



Board of Adjustments

Tuesday, November 25, 2025

6:30 PM

Elk River City Hall

Regular Meeting Agenda

- Regular meeting in Council Chambers

1. CALL MEETING TO ORDER

2. PLEDGE OF ALLEGIANCE

3. CONSIDER AGENDA

4. CONSIDER MINUTES

4.1 DRAFT Minutes - October 28, 2025

5. PUBLIC HEARINGS

An opportunity for the public to express their opinions and raise questions pertaining to the agenda item. All comments become part of the official public record. For this reason, all comments must be made at the podium so they can be heard and recorded. Comments may also be provided in writing. There will not be deliberations, discussions, or answers to questions until the hearing is closed. It is important to be courteous and allow each presenter to comment before adding additional testimony.

5.1 Variance: Structure Size Variance, Benjamin Poythress - 13640 Island View Dr NW

5.2 Variance: Parking and Wetland Setbacks in Support of an Apartment Building, Pat Briggs - 17379 Twin Lakes Rd NW

6. MOTION TO ADJOURN REGULAR MEETING



**Meeting of the Board of Adjustments
Held at the Elk River City Hall
Tuesday, October 28, 2025**

Members Present: Chair Perry Beise, Commissioner Eric Johnson, Commissioner Robert Rydberg, Commissioner Dennis Booth, Commissioner James Zahler, Commissioner Anthony Kaba, Commissioner Dornan Bland

Members Absent: None.

Staff Present: Community Development Director Zack Carlton, Senior Planner Chris Leeseberg, and Recording Secretary Katie Porath

1. CALL MEETING TO ORDER

Pursuant to due call and notice thereof, the meeting was called to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. CONSIDER AGENDA

Moved by Commissioner Johnson and seconded by Commissioner Booth to approve the agenda. Motion carried 7-0.

4. CONSIDER MINUTES

Moved by Commissioner Johnson and seconded by Commissioner Booth to approve the following consent items as outlined in their respective staff reports. Motion carried 7-0.

4.1 DRAFT Minutes - September 23, 2025

5. PUBLIC HEARINGS

5.1 Variance: Side Yard Setback, Tim St. Claire - 19072 Baldwin St NW

Mr. Leeseberg presented the staff report.

Chair Beise opened the public hearing.

Tim St. Claire, 19072 Baldwin St NW, explained the desire for a larger deck to host family get-togethers and the constraints of his site with a water access point and a steep hill.

Commissioner Bland asked if Mr. St. Claire had spoken with the neighbors about the deck design. Mr.

St. Claire said they had no concerns.

Commissioner Rydberg asked if there were any concerns with standing water. Mr. St. Claire responded there were no concerns.

Dale and Anne Beaudry, 19084 Baldwin St NW, stated there was not enough space to get an emergency vehicle behind the home with the current setback of the deck. Mr. Leeseberg explained that the current deck does not meet setback requirements. It is grandfathered in but cannot increase the footprint. Ms. Beaudry also expressed concern that having a deck so close would affect the re-sale of the property.

Chair Beise closed the public hearing.

Moved by Commissioner Johnson and seconded by Commissioner Zahler to deny the proposed variance to permit encroachment into the side yard setback, allowing construction of a deck, as the following standards have not been satisfied:

- 1. Not maintaining adequate separation between structures for safety, access, neighborhood consistency, and utility needs does not meet the general purpose and intent of the ordinance.**
- 2. The property is guided for residential uses which includes decks, and the property is currently improved with a home and deck that provide reasonable residential use.**
- 3. Expanding the deck can also be accomplished without requiring a variance but expanding the nonconformity is not necessary to allow reasonable use of the property.**
- 4. The lot configuration and existing house placement are not unique among properties in this neighborhood. Many nearby homes have similar layouts and conforming decks within the required setbacks.**
- 5. Enlarging the deck to encroach further into the setback could disrupt the established pattern of separation between structures, potentially altering the visual and spatial character of the area.**

Motion carried 7-0.

The Variance request will go to the November 17, 2025, City Council meeting.

5.2 Variance: Structure Size Variance, Benjamin Poythress - 13640 Island View Dr NW

Mr. Leeseberg presented the staff report.

Commissioner Bland asked if variances for water oriented structures near Lake Orono are common. Mr. Leeseberg stated he does not recall doing one before.

Chair Beise opened the public hearing.

Andrea Poythress, 13640 Island View Dr, stated the proposed site would have limited visibility from the lake and would reduce clutter on their property. She stated that there were limited locations where a structure could be placed on their property due to the wetlands and city held drainage

easements. The applicants contested the square footage listed in the packet saying the proposed project was only 60 square feet over the standards.

Ben Poythress, 13640 Island View Dr, added that there were other properties around the lake that were close to the water, including a guest house. He has worked with the DNR, Sherburne County Watershed, and the city environmental department to determine the best location for a structure. Mr. Poythress stated that the current size of the shed (10x10) was too small to store some of their water equipment.

Commissioner Rydberg asked if the applicant was proposing to store items under the deck. Mr. Poythress responded that the area under the deck would be open and the structure was not permanent. Chair Beise asked what type of structure it was if not permanent. Mr. Poythress clarified that there were no frost footings.

Commissioner Zahler asked what made the site unique, requiring a larger building. Ms. Poythress stated the size of the structure was designed to fit the items the applicant already owned and keep them closer to the water.

The Commission discussed potential solutions to work within the 400 square foot standards. They informed the applicant that, if the structure was not classified as a water-oriented structure then it would need additional review and may not even be allowed due to its location within the flood plain.

Mr. Leeseberg clarified that the square footage of the deck was included in the overall amount requested of 780 square feet. Staff concern was with the size of the request, not the proximity to the water.

Commissioner Bland addressed other structures around the lake that do not seem compliant. They needed to meet different standards than a water-oriented structure would need to meet. He questioned the appropriateness of applying a different ordinance standard to make it fit different criteria.

Commissioner Johnson agreed that a water-oriented structure was designed to store items from the lake. If a larger structure was built, it would need to follow more stringent rules.

Ms. Poythress requested a continuation of the application to a future meeting.

Moved by Commissioner Johnson and seconded by Commissioner Kaba to continue the Public Hearing to the November 25, 2025 Board of Adjustments meeting. Motion carried 7-0.

5.3 Variance: Lot Size and Wetland Setbacks, Allen Perkins - 13937 196th Ave NW

Mr. Carlton presented the staff report.

The Commission asked if it was a better idea to vacate the city street. Mr. Carlton explained that the city had already put infrastructure into Queen Street.

Chair Beise opened the public hearing.

Allen Perkins, 13937 196th Ave NW, applicant, stated the intent of his request was to split the lot into two buildable lots.

Chair Beise closed the public hearing.

Moved by Commissioner Johnson and seconded by Commissioner Booth to approve the Variance requests from Allen Perkins to support a subdivision of land with two lots below the 2.5-acre minimum lot size, and for a cul-de-sac to encroach into the wetland buffer/setback, as the following standards have been met:

1. The general purpose and intent of the ordinance are met.
2. The property is guided for residential uses, and the proposed single-family residential use is consistent with the Comprehensive Plan.
3. The proposed use is reasonable and is permitted in the zoning ordinance.
4. The plight of the petitioner is due to circumstances unique to the property, not a consequence of the petitioner's own action or inaction.
5. The variance will not alter the essential character of the locality.

and, subject to the following conditions:

1. The applicant must work with city staff to move the cul-de-sac away from the wetland as far as is practicable.
2. All areas within the 25-foot buffer must be planted with native vegetation and must be left to grow naturally.

Motion carried 7-0.

6. MOTION TO ADJOURN REGULAR MEETING

Moved by Commissioner Johnson and seconded by Commissioner Booth to adjourn the meeting. Motion carried 7-0.

The meeting adjourned at 7:29 p.m.

Minutes prepared by Katie Porath.

Perry Beise, Chair

Tina Allard, City Clerk



Request for Action

To
Board of Adjustments

Item Number
5.1

Meeting Date
November 25, 2025

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Variance: Structure Size Variance, Benjamin Poythress - 13640 Island View Dr NW

Reviewed by
Zack Carlton

Action Requested

Deny, by motion, the variance proposal to exceed the permitted size of a water-oriented storage structure, as the following standards have not been met:

1. Allowing a structure nearly twice the size of what is permitted within the shore impact zone does not meet the general purpose and intent of the ordinance.
2. The property has a land use guidance for residential, and the proposed single-family residential use is consistent with the Comprehensive Plan.
3. The proposed use is not reasonable as the property already contains a permitted 100 SF. water-oriented structure that serves the intended purpose of storing lake-related equipment.
4. There are no circumstances unique to the property that create hardship. The request results from the applicant's desire for additional space, which is a self-created condition, not a property hardship.
5. Granting the variance would permit a structure nearly twice the size allowed within proximity to the lake that could alter the essential character.

Background/Discussion

The Board of Adjustments initially reviewed this request on October 28, 2025, and after hearing comments and concerns from the Board, the applicant requested to postpone action until the November 25, 2025, meeting to provide additional time to explore alternative solutions/designs. Prior to providing any alternative, the applicant requested an explanation be provided specifying the ordinance language that requires a deck to be included in water-oriented structure square footage, as well as additional information. That correspondence is included as an attachment. They have reduced the size of the deviation, and are now requesting a 10-foot x 17-foot building addition. An outline of the proposed square footage is as follows:

- 100 SF. Existing Building (10' x 10')
- 320 SF. "Proposed" Deck (currently under construction)
- **420 SF. Existing Water-Oriented Structure (400 allowed)**
- 170 SF. Proposed Building (10' x 17')
- **590 SF. Total Existing and Proposed**

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A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity



While the existing conditions exceed the maximum allowed square footage by 20 SF, a viable alternative, which the Board suggested at the October meeting, is utilizing space under the deck for storage, which may satisfy the applicants' desire for additional storage.

Staff's concern has been, and continues to be, that there is no plight/circumstances unique to the property that created a hardship to allow for an increase in personal storage. The desire for additional storage is not a hardship but a plight the property owner created.

Applicable Regulations

Variations may be granted when the petitioner establishes that the variance satisfies all five of the criteria described below. The variance is:

1. Is in harmony with the general purpose and intent of the ordinance, and

Applicants' response: This request is in harmony with the intent of the ordinance because it allows us to safely and responsibly improve existing lakeshore amenities without creating environmental impacts. The variance supports the continued use of a modest storage structure for water-oriented items (kayaks, oars, lifejackets, etc.) and the replacement of a deteriorating deck with a safe structure. Neither project contributes to erosion, runoff, or shoreline degradation.

