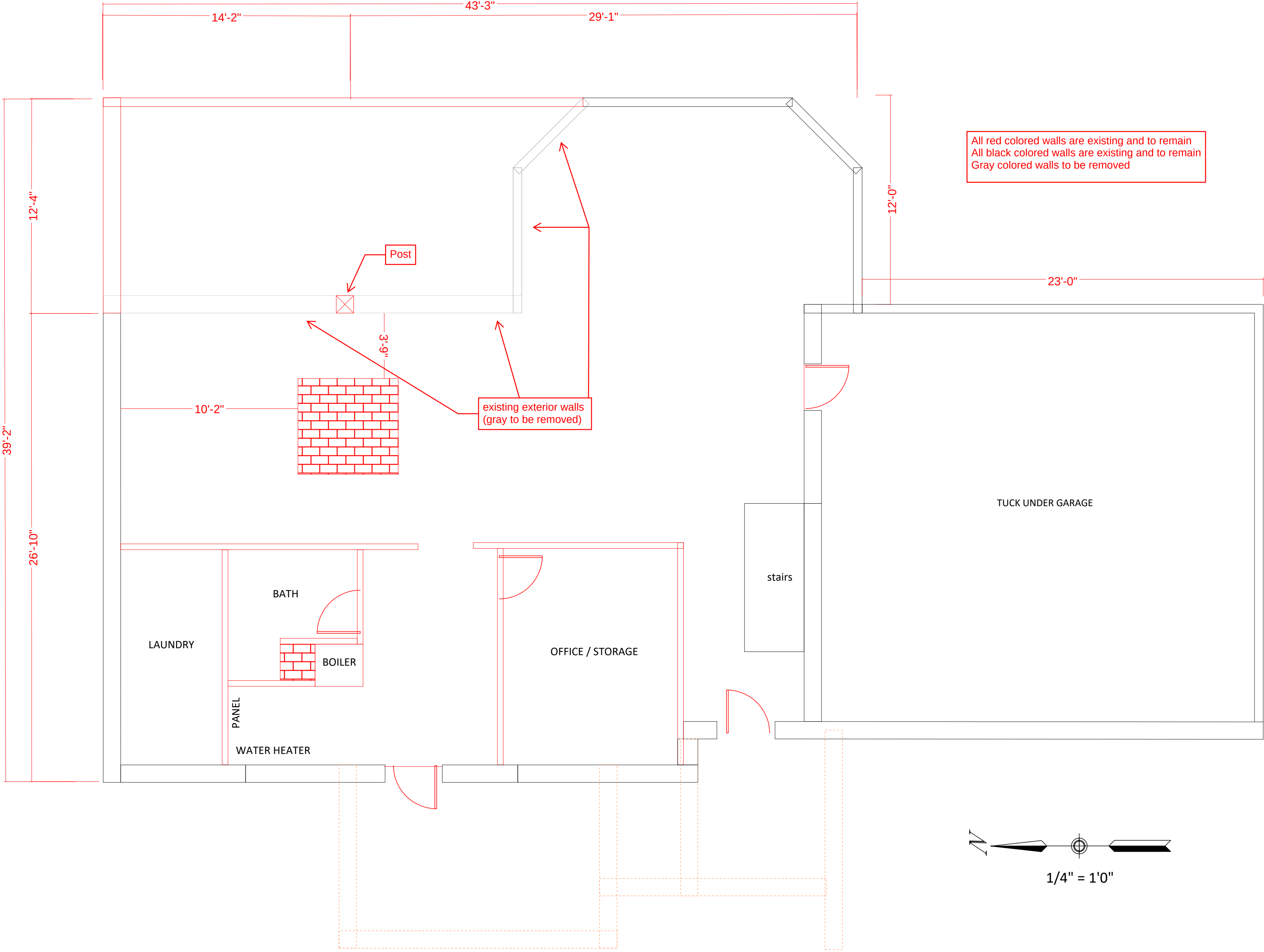
69'

69'

68'

16'





IMPERVIOUS SURFACE CALCULATIONS

required for parcels located within shoreland overlay

AREA OF PARCEL

acres:		square feet per acre:		Total area of parcel in square feet
1.27	x	43,560	=	55321.2

OR

Total area of parcel
in square feet

Impervious surface coverage of shoreland lots/parcels are limited to 25%. Impervious surface includes, but is not limited to decks, driveways (concrete, asphalt, or gravel), sidewalks (boardwalks, concrete, rock, landscape block, etc.), plastic-lined landscaping and structures. Anything located upon, within or above the ground that would prohibit water from percolating into the soils below and create an increased rate of runoff than the natural landscaping.

IMPERVIOUS SURFACE CALCULATION

Residential structures:	length X width	=	square foot of structure
(example)	(20 x 40)		(800)
dwelling		=	2845
garage	included above	=	
deck	10x15 + 12x14	=	318
patio		=	
sidewalk	included below	=	
driveway		=	3005
other; list:			
shed	12x12	=	144
		=	
		=	
		=	
TOTAL RESIDENTIAL STRUCTURES			6312

Agricultural Structures:	length X width	=	square foot of structure
barn		=	
machine shed		=	
bin		=	
other; list:			
		=	
		=	
		=	
		=	
		=	
		=	
TOTAL AG STRUCTURES			

Other Items:	length X width	=	square foot of structure
roadway (if not publicly dedicated)		=	
landscaping with plastic barrier		=	2251
other; list:			
		=	
		=	
TOTAL OTHER ITEMS			2251

Calculate:

Total from "Residential Structures": 6312 +
 Total from "Agricultural Structures": 0 +
 Total from "Other Items": 2251 +
Total square footage of coverage: 8563 =
 (divide by total area of parcel, above) 55321.2 /


signature

2/25/21
date

corresponding permit number

TOTAL IMPERVIOUS SURFACE 0.154786953 %

Bradley Nelson – Aerial Photo

Property at 13380 322nd Street, Chisago Lake Township; Sec.22, T.34, R.20, (PID #02.01316.26). Bradley Nelson, Property Owner, is requesting a variance to build an addition on the rear of the house closer to OHW than the required setback.

