

ZONING OFFICE

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Trina Bergloff, Zoning Administrator/Solid Waste Officer
Holly Nelson, Deputy Zoning Administrator
Dennis Ginter, Building Official
Terry Lakin, Septic Specialist
Erica Wilson, Compliance Specialist
Talisha Zimmerman, Water Planner/Wetland Specialist
Kerry Birch, Administrative Assistant/Permit Technician

The Board of Adjustment met at 9:00a.m. on Thursday April 13, 2023 in the County Board Room of the Isanti County Government Center, 555 – 18th Avenue SW, Cambridge, MN 55008.

Members present: Valerie Marty-Anderson, Jim Fridstrom, Dave Henderson, Bill Gertz, Connie Thorp

Other members present: Trina Bergloff, Zoning Administrator, Holly Nelson, Deputy Zoning Administrator, Tim Nelson, Chief Deputy County Attorney

Valerie Marty-Anderson, Chairperson called the meeting to order at 9:00 a.m.

A motion was made by Dave Henderson and seconded by Jim Fridstrom to approve the minutes of the March 9, 2023 meeting as presented. Motion carried unanimously.

1. The request of Sauk Lake Cabin LLC, Ricky Chow, 388 16th Avenue NW, New Brighton, MN 55112 (Property Address: 3810 416th Avenue NW, Braham, MN 55006) to vary the Isanti County Zoning Ordinance, Section 11, Shoreland District, Subdivision 3 #b as it relates to new private access drive regulations. Legal description is Lot 2 Block 1 Lory Lake Shores of Section 5, Township 37, Range 24, Maple Ridge Township.

Ricky Chow was present for this request. Trina Bergloff stated that this request was tabled from the March 9, 2023 meeting for the applicant to get recommendations from the County Highway Department regarding the construction of the road. The property is zoned Shoreland District. It is located on Lory Lake which is a Recreational Lake. This property was platted in 2017. George Carlson, Maple Ridge Township stated that Maple Ridge Township has no opposition to this request. Al Jankovich, Isanti Fire Chief made the following recommendations: The length of the cul-de-sac 151' to 500' would need 20' width and 120' hammerhead, 60' "Y" or 96' diameter cul-de-sac. The length of a cul-de-sac 501' to 750' would need 26' width and 120' hammerhead, 60' "Y" or 96' diameter cul-de-sac. Justin Bergerson, Highway Engineer had the following comments: The turnaround shall have a maximum vertical grade of 6% (with a desired 2% cross slope consistent with most driveways) to ensure vehicles can safely navigate the turnaround. This recommendation is based on industry standards and the provisions of the Isanti County Zoning Road Specifications. Achieving a 6% grade will require suitable fill to be brought in for the legs of the 120'x16' hammerhead turnaround. It is recommended that a ditch be established adjacent to the NW radius of the turnaround that daylight to the western wetland area to avoid channelized erosion that could cause rutting/washouts of the drive surface. A minimum of 3 inches of Class 5 aggregate surfacing to be placed. Erosion control devices shall be in place to avoid potential impacts to

the adjacent wetlands. The slopes of the disturbed areas shall be top soiled and seeded with an appropriate seed mixture and maintained until grass has fully established. All exposed slopes shall be stabilized (erosion control blanketing or hydro seeded) to reduce erosion. Ricky Chow stated that he would like to place the terminus of the road on the northern part of the property. They have changed the location of the single family dwelling. He has received quotes from the excavating company and to construct the road to the southern part of the lot would be an additional \$20,000. The neighbor to the south has no interest in contributing to the cost of the road. The easement would still be in place for access to that lot. Valerie Marty-Anderson stated her safety concerns for emergency vehicles and busses. Connie Thorp stated her concerns regarding the burden on Mr. Chow when the neighbor to the south benefits gaining a new road access at no cost to him. Trina Bergloff stated that if Mr. Chow's request is different for the location and size of the road a new request would need to be advertised. Todd Raveling, a member of the audience stated that he is in favor of this request. Mr. Chow stated that he would like to table this request until the May 11, 2023 Board of Adjustment meeting to change the location of the terminus and width of the road. A 60 day waiver was signed. **A motion was made by Kathy Skiba and seconded by Dave Henderson to table this request until the May 11, 2023 meeting to change his request for the location of the terminus and width of the road.** Motion carried unanimously.

