



Board of Adjustments

Regular Meeting Agenda

Tuesday, March 24, 2026

6:30 PM

Elk River City Hall

- Regular meeting in Council Chambers
-

1. CALL MEETING TO ORDER

2. PLEDGE OF ALLEGIANCE

3. CONSIDER AGENDA

4. CONSIDER MINUTES

4.1 DRAFT Minutes - November 25, 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: Outbuilding Addition, Michael Gatzke - 19227 Tyler St NW

6. MOTION TO ADJOURN REGULAR MEETING

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**Meeting of the Board of Adjustments
Held at the Elk River City Hall
Tuesday, November 25, 2025**

Members Present: Chair Perry Beise, Commissioner Eric Johnson, Commissioner Dennis Booth, Commissioner James Zahler, Councilmember Jennifer Wagner

Members Absent: Commissioner Robert Rydberg, Commissioner Anthony Kaba, Commissioner Dornan Bland

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 4-0.

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 4-0.

4.1 DRAFT Minutes - October 28, 2025

5. PUBLIC HEARINGS

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

Mr. Leeseberg presented the staff report.

The public hearing is still open from the October 28, 2025 Board of Adjustments meeting.

Andrea Poythress, 13640 Island View Dr NW, presented their revised plan which reduced the size requested to 590 square feet from the original 780 square feet. She stated that neighbors had submitted letters of support which were distributed to the Commission for their reference.

Chair Beise closed the public hearing.

Chair Beise felt that 590 square feet was too much over the allowed 400 square feet. Commissioner Booth agreed. Commissioner Johnson added that the request does not seem to meet the five criteria for granting a Variance. He may be in favor of granting a Variance for 420 square feet, the size of the existing site.

Moved by Commissioner Booth to deny 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.**

Chair Beise asked if the Commission would like to approve a Variance for 420 square feet. Mr. Carlton stated, if the Commission wished to approve that size they could amend their motion.

Moved by Commissioner Booth and seconded by Commissioner Johnson to amend the Variance proposal to exceed the permitted size of a water-oriented storage structure by 20 square feet for a total size of 420 square feet. Motion carried 4-0.

Mr. Carlton stated that the applicant can appeal the Board of Adjustment decision in writing by December 5, 2025. If the applicant appeals the decision the item will go to the December 15, 2025 City Council meeting for review.

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

Mr. Carlton presented the staff report.

Chair Beise asked when the 24 month timeline for a proof of parking plan would begin. Mr. Carlton stated it would begin when the certificate of occupancy was issued.

Commissioner Zahler asked about proof of parking for other similar sites. Mr. Carlton stated that Elk River Lodge has had a proof of parking plan in place since 2017 and Clear Sky since 2023. Commissioner Zahler asked if any of these sites have had to implement their plan. Mr. Carlton stated that they have not. Mr. Carlton added that the city may look to rewrite the ordinance that pertains to

parking standards.

Chair Beise opened the public hearing.

Morgan and Matthew Lerfald, 17395 Twin Lakes Rd, stated their concerns with the proposed project including zoning in the area, issues with neighboring properties, traffic concerns, snow removal, encroachment into the wetlands, and property values.

Ms. Lerfald asked the Commission to conduct a comprehensive traffic study from Highway 10 to 181st Ave NW before a parking variance could be granted.

Mr. Lerfald asked the Commission to table the discussion and look at the zoning of the area.

Chair Beise closed the public hearing.

Commissioner Johnson stated he does not see the plight of the petitioner and cannot see approving either variance. The applicant is able to work within the confines of the property. He would not recommend any parking under 2 1/2 per unit.

Commissioner Booth asked if the decision on the application could be postponed while the Commission looks at zoning of the site. Mr. Carlton stated that the Commission has to act on the active application during a certain timeline and in accordance with state statutes.

Commissioner Booth agreed that there was plenty of room on the site to meet the parking and wetland setbacks or the apartment size could be reduced.

Moved by Commissioner Johnson and seconded by Commissioner Booth to deny the Variance request due to the request not meeting the five criteria, specifically criteria number four.

Motion carried 4-0.

Mr. Carlton stated that the item will go to the December 15, 2025, City Council meeting for review.

6. MOTION TO ADJOURN REGULAR MEETING

Moved by Commissioner Johnson and seconded by Commissioner Booth to adjourn the meeting. Motion carried 4-0.

The meeting adjourned at 7:08 p.m.

Minutes prepared by Katie Porath.