The intent of the lakeshore setback and accessory structure standards is to provide some unique storage (400 sq.ft. max) opportunities because of the relationship to a water feature and to preserve the natural character of the shoreline, protect water quality, and maintain consistency among lakeshore properties. Allowing a structure larger than what is permitted within the shore impact zone would conflict with these goals. The variance is therefore not in harmony with the purpose and intent of the ordinance.

2. Is consistent with the City of Elk River comprehensive plan.

Applicants' response: The request is consistent with the City's Comprehensive Plan by preserving the residential and recreational character of the lakeshore. The addition to the small storage shed ensures adequate space for water-oriented equipment, while the rebuilt deck provides safe access and enjoyment of the property. Both improvements update pre-existing structures and are compatible with the development pattern of surrounding lakeshore homes.

While the property has a land use guidance for residential, and the proposed single-family residential use is consistent with the Comprehensive Plan, the plan also emphasizes protecting natural resources, especially along lakes and wetlands, by enforcing setbacks and size limitations for structures near the water. Expanding the existing water-oriented structure beyond ordinance limits is not consistent with these objectives.

Variations may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties means that:

3. The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;

Applicants' response: The proposed improvements are reasonable uses of a lakeshore property. Expanding the existing shed provides adequate space to safely store water-oriented equipment, preventing shoreline clutter. Replacing the deteriorating deck ensures safe enjoyment of the property while aligning with typical residential lakeshore uses.

The property already contains a permitted 100 sq.ft. water-oriented structure that serves the intended purpose of storing lake-related equipment. The applicant also has sufficient space elsewhere on the property to construct additional storage structures that meet ordinance requirements. The desire for additional

convenience or larger storage capacity does not constitute a practical difficulty. Therefore, the request does not represent a reasonable use that is otherwise prohibited by the ordinance.

4. The plight of the petitioner is due to circumstances unique to the property, not a consequence of the petition's own action or inaction; and

Applicants' response: The property's unique site conditions—including the shoreline location, wetlands, and easements—limit alternative placement of both the shed addition and the deck. These constraints create practical difficulties in meeting zoning requirements while still allowing safe and reasonable use of the property. The request is not the result of actions or inactions by the property owners.

There are no circumstances unique to the property that has created a hardship. The lot is a standard lakeshore parcel with adequate buildable area for compliant accessory structures outside the shore impact zone. The request results from the applicant's desire for additional space, which is a self-created condition, not a hardship.

5. The variance, if granted, will not alter the essential character of the locality.

Applicants' response: The requested variance will not change the essential character of the neighborhood. Nearby lakeshore properties commonly have decks and small water-oriented storage structures. The proposed improvements are modest in scale, consistent with surrounding properties, and will preserve the residential and recreational nature of the lakeshore.

Granting the variance would permit a structure nearly twice the size allowed within proximity to the lake, setting a precedent inconsistent with surrounding lakeshore development patterns. Approval would alter the essential character of the locality by introducing a more intensive level of lakeshore development than intended by ordinance.

Findings

Staff find that the requested variance does not meet the required criteria for approval. There is no demonstrated hardship or unique property condition that justifies exceeding the allowed size for a water-oriented structure. The property already benefits from a permitted structure that serves the intended purpose and expanding it would conflict with the intent of the ordinance to protect lakeshore character and water quality.

Financial Impact

None

Mission/Policy/Goal

Ethical, efficient, and responsible.

Attachments

1. Location Map
2. Staff Site Plan 11-25-25
3. Correspondence
4. Board of Adjustments Staff Report 10-28-2025



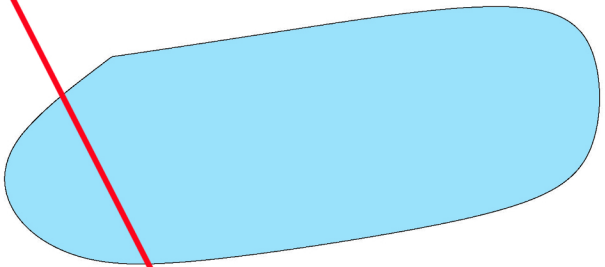
Project Location Map

Benjamin Poythress

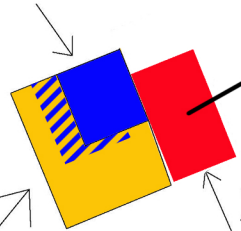
Variance

Case No: V 25-18

Staff Site Plan 11-25-25



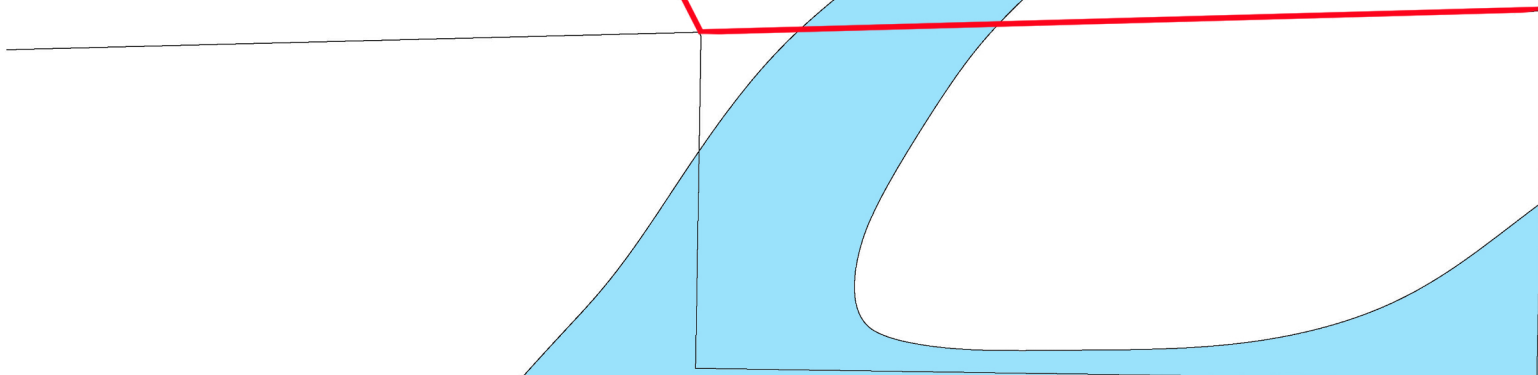
Existing Water-Oriented
Accessory Structure
10ft x 10ft



Approximate location of
proposed 10'x17' addition

Existing Deck
Replacement
16ft x 20ft

22ft



Lake Orono

City of Elk River Definition - *Water-oriented accessory structure or facility means a small, aboveground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.*

Staff's interpretation is the deck is detached from the house.

I. Purpose of This Submission

This memo is being submitted prior to the continued hearing scheduled for November 25, 2025 in order to:

1. Correct the square-footage calculation currently reflected in staff interpretation of the variance request;
2. Provide the legal basis for excluding the deck from the water-oriented structure square-foot limit under applicable ordinance and Minnesota law;
3. Request that staff update the staff report, or provide written clarification, prior to the continued hearing so that the Board is evaluating the correct variance scope; and
4. Preserve the public record, given the statutory limitations on variance denial and the appeal rights afforded under Minn. Stat. § 394.27.

This memo is not intended to replace oral testimony, but to ensure accuracy and transparency in advance of the continued public hearing.

II. Correction to Variance Square-Footage Calculation

The current staff position frames the request as 780 sq. ft. (100 existing + 360 proposed structure + 320 deck). (see city definition) That calculation is not supported by ordinance language and materially misstates the variance request.

Actual enclosed structure square footage:

- Existing enclosed storage structure – 100 sq. ft.
- Proposed enclosed storage expansion – 360 sq. ft.
- Total enclosed structure – 460 sq. ft. (regulated)

Deck square footage:

- Elevated replacement deck – 320 sq. ft. (not enclosed, not used for storage)
- Ground impact = 2.73 sq. ft. (13 posts)

Actual variance requested:

Allowed = 400 sq. ft.

Proposed = 460 sq. ft.

Variance requested = +60 sq. ft.

III. Applicable Law – Minn. Stat. § 394.27, Subd. 7 (Practical Difficulties Standard) This is citing the County statute for variances.

Minnesota law requires that variance decisions be based on the three-part “practical difficulties” test. The statute does not authorize denial based on an internal staff interpretation (see city definition) that expands the scope of the request beyond what is legally regulated.

The statutory test Minn. Stat. 462.357, subd. 6 requires:

1. A reasonable use of property not permitted by ordinance; *§ 462.357 states: the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.*
2. Circumstances unique to the parcel; *§ 462.357 states: the plight of the landowner is due to circumstances unique to the property not created by the landowner.*

There are no circumstances unique to the property that created a hardship to allow for an increase of personal storage, regardless if it is 60 or 380 square feet over. The desire for additional storage is not a hardship but a plight the property owner created. The property is a standard lakeshore parcel with adequate buildable area for a code compliant water-oriented structure.

3. No alteration of essential character of locality. *§ 462.357 states: the variance, if granted, will not alter the essential character of the locality.*

Additional information in § 462.357, Subd. 6

1. *Is in harmony with the general purpose and intent of the ordinance, and*
2. *Is consistent with the city of Elk River comprehensive plan.*

The intent is to provide storage (400 sq.ft.) near the water, and as also noted in the Planning Commission memo, to preserve the natural character of the shoreline, protect water quality, and maintain consistency among lakeshore properties.

This analysis applies only to the portion of the project actually regulated — the enclosed storage area. It does not permit a city to artificially inflate the size of a variance request by including elements that are not regulated by ordinance. Staff are classifying the deck as a water-oriented structure, as defined. Based on information staff have available, the deck under construction is within a large wetland complex that would not allow a traditional deck at all.

IV. DNR Shoreland Variance Guidance – Deck Classification

The Minnesota DNR Shoreland Management Variance Guidance (2021) distinguishes between enclosed or roofed accessory structures and open platforms, walkways, and decks. Only the former are counted toward structure square footage.

The deck portion of this project is an unenclosed elevated platform and therefore does not fall within the regulated definition. It is detached deck/water-oriented structure (see city

definition) and within a large wetland complex that would not allow a “traditional deck”. A municipality can be more restrictive.

