



# Board of Adjustments

Tuesday, April 22, 2025

6:30 PM

Elk River City Hall

## Regular Meeting Agenda

- Regular meeting in Council Chambers

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1. CALL MEETING TO ORDER

2. PLEDGE OF ALLEGIANCE

3. CONSIDER AGENDA

4. CONSIDER MINUTES

4.1 Draft Minutes from February 25, 2025

5. PUBLIC HEARINGS

An opportunity for the public to express their opinions and raise questions pertaining to the agenda item. All comments become part of the official public record. For this reason, all comments must be made at the podium so they can be heard and recorded. Comments may also be provided in writing. There will not be deliberations, discussions, or answers to questions until the hearing is closed. It is important to be courteous and allow each presenter to comment before adding additional testimony.

5.1 Variance: Rear Yard Setback, Michael and Lori Long, 13032 196th Ct. NW

5.2 Variance: Front Yard Setback, Brian Copeland, 18378 Boston St. NW

6. MOTION TO ADJOURN REGULAR MEETING



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

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

Members Absent: Commissioner Dornan Bland

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

1. CALL MEETING TO ORDER

Chair Beise opened the meeting of the Board of Adjustments 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 Board of Adjustments agenda for February 25, 2025. Motion Carried 6-0.**

4. CONSIDER MINUTES

**Moved by Commissioner Booth and seconded by Commissioner Rydberg to approve the following consent items as outlined below. Motion Carried 6-0.**

4.1 Draft Minutes - July 23, 2024

5. PUBLIC HEARINGS

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

Mr. Leeseberg presented the staff report.

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

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

**Motion Carried 6-0.**

6. MOTION TO ADJOURN REGULAR MEETING  
**Moved by Commissioner Booth and seconded by Commissioner Johnson to adjourn the meeting. Motion Carried 6-0.**

The meeting adjourned at 6:37 p.m.

Minutes prepared by Jennifer Green.

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Perry Beise, Chair

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Tina Allard, City Clerk

DRAFT

# Request for Action



**To**  
Board of Adjustments

**Item Number**  
5.1

**Meeting Date**  
April 22, 2025

**Prepared By**  
Chris Leeseberg, Senior Planner

**Item Description**  
Variance: Rear Yard Setback, Michael and Lori Long,  
13032 196th Ct. NW

**Reviewed by**  
Zack Carlton

## Action Requested

Approve, by motion, the rear 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 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.

## Background/Discussion

The applicant is proposing to construct an approximately 12’ x 18’ deck on the rear of the house and is requesting a 10-foot variance to allow the structure to be closer to the rear property line.

The 0.31-acre property, zoned RI-C (Single-Family Residential), is subject to a 20-foot rear yard setback requirement for structures. The house, constructed in 2024, was designed with a deck ledger board and an access door positioned to accommodate a future deck in the proposed location. However, the required encroachment into the setback was overlooked.

The requested variance would accommodate the deck 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’s notes after.)

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

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

### The Elk River Vision

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



*The home is built on a cul-de-sac and faces a rear lot holding pond, the proposed location of the deck was predetermined by the builder of the home.*

The purpose of rear yard setbacks is to ensure there is adequate space between the back of a structure and the property line, thereby maintaining a visually cohesive and attractive landscape. Since the property is situated at the end of a cul-de-sac with an irregular rear property line, any deviation from uniformity is unlikely to be noticeable. The request aligns with the general purpose and intent of the regulation.

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

*The property is guided as Traditional Single-Family Residential, where houses and decks 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 home was constructed as such that relocating the deck would mean a major renovation to the home and significant cost to the builder and homeowners.*

The petitioner is requesting to build a deck beyond the required rear yard setback as this is the intended location based on how the home was constructed.

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

*With the combination of the lot/home being between the cul-de-sac and the storm water holding pond, the home is situated as such that makes it difficult to construct the deck within the setback limits.*

The property's unique characteristics include an irregular rear yard setback line, and a home constructed in manner where the proposed location is the only option without significant remodeling of the existing house. These characteristics are not a result of the petitioner's own action or inaction.

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

*The proposed deck has very good design and the placement on the home fits in well with the neighborhood.*

Since the property is situated at the end of a cul-de-sac with an irregular rear property line, any deviation from uniformity is unlikely to be noticeable. 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

