



Board of Adjustments

Tuesday, May 26, 2026

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 - March 24, 2026

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: Septic Tank, Justen Hemmelgarn, 15725 Jarvis St NW

5.2 Variance: Residential Subdivision, Craig Dollansky, 14045 Ranch Rd NW

5.3 Variance: Building Variance, Jason Snoddy, 20072 Lander St NW

6. MOTION TO ADJOURN REGULAR MEETING



**Meeting of the Board of Adjustments
Held at the Elk River City Hall
Tuesday, March 24, 2026**

Members Present: Chair Perry Beise, Commissioner Eric Johnson, Commissioner Robert Rydberg, Commissioner Dennis Booth, Commissioner Anthony Kaba, Councilmember Jennifer Wagner

Members Absent: 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 Rydberg and seconded by Commissioner Booth to approve the agenda. Motion carried 5-0.

4. CONSIDER MINUTES

Moved by Commissioner Booth and seconded by Commissioner Kaba to approve the following consent items as outlined in their respective staff reports. Motion carried 5-0.

4.1 DRAFT Minutes - November 25, 2025

5. PUBLIC HEARINGS

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

The staff report was presented.

Chair Beise opened the public hearing. There being no one to speak to this matter, Chair Beise closed the public hearing.

Moved by Commissioner Johnson and seconded by Commissioner Booth to approve 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.**

Motion carried 5-0.

6. MOTION TO ADJOURN REGULAR MEETING

Moved by Commissioner Booth and seconded by Commissioner Johnson to adjourn the meeting. Motion carried 5-0.

The meeting adjourned at 6:35 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
May 26, 2026

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Variance: Septic Tank, Justen Hemmelgarn, 15725
Jarvis St NW

Reviewed by
Zack Carlton

Action Requested

Approve, by motion, the 5' building setback variance, as the following standards have been met:

1. The general purpose and intent of the ordinance are met.
2. The property has a land use guidance for industrial, and the proposal 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 with the following conditions:

1. The septic tank shall not be closer than 5-feet to the building.
2. All required permits shall be obtained prior to installation.
3. The system shall be installed by a licensed septic contractor and inspected as required.
4. The septic system improvements shall be installed in accordance with plans submitted and approved by the city and applicable regulatory agencies.
5. Any future expansion of the building or increase in plumbing fixtures shall require review for compliance with applicable septic and zoning regulations.

Background/Discussion

The applicant is requesting a variance to permit the installation of an additional septic tank closer to the existing building than allowed under current regulations. The required setback is 10 feet, and the applicant is

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requesting a 5-foot setback. The purpose of the request is to address an existing deficiency in the sanitary sewer system serving the building.

The property is developed with a commercial office/warehouse building containing four restrooms serving approximately eight employees. The applicant is not proposing to expand the use, increase occupancy, or add additional plumbing fixtures. Rather, the request is to maintain functionality of two existing restrooms that have experienced recurring operational issues.

Based on information provided by a licensed septic contractor, the existing sewer line lacks adequate slope (approximately 1/8 inch per foot versus the required 1/4 inch per foot), resulting in sewer backups and freezing during winter months. To remedy this, the applicant proposes installation of an additional septic tank, which would allow wastewater to be conveyed via directional boring to the existing septic system and drain field.

Due to site constraints, including the presence of a utility easement and existing underground utilities, the proposed tank location at approximately five (5) feet from the building represents the most feasible option.

Applicable Regulations

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

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

Applicants' response: This variance is being requested to fix an ongoing and previously existing septic pipe draining issue from our two existing back bathrooms. We feel this is an appropriate solution to maintain the existing facilities within our building.

The requested variance is consistent with the intent of the ordinance, which is to promote safe and functional site design while protecting public health and welfare. The proposal is intended to correct existing sanitary sewer deficiency and ensure proper wastewater management. No expansion of use or intensity is proposed. Staff find the request to be in harmony with the ordinance.

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

Applicants' response: The variance is consistent with the City of Elk Rivers comprehensive plan.

The property is guided as Industrial under the City's Comprehensive Plan. The proposed improvement supports continued viable use of the existing structure and does not introduce any land use inconsistencies. Staff find the request to be consistent with the Comprehensive Plan.

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: Our application is only to request the variance of the code to have these tanks located 5' (Feet) from the edge of the existing building. Based on the location of the utility easement next to the property line and the existing power and gas utilities that run within this easement, 5' is the furthest we can be away from the building in order to make this design work within our existing limitations.

The applicant is proposing a reasonable use of the property by maintaining functional restroom facilities within an existing industrial building. Without the variance, the applicant would face continued system failures with

limited practical alternatives due to site constraints. The request represents a reasonable solution to a physical limitation of the site.

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: This circumstance is to address an existing problem that has been present since we purchased the property in 2025. We are unsure if this was an existing issue with the previous owner.

The need for a variance is driven by existing site conditions, including inadequate sewer line slope and the location of utility easements and underground infrastructure. These conditions limit feasible placement options for the septic tank. The issue appears to predate the applicant's ownership of the property and is not the result of their actions. Staff find this criterion is met.

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

Applicants' response: This variance will not alter the essential character of this property and it will not affect any of the existing utilities serving our property or the property behind us. all of this work will take place underground and not change the appearance of the property.

The proposed septic tank will be located underground and will not result in any visible changes to the site or surrounding area. The use of the property will remain unchanged, and no impacts to adjacent properties are anticipated. Staff find the variance will not alter the essential character of the locality.

Financial Impact

None

Mission/Policy/Goal

Ethical, efficient, and responsible.

Attachments

1. V 26-03 Location Map
2. Narrative
3. Site Plan 1
4. Site Plan 2
5. Presentation



Project Location Map

Hemmelgarn

Variance

Case No: V 26-03



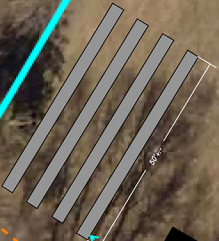
Legal Description of Property	
The narrative is your opportunity to describe, promote, and sell your proposal to the Board of Adjustment and City Council (if needed) and should explain your request in detail and how the five criteria are met in order to be granted a variance.	
<p>We are proposing to add a septic tank per the attached document. Currently, the existing septic line from our two existing warehouse bathrooms to the septic tank does not have enough pitch for proper flow. Code states 1/4" drop. Rotz Septic has found it to be, at most, an 1/8" drop. Rotz had determined this to be the cause of the sewer backups and freezing we encountered this past winter. This past winter being the first winter we owned this building. Rotz has proposed adding the additional tanks as a solution to the issue. By adding the additional tanks, we are able to directionally bore to the existing septic tank and pump it into the existing drain field. We have 8 employees with 4 existing bathrooms. We will not be adding any additional bathrooms regarding this variance, we are requesting this to keep two of our existing bathrooms functioning. This property serves and is zoned as a commercial office / warehouse and can never be used as a residential dwelling.</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 variance is being requested to fix an ongoing and previously existing septic pipe draining issue from our two existing back bathrooms. We feel this is an appropriate solution to maintain the existing facilities within our building.
The variance is consistent with the City of Elk River Comprehensive Plan (discuss with city staff if needed)	The variance is consistent with the City of Elk Rivers comprehensive plan.
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	Our application is only to request the variance of the code to have these tanks located 5' (Feet) from the edge of the existing building. Based on the location of the utility easement next to the property

	line and the existing power and gas utilities that run within this easement, 5' is the furthest we can be away from the building in order to make this design work within our existing limitations.
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	This circumstance is to address an existing problem that has been present since we purchased the property in 2025. we are unsure if this was an existing issue with the previous owner.
The variance, if granted, will not alter the essential character of the locality	This variance will not alter the essential character of this property and it will not affect any of the existing utilities serving our property or the property behind us. all of this work will take place underground and not change the appearance of the property.



Unique Well ID# 570076

SPT



Pump Collapse

2.4M x 100.0' FFE (Foyer)

20.0' x 12.0'

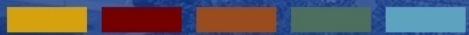
16.6' x 12.0'





Variance

Hemmelgarn



75-00805-0105

SITE

75-00805-0115

Jarvis Street

75-00805-0120

Background

- Requesting a setback variance to install septic tank closer to the existing building than allowed
- Address an existing deficiency in the sanitary sewer system serving the building
- Setback required 10-feet
- Proposing 5-feet



Applicable Regulations

- **Staff's analysis of the application shows compliance with all the 5 standards required for approval of the variance**

Action Requested

- **Approve, by motion, the building setback variance request to encroach up to 5-feet in the required 10-foot side yard setback for the reason outlined in the memo**

and

- **With the 5 conditions outlined**

City Council Meeting

- **If denied, or an appeal is received by June 5, 2026, the council will also conduct a public hearing on June 15, 2026**

75-00805-0105

SITE

75-00805-0115

Jarvis Street

75-00805-0120





Request for Action

To
Board of Adjustments

Item Number
5.2

Meeting Date
May 26, 2026

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Variance: Residential Subdivision, Craig Dollansky,
14045 Ranch Rd NW

Reviewed by
Zack Carlton

Action Requested

Approve, by motion, a variance from Section 30-1852, Subd. a.i and Subd. b.i of the Land Development Ordinance to allow driveway and impervious surface encroachments within required wetland buffer and wetland buffer setback areas, as the following standards have been met:

1. The general purpose and intent of the ordinance are met.
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 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.

Approve, by motion, a variance from Section 30-895, Subd. 2 of the Land Development Ordinance to allow a driveway setback of two feet from the side property line where five feet is required, as the following standards have been met:

1. The general purpose and intent of the ordinance are met.
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 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 with the following conditions:

1. Any wetland impacts shall be subject to review and approval by the applicable Technical Evaluation Panel (TEP), watershed authority, and all applicable regulatory agencies.

