



Board of Adjustments

Tuesday, August 26, 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 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: Garage/Accessory Dwelling Unit Size, Jennifer Belde - 21131 Vernon St NW

5.2 Variance: Minimum Lot Size, Gavin Hemmer - 13631 192 1/2 Ave NW

6. MOTION TO ADJOURN REGULAR MEETING



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

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

Members Absent: Councilmember Jennifer Wagner, Commissioner James Zahler

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

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 Johnson and seconded by Commissioner Kaba 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 items as outlined in their respective staff reports. Motion carried 6-0.

4.1 Draft Minutes - June 24, 2025

5. PUBLIC HEARINGS

5.1 Variance: Wetland Setback, Minnesota Municipal Power Agency - PID #75-00102-2000

Mr. Carlton presented the staff report.

Commissioner Rydberg asked about the four conditions and Mr. Carlton outlined them for the Commissioners.

Commissioner Bland asked about any risk of flooding over the road. Mr. Carlton stated the applicant would be able to provide additional details concerning this question.

Chair Beise opened the public hearing.

Sam Meersman, representing MMPA, answered Commissioner Bland's question, stating that swales and culverts would be able to direct water away from the road.

Commissioner Rydberg asked if the water shown on the map was intermittent or standing. Mr. Meersman responded that it was intermittent except for extreme rain events.

Commissioner Rydberg asked if there were any comments from the neighbors, and staff indicated none had been received to date.

Chair Beise closed the public hearing.

Moved by Commissioner Rydberg and seconded by Commissioner Bland to approve the variance request from Minnesota Municipal Power Agency (MMPA) to allow a driveway and associated grading to encroach into the required wetland setbacks up to 1-foot from a delineated wetland, as the following standards have been met:

- 1. The general purpose and intent of the ordinance are met.**
- 2. The property has a land use guidance of Residential, and the proposed utility 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 City Council must approve the essential services application (SP 25-08).**
- 2. The applicant shall work with staff for an on-site review of the driveway location prior to beginning construction activities.**
- 3. All areas within the 25-foot wetland buffer strip and 20-foot wetland buffer strip setback that are not part of the driveway or side slope shall not be maintained as yard areas (no mowing, planting, or landscaping) and must be left to grow naturally.**
- 4. The wetland delineation must be approved prior to commencement of any construction activities or the issuance of permits. Motion carried 6-0.**

5.2 Variance: Zero-foot Setback - Elk River Landfill/Waste Management - 22460 Highway 169

Mr. Carlton presented the staff report.

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

Commissioner Rydberg asked if Sherburne County or Livonia Township had any input. Mr. Carlton is not aware of any specific concerns from them at this time. Sherburne County will be meeting as the Board of Adjustments to review the application.

Moved by Commissioner Booth and seconded by Commissioner Johnson to approve the Variance request from the Elk River Landfill to allow a 0-foot property line setback,

supporting construction of a renewable natural gas processing facility, as the following standards have been met:

1. The general purpose and intent of the ordinance are met.
2. The property has a land use guidance of Industrial and the proposed 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 City Council must approve the Conditional Use Permit for the renewable natural gas facility (CU 25-08).
2. Sherburne County/Livonia Township must approve all land use applications associated with the proposed use.
3. The applicant shall work with staff for an on-site review of the facility location prior to beginning construction activities. 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 6:45 p.m.

Minutes prepared by Katie Porath.

Perry Beise, Chair

Tina Allard, City Clerk



Request for Action

To
Board of Adjustments

Item Number
5.1

Meeting Date
August 26, 2025

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Variance: Garage/Accessory Dwelling Unit Size,
Jennifer Belde - 21131 Vernon St NW

Reviewed by
Zack Carlton

Action Requested

Deny, by motion, the accessory structure size variances for the following reasons:

1. The variance is not in harmony with the general purpose and intent of the ordinance, as the proposed ADU exceeds the maximum allowable living area by 600 square feet and the accessory structure exceeds the permitted size by 148 square feet, undermining the ordinance standards intended to ensure ADUs remain subordinate to the principal dwelling and that accessory structures remain consistent with neighborhood character.
2. The variance is not consistent with the Comprehensive Plan, which anticipates orderly residential development supported by zoning standards. Granting the variance would conflict with the implementing ordinances that guide residential scale and character.
3. The property can be reasonably used without the variance, as the zoning ordinance already permits a 1,000 square foot ADU and accessory structures up to 2,500 square feet. A compliant ADU and garage could be constructed without exceeding size limits.
4. The plight of the applicant is not due to circumstances unique to the property, but rather a result of the existing home and garage design, which does not justify exceeding ordinance limits. Economic considerations or design preferences do not constitute practical difficulties.
5. Granting the variance could alter the essential character of the locality, as the size of the proposed ADU may compete in scale with principal dwellings, changing the intended residential character of the R-1a district.

Background/Discussion

The 1.6-acre property, zoned R1-a (Single-Family Residential), is permitted a maximum of 2,500 sq.ft. of accessory structure space, including accessory dwelling units (ADU), and a maximum of 1,000 sq.ft. of ADUs.

They are proposing a total of 2,648 sq.ft. of accessory structures exceeding the maximum allowed by 148 sq.ft. as well as proposing 1,600 sq.ft. of ADU exceeding the maximum allowed by 600 sq.ft..

They are requesting the variances to build a dual-purpose building on their property as they are planning for a father-in-law who retired last year and a disabled sister-in-law to move in with them and provide comfortable

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



accommodations for them.

Applicable Regulations

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

Variations 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

After reviewing the criteria for Accessory Dwelling units (ADU) in Chapter 30 of the Municipal Code and consulting with Chris Leeseberg, Sr. Planner with the City of Elk River, we feel that our variance requests would improve the appearance of our property and would not permit a structure that appears inconsistent with the Municipal Codes and goals defined therein.

The intent of the ADU ordinance is to ensure accessory dwellings remain subordinate to the principal residence and to preserve neighborhood character. The proposed ADU is approximately 60% larger than allowed, which undermines this intent. The accessory structure limit also exists to avoid oversized outbuildings. Approval would conflict with the ordinance's stated purpose.

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

When considering if we meet these criteria, I have reviewed the Elk River Comprehensive Plan available online and feel we are in alignment with the plan.

Our property is currently zoned as R-1a and is defined as follows "This district is intended for primarily rural residential with accessory agricultural uses where conditions are suitable". In the Targeted Urban Service Area Expansion portion of the plan beginning on page 26, our property moves to an R-1b, defined as follows, "This district is intended for low density single-family residential development. Subdivisions utilize on-site sewage disposal systems and private water wells. Density in this district is limited to one single-family residence per gross acre."

If our requests for variance are approved, we will continue to be in alignment with the plan and not create an appearance of inconsistency as the city's targeted Urban Service Area Expansion takes shape.