Nelson Property – 



Chisago Lake Township

Sec. 22, T. 34, R. 20

PID # 02.01316.26 & 02.01271.00



Bradley Nelson – Aerial Photo

Property at 13380 322nd Street, Chisago Lake Township; Sec.22, T.34, R.20, (PID #02.01316.26). Bradley Nelson, Property Owner, is requesting a variance to build an addition on the rear of the house closer to OHW than the required setback.

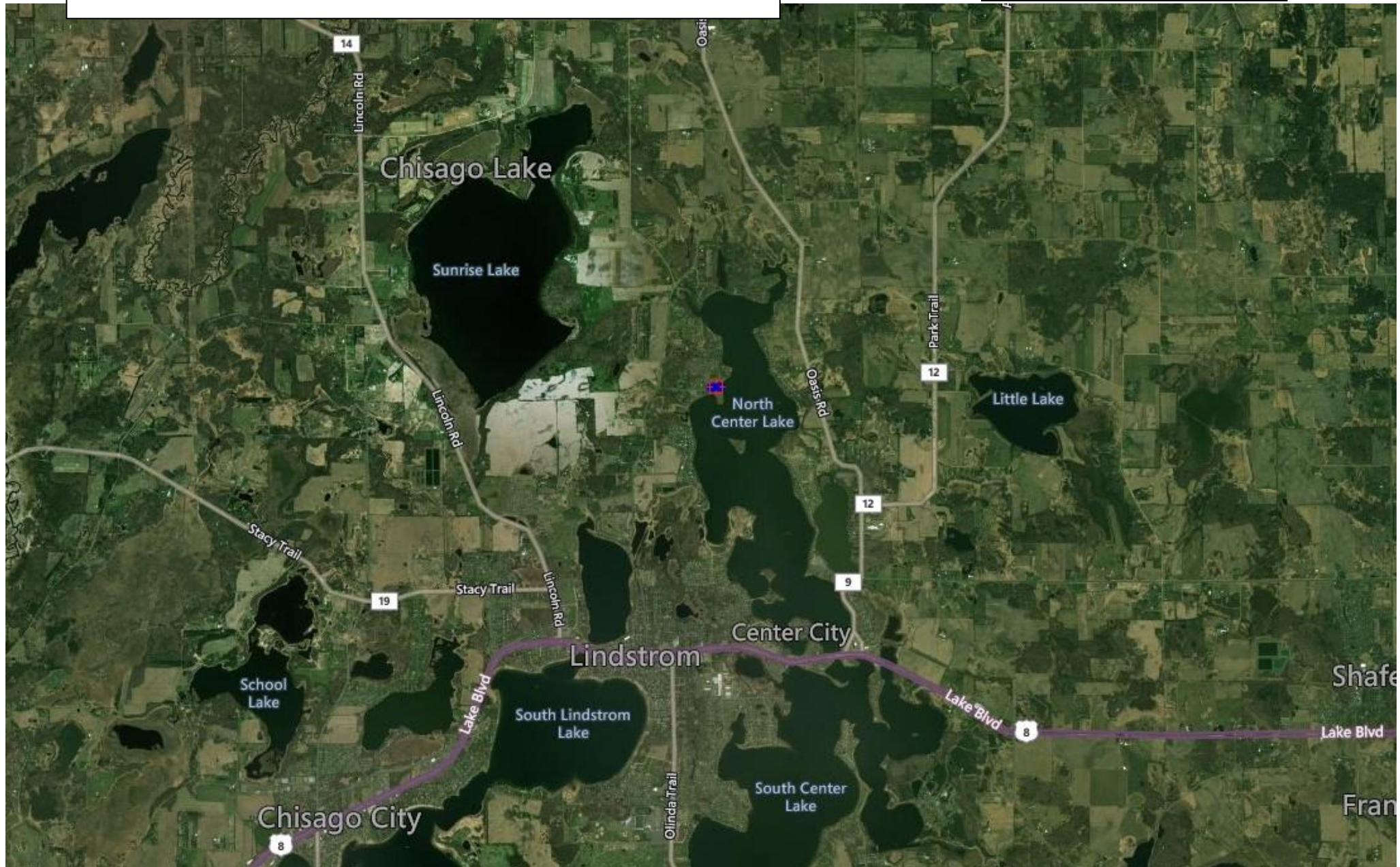
Nelson Property – 



Chisago Lake Township

Sec. 22, T. 34, R. 20

PID # 02.01316.26 & 02.01271.00



CHISAGO COUNTY
BOARD OF ADJUSTMENT
OFFICIAL PROCEEDINGS
March 25, 2021

The Chisago County Board of Adjustment met in regular session at 7:00 p.m. on Thursday, March 25, 2021 in a synchronous e-meeting due to Declaration of Local Emergency.

Staff Present: Jessica Jagoe; Land Services Coordinator and Diane Sander; Land Services & Parks Specialist.

Coordinator Strand 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: Becky Strand, John Sutcliffe, Doug Greene, Chip Yeager and Gregg Carlson. A quorum was established with members present.

Coordinator Jagoe provided an overview of the electronic meeting format, review of muted microphones, speaking order, how to "raise hand", with the Chair leading and following meeting order/procedures.

APPROVAL OF AGENDA – Motion to approve the agenda by Gregg Carlson. Second by Chip Yeager. Roll call vote was taken and motion carried unanimously.

