



# Board of Adjustments

Tuesday, February 25, 2025

6:30 PM

Elk River City Hall

## Regular Meeting Agenda

- Regular meeting in Council Chambers
- 

1. CALL MEETING TO ORDER

2. PLEDGE OF ALLEGIANCE

3. CONSIDER AGENDA

4. CONSIDER MINUTES

4.1 Draft Minutes - July 23, 2024

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: Front Yard Setback, 11848 193rd Lane NW, Kelly and Craig Swanson

6. MOTION TO ADJOURN REGULAR MEETING



**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.

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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.

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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.

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Perry Beise, Chair

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Tina Allard, City Clerk



# Request for Action

**To**  
Board of Adjustments

**Item Number**  
5.1

**Meeting Date**  
February 25, 2025

**Prepared By**  
Chris Leeseberg, Senior Planner

**Item Description**  
Variance: Front Yard Setback, 11848 193rd Lane  
NW, Kelly and Craig Swanson

**Reviewed by**  
Zack Carlton

## Action Requested

Approve, by motion, the front yard 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 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 proposing to construct a 31' x 32' detached garage (accessory structure) and is requesting a 10-foot variance to allow the structure to be closer to the front property line.

The 1.18-acre property, zoned RI-C (Single-Family Residential), is subject to a 30-foot setback requirement for accessory structures. The requested variance would accommodate the garage while maintaining the residential character and adhering to the overall intent of the zoning ordinance.

## Applicable Regulation

(The applicant's responses are italicized with staff notes afterwards.)

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

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

*We're proposing a variance from the standard 30-foot setback requirement for our new 31x32 ft 936 sq ft detached garage. It also includes a 120 sq ft patio.*

## The Elk River Vision

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



*The intent of the city's setback requirement is to maintain a consistent appearance within neighborhoods. Our home is on a cul-de-sac and has large expansive areas between neighboring dwellings. This currently allows for a pleasant view regardless of uniformity.*

The purpose of front yard setbacks is to prevent buildings from being constructed too close to the street, thereby maintaining a visually cohesive and attractive streetscape. Since the property is located at the end of a cul-de-sac, any deviation from this uniformity may not be readily apparent. The request aligns with the general purpose and intent of the regulation.

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

*We're committed to ensuring the garage is aesthetically pleasing and consistent with the neighborhood's character, including additional boulder landscaping to integrate it into the surroundings.*

The property is guided as Traditional Single-Family Residential, where houses and accessory structures are anticipated. The proposal aligns with the goals 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;

*The front most post to the 120 sq ft patio (the lean-to) on the street side of the garage will be positioned 20 feet from the property line (10 ft inside the set back), which allows us to protect the environment and save on significant grading costs. It should be noted that the proposed front left corner of the 936 sq ft structure, not the lean-to, will be no more than 3 feet into the set back line.*

The petitioner is requesting to build an accessory structure beyond the required setback to preserve several mature trees on the property and minimize the necessary grading. This proposal represents a reasonable use of the property that is not permitted under the current zoning ordinance.

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

*The current proposed location for the garage requires minimal grading of an existing hill, preserving the natural topography and existing mature trees. Meeting the standard setback would necessitate extensive hill grading leading to significant increased costs, engineered boulder retaining walls and the unnecessary removal of numerous trees, which would significantly impact the natural beauty and ecosystem of the property.*

The property's unique characteristics include steep grades and mature trees. Meeting the setback requirements would necessitate significant grading and the removal of several trees.

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

*Granting this variance is not only a cost-effective solution but also an environmentally responsible decision. Our home is situated on a cul-de-sac with homes that are not closely adjacent to one another, which means our garage will not disrupt the visual harmony or proximity that the setback rule intends to preserve. It supports our commitment to sustainability and community values. We're dedicated to complying with all other zoning and building codes to enhance*

*our property's value and maintain the integrity of the neighborhood.*

Because the property is situated at the end of a cul-de-sac, any deviation from the setback requirements would not impact the neighborhood's character. Granting the variance will not alter the essential character of the area.