While the Comprehensive Plan does support single-family uses, it also relies on zoning standards to ensure orderly and consistent development. The proposed structure, exceeding both ADU and accessory size limits, is inconsistent with those implementing standards. Therefore, the request is not fully aligned with 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;

After reviewing both applicable Elk River Municipal Codes and the relevant portions of the City of Elk River comprehensive plan, we feel that both of our requests for variance contained in this narrative, propose to use our property in a reasonable manner.

In relation the ADU portion of our request, while we will exceed the square footage limit for ADUs by approximately

600 square feet, it is a result of efficient use of space and will not be noticeable to neighbors or passersby.

We desire to exceed the physical footprint restrictions by approximately 148 square feet, which adds 3 linear feet to the length of the building. We feel that this small increase to the total size of the structure would not create a building size that would be noticeably different from others in our neighborhood and would at the same time dramatically improve the visual appearance of our property and our ability to store items indoors.

Reasonable use of the property exists without a variance. The ordinance allows both an ADU up to 1,000 sq.ft. and accessory structures up to 2,500 sq. ft. Designing and constructing to standardized building dimensions is understandable, but this also can be achieved by reducing the size of the building from 47' to 44' therefore falling within the allowed square footages. The property can accommodate these uses within ordinance limits and exceeding them is not necessary to achieve reasonable use.

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

As we considered this criteria, the challenge we have is the unique size and shape of our attached garage. We purchased our home in 2011 and our 2.5 stall attached garage was part of the original owner's build. This restricts our ability to build a more standard sized building and potentially increasing the cost to build.

The size of the attached garage is not a unique property condition but a result of the home's design. Variances cannot be granted solely because of personal preference or building economics. Many properties in Elk River have smaller or larger garages; this condition is not unique and does not justify exceeding code standards.

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

We have lived in our home for 13 years and 7 months. If approved our property and it's structures would remain consistent with those of our neighbors. However, the external physical appearance of our property would be improved by allowing us to store all of our vehicles, boats, bobcat, hockey rink and nets indoors.

The proposed structure would be larger than permitted in the zoning district. While indoor storage may improve site appearance, approval of a variance of this scale could alter the character of the neighborhood by introducing accessory dwellings that compete in size with primary residences.

Findings

- The request exceeds the maximum ADU size by 600 sq. ft. and accessory structure area by 148 sq. ft.
- The property can be reasonably used without exceeding ordinance limits.
- The applicant's situation is not unique but is based on garage design and economic preference.
- Approval would conflict with the intent of the ordinance and weaken consistency with the Comprehensive Plan.
- The variance, if granted, could alter the essential character of the locality.

Financial Impact

None

Mission/Policy/Goal

Appropriately govern in an ever-changing environment.

Attachments

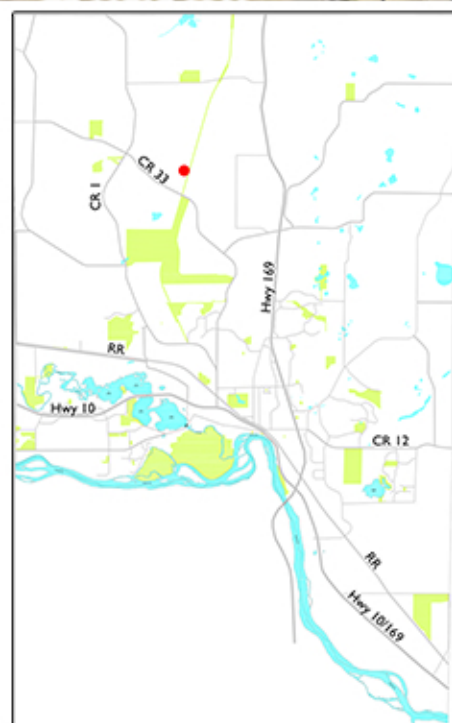
1. Location Map
2. Narratives
3. Site Sketch
4. Building Exhibit
5. 5.1 Belde



Project Location Map

Belde
Variance

Case No: V 25-13



We are requesting a variance to build a dual-purpose building on our property that is slightly in conflict with the city of Elk Rivers Municipal Code.

We are planning for my father-in-law who retired last year and my disabled sister-in-law to move in with us. It is super important to us to have family close as they age and be able to provide comfortable accommodations for them once they move.

Our desire is to build a 40' x 50' steel clad building. Of this 40' x 50' structure, 30' x 40' of the footprint would contain garage space. The other 20' x 40' portion of the building's footprint would contain an Accessory Dwelling Unit (ADU). This portion of the footprint would have a first and a second floor to create privacy for our family members as they transition to living with us. Additionally, as they age, we want to make sure that if they need care or have mobility issues, we can comfortably accommodate medical equipment or the use of wheelchairs/walkers throughout the space safely.

There are two specific reasons we are requesting a variance. The first and most important reason we are requesting a variance is to exceed the 1,000 square foot limit of the Elk River Municipal code for an Accessory Dwelling Unit. Our goal is to have 2 floors of available living space for the 20' x 40' portion of the footprint we identified above for the ADU. This would exceed the limit by 600 square feet of living space.

The second reason is that with the approximate dimensions of our attached garage (24' x 27' roughly 648 sq ft, measured on the exterior of the garage) we would only have 1,852 square feet available to build an approximately 47' x 40' structure. As you can imagine this odd measurement could impact cost as we build. One of our goals in building this structure is to have adequate space to store our recreational vehicles, boats, our bobcat and other items that currently are parked in the open.

The small overage in the footprint restrictions would ensure that we are able to protect our property that is now exposed to the elements and to create a cleaner and more attractive appearance to our property and neighborhood, as well as provide comfortable and safe space to care for our family.

Our ask is to be approved for variance to the Elk Rivers Municipal Code Sec. 30-1 in the following ways (listed below in priority order):

- Exceed the 1,000 square feet limit for our planned ADU by approximately 600 square feet.
- Exceed the square footage limit of 2,500 square feet of attached (garage) and detached (sheds) and accessory structures, by approximately 148 square feet in the footprint of our structure.

A variance may be granted by the board only if it finds that:

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

After reviewing the criteria for Accessory Dwelling units (ADU) in Chapter 30 of the Municipal Code and consulting with Chris Leeseberg, Sr. Planner with the City of Elk River, we feel that our variance requests would improve the appearance of our property and would not permit a structure that appears inconsistent with the Municipal Codes and goals defined therein.

The variance is consistent with the City of Elk River Comprehensive Plan (discuss with city staff if needed)

When considering if we meet these criteria, I have reviewed the Elk River Comprehensive Plan available online and feel we are in alignment with the plan.

