

**CHISAGO COUNTY
BOARD OF ADJUSTMENT & APPEALS
OFFICIAL PROCEEDINGS
February 27, 2025**

The Chisago County Board of Adjustment & Appeals met in regular session at 7:00 p.m. on Thursday, February 27, 2025 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

Acting Chair Greene called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Commission members was taken. Board members present: Doug Greene, Gregg Carlson, Chip Yeager, John Sutcliffe, and Jolene Wille. Absent: none. A quorum was established.

Election of Officers – Acting Chair Greene called for nominations for 2025 Chair. Carlson nominated Greene for Chair; second by Sutcliffe. Upon multiple calls, no other nominations were made. All present voted and the nomination was affirmed 5-0.

Chair Greene called for nominations for 2025 Vice Chair. Sutcliffe nominated Carlson for Vice Chair; second by Yeager. Upon multiple calls, no other nominations were made. All present voted and the nomination was affirmed 5-0.

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

APPROVAL OF MINUTES – Carlson brought forth a typo on page two on the third line reading “seeking Variance approval for a 29.97’ Township Right-of-Way setback”, noting that it should have been reported as a 27.97’ Right-of-Way setback. The Board agreed to the change. **Motion** by Carlson to approve the December 23, 2024 meeting minutes as amended; second by Sutcliffe. 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 Wille. 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 report 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

Byron & Judy Dahlheimer – Coordinator Gervais stated that property owners Byron & Judy Dahlheimer were requesting a Variance allowing for reduced setbacks from the Ordinary High Water Level of North Center Lake, the northerly side yard, and the Township Right-of-Way boundary for the purpose of redeveloping the property with a new dwelling. The .21± acre subject site was zoned Rural Residential (RR) District / Shoreland Management District and was located at 32730 N. Center Court in Chisago Lake Township, S22, T34, R20 (PID 02.01079.00). Gervais provided additional background information, sharing that property owners Byron & Judy Dahlheimer sought Variance approval to redevelop their lakeshore property by demolishing the existing dwelling with attached garage and constructing a new dwelling with attached garage.

The subject site was approximately .21± acres in size, platted as Lot 9, Chi-Gak-Wa Shores in 1955, and was generally located on the northeastern shore of North Center Lake. The site had been developed with a dwelling and attached garage with records indicating that the property was originally developed in 1956 and the

structure had expanded toward the Township Right-of-Way with Variance approval in 1984. Given the age of the original structure and that the garage addition was allowed by Variance, the existing OHWL and Township Right-of-Way setback encroachments both had a legal non-conforming status. Gervais shared that, based on lot area and lot width and the year that the property was created, the property itself was also considered legal non-conforming. Staff had estimated that the westerly 31' – 55' of the site were situated below the OHWL and, additionally, the westerly 56' – 70' (roughly the west half of the site) were located within the FEMA flood zone where no development was allowed per County ordinance. The existing dwelling appeared to be located entirely outside of the flood zone.

Gervais continued by sharing that the subject site was located within the RR District / Shoreland Management District, as were all surrounding properties to the north, south, and east, and bordered by North Center Lake to the west. The surrounding properties located along the westerly side of N. Center Court were similarly sized and developed with year-round dwellings/seasonal cabins and related accessory structures. The majority of the properties appeared to have structures that encroached on the required setbacks, presumably some having been constructed prior to the County's adoption of official land use controls and others permitted by Variance. The properties on the east side of N. Center Court were significantly larger and ranged in size from two acres to five acres. The subject site was served by a septic system and, being that the system had been installed in 2024, there was no need for a septic compliance inspection as part of the Variance process.

Gervais provided details of the proposed Variance request, sharing that the property owners wished to construct the proposed dwelling and attached garage in generally the same location as the existing dwelling and attached garage. In order to redevelop the site as desired, the property owners sought Variance approval for an approximate 43'6" OHWL setback where the required setback was 75', an 8'6" northerly side yard setback where the required setback was 10', and a 5' Township Right-of-Way setback where the required setback was 20'. The proposed amount of impervious surface coverage was reported to be 23.7%, which was below the maximum allowable amount of 25%.