V. Comparison to Minnesota Municipal Practice

Multiple Minnesota cities with similar ordinance language interpret decks separately from water-oriented accessory structures:

- City of Orono – Water-oriented accessory structure defined as “a small storage structure used for recreational equipment.” Decks regulated separately.
- City of Scandia – Decks permitted in shoreland district but excluded from 400 sq. ft. structure limit unless enclosed.
- *City of Elk River - Water-oriented accessory structure or facility means a small, aboveground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.*
- Staff's interpretation is the deck is detached from the house.

VI. Deck Permitting Is Not Part of Variance Review

If the City determines that the deck requires a separate floodplain, shoreline, or building permit, that process will be completed. **Decks require a Building Permit, the current water-oriented accessory structure is being built without a permit.** However, Minnesota variance law does not allow denial based on a permitting process that occurs outside the variance standard.

Accordingly:

- The Board may approve **or deny** the variance now;
- Staff may still require deck permitting later; **The city requires a permit for decks and water-oriented structures**
- The two are legally separate actions. **Based on the city definition, the enclosed structure and the deck are one unit and part of one action.**

VII. Request for Staff Action Before November 25 Hearing

To prevent confusion at the hearing and ensure the Board is acting on a legally valid record, we respectfully request:

1. That the staff report be updated to reflect the correct variance request of 460 sq. ft., not 780 sq. ft.; OR
2. That written explanation be provided specifying the ordinance language that requires a deck to be included in water-oriented structure square footage. **See water-oriented accessory structure or facility definition.**

If staff maintains the position that the deck must be included, we respectfully request that

the justification be provided in writing so it can be reviewed by the Board, City Council (if appealed), or a reviewing court. **See water-oriented accessory structure or facility definition.**

VIII. Record Preservation

Because variance denials must be supported by legally valid findings, and because Minnesota courts routinely reverse denials based on misapplied standards, this memo is being entered into the record to preserve our right to appeal if necessary.

IX. Conclusion

We respectfully request that staff update the variance calculation before the November 25 hearing so that the Board votes on the actual variance being requested (+60 sq. ft. enclosed storage). We welcome further clarification or discussion prior to the hearing.

Sincerely,

Benjamin & Andrea Poythress

Applicants – Case V 25-18



Request for Action

To
Board of Adjustments

Item Number
5.2

Meeting Date
October 28, 2025

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Variance: Structure Size Variance, Benjamin Poythress - 13640 Island View Dr NW

Reviewed by
Zack Carlton

Action Requested

Deny, by motion, the variance proposal to exceed the permitted size of a water-oriented storage structure, as the following standards have not been met:

1. Allowing a structure nearly twice the size of what is permitted within the shore impact zone does not meet the general purpose and intent of the ordinance.
2. The property has a land use guidance for residential, and the proposed single-family residential use is consistent with the Comprehensive Plan.
3. The proposed use is not reasonable as the property already contains a permitted 100 SF. water-oriented structure that serves the intended purpose of storing lake-related equipment.
4. There are no circumstances unique to the property that create hardship. The request results from the applicant's desire for additional space, which is a self-created condition, not a property hardship.
5. Granting the variance would permit a structure nearly twice the size allowed within proximity to the lake that could alter the essential character.

Background/Discussion

The applicant is requesting a variance to exceed the allowed square footage (400 SF) for a water-oriented structure by adding a 12' x 30' addition to the existing 10' x 10' storage shed as well as constructing a new deck attached to the storage structure. The existing structure and the proposed additions are near the Ordinary High-Water Level (OHWL). The proposal proposes a total of 780 SF of water-oriented structures, exceeding the 400 SF permitted by ordinance.

- 100 SF. Existing Building (10' x 10')
- 360 SF. Proposed Building (12' x 30')
- 320 SF. "Proposed" Deck (currently under construction)
- 780 SF. Total (400 allowed)

The applicant would like to replace an existing deteriorated deck with a larger, code-compliant structure of 320 SF, approximately 22 feet from the OHWL. The applicant has already begun construction of the

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replacement deck but has since stopped.

Applicable Regulations

Variances may be granted when the petitioner establishes that the variance satisfies all five of the criteria described below. The variance is:

1. Is in harmony with the general purpose and intent of the ordinance, and

Applicants' response: This request is in harmony with the intent of the ordinance because it allows us to safely and responsibly improve existing lakeshore amenities without creating environmental impacts. The variance supports the continued use of a modest storage structure for water-oriented items (kayaks, oars, lifejackets, etc.) and the replacement of a deteriorating deck with a safe structure. Neither project contributes to erosion, runoff, or shoreline degradation.

The intent of the lakeshore setback and accessory structure standards are to preserve the natural character of the shoreline, protect water quality, and maintain consistency among lakeshore properties. Allowing a structure nearly twice the size of what is permitted within the shore impact zone would conflict with these goals. The variance is therefore not in harmony with the purpose and intent of the ordinance.

2. Is consistent with the City of Elk River comprehensive plan.

Applicants' response: The request is consistent with the City's Comprehensive Plan by preserving the residential and recreational character of the lakeshore. The addition to the small storage shed ensures adequate space for water-oriented equipment, while the rebuilt deck provides safe access and enjoyment of the property. Both improvements update pre-existing structures and are compatible with the development pattern of surrounding lakeshore homes.

While the property has a land use guidance of residential, and the proposed single-family residential use is consistent with the Comprehensive Plan, the plan also emphasizes protecting natural resources, especially along lakes and wetlands, by enforcing setbacks and size limitations for structures near the water. Expanding the existing water-oriented structure beyond ordinance limits is not consistent with these objectives.

Variances may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties means that:

3. The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;

Applicants' response: The proposed improvements are reasonable uses of a lakeshore property. Expanding the existing shed provides adequate space to safely store water-oriented equipment, preventing shoreline clutter. Replacing the deteriorating deck ensures safe enjoyment of the property while aligning with typical residential lakeshore uses.

The property already contains a permitted 100 sq.ft. water-oriented structure that serves the intended purpose of storing lake-related equipment. The applicant also has sufficient space elsewhere on the property to construct additional storage structures that meet ordinance requirements. The desire for additional convenience or larger storage capacity does not constitute a practical difficulty. Therefore, the request does not represent a reasonable use that is otherwise prohibited by the ordinance.

4. The plight of the petitioner is due to circumstances unique to the property, not a consequence of the petition's own action or inaction; and

Applicants' response: The property's unique site conditions—including the shoreline location, wetlands, and easements—limit alternative placement of both the shed addition and the deck. These constraints create practical difficulties in meeting zoning requirements while still allowing safe and reasonable use of the property. The request is not the result of actions or inactions by the property owners.

There are no circumstances unique to the property that has created a hardship. The lot is a standard lakeshore parcel with adequate buildable area for compliant accessory structures outside the shore impact zone. The request results from the applicant's desire for additional space, which is a self-created condition, not a hardship.

5. The variance, if granted, will not alter the essential character of the locality.

Applicants' response: The requested variance will not change the essential character of the neighborhood. Nearby lakeshore properties commonly have decks and small water-oriented storage structures. The proposed improvements are modest in scale, consistent with surrounding properties, and will preserve the residential and recreational nature of the lakeshore.

Granting the variance would permit a structure nearly twice the size allowed within proximity to the lake, setting a precedent inconsistent with surrounding lakeshore development patterns. Approval would alter the essential character of the locality by introducing a more intensive level of lakeshore development than intended by ordinance.

Findings

Staff find that the requested variance does not meet the required criteria for approval. There is no demonstrated hardship or unique property condition that justifies exceeding the allowed size for a water-oriented structure. The property already benefits from a permitted structure that serves the intended purpose and expanding it would conflict with the intent of the ordinance to protect lakeshore character and water quality.

Financial Impact

None

Mission/Policy/Goal

Ethical, efficient, and responsible.

Attachments

1. Location Map
2. Applicant's Narrative
3. Site Plan
4. Aerial View



Project Location Map

Benjamin Poythress

Variance



Case No: V 25-18

Legal Description of Property	
ISLAND VIEW FIFTH ADDITION LOT 2, BLK 3	
The narrative is your opportunity to describe, promote, and sell your proposal to the Board of Adjustment and City Council (if needed) and should explain your request in detail and how the five criteria are met in order to be granted a variance.	
<p>We are requesting a variance to add onto an existing 10'x10' (100sf) storage shed used for water-oriented equipment such as kayaks, oars, and lifejackets, and to rebuild a deteriorating deck. We are proposing an additional 12'x30' addition to the existing storage shed which puts the total square feet at 460sf and is 60sf over the 400sf that is allowed. This addition is beyond the OHWL at 22' and does not encroach the 45' Wetland Setback. This addition also adheres to the City of Elk River's Zoning Setbacks for Accessory Structures and keeps the total square feet of attached/detached sf at 1,360 which below the 2,500sf that is allowed for our 2.53 acre property. Adding onto the existing structure also keeps us at only one accessory structure. The existing deck was not constructed to current codes and had become a safety concern due to its age and condition. The proposed replacement deck is larger than the previous one but is designed to be safe, code-compliant, and consistent with the character of surrounding lakeshore properties. The deck will also be beyond the OHWL setback at 22' and will be 320sf when completed.</p>	
A variance may be granted by the board only if it finds that:	
The variance is in harmony with the general purpose and intent of the ordinance	This request is in harmony with the intent of the ordinance because it allows us to safely and responsibly improve existing lakeshore amenities without creating environmental impacts. The variance supports the continued use of a modest storage structure for water-oriented items (kayaks, oars, lifejackets, etc.) and the replacement of a deteriorating deck with a safe structure. Neither project contributes to erosion, runoff, or shoreline degradation.
The variance is consistent with the City of Elk River Comprehensive Plan (discuss with city staff if needed)	The request is consistent with the City's Comprehensive Plan by preserving the residential and recreational character of

	<p>the lakeshore. The addition to the small storage shed ensures adequate space for water-oriented equipment, while the rebuilt deck provides safe access and enjoyment of the property. Both improvements update pre-existing structures and are compatible with the development pattern of surrounding lakeshore homes.</p>
<p>Variances may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties means that:</p>	
<p>The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance</p>	<p>The proposed improvements are reasonable uses of a lakeshore property. Expanding the existing shed provides adequate space to safely store water-oriented equipment, preventing shoreline clutter. Replacing the deteriorating deck ensures safe enjoyment of the property while aligning with typical residential lakeshore uses.</p>
<p>The plight of the petitioner is due to circumstances unique to the property not a consequence of the petition's own action or inaction; and</p>	<p>The property's unique site conditions—including the shoreline location, wetlands, and easements—limit alternative placement of both the shed addition and the deck. These constraints create practical difficulties in meeting zoning requirements while still allowing safe and reasonable use of the property. The request is not the result of actions or inactions by the property owners.</p>
<p>The variance, if granted, will not alter the essential character of the locality</p>	<p>The requested variance will not change the essential character of the neighborhood. Nearby lakeshore properties commonly have decks and small water-oriented storage structures. The proposed improvements are modest in scale, consistent with surrounding properties, and will preserve the residential and recreational nature of the lakeshore.</p>

75-00638-0310

320sf of De minimis
outside of setbacks and
verified by the City of Elk
River.