2. The request of Prc-Css Re, LLC, 12911a County Road 5, Burnsville, MN 55337 (Property Address: 1440 277th Lane NE, Isanti, MN 55040) to exceed the twenty-five (25) percent impervious surface coverage of the lot. Legal description is Pt SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32, Township 35, Range 23, Isanti Township.

Nate Hanson was present for this request representing Prc-Css Re, LLC. Holly Nelson stated that this property is located on Highway 65. The portion within 1,000' of Ryan's Lake is zoned Shoreland District and beyond the 1,000' is zoned Industry. The current use of the property is a Mini Storage facility. On September 14, 2006 a conditional use permit was granted for a 50'x 280' outside storage area along with the southern property line. A variance was granted July 11, 2013 to construct mini storage units 25.6' to the right of way of the private road easement in the Shoreland District (not required in the Industrial District) and 63.8' to the rear property line in the Industrial District (not Shoreland District) with the condition of addressing the drainage in an engineered manner onsite. A conditional use permit dated August 16, 2013, permitting the addition of five mini storage buildings and permitting outdoor storage along the southern property line. On October 13, 2022 a conditional use permit was issued for a free standing on premise business sign with the following conditions: 1. This is for a 4'x1" x 8'x3" free standing on premise sign. 2. Must obtain all necessary building permits. 3. Must meet all applicable setbacks. 4. No flashing light and must meet MnDOT lighted sign standards. 5. The location

of the sign to be indicated per the submitted site plan. 6. The overall height of the sign not be exceed 15'. On October 21, 2022 a Wetland Notice of Decision was approved for the Wetland Boundary/Type. The existing impervious surface coverage of the lot is forty-seven percent (47%). They are planning to expand the business on the east side of the existing mini storage units. They are requesting to be sixty-three percent (63%) impervious surface coverage of the lot. Tom Cruikshank, MNDOT stated that the storage expansion would not impact drainage on State Highway 65 right of way and would not significantly increase traffic therefore they have no issue with this request. Nate Hanson stated that they are trying to get into compliance in regards to the impervious surface of the lot. It is difficult to calculate the impervious surface coverage area with two zoning districts. Valerie Marty-Anderson stated that a survey would need to be completed before we know where those zoning districts lay and the exact impervious coverage area surface of the lot in each of the zoning districts. **A motion was made by Kathy Skiba and seconded by Connie Thorp to table this request until later in the meeting for Mr. Hanson to review the survey information.** Motion carried unanimously.

3. The request of JDG Properties-Cambridge, LLC, 33237 Helium Street NW, Cambridge, MN 55008 & Jon Goetz, 3753 Howard Hughes Parkway Suite 200, Las Vegas, NV 89169, to allow a guest cottage to exceed the maximum square footage and height requirement and without meeting the duplex sized lot area and lot width. Legal description is Lot 2 Block 1 Buckhorn Resort 2nd Addition of Section 35, Township 36, Range 25, Wyanett Township.

Clark Joslin, Joslin & Moore Law Office was present for this request representing JDG Properties-Cambridge, LLC. Jon Goetz stated that this property is located on Spectacle Lake. This parcel was part of Buckhorn Resort. On October 18, 2107 the County Board of Commissioners approved an amendment to the Isanti County Zoning Map, to rezone the property from Shoreland Water Oriented Commercial Sub District to Shoreland Residential Sub District. The existing structure/garage was built in 1970 and had two full bathrooms with showers for the campground to use and was seven feet in height inside. This structure was rebuilt as an alteration and addition in 2017. On August 8, 2018 a Type II septic system was installed consisting of two holding tanks. The lot size is 33,285 square feet with 105.08' of lot width. The height of this structure is 26.5' from grade to the peak. He would like to convert the upper part of this building to a guest cottage that has a total of 1,438 square feet. Trina Bergloff stated that the required lot size is 40,000 square feet with 180' lot width. The required height is 15' and a maximum of 700 square feet. Larry Fredlund, a member of the audience asked if an Accessory Dwelling Unit would qualify for this lot. Trina Bergloff stated that this property would not qualify because it is zoned Shoreland District. Valerie Marty-Anderson stated that the maximum of 700 square feet could be met. There are no practical difficulties for the request of exceeding the maximum square footage of the guest cottage. **A motion**