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2. The final driveway alignments shall be substantially consistent with the concept plan submitted with the application.
3. All required permits and approvals from outside agencies shall be obtained prior to issuance of grading or building permits.
4. Any future modifications to the approved driveway alignments or wetland impacts may require additional review and approval by the City.

Background/Discussion

The applicant is requesting approval of two variances associated with a proposed five-lot residential subdivision on approximately 57.06 acres of land at 14045 Ranch Rd NW. The property contains an existing residence and accessory structure and is characterized by extensive wetlands, a DNR waterbody, and overhead transmission line easements.

The proposed subdivision consists of five large rural residential lots meeting the minimum lot area and lot width requirements of the R1a zoning district. Due to the location and configuration of the wetlands, access to portions of the developable upland area requires limited driveway crossings through wetland buffer areas and minor reductions to the driveway setback where the driveways nearly converge to minimize wetland impacts.

Elk River Municipal Utilities indicated getting power to lot 3 and 4 could be an issue. With those long runs, underground power lines and transformers will need to push up to those lots along or through driveways.

The applicant is requesting the following variances:

Variance 1

A variance from Section 30-1852, Subd. a.i and Subd. b.i to allow driveway and impervious surface encroachments within the required wetland buffer and buffer setback areas where 25-foot buffers and 20-foot setbacks are required.

Variance 2

A variance from Section 30-895, Subd. 2 to allow a driveway setback of two feet from the side property line where five feet is required.

Applicable Regulations

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

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

Applicants' response:

Variance #1 – This variance is in harmony with the general purpose and intent of the ordinance. The purpose of buffers is to preserve and protect wetlands. The land on the northeast side of the project is inaccessible without wetland impacts. The proposed driveway crossing is necessary to provide access to this portion of the site and is located to limit disturbance while avoiding a larger roadway or extensive impacts.

The requested wetland buffer variance is consistent with the purpose and intent of the ordinance because the proposed driveway crossings are intended to provide reasonable access while minimizing

overall disturbance to the wetland system. The applicant has demonstrated that the crossings are located in a manner intended to reduce impacts to the greatest extent practical. Concentrating the access crossings in limited areas avoids the need for larger roadway systems or more extensive disturbances elsewhere on the site.

Variance #2 – This variance is in harmony with the general purpose and intent of the ordinance. The purpose of the side yard setback is to provide separation between lots and avoid conflicts related to drainage, utilities, and adjacent properties. The requested reduction is limited to a short segment of the driveway where placement is constrained by the location of the wetland. The reduced setback allows the driveway to be located in a manner that avoids the need for a more negative and noticeable impact to the wetlands.

The requested driveway setback variance is also consistent with the intent of the ordinance. The purpose of side-yard setbacks for driveways is to maintain separation between lots and avoid conflicts related to drainage, utilities, and adjacent property use. In this case, the reduced setback occurs only within a limited segment of the driveway corridor where environmental constraints exist. Allowing the driveways to shift closer together minimizes the overall wetland disturbance and represents a reasonable balancing of the ordinance objectives.

Staff find both requests are in harmony with the general purpose and intent of the zoning ordinance.

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

Applicants' response:

Variance #1- This variance is consistent with the City of Elk River comprehensive plan. The plan promotes low density and low impact development, and this variance would allow for development consistent with these goals. While there is an impact to the wetlands, the location of this improvement is the minimum impact possible while still developing the area at the intended density and type of development guided for the area.

The property is guided Rural Residential under the Comprehensive Plan, which supports lower-density residential development that preserves the rural character of the area. The proposed subdivision consists of large residential lots that are compatible with surrounding development patterns and consistent with the intended land use guidance.

Variance #2 – This variance is consistent with the City of Elk River comprehensive plan. This area is guided for lower density residential development, and the driveway placement in this area provides access while maintaining a low-intensity development pattern. The land that would be accessible with this variance would be developed with large lot residential that is unlikely to be split or subdivided further, which enhances the rural character guided for the area.

The requested variances facilitate access to otherwise buildable portions of the property while maintaining the low-density character envisioned by the Comprehensive Plan. The proposed driveway alignments allow the applicant to limit environmental impacts while preserving substantial wetland areas and open space throughout the development.

Staff find the requests are consistent with the goals and policies of the Comprehensive Plan.

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:

Variance #1 – The proposed use of the property is in a reasonable manner. Subdivision is an expected activity

in this area. The proposed impact to the wetlands allow access to a portion of the property that otherwise meets buildability requirements and is not accessible without some wetland impacts.

The proposed use of the property for large-lot residential development is reasonable and consistent with both the zoning classification and Comprehensive Plan guidance for the area. The lots comply with the minimum lot area and width requirements of the R1a district, and the requested variances are limited in scope to addressing access constraints created by the site's environmental features.

Variance #2 – The proposed use of the property is in a reasonable manner. The ability to subdivide the property and develop at the density and design shown is common in this area and expected. The setback reduction allows the driveway to provide access without requiring more intensive impacts to the surrounding wetlands.

Without the requested variances, access to portions of large areas of developable upland would be significantly restricted due to the location of the wetlands. The applicant has demonstrated that the proposed driveway configuration represents a reasonable solution that minimizes impacts while allowing use of the property in a manner anticipated by the zoning district.

Staff find the applicant is proposing reasonable use of the property.

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:

Variance #1 – The plight of the petitioner is due to circumstances unique to the property and not consequences of the petitions own action or inaction. The property contains a large wetland that creates a physical barrier between the existing public street and additional portions in the northeast corner of the site that meet the City's buildability requirements. The location of the wetlands on the property prevent access to these areas without some impact.

The property contains extensive wetlands and environmental constraints that physically separate portions of the buildable upland areas from the existing public roadway. These conditions are unique to the property and were not created by the applicant.

Variance #2 – The plight of the petitioner is due to circumstances unique to the property and not consequences of the petitions own action or inaction. The property contains a large and connected wetland that physically separates the buildable upland area from the existing public street. This condition limits access to a large portion of the site. Due to the wetlands on the lot, it is not possible to meet the required side yard setback for the driveway and minimize wetland impacts while also providing access to the buildable area. The setback reduction in the small area shown on the exhibit would allow access and minimize overall impacts to wetlands.

The configuration and location of the wetlands significantly limit potential access locations and driveway alignments. The requested wetland buffer encroachments and limited driveway setback reductions are directly related to these existing site constraints and are not the result of actions by the property owner.

Staff find the practical difficulties are caused by unique physical characteristics of the property.

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

Applicants' response:

Variance #1 – If granted, the variance will not alter the essential character of the locality. There are wetlands spread throughout the area, and the impact would be minor compared to other alternatives. The entirety of the development would still be large lot and rural in character which would match the essential character of the

area. There would still be large sections of buffers around the larger wetlands and waterbodies that promote this rural character with the variance on the remaining portions of the lot.

The surrounding area is characterized by large lots, rural residential development patterns, wetlands, and natural open space. The proposed subdivision maintains that character through the creation of five large residential lots consistent with surrounding development.

Variance #2 – If granted, the variance will not alter the essential character of the locality. The driveway setback reduction will only be along a small portion of the entire driveway shown for the planned lots. In order to reduce the impacts to the wetland, the driveways are brought closer together while still remaining separate. If the driveways maintained the required setback of five feet the entirety of the lot, the location would require a much larger wetland impact and would not bring any additional benefits and may create more noticeable and visibly different character to the area. The reduction would not stand out compared to the nearby developments as the driveways will remain at least five feet from the property line the remainder of the way to the proposed homes.

The requested variances are limited in nature and largely confined to driveway access areas that will not substantially alter the visual or functional character of the area. The reduced driveway setback applies only to a small portion of the proposed access alignment, and the wetland encroachments are intended to minimize broader impacts that could otherwise occur with alternative designs.

Staff find the requested variances will not alter the essential character of the locality.

Financial Impact

None

Mission/Policy/Goal

Improve citizen quality of life.