APPROVAL OF MINUTES – Motion to approve the February 25, 2021 meeting minutes by Chip Yeager. Second by John Sutcliffe. Roll call vote was taken and motion carried unanimously.

RECEIPT OF MATERIALS AND SUBMITTALS INTO THE RECORD – Motion by Gregg Carlson to receive all applications, submittals, reports and other materials into the record by reference. 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 Report with Attachments. Public Hearing Staff Report had been distributed in advance to the Board and the applicant for their review. Copies of all correspondence and meeting materials were made available for electronic distribution.

PUBLIC HEARING

Bradley Nelson – Mr. Nelson was present at the hearing to request a variance to build an addition onto the rear of the house closer to ordinary high water (OHW) than the required setback in the Rural Residential (RRI) Zoning District with Shoreland Overlay. The property is located at 13380 322nd Street, Chisago Lake Township; Sec. 22, T. 34, R. 20 (PID# 02.01316.26) Imperial Estates and is associated with the abutting residential parcel at the same address; Revised Herberg Beach 2nd Addition, Outlot A. Coordinator Jagoe presented background information on Nelson's application. The proposal is to build a 12' x 23' addition onto the rear of the house. The addition would extend 12 feet and would not encroach closer to OHW than the existing "bump out" on the home. Side setback is 16 feet and inline with the existing building line. The existing rear setback from OHW is 68 feet therefore, a variance is needed for enlarging the legal nonconforming structure. Impervious surface coverage would be approximately 16%. Chisago Lake Township recommended approval on March 16, 2021 with no conditions. Technical review was held on March 10, 2021 and had no other identified impacts.

Mr. Nelson was present and available to address questions and concerns. Mr. Nelson commented the house's back corners are different one corner is 69 ft and other back corner is 68 ft, but the addition is not going any further than the existing house line. General discussion was held on construction of the addition. Chair Strand opened the public hearing and sought comment, no one was present to testify in the matter. With no additional person wishing to speak, **motion** by Doug Greene to close the public hearing. Second by John Sutcliffe. Roll call vote was taken and motion carried unanimously.

Each board member was asked for additional questions and comments. **Motion** by Chip Yeager to change the setback from 69 ft to 68 ft from the OHW. Second Gregg Carlson. **Motion** by Gregg Carlson to approve the variance to build an addition onto the rear of the house closer to OHW at 13380 322nd Street (PID# 02.01316.26), to be no closer than a setback of 68 feet from OHW or not to encroach beyond existing rear building line. Motion is based on findings of fact, staff report, site plan and narrative of record as presented. Second by Doug Greene. Roll call vote was taken and motion carried unanimously.

Coordinator Jagoe highlighted the Department of Natural Resources (DNR's) free on-line training seminars on floodplain and shoreland variances. If board members are interested, they could sign up.

Motion by Chip Yeager to adjourn. Second by John Sutcliffe. Roll call vote was taken and motion carried unanimously. With no further business the meeting was adjourned at 7:21 p.m.



28011

Fees:

REC'D COMPLIANCE FUND: \$11.00
STATE GENERAL FUND: \$10.50
TECHNOLOGY FUND: \$10.00
TORRENS ASSURANCE FUND: \$1.50
GENERAL TORRENS: \$13.00

Office of the Registrar of Titles
Chisago County, Minnesota

Certified, filed, and/or Recorded on: May 12, 2021 1:16:00 PM

Janet R. Converse, Registrar of Titles

Received from: CHISAGO COUNTY DEPT OF ENVIRONMENTAL SERVICES

Returned To: CHISAGO COUNTY DEPT OF ENVIRONMENTAL SERVICES

CERT #: 6472

PAGES: 1

Chisago County Department of
Environmental Services and Zoning
313 No. Main St. Room 240
Center City, MN 55012-9663
651-213-8379
Official Notification Of
VARIANCE APPROVAL

NAME AND ADDRESS: Bradley Scott Nelson and Tessa Jo-Sue Nelson
13380 322nd Street
Lindstrom, MN 55045

DESCRIPTION OF REQUEST: Variance to add a 12' x 23' addition onto the rear of the house closer to OHW than the required setback.

PROPERTY ADDRESS: 13380 322nd Street

PID: 02.01316.26 **SECTION: 22, TOWNSHIP: 34, RANGE: 20**

LEGAL DESCRIPTION:

Lot 1, Block 2, IMPERIAL ESTATES AND Outlot Number One (1) except the South 60 feet thereof, REVISED HERBERG BEACH 2ND ADDITION

BOARD OF ADJUSTMENT DECISION: Approved as requested.

VARIANCE: Approved to build an addition onto the rear of the house closer to OHW to be no closer than a setback of 68 feet from OHW or not to encroach beyond existing rear building line.

SPECIAL CONDITIONS: None

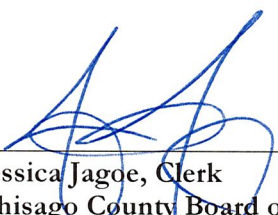
ISSUE DATE OF VARIANCE: March 25, 2021

***Variance must be made use of within one year of the date of approval
or it shall become null and void.***

CERTIFICATION

State of Minnesota)
County of Chisago) ss.

I hereby certify that the foregoing record of decision is a true and correct record of the decision adopted by the Chisago County Board of Adjustment at a duly authorized meeting thereof on the 25th day of March 2021.