Our property is currently zoned as R-1a and is defined as follows “This district is intended for primarily rural residential with accessory agricultural uses where conditions are suitable”. In the Targeted Urban Service Area Expansion portion of the plan beginning on page 26, our property moves to an R-1b, defined as follows, “This district is intended for low density single-family residential development. Subdivisions utilize on-site sewage disposal systems and private water wells. Density in this district is limited to one single-family residence per gross acre.”

If our requests for variance are approved, we will continue to be in alignment with the plan and not create an appearance of inconsistency as the city’s targeted Urban Service Area Expansion takes shape.

Variations may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties means that:

After reviewing both applicable Elk River Municipal Codes and the relevant portions of the City of Elk River comprehensive plan, we feel that both of our requests for variance contained in this narrative, propose to use our property in a reasonable manner.

In relation the ADU portion of our request, while we will exceed the square footage limit for ADUs by approximately 600 square feet, it is a result of efficient use of space and will not be noticeable to neighbors or passersby.

We desire to exceed the physical footprint restrictions by approximately 148 square feet, which adds 3 linear feet to the length of the building. We feel that this small increase to the total size of the structure would not create a building size that would be noticeably different from others in our neighborhood and would at the same time dramatically improve the visual appearance of our property and our ability to store items indoors.

The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance

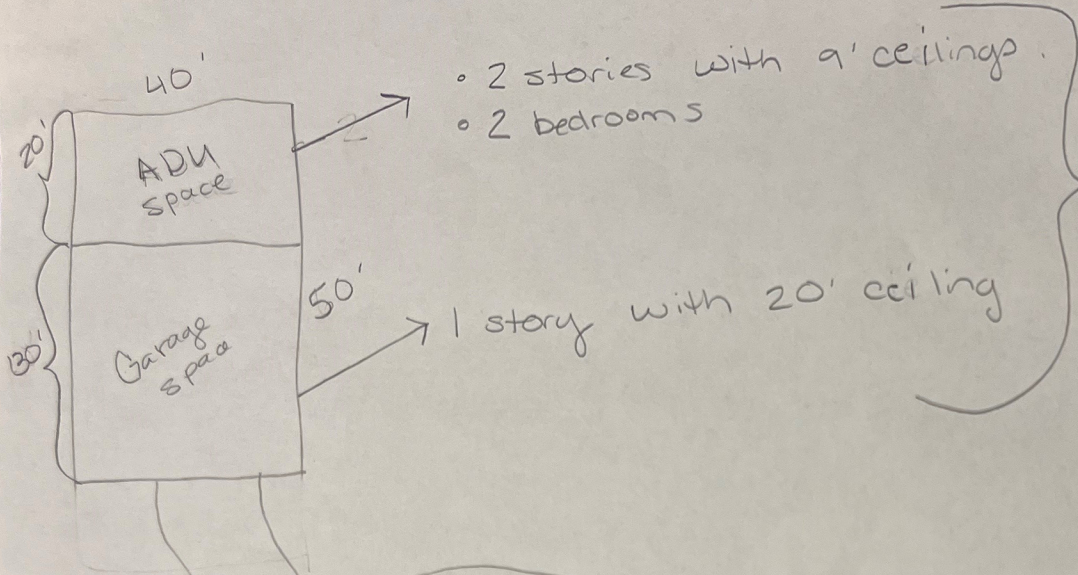
The plight of the petitioner is due to circumstances unique to the property not a consequence of the petitioner's own action or inaction; and

As we considered this criteria, the challenge we have is the unique size and shape of our attached garage. We purchased our home in 2011 and our 2.5 stall attached garage was part of the original owner's build. This restricts our ability to build a more standard sized building and potentially increasing the cost to build.

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

We have lived in our home for 13 years and 7 months. If approved our property and it's structures would remain consistent with those of our neighbors. However, the external physical appearance of our property would be improved by allowing us to store all of our vehicles, boats, bobcat, hockey rink and nets indoors.

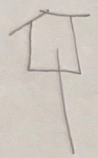
Woodland Trail



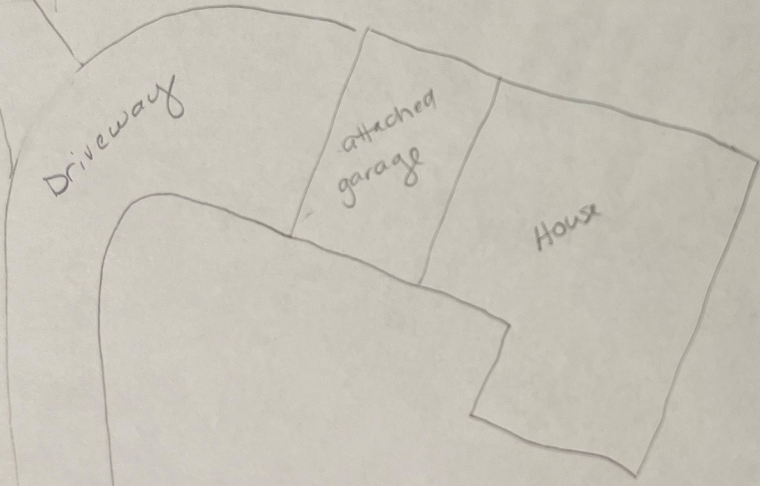
- 2 stories with 9' ceilings
- 2 bedrooms