Existing Water-Oriented
Accessory Structure
10ft x 10ft

Proposed Water-Oriented
Accessory Structure
12ft x 30ft

Existing Deck
Replacement
16ft x 20ft

22ft

Lake Orono

75-00130-4415

I hereby certify that this plan,
specification or report was
prepared by me or under my
direct supervision and that I
am a duly Licensed Architect
under the Laws of the State
of Minnesota.
ARCHITECT/SEAL

Signature: _____
Print Name: _____
Date: _____ License No. _____

PROJECT TITLE

POYTHRESS
RESIDENCE

13640 Island View Dr.
Elk River, MN 55330

DATE	REVISION

PROJECT NO. _____

PROJECT PRICE _____

DATE Drawn By _____ Checked By _____

An aerial photograph showing a house with a brown roof and white trim. The roof is partially collapsed, with wooden rafters exposed. The house is surrounded by a large area of debris, including wooden planks, a blue tarp, and a yellow tarp. A person in an orange shirt is visible near the house. The surrounding area is a mix of green grass and brown, eroded soil. A road or driveway is visible in the upper right corner.

13640 ISLAND
VIEW DR
NW



Request for Action

To
Board of Adjustments

Item Number
5.2

Meeting Date
November 25, 2025

Prepared By
Zack Carlton, Community Development Director

Item Description
Variance: Parking and Wetland Setbacks in Support of an Apartment Building, Pat Briggs - 17379 Twin Lakes Rd NW

Reviewed by
Chris Leeseberg

Action Requested

Approve the variance request from Patrick Briggs for a parking variance, reducing the required stalls from 2.5/unit to the proposed 2.13/unit, and for a wetland buffer/setback variance for an encroachment of up to 6-feet into the wetland buffer setback, as the following standards have been met:

1. The general purpose and intent of the ordinance are met.
2. The property is guided for mixed-residential use, and the proposed 59-unit multifamily residential use is consistent with the Comprehensive Plan.
3. The proposed use is reasonable and is permitted in the zoning ordinance.
4. The plight of the petitioner is due to circumstances unique to the property, not a consequence of the petitioner's own action or inaction.
5. The variance will not alter the essential character of the locality.

and, subject to the following conditions.

1. The applicant must provide a proof-of-parking exhibit demonstrating that the site can support 2.5 stalls/unit if required.
2. All areas within the 20-foot wetland buffer setback must be vegetated and no additional impervious surfaces will be permitted.
3. The proposed wetland fill/impact must receive approval of a wetland replacement plan prior to issuance of a building permit.
4. The property will need to be platted into two lots prior to the issuance of building permits. One lot for the existing home and one lot for the proposed apartment.
5. The applicant must prepare and record an ingress/egress easement to preserve access for the two single-family homes east of the subject site which currently access their properties through the subject site.
6. The applicant must also prepare and record a utility easement to allow the extension of utilities from Twin Lakes Road right-of-way to the existing homes to the east.

The Elk River Vision

A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity



Background/Discussion

The applicant, Patrick Briggs, is proposing construction of a 59-unit multi-family apartment building at 17379 Twin Lakes Parkway. The property is currently 5.79 acres in size and includes one single-family home on the north side of the parcel. The current variance request supports the planned apartment building, but this application does not authorize construction of the building. A separate administrative site plan review application is required.

Proposed variances include a reduced parking requirement – reducing the required number of stalls from the ordinance standard of 2.5 stalls/unit to 2.13 stalls. This type of parking request has become common throughout the community, and a similar request was approved for the apartment building immediately north of the subject site.

The proposed apartment building includes 53 studio units and 6 one-bedroom units. It is expected that this unit style will reduce the parking demand below the 2.5 stalls/unit required within the ordinance and is consistent with recent variances throughout the community. Staff included a typical requirement of an exhibit demonstrating proof-of-parking to show that the full parking requirement can be met if parking becomes a concern in the future.

The existing wetland on the property has been reviewed by the city's environmental staff. The proposed encroachment into the buffer/setback impacts 6 feet of the required 45-foot buffer and setback. Ordinance prohibits structures and impervious surfaces in this area, but maintained vegetation (turf) is allowed. The proposed building would be 39 feet from the delineated wetland and a small corner of the structure with a smaller encroachment of 3-feet (42-feet from delineated wetland) for approximately 50 feet.

Civil plans include filling an existing wetland to accommodate the stormwater pond to treat the new impervious surfaces. This impact is not part of the variance request and must be approved separately through a wetland replacement plan.

Applicable Regulations

The variance standards are outlined below. The applicant's responses are noted in italics.

A variance may be granted when the petitioner establishes that the variance satisfies all five of the criteria described below.

The variance is:

1. Is in harmony with the general purpose and intent of the ordinance, and

The zoning and Comprehensive plan are in alignment with owners use.

The parking variance has become a relatively common request either through a Planned Unit Development or with a variance. The city's experience with a parking variance of greater than 2 stalls/unit has generally not resulted in too few parking stalls to serve the buildings. The included condition of a proof of parking exhibit must show that additional parking can be constructed if parking becomes an issue in the future.

The wetland buffer setback has also become common, and with the condition that no additional impervious surfaces be placed within the buffer setback, the impact is supported by staff.

The variances are generally in harmony with the purpose and intent of the ordinance.

2. Is consistent with the City of Elk River comprehensive plan.

The zoning and Comprehensive plan are in alignment with owners use.

The Comprehensive Plan guides the property for mixed-residential uses, up to and including small-scale

apartment buildings. The building immediately north of the subject site includes 52 units (constructed in 2023) and carries the same land use classification.

The Comprehensive Plan generally supports the proposed use of a 59-unit apartment building.

Variances may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties mean that:

3. The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;

The parking request is in alignment with the general purpose of parking client vehicles on site with an established history of parking within city limits.

The owner is in alignment with the general purpose of managing the stormwater runoff rate equal to or less than existing conditions post development. All impervious surfaces will be drained to an infiltration basin on site.

The proposed parking deviation of greater than 2 stalls/unit has proven to be a reasonable use not otherwise permitted in the ordinance.

The civil plans demonstrate that the impervious encroachment into the wetland setback includes the roof of the building, which will direct runoff to the stormwater pond and not directly to the adjacent wetland.

4. The plight of the petitioner is due to circumstances unique to the property, not a consequence of the petition's own action or inaction; and

Due to the uniqueness of an easement serving two additional parcels, we are limited to the practicality of space on said site.

Due to the uniqueness of an easement serving two additional parcels, we are limited to the practicality of moving the basin to the north. The building is an L-shaped building. The 90-degree angle on the inside corner would be impractical to construct at a 65-degree angle. We also considered removing the sidewalk between the building and parking lot. However, it is much more practical and safer to have dedicated space for pedestrian traffic to and from their vehicles in the parking lot and the structure on the southwest corner of apartment homes.

The applicant states that the practical difficulties lie in preserving free and clear access for the parcels to the east – both of which currently access their properties through the site. One of the homes was constructed in 1972 and the other in 1978, neither directly abut a public street and do not have any other means of access to their properties. The access easement connection noted by the applicant must be maintained in the same location as it is today.

5. The variance, if granted, will not alter the essential character of the locality.

We are not altering the character of the site.

We are not altering the character of the zoning of the site.

The proposed apartment building is similar in size and scale to the parcels immediately north and south of the subject site. All of these facilities are located along Twin Lakes Road and will not alter the essential character of the locality.

If the Board of Adjustments denies the request, or an appeal is made by any interested party by December 5, 2025, the variance will be reviewed by the City Council on Monday, December 15, at 6:00 p.m.

Financial Impact

Mission/Policy/Goal

Explain how this meets the city's mission, current policies and/or council goals

Attachments

1. Location Map
2. Preliminary Civil Plans
3. Elk River Concept



Project Location Map

Briggs

Variance

Case No: V 25-21

BRIGGS ELK RIVER PLAT

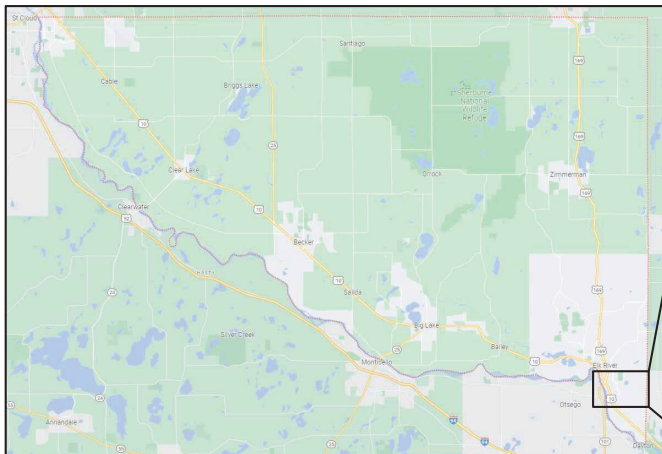
PAT BRIGGS

17379 TWIN LAKES ROAD NW
CITY OF ELK RIVER, SHERBURNE COUNTY, MN
OCTOBER 2025
PRELIMINARY PLANS

CIVIL & SURVEY PLANS PREPARED BY:



Civil Plans	
Sheet Number	Sheet Title
	Cover
C1	Demolition Plan
C2	Site Plan
C3	Grading Plan
C4	Utility Plan
C5	Erosion Control Plan
C6	SWPPP Narrative
C7	Details
C8	Details
C9	Details
C10	Details
C11	Details
C12	Landscape Plan
C13	Fire Protection Plan



