

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
Darrick Wotachek, Water Planner/Wetland Specialist
Erica Wilson, Administrative Assistant/Permit Technician

The Board of Adjustment met at 9:00a.m. on Thursday May 12, 2022 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 Lindahl, Dave Henderson, Larry Fredlund

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 Jim Fridstrom and seconded by Dave Henderson to approve the minutes of the April 14, 2022 meeting as presented. Motion carried unanimously.

1. The request of Jeffrey & Rita Johnson, 2998 389th Avenue NE, Stanchfield, MN 55080 to construct an addition on the south side of the existing structure (cooler) with less than the required setback to the road right of way of State Highway 65 and with less than the required setback to the County Road and with less than the required setback to the septic mound system. Legal description is Pt. of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 27, Township 37, Range 23, Stanchfield Township.

Jeffrey Johnson was present for this request. Trina Bergloff stated that this property is zoned Business District. This property is 0.41 acres (90' x 200') in size located on the southwest corner of State Highway 65 and County Road 3. This addition is proposed to be in line with the previous addition and would be behind the existing building and no closer to State Highway 65. He is requesting to construct a 16' x 35' cooler addition to the south side of the existing addition. On September 11, 2014 a variance was approved to construct an addition 10' from the mound system, 56' from the centerline of County Road 3 and 48' from the right of way of State Highway 65. The proposed new addition will be 48' from the road right of way of State Highway 65, 82' from the centerline of the County Road and 5' from the septic mound system. The required setbacks are 130' from the road right of way of a State Highway, 130' from the centerline of a County Road, 20' from the septic (mound) and 10' from the septic tank. Ms. Bergloff stated that water cannot drain onto the mound system. Tom Cruikshank, Minnesota Department of Transportation provided comments stating they do not have any setback requirements as long as they don't impede sight lines at the intersection, and do not build on or overhang the road right of way. Jeff Johnson stated that his business has grown and due to the growth of the business he needs a cooler. The drainage from the addition will drain to the south which is away from the septic system. Valerie Marty-Anderson stated that there was

no comment from Stanchfield Township since it is not on a township road. **A motion was made by Jim Fridstrom and seconded by Larry Fredlund to approve this request to construct an addition 10' from the mound system, 56' from the centerline of County Road 3 and 48' from the right of way of State Highway 65.** *Findings: 1. This addition will not go any closer than the existing structures so the variance is in harmony with the general purpose and intent of the official control. 2. The other buildings already exist and the only place to locate on the property with less of a variance so there are practical difficulties in carrying out the strict letter of any official control. 3. This property is located in the Business District so the terms of the variance are consistent with the polices of Isanti County.* Motion carried unanimously.

2. The request of Jesse & Bethany Haugen, 2941 305th Avenue NE, Cambridge, MN 55008 to construct a single family dwelling within a pole type structure with less than the required setback from the centerline of a private road easement. Legal description is the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 15, Township 35, Range 23, Isanti Township.

Bethany Haugen was present for this request. Trina Bergloff stated that this property is zoned Agriculture/Residential District. This property is 20 acres. They bought this property January 19, 2021. On February 3, 2022 the Zoning Office received a complaint of a pole type structure that was built without a building permit. Dennis Ginter/Building Official posted the property with a stop work order. Bethany Haugen called our office and stated that she thought the contractor had pulled the building permit and also indicated to our office that the pole type structure had been finished with living quarters. On 3/22/22 a building permit was applied for the pole type structure. During the building permit process it was discovered that there is an 85' easement on the west side of the property line. This easement is for the 20 acre property to the north of the Haugen's 20 acre parcel. There is also an easement along the south and east property lines. The pole type structure is 50' from the centerline of the private road easement. The required setback is 120' from the centerline of a private road easement. Jesse Haugen stated that he hired a contractor who failed to apply for the building permit. Trina Bergloff stated that the Zoning Department spoke to the building contractor in which he stated that he thought the structure was an Agriculture Barn and no permit was needed. Jesse Haugen applied for a building permit with the Zoning Office for a pole type structure for storage but then they admitted it had living quarters in it so then changed the use for the stucture. Larry Fredlund questioned the dotted lines on the survey. Jim Fridstrom stated that it seems like there is poor planning on the property owner's part since it is already built. He has concerns with the closeness of the structure to the private road easement. Valerie Marty-Anderson stated that all other setbacks can be met. Jesse Haugen stated that the pole structure is approximately 90 percent done. The pole type structure is 50' x 80'. Larry Fredlund stated that the survey is has some information that is not ledge to read. . Larry Fredlund is requesting a new survey without the dotted lines. A