Perry Beise, Chair

Jolene Richter, Deputy City Clerk



Request for Action

To
Board of Adjustments

Item Number
5.1

Meeting Date
March 24, 2026

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Variance: Outbuilding Addition, Michael Gatzke -
19227 Tyler St NW

Reviewed by
Zack Carlton

Action Requested

Approve, by motion, the side yard setback variance request to encroach up to six feet into the required 20-foot side yard setback, for the following reasons:

1. The general purpose and intent of the ordinance are met.
2. The property has land use guidance of Mixed Residential, and the use is consistent with the Comprehensive Plan.
3. The proposed use is reasonable and is otherwise 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.

Background/Discussion

The applicant is requesting approval of a variance to allow the construction of a lean-to on an existing outbuilding located on the property. The proposed addition would match the existing structure in design, materials, and color. Materials are proposed to include corrugated metal siding, an asphalt roof, and a steel garage door consistent with the existing building.

The proposal requires a variance because a small portion of the proposed addition would extend into the required side yard setback. Approximately six feet of the structure would encroach into the 20-foot side yard setback.

The lean-to is intended to provide covered storage for one vehicle. The applicant has indicated the vehicle stored in the structure would be an unmarked vehicle associated with the Sherburne County Sheriff's Office. The structure is not associated with any business use, will have no employees, and no signage is proposed.

The north property line abuts city-owned property located beneath the Xcel Energy transmission line corridor. This area is not buildable and provides significant separation between the subject property and the

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nearest roadway approximately 260 feet away.

Applicable Regulations

Variances may be granted when the petitioner establishes that the variance satisfies all five of the criteria outlined in the zoning ordinance.

1. The variance is in harmony with the general purpose and intent of the ordinance.

The intent of setback requirements for accessory structures is to maintain adequate separation from neighboring properties and structures. In this case, the encroachment occurs along the north property line, which abuts city-owned land located beneath a transmission line corridor that is not buildable. Because the adjacent property cannot be developed, the reduced setback will not impact neighboring structures or properties.

The request is therefore consistent with the general intent of the ordinance.

2. The variance is consistent with the City of Elk River Comprehensive Plan.

The property is guided as Mixed Residential. The mixed residential category consists of neighborhoods with multiple housing types, including single-family detached, townhomes, duplexes, and small-scale multifamily buildings. Mixed residential areas should include existing residential neighborhoods where a gentle increase in density is appropriate, such as surrounding the downtown as well as new neighborhood subdivisions.

The request is consistent with the Comprehensive Plan. The addition represents a minor expansion of an existing accessory structure and will maintain the appearance and character of the property.

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

The applicant is proposing a modest addition to an existing accessory structure where accessory structures are a typical and reasonable residential use. The variance is requested solely due to the placement of the structure relative to the side yard setback and represents a minimal encroachment affecting only a small portion of the building.

4. The plight of the petitioner is due to circumstances unique to the property not created by the petitioner.

The placement of the structure, relative to the side yard setback, is a unique circumstance and the strict application of the setback requirement limits the ability to expand the existing structure in a practical manner.

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

The addition will match the existing building materials, color, and style, maintaining the overall appearance of the property. The structure will remain largely screened by existing trees and vegetation, and the adjacent land provides substantial separation from surrounding development. As a result, the proposal will not alter the essential character of the area.

Staff find that the requested variance meets the required variance criteria established in the zoning ordinance. The encroachment is minor in nature, occurs adjacent to City-owned land that is not buildable, and will not negatively impact neighboring properties or the character of the area.

Financial Impact

None

Mission/Policy/Goal

Ethical, efficient, and responsible.

Attachments

I. V 26-01 Location Map

2. Site Plan
3. Narrative
4. Building Plans
5. Staff Exhibit
6. Presentation



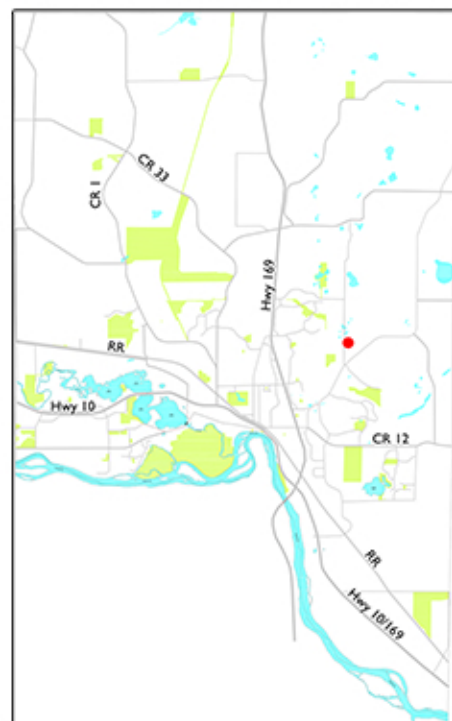
SITE

Project Location Map

Gatzke

Variance

Case No: CU 26-01





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.