Attachments

1. V 26-04 Location Map
2. Site Plan
3. Site Plan-Zoomed
4. Narrative
5. Presentation



Project Location Map

Dollansky

Variance

Case No: V 26-04



Concept 1.3

DOLLANSKY PROPERTY • Elk River, MN
Residential Lot Layout • 04.30.2026

SITE SUMMARY

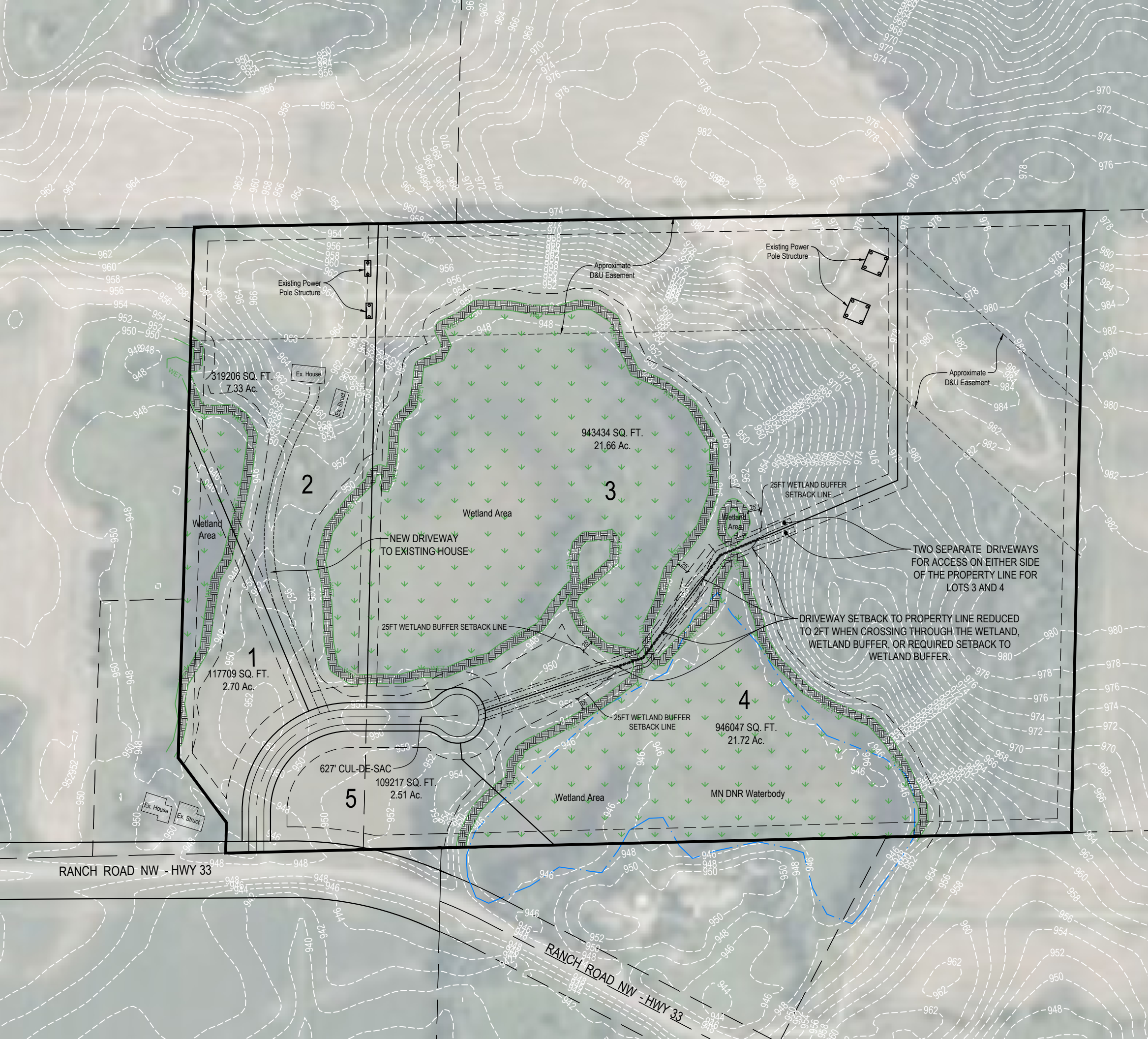
- Gross Existing Site Area: 57.06 Acres
- Wetland Area: 16.71 Acres
- Total R.O.W. Dedication Area: 0.13 Acres
- Net Developable Area: 40.22 Acres

CITY ORDINANCE CRITERIA

- Current Zoning: R-1a, Single Family Residential
- Current Land Use: Rural Residential
- Adjacent Land Use: Farming & Rural Residential
- Adjacent Zoning: R-1a and R-1b
- Future Land Use Designation: Single Fam. Res.
- Proposed Zoning: R-1A, Single Fam. Res.
- Overlay District: - -
- Min. Lot Size: 2.5 Acre per code
- Min. Lot Width: 160ft (applies to R-1a & R-1b)
- Min. Lot Depth: - -
- Front Yard Setback (or streetside): 35ft
- Side Yard Setback (interior): 20ft
- Side Yard Setback (garage): 20ft
- Rear Yard Setback: 30ft
- Structure & driveway setback to wetlands: 45ft
- Wetland Buffer width: 20ft
- Min. R.O.W. Local Street: 60ft
- Typical Street Width: 32ft
- Cul-de-sac R.O.W. Min. Radius: 60ft
- Building Coverage Limit: 25%
- Accessory Building Ht: is capped at 22 ft. for R-1a, and 15 ft. for R-1b (both limited to one story).
- D&U Easement Width Requirement: 10ft
- Proposed Density: 0.12 Units Per Acre
- Density Bonus Available: Must use Open Space Preservation Plat requiring community septic.

YIELD

- New Lots @ Min. 2.5 Acres: 5

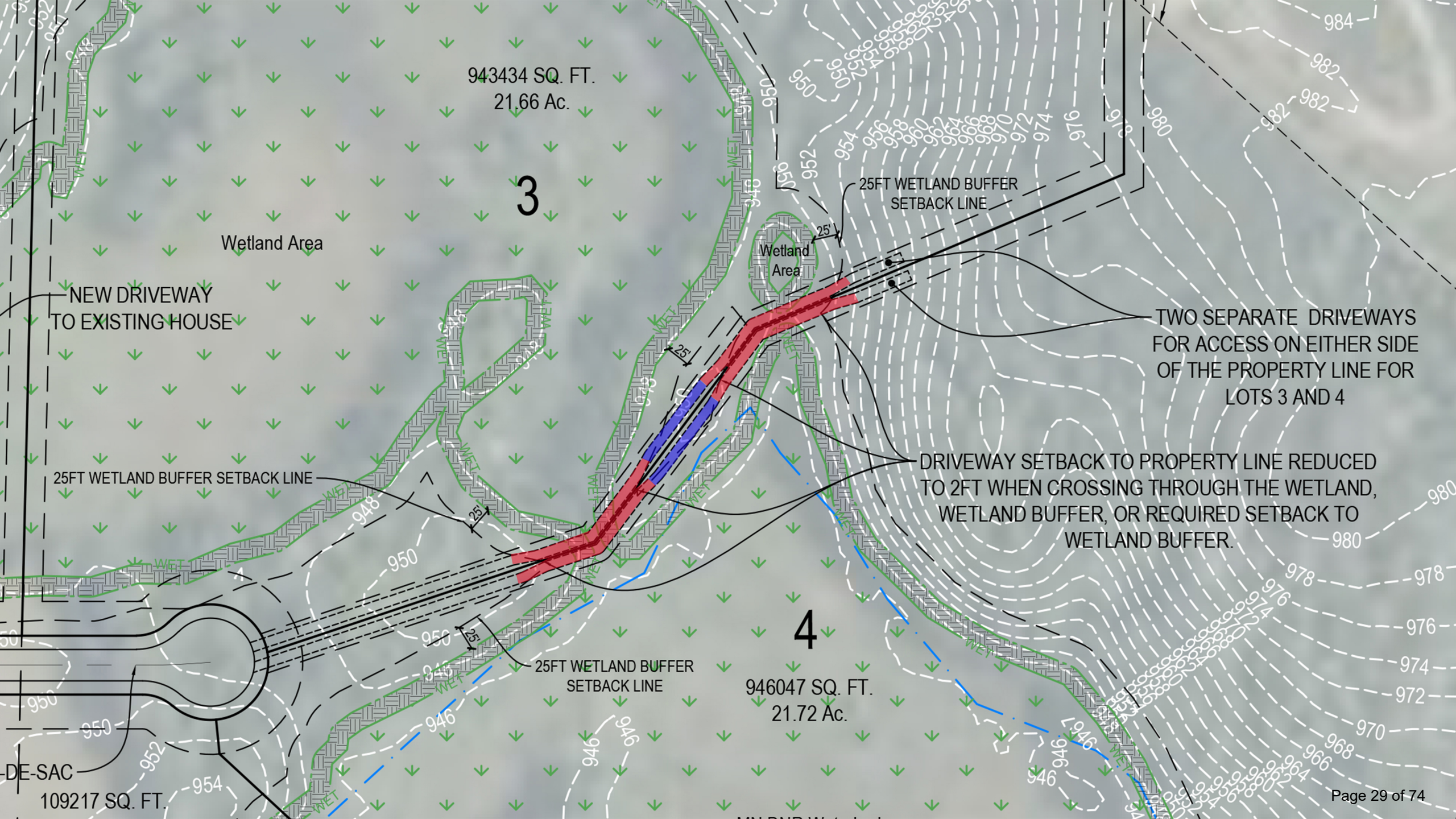


NORTH



LANDFORM
From Site to Finish

Landform and Site to Finish are registered service marks of Landform Professional Services, LLC.



943434 SQ. FT.
21.66 Ac.

3

Wetland Area

NEW DRIVEWAY
TO EXISTING HOUSE

25FT WETLAND BUFFER SETBACK LINE

25FT WETLAND BUFFER
SETBACK LINE

Wetland
Area

TWO SEPARATE DRIVEWAYS
FOR ACCESS ON EITHER SIDE
OF THE PROPERTY LINE FOR
LOTS 3 AND 4

DRIVEWAY SETBACK TO PROPERTY LINE REDUCED
TO 2FT WHEN CROSSING THROUGH THE WETLAND,
WETLAND BUFFER, OR REQUIRED SETBACK TO
WETLAND BUFFER.

4

946047 SQ. FT.
21.72 Ac.

25FT WETLAND BUFFER
SETBACK LINE

DE-SAC
109217 SQ. FT.

Legal Description of Property

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.

On behalf of Craig Dollansky, and 4-Pillars, Landform Professional Services, LLC is please to submit this application for a Concept Plan Review and two Variances for “Dollansky Property in Elk River” consisting of 5 lots on two (2) combined parcels #75-00107-1300 and PID #75-00107-2405, at 14045 Ranch Rd NW, Elk River, MN 55330. The combined parcels total 57.06 acres and contains an existing home and accessory structure. The site includes large power lines and a power line easement. There are wetlands throughout the site and a DNR waterbody. Our concept plan proposes subdividing the parcels into five (5) large residential lots.

The property is guided Rural Residential and zoned R1a – Single Family Residential. This development would meet the development goal of large lot residential development for this area and meets the design and dimensional standards for the zone except for the variances requested below.

Proposed lots follow the building setbacks stipulated in the zoning code and each lot is at least 2.5 acres in size. Additionally, each lot width meets the minimum 160ft requirement (measured at the setback).

