



Board of Adjustments

Tuesday, May 27, 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 - April 22, 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: Front Yard Setback, William Brey - 18696 Queen Circle NW

6. MOTION TO ADJOURN REGULAR MEETING



**Meeting of the Board of Adjustments
Held at the Elk River City Hall
Tuesday, April 22, 2025**

Members Present:

Chair Perry Beise, Commissioner Eric Johnson, Commissioner Robert Rydberg, Commissioner Dennis Booth, Commissioner James Zahler, Commissioner Dornan Bland

Members Absent:

Commissioner Anthony Kaba

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 Johnson to approve the agenda. Motion carried 6-0.

4. CONSIDER MINUTES

Moved by Commissioner Johnson and seconded by Commissioner Booth to approve the following consent item. Motion carried 6-0.

4.1 Draft Minutes from February 25, 2025

5. PUBLIC HEARINGS

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

Mr. Leeseberg presented the staff report.

Chair Beise noted in the Action Requested portion of the staff report that Reason #2 should state the land use is residential, not industrial.

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

Commissioner Rydberg asked how many variances the city has granted to residents with a similar situation. He stated they should be hesitant to set precedence but noted if the access door was constructed on the opposite side, a variance wouldn't be required.

Mr. Leeseberg stated this instance was different because the property line follows the wetland boundary instead of the property including the wetland. They've had several requests for setback variances where wetlands are a part of the property.

Commissioner Zahler arrived at 6:36 p.m.

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

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

Mr. Leeseberg presented the staff report.

It was noted in the Action Requested portion of the staff report that Reason #2 should state the land use is residential, not industrial.

Commissioner Johnson asked what happens if the total impervious surface area is over the allowed 45% lot coverage after obtaining the survey.

Mr. Leeseberg stated the variance request would not be granted, and the applicant would have to reapply for a larger percentage of lot coverage.

Commissioner Rydberg asked about the rock being on top of a type of weed stop and water passes through.

Mr. Leeseberg stated a survey would provide an accurate amount of impervious surface coverage.

Chair Beise opened the public hearing.

Brian Copeland, 18378 Boston St. NW, noted his request is for a 22'x7' porch, not 22'x17' as presented. He explained he thought he did install landscape fabric, but if it was plastic under the rocks, he stated he could remove the rock and place a landscape fabric that water does pass through.

Commissioner Johnson asked Mr. Copeland if he was o.k. with the condition of obtaining a survey to validate the amount of impervious surface.

Mr. Copeland stated he was hoping not to have to complete a survey due to the cost being a few thousand dollars. He stated he calculated 41.2% of impervious surface coverage.

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

After a brief discussion regarding the survey requirement, it was the consensus of the Board of Adjustments to not require the survey as the landscape fabric was a weed barrier and not plastic.

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

~~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.~~

Motion Carried 6-0.

6. MOTION TO ADJOURN REGULAR MEETING

Moved by Commissioner Johnson and seconded by Commissioner Booth to adjourn the meeting. Motion carried 6-0.

The meeting adjourned at 6:50 P.M.

Minutes prepared by Jennifer Green.

Perry Beise, Chair

Tina Allard, City Clerk



Request for Action

To
Board of Adjustments

Item Number
5.1

Meeting Date
May 27, 2025

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Variance: Front Yard Setback, William Brey - 18696
Queen Circle NW

Reviewed by
Zack Carlton

Action Requested

Deny, by motion, the front yard setback variance for the following reasons:

1. The general purpose and intent of the ordinance is not met.
2. The reasons for the encroachment, convenience and esthetics, do not result in a reasonable use of the property.
3. The original site design/layout provides an existing reasonable use and there does not appear to be any demonstrated hardship or unique circumstances.
4. The encroachment may potentially disrupt consistency within the block.

Background/Discussion

The 0.49-acre property, zoned R1-b (Single-Family Residential), is subject to a 35-foot front yard setback requirement. The applicants have been living in the house for over five years and are starting a family and want to make an addition to the house to accommodate their needs, as well as realigning the front door on the street side versus the side of the house facing the neighbors. The proposed plans will encroach in the front yard setback by about 12-feet. They have no desire to, nor believe they can, build any closer to the river and the only way to accomplish their goals would be to come closer to the road.