What is being proposed? (Lean-to Addition on existing Outbuilding Structure)

How is the request consistent with City of Elk River Comprehensive Plan?

- Maintain a distinct identity
- Create and maintain strong neighborhoods
- Keep Elk River a "safe" place
- Preserve and maintain the environment
- Make Elk River a "complete" place

This structure will match the existing structure to keep it aesthetically appealing for anyone on the property. The existing tree line will be maintained and intact such that no neighboring properties or passing vehicles will be able to notice a change to the property or environment surrounding the property. I believe keeping this vehicle out the elements is the best option for maintaining its longevity and keeping it in a controlled environment will allow for quicker response in the event of an emergency. The structure is still well within the property line and only a very small 5' portion of the structure would land 6' over the setback limits (20') from the North side of the property. The North side of the property backs up to unbuildable Elk River City owned property under the main Monticello Xcel Power Transmission Line. There is no other property other than the city owned property from where the building addition will be all the way to Eastbound 193rd Ave NW. The road sits over 260' from where the addition would reside and has a 40' elevation drop from the road and trail making it difficult to see even without the additional tree coverage blocking the property from any passing view.

Hours of Operation (0, Not a business)

Number of Employees (0, Not a business)

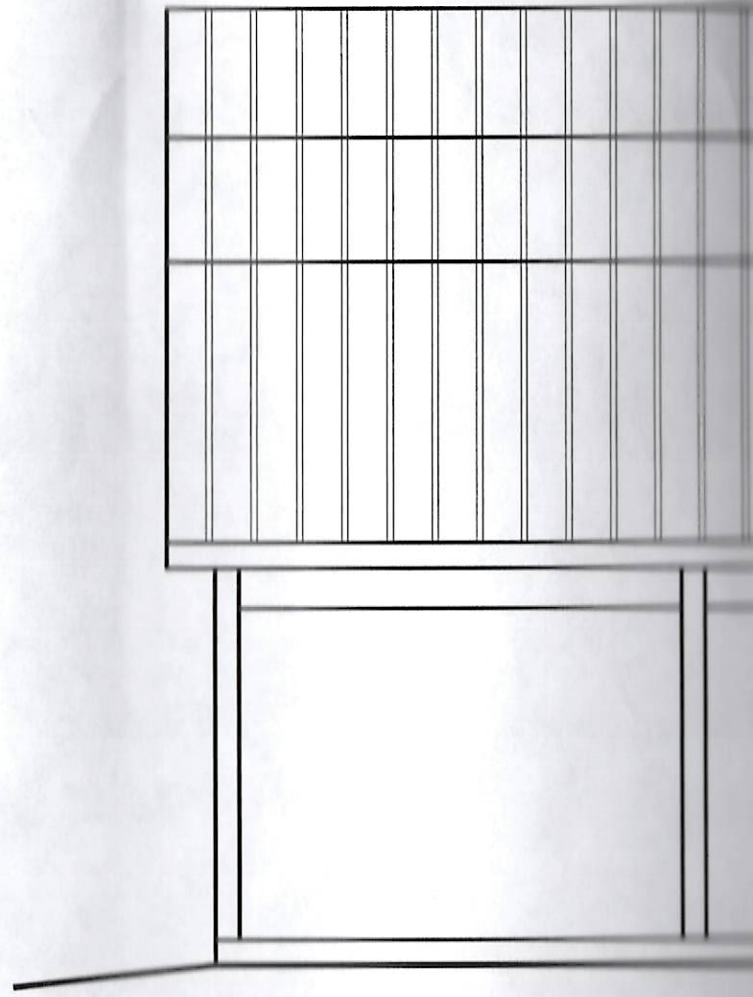
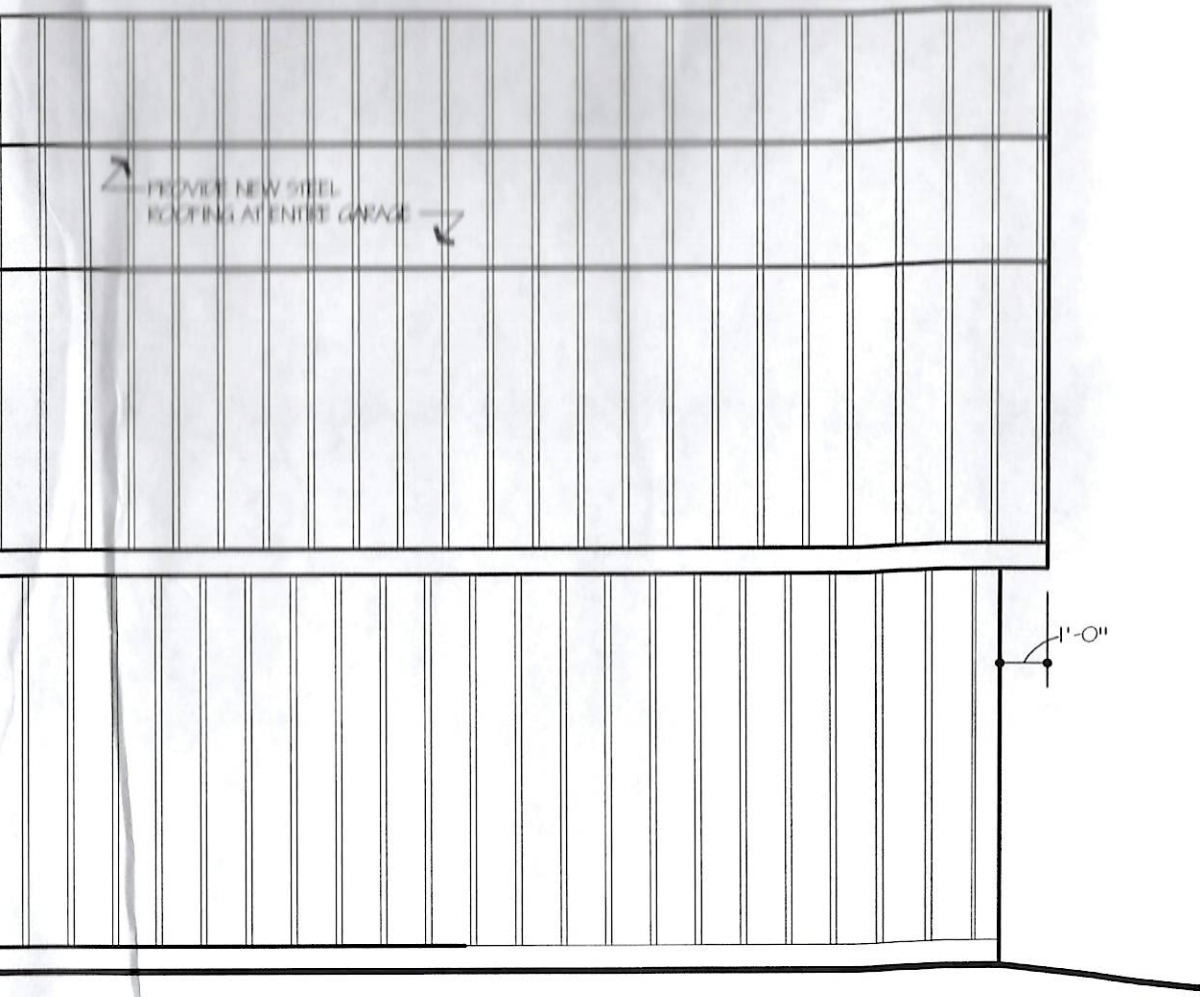
Number of parking stalls, existing and additional (5 Existing, Adding 1 Additional Space)