Two separate driveways for access follow the common property line of lots 3 and 4 is the solution for accessing the large areas of developable land across the wetlands. This requires two variances from the City Code. The variances are as follows:

- Variance #1- A variance from Section 30-1852, Subd. a.i and Subd. b.i of the Land Development Ordinance for a zero-foot setback for paving and impervious surface improvements within a required wetland buffer and buffer setback where 25 feet is required for a buffer and 20 feet for the setback from said buffer. The driveways will go through the wetland at two points that attempt to create the smallest impacts possible. As the TEP is still needed for any final impacts and designs, the request is for a zero-foot buffer and zero-foot setback in these areas. It is possible there will be small buffers provided with the final design of the driveways.

- Variance #2- A variance from Section 30-895, Subd. 2 of the Land Development Ordinance for a driveway setback of two feet from the side property line where five feet is required. There are two areas where this reduction is needed and it is only when the driveway enters into the required wetland buffers and setback from the buffer. All other areas along the driveway meet the required setback.

We respectfully request review of this Concept Plan and two variances application of 5 proposed residential lots at #75-00107-1300 and PID #75-00107-2405, at 14045 Ranch Rd NW, Elk River, MN 55330. Thank you, we are excited to work with you to begin this project.

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

Variance #1 – This variance is in harmony with the general purpose and intent of the ordinance. The purpose of buffers is to preserve and protect wetlands. The land on the northeast side of the project is inaccessible without wetland impacts. The proposed driveway crossing is necessary to provide access to this portion of the site and is located to limit disturbance while avoiding a larger roadway or extensive impacts.

Variance #2 – This variance is in harmony with the general purpose and intent of the ordinance. The purpose of the side yard setback is to provide separation between lots and avoid conflicts related to drainage, utilities, and adjacent properties. The requested reduction is limited to a short segment of the driveway where placement is constrained by the location of the wetland. The reduced setback allows the driveway to be located in a manner that avoids the need for a more negative and noticeable impact to the wetlands.

The variance is consistent with the City of Elk River Comprehensive Plan (discuss with city staff if needed)

Variance #1- This variance is consistent with the City of Elk River comprehensive plan. The plan promotes low density and low impact development, and this variance would allow for development consistent with these goals. While there is an impact to the wetlands, the location of this improvement is the minimum impact possible while still developing the area at the intended density and type of development guided for the area.

	<p>Variance #2 – This variance is consistent with the City of Elk River comprehensive plan. This area is guided for lower density residential development, and the driveway placement in this area provides access while maintaining a low-intensity development pattern. The land that would be accessible with this variance would be developed with large lot residential that is unlikely to be split or subdivided further, which enhances the rural character guided for the area.</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>Variance #1 – The proposed use of the property is in a reasonable manner. Subdivision is an expected activity in this area. The proposed impact to the wetlands allow access to a portion of the property that otherwise meets buildability requirements and is not accessible without some wetland impacts.</p> <p>Variance #2 – The proposed use of the property is in a reasonable manner. The ability to subdivide the property and develop at the density and design shown is common in this area and expected. The setback reduction allows the driveway to provide access without requiring more intensive impacts to the surrounding wetlands.</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>Variance #1 – The plight of the petitioner is due to circumstances unique to the property and not consequences of the petitions own action or inaction. The property contains a large wetland that creates a physical barrier between the existing public street and additional portions in the northeast corner of the site that meet the City's buildability requirements. The location of the wetlands</p>

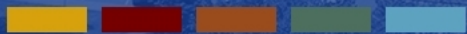
	<p>on the property prevent access to these areas without some impact.</p> <p>Variance #2 – The plight of the petitioner is due to circumstances unique to the property and not consequences of the petitions own action or inaction. The property contains a large and connected wetland that physically separates the buildable upland area from the existing public street. This condition limits access to a large portion of the site. Due to the wetlands on the lot, it is not possible to meet the required side yard setback for the driveway and minimize wetland impacts while also providing access to the buildable area. The setback reduction in the small area shown on the exhibit would allow access and minimize overall impacts to wetlands.</p>
<p>The variance, if granted, will not alter the essential character of the locality</p>	<p>Variance #1 – If granted, the variance will not alter the essential character of the locality. There are wetlands spread throughout the area, and the impact would be minor compared to other alternatives. The entirety of the development would still be large lot and rural in character which would match the essential character of the area. There would still be large sections of buffers around the larger wetlands and waterbodies that promote this rural character with the variance on the remaining portions of the lot.</p> <p>Variance #2 – If granted, the variance will not alter the essential character of the locality. The driveway setback reduction will only be along a small portion of the entire driveway shown for the planned lots. In order to reduce the impacts to the wetland, the driveways are brought closer together while still remaining separate. If the driveways maintained the required</p>

	<p>setback of five feet the entirety of the lot, the location would require a much larger wetland impact and would not bring any additional benefits and may create more noticeable and visibly different character to the area. The reduction would not stand out compared to the nearby developments as the driveways will remain at least five feet from the property line the remainder of the way to the proposed homes.</p>
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Variance

Dollansky



0107-2400

75-00107-2405

SITE

75-00107-1300

33

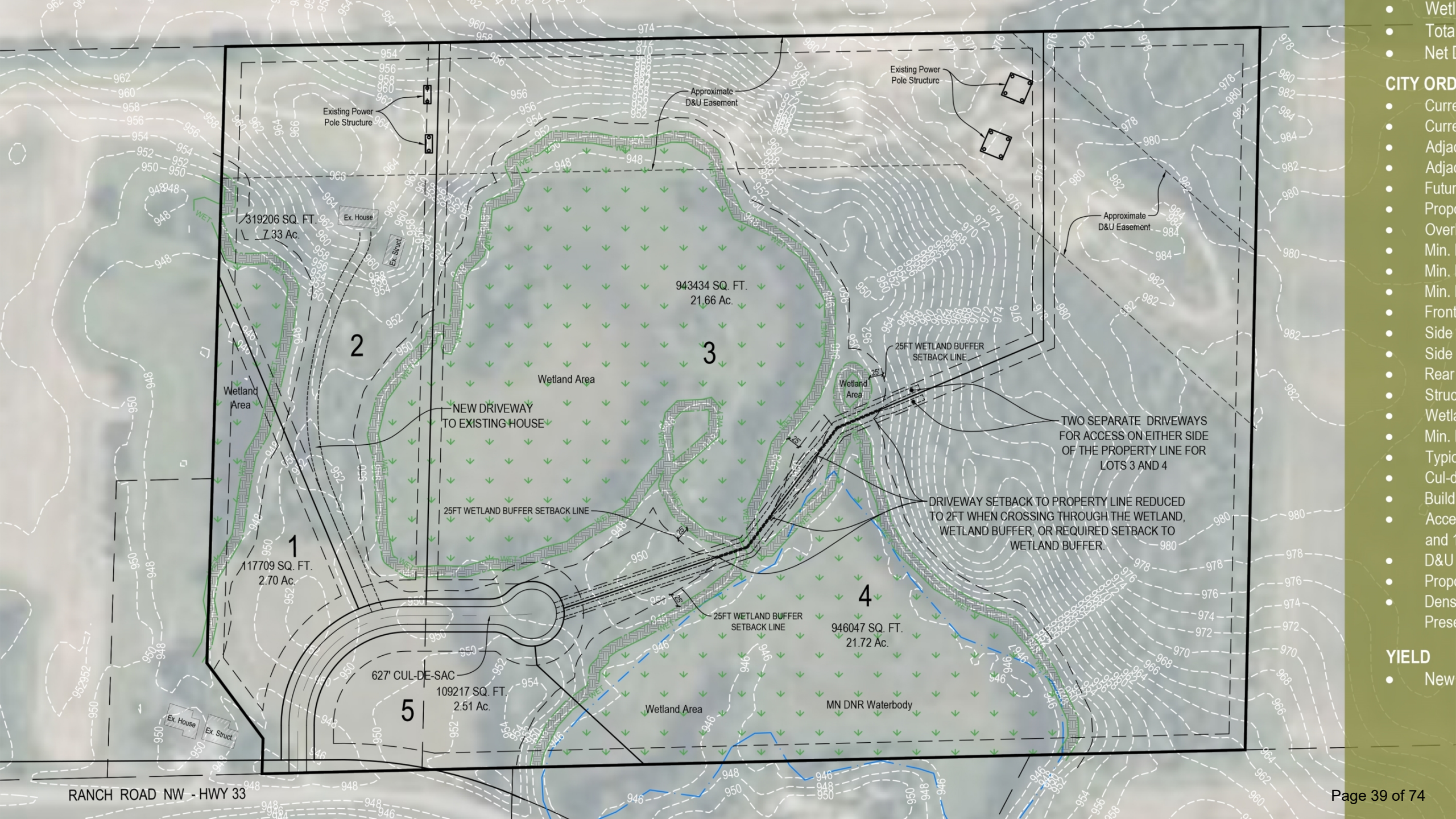
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Background

- **Requesting approval of two variances associated with a proposed five-lot residential subdivision**
 - **Encroachment within the required wetland buffer and buffer setback areas**
 - **Encroachment into the side yard setback**