With the proposed addition, the maximum lot coverage of 25% may be exceeded; however, the precise figures remain unclear.

Applicable Regulations

(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

We're proposing a variance from the standard 30-foot setback requirement for our new addition, which will also include a front porch.

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, however, our home was one of the first homes built in our development and is positioned awkwardly on our land at the end of a cul-de-sac with the front door on the West side of our house facing directly at the side of our neighbors home and not facing the street. Approving this addition would allow us to move the placement of our front door to what would be a true front of the house facing the street and driveway and next to the garage.

The purpose of the front yard setback is to prevent buildings from being constructed too close to the street, thereby maintaining a visually uniform and attractive appearance of all homes on the street. Since the home 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.

While one intent of the city's setback requirement is to maintain a consistent appearance within neighborhoods, the narrative primarily emphasizes convenience and esthetics, rather than demonstrating why the intent of the ordinance cannot be met.

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

The proposed addition will be both aesthetically pleasing and create more functionality than what the current structure accommodates by eliminating a long sidewalk that runs down the side of the house to the front door. The addition will also maintain consistency with the neighborhood's character.

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 corner of the home will be positioned 17 feet from the property line (13 feet inside the set back) which will allow us to move the front door to the South side of the home and have it face it the road, and no longer face the side of our neighbor's home.

The request is rooted in a desire to reposition the front entrance and enhance the interior layout-design preferences do not constitute a reasonable use of the property, under current zoning regulations.

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 unique design of the property's structure creates an inconvenience. Our goal is to remedy that inconvenience while minimally disturbing the landscape of the property.

There does not appear to be a demonstrated hardship. The current orientation of the home results from the original site design, and the proposed changes seem intended to improve convenience rather than address a limiting condition.

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

Granting this variance will not only accommodate a more visually aesthetic appeal but will also serve several functional improvements including the removal of a long sidewalk on the side of the house as well as creating a more functional space inside the home to accommodate our growing family. 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.

The proposed encroachment is substantial. It would place new construction significantly closer to the street than neighboring homes, potentially disrupting consistency within the block.