Proposed Garage/ADU

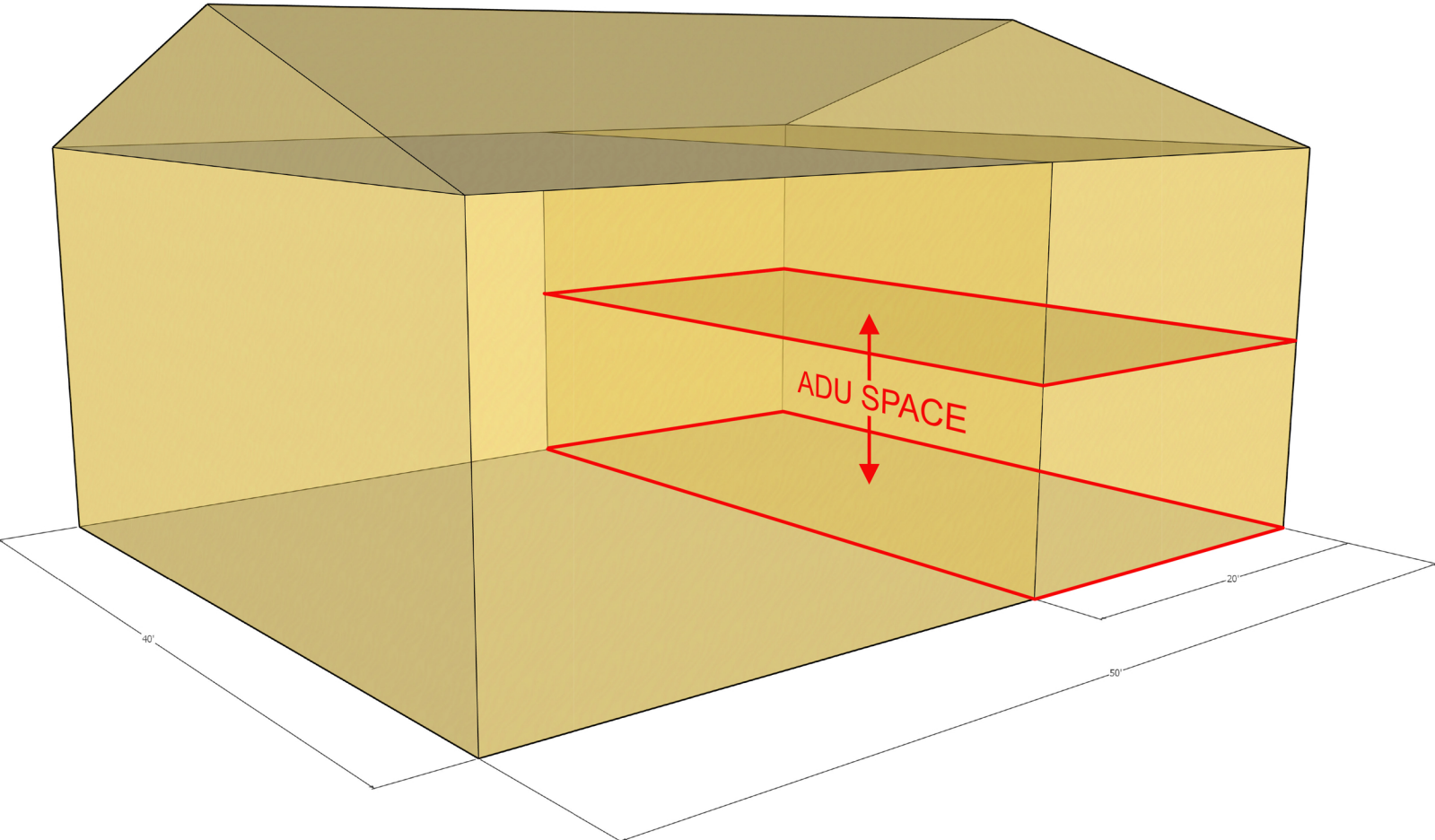
1 story with 20' ceiling



Current shed to be removed before build



Vernon St NW



Item 5.1

Jennifer Belde

Variance



75-00505-0320

75-00505-0205

75-00505-0330

SITE

75-00128-0001

75-00505-0210

75-00505-0340

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Background

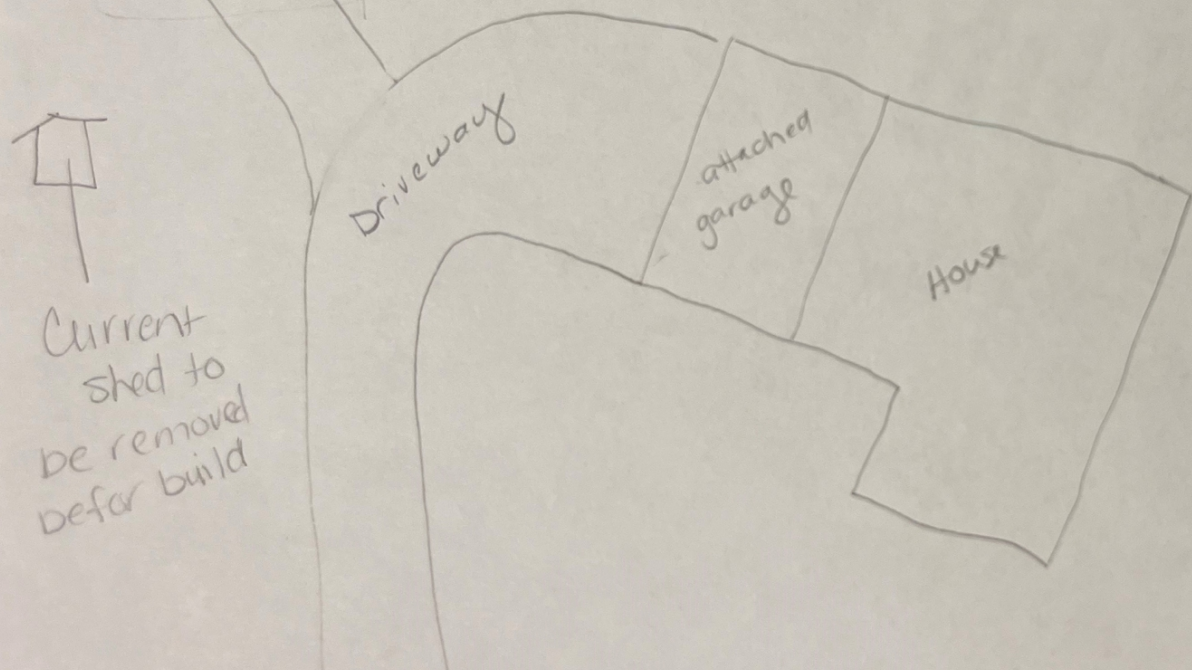
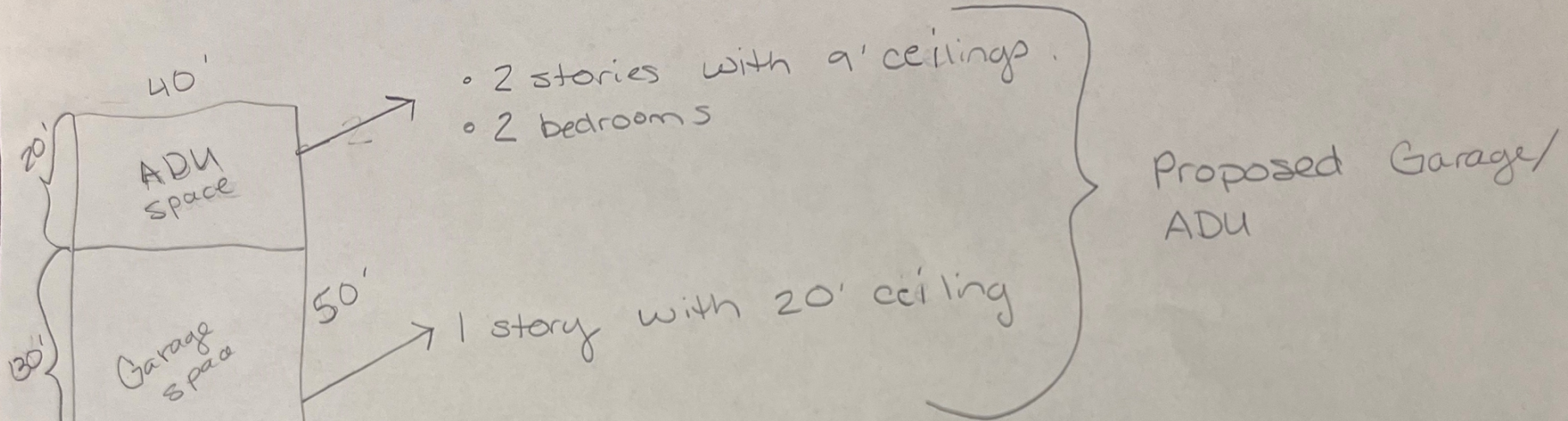
- Zoned R1-a
- 1.6 acres
- Want to construct an accessory structure (pole building) with an Accessory Dwelling Unit (ADU)