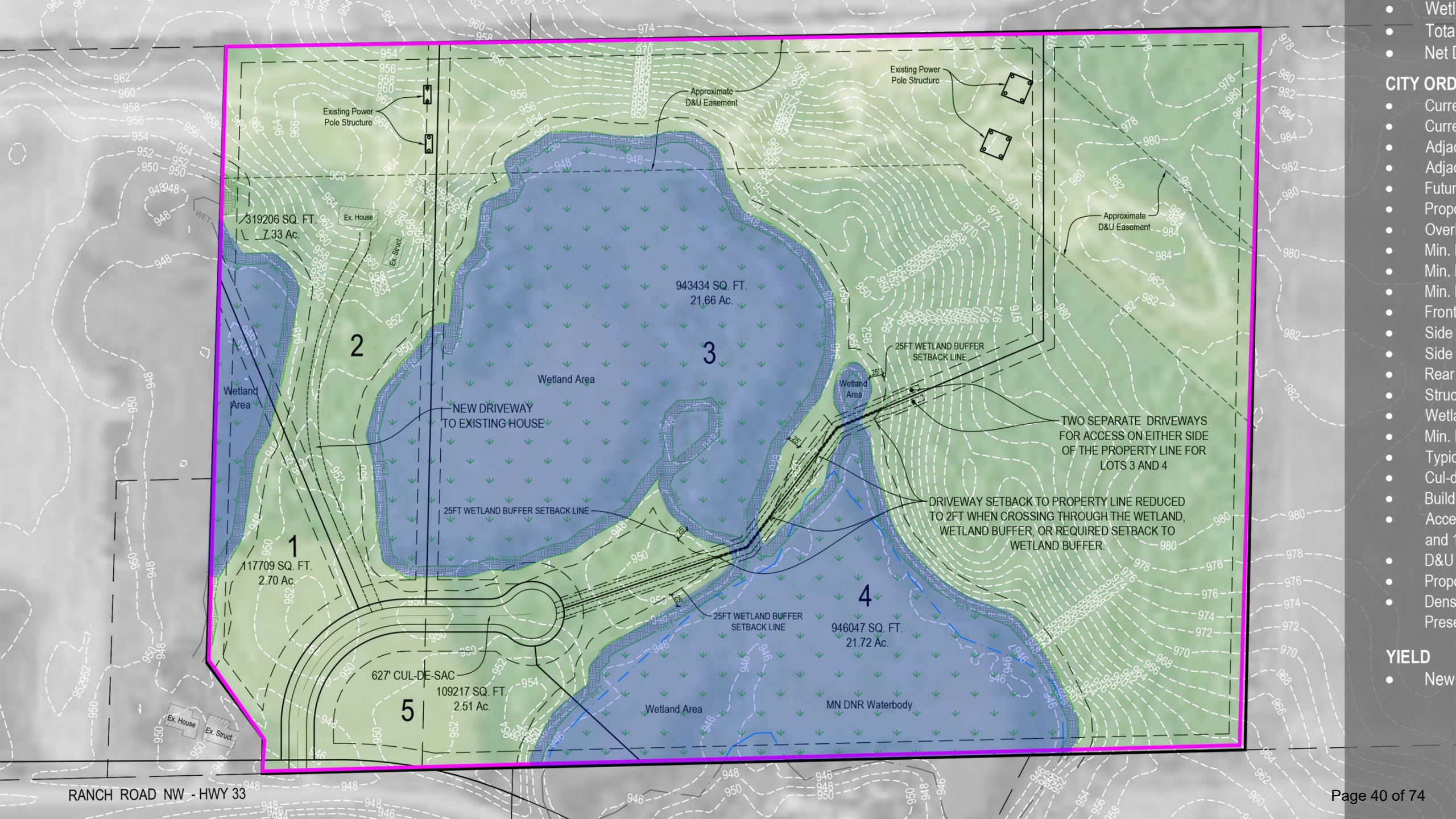
Background

- **Property has extensive wetlands, a DNR waterbody, and overhead transmission line easements**
- **Access to portions of the developable upland area requires limited driveway crossings through wetland buffer areas**

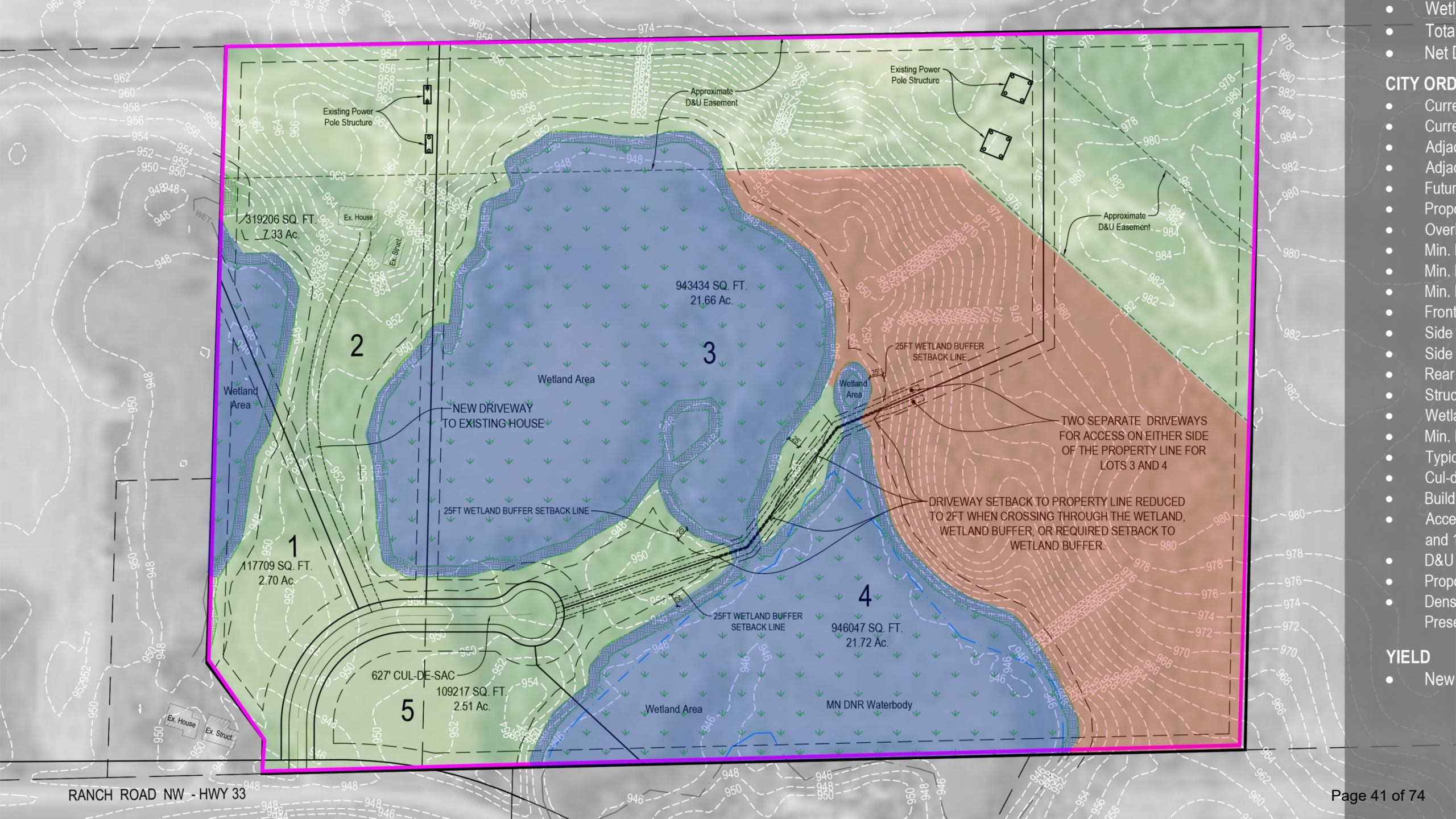


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319206 SQ. FT.
7.33 Ac.

117709 SQ. FT.
2.70 Ac.

943434 SQ. FT.
21.66 Ac.

946047 SQ. FT.
21.72 Ac.

109217 SQ. FT.
2.51 Ac.

Existing Power Pole Structure

Existing Power Pole Structure

Approximate D&U Easement

Approximate D&U Easement

Wetland Area

Wetland Area

Wetland Area

Wetland Area

MN DNR Waterbody

NEW DRIVEWAY TO EXISTING HOUSE

25FT WETLAND BUFFER SETBACK LINE

25FT WETLAND BUFFER SETBACK LINE

25FT WETLAND BUFFER SETBACK LINE

DRIVEWAY SETBACK TO PROPERTY LINE REDUCED TO 2FT WHEN CROSSING THROUGH THE WETLAND, WETLAND BUFFER, OR REQUIRED SETBACK TO WETLAND BUFFER.

TWO SEPARATE DRIVEWAYS FOR ACCESS ON EITHER SIDE OF THE PROPERTY LINE FOR LOTS 3 AND 4

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- New

943434 SQ. FT.
21.66 Ac.

3

Wetland Area

NEW DRIVEWAY
TO EXISTING HOUSE

25FT WETLAND BUFFER SETBACK LINE

Wetland Area

25FT WETLAND BUFFER
SETBACK LINE

TWO SEPARATE DRIVEWAYS
FOR ACCESS ON EITHER SIDE
OF THE PROPERTY LINE FOR
LOTS 3 AND 4

DRIVEWAY SETBACK TO PROPERTY LINE REDUCED
TO 2FT WHEN CROSSING THROUGH THE WETLAND,
WETLAND BUFFER, OR REQUIRED SETBACK TO
WETLAND BUFFER.