Is there proposed screening of the site? (Yes, Vegetation from trees screens the entire property other than the driveway entrance)

Proposed building materials (Corrugated Metal Clad, Asphalt Roof, Steel Garage Door all to match exiting structure)

How do they comply with applicable design standards? (The Lean-to would match the existing structure in color and style)

Signage – (No signage, not a business)	
What is being stored? (Sherburne County Sherriff's Office Unmarked Deputy Vehicle)	
How much? (1 vehicle)	
Proposed screening? (Vehicle will be in building and existing tree screening will limit any view from neighboring properties and/or roadways adjacent to the property)	
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	Yes
The variance is consistent with the City of Elk River Comprehensive Plan (discuss with city staff if needed)	Yes
Variances may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties means that:	
The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance	Yes
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	Yes
The variance, if granted, will not alter the essential character of the locality	Yes, the variance will not alter the essential character of the locality.



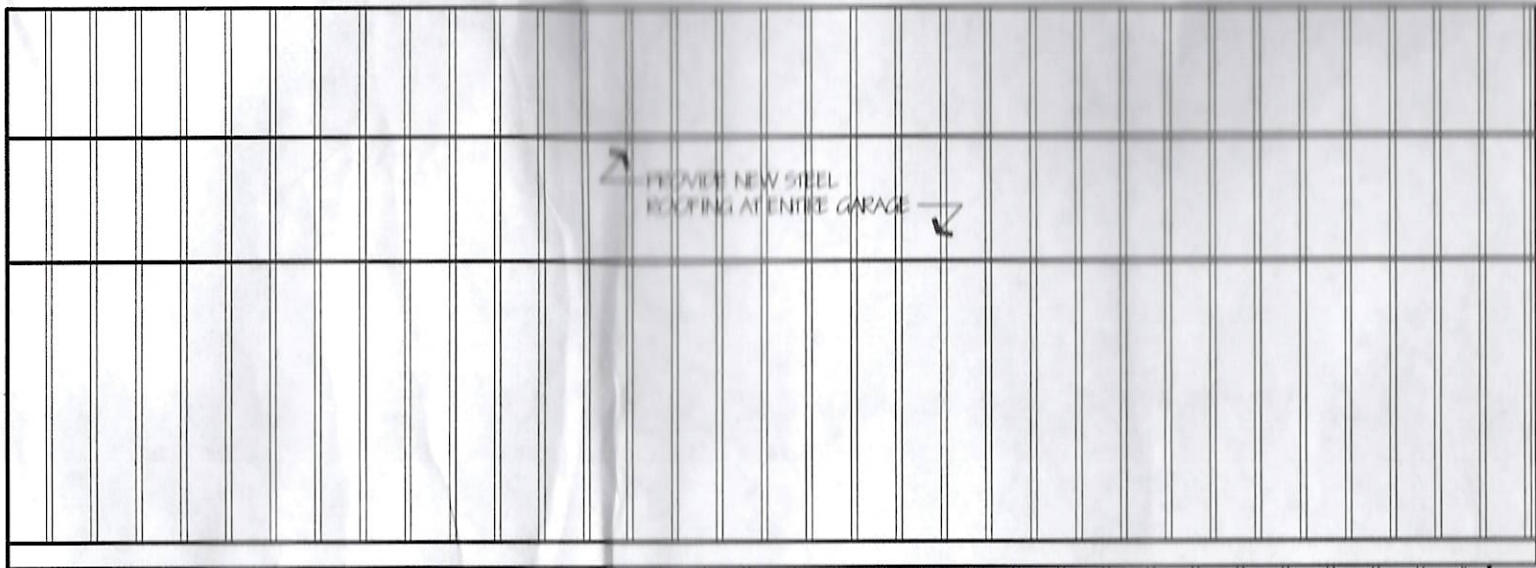
ON

6
A1

RIGHT ELEVATION
1/4" = 1'-0"

HAND FRAMED

2x12 JOISTS @ 16" O.C.



1'-0"

5
A1

LEFT ELEVATION

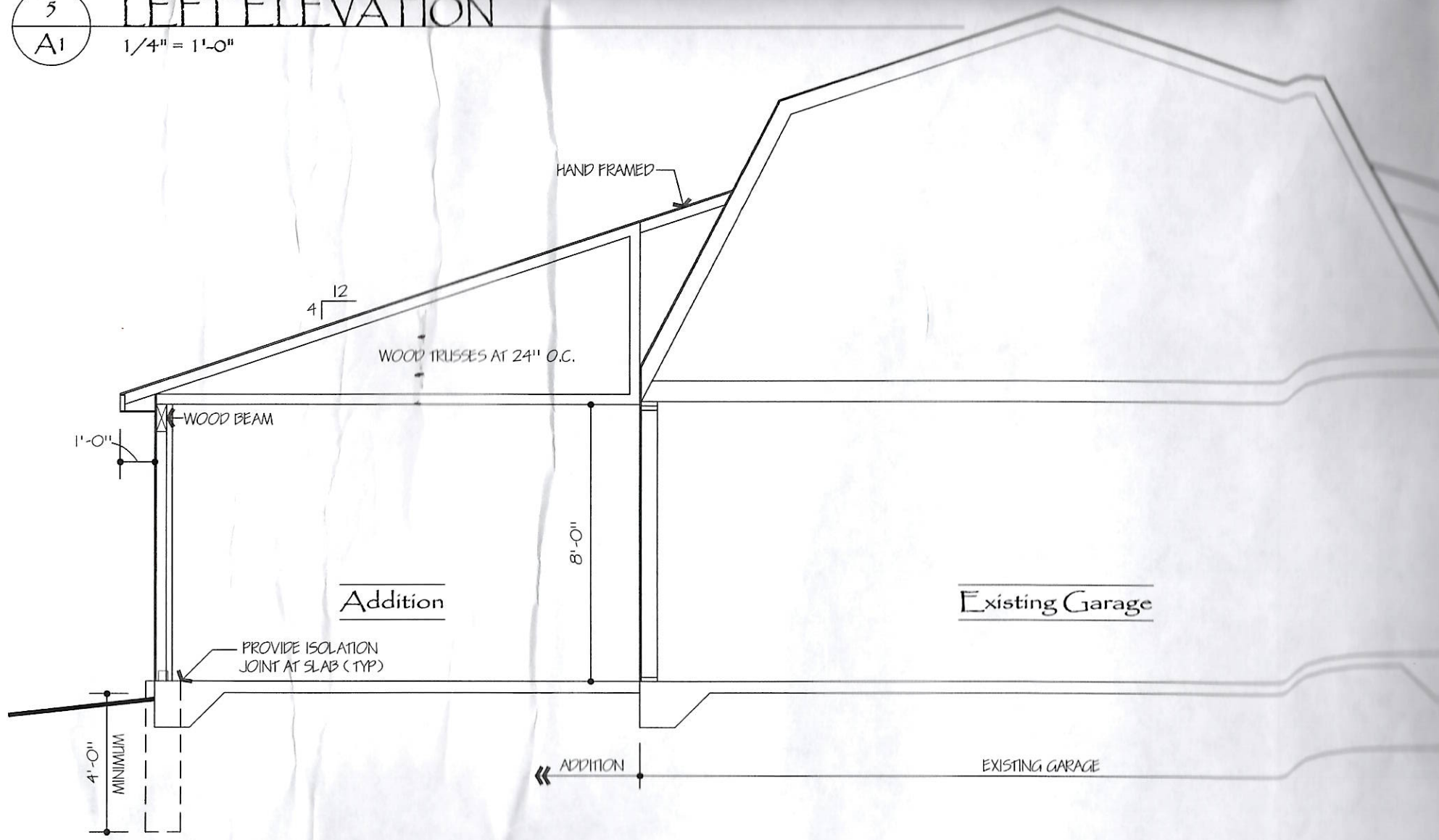
1/4" = 1'-0"