was made by Jim Fridstrom and seconded by Dave Henderson to approve this request to exceed the height to 26.5' without meeting the duplex sized lot area and lot width and to deny the request to exceed the maximum square footage of a guest cottage. *Findings: 1. Guest cottages are allowed in this zoning district which this is an existing structure with the existing height but the required 700 square feet size of the guest cottage can be met so the variance is in harmony with the general purpose and intent of the official control. 2. This is an existing lot of record with existing structures that cannot be changed so there are practical difficulties in carrying out the strict letter of any official control but the square footage within the structure can meet the ordinance so there are no practical difficulties in carrying out the strict letter of any official control. 3. The square footage of the guest cottage does not meet the terms of the variance but the lot size and height of the structures does so that the terms of the variance are consistent with the policies of Isanti County.* Motion carried unanimously.

A motion was made by Kathy Skiba and seconded by Dave Henderson to untable agenda item #2.

Larry Fredlund stated that depending on where the 1,000' setback is from the ordinary high watermark of the lake the impervious surface percentage could change. Nate Hanson stated that he reviewed the survey that was completed on the property to the north and the impervious surface lot area currently could be more than 60 percent in the Shoreland District. Trina Bergloff stated that the required Shoreland District impervious surface area is 25 percent. The required Industrial District impervious surface of the lot area is 50 percent. Jim Fridstrom stated that a survey would be accurate where the line of the different zoning districts are. Valerie Marty-Anderson stated that an accurate percentage of the impervious surface area lot coverage in the Shoreland District would be required in order to approve a variance. A 60 day waiver was signed. **A motion was made by Jim Fridstrom and seconded by Kathy Skiba to table this request until the May 11, 2023 Board of Adjustment meeting for the applicant to get a survey and percentage of the impervious surface coverage of the lot.** Motion carried.

4. The request of Todd & Stacey Raveling, 1601 285th Avenue NE, Isanti, MN 55040 to construct an accessory dwelling unit with less than the required setback from the centerline of a private road easement. Legal description is the E 293.12' of the W 326.12' of the S 316.25' of the SE ¼ of SE ¼ of Section 29, Township 35, Range 23, Isanti Township.

Clark Joslin, Joslin & Moore Law Office was present for this request representing Todd and Stacey Raveling. Trina Bergloff stated that this property is zoned Agriculture/Residential District. This property is 2.12 acres. There is a single family dwelling that was built on this parcel in 1991 (parcel # 05.029.2003). There is a 0.24 acre parcel Todd and Stacey Raveling own to the west (parcel # 16.029.3300). This separate parcel has a recorded 66' ingress/egress easement on the property for

access for the maintenance of a pond to the north of this parcel in the City of Isanti. Their house is located in Isanti Township but the parcel to the west (16.029.3300) is located in the City of Isanti. They are requesting to construct an accessory dwelling unit off from the private road easement. The City of Isanti had no comment to this request. Clark Joslin stated that there is no potential for development because this small parcel of land leads to a holding pond. Jim Fridstrom questioned if the easement could be removed. Clark Joslin stated that it may be difficult but they can explore that option. Currently there are trees growing into the 33' easement area and no road created at this time. **A motion was made by Dave Henderson and seconded by Jim Fridstrom to table this request until the May 11, 2023 Board of Adjustment meeting for the applicants to explore more options.** Motion carried unanimously.

Connie Thorp stated that she is a relative of Larry Fredlund but has no opinion and would not impact her vote on this request.