**Financial Impact**

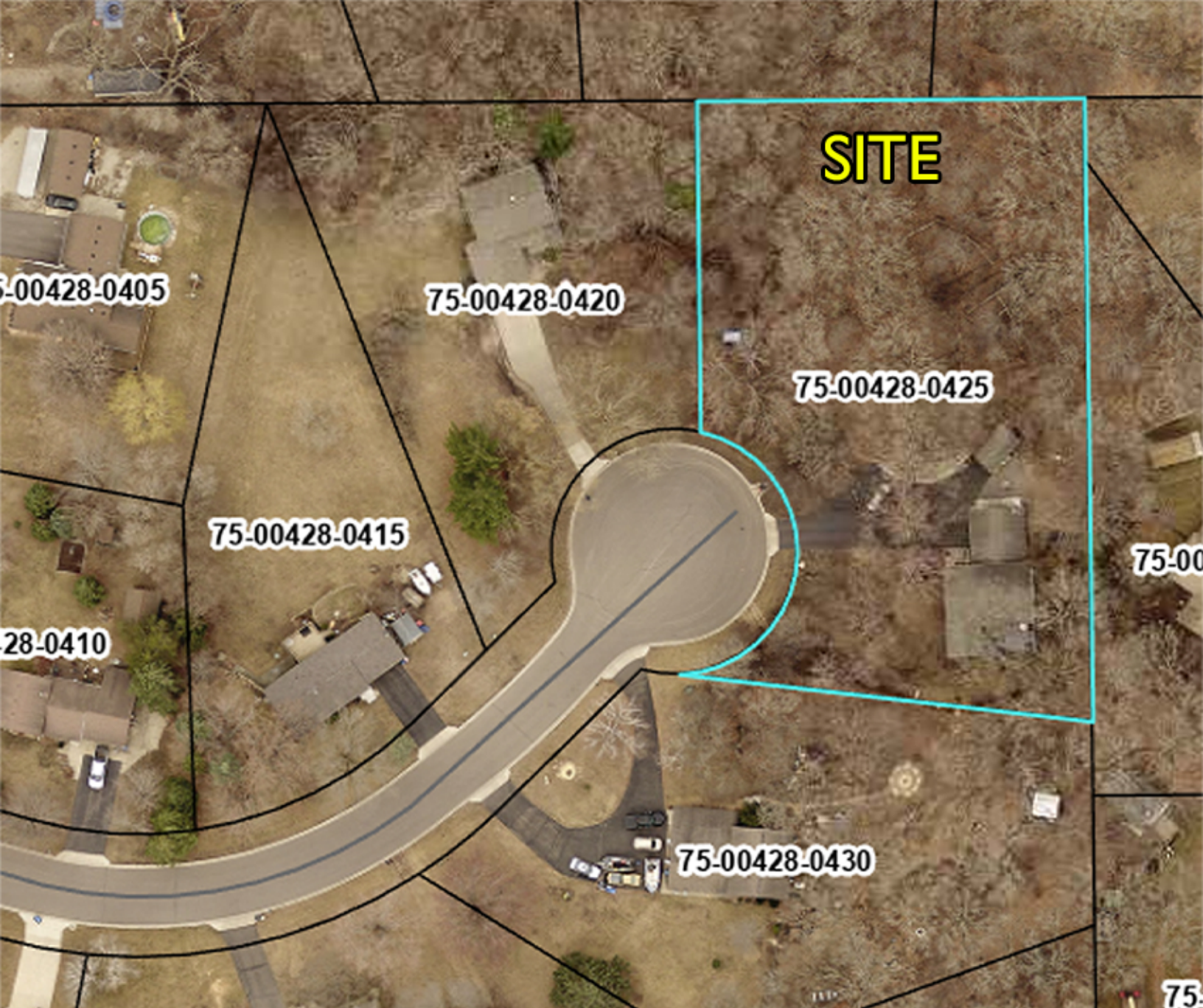
None

**Mission/Policy/Goal**

Work with citizens to achieve goals.