Financial Impact

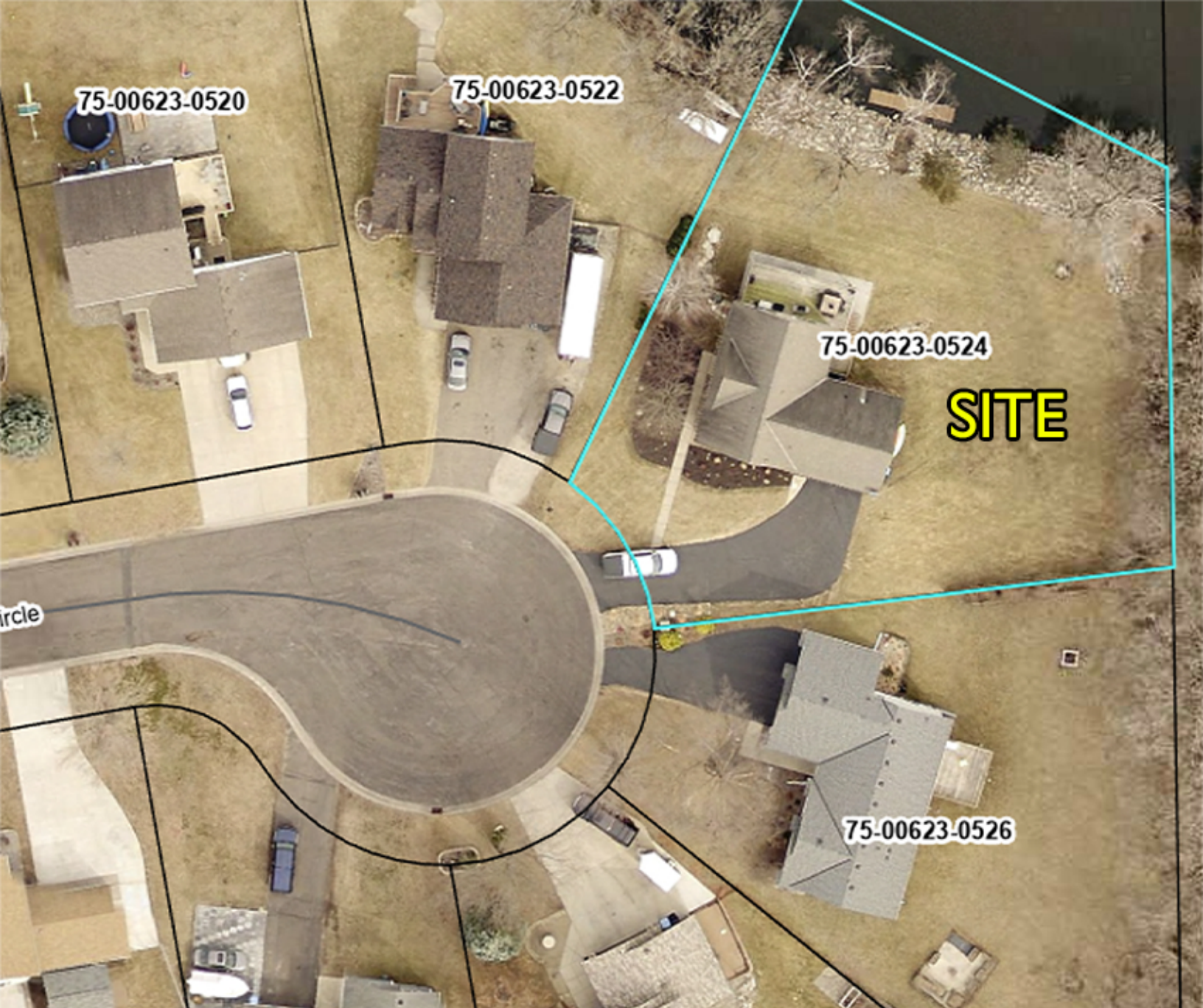
None

Mission/Policy/Goal

Ethical, efficient, and responsible.

Attachments

1. Location Map
2. Narrative
3. Setback Encroachment Exhibit
4. 3D View
5. Aerial-Setbacks
6. Aeial View



Project Location Map

William Brey

Variance

Case No: V 25-07

1. The variance is in harmony with the general purpose and intent of the ordinance:

We're proposing a variance from the standard 30-foot setback requirement for our new addition which will also include a front porch.

The intent of the city's setback requirement is to maintain a consistent appearance within neighborhoods, however, our home was one of the first homes built in our development and is positioned awkwardly on our land at the end of a cul-de-sac with the front door on the West side of our house facing directly at the side of our neighbors home and not facing the street. Approving this addition would allow us to move the placement of our front door to what would be a true front of the house facing the street and driveway and next to the garage.

The purpose of the front yard setback is to prevent buildings from being constructed too close to the street, thereby maintaining a visually uniform and attractive appearance of all homes on the street. Since the home 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. The variance is consistent with the City of Elk River Comprehensive Plan (discuss with city staff if needed):

The proposed addition will be both aesthetically pleasing and create more functionality than what the current structure accommodates by eliminating a long sidewalk that runs down the side of the house to the front door. The addition will also maintain consistency with the neighborhood's character.

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.

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:

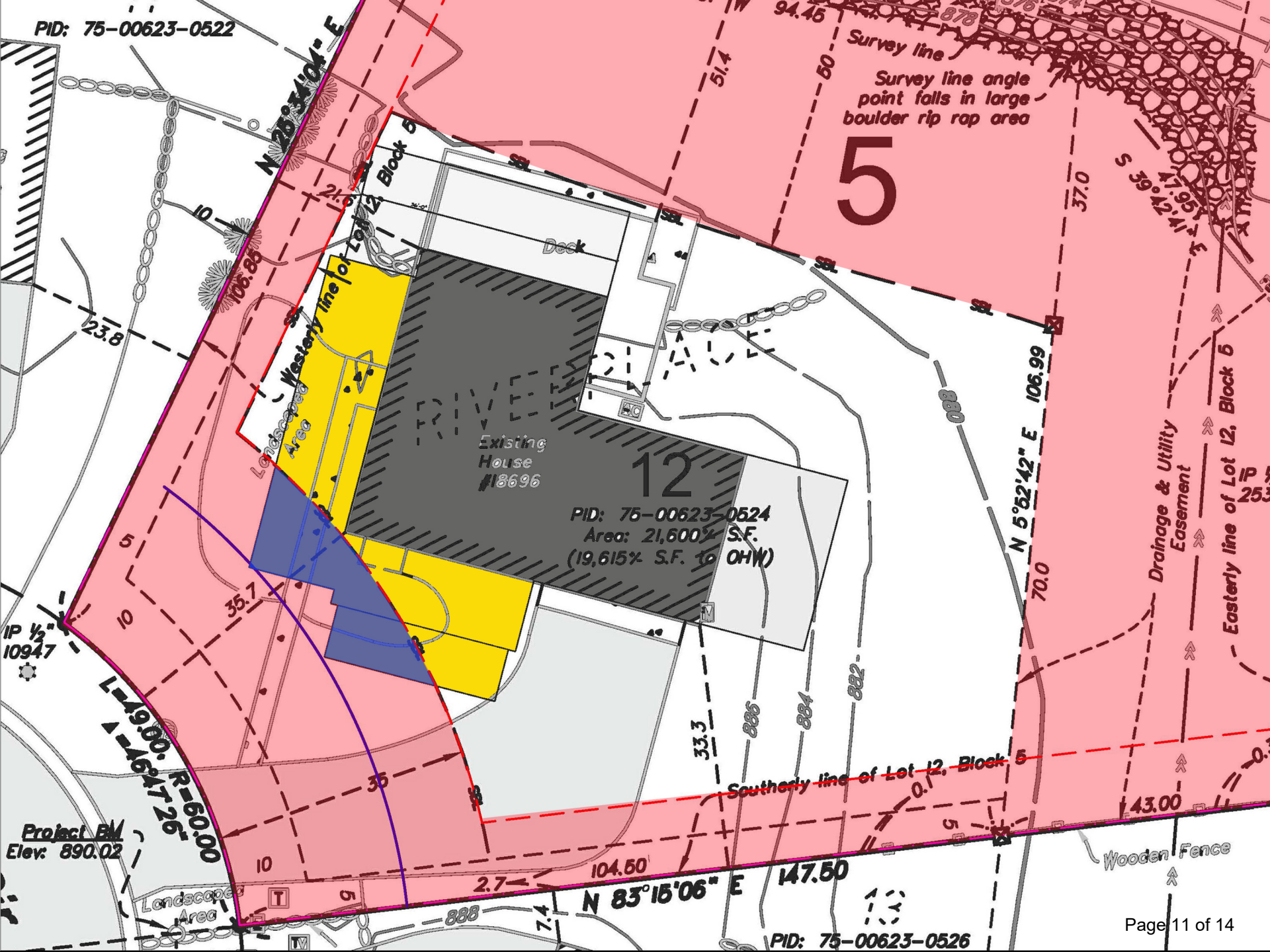
The front most corner of the home will be positioned 17 feet from the property line (13 feet inside the set back) which will allow us to move the front door to the South side of the home and have it face it the road, and no longer face the side of our neighbor's home.

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 unique design of the property's structure creates an inconvenience. Our goal is to remedy that inconvenience while minimally disturbing the landscape of the property.

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

Granting this variance will not only accommodate a more visually aesthetic appeal but will also serve several functional improvements including the removal of a long sidewalk on the side of the house as well as creating a more functional space inside the home to accommodate our growing family. 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.



12
 PID: 75-00623-0524
 Area: 21,600 S.F.
 (19,615 S.F. to OHW)

5

Project BM
 Elev: 890.02



75-00623-0518

75-00623-0520

75-00623-0522

75-00623-0524

1

For reference only. This is not a survey.