- Requesting two variances
 - Exceed allowed ADU size
 - Exceed allowed Accessory Structure size

Square Footage Allowed

	ADU	Accessory Structures
Allowed	1,000	2,500
Proposed	1,600	2,648
Exceeds	600	148

Woodland Trail



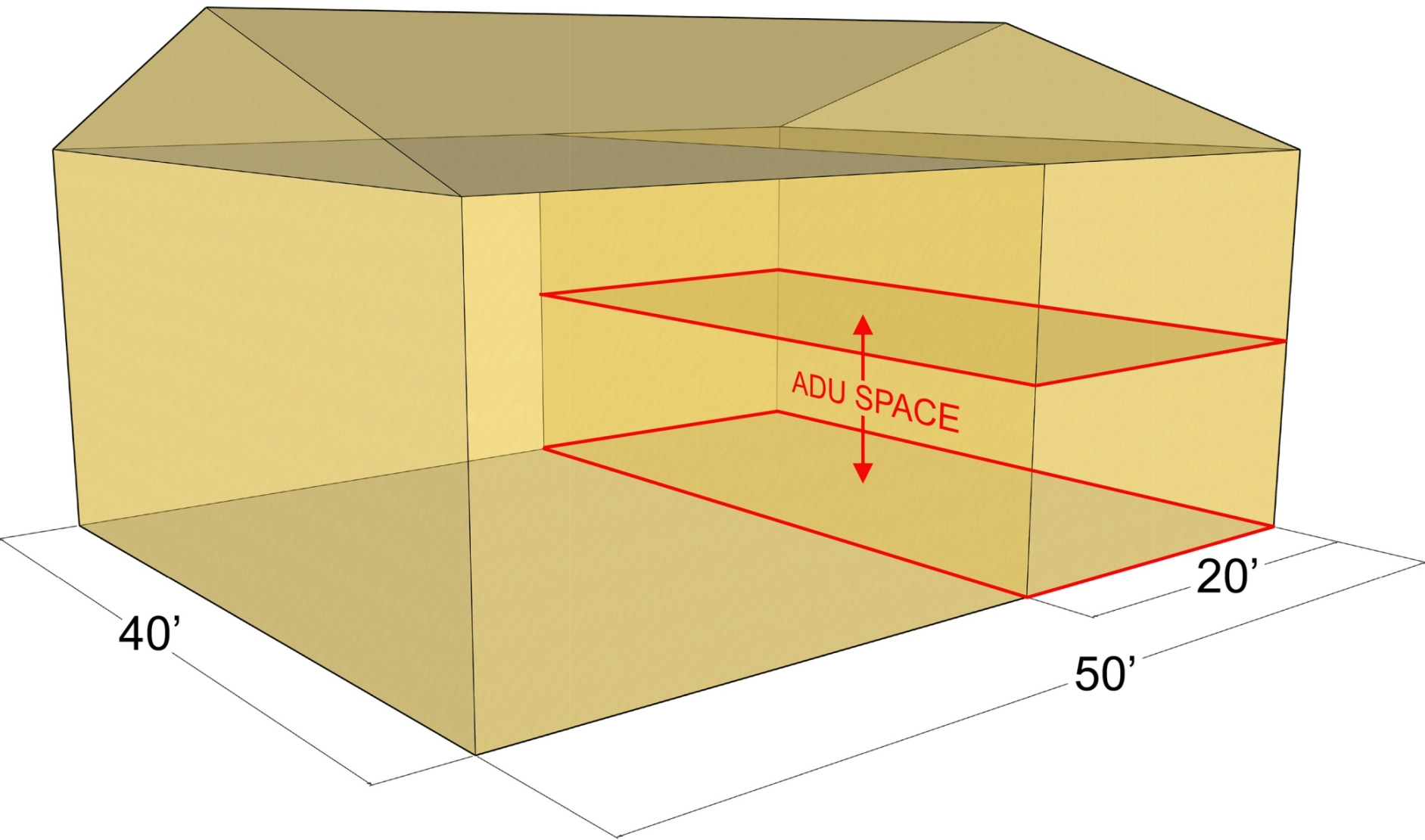


Approximate
Location

75-00505-0330

75-00128-0001

1



21175 VERNON
ST NW

Approximate
Location

21131 VERNON
ST NW

21091 VERNON
ST NW

21091 VERNON
ST NW

12578 212TH
AVE NW

12604 212TH
AVE NW

21082 VERNON
ST NW

Applicable Regulations

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

- Intent is to ensure ADUs remain subordinate to house
- Proposed ADU is approximately 60% larger than allowed
- Accessory structure limit exists to avoid oversized outbuildings
- Approval would conflict with the ordinance's stated purpose

Applicable Regulations

2. Is consistent with the City of Elk River Comprehensive Plan

- While Comp Plan supports single-family uses
 - Relies on zoning to ensure orderly & consistent development
- Exceeding both ADU and Accessory size limits, is inconsistent with plan standards
- The request is not fully aligned with the Comp Plan

Applicable Regulations

3. The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.

- Reasonable use of the property exists without a variance
- Designing and constructing to standardized building dimensions is understandable
- Can be achieved by reducing dimension
- The property can accommodate these uses within ordinance limits
- Exceeding them is not necessary to achieve reasonable

Applicable Regulations

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.