Jessica Jagoe, Clerk
Chisago County Board of Adjustment and Appeals

4/29/21

Date

This document drafted by Jessica Jagoe, Land Services Coordinator, Chisago County Environmental Services, 313 No. Main St. # 240, Center City, MN 55012

Please return to:
Chisago County Environmental Services/Zoning Department
313 No. Main St. #240
Center City, MN 55012



CHISAGO COUNTY
BOARD OF ADJUSTMENT & APPEALS
OFFICIAL PROCEEDINGS
March 31, 2022

The Chisago County Board of Adjustment & Appeals met in regular session at 7:00 p.m. on Thursday, March 31, 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: Doug Greene, Becky Strand, John Sutcliffe, Chip Yeager and Gregg Carlson. A quorum was established with all members present.

APPROVAL OF AGENDA – Motion to approve the agenda by John Sutcliffe, second by Becky Strand. The motion passed and carried unanimously.

APPROVAL OF MINUTES – Motion to approve the January 27, 2022 meeting minutes by Gregg Carlson, second by John Sutcliffe. 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 by reference, 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

David Pary – Pary was present at the hearing to request a 15' side yard setback Variance to construct a 28' x 40' accessory structure 5' from the southeasterly property boundary where the minimum required side yard setback is 20'. The property is zoned Agricultural (AG) District and located at 16860 244th Road, Franconia Township, S31, T33, R19 (PID# 04.00595.01).

Coordinator Gervais presented background information on the Pary application. Pary constructed a single family home on the 2.66-acre parcel in 2021 in the Falcon Ridge subdivision. The subdivision was platted in 2003. When the subdivision was initially proposed, the Planning Commission spent several meetings in 2003 discussing the unique topography and challenges associated with development (steep slopes, drainage, erosion). The topography of the subject site varies drastically, with elevations as low as 819' on the western boundary to elevations as high as 873' in the northwesterly corner. The subject site also includes a drainage easement measuring 15' x 118.57' in the northcentral portion of the parcel. Due to location of the septic system, well, drainage easement and topography, Gervais stated that it's staff's opinion that the proposal to locate the accessory structure near the southeasterly property boundary is a reasonable request. Franconia Township recommended approval on March 16, 2022 with no conditions. Technical review was held on March 9, 2022 and no concerns were identified.

Pary was present and available to address questions and concerns. Pary confirmed there is really no other area to place the building. Chair Yeager sought public comment; no one was present to testify on the matter. With no additional person wishing to speak, **motion** by Gregg Carlson to close the public hearing, second by Becky

2. The dwelling addition shall be constructed in general conformance with the applicant's written narrative dated received March 1, 2022 and building plans dated received February 28, 2022. Any deviation from the approved request shall require 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 dwelling addition shall comply with all applicable codes and regulations.
4. The dwelling addition as proposed includes the addition of a third bedroom. Being that the existing septic system is designed for two bedrooms, the property owner shall submit a new septic design for County approval and install the system as part of the proposed dwelling expansion.
5. This Variance shall be made use of within one year of the date of approval or it shall become null and void.

NEW BUSINESS

Brad Nelson – Nelson was present at the hearing to request a one year extension of a Variance allowing a dwelling addition 68 feet from the OHWL at 13380 322nd Street, Chisago Lake Township, S22, T36, R22 (PID# 02.01316.26). Coordinator Gervais reviewed the March 8, 2022 communication from Nelson, explaining delays with architect and engineering availability, delays in receiving estimates from suppliers and subcontractors, increased costs for labor and materials and ongoing supply chain issues have compounded in completing the final construction plan.

Gregg Carlson inquired if all other aspects of the application and previous Variance approval will remain the same; Gervais stated that there were no changes proposed to the Variance and Nelson would be subject to all previously approved conditions. **Motion** by Becky Strand to approve the Variance extension as requested, making the **Variance valid until March 25, 2023 at 13380 322nd Street (PID#02.01316.26)**, second by John Sutcliffe. The motion passed and carried unanimously.

ADJOURN MEETING – Motion by Doug Greene to adjourn, second by Gregg Carlson. The motion passed and carried unanimously. With no further business the meeting was adjourned at 7:29 p.m.

RESOLUTION NO. BOAA2023-0301

**A RESOLUTION OF THE BOARD OF ADJUSTMENT AND APPEALS OF CHISAGO COUNTY, MINNESOTA,
APPROVING THE SECOND EXTENSION OF A VARIANCE ALLOWING A REDUCED OHWL SETBACK ON
PROPERTY LOCATED AT 13380 322ND STREET IN CHISAGO LAKE TOWNSHIP**

WHEREAS, property owners Bradley Nelson and Tessa Nelson submitted an application dated received and considered complete on February 28, 2023 for the second extension of a Variance to Shoreland Management Ordinance Section 5.21 Placement of Structures and Sewage Treatment Systems on Lots; and

WHEREAS, the property owners desire to construct a 12' x 23' dwelling addition 68' from the Ordinary High Water Level of North Center Lake where the required setback is 75'; and

WHEREAS, the subject site is located at 13380 322nd Street in Chisago Lake Township and is zoned Rural Residential I (RRI) District / Shoreland Management District; and

WHEREAS, the subject site is legally described as:

PID 02.01316.26

Lot 1, Block 2, Imperial Estates AND Outlot Number One (1) except the South 60 feet thereof, REVISED HERBERG BEACH 2nd ADDITION, Chisago County, Minnesota

WHEREAS, notice was provided and on March 25, 2021 the Board of Adjustment and Appeals conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant and/or property owner, and invited members of the public to comment; and

WHEREAS, the Board of Adjustment and Appeals approved the requested Variance on March 25, 2021; and

WHEREAS, the property owners, in accordance with Zoning Ordinance Section 8.06, I., submitted a written request in March 2022 for the extension of the 2021 Variance and the Board granted approval for a one-year extension expiring on March 25, 2023; and

WHEREAS, the property owners submitted a second written request for the extension of the 2021 Variance in February 2023 and the Board of Adjustment and Appeals considered this request on March 30, 2023.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT AND APPEALS OF CHISAGO COUNTY, MINNESOTA, that the request for a second Variance extension is hereby approved, subject to the following conditions:

1. This approval grants a 7' Variance to the OHWL setback requirement allowing the dwelling addition to be no closer than 68' from the OHWL of North Center Lake. The dwelling addition shall not extend beyond the existing rear building line. The structure shall comply with all other setback requirements.