**Attachments**

1. Location Map
2. Site and Building Plans
3. Images

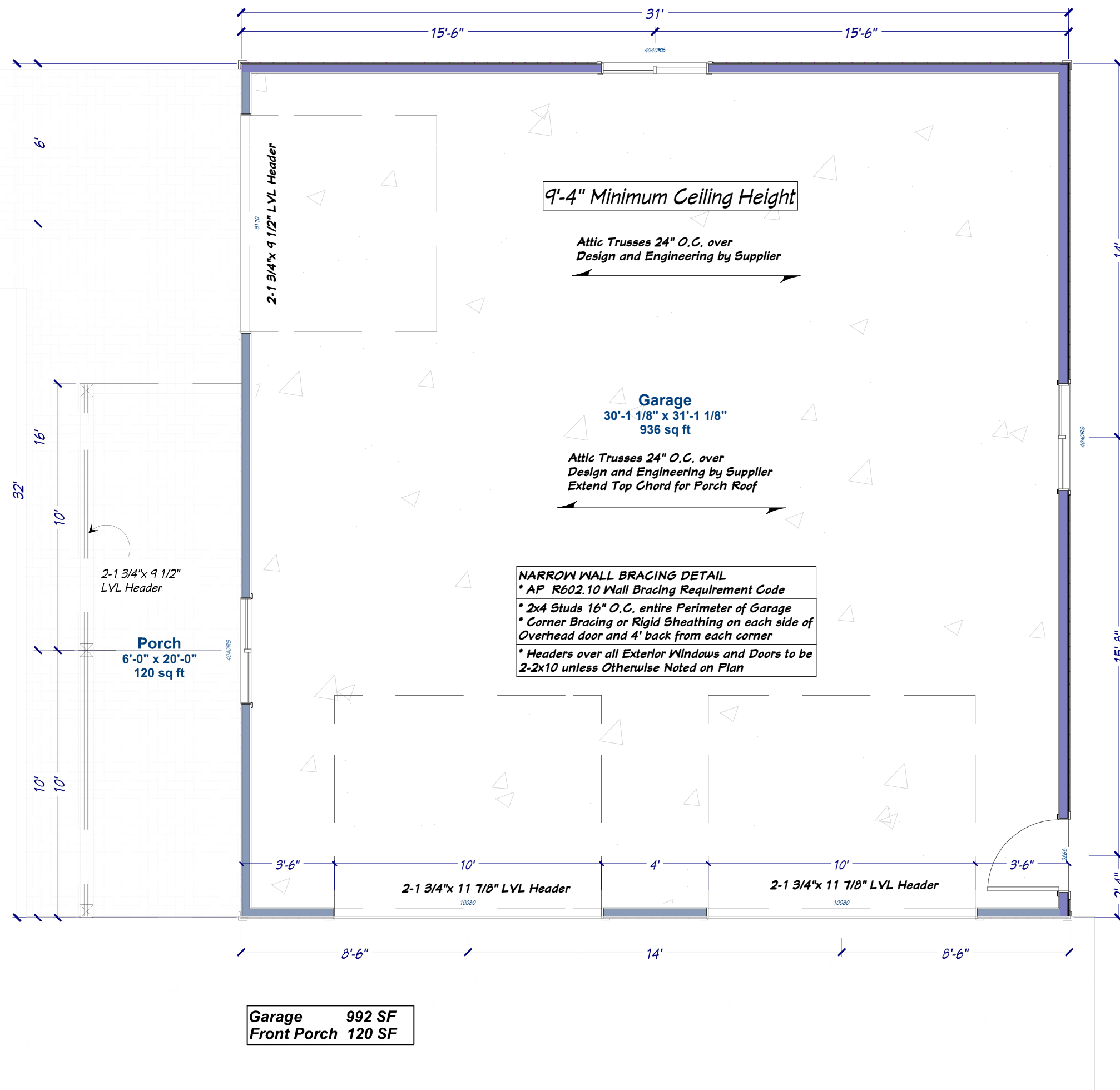