- Attached garage size is not a unique
- Variances cannot be granted solely because of personal preference or building economics
- This condition is not unique and does not justify exceeding code standards

Applicable Regulations

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

- While indoor storage may improve site appearance a variance of this scale could alter the character of the neighborhood

Findings for Denial

- Request exceeds the max. ADU size by 600 sq.ft. and accessory structure area by 148 sq.ft.
- Property can be reasonably used without exceeding ordinance limits
- Applicant's situation is not unique but is based on garage design and economic preference
- Approval would conflict with the intent of the ordinance and Comp Plan
- The variance, if granted, could alter the essential character of the locality

Action Requested

- Deny, by motion, the accessory structure size variances for the findings outlined in the memo

City Council Meeting

- If the Board of Adjustments denies the request, or an appeal is made by any interested party by **September 5, 2025**, this item will go to the:
 - **September 15, 2025**, City Council Meeting



Approximate
Location

75-00505-0330

75-00128-0001

1

21175 VERNON
ST NW

Approximate
Location

21131 VERNON
ST NW

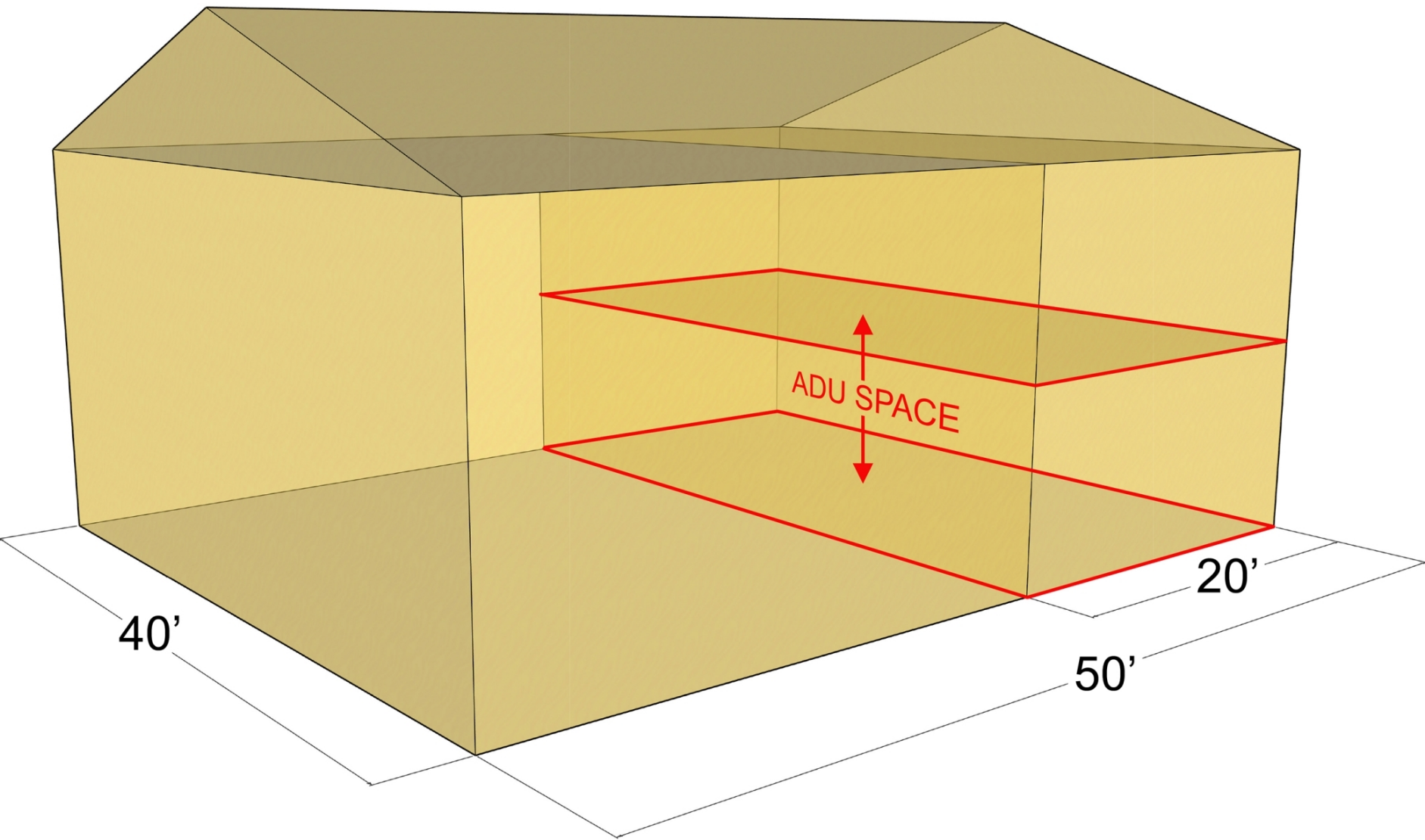
21091 VERNON
ST NW

21091 VERNON
ST NW

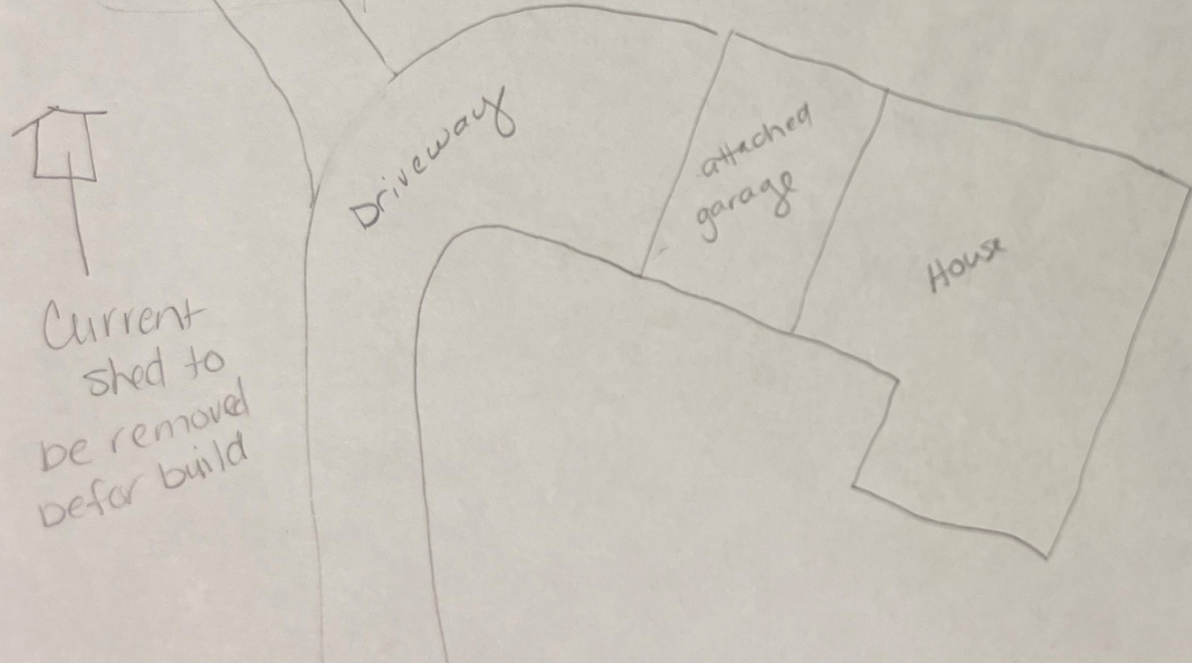
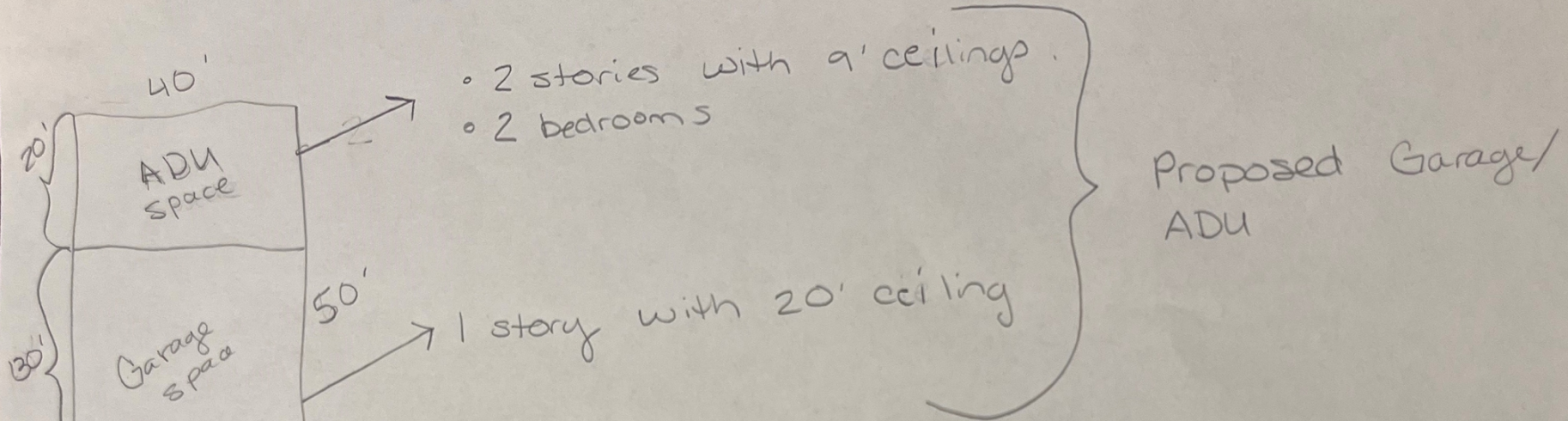
12578 212TH
AVE NW