HAND FRAMED

5
A1

LEFT ELEVATION

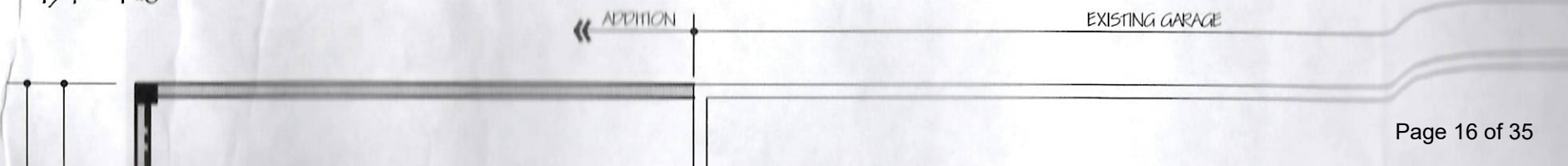
1/4" = 1'-0"

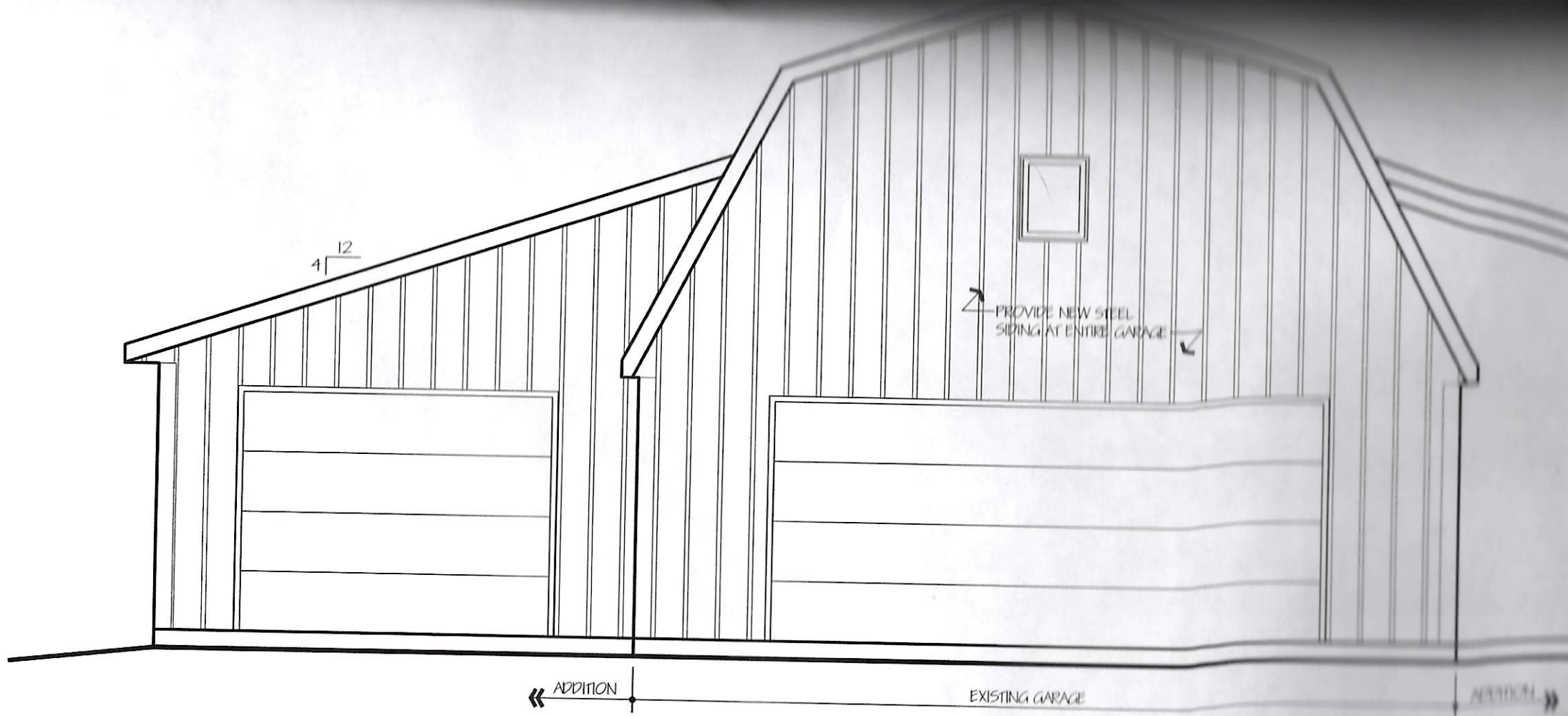


3
A1

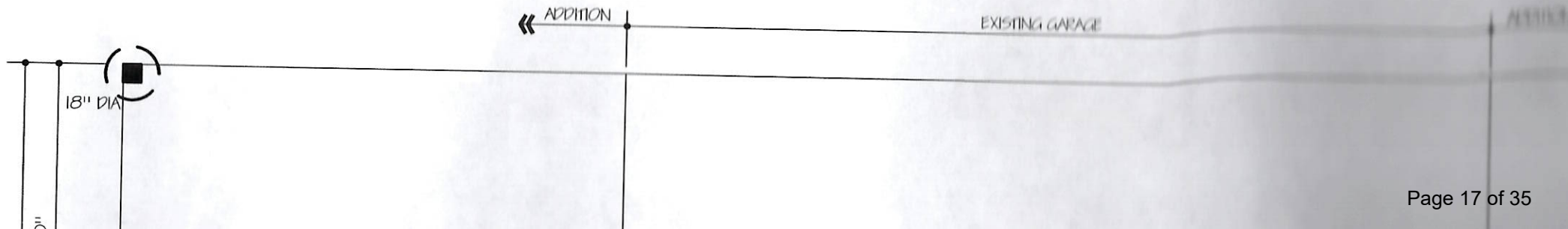
SECTION

1/4" = 1'-0"





4
A1 FRONT ELEVATION
1/4" = 1'-0"



ELEVATION

« ADDITION

EXISTING GARAGE

ADDITION »

6x6 TREATED POST OR
12" DIA. CONCRETE
FOOTING - EXTEND 48"
MIN. BELOW GRADE

ISOLATION
SLAB (TYP)

FOOTING ISOLATION
JOINT AT SLAB (TYP)

↗ EXISTING CONCRETE SLAB ↘

ADDITION

EXISTING GARAGE

ADDITION

ADDITION

ADDITION

Existing Garage

Addition

PROVIDE ISOLATION JOINT AT SLAB (TYP)

2x12 JOISTS @ 16" O.C.

CONCRETE SLAB

SLOPE CEILING

(2) 2x12

10'-0"

(2) 2x12

10'-0"

30'-0"

(2) 2x12

10'-0"

Exhibit A2

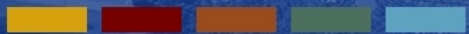


For reference only. This is not a survey.



Variance

Gatzke



2100

75-00126-1405

75-00907-0105

75-00907-0110

1

1

SITE

75-00907-0010

Tyler Street

75-00126-4210

193rd Avenue

75-00126-4207

Background

- Requesting variance to allow the construction of a lean-to on an existing outbuilding
- Front: 35'
- Side: 20' ~10' Proposed
- Garage-side: 20'
- Rear: 30'

Background

- **North property line abuts city-owned property**
- **Not buildable**
- **Provides significant separation to the nearest roadway
~260 feet away**

Exhibit A2



For reference only. This is not a survey.