SHERBURNE COUNTY, MINNESOTA

PROJECT LOCATION

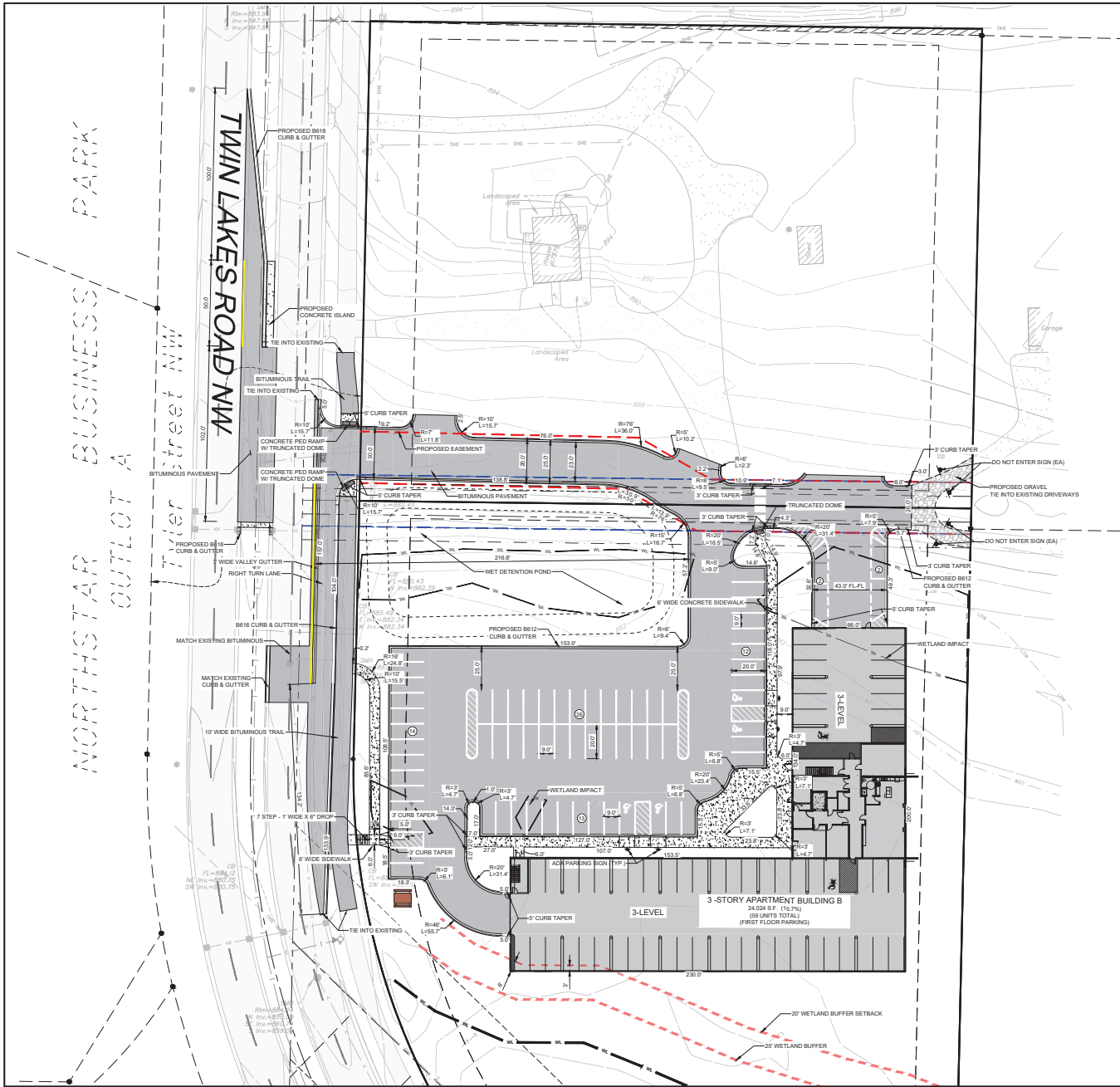


VICINITY MAP

REV NO.	DATE	DESCRIPTION

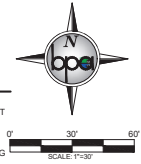
PRIVATE UTILITIES SHOWN ARE QUALITY LEVEL D.
QUALITY LEVEL D PROVIDES THE MOST BASIC LEVEL OF INFORMATION. IT INVOLVES COLLECTING DATA FROM EXISTING UTILITY RECORDS. RECORDS MAY INCLUDE AS-BUILT DRAWINGS, DISTRIBUTION AND SERVICES MAPS, EXISTING GEOGRAPHIC INFORMATION SYSTEM DATABASES, CONSTRUCTION PLANS, ETC.

10/27/2020 4:42 PM N:\Projects\City\242000000\Map\01\PLAN\CC04\CC04_Plan_Site.dwg



LEGEND:

- PROPOSED ASPHALT PAVEMENT
- PROPOSED GRAVEL SURFACING
- PROPOSED CONCRETE PAVEMENT
- PROPOSED TURF ESTABLISHMENT
- CONCRETE CURB AND GUTTER - B612
- PROPOSED SIGN



SITE PLAN NOTES:

1. PAINTED PAVEMENT MARKING DIMENSIONS ARE SHOWN TO FACE OF CURB. ALL OTHER DIMENSIONS ARE SHOWN TO BACK OF CURB.
2. ALL CONCRETE RAMPS, SIDEWALKS AND ACCESSIBLE HANDICAPPED PARKING STALLS TO CONFORM TO CURRENT A.D.A. REQUIREMENTS.
3. CONTRACTOR SHALL FIELD VERIFY HORIZONTAL AND VERTICAL LOCATION OF EXISTING UTILITIES PRIOR TO START OF CONSTRUCTION.
4. CONTRACTOR SHALL INSTALL EROSION CONTROL MEASURES PRIOR TO THE START OF CONSTRUCTION.
5. CONSTRUCTION SHALL BE IN ACCORDANCE WITH APPLICABLE CITY, COUNTY AND STATE REGULATIONS.
6. SITE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PLANS APPROVED BY THE CITY.
7. LANDSCAPING AND TURF ESTABLISHMENT PER LANDSCAPE PLANS & SPECIFICATIONS.
8. ALL DISTURBED AREAS OUTSIDE THE BUILDING PAD WHICH ARE NOT DESIGNATED TO BE PAVED OR RECEIVE AGLIME, SHALL RECEIVE AT LEAST 6" OF TOPSOIL AND SHALL BE SEEDED OR SOODED. REFER TO THE EROSION CONTROL PLAN FOR SOD AND SEED LOCATIONS. ALL OTHER AREAS DISTURBED BY CONSTRUCTION NOT SPECIFICALLY IDENTIFIED TO RECEIVE A CERTAIN SEED MIX SHALL BE MIXED WITH SEED MIX 25-131.
9. WHERE NEW SOD MEETS EXISTING SOD, EXISTING SOD EDGE SHALL BE CUT TO ALLOW FOR A CONSISTENT, UNIFORM STRAIGHT EDGE. JAGGED OR UNEVEN EDGES WILL NOT BE ACCEPTABLE. REMOVE TOPSOIL AT JOINT BETWEEN EXISTING AND NEW AS REQUIRED TO ALLOW NEW SOD SURFACE TO BE FLUSH WITH EXISTING.

SITE PLAN INFORMATION:

PARCEL AREA:
 + 2.6 ACRES +

PROPOSED ZONING:
 + P U.D. DISTRICT +

PRINCIPAL STRUCTURE SETBACKS:
 • FRONT: 35'
 • SIDE: 10'
 • REAR: 20'

PARKING SETBACKS:
 • FRONT SETBACK FOR PARKING: 10'
 • SIDE SETBACK FOR PARKING: 10'
 • REAR SETBACK FOR PARKING: 10'

SITE DATA	EXISTING	PROPOSED
PAVEMENT AREA	26,351 SF	60,327 SF
LANDSCAPE AREA	3,386 SF	0 SF
WETLAND/WATER AREA	11,824 SF	12,055 SF
BUILDING AREA	1,038 SF	24,128 SF
PERVIOUS AREA	237,817 SF	16,186 SF
TOTAL AREA	278,534 SF	278,534 SF

PARKING REQUIREMENTS:
 • MINIMUM PARKING STALL DIMENSIONS: 20' X 9' (90' PARKING)
 TOTAL UNITS: 59 (59 PER APARTMENT)
 PARKING STALLS:
 • TOTAL STALLS PROVIDED: 126 (2.14 STALLS/UNITS)
 •• TOTAL INDOOR STALLS: 57
 ••• TOTAL OUTDOOR STALLS: 69
 • TOTAL ADA STALLS PROVIDED: 6 (6 VAN ACCESSIBLE)
 • TOTAL ADA STALLS REQUIRED: 6 (6 VAN ACCESSIBLE REQUIRED)