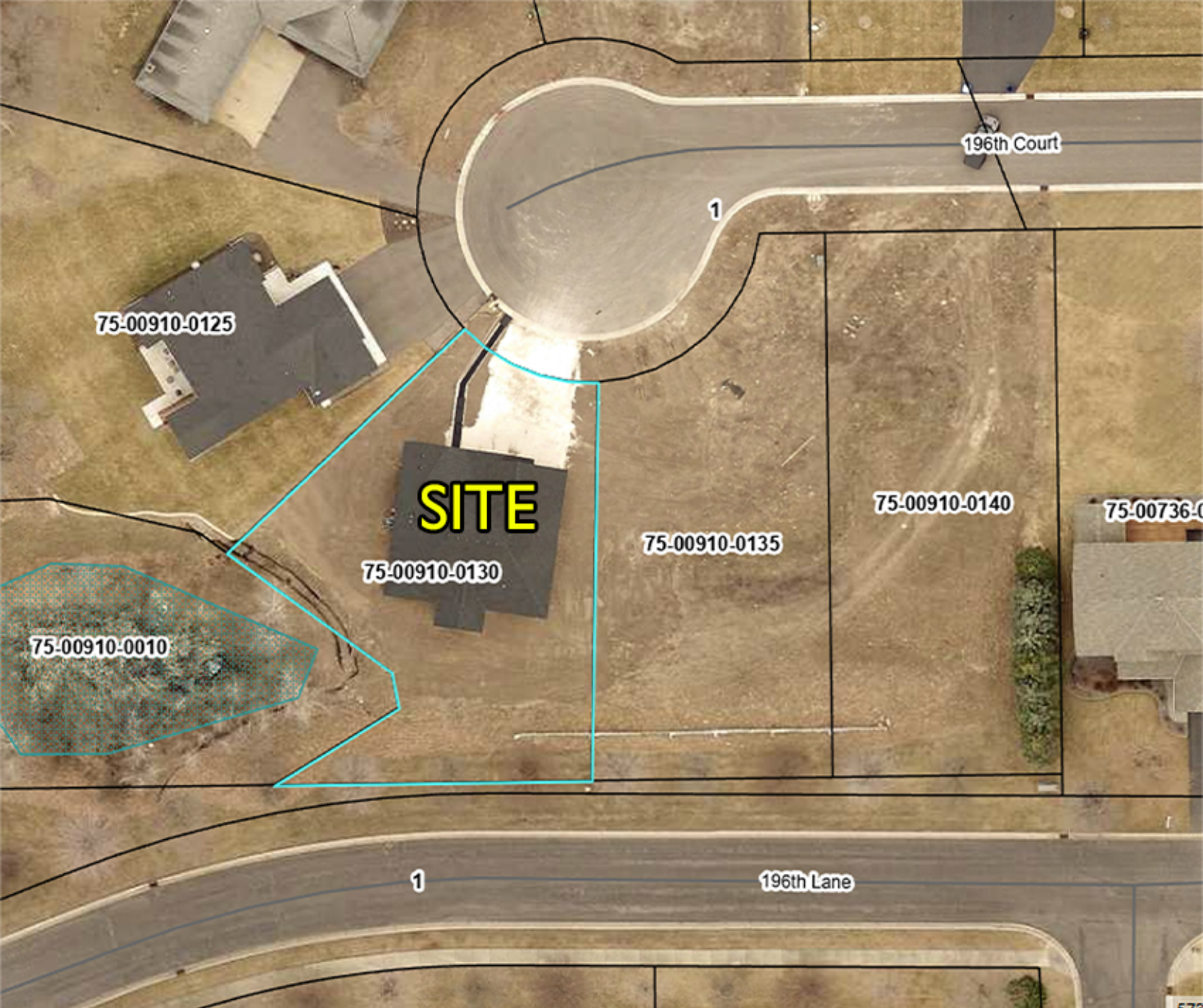
### **Mission/Policy/Goal**

Ethical, efficient, and responsible.

### **Attachments**

- I. Location Map

2. Survey
3. Aerial Overlay
4. Deck Exhibits
5. Site Photos



# Project Location Map

Michael Long

Variance

Case No: V 25-04

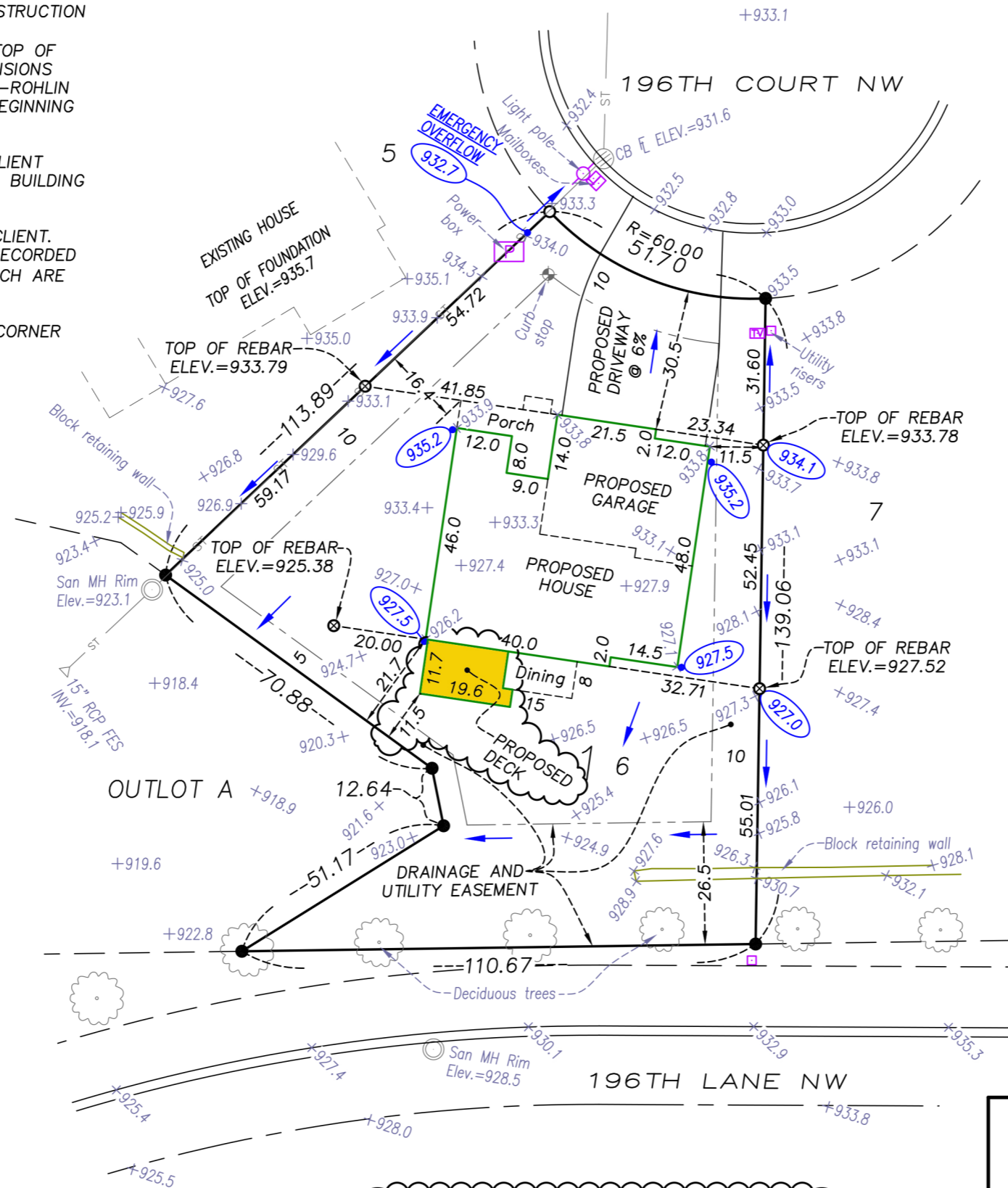


**SURVEYORS NOTES:**

1. BUILDER AND/OR OWNER SHALL VERIFY THAT SOIL CONDITIONS ARE SUITABLE FOR THE PROPOSED CONSTRUCTION
2. BUILDER AND/OR OWNER SHALL VERIFY PROPOSED TOP OF FOUNDATION & FLOOR ELEVATION SEPARATION DIMENSIONS AND HOUSE FOOTPRINT DIMENSIONS. NOTIFY MEYER-ROHLIN LAND SERVICES OF ANY DISCREPANCIES PRIOR TO BEGINNING EXCAVATION.
3. THIS SURVEY IS PROVIDED ONLY FOR USE BY THE CLIENT NAMED HEREON, FOR THE PURPOSE OF OBTAINING A BUILDING PERMIT FOR THE PROPOSED HOUSE SHOWN HEREON.
4. TITLE DOCUMENTATION WAS NOT PROVIDED BY THE CLIENT. EASEMENTS ARE SHOWN ONLY ACCORDING TO THE RECORDED PLAT. EASEMENTS / ENCUMBRANCES MAY EXIST WHICH ARE NOT SHOWN HEREON.
5. BENCHMARK: TOP NUT OF HYDRANT @ SOUTHEAST CORNER OF LOT 1, BLOCK 1. ELEVATION = 940.06