2. The dwelling addition shall be constructed in accordance with application materials submitted in February 2021 and kept on file with the Department of Environmental Services.
3. The property owners shall obtain a building permit prior to construction and, further, the dwelling addition shall comply with all applicable codes and regulations.
4. This extension shall expire on March 25, 2024 and no further extensions shall be allowed. If the Variance extension is not utilized on or prior to March 25, 2024, the Variance shall become null and void.

Adopted by the Board of Adjustment and Appeals of Chisago County, Minnesota,
this 30th day of March, 2023.

Gregg Carlson _____
Douglas Greene _____
Becky Strand _____

John Sutcliffe _____
Charles Yeager _____

Gregg Carlson
Chair

ATTEST:

Beth Gervais
Land Services Coordinator

RESOLUTION NO. BOAA2023-0301

**A RESOLUTION OF THE BOARD OF ADJUSTMENT AND APPEALS OF CHISAGO COUNTY,
MINNESOTA, DENYING THE SECOND EXTENSION OF A VARIANCE ALLOWING A REDUCED
OHWL SETBACK ON PROPERTY LOCATED AT 13380 322ND STREET IN
CHISAGO LAKE TOWNSHIP**

WHEREAS, property owners Bradley Nelson and Tessa Nelson submitted an application dated received and considered complete on February 28, 2023 for the second extension of a Variance to Shoreland Management Ordinance Section 5.21 Placement of Structures and Sewage Treatment Systems on Lots; and

WHEREAS, the property owners desire to construct a 12' x 23' dwelling addition 68' from the Ordinary High Water Level of North Center Lake where the required setback is 75'; and

WHEREAS, the subject site is located at 13380 322nd Street in Chisago Lake Township and is zoned Rural Residential I (RRI) District / Shoreland Management District; and

WHEREAS, the subject site is legally described as:

PID 02.01316.26

Lot 1, Block 2, Imperial Estates AND Outlot Number One (1) except the South 60 feet thereof,
REVISED HERBERG BEACH 2nd ADDITION, Chisago County, Minnesota

WHEREAS, notice was provided and on March 25, 2021 the Board of Adjustment and Appeals conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant and/or property owner, and invited members of the public to comment; and

WHEREAS, the Board of Adjustment and Appeals approved the requested Variance on March 25, 2021; and

WHEREAS, the property owners, in accordance with Zoning Ordinance Section 8.06, I., submitted a written request in March 2022 for the extension of the 2021 Variance and the Board granted approval for a one-year extension expiring on March 25, 2023; and

WHEREAS, the property owners submitted a second written request for the extension of the 2021 Variance in February 2023 and the Board of Adjustment and Appeals considered this request on March 30, 2023; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT AND APPEALS OF CHISAGO COUNTY, MINNESOTA, that the request for a second Variance extension is hereby denied based on the determination that the Zoning Ordinance only allows one extension of a

Variance. Be it further resolved that the Variance originally granted on March 25, 2021 and extended on March 31, 2022 is hereby considered null and void.

Adopted by the Board of Adjustment and Appeals of Chisago County, Minnesota,
this 30th day of March, 2023.

Gregg Carlson _____
Douglas Greene _____
Becky Strand _____

John Sutcliffe _____
Charles Yeager _____

Gregg Carlson
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator



Chase Burnham
County Administrator

COUNTY OF CHISAGO

BOARD OF COMMISSIONERS

Chisago County Government Center
313 North Main Street, Room 172
Center City, MN 55012-9663

Commissioners:
District 1
Jim Swenson
District 2
Rick Greene
District 3
Marlys Dunne
District 4
Ben Montzka
District 5
Dan Dahlberg

Commissioner Dunne offered the following resolution and moved its adoption:

RESOLUTION NO. 23/0215-5

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY, MINNESOTA, APPROVING PLANNING COMMISSION AND BOARD OF ADJUSTMENT AND APPEALS POLICY ON COMMISSION/BOARD STRUCTURE, MEETING ORDER AND GENERAL PROCEDURE

SECTION 1. PURPOSE

The purpose of this policy is to provide a set of operating procedures for the Planning Commission and Board of Adjustment and Appeals, and to establish a code of ethics and conduct.

SECTION 2. ANNUAL REVIEW

This policy shall be reviewed annually by the Planning Commission and Board of Adjustment and Appeals, and any changes or amendments agreed to by a majority vote of each body shall be recommended to the County Board for adoption.

SECTION 3. REGULAR MEETINGS

Regular meetings shall be held at the Chisago County Government Center or other Officially Noticed location at 313 North Main Street, Center City, Minnesota. The meeting schedule shall be as follows:

- Planning Commission shall be held on the first Thursday of each month.
- Board of Adjustment and Appeals shall be held on the last Thursday of each month.

The usual meeting time shall be 7:00 PM unless otherwise noticed. At such meetings, the Commission/Board may consider all matters properly brought before the Commission/Board. A regular meeting may be cancelled or rescheduled by the Commission/Board or by County Staff (in which there are no planning applications) or in observance of a recognized holiday conflict. Rescheduled meetings shall require a motion of new meeting date.

SECTION 4. SPECIAL MEETINGS

Special meetings of the Planning Commission or Board of Adjustment and Appeals may be called by the Zoning Administrator who shall designate the time, place and purpose of the meeting. Notice of special meetings must conform to the Minnesota Open Meeting Law. Written or email notice, thereof shall be given to all members not less than 24 hours in advance of the special meeting except in the case of an emergency.