REV. NO.	DATE	DESCRIPTION

C2

GOPHER STATE ONE CALL
 TWIN CITY AREA 651-454-0002
 MINNESOTA TOLL FREE 1-800-252-1166

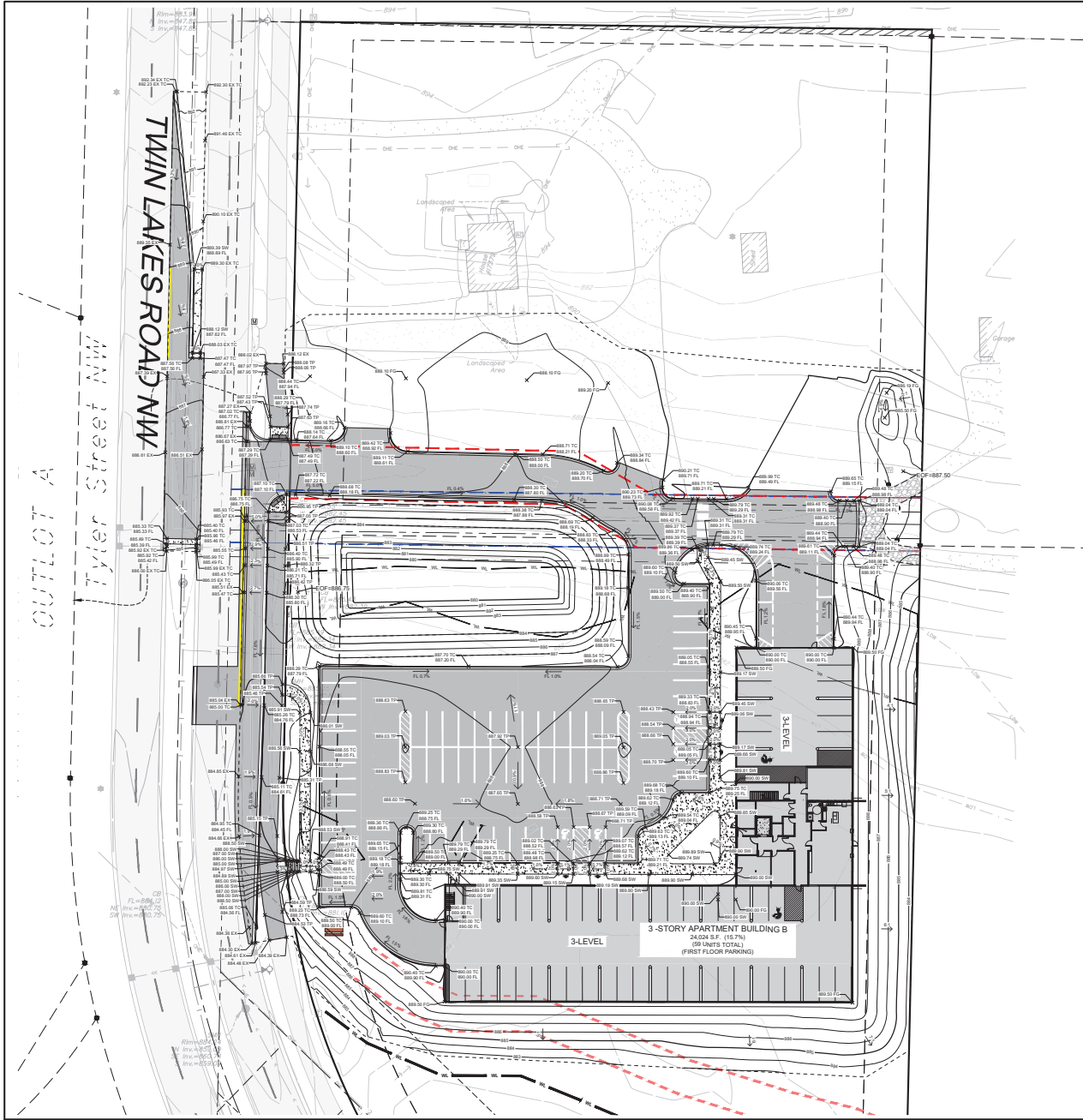
NOT FOR CONSTRUCTION

BOGART, PEDERSON & ASSOCIATES, INC.
 LAND SURVEYING
 ENVIRONMENTAL SERVICES
 1320 W. FIRST STREET, BOCA RATON, FL 33433-3022
 TEL: 754.992.5832 FAX: 754.992.0304

BRIGGS ELK RIVER PLAT
 City of Elk River, Sherburne County, MN

SITE PLAN

SHEET NO.



LEGEND:

- PROPOSED RIP RAP
- 880.50 TC NEW TOP-BACK OF CURB ELEVATION
- 880.50 FL NEW FLOW LINE OF CURB ELEVATION
- 880.50 SW NEW SIDEWALK ELEVATION
- 880.50 TP NEW TOP OF PAVEMENT ELEVATION
- 880.50 TG NEW TOP OF GRAVEL ELEVATION
- 880.50 FG NEW FINISHED GRADE ELEVATION
- 880.50 EX EXISTING ELEVATION
- 984 PROPOSED CONTOUR
- PROPOSED SLOPE
- E.O.F. EMERGENCY OVERFLOW



GRADING GENERAL NOTES:

1. THE CONTRACTOR SHALL NOTE ANY DISCREPANCIES BETWEEN EXISTING CONDITIONS IN THE FIELD REPRESENTED WITHIN THE PLANS AS SHOWN AND ALERT THE ENGINEER BEFORE BIDDING THE PROJECT AND BEGINNING CONSTRUCTION.
2. CONTRACTOR SHALL LOCATE AND VERIFY ALL UTILITIES WHICH MAY AFFECT THIS WORK AND NOTIFY THE OWNER OF ANY CHANGES. CONTACT LOCAL UTILITY COMPANIES FOR EXACT LOCATIONS PRIOR TO BIDDING THE PROJECT AND COMMENCING WORK.
3. CONTRACTOR SHALL TAKE NECESSARY PRECAUTIONS TO PREVENT SILT AND DEBRIS RUN-OFF DURING GRADING OPERATIONS (I.E. SILT FENCE, STRAW BALES, ETC.).
4. CONTRACTOR SHALL VERIFY CRITICAL ELEVATIONS TO ENSURE CONFORMANCE WITH GRADING PLAN, PARTICULARLY WITH EXISTING STRUCTURES AND/OR PAVEMENTS TO REMAIN. MEET EXISTING GRADES ALONG STREETS, PROPERTY LINES, AND DRIVEWAY ENTRANCES. RESTORE ALL PAVEMENTS THAT REMAIN TO THEIR ORIGINAL IF NOT BETTER CONDITION. NOTIFY OWNER OF ANY CONFLICTS PRIOR TO BIDDING THE PROJECT.
5. TURF ESTABLISHMENT AREAS SHALL RECEIVE MINIMUM OF 4" DEPTH AS MEASURED IN PLACE OF TOPSOIL. TOPSOIL SHALL BE FURNISHED AND INSTALLED BY THE CONTRACTOR. ALL GRADED SLOPES GREATER THAN OR EQUAL TO 5:1 SHALL BE HYDROSEED, EROSION CONTROL BLANKETED, OR MULCHED TO HELP STABILIZE THE SLOPES BY GENERAL CONTRACTOR.
6. PROPOSED SPOT ELEVATIONS ARE TO THE TOP OF CURB UNLESS NOTED OTHERWISE. ELEVATION OF FLOW LINE IS 6" BELOW TOP OF CURB UNLESS OTHERWISE SHOWN.
7. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR DETERMINING QUANTITIES OF CUT, FILL AND WASTE MATERIALS TO BE HANDLED, AND FOR AMOUNT OF GRADING TO BE DONE IN ORDER TO COMPLETELY PERFORM ALL WORK INDICATED ON THE DRAWINGS. IMPORT SUITABLE MATERIAL AND EXPORT UNSUITABLE EXCESS WASTE MATERIAL AS REQUIRED. ALL COSTS ASSOCIATED WITH IMPORTING AND EXPORTING MATERIALS SHALL BE INCIDENTAL TO THE CONTRACT.
8. IT IS INTENDED THAT EARTHWORK (CUT VS. FILL) BALANCE ON SITE. THE CONTRACTOR SHALL SUBMIT THE QUANTITY OF MATERIAL AND AMOUNT OF ANTICIPATED GRADE ADJUSTMENT FOR REVIEW BY THE ENGINEER A MINIMUM OF FOUR WEEKDAYS PRIOR TO MAKING ADJUSTMENTS. ALL GRADE ADJUSTMENTS MUST BE APPROVED BY THE ENGINEER. NO ADDITIONAL COMPENSATION SHALL BE ALLOWED FOR WORK ASSOCIATED WITH GRADING ADJUSTMENTS, INCLUDING, BUT NOT LIMITED TO, EARTHWORK OPERATIONS, STORM SEWER PIPING AND STRUCTURE ADJUSTMENTS, CONSTRUCTION SURVEYING FOR ADJUSTING FEATURE LOCATIONS ACCORDINGLY, SILT FENCE, ETC.
9. FAILURE OF TURF DEVELOPMENT: IN THE EVENT THE CONTRACTOR FAILS TO PROVIDE AN ACCEPTABLE TURF, THE CONTRACTOR SHALL RE-SEED OR RE-SOD ALL APPLICABLE AREAS, AT NO ADDITIONAL COST TO THE OWNER, TO THE SATISFACTION OF THE ENGINEER.
10. ANY MANHOLE, CATCH BASIN, STORM SEWER, SANITARY SEWER, DRAIN TILE, OR OTHER POTENTIAL SOURCE FOR CONTAMINATION SHALL BE INSTALLED AT LEAST 10 FEET HORIZONTALLY FROM ANY WATERMAIN PER MINNESOTA PLUMBING CODE. THIS ISOLATION DISTANCE SHALL BE MEASURED FROM THE OUTER EDGE OF THE PIPE TO THE OUTER EDGE OF THE CONTAMINATION SOURCE (OUTER EDGE OF STRUCTURES OR PIPING OR SIMILAR).
11. CONTRACTOR SHALL MAINTAIN DRAINAGE FROM EXISTING BUILDING AT ALL TIMES. PROVIDE TEMPORARY STORM SEWER (INCLUDING, BUT NOT LIMITED TO, CATCH BASINS, MANHOLES, PIPING, ETC.) AS REQUIRED. EXISTING STORM SEWER SHALL NOT BE REMOVED UNTIL TEMPORARY OR PERMANENT STORM SEWER IS INSTALLED AND FUNCTIONAL. COORDINATE ALL REMOVALS WITH APPROPRIATE TRADES (SITE UTILITY CONTRACTOR, MECHANICAL CONTRACTOR, ETC.) AS REQUIRED.