# CERTIFICATE OF SURVEY FOR CHRISTIAN BUILDERS & REMODELERS, INC.

LOT 6 BLOCK 1  
RESERVE AT WOODLAND HILLS  
SHERBURNE COUNTY, MN  
Address: 13032 196th Court NW, Elk River, MN



75-00910-0115

75-00910-0125






75-00910-0010

75-00910-0135

75-00910-0140

75-00736-0305

Setbacks:  
Front: 30'  
Side: 10'  
Rear: 20'  
Wetlands: 45'

-  Property Line
-  Easement Line
-  Setback Line
-  Wetland Line
-  No Build Area

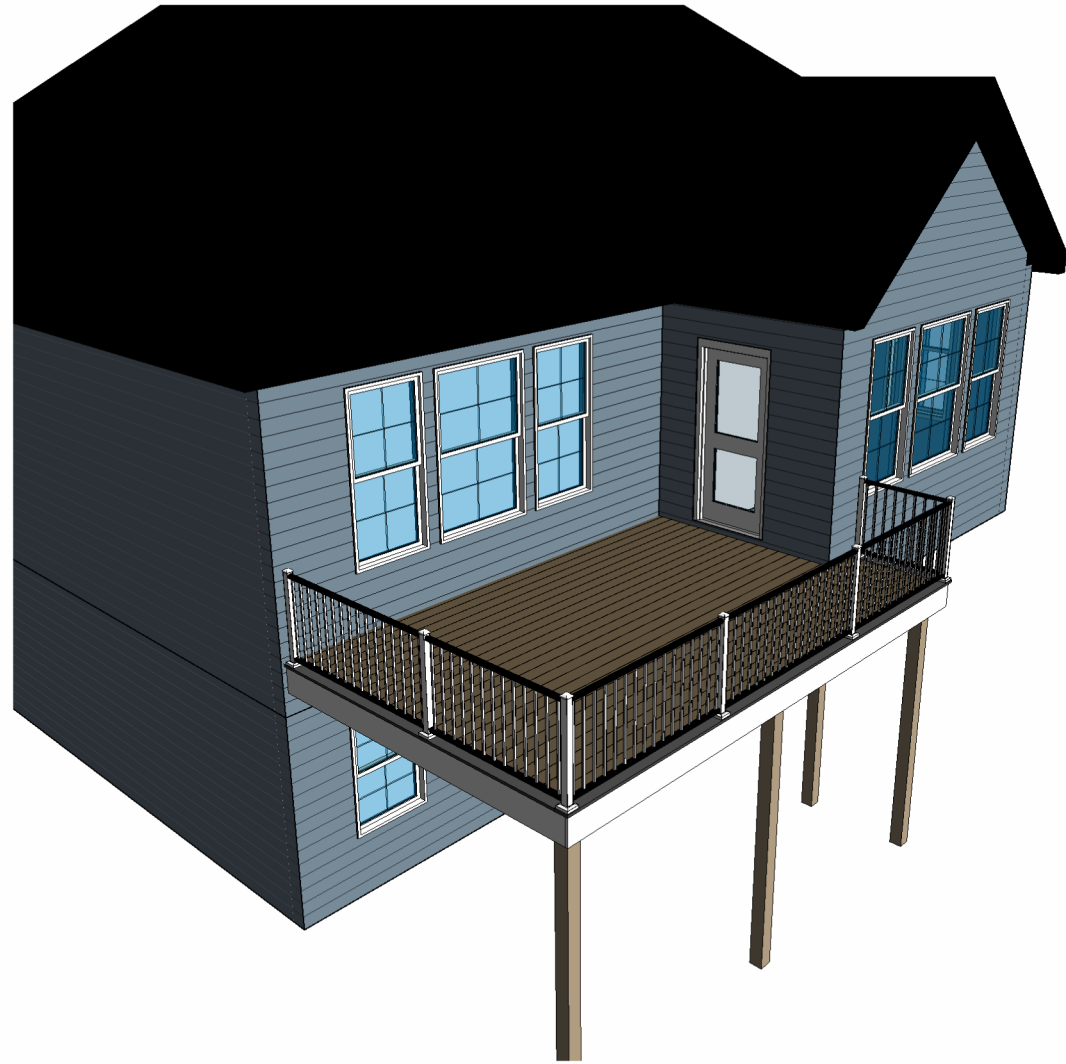
For reference only. This is not a survey.

For reference only. This is not a survey.

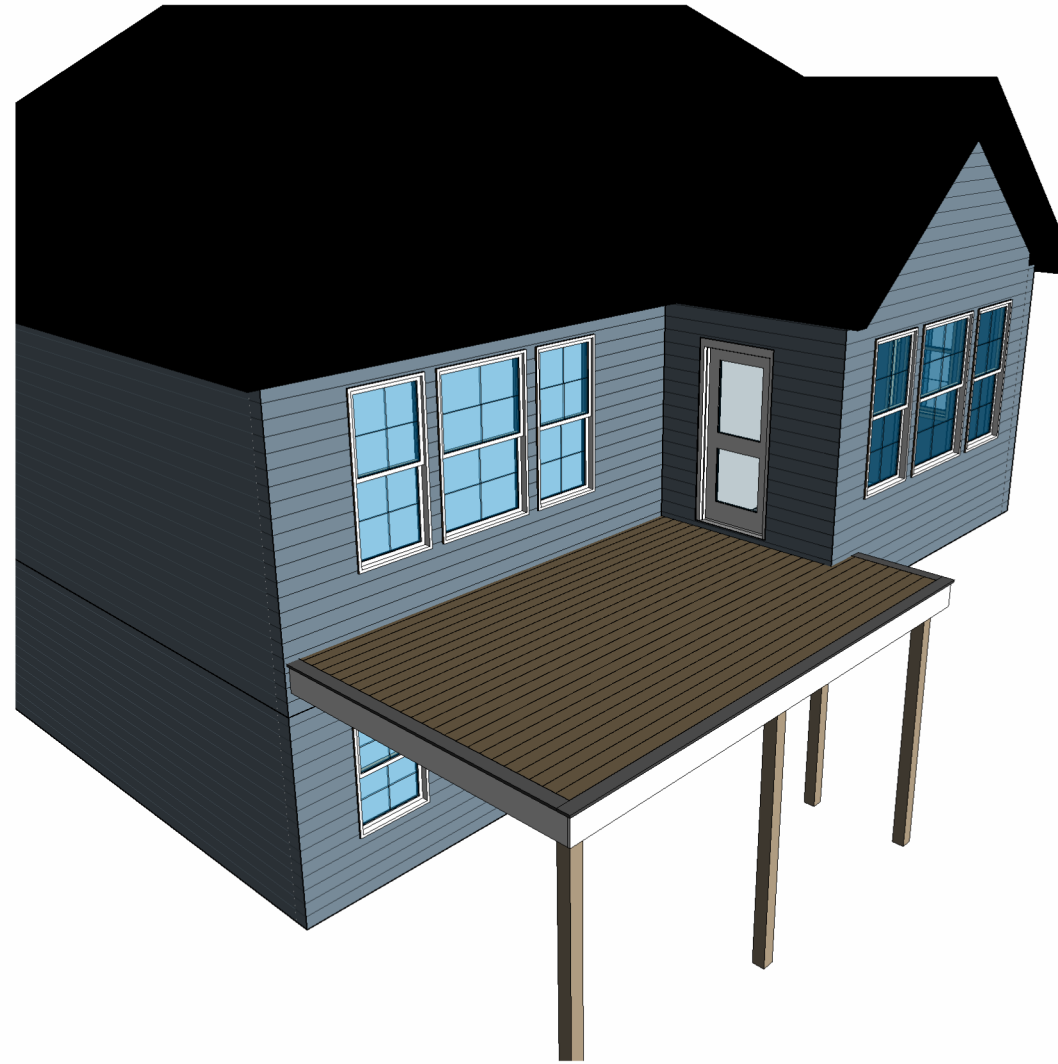
For reference only. This is not a survey.