motion was made by Larry Fredlund and seconded by Dave Lindahl to table this request until the end of the meeting for the property owners to contact the surveyor for clarification on the dotted lines on the survey. Kurth Surveying, Inc. stated that the dotted lines on the survey was the first proposed concept plan prior to construction of the pole type structure Kurth Surveying representing Jesse and Bethany was present for this request. He stated that he would submit that to the Isanti County Zoning Ordinance office. **A motion was made by Jim Fridstrom and seconded by Dave Henderson to deny this request to construct a single family dwelling within a pole type structure with less than the required setback from the centerline of a private road easement.** Nay: Larry Fredlund, Valerie Marty-Anderson, Dave Henderson, Dave Lindahl. Aye: Jim Fridstrom. **Motion failed.** Bethany Haugen stated they did not know there was an 85' easement on the west side of their property. Trina Bergloff stated the travel surface of the easement requirement is 24' wide if it is serving two or more parcels. Larry Fredlund suggested to Jesse Haugen if they could decrease the easement and/or move the pole barn. Jesse Haugen stated that they have been maintaining the easement. He is not sure if the property owner to the north would be willing to change the easement. It would be very difficult to change the door location on the existing pole barn structurally. Tim Nelson explained case law to help consider the motion and the findings for this after the fact request; *1. Is there good faith by the applicant? 2. Would it be a substantial money loss for the applicant? 3. Is the construction completed? 4. Is there same in the surrounding area? And would this be a benefit to the county?* Valerie Marty-Anderson stated that this request fits the case law and those questions can be answered to help define the findings. Larry Fredlund stated that the applicants did this in good faith. This easement should have been caught by the builder, surveyor and/or the realtor. This has been a substantial burden for the applicant. The construction is 85% to 90% completed. The county does not maintain this private road easement that serves one parcel and there is no benefit to the county. 47.5' of this structure is within the setback of the easement. **A motion was made by Larry Fredlund and seconded by Dave Lindahl to approve this request to construct a single family dwelling within a pole type structure 50' from the centerline of a private road easement with the following condition: 1. The Zoning Staff re-evaluates the building permit for the single family dwelling.** *Findings: 1. The easement is exceedingly wide being 85' in width serving only one parcel at this time so the variance is in harmony with the general purpose and intent of the official control. 2. There was no building permit issued to the contractor, the surveyor missed the recorded easement along with the title opinion company so there are practical difficulties in carrying out the strict letter of any official control. 3. Single family dwellings and pole type structures are allowed in the Agriculture/Residential District so the terms of the variance are consistent with the policies of Isanti County.* **Nay: Jim Fridstrom. Motion carried.**

3. The request of Scott LaRowe, 31925 Lakeway Drive, Cambridge, MN 55008 to vary the Isanti County Zoning Ordinance, Section 6, Agriculture/Residential District,

Subdivision 2, Permitted Uses #19 b to exceed the maximum lot size of three acres. Legal description is Pt. of the SW ¼ of the SW ¼ of Section 17, Township 35, Range 22, North Branch Township.

Kyle Roddy was present for this request representing Scott LaRowe. Trina Bergloff stated that this property is zoned Agriculture/Residential District. This property is 35 acres. There are a total of three development rights on this parcel. They would like to plat the property but due to the layout of the land they would like to create a parcel larger than three acres. There is a private ditch that runs through the middle of this property. They are requesting one of the parcels to be 4.50 acres. The additional 1.5 acres on the south side of Lot 2 (making it 4.5 acres instead of 3 acres) is upland that is only accessible from the north. If that 1.5 acre area is attached to Lot 3 it won't be accessible or useable for Lot 3 without crossing the ditch/wetland. Trina Bergloff stated that we try and minimize wetland impacts as much as possible. Kyle Roddy stated that the private ditch is a natural drainage way. **A motion was made by Larry Fredlund and seconded by Dave Henderson to approve this request to vary the Isanti County Zoning Ordinance, Section 6, Agriculture/Residential District, Subdivision 2, Permitted Uses #19 b to exceed the maximum lot size of three acres creating a 4.50 acre parcel (proposed Lot 2 Block 1 of the submitted lot layout).** *Findings: If this would be a three acre lot it would leave a fractional piece of land with no access so the variance is in harmony with the general purpose and intent of the official control. 2. There is a drainage ditch and waterway that cuts through this property so there are practical difficulties in carrying out the strict letter of any official control. 3. This will not exceed the density requirement of four parcels per quarter-quarter and this would make the property more useable for this parcel.* **Nay: Dave Lindahl. Motion carried.**

A motion was made by Larry Fredlund and seconded by Dave Lindahl to reconvene to agenda item #2.

A motion was made by Jim Fridstrom and seconded by Dave Henderson to adjourn the meeting at 11:22 a.m. Motion carried unanimously.

Trina Bergloff
Zoning Administrator

TB:hn