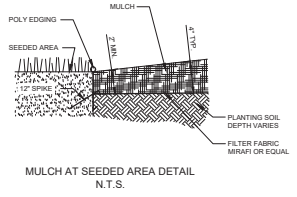
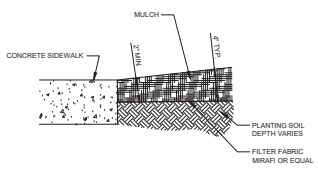
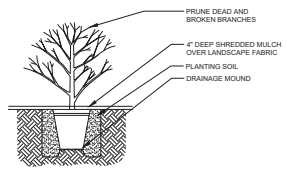
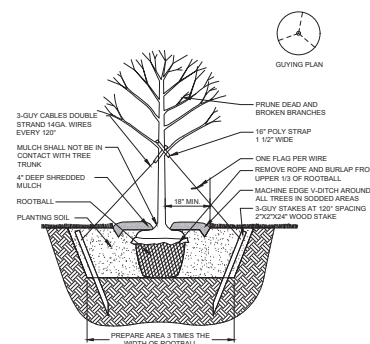
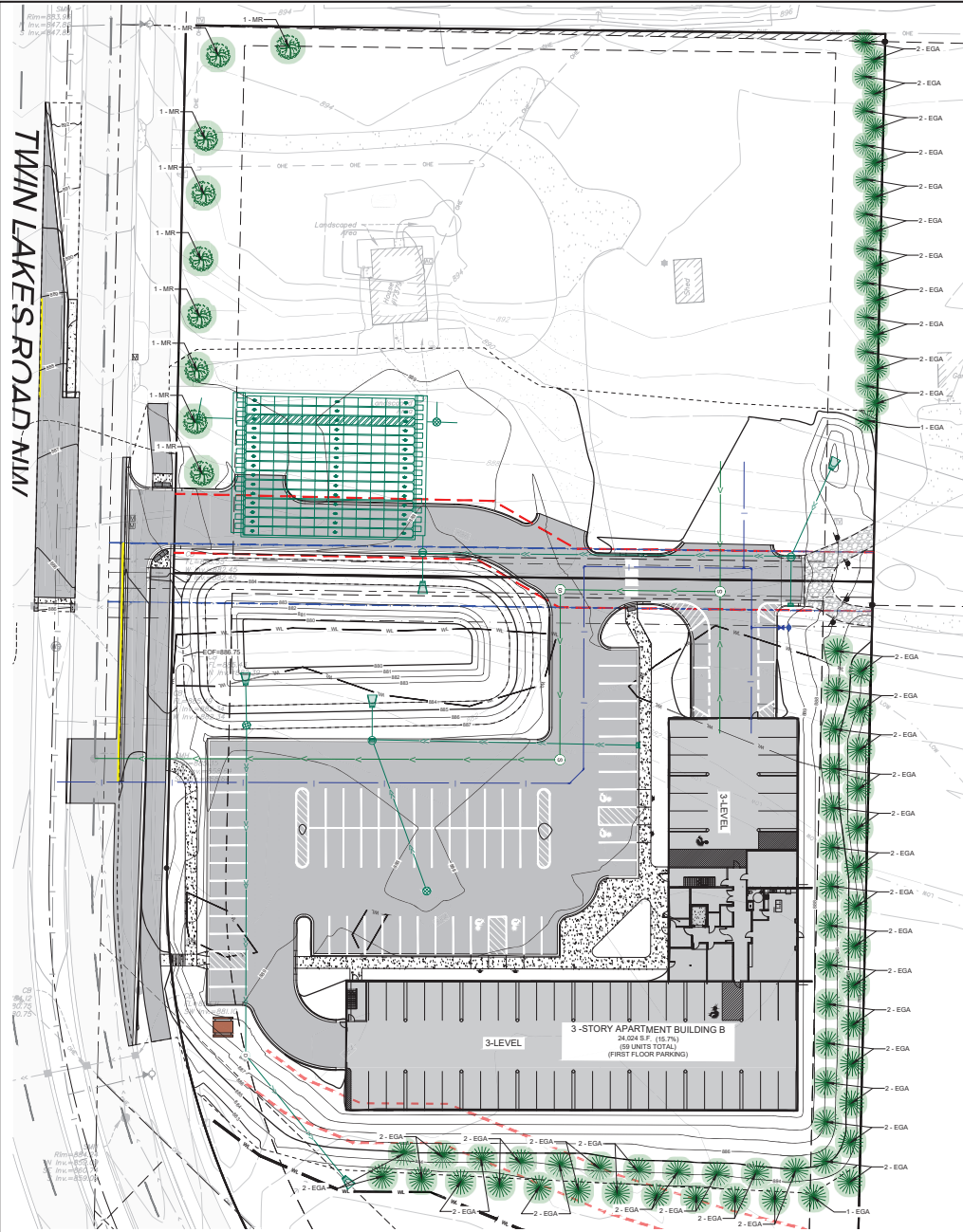
REV. NO.	DATE	DESCRIPTION

DATE: 02/22/25	DESIGN BY: MAM	DRAWN BY: MAM	CHECKED BY: CJP	DWG FILE: GRADING	FILE NO.: 24-0206-00
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NOT FOR CONSTRUCTION

BOGART, PEDERSON & ASSOCIATES, INC.
 LAND SURVEYING
 ENVIRONMENTAL SERVICES
 12009 FIRST STREET, BECKER, MN 55005-9022
 TEL: 763.282.7082 FAX: 763.282.0384

BRIGGS ELK RIVER PLAT	GRADING PLAN
City of Elk River, Sherburne County, MN	
SHEET NO.	C3



LEGEND:

- PROPOSED BITUMINOUS PAVEMENT
- PROPOSED CONCRETE PAVEMENT
- PROPOSED CONCRETE SIDEWALK
- PROPOSED TURF ESTABLISHMENT
- PROPOSED DOUBLE SHREDDED BROWN MULCH
- PROPOSED DECIDUOUS TREE
- PROPOSED CONIFEROUS TREE
- PROPOSED SHRUB

LANDSCAPE REQUIREMENTS:

PER CITY OF ELK RIVER ZONING ORDINANCE, ALL LANDSCAPING INCORPORATED IN SAID PLAN SHALL CONFORM TO THE FOLLOWING STANDARDS AND CRITERIA:

A. ALL PLANTS MUST AT LEAST EQUAL THE FOLLOWING MINIMUM SIZE:

POTTED/BARE ROOT OR BALLED & BURLAPPED	2-INCH DIAMETER
SHADE TREES	2-INCH DIAMETER
HALF TREES	1-1/2 INCH DIAMETER
EVERGREEN	6 FEET HIGH
TALL SHRUBS & HEDGE MAT.	6 FEET HIGH
LOW SHRUBS - DECIDUOUS	24 - 30 INCHES
EVERGREEN	24 - 30 INCHES
SPREADING EVERGREENS	18 - 24 INCHES

B. LANDSCAPE GUARANTEE: ALL NEW PLANTS SHALL BE GUARANTEED FOR TWO (2) FULL YEARS FROM THE TIME PLANTING HAS BEEN COMPLETED. ALL PLANTS SHALL BE ALIVE AND IN SATISFACTORY GROWTH AT THE END OF THE GUARANTEE PERIOD OR BE REPLACED.

(SEE CITY ORDINANCE FOR FULL REQUIREMENTS)

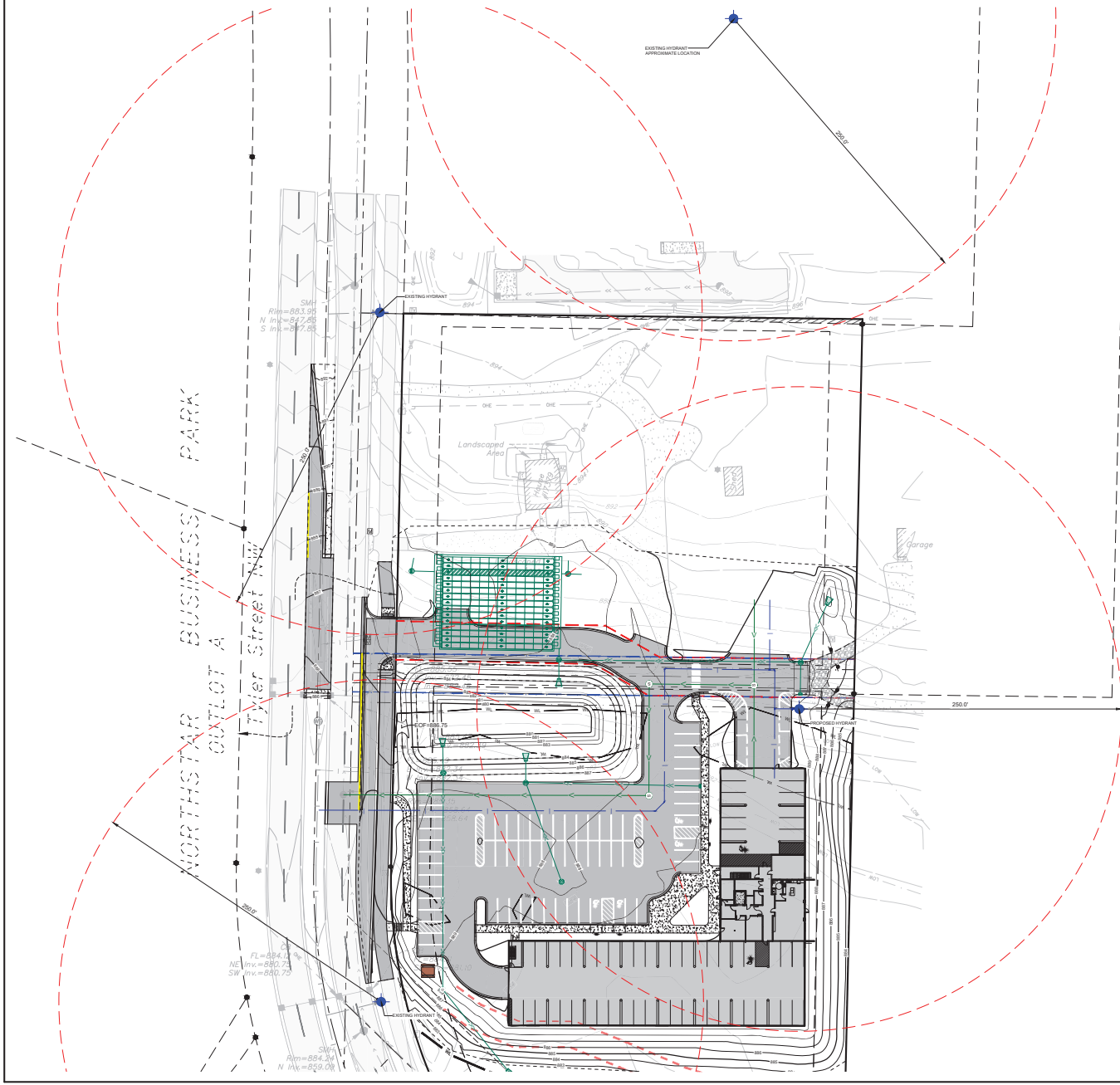
LANDSCAPE NOTES:

- ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE RESTORED AND VEGETATED AS SOON AS POSSIBLE. ANY FINISHED AREAS SHALL BE SEEDDED AND MULCHED WITHIN 7 DAYS AFTER FINISHED GRADING IS COMPLETED IN ACCORDANCE TO MNDOT 2575.
- PLANTING SOIL SHALL CONSIST 1:1:1 CONSISTING OF 33% SELECT LOAMY TOPSOIL, 33% PEAT MOSS, 33% PIT RUN SAND.
- ALL DISTURBED AREAS SHALL BE REVEGETATED WITH MNDOT SEED MIX, MULCHED, & DISK ANCHORED, PER THE FOLLOWINGS SCHEDULE:
SEED MIX 25-131: 220 LB./AC.
MULCH TYPE 3: 2 TONS/AC.