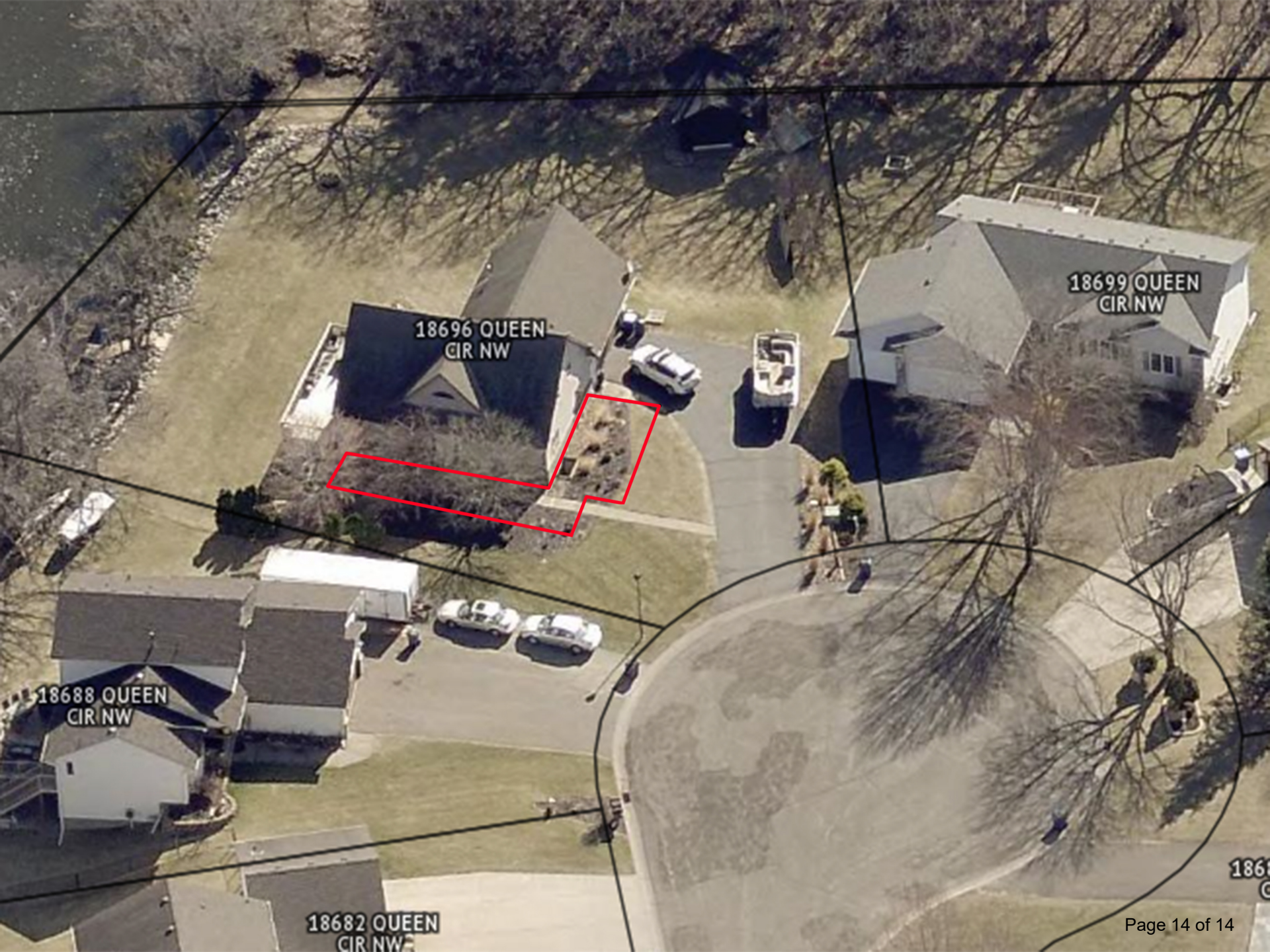
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18696 QUEEN
CIR NW

18699 QUEEN
CIR NW

18688 QUEEN
CIR NW

18682 QUEEN
CIR NW

186
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