4

946047 SQ. FT.
21.72 Ac.

25FT WETLAND BUFFER
SETBACK LINE

DE-SAC

109217 SQ. FT.

Background

- **Variance 1 to wetland setbacks needed to access to developable land**
- **Variance 2 to side yard setbacks for driveway reduces wetland impacts**

Applicable Regulations

- **Staff's analysis of the application shows compliance with all the 5 standards required for approval of the variance for both variances**

City Council Meeting

- If denied, or an appeal is received by June 5, 2026, the council will also conduct a public hearing on June 15, 2026



Request for Action

To
Board of Adjustments

Item Number
5.3

Meeting Date
May 26, 2026

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Variance: Building Variance, Jason Snoddy, 20072
Lander St NW

Reviewed by
Zack Carlton

Action Requested

Approve, by motion, the setback variances supporting construction of a house, as the following standards have been met:

1. The general purpose and intent of the ordinance are met.
2. The property has land use guidance for residential, and the proposed single-family residential use is consistent with the Comprehensive Plan.
3. The proposed use is reasonable and 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 before the variance is recorded, the following conditions must be met:

1. A soil engineering report, prepared and signed by a licensed professional engineer, will be required for the proposed house location. The report must verify that the existing soil conditions are adequate to support the proposed construction and comply with applicable building code and septic code requirements.
2. A report, prepared and signed by a licensed professional septic designer, will be required for the proposed septic system location. The report must verify that the existing soil conditions are adequate to support the proposed system and comply with applicable septic code requirements.

Deny, by motion, the setback variances for the construction of a detached accessory structure, as the following standards are not met:

1. The general purpose and intent of the ordinance, protecting wetlands and buffers, are not met.
2. The plight of the petitioner is due to the petitioner requesting to construct a detached accessory structure larger than the property can support without affecting wetland buffers.

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 is requesting a variance for a house and detached accessory structure on a 2.5-acre parcel constrained by wetlands with fragmented upland areas that significantly limit the placement of structures, utilities, and associated site improvements.

The proposed development includes:

- A single-family slab-on-grade residence measuring approximately 44 feet by 61 feet;
- A compliant septic system and drain field;
- A private well; and
- A future 48' x 32' detached accessory structure (shed)

The property was platted in 1986, well before the city's wetland ordinance, and due to the configuration and extent of the wetlands, strict compliance with all setback requirements would severely limit placement of a home on the parcel and could force impacts into environmentally sensitive areas. The applicant is therefore requesting a variance to allow construction of a home within the only practical buildable area of the site.

They are also seeking a front yard setback variance to allow for a 48' x 32' shed near the southeast portion of the property. The shed can be constructed without needing any variance, which in turns provides adequate area for the driveway not to be located in the wetland buffer strip.

Applicable Regulations

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

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

Applicants' response: The requested variance remains consistent with the intent of the zoning ordinance, which is to promote orderly development while protecting environmentally sensitive features. The proposed site plan avoids wetland impacts, preserves natural drainage patterns, and minimizes land disturbance. The variance allows development to occur in the only practical upland area while still respecting environmental protections.

Staff find the home request is consistent with the general purpose and intent of the zoning ordinance. The intent of setback regulations is to ensure orderly development, protect neighboring properties, and preserve environmentally sensitive features. The proposed variance allows a house to be constructed within the limited upland area while avoiding direct wetland impacts. The proposal preserves natural features to the greatest extent practicable and minimizes disturbance to the site.

The requested house variance represents a reasonable accommodation of site constraints while still maintaining the broader intent of the ordinance.

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

Applicants' response: The proposal is consistent with the goals of the Elk River Comprehensive Plan, which supports low-density residential development in rural and semi-rural areas while encouraging environmental stewardship. The plan does not promote unnecessary disturbance of wetlands, and this proposal achieves residential use while preserving those resources.

The request is consistent with the Comprehensive Plan. The property is planned for low-density residential use, and the proposed single-family residence is compatible with the planned land use designation and surrounding development pattern.

Additionally, the Comprehensive Plan encourages preservation of natural resources and environmentally sensitive areas. The proposal achieves residential development while avoiding encroachment into delineated wetlands, which is consistent with the environmental stewardship goals of the Comprehensive Plan.

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 petitioner proposes a reasonable residential use that is typical and expected for a parcel of this size and zoning classification. Without the variance, the property cannot be developed in a practical manner due to the limited buildable area. The request enables a standard single-family home, necessary utilities, and a customary accessory outbuilding.

Staff find the proposed residential use of the property reasonable. The applicant is proposing a residential use that is typical for similarly zoned rural residential parcels. The proposed home, septic system, well, and accessory structure are all standard improvements reasonably associated with residential development.

Without a variance, the constrained upland area would make practical placement of a house extremely difficult or infeasible. The request represents the minimum relief necessary to allow reasonable use of the parcel.

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; and

Applicants' response: The need for the variance is due to unique physical circumstances of the property—specifically, the presence and configuration of delineated wetlands. These conditions are not typical of other parcels in the area and were not created by the petitioner. The constraints are inherent to the land itself. The plight of the petitioner is not the result of any action or inaction. The wetlands and resulting limitations that existed prior to the petitioner's development plans. The request is a direct response to these pre-existing environmental constraints.

Staff find the practical difficulty is caused by unique physical characteristics of the property, specifically the presence and configuration of delineated wetlands that fragment the available upland area.

These environmental constraints are inherent to the property and were not created by the applicant. The need for the variance for the house is therefore not the result of actions or inaction by the petitioner, but rather due to pre-existing natural site conditions unique to the parcel.

The requested location of the shed is a result of the action of the applicant and as noted, the shed can be constructed without needing any variance. Staff are not supportive of the variance request for the shed.

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

Applicants' response: The proposed development will not alter the essential character of the surrounding area. The home size, placement, and future accessory structure are consistent with nearby residential properties. The outbuilding is modest in scale (40' x 40') and located in a buildable upland area in the front of the parcel, minimizing visual and environmental impact.

Staff find the proposed development will not alter the essential character of the surrounding area. The proposed house and future shed are consistent with the character of other residential properties in the vicinity.

The placement of house is driven by environmental limitations rather than an attempt to intensify development. The proposal maintains the rural residential character of the area while preserving wetlands and minimizing visual impacts.

Staff find the house setback variance request satisfies the required variance criteria and allows reasonable use of a uniquely constrained parcel while minimizing impacts to delineated wetland buffers. Staff recommend approval of the requested house setback but again, do not recommend approval of the setback variance for a detached accessory structure as the property appears to be able to support a detached accessory structure while maintaining required setbacks and therefore protecting wetlands and buffers.

Staff are recommending that documentation be submitted, prior to recording the variance, showing the property can physically support a house and septic system to ensure the site is buildable. If the site cannot support these amenities, the need for a variance is moot.

Financial Impact

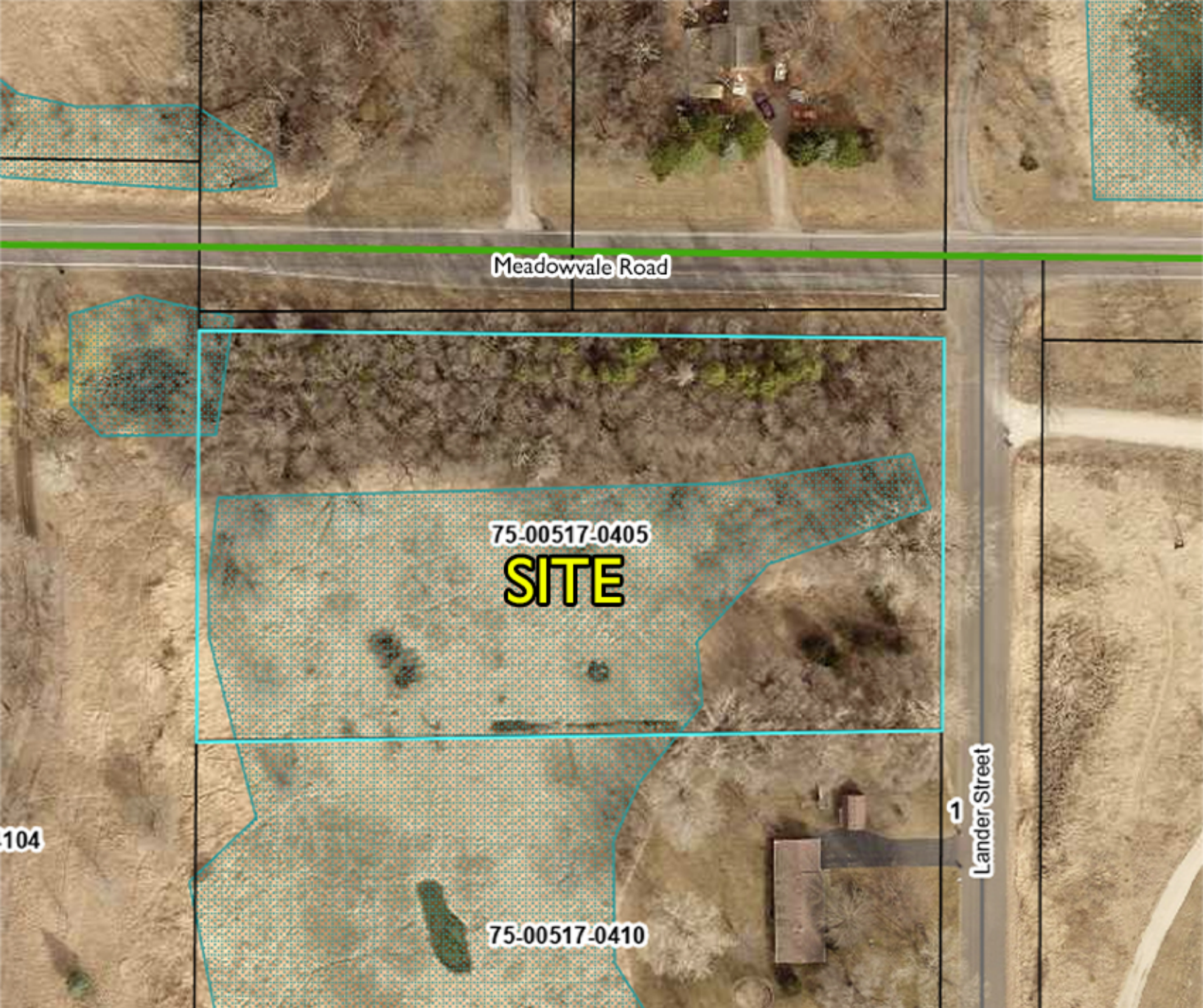
None

Mission/Policy/Goal

Meet changing needs - agile

Attachments

1. Location Map
2. Narrative
3. Survey Submitted 5-8-2026
4. Staff Exhibit 1
5. Staff Exhibit 2
6. Presentation



Project Location Map

Jason Snoddy

Variance

Case No: V 26-02

Legal Description of Property

Lot 1, Block 4, M-Vale, Sherburne County, Minnesota

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.