# Project Location Map

Swanson

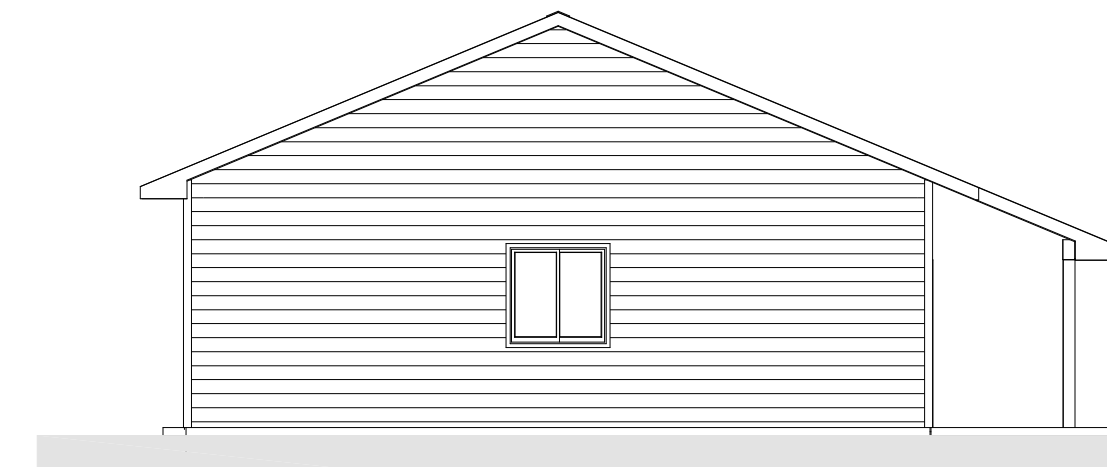
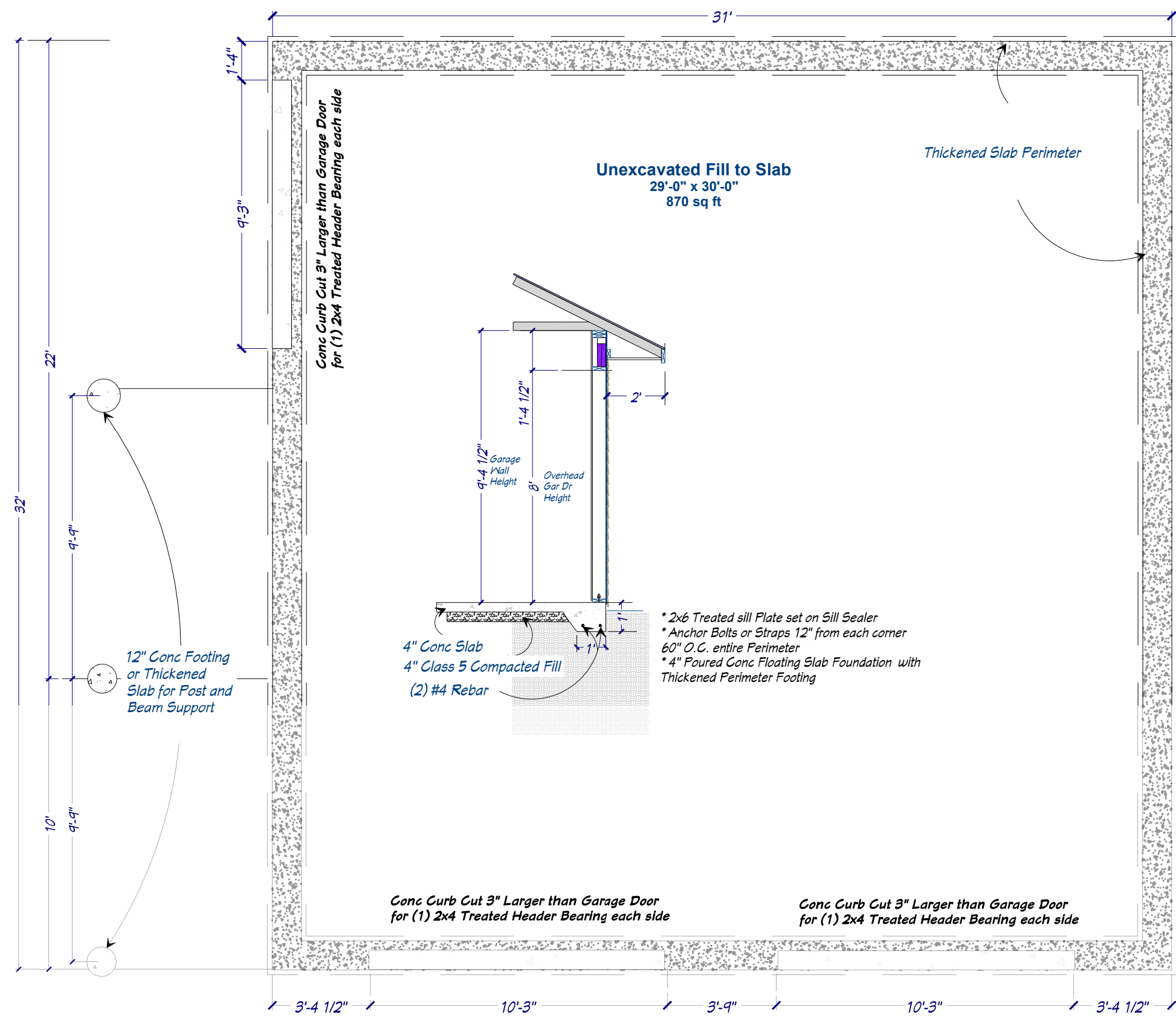
Variance

