



**Meeting of the Board of Adjustments  
Held at the Elk River City Hall  
Tuesday, May 28, 2024**

**Members Present:** Chair Perry Beise, Commissioner Dennis Booth, Commissioner Robert Rydberg, Commissioner Tony Mauren, Commissioner Eric Johnson

**Members Absent:** Commissioner Jill Larson-Vito, Councilmember Matt Westgaard

**Staff Present:** Community Development Director Zack Carlton, Senior Planner Chris Leeseberg, and Sr. Administrative Assistant/Recording Secretary Jennifer Green

**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 Planning Commission agenda for May 28, 2024.**

**Motion Carried 5-0.**

**4. CONSIDER MINUTES**

4.1 Board of Adjustments - April 23, 2024

**Moved by Commissioner Johnson and seconded by Commissioner Rydberg to approve the Board of Adjustments meeting minutes from April 23, 2024.**

**Motion Carried 5-0.**

**5. PUBLIC HEARINGS**

5.1 Variance: Wetland Setback, PID 75-00513-0320 - Laura Elkington

Mr. Leeseberg presented the staff report.

Commissioner Booth asked if there were any building plans or was this request due to an effort to sell the property.

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Mr. Leeseberg stated the applicant was requesting the variance in an effort to sell the property.

Chair Beise opened the public hearing.

**Annie Tevik**, 19715 Polk St. NW - stated she lives south of the applicant and expressed concerns about how close her septic system would be to the proposed driveway. She also asked about the culvert that runs into her property to their pond and wondered if there would be a need to enlarge the culvert.

Mr. Leeseberg used the survey to show the distance away from her septic system in relation to the proposed driveway location. He stated the TEP panel reviewed this request and the applicant received approval for the impacts they were making on the wetlands. Mr. Leeseberg stated they would get answers to her culvert questions.

There being no one else to speak, Chair Beise closed the public hearing.

Commissioner Mauren asked if the city allows shared driveways.

Mr. Leeseberg stated the city does not allow shared driveways.

**Moved by Commissioner Booth and seconded by Commissioner Johnson to approve a variance reducing the driveway setback from the edge of a delineated wetland as:**

- 1. The general purpose and intent of the ordinance are met.**
- 2. The property has a land use of residential and the 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. Documentation that primary and secondary septic areas can be supported shall be provided prior to the variance being recorded.**
- 2. Construction shall meet all other standards of the ordinance (vegetation maintenance, grading, etc.).**

**Motion Carried 5-0.**

5.2 Variance: Required Apartment Parking, PID 75-00011-1204 - Duffy Development

Mr. Carlton presented the staff report. He indicated the applicant had requested 1.5 stalls per unit as requested or if the board feels the 2 stalls per unit as showed with proof of parking.

Commissioner Mauren asked for more information regarding the proof of parking document.

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Mr. Carlton explained if the project proceeds based upon straight zoning, the developer would enter into a Proof of Parking agreement outlining how many parking issues the project has had then allows the city to direct the applicant to construct those parking stalls to correct the issues. If the applicant chooses not to correct and construct the needed stalls, the city constructs them. The city council approves the agreement.

Chair Beise opened the public hearing.

**Brian Rucks** –10296 209th Avenue NW - asked what kind of housing this would be as he was not familiar with the project, and wondered how many of our tax dollars were being used.

Mr. Carlton explained the applicant will be requesting affordable housing low income tax credits from the state. He stated it's a state-run program and doesn't include city TIF or tax abatement. If they do decide to proceed with requesting TIF or tax abatement, it would require city council approval through resolution.

There being no one else to speak, Chair Beise closed the public hearing.

Commissioner Johnson stated he was in favor of reducing the outdoor parking requirements to 2:1 to align with other recently constructed properties and their parking requirements.

Mr. Carlton clarified that the total requirement would be 2 stalls per dwelling unit, 40 covered stalls and the remaining covered would be exterior surface stalls. The commission concurred.

**Moved by Commissioner Johnson and seconded by Commissioner Rydberg to approve the variance reducing the number of required parking stalls, a reduction to 2:1 with 2 stalls per dwelling unit, 40 covered stalls and the remaining covered stalls would be exterior surface stalls as:**

- 1. The general purpose and intent of the ordinance are met.**
- 2. The property has a land use of residential and the 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. The approval of the variance does not constitute final approval of the layout, building plans, or proposed use. The applicant must submit additional applications for all required land use, zoning, and building permit requirements.**

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2. **Final site plans must include turning radii for fire trucks, garbage trucks, and delivery vehicles.**
  3. **The city must approve a proof of parking agreement, and it must be signed and recorded by the developer prior to issuance of a building permit.**

**Motion Carried 5-0.**

5.3 Variances: Driveway Setback & Number of Trees, 17994 Zane Street NW- Les Schwab Tire Center

Mr. Leeseberg presented the staff report.

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

**Moved by Commissioner Johnson and seconded by Commissioner Booth to approve a variance approving a reduced side property line driveway setback of 0.5 feet (6") from the required 10 foot setback as:**

1. **The general purpose and intent of the ordinance are met.**
2. **The property has a land use of residential and the 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;

**Moved by Commissioner Johnson and seconded by Commissioner Booth to approve a variance approving reduced landscaping requirements from 32 trees to 14 trees as:**

1. **The general purpose and intent of the ordinance are met.**
2. **The property has a land use of residential and the 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.**

**Motion Carried 5-0.**

6. MOTION TO ADJOURN REGULAR MEETING

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**Moved by Commissioner Johnson and seconded by Commissioner Rydberg to adjourn the Board of Adjustments meeting.**

The meeting adjourned at 7:01 p.m.

Minutes prepared by Jennifer Green.



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Perry Beise, Chair



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Tina Allard, City Clerk