12604 212TH
AVE NW

21082 VERNON
ST NW



Woodland Trail



Square Footage Allowed

	ADU	Accessory Structures
Allowed	1,000	2,500
Proposed	1,600	2,648
Exceeds	600	148



Request for Action

To
Board of Adjustments

Item Number
5.2

Meeting Date
August 26, 2025

Prepared By
Zack Carlton, Community Development Director

Item Description
Variance: Minimum Lot Size, Gavin Hemmer - 13631
192 1/2 Ave NW

Reviewed by
Chris Leeseberg

Action Requested

Approve the variance request from Gavin Hemmer to support a subdivision of land with two lots below the 2.5 acre minimum lot size, as the following standards have been met:

1. The general purpose and intent of the ordinance are met.
2. The property has a land use guidance for residential, and the proposed single-family residential 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.

Background/Discussion

The applicant, Gavin Hemmer, recently purchased two adjacent lots within the city. He would like to subdivide the two existing lots into four buildable lots, the proposed plat of Prairie Haven. The subject sizes are zoned R-1a, single-family, with a minimum lot size of 2.5 acres. The proposal creates two lots which meet the minimum lot size standards, and two lots below the minimum lot size at 1.29 and 1.59 acres. The plat includes an unusually wide right-of-way, 166-feet at the widest vs. the typical width of 66-feet, limiting the minimum lot size for the two substandard lots.

Applicable Regulations

The variance standards are outlined below. The applicant's responses are noted in italics.

A variance 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 proposal preserves rural density, septic capacity, and access standards. While two lots are under 2.5 acres, both exceed 1 acre of upland, satisfying the development intent.*
2. Is consistent with the City of Elk River comprehensive plan. *The development is consistent with the plan's objectives for low density growth, housing diversity, and maintaining rural character while offering affordable residential options. It supports the city's goals of utilizing existing infrastructure*

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efficiently and promoting accessible housing opportunities. It does not require new public utilities or roads and integrates naturally with adjacent land uses.

Variances may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties mean that:

3. The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;

The petitioner proposes to use the property for single-family residential lots, which is a reasonable and expected use in this zoning district. The two lots (Lot 2 & Lot 3) in question are modestly under the 2.5-acre minimum but exceed 1 acre of contiguous upland and fully meet septic, setback, and access standards.

Additionally, there are numerous lots south of the subject site, smaller than the proposed lots and served by private wells and septic. The proposal is not out of the ordinary for this area of the community.

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

The existing parcels is uniquely constrained by a BNSF railroad easement, an existing county road, and natural gas utility easements. These features limit how the land can be divided while maintaining compliance with all setbacks and access needs. These are physical site conditions, not the result of actions by the petitioner.

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

The area surrounding Prairie Haven is made up of low-density single-family homes on similarly sized lots. The proposed subdivision continues this pattern, preserves natural features, and does not require any additional infrastructure or road extensions. The neighborhood will retain its rural residential character.

If the Board of Adjustments denies the request, or an appeal is made by any interested party by September 5, 2025, the variance will be reviewed by the City Council on Monday, September 15, at 6:00 p.m.

Financial Impact

None

Mission/Policy/Goal

Support the growth and development of the community.

Attachments

1. Location Map
2. Applicant's Narrative
3. Preliminary Plat of Prairie Haven
4. 5.2 Hemmer Lot Size Variance



Project Location Map

Gavin Hemmer

Variance

Case No: V 25-12



This variance request supports the proposed Prairie Haven Subdivision, a thoughtfully designed residential development on a 12.20 acre parcel within the R-1A zoning district. The plan proposes four single-family residential lots, two of which are modestly below the 2.5 acre minimum required by ordinance. However, each of these lots exceeds 1 acre of dry, contiguous upland and fully meets all septic, access, and buildability standards.

The goal of this project is to offer high-quality rural residential lots at a more attainable price point compared to surrounding properties, while maintaining the area's low-density character. The modest reduction in lot size is a strategic approach that helps control development costs, preserves open space, avoids environmental impacts, and reduces infrastructure demands all without compromising the quality or integrity of the neighborhood.

This parcel is uniquely constrained by its irregular shape, natural gas easements, County Road 35 frontage, and adjacent BNSF rail line. These factors reduce flexibility in lot layout and are entirely outside the petitioner's control. The proposed subdivision is a practical and responsible solution to these constraints.

Every element from soil borings and septic locations to access points and wooded buffers has been carefully planned with input from professional surveyors and engineers. The result is a subdivision that fits seamlessly into the surrounding neighborhood, maintains open space, requires no new roads or public utilities, and respects all environmental and infrastructure concerns.