SECTION 5. QUORUM

In order for any meeting to be called to order, a quorum is identified as a majority of members present and remotely attending. In each case the minimum required for the Planning Commission quorum would consist of four (4) members and the Board of Adjustment and Appeals quorum would be three (3) members present. During the course of any meeting, a majority of members must be present to take action on any matter before the Commission/Board.

SECTION 6. MEETINGS AND THE OPEN MEETING LAW

In accordance with the Minnesota Open Meeting Law (Minnesota Statute Chapter 13D), all official meetings shall be open to the general public. An "official" meeting is any gathering, or simultaneous or serial communication (via email, telephone or otherwise), between a quorum of members for the purpose of considering the public business of the Planning Commission or Board of Adjustment and Appeals. Informal gatherings and communications such as site visits and conference telephone calls, therefore, may constitute an official meeting. The Planning Commission or Board of Adjustment and Appeals may exclude the public from its meeting only in certain very limited cases identified in the Open Meeting Law with the guidance of the County Attorney.

SECTION 7. VOTING AND RECOMMENDATIONS

At all meetings of the Planning Commission, each member attending, with the exception of the *ex officio* Chisago County Board member, shall be entitled to cast one vote on matters before the Planning Commission. At all meetings of the Board of Adjustment and Appeals, each member attending shall be entitled to cast one vote on matters before the Board. In the event that any member shall have a conflict of interest, as determined by the County Attorney, concerning a matter then before the Commission or Board, he/she shall disclose his/her interest and be disqualified from any discussion or vote upon the matter, and the minutes shall reflect no participation by such member. The affirmative vote of a majority of members in attendance shall be necessary for the adoption of any resolution or other voting matter. The results of any vote shall be recorded, listing those voting Aye and those voting Nay. All recommendations shall be sent to the County Board by means of written minutes and shall include the record of the division of votes on each recommendation.

SECTION 8. REGULAR PROCEEDINGS

(A) At any regular meeting, the following shall be the regular order of business:

1. Call to Order – Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
4. Minutes of the Preceding Meeting(s)
5. Receipt of Materials and Submissions
6. Public Hearings - New Applications
7. Public Hearings - Continued Hearings
8. Old Business
9. New Business
10. Communications and Reports
11. Miscellaneous
12. Adjournment

The order of business may be varied by the presiding officer, but no public hearings shall be held at an earlier time than specified in the notice of hearing.

(B) Each formal action of the Planning Commission or Board of Adjustment and Appeals required by law, rules, regulations or policy shall be embodied in a formal vote duly entered in full in the official minutes after an affirmative vote as provided in Section 7 hereof and may be accompanied by written findings of fact.

SECTION 9. AGENDA AND DEADLINE FOR AGENDA

(A) **Purpose.** The agenda of a meeting serves two important functions: it focuses deliberations by determining what matters will be considered at the meeting, when each matter will be considered, and the context in which each matter will be considered; and, it serves as the public's only guide to what will be considered at the meeting, how the matter be dealt with, who will participate in the discussion, and when public comment may be made. The agenda should be prepared so as to best achieve these functions.

(B) **Deadlines.** The working agenda for the meeting shall be prepared by the county environmental services staff and shall be closed at noon the Thursday prior to the meeting for preparation purposes.

(C) **Submissions.** Any member may seek to place an item on the agenda by requesting the same to county staff responsible for agenda preparation prior to noon the Thursday prior to the meeting. No item shall be placed on the agenda unless the item is expressed in such a way as to clearly show the subject matter involved.

(D) **Delivery of Agenda to Members.** At least four calendar days before the meeting, the county staff shall provide each member a meeting agenda and all materials related to items on the agenda (e.g., petition, application, plans, staff report, written comments received).

(E) **Agenda Discussion Items - Additions During Regular Meetings.** Additional discussion items may be added to the agenda at the time of adoption/approval of the agenda during the meeting subject to approval by a majority vote of the members present. The additional items may be discussed, but no formal action may be taken.

If a new item of business proposed to be added to the agenda requires staff review (such as rezonings, ordinance amendments, preliminary subdivision plans, and subdivision review procedures and guidelines), involves quasi-judicial procedures (such as a request for a conditional use permit or variance), involves substantive matters of potential public interest (such as the Comprehensive Plan, or other major policies), or requires legal notice elements, the Commission or Board may add the item to the agenda only for purposes of referring it to county staff, or scheduling it for consideration at a later meeting (as appropriate). The Commission may not discuss the substance of the matter or take any final action on the item except at a meeting where the item is included on the distributed agenda.

SECTION 10. MINUTES

(A) **Purpose.** The minutes of the meetings represent the official record of the Commission and Board's deliberations and actions. As such, they record the vote on actions and the reasons for the vote. The minutes also communicate background on the Planning Commission's recommendations to the County Board, provide perspective on issues, and provide a historical record of proceedings. Furthermore, state law requires the Commission and Board to keep full and accurate minutes of all official meetings and requires that those minutes be retained and be available for public inspection by any person subject to the state public records law and the county records retention schedule.

(B) **Duties of Staff Preparing Minutes.** County staff shall prepare minutes of all Planning Commission and Board of Adjustment and Appeals meetings. The minutes shall state:

1. Which members were present and absent, and whether absent members were excused or not excused.
2. A summary of staff and committee reports and recommendations, applicants' presentations, public comments, and the discussion on each item.
3. The content of each principal motion before the Commission or Board, the identity of the person who made and seconded the motion, and the record of the vote on the motion (identifying the vote count and, unless the vote was unanimous, the names of those voting for or against the motion).