Wetland Setback

1



① Southwest



② Southwest without Railing

Sheet List	
Sheet Name	Sheet Number

Title	A1
Framing	A2
First Floor	A3
Section View	A4

Michael Hall Construction

michaelhallconstruction@gmail.com

Mike and Laurie Long

Deck

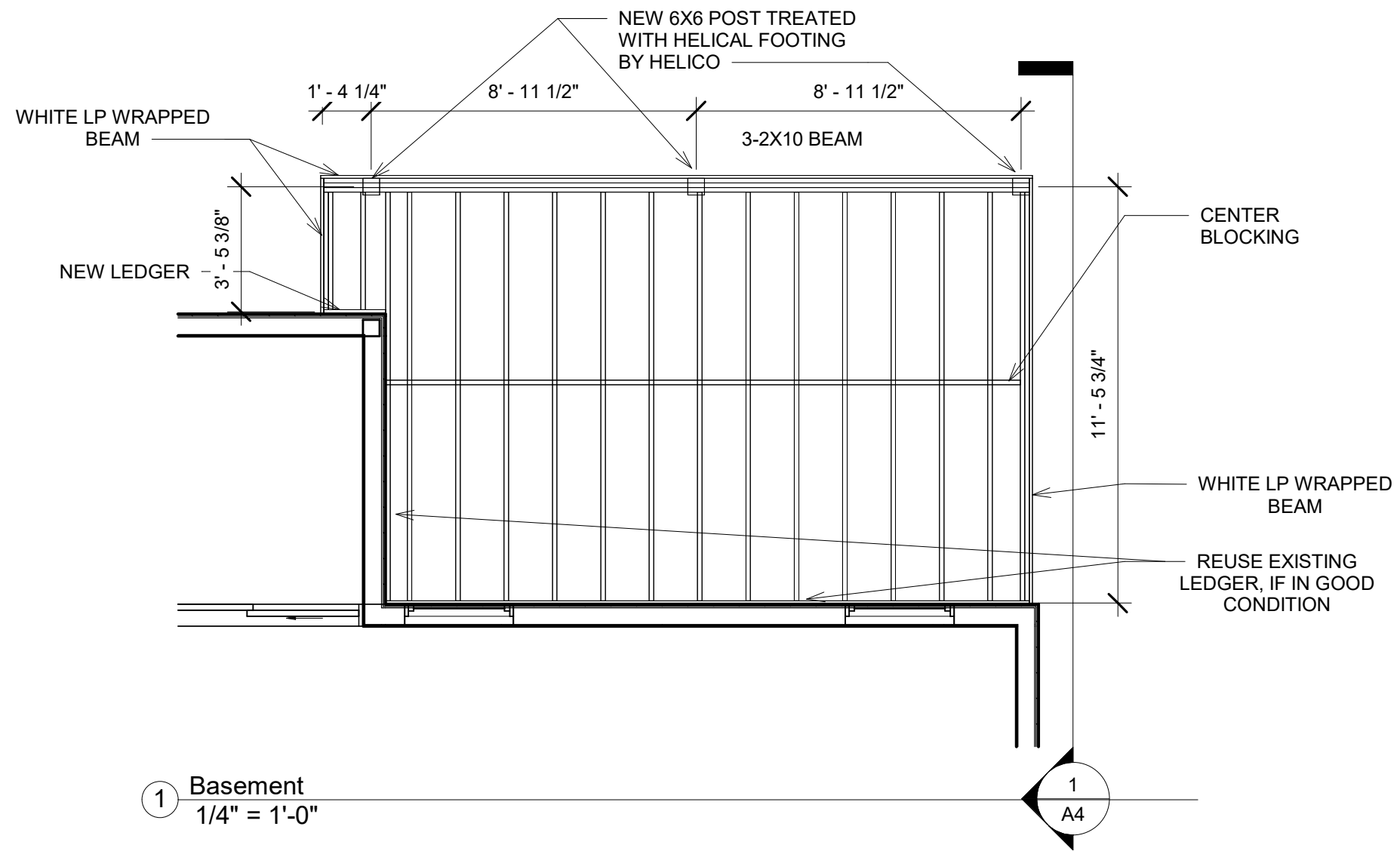
No.	Description	Date

Title

Project number	1042
Date	2/24/2025
Drawn by	MAH
Checked by	MAH

A1

Scale



Michael Hall Construction

michaelhallconstruction@gmail.com

Mike and Laurie Long  
Deck

No.	Description	Date

Framing

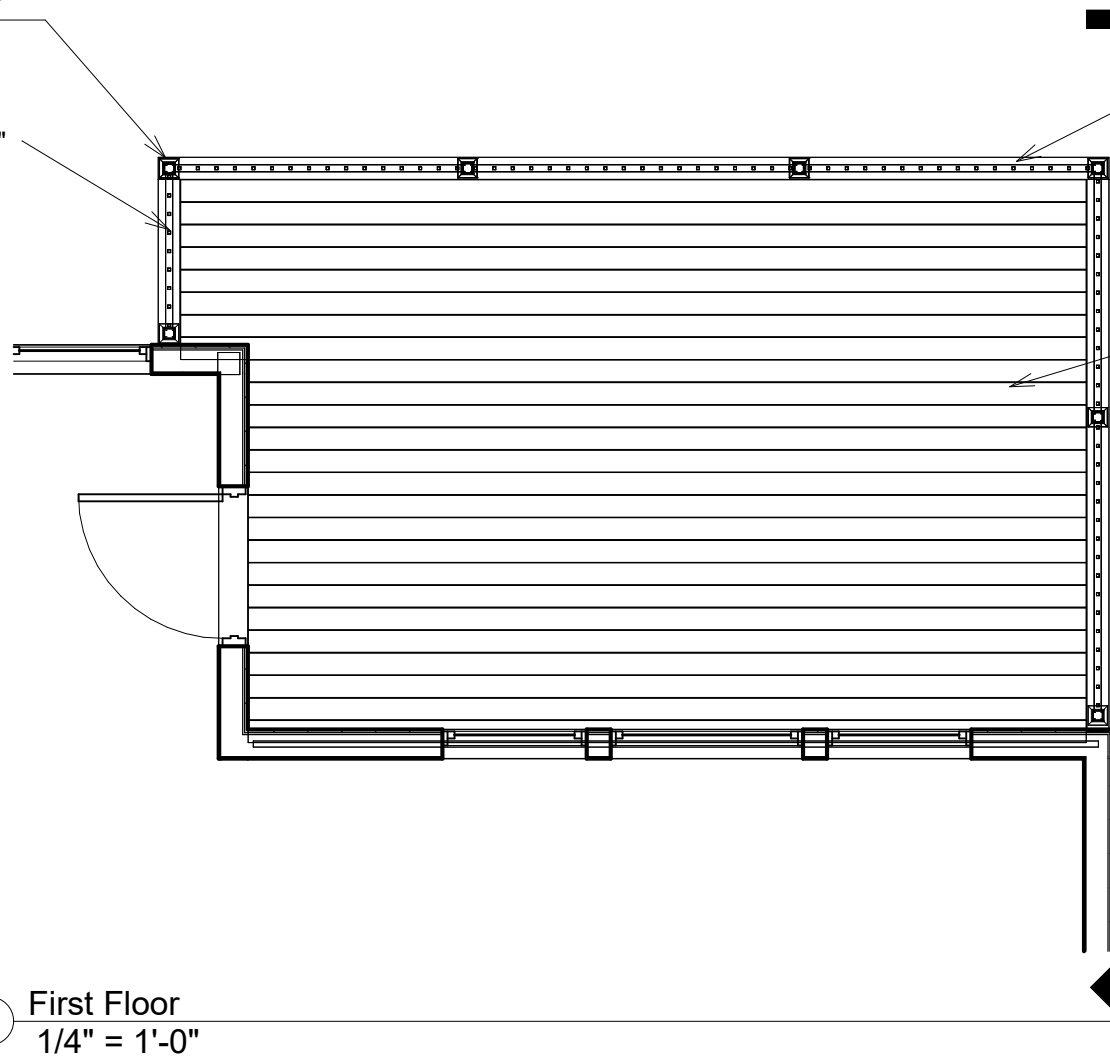
Project number 1042  
Date 2/24/2025  
Drawn by MAH  
Checked by MAH

A2

Scale 1/4" = 1'-0"

WESTBURY 2" LEVEL POST 37"  
WHITE FINE TEXTURE

WESTBURY TUSCANY  
BLACK FINE TEXTURE RAIL 36"