By granting this variance, the city enables a project that balances ordinance intent with real-world site conditions, while supporting the city's goals of rural preservation, housing diversity, and responsible growth.

Gavin Hemmer/ Prairie Haven Plat

Lot Size Variance



75-00517-033

75-00517-0

0130-4106

75-00707-0905

75-00517-0340

Cardon Street
Cardon Street NW



SITE

193rd Avenue

1 192nd Avenue

75-00130-4410

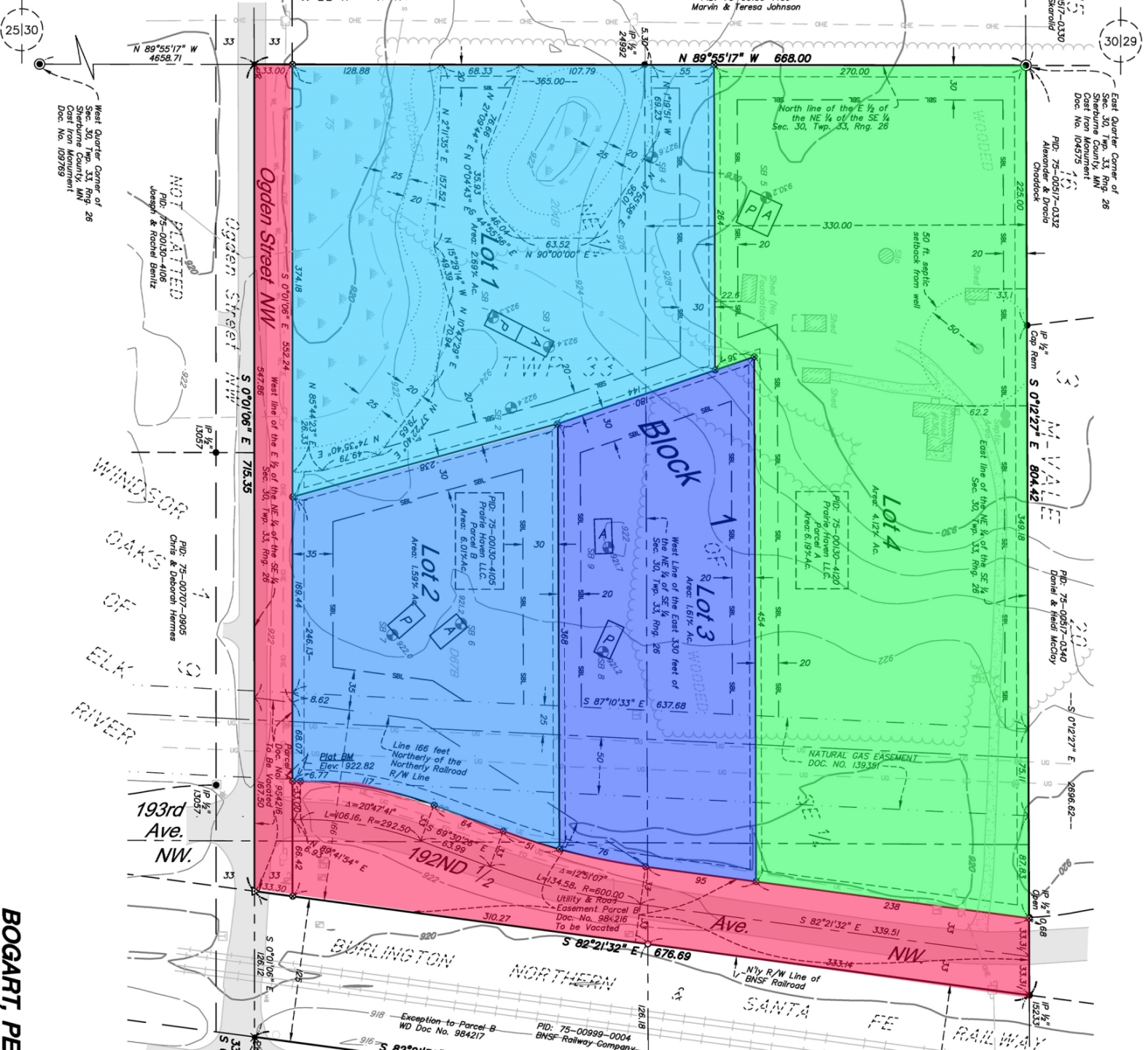
Background

- Applicant, Gavin Hemmer, proposes platting two lots into four buildable parcels.
 - Plat of Prairie Haven
- Minimum lot size of 2.5 acres
- Variance proposal for two lots at 1.59 and 1.61 acres
 - Remaining two lots meet the minimum.
- Updated plat addresses wetland setback variance.

1. Subject property is NOT part of the shoreline district or within a flood plain district as mapped by FEMA.
2. Structures were created using MINKO MLY Topo data (NAVD 88) and field located information. Details on 6/13/25.
3. Wetland delineation completed by Robert Pennington from Bogart, Pedersen & Associates, BWSR No. 5428. Notice of Decision was granted on 7/10/2025.
4. Client wishes to seek a variance for lot size to be smaller than the 2.5 Acre minimum for the zoning district. They wish to adhere to the 1 acre minimum of dry contiguous areas for the proposed lots.
5. To maintain the 1 acre minimum of dry contiguous areas together with evidence from slope and manholes by utility companies and other appropriate sources. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities or that all utility companies responded to the locate request in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated, although he does certify that they are located as accurately as possible from information available.
6. Superior State One Acre Tract No. 23105288 dated 3/22/2023.
7. Survey information provided by the USDA Web Soil Survey.
8. Driveways that would cross over Natural Gas Pipelines may need additional approvals and have to adhere to special rules.
9. For more information, please contact Northern Natural Gas (402) 398-7592.
10. Resurvey May 19, 2025.
11. Reference Title Commitment No. 1086897 by Home Security Abstract & Title Company/Chicago Title Insurance Company.
12. River Resolution No. 25-27 which was signed by Quil Chyn Dand Dec. No. 994216 the underlying fee title to the area defined in Dec. No. 994216 while still reserving an easement for public roadway and utility purposes.

Map symbol & soil name	Slope
7S: Burford loam, depressional, 0 to 1 percent slopes	0 to 1 percent slopes
20B8: Cushing fine sandy loam, 2 to 8 percent slopes	2 to 8 percent slopes
06B7: Hubbard loamy sand, 1 to 5 percent slopes	1 to 5 percent slopes

* Data from USDA Web Soil Survey



East Quarter Corner of
Sec. 30, Twp. 33, Rng. 28
Established by
Coast Iron Monument
Dec. No. 104975
11/11/11
P.D.: 75-00517-0332
Alexander & Dreco
Chaddock

Cap Rem
S 0°12'27\" E 804.42
P.D.: 75-00517-0340
Daniel & Heidi McCoy

NOT PLATTED
P