SECTION 11. RULES OF PROCEDURE FOR MEETINGS

All meetings of the Planning Commission and Board of Adjustment and Appeals shall be conducted in accordance with the following Rules of Order.

- (A) Any motion may be withdrawn at any time before action is taken on it.
- (B) When a motion is under debate, no other motion shall be entertained except one to call the question, postpone for consideration to a date certain, or amend. Motions shall take precedence in that order.
- (C) All motions shall be carried by a majority vote of the members present and remotely attending.
- (D) Only members recognized by the Chair can make motions.
- (E) Speaking without recognition of the Chair shall be cause for another member to call "point of order" and the member speaking out of turn must relinquish the floor.
- (F) "Call the question" is a motion and must be seconded. It is not debatable and must be voted upon immediately.
- (G) "Question" is not a motion but only an indication to the Chair that the person making a statement is ready to have the motion or question put to a vote.
- (H) The Chair may direct that a motion be divided if requested by a member.
- (I) "Vice voce" means voice vote. All votes shall be taken by voice vote or a show of hands, rather than by paper ballot, except that a ballot vote may be called for at the discretion of the Chair.
- (J) Members must limit their remarks to the subject matter being discussed and shall not be repetitious. The speaking order shall be at the discretion of the Chair; however, all members shall be allowed to speak in their turn. Each member, while speaking, shall avoid all personal, indecorous, profane or sarcastic language.
- (K) If a motion is unnecessary, unsuitable for consideration, and/or proposed at an inopportune time for the purpose of delaying or embarrassing others, the presiding officer may rule the motion out of order on her/his own initiative.

SECTION 12. MEETING DECORUM

- (A) Hats or caps worn at the hearing shall be removed by anyone addressing the Commission or Board.
- (B) At no time will the public be allowed to confront the applicant or members of the Planning Commission or Board of Adjustment and Appeals with derogatory language or in an unprofessional manner including the use of profane language. The Chair shall have the discretion to require a person to leave the hearing if this occurs.
- (C) Rebuttals to testimony, whether by the public, applicant, staff or Planning Commission or Board of Adjustment and Appeals members will not be allowed.
- (D) All electronic communication devices shall be turned off during meetings.

SECTION 13. PUBLIC HEARINGS

- (A) A public hearing is a noticed, official hearing, the express and limited purpose of which is to provide an equitable opportunity for the public to speak on matters before the Commission or Board.

(B) For certain matters considered by the Planning Commission and Board of Adjustment and Appeals, a requirement to conduct a public hearing is prescribed by State law, the County's Zoning Ordinances or by County Policy/Resolution.

(C) The Commission or Board may neither deliberate nor take a substantive vote during a public hearing but may ask questions for the sake of clarification of speakers.

(D) Upon the Chair resuming their regular meeting after the close of the public hearing, the Commission/Board may take action upon the matter discussed at the public hearing.

(E) Conduct of Persons Before the Planning Commission and Board of Adjustment and Appeals:

1. During all public hearings required by State law or ordinance, members of the public shall be given reasonable opportunity to speak. A sign-up sheet will be available for those persons wishing to testify at the hearing. Members of the public that wish to testify shall first state their names for the record. In order to promote meeting efficiency, the Chair may discourage duplicative testimony and may place reasonable time limits, generally three (3) minutes, on the amount of time that individuals have to speak. Comments should be addressed to the item before the Planning Commission or Board of Adjustment and Appeals. Where a comment is irrelevant, inflammatory, disruptive or prejudicial, the Chair may instruct the Commission or Board to "disregard" the comment, which nevertheless remains in the public record.

2. During all regular and special meetings, the public may be present but shall remain silent unless specifically invited by the Chair to provide comment.

3. During all proceedings, members of the public have the obligation to remain in civil order. Any conduct which interferes with reasonable rights of another to provide comment or which interferes with the proper execution of Commission affairs may be ruled by the Chair as "out-of-order" and the offending person directed to remain silent. Once, having been so directed, if a person persists in disruptive conduct, the Chair may order the person to leave the Planning Commission meeting or hearing. Where the person fails to comply with an order to leave, the Chair may then call upon civil authority to physically remove the individual from the chamber.

4. The Chair may impose additional limits or rules upon members of the public as permitted by Section 15.

(F) Additional Rules of Procedure for Public Hearings

1. **Public Hearing Format.** Public hearings shall be conducted in the following manner:

- (a) The presiding officer calls the public hearing to order and declares the time of opening.

- (b) It is the intent of the Planning Commission and Board of Adjustment and Appeals to open all public hearings at the predetermined and published time. From a practical standpoint, not all hearings can be opened at their designated time. The presiding officer may delay the start of a hearing until the business at hand is acted upon, in any manner, by the Commission or Board. However, in no circumstances can a hearing be opened prior to the predetermined and published time.