Case No: V 25-01



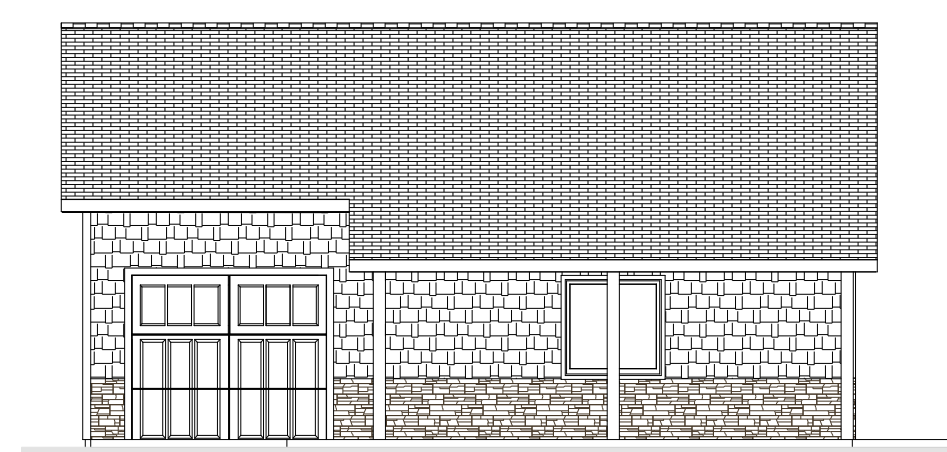
# Main Floor Plan

Scale 1/4"=1'-0"

