



**Meeting of the Board of Adjustments
Held at the Elk River City Hall
Tuesday, July 23, 2024**

Members Present: Chair Perry Beise, Commissioner Tony Mauren, Commissioner Robert Rydberg, Commissioner Dennis Booth, Commissioner Anthony Kaba, Commissioner James Zahler

Members Absent: Commissioner Eric Johnson

Staff Present: Community Development Director Zack Carlton 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 agenda. Motion Carried 6-0.

4. CONSIDER MINUTES

Moved by Commissioner Booth and seconded by Commissioner Rydberg to approve the following consent items as outlined in their respective staff reports. Motion Carried 6-0.

4.1 Board of Adjustments Minutes - June 25, 2024

5. PUBLIC HEARINGS

5.1 Variance: Parking Lot Setback, 16234 Jarvis St. NW - The Original Collins Brothers Auto, Truck & Towing

Mr. Carlton presented the staff report.

Commissioner Booth asked if the agreement between The Original Collins Brothers Towing and 11th Hour Recovery was not fulfilled.

Mr. Carlton stated the conditions of approval for the CUP require that both parties sign and record an agreement outlining details for long-term maintenance and operation of both properties.

Commissioner Mauren asked if the variance goes with the property or the owner.

Mr. Carlton stated the variance goes with the property.

Commissioner Rydberg felt it important to add something more concrete to show commitment between the two landowners.

Mr. Carlton stated if the Planning Commission wishes, a condition could be added that an agreement between the two property owners be signed and recorded that identifies cooperation between both landowners.

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

Commissioner Rydberg asked for clarification if this variance applies to both property owners.

Mr. Carlton stated this variance request is only for the Collins Brothers parcel. The adjoining property would also have to apply and receive a variance. Until then, the adjoining property owner's setback is 10'. If a future sale of the property occurs, Collins Brothers would not be required to revert or change their setback requirements.

Moved by Commissioner Rydberg and seconded by Commissioner Booth to approve the parking lot setback variance of 10-feet for the following reasons:

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

And with the following conditions:

- 1. Conditional Use Permit (CU 24-12) shall be approved and recorded.**
- 2. A 100% opaque fence shall be installed on the west property line the entire length of the outdoor storage area.**
- 3. If the applicant wishes to construct the fence on the property line, written permission from the adjacent property owner to the west shall be obtained and provided to the city.**
- 4. The property owner will need to provide written documentation and agree to share a zero foot lot line setback for proposed outdoor storage use.**

Motion Carried 6-0.

5.2 Variance: Parking Requirements, 16767 Gateway Road - Heritage Millwork

Mr. Carlton presented the staff report.

Commissioner Mauren asked how many employees would be using the parking lot.

Mr. Carlton stated he did not read that figure in the narrative.

Commissioner Rydberg suggested the Planning Commission review the parking ordinance in the future for commercial, industrial, and residential uses to align better with their uses.

Mr. Carlton stated Heritage Millwork is proposing manufacturing and office space, shipping and receiving, and no showroom, so no public parking.

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

Mr. Carlton stated there are 75 current employees.

Moved by Commissioner Rydberg and seconded by Commissioner Booth to approve the parking variance as the following standards are satisfied:

- 1. The general purpose and intent of the ordinance are met.**
- 2. The property has a land use of Business Park 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 condition that the City Council must approve a proof of parking agreement.

Motion Carried 6-0.

5.3 Variance: Building and Parking Setbacks, 414 Main St. NW - Ron Touchette, Rock Solid Companies

Mr. Carlton presented the staff report.

Commissioner Mauren asked about the 10' setback and does it require immediate relocation of utilities underground.

Mr. Carlton stated a future location of utilities and a condition of approval is included regarding 10' easement

Chair Beise opened the public hearing.

Vicki Simpson, 311 Third Street - asked if the same developer owns the entire parcel. She also asked about the remaining home on Third Street and if asked if the developer was pursuing purchasing the parcel.

Mr. Carlton stated the same developer who is proposing this construction will be looking to construct on the western part of the block. Mr. Carlton stated the property owner was aware and was not interested in being purchased by the city. He stated he also thought the developer had approached them also.

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

Commissioner Booth stated the property owner to the east of the proposed project also received a variance for a 1' setback and therefore, he didn't see a problem in issuing this variance.

Moved by Commissioner Booth and seconded by Commissioner Rydberg to approve the setback variances for front and side yard setback of 10', and 1' side yard setback for the parking bumpout, as the following standards are satisfied:

1. The general purpose and intent of the ordinance are met.
2. The property has a land use of Mixed Use 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 condition that the applicant dedicates a 10-foot drainage and utility easement along Main Street.

Motion Carried 6-0.

6. MOTION TO ADJOURN REGULAR MEETING

Moved by Commissioner Rydberg and seconded by Commissioner Booth to adjourn the meeting. Motion Carried 6-0.

The meeting adjourned at 6:57 p.m.

Minutes prepared by Jennifer Green.



Perry Beise, Chair



Tina Allard, City Clerk