The property owners' written narrative partially addressed the State mandated practical difficulty standard by explaining that Variances were necessary because of an existing non-conforming lot size and the new home would more closely fit the current character of the neighborhood and many of the other houses in the area had required Variances. Staff suggested that the information in the written narrative addressed the State mandated practical difficulty standards of uniqueness and essential character and also offered that the request was viewed to be reasonable in that dwellings and attached garages were reasonable and customary uses of the residentially zoned lakeshore property.

The Technical Review Committee met with Byron & Judy Dahlheimer on February 12, 2025. The property owners shared that a new well and septic system were installed in 2024, with the septic system designed for a two-bedroom dwelling. In order for the new system to be installed, a non-conforming shed was removed. The property owners explained that they intended to construct a new driveway at the same elevation as the neighboring driveways. The Chisago Lake Town Board considered the request on February 18, 2025 and recommended approval with no conditions and a comment of "new well and septic already installed; no substantial increase in footprint". The State mandated review period was scheduled to expire on April 5, 2025.

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

Property owners Byron & Judy Dahlheimer were present and approached the Board. Byron Dahlheimer explained that a shed had been removed to accommodate the new septic system and that the new dwelling and attached garage would be in generally the same spot as the existing dwelling and garage. The property owners explained that they planned to raise the elevation of the garage and driveway to the same elevation as

the neighboring driveways, resulting in the driveway not being as steep as the existing driveway; however, the dwelling would be at the same elevation as the existing dwelling.

Carlson asked the property owners for clarification on elevations, and B. Dahlheimer further explained that the proposed garage floor elevation would be slightly higher than the existing garage floor elevation, but the proposed dwelling floor elevation would not change. Carlson noted that the submitted impervious surface calculation worksheet indicated that there would be a 10' x 12' deck and sought clarification from the property owners on the location of the deck. B. Dahlheimer responded that the deck would be constructed on the west side / lakeside of the dwelling. Carlson sought clarification from Gervais regarding whether the deck was included in the Variance request, as it appeared to be located closer to the OHWL than the proposed dwelling and requested OHWL setback Variance. Gervais responded that there were situations in which decks were exempted from the Variance process, so long as the proposed deck met specific criteria provided within the Chisago County Shoreland Management Ordinance; however, she was not certain if the proposed deck would meet all criteria. Carlson inquired if the Board could approve a Variance for the deck as part of the pending Variance request. Gervais responded that the proposed deck was new information and a decision should only be made based on what had been presented, as the Town Board and staff had not reviewed the request with the 10' x 12' deck included. Carlson clarified for the Dahlheimers that the Variance request that the Board was reviewing was solely for the house and attached garage, and they would either need to meet the requirements of the Shoreland Management Ordinance for a deck exemption or adjust their plans accordingly.

The discussion then shifted to the impervious surface calculation worksheet, with Carlson asking if decks needed to be included in the calculation. Gervais responded that it depended on the material beneath the deck, explaining that if water could flow through the deck boards and soak into bare ground underneath, the deck would be considered pervious. However, if there were any impervious materials underneath the deck, such as landscape rock, the deck would be considered impervious.

Carlson then asked the property owners where the proposed 3' x 30' sidewalk would be located. B. Dahlheimer responded that the sidewalk would run along the south side of the house to the front door. Carlson and Dahlheimer discussed the township drainage pipe running through the subject site down to the lake. Greene suggested that the applicants could contact the DNR or the lake association to explore the possibility of turning the lake end of the pipe into a rain garden, which could help keep the lake clean.

With no further questions from the Board, Chair Greene opened the public hearing.

Cindy Neuenfeldt of 32720 N. Center Court, Chisago Lake Township and **Mary Evanoff** of 32740 N. Center Court, Chisago Lake Township were present and shared that they owned property on either side of the subject site. Together, both individuals shared that they were happy for the Dahlheimers and that they looked forward to the proposed redevelopment.