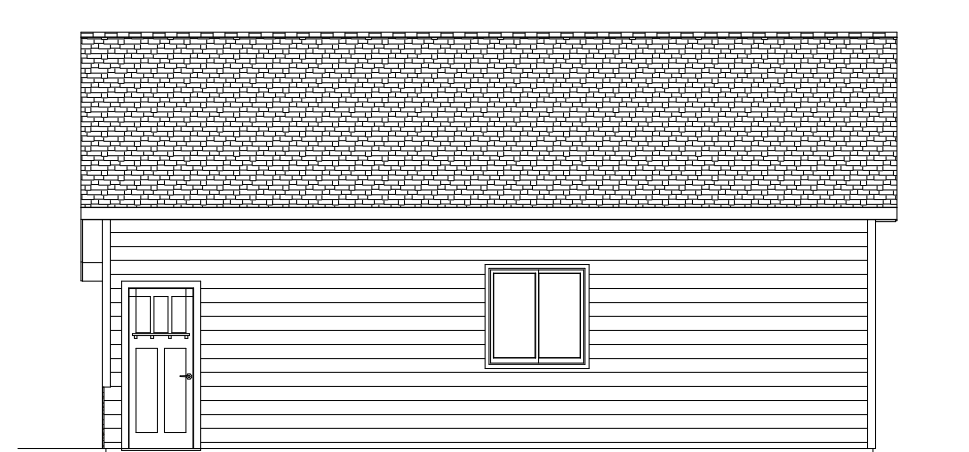


Rear-West Elevation

Scale: 1/8"=1'-0"



Left-South-Street Elevation



Right-North-Hill Elevation



Front-East Elevation

# Foundation Plan

Scale 1/4"=1'-0"



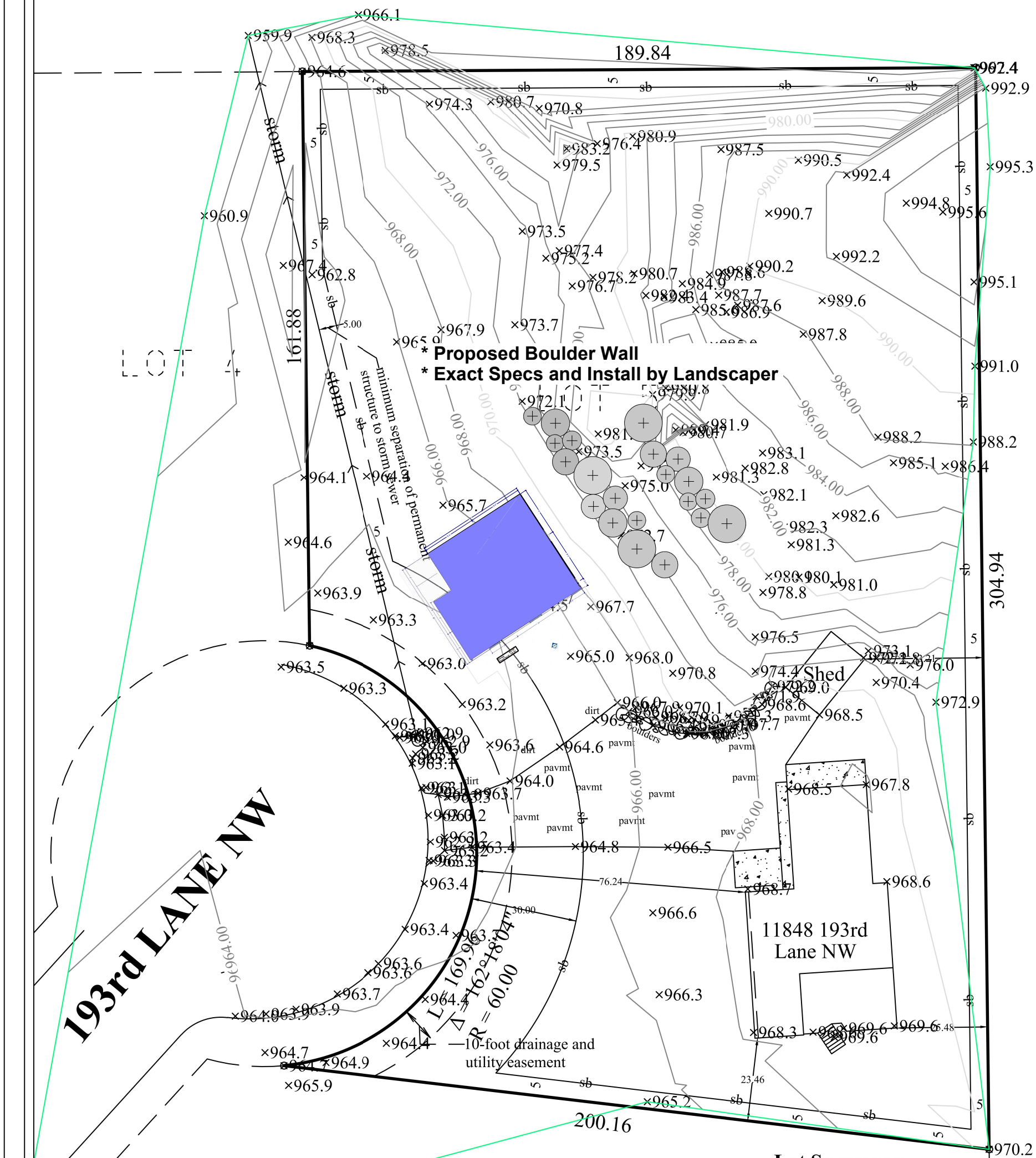
Materials, Brands, Specifications of Windows, & Doors, Engineering of Trusses, Headers, Beams and Footings must be Reviewed and Verified by the Owner, Builder or Supplier. LK must be notified of omissions or inconsistencies. Construction of Any Structures shown on these Plans must adhere to State and Local Code Requirements and Must be Reviewed and Verified by the appropriate Building Official. Plans were produced using information from the Owner/Builder, who is Solely Responsible for its Content and Usage.

**CERTIFICATE OF SURVEY**

Survey for:  
**Craig and Kelly Swanson**

Lot Address:  
11848 193rd Lane NW  
Eik River, MN 55330

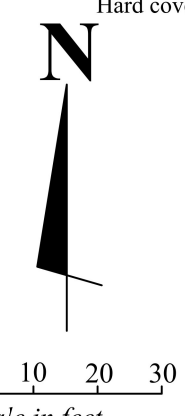
**EXISTING  
CONSTRUCTION**



**193rd LANE NW**

**LOT 6**

**Lot Summary:**  
 House, gar. deck and steps: 2289.41 s.f.  
 Driveway: 2794.92 s.f.  
 Conc. and conc. pavilion: 392.86 s.f.  
 Gross area of lot: 51597.84 s.f.  
 Hard cover: 10.61%



NOTE: the "sb" denotes setback of accessory structure (sheds)

I hereby certify that this is a true and correct representation of a survey of the boundaries of:

**Lot 5, Block 4, Ridgewood East, Sherburne County, Minnesota.**

And of the locations of all buildings thereon and all visible encroachments from or on said land. As surveyed by me this 24th day of November, 2024.

**Willis L. Gilliard**  
 Civil Engineer and Land Surveyor  
 PO Box 17  
 Saint Michael, Minnesota 55376  
 612-382-0795

R.L.S., Minn. Reg. No. 9587

\* Shaded Square indicates Proposed Position of 31'x32' Detached Garage with 6' x20' Porch in South East Corner  
 \* South East Corner Post of Porch is 10' into Easement  
 Double Tier Boulder wall to be Built on UpHill side (North) of Proposed Garage

**Plot Plan**

Scale: 1/4"=1'-0"

Page 3  
**Craig & Kelly 1-13-25**



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