- (c) The presiding officer shall read, from the hearing notice, the details on the hearing sufficient to provide the public a general understanding of the purpose and procedures for the hearing, and the fact that the hearing is their exclusive or primary opportunity to provide input to the county on the subject.
- (d) County staff and/or a county staff consultant make a presentation or report on the subject matter for the hearing at the direction of the presiding officer.
- (e) The applicant (if any) may make a presentation or report on the subject matter for the hearing at the direction of the presiding officer.
- (f) The presiding officer asks Commission or Board members if they have questions of the applicant, consultant or staff, if any.
- (g) The presiding officer announces that input will be received from the citizens, requesting that each speaker provide a name, noting any applicable time limits for comment from individual members of the public, any other applicable rules and explaining the procedure for enforcement of such rules.
- (h) After members of the public have spoken, the presiding officer requests a motion to:
 - i. Close the public hearing, and the Planning Commission or Board of Adjustment and Appeals votes on the motion. Once the hearing is closed, the record is complete and no further public input or evidence shall be allowed.
 - ii. Continue a public hearing. If the Commission or Board votes to continue the hearing to a date certain, the presiding officer shall, in consultation with staff, select and announce a time and date certain for the continued public hearing. No additional publication or notice requirements are needed if a hearing is continued to a later date. However, no public hearing may be continued more than once without re-notice and publishing the time, date and location of the hearing.
- (j) The Planning Commission or Board of Adjustment and Appeals addresses the subject matter through deliberation, questions to citizens and staff, and reactions and statement of position on the subject.
- (k) If the public hearing is closed, the Planning Commission or Board of Adjustment and Appeals may take action on the application before them. The Commission or Board may formulate a recommendation which outlines the parameters under which an approval would be granted or a denial. The reasons and conditions shall be stated in the motion or resolution for approval or denial. Continuation of an action may occur in the event insufficient information is present to make a decision or the record needs to be reviewed to draft written findings consistent the decision subject to 60-day law.

Note: A public summary of policy for Section 11 – Rules of Procedure, Section 12 – Meeting Decorum, Section 13 – Public Hearings, and Section 15 – Duties of Officers shall be posted and made available at every meeting.

SECTION 14. OFFICERS

The officers of the Commission and Board shall consist of a Chair and a Vice-Chair elected by the membership at the annual meeting for a term of one year. In the absence of the Chair and Vice-Chair, the remaining members shall elect a Temporary Chair for that respective meeting.

SECTION 15. DUTIES OF OFFICERS

The Chair is a voting member of the Planning Commission and Board of Adjustment and Appeals and may make motions. In addition, the duties and powers of the officers of the Planning Commission shall be as follows:

(A) Chair

1. To preside at all meetings of the Commission/Board.
2. To see that all actions of the Commission/Board are properly taken.
3. To invoke a reasonable time limit for speakers during any public hearing in the interest of maintaining focus and the effective use of time.
4. To provide for the selection of one or two spokespersons to represent groups of persons with common interests during public meetings and hearings.
5. To order an end to disorderly conduct and direct law enforcement to remove disorderly persons from meetings or hearings.
6. To schedule a second official public hearing meeting or other continued meeting in the event that a meeting or public hearing cannot be concluded by a reasonable hour in the judgment of the Chair subject to 60-day law.
7. The presiding officer has the responsibility to facilitate discussion by the Commission/Board. This may occur in a variety of ways, including:
 - Interpret and apply rules of procedure.
 - Decide whether motions are properly made.
 - Decide whether motions are in order.
 - Decide when to recognize speakers.
 - Call for motions or recommend motions.
 - Expel disorderly persons from the meeting.
 - Enforce speaking procedures.

(B) Vice-Chair

During the absence, disability or disqualification of the Chair, the Vice-Chair shall exercise or perform all the duties and be subject to all the responsibilities of the Chair.

(C) Staff

Staff of the Chisago County Environmental Services Department shall be responsible as follows:

1. To give staff reports as deemed necessary including, but not limited to sample findings for consideration of the Commission and Board, and recommendations for action.
2. To give or serve all notices required by law or by these procedures herein.
3. To cancel or postpone regularly scheduled meetings.
4. To prepare the agenda for all meetings.
5. To be custodian of records.
6. To inform the Commission or Board of correspondence relating to business and to attend to such correspondence.

7. To handle funds allocated to the Commission and Board in accordance with its directives, the law and county regulations.
8. To take the minutes of all meetings for typing and filing into the appropriate archive.

SECTION 16. MEMBER PARTICIPATION

(A) An absence from three or more regular meetings in one calendar year may be considered grounds for removal by the County Board.

(B) Members should inform the Chair and Zoning Staff of any planned absence as far in advance as possible and, to the extent possible, no later than before the end of business day of the regular scheduled meeting in the event of an unplanned absence. This advance notification allows Zoning Staff to confer with the Chair regarding a cancellation of the meeting due to a lack of a quorum.

(C) If a member arrives after the start of any agenda item, they shall abstain from participating in the consideration or the vote on that pending matter.

SECTION 17. MEMBER REMOTE ATTENDANCE

(A) A Member may remotely attend a meeting only upon making an advance written request and approval by the Chair at his or her sole discretion, provided that no member shall remotely attend more than three (3) regular meetings and three (3) special meetings in any one year, unless authorized in advance by majority vote of the County Board.

(B) A member seeking to remotely attend a meeting must make the written request to Zoning Staff no less than two weeks in advance of the meeting in which the remote attendance would occur and the written request should specify the reason for the remote attendance. The Chair may not allow more than two members to remotely attend a regular meeting at any one time and any issue concerning remote attendance shall be resolved by the Chair at his or her sole discretion.

(C) Once approved by the Chair the notification and posting of remote attendance shall be in accordance with State Statute 13D.015 and Section 13D.02 and Open Meeting Law and all remote attendance must be consistent with the Open Meetings Law.

SECTION 18. RECORDING DEVICES

Electronic recording devices, television cameras, or equipment used by the electronic media will be placed in accordance with the direction of the Chair and will be used in an unobtrusive manner so that its presence will not interfere with the conduct of the meeting.

SECTION 19. AMENDMENTS

These rules shall not be repealed, waived or amended except by a majority vote of the Chisago County Board of Commissioners.

Commissioner Greene seconded the resolution and upon a vote being taken thereon, the following voted:

IN FAVOR THEREOF: Dahlberg, Dunne, Greene, Montzka, Swenson

OPPOSED: None.

Approved: February 15, 2023



Ben Montzka

Chair, Board of Commissioners

ATTEST:



Chase Burnham
County Administrator