Variance Narrative – Residential Building Site Placement

This narrative is submitted in support of a variance request to allow reasonable use of the 2.5-acre residential parcel at 20072 Lander St NW that is constrained by delineated wetlands.

Property Description and Site Constraints

The property contains delineated wetland areas that significantly limit the placement of structures and onsite utilities. These wetlands create fragmented and irregularly shaped upland areas, restricting the ability to meet standard setback requirements while accommodating necessary improvements.

The remaining buildable area must support:

- A single-family residence (44 feet wide by 61 feet deep, slab-on-grade)
- A compliant septic system and drain field
- A private well location
- A future 40-foot by 40-foot accessory outbuilding

Due to the configuration of the wetlands, there is no feasible way to place all required elements in full compliance with current zoning setbacks without encroaching into protected areas or creating impractical site conditions.

Conclusion

The requested variance represents the minimum necessary adjustment to allow reasonable use of a constrained parcel. The proposal respects the natural limitations of the site, avoids wetland impacts, and remains consistent with both local zoning intent and long-range planning goals.

Approval of this variance will allow the property to be developed in a responsible and practical manner while maintaining the character and environmental integrity of the area.

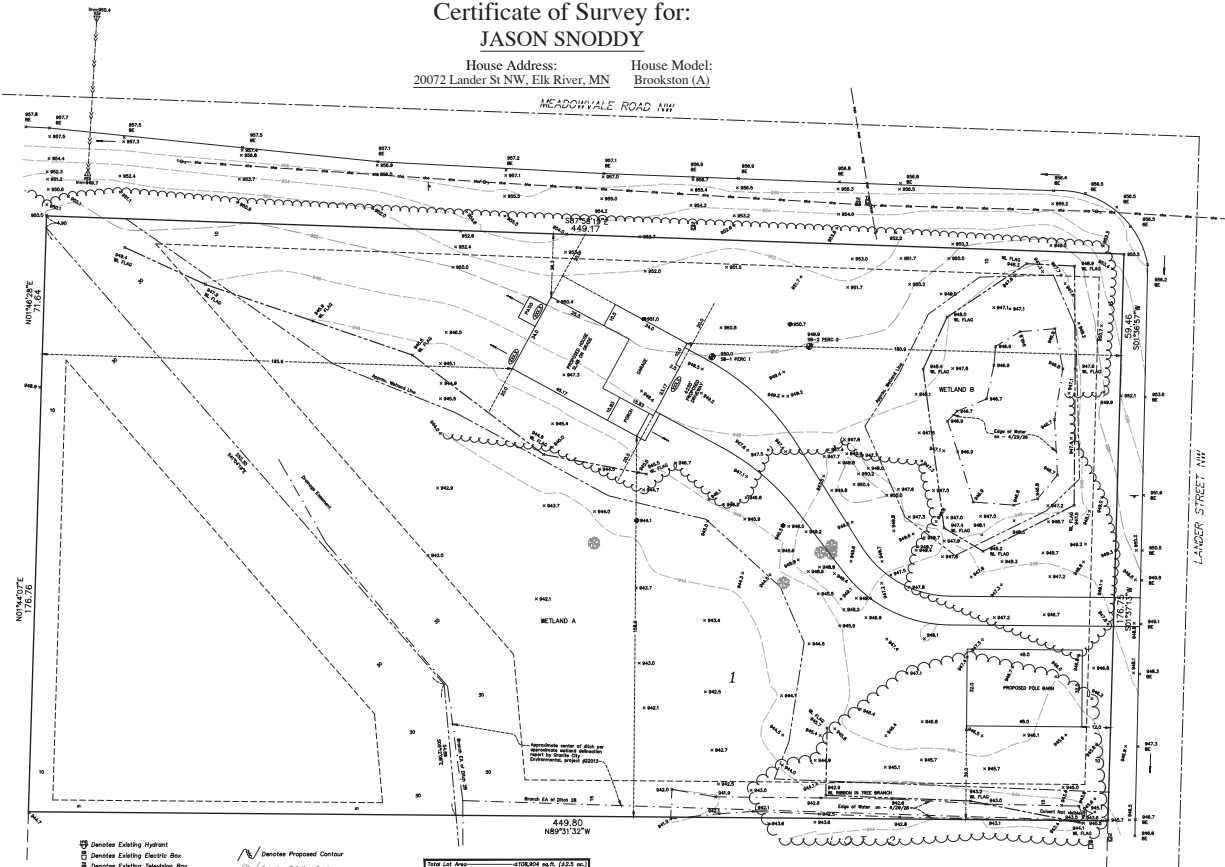
A variance may be granted by the board only if it finds that:

<p>The variance is in harmony with the general purpose and intent of the ordinance</p>	<p>Harmony with the General Purpose and Intent of the Ordinance The requested variance remains consistent with the intent of the zoning ordinance, which is to promote orderly development while protecting environmentally sensitive features. The proposed site plan avoids wetland impacts, preserves natural drainage patterns, and minimizes land disturbance. The variance allows development to occur in the only practical upland area while still respecting environmental protections.</p>
<p>The variance is consistent with the City of Elk River Comprehensive Plan (discuss with city staff if needed)</p>	<p>Consistency with the Comprehensive Plan The proposal is consistent with the goals of the Elk River Comprehensive Plan, which supports low-density residential development in rural and semi-rural areas while encouraging environmental stewardship. The plan does not promote unnecessary disturbance of wetlands, and this proposal achieves residential use while preserving those resources.</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>Reasonable Use of the Property The petitioner proposes a reasonable residential use that is typical and expected for a parcel of this size and zoning classification. Without the variance, the property cannot be developed in a practical manner due to the limited buildable area. The request enables a standard single-family home, necessary utilities, and a customary accessory outbuilding.</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>Unique Circumstances of the Property The need for the variance is due to unique physical circumstances of the property—specifically, the presence and configuration of delineated wetlands. These conditions are not typical of other parcels in the area</p>

	<p>and were not created by the petitioner. The constraints are inherent to the land itself.</p> <p>Not Created by the Petitioner The plight of the petitioner is not the result of any action or inaction. The wetlands and resulting limitations that existed prior to the petitioner’s development plans. The request is a direct response to these pre-existing environmental constraints.</p>
<p>The variance, if granted, will not alter the essential character of the locality</p>	<p>Preservation of the Essential Character of the Locality The proposed development will not alter the essential character of the surrounding area. The home size, placement, and future accessory structure are consistent with nearby residential properties. The outbuilding is modest in scale (40’ x 40’) and located in a buildable upland area in the front of the parcel, minimizing visual and environmental impact.</p>

**Certificate of Survey for:
JASON SNODDY**

House Address: 20072 Lander St NW, Elk River, MN
House Model: Brookston (A)



- Denotes Existing Hydrant
- Denotes Existing Electric Box
- Denotes Existing Telephone Box
- Denotes Existing Light Pole
- Denotes Existing Sign
- Denotes Existing Curb Stop
- Denotes Existing Direction
- Denotes Proposed Elevation
- Denotes Direction of Driveway
- Denotes Driveway & Utility Easement
- Denotes Iron Movement
- Denotes Proposed Contour
- Denotes Existing Contour
- Denotes Approx. wetland delineated by County City Environmental Services in 2022
- Denotes Approx. wetland per Existing Wetland Flags
- Denotes Existing Tree Line
- Denotes Existing Tree Location

NOTES:

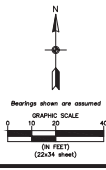
1. At the time of survey, no grading plan was provided or conditions for review.
2. Contractor must verify exact depth.
3. Driveway shown on this graphic purposes only. Final driveway design and location to be determined by owner/contractor.
4. All building foundation dimensions shown on this survey include exterior foundation foundation width, if applicable. Refer to final building plans for foundation details.

LEGAL DESCRIPTION:
Lot 1, Block 4, M-VALE,
Sherburne County, Minnesota
* SLAB ON GRADE *

PROPOSED BUILDING ELEVATIONS
Top of Foundation Elevation: as shown
Garage Slab Elevation (at door): as shown

I hereby certify to Jason Snoddy that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.
Dated this 28th day of April, 2026.

