

**CHISAGO COUNTY
BOARD OF ADJUSTMENT & APPEALS
OFFICIAL PROCEEDINGS
June 27, 2024**

The Chisago County Board of Adjustment & Appeals met in regular session at 7:00 p.m. on Thursday, June 27, 2024 in the County Board Room of the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator and Sarah Scheunemann, Office Support Specialist – Land Services

Chair 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: Gregg Carlson, Doug Greene, John Sutcliffe, Chip Yeager, and Chair Becky Strand. Absent: None. A quorum was established with all members present.

APPROVAL OF AGENDA – Motion by Sutcliffe to approve the agenda as presented; second by Greene. The **motion passed** and carried unanimously. *Clerk's Note: The agenda included Item 6b, a Variance request from James & Kalee Blood for property located at 36412 Locke Avenue; however, the applicants withdrew their request on June 27, 2024 prior to the start of the meeting.*

APPROVAL OF MINUTES – Motion by Sutcliffe to approve the May 30, 2024 meeting minutes as presented; second by Carlson. The **motion passed** and carried unanimously.

RECEIVE ALL MATERIALS AND SUBMITTALS INTO THE RECORD – Motion by Sutcliffe to receive all applications, submittals, reports, and other materials into the record; second by Greene. The **motion passed** and carried unanimously. Meeting materials distributed in advance to the Board of Adjustment & Appeals for their review included the complete meeting packet with staff reports and attachments. Copies of all meeting materials were made available at the entrance to the County Board Room and for electronic distribution.

PUBLIC HEARINGS – NEW APPLICATIONS

Eric & Alicia Houske and Lang Builders – Coordinator Gervais provided background information on property owners Eric & Alicia Houske's and applicant Lang Builders' Variance request for property located at 29850 Glader Boulevard (PID 02.01705.00), explaining that the property owners and applicant were requesting a Variance in order to expand a non-conforming structure which was closer to the Ordinary High Water Level (OHWL) than required. Gervais reviewed details of the subject site and surrounding area, sharing that the .35± acre property was platted in 1946 and was deemed legal non-conforming being that it didn't meet current dimensional requirements of the Shoreland Management District. The original dwelling was reportedly constructed in the 1950s as part of a resort.

Gervais continued to describe that the original dwelling was 26' x 27' (702 sf) in size and there had been a number of additions over the years. It didn't appear that the dwelling was originally

constructed with a garage; however, the Board of Adjustment & Appeals approved a Variance in 2003 which allowed various dwelling additions, including a three-stall attached garage.

Gervais reviewed details of the proposed dwelling expansion, stating that the property owners would like to remodel, modernize, and expand their lake home in order to make it a full-time residence. The expansion was proposed to include the additions of a second story and a 6' x 14' (84 sf) covered porch at the main entrance. Being that the proposed second story was a vertical expansion, it would not exacerbate the already non-conforming OHWL setback and it would exceed all other required setbacks. The stated purpose of the covered porch was to increase safety by reducing hazards such as ice outside of the front door. Being that the easterly side of the dwelling exceeded the township Right-of-Way setback, the proposed porch would also exceed the required setback. Gervais noted that the existing amount of impervious surface coverage was reported to be 25.1% but the property owners intended to reduce the size of the driveway in order to bring the percentage down to or below the maximum allowable amount of 25%.

Gervais stated that the applicants provided a written narrative explaining what they were hoping to accomplish through the Variance process and noted that the narrative also addressed the State mandated practical difficulty standard by suggesting the request was reasonable in that the proposed expansion would not increase the footprint of the dwelling; the design fit the essential character of the area in that the neighboring property owners had offered verbal support; and, the unique feature was that the project entailed the creative design of Lang Builders. Gervais noted that staff agreed that the request was reasonable in that the property owners were making an obvious effort not to exacerbate the non-conforming OHWL setback; however, staff did not believe that the explanations provided for essential character and uniqueness addressed the intent of the practical difficulty standard. Therefore, Gervais suggested that a unique feature of the property was that it constituted pre-existing development and the dwelling appeared to fit the essential character of the area in that it was similar in scale to surrounding dwellings.

The Technical Review Committee met with property owner Eric Houske and applicant Lang Builders on June 12, 2024. Houske reviewed details of the proposed Variance and plans to reduce the amount of impervious surface coverage. The Committee did not identify any concerns. The Chisago Lake Town Board met on June 18, 2024 and recommended approval with the comment of "not changing footprint". The State mandated 60-day review period was scheduled to expire on August 2, 2024.

Gervais concluded by offering a recommendation of approval with conditions and reviewed options available to the Board.

Chair Strand invited the property owners and/or applicant to address the Board. Applicant Justin Lang of Lang Builders was present but had no additional information to share with the Board.

Carlson asked the applicant how they would be reducing the impervious surface coverage at the property. Lang stated that they would be reducing the size of the existing driveway. Carlson also asked what material would be used for the proposed porch. Lang replied that decking material would be used.

Chair Strand opened the public hearing and sought public comment. With no members of the audience wishing to speak, ***motion*** by Carlson to close the public hearing; second by Yeager. The **motion passed** and carried unanimously.

Motion by Sutcliffe to adopt Resolution No. BOAA2024-0601, a resolution of the Board of Adjustment and Appeals of Chisago County, Minnesota, approving a Variance allowing the expansion of a legal non-conforming structure on property located at 29850 Glader Boulevard in Chisago Lake Township, as presented; second by Greene. The **motion passed** and carried unanimously.

Approved Conditions:

1. This approval grants a Variance allowing the expansion of a legal non-conforming structure by allowing the addition of a second story and the addition of an 84 sf covered porch at the main entrance. The dwelling expansions shall be constructed in general conformance with the application materials dated received May 30, 2024. Any significant deviation from the approved request, as determined by Department of Environmental Services staff, shall require further review and approval from the Board of Adjustment and Appeals at the property owners' expense.
2. The permit holder shall not exacerbate the existing non-conforming Ordinary High Water Level setback and the dwelling shall meet all other required structural setbacks.
3. The permit holder shall reduce the overall amount of impervious surface coverage to 25% or less within one year of the date of approval.
4. The permit holder shall obtain a building permit prior to construction and, further, the dwelling expansions shall comply with all applicable codes and regulations.
5. This Variance shall be made use of within one year of the date of approval or it shall become null and void.

PUBLIC HEARINGS – CONTINUED HEARINGS

None

OLD BUISNESS

None

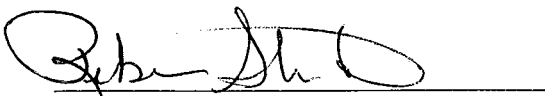
NEW BUISNESS

None

MISCELLANEOUS

None

ADJOURN MEETING – *Motion* by Yeager to adjourn; second by Sutcliffe. The **motion passed** and carried unanimously. The meeting was adjourned at 7:13 p.m.



Rebecca Strand
Chair

ATTEST:



Beth Gervais
Land Services Coordinator