QUANTITY	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	AVG. HEIGHT (UMN)	NOTES
DECIDUOUS TREES						
9	MR	MAPLE, RED	ACER RUBRUM	2" DIAMETER	40+	STRAIGHT TRUNK, NO V-CROUCH
9	TOTAL					
CONIFEROUS TREES						
74	EGA	EMERALD GREEN ARBORVITAE	THUJA OCCIDENTALIS 'SMARAGD'	6' HIGH	10+	
83	TOTAL					

CALL 48 HOURS BEFORE DIGGING:
GOPHER STATE ONE CALL
TWIN CITY AREA 651-454-0002
MINNESOTA TOLL FREE 1-800-252-1166

DATE: 05/22/25	DESIGN BY: MAM	REVISIONS:	DESCRIPTION:
DRAWN BY: MAM	CHECKED BY: GCP	NO.	
DWG FILE: LANDSCAPE	FILE NO.: 24-0209-00		
NOT FOR CONSTRUCTION			
BOGART, PEPERSON & ASSOCIATES, INC.			
LAND SURVEYING ENVIRONMENTAL SERVICES 12000 FIRST STREET, BECKER, MN 55005-9022 TEL: 763-257-5832 FAX: 763-257-5834			
BRIGGS ELK RIVER PLAT			
City of Elk River, Sherburne County, MN			
LANDSCAPE PLAN			
SHEET NO.			
C12			



LEGEND:
 - - - - - 250' HYDRANT RADIUS
 ◆ PROPOSED/EXISTING HYDRANT

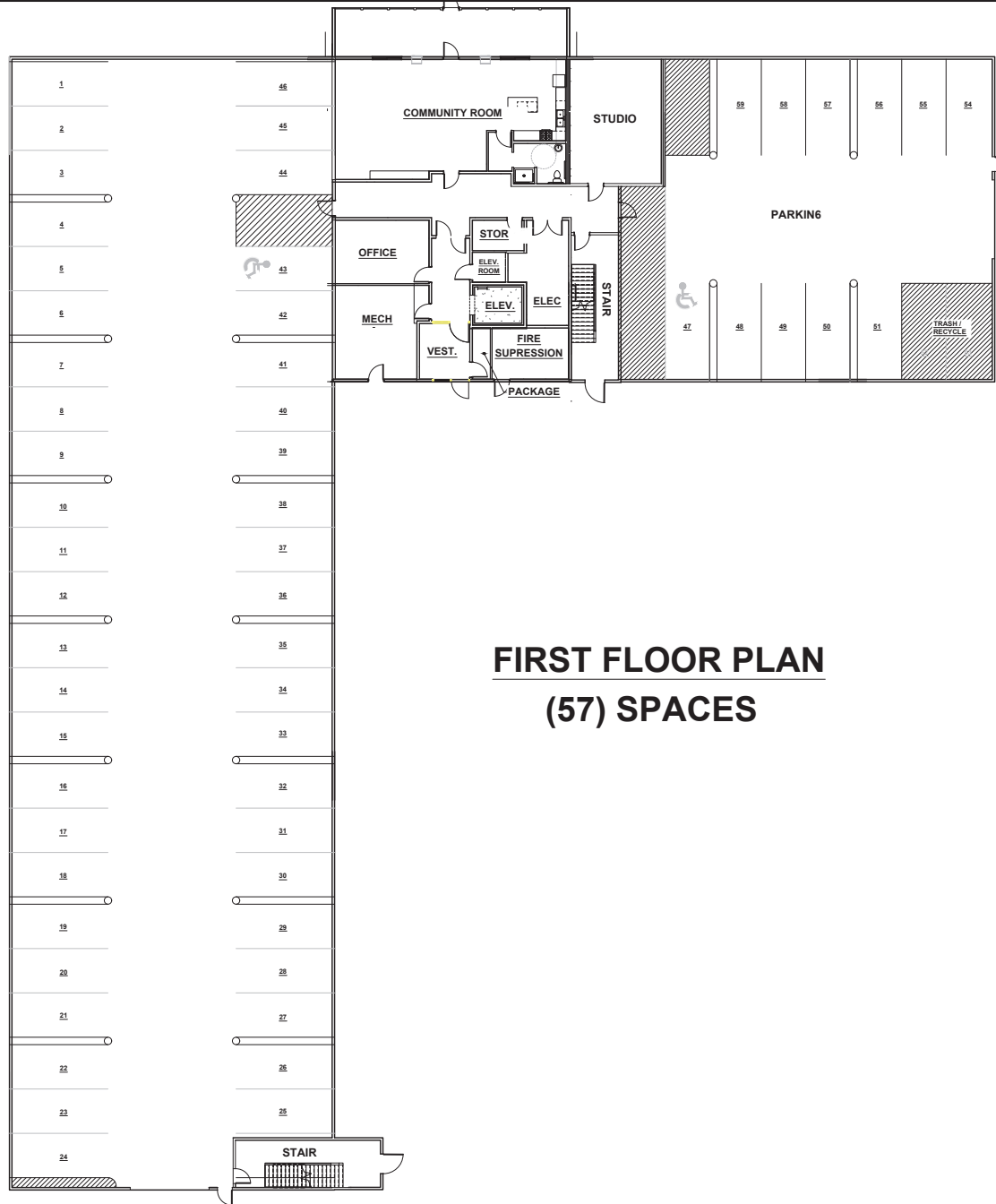


DATE: 05/27/2025		REV. NO.	DESCRIPTION
DESIGN BY: MM	DATE		
DRAWN BY: DJL			
CHECKED BY: CJP			
DWG FILE: FIRE PLAN			
FILE NO.: 24100001			
NOT FOR CONSTRUCTION			
 BOGART, PEDERSON & ASSOCIATES, INC. LAND SURVEYING ENVIRONMENTAL SERVICES 13009 E 18TH STREET, L. BECKER, MN 55008-8022 TEL: 763.251.5052 FAX: 763.251.5054		BRIGGS ELK RIVER PLAT City of Elk River, Sherburne County, MN FIRE PROTECTION PLAN	
SHEET NO.		C13	

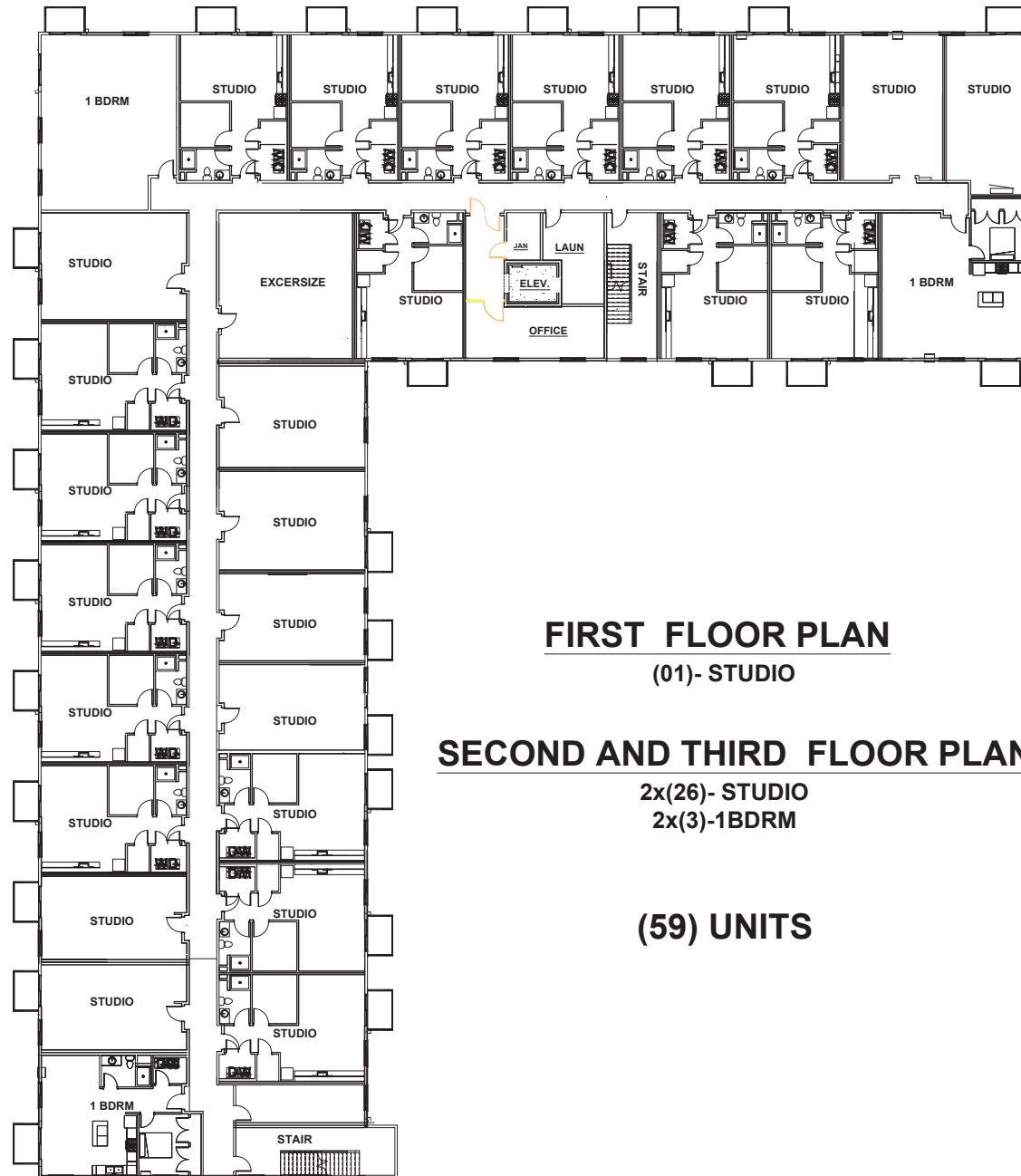
ELK RIVER RESIDENTIAL SUITES

59 UNITS





FIRST FLOOR PLAN
(57) SPACES



FIRST FLOOR PLAN

(01)- STUDIO

SECOND AND THIRD FLOOR PLAN

2x(26)- STUDIO

2x(3)-1BDRM

(59) UNITS