TREX TRANSCEND LINEAGE  
ISLAND MIST  
PICTURE FRAME ONLY

TREX TRANSCEND LINEAGE  
BISCAYNE  
FIELD ONLY

1 First Floor  
1/4" = 1'-0"

1  
A4

Michael Hall Construction

michaelhallconstruction@gmail.com

Mike and Laurie Long  
Deck

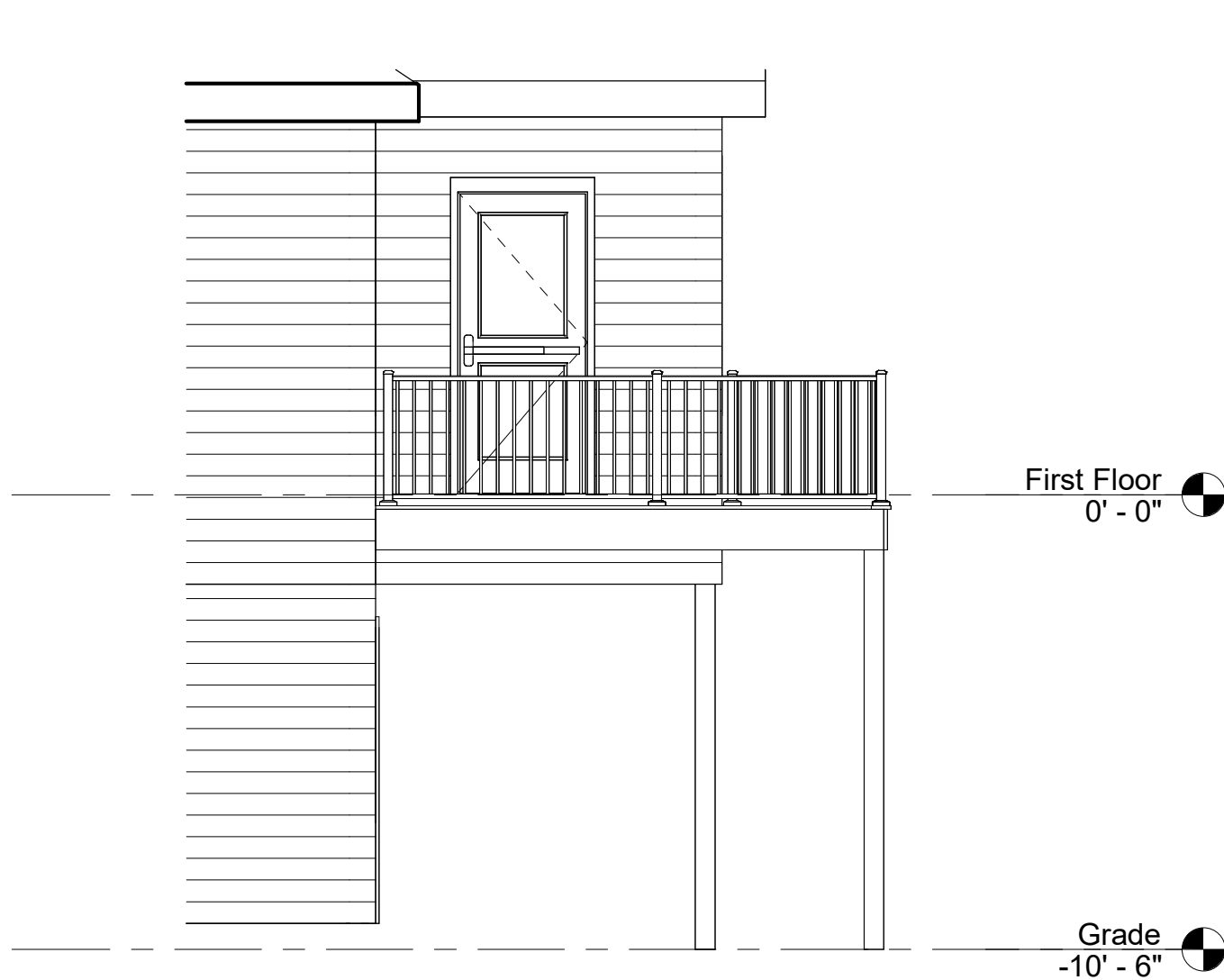
No.	Description	Date

First Floor

Project number 1042  
Date 2/24/2025  
Drawn by MAH  
Checked by MAH

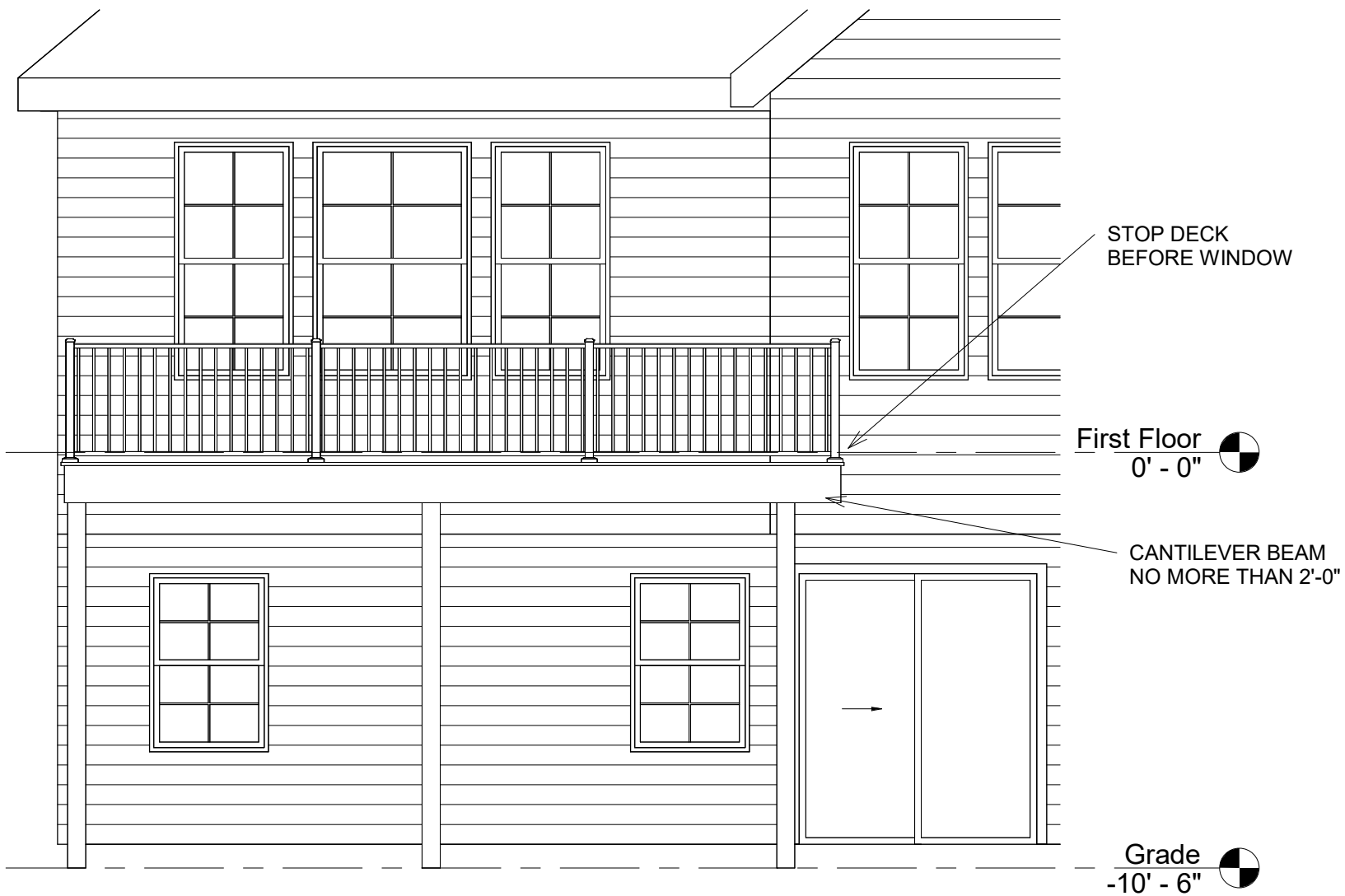
A3

Scale 1/4" = 1'-0"



First Floor  
0' - 0"

Grade  
-10' - 6"



STOP DECK  
BEFORE WINDOW

First Floor  
0' - 0"

CANTILEVER BEAM  
NO MORE THAN 2'-0"

Grade  
-10' - 6"

① Section 1  
1/4" = 1'-0"

② North  
1/4" = 1'-0"

**Michael Hall Construction**  
michaelhallconstruction@gmail.com

**Mike and Laurie Long**  
**Deck**

No.	Description	Date

Section View		A4
Project number	1042	
Date	2/24/2025	
Drawn by	MAH	
Checked by	MAH	
Scale 1/4" = 1'-0"		

















# Request for Action

**To**  
Board of Adjustments

**Item Number**  
5.2

**Meeting Date**  
April 22, 2025

**Prepared By**  
Chris Leeseberg, Senior Planner

**Item Description**  
Variance: Front Yard Setback, Brian Copeland,  
18378 Boston St. NW

**Reviewed by**  
Zack Carlton

## Action Requested

Approve, by motion, the front yard setback variance of 8-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 condition that a survey, prepared by a licensed professional surveyor, be submitted that accurately quantifies the total impervious surface area on the site.

## Background/Discussion

The applicant is requesting a front yard setback variance to permit the construction of a front porch. The property was granted an impervious surface variance (V19-05) in 2019, allowing for up to 45% lot coverage. Based on preliminary observations, the property appears to be at or near the maximum lot coverage permitted under the 2019 variance.

The applicant has submitted measurements detailing the impervious surfaces present on the property. However, the submitted information appears to exclude areas that are covered with landscaping materials which could have impervious materials such as plastic sheeting. Prior to requiring a formal survey, staff request that the Board of Adjustment review the application and render a decision. If the Board determines that a setback variance is appropriate, it may grant such a variance with the condition that a survey, prepared by a licensed professional surveyor, be submitted. This survey must accurately quantify the total impervious surface area on the site to assess the feasibility of the proposed porch.

It should be noted that it does not appear the proposed porch would increase the current amount of impervious surface on the property.