Signed: Carlson Engineering
PROFESSIONAL SURVEYOR
Thomas R. Carlson, L.S. Reg. No. 40261
Peter J. Rompelt, L.S. Reg. No. 51676



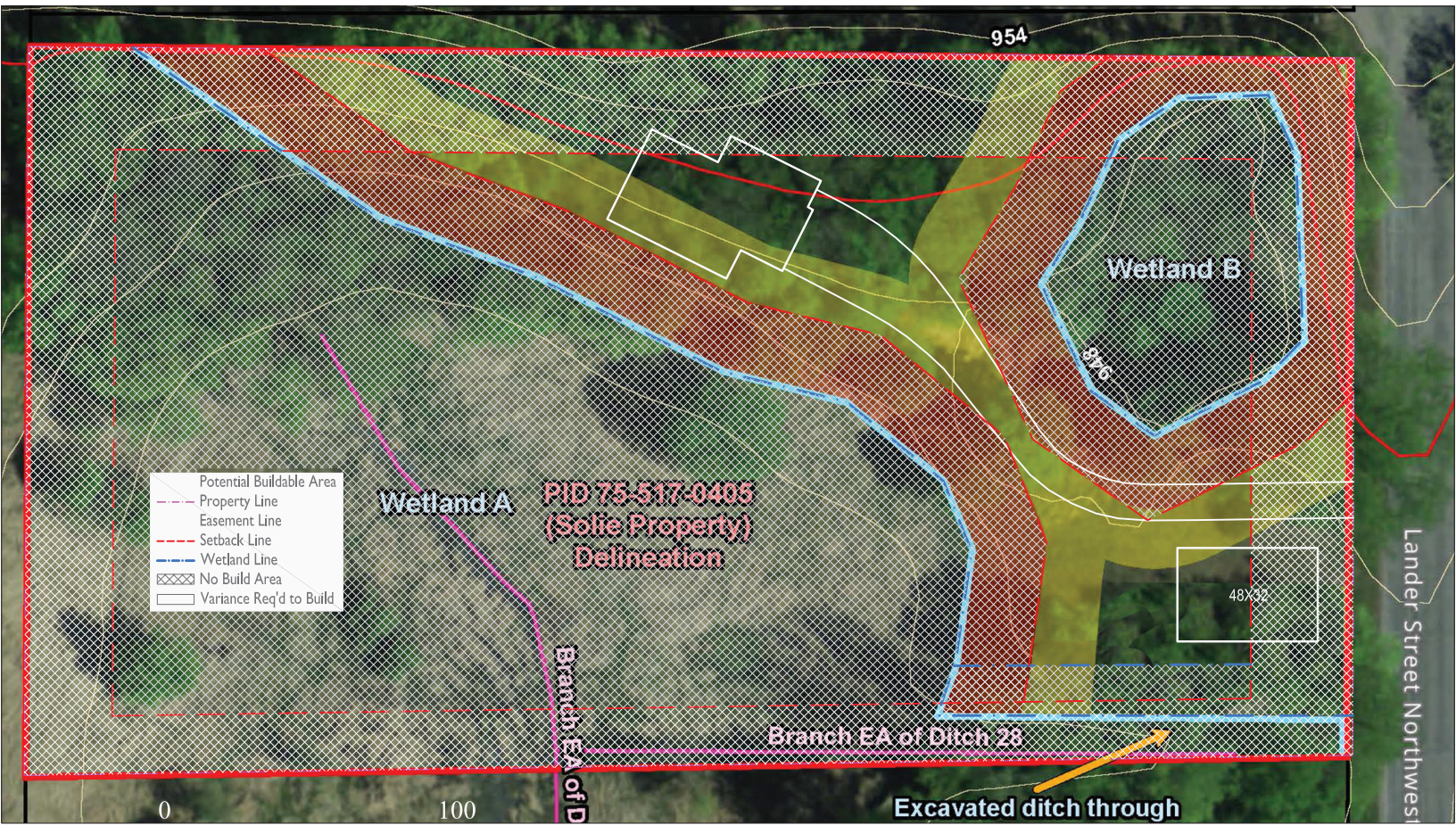
CERTIFICATE OF SURVEY
M-VALE
Elk River, MN

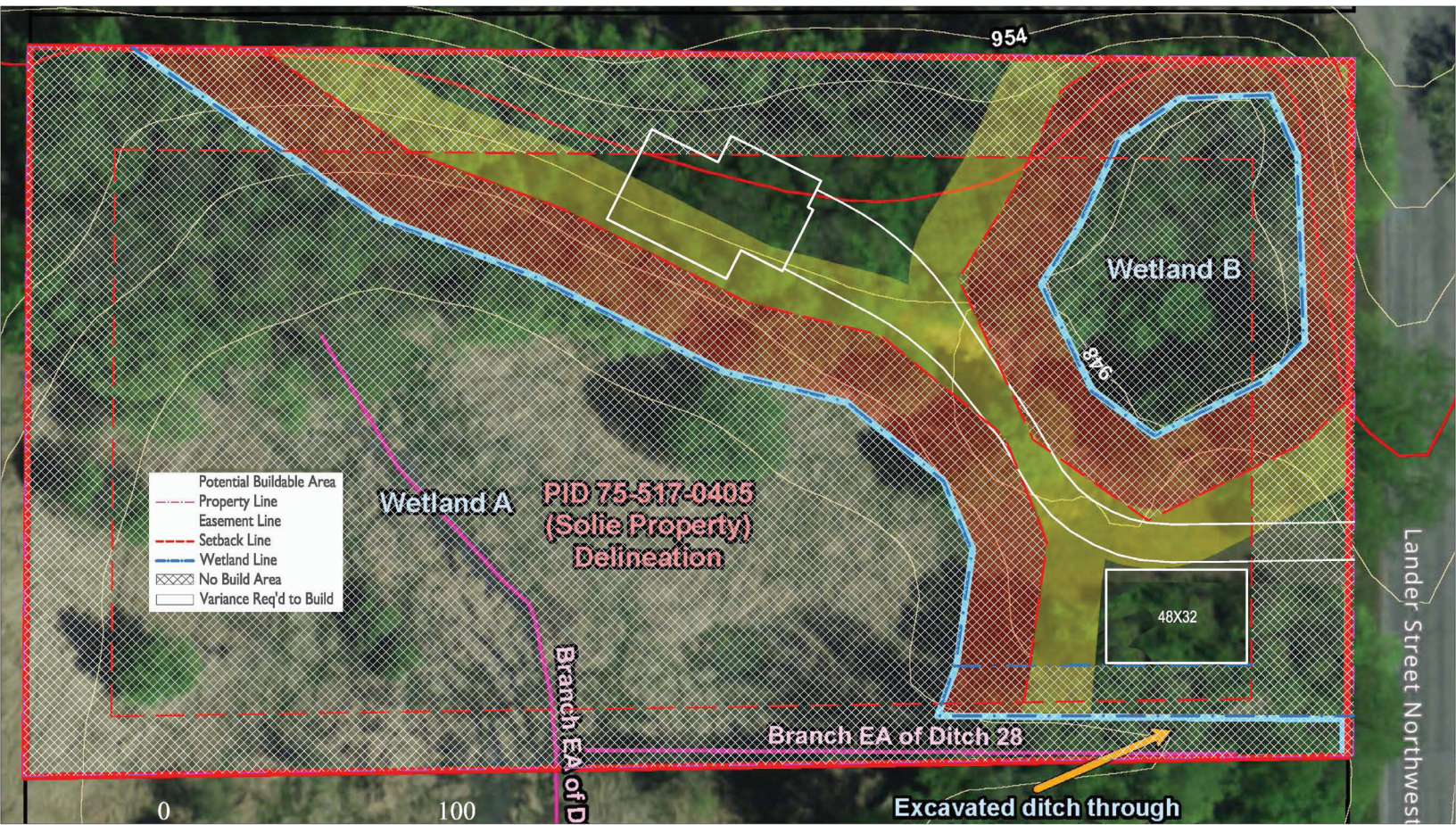
JASON SNODDY
53837 Trammell Ct
Big Lake, MN, 55309

REVISIONS
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Variance

Snoddy



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75-00517-0405

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Lander Street

Background

- **Requesting a variance for a house constrained by wetlands with fragmented upland areas that significantly limit the placement of structures, utilities, and associated site improvements**
- **Clarification - they are not asking for a variance for an accessory structure**

Background

- **The property was platted in 1986**
 - **well before the city's wetland ordinance**
- **Due to the configuration and extent of the wetlands, strict compliance with all setback requirements would severely limit placement of a home on the parcel**

- Potential Buildable Area
- Property Line
- Easement Line
- Setback Line
- Wetland Line
- No Build Area
- Variance Req'd to Build

Wetland A

**PID 75-517-0405
(Solie Property)
Delineation**

Wetland B

954

946

Branch EA of D

Branch EA of Ditch 28

Excavated ditch through

Lander Street Northwest

0

100

- Potential Buildable Area
- Property Line
- Easement Line
- Setback Line
- Wetland Line
- No Build Area
- Variance Req'd to Build

Wetland A

**PID 75-517-0405
(Solie Property)
Delineation**

Wetland B

954

948

Branch EA of D

Branch EA of Ditch 28

Excavated ditch through

Lander Street Northwest

0

100

954

Wetland B

948

Wetland A

PID 75-517-0405
(Solie Property)
Delineation

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- Setback Line
- Wetland Line
- No Build Area
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Branch EA of D

Branch EA of Ditch 28

Excavated ditch through

Lander Street Northwest

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PID 75-517-0405
(Solie Property)
Delineation

Wetland B

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Branch EA of Ditch 28

Excavated ditch through

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(Solie Property)
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Wetland B

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**PID 75-517-0405
(Solie Property)
Delineation**

Wetland B

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Branch EA of D

Branch EA of Ditch 28

Excavated ditch through

Lander Street Northwest

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Wetland A

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(Solie Property)
Delineation**

Wetland B

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Branch EA of D

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Excavated ditch through

Lander Street Northwest

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Applicable Regulations

- **Staff's analysis of the application shows compliance with all the 5 standards required for approval of the variance**
- **and allows reasonable use of a uniquely constrained parcel while minimizing impacts to delineated wetland buffers**

Action Requested

- Approve, by motion, the building setback variance request to encroach into the Wetland Buffer Strip Setback and encroachment in the Wetland Buffer Strip for just the driveway

and

- With the 2 conditions outlined

City Council Meeting

- If denied, or an appeal is received by June 5, 2026, the council will also conduct a public hearing on June 15, 2026