Applicable Regulations

1. Is in harmony with the general purpose and intent of the ordinance
 - *Maintain adequate separation neighboring properties & structures*
 - *The adjacent property cannot be developed*
 - *The request is therefore consistent with the general intent of the ordinance*

Applicable Regulations

2. **Is consistent with the City of Elk River Comprehensive Plan**
 - *The property is guided as Mixed Residential*
 - *The request is consistent with the Comprehensive Plan*

Applicable Regulations

3. The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
 - *Proposing a modest addition*
 - *Accessory structures are a typical and reasonable residential use*

Applicable Regulations

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.**
 - *Placement of the structure is a unique circumstance*
 - *Strict application of the setback requirement limits the ability to expand the existing structure in a practical manner*

Applicable Regulations

5. The variance, if granted, will not alter the essential character of the locality.
 - *The proposal will not alter the essential character of the area*

Action Requested

- **Approve, by motion, the side yard setback variance request to encroach up to six feet in the required 20-foot side yard setback for the reason outlined in the memo**

City Council Meeting

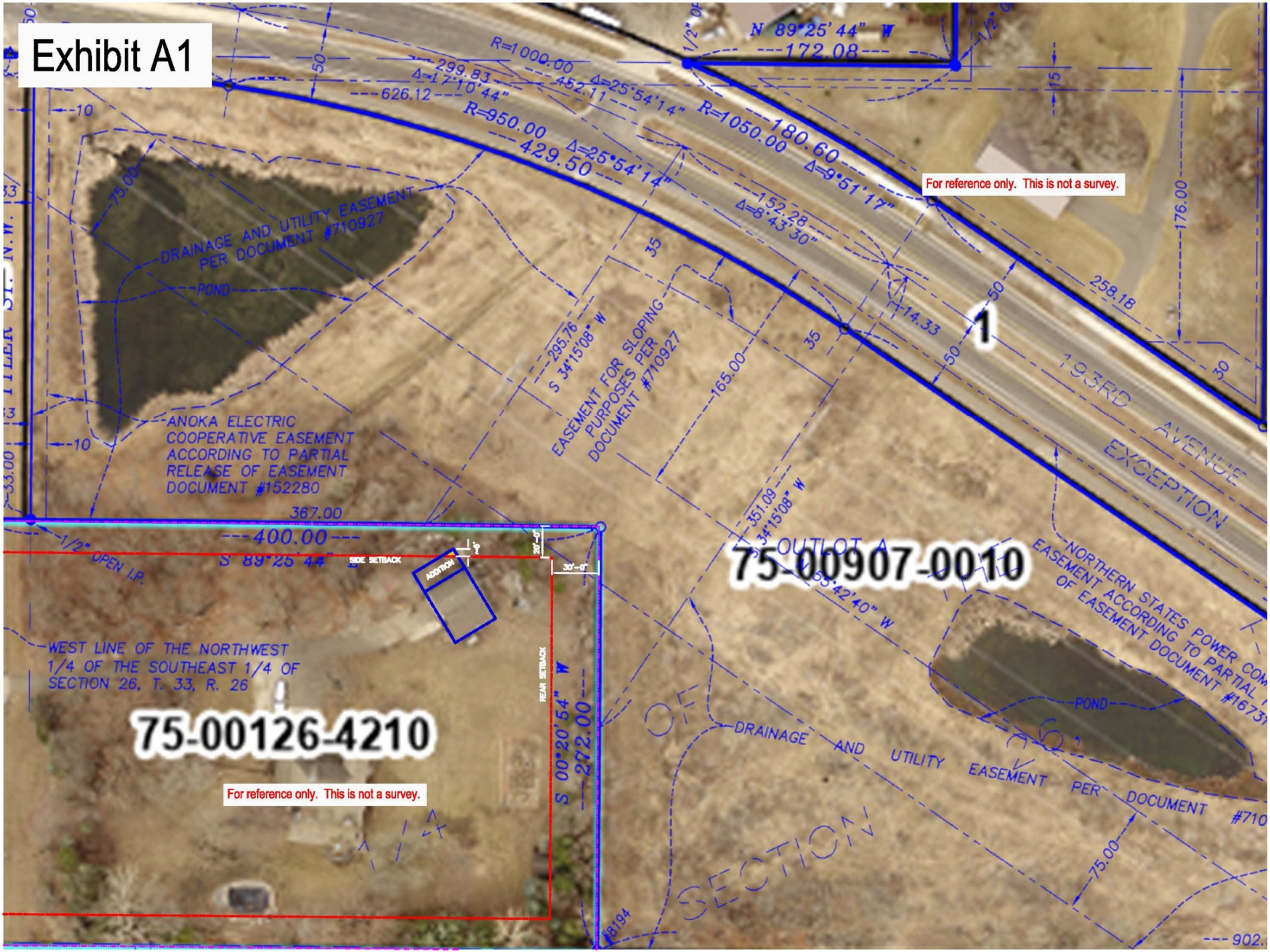
- If denied, or an appeal is received by April 3, 2026, the council will also conduct a public hearing on April 20, 2026

Exhibit A2



For reference only. This is not a survey.

Exhibit A1



For reference only. This is not a survey.

For reference only. This is not a survey.