## The Elk River Vision

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



## Applicable Regulation

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

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

*The issue I'm expecting may be the encroaching on impervious watershed. The porch will occupy the space that the old existing concrete steps and the rock landscape with plastic sheeting underneath that is already impervious to water anyway. The new porch will only extend about 9" beyond what will be taken out (old steps and rock).*

The ordinance does permit front porches without a roof to encroach up to six feet into the front yard setback. The proposed variance maintains the overall intent of the zoning ordinance and is consistent with neighborhood patterns. The requested encroachment is modest and does not interfere with public safety, access, or visual continuity. The ordinance intends to promote orderly development while allowing flexibility where warranted.

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

*Yes, as I see it now.*

The property is zoned as Traditional Single Family Residential. The suburban residential category predominately consists of single-family detached homes occupying moderately sized lots. This land use is the most prevalent residential type within the Urban Service Area and consists of a range of neighborhood typologies. The district should accommodate single-family attached, townhomes, and duplexes which have varying setbacks, in some cases down to zero. While the proposal does not meet the ordinance, it is consistent with 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;

*This front porch will be used in a reasonable manner.*

The applicant proposes to use the property in a reasonable manner by constructing a modest front porch, with a roof, that enhances the home's function without significantly altering the footprint or intensity of use. Such a use is typical in residential neighborhoods and would be permitted but for the strict interpretation of front setback requirements.

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

*One of the main reasons for a covered front porch is for safety. The uncovered existing smooth front steps are deadly in the winter icing up very easy. I personally landed flat on my back clearing the steps and hitting the sidewalk. I have UPS, FEDEX, Family and friends I'm concerned about also. Plus the house needs a inviting porch overlooking Lake Orono.*

As noted, the ordinance does permit front porches without a roof to encroach up to six feet into the front yard setback. The unique challenge is the inclusion of a roof over the porch. If a roof was not proposed, a setback variance would not be required.

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

*This front porch will blend in nicely to our short city block of homes.*

Granting the variance will not alter the essential character of the surrounding area as the five nearby properties/structures do not have an established pattern of setbacks due to previous development patterns.

The proposed setback is compatible with the established streetscape and will not result in visual or functional disruption to the neighborhood.

Staff find that the variance request satisfies all required findings, and the request reflects a practical response to unique site conditions, permits reasonable use, and maintains the character and intent of both the zoning ordinance and the comprehensive plan.

While staff support the variance, if the Board approves the variance, staff recommends it be contingent on the total amount of impervious surface allowed with the previously approved lot coverage variance (V 19-05).

**Financial Impact**

None

**Mission/Policy/Goal**

Ethical, efficient, and responsible.

**Attachments**

1. Location Map
2. Narrative
3. Survey
4. Aerial
5. Applicatns Calcultions
6. Staff Calculations



**SITE**

75-00458-0150

75-00458-0130

Boston Street

75-00132-4405

75-00458-0165

0120

# Project Location Map

## Copeland

## Variance

Case No: V 25-05



V 25-05 Narrative

The intent for a variance is to install a porch across the front of the existing house that faces Boston Street. The 22x7 porch will extend 7' in front of house.

The issue I'm expecting may be the encroaching on impervious watershed. The porch will occupy the space that the old existing concrete steps and the rock landscape with plastic sheeting underneath that is already impervious to water anyway. The new porch will only extend about 9" beyond what will be taken out (old steps and rock).

Yes, as I see it now.

This front porch will be used in a reasonable manner.

One of the main reasons for a covered front porch is for safety. The uncovered existing smooth front steps are deadly in the winter icing up very easy. I personally landed flat on my back clearing the steps and hitting the sidewalk. I have UPS, FEDEX, Family and friends I'm concerned about also. Plus the house needs a inviting porch overlooking Lake Orono.

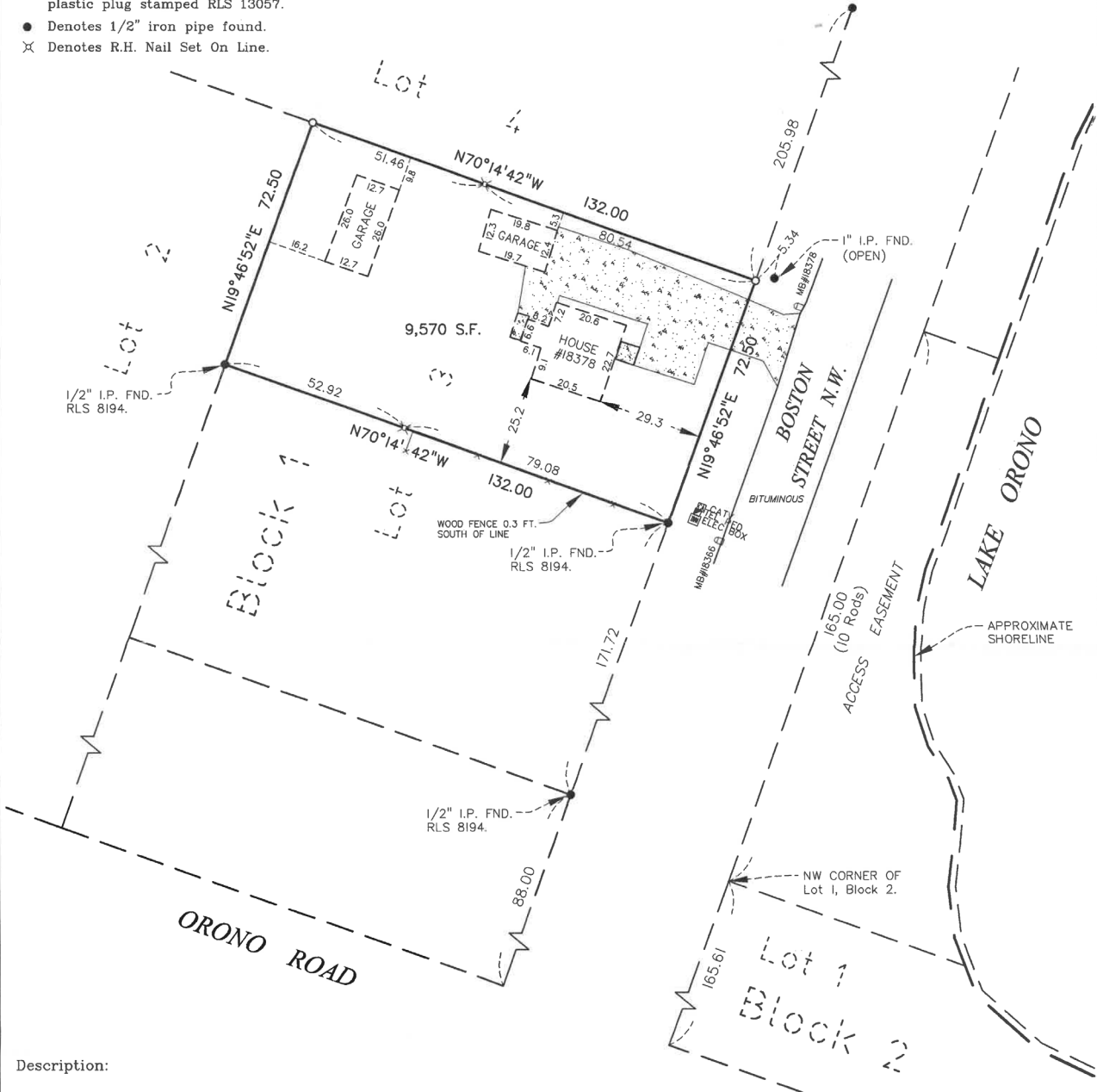
This front porch will blend in nicely to our short city block of homes.