5. The request of Bob Disrud, 28049 Bayshore Drive NW, Isanti, MN 55040 to construct an attached garage with less than the required setback from the road right of way of a Township Road, to construct an addition to the single family dwelling with less than the required setback from the ordinary high watermark of the lake, to construct a deck with less than the required setback from the ordinary high watermark of the lake and to exceed the impervious surface coverage area on an undersized lot. Legal description is Lot 6 Block 2 Bay Shores of Section 33, Township 35, Range 24, Bradford Township.

Larry Fredlund, LSF Design was present for this request representing Bob Disrud. Trina Bergloff stated that this property is located on Long Lake which is a General Development Lake. They are requesting to construct a 24' x 30' attached garage 33.2' from the road right of way of a township road, to construct a 24' x 30' addition to the single family dwelling 72.1' from the ordinary high watermark of the lake and to construct a deck 63.3' from the ordinary high watermark of the lake. The impervious surface of the lot would be 26.5% lot coverage. The lot size is 11,350.6 square feet. They are proposing to build a 910 square feet rain garden for the runoff and drainage of the lot. The existing house elevation is 922.1'. The flood elevation is 919.25'. A septic tank compliance inspection was completed March 10, 2023. Bradford Township has no objections to this request. Larry Fredlund stated that they do not plan on updating the septic system at this time. There is no basement nor upper level on this single family dwelling. Trina Bergloff stated that the required lot size is 20,000 square feet. The required impervious surface coverage of the lot is 25 percent. The required setback from the road right of way is 50'. The required setback from the ordinary high watermark of the lake is 75'. **A motion was made by Dave Henderson and seconded by Connie Thorp to approve this request to construct an attached 24' x 30' garage 33.2' from the road right of way of a township road, to construct a 24' x 30' addition to the single family dwelling 72.1' from the ordinary high watermark of the lake and to construct**

a deck 63.3' from the ordinary high watermark of the lake with 26.5% impervious surface lot coverage on an undersized lot. *Findings: 1. A garage is needed in Minnesota so the variance is in harmony with the general purpose and intent of the official control. 2. This is an existing undersized lot where there is no other location to construct an addition to the existing house so there are practical difficulties in carrying out the strict letter of any official control. 3. Single Family Dwellings are allow in this Zoning District so the terms of the variance are consistent with the policies of Isanti County.* Motion carried unanimously.

6. The request of Blaise Cichoski, 27783 Xerus Street NW, Zimmerman, MN 55398 (Property address: 9160 279th Avenue NW, Zimmerman, MN 55398) to exceed the maximum square footage for a stairway landing for the purpose of achieving access to the lake. Legal description is Lot 00A Block 6 Goff's Blue Lake Lots of Section 31, Township 35, Range 25, Spencer Brook Township.

Blaise Cichoski was present for this request. Trina Bergloff stated that this property is located on Blue Lake which is a Recreational Development Lake. On November 29, 2022 the Zoning Office received a complaint that the lot was clear cut to the lake, a new stairway was constructed along with a boulder retaining wall. The Zoning Office conducted an inspection and found the work had been completed without a shoreland alteration permit and/or a building permit. They are requesting to construct a 4' x 10' landing (40 square feet) with a smaller landing (step) that is 3' x 4' (12 square feet). There is no setback requirement from the ordinary high watermark of the lake to landings. The required square feet for landings for stairway and lifts on residential lots must not exceed 32 square feet. Blaise Cichoski stated that he built these stairs and landing for safety reasons. He was unaware that a building permit was required. **A motion was made by Jim Fridstrom and seconded by Dave Henderson to approve this request to exceed the maximum square footage for a stairway landing for the purpose of achieving access to the lake being 52 square feet.** *Findings: 1. Stairs are needed for lake access so the variance is in harmony with the general purpose and intent of the official control. 2. Due to the steepness of the slope and layout of the property there are practical difficulties in carrying out the strict letter of any official control. 3. Stairs are required for safety concerns so the terms of the variance are consistent with the policies of Isanti County.* Motion carried unanimously.

A motion was made by Kathy Skiba and seconded by Jim Fridstrom to adjourn the meeting at 12:01 p.m. Motion carried unanimously.

Trina Bergloff
Zoning Administrator

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