With no additional members of the audience wishing to speak, **motion** by Yeager to close the public hearing; second by Sutcliffe. The **motion passed** and carried unanimously.

Motion by Carlson to adopt Resolution No. BOAA2025-0201, a resolution of the Board of Adjustment and Appeals of Chisago County, Minnesota, approving a Variance allowing reduced Ordinary High Water Level, northerly side yard, and Township Right-of-Way setbacks on property located at 32730 N. Center Court in Chisago Lake Township, as presented; second by Yeager. The **motion passed** and carried unanimously.

Conditions:

1. This approval grants the following Variances:

- a. A 31'6" Variance to the Ordinary High Water Level setback requirement, allowing the proposed dwelling with attached garage to be located no closer than 43'6" to the Ordinary High Water Level of North Center Lake.
 - b. A 1'6" Variance to the northerly side yard setback requirement, allowing the proposed dwelling with attached garage to be located no closer than 8'6" from the northerly property boundary.
 - c. A 15' Variance to the Township Right-of-Way setback requirement, allowing the proposed dwelling with attached garage to be located no closer than 5' from the N. Center Court Right-of-Way boundary.
2. Per the Chisago County Shoreland Management Ordinance, the structure shall not exceed 25' in height.
 3. Except as specifically conditioned herein, the dwelling with attached garage shall be constructed in general conformance with the application materials, including "new build" site plan, dated received January 28, 2025. Any significant deviation, 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.
 4. The permit holder shall obtain a building permit prior to construction and, further, the proposed dwelling with attached garage shall comply with all applicable codes and regulations except as conditioned herein.
 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

Annual Review of Planning Commission and Board of Adjustment and Appeals Policy on Commission / Board Structure, Meeting Order and General Procedure – Coordinator Gervais explained that the Board would be completing its annual review of the Policy and that the Planning Commission had already reviewed and provided some recommended amendments. The Commission's recommended amendments were to Section 5. Quorum, Section 11. Rules of Procedure for Meetings, and Section 12. Meeting Decorum. Once the Board had reviewed the Policy, all proposed amendments from both the Board and the Commission would be presented to the County Board for consideration.

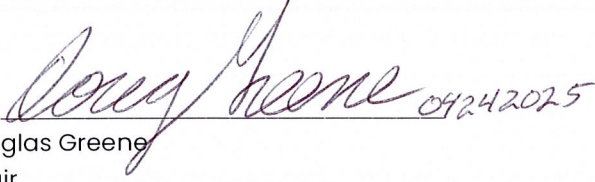
Carlson asked Board members who also served on the Planning Commission (Sutcliffe, Wille, and Yeager) about the intent of the Commission's proposed amendments. Sutcliffe, Wille, and Yeager provided background on the Commission's discussion. Yeager also noted that the Planning Commission had briefly discussed Section 12. Meeting Decorum (A), sharing that the requirement to remove hats and caps when addressing the Commission or Board had not historically been enforced and the Commission questioned whether the requirement should be eliminated. Yeager stated that the Commission ultimately agreed to leave the requirement in place and enforce it at the Chair's discretion. The Board briefly discussed Section 12. (A) and agreed that it should be enforced at the Chair's discretion rather than eliminated.

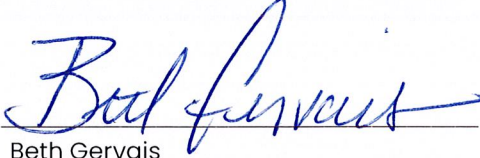
Motion by Carlson to accept the Planning Commission's recommended amendments to the *Planning Commission and Board of Adjustment and Appeals Policy on Commission / Board Structure, Meeting Order and General Procedure* and provide no other recommended amendments for the County Board's consideration; second by Sutcliffe. The **motion passed** and carried unanimously.

MISCELLANEOUS

None

ADJOURN MEETING – Motion by Yeager to adjourn; second by Wille. The **motion passed** and carried unanimously. The meeting was adjourned at 7:38 p.m.


Douglas Greene
Chair

ATTEST: 
Beth Gervais
Land Services Coordinator