# CERTIFICATE OF SURVEY For: Brian Copeland

- CATV Denotes Cable TV Box
- TEL PED Denotes Telephone Pedestal
- ELEC BOX Denotes Electric box
- MB Denotes Mailbox
- x — Denotes Fence

- Denotes 1/2" iron pipe set with a plastic plug stamped RLS 13057.
- Denotes 1/2" iron pipe found.
- ✕ Denotes R.H. Nail Set On Line.



**Description:**

That part of Lot 3, Block 1, HEATH'S ADDITION TO ORONO, lying Northeasterly of a line 72.50 feet Southwesterly of, as measured at right angles, to the Northeasterly line of said Lot 3, Sherburne County, Minnesota.

Together with an easement for Lake purposes over the following described land: Part of the Northeast Quarter of the Southeast Quarter of Section 32, Township 33, Range 26, described as commencing at the Northwest corner of Lot 1, Block 2, of HEATH'S ADDITION TO ORONO; thence running northerly 10 rods; thence Easterly to the edge of the water in the slough formed by Mill Dam, across the Elk River; thence a Southerly course along the edge of the water to the North line of Lot 1; thence a Westerly course along the North line of said Lot to the place of beginning, according to the United States Government Survey thereof and situate in Sherburne County, Minnesota.

Date: 10/04/2018  
 Bk/Pg: 275/24  
 Drawn by: DM  
 Checked by: LPC

Revisions: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I hereby certify 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.

Signature: *Lynn P. Caswell*  
 Lynn P. Caswell, LS

Date: 9/25/2018 Lic. No. 13057

From Site to Finish

580 Dodge Ave., Suite 15 Elk River, Minnesota 55330  
 (763) 441-2072  
 www.landform.net

DRAWING FILE: ZZZ18419-Bdry	FILE NO. ZZZ18419.000
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18390 BOSTON  
ST NW

18378 BOSTON  
ST NW

18366 BOSTON  
ST NW

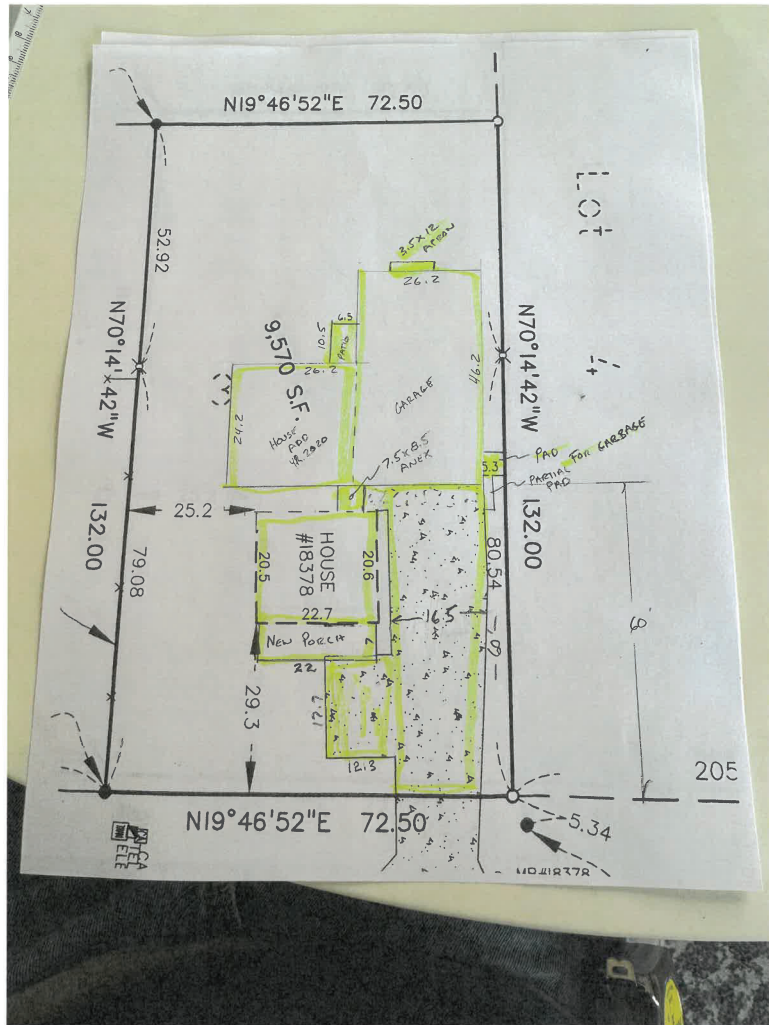
18378 BOSTON  
ST NW

18378 BOSTON ST. NEWARK RIVER  
 "FRONT PORCH" ADDITION  
 CALCULATIONS FOR NON PERMEABLE PERCENTAGE  
 TOTAL LOT 72.5 X 132 = 9,570 sq'

	IN SQ. FT.
OLD EXISTING HOUSE 22.7 X 20.6 =	468
NEW HOUSE 24.3 X 20.3 =	639
NEW GARAGE 26.3 X 46.3 =	1218
JOINING ANNEX TO BOTH OLD + NEW = 17.5 X 8.5 =	64
DRIVEWAY TO FRONT OF GARAGE 16.5 X 60 =	990
GARAGE PAD 60' =	60
PAD BY GRILLE AREA 7.8 X 8.5 =	66
BACK APRON OF GARAGE 3.5 X 12 =	42
BACK PATIO 10.5 X 6.5 =	68
FRONT PATIO 12.25 X 17.6 =	216
NEW PORCH TO BE ADDED 22 X 7 =	154
	<u>3985</u>

DIVIDE 9570 INTO 3985 = 41.6%

ALL NON PERMEABLE SURFACES 41.6%



For reference only. This is not a survey.

~48%

75-00458-0150

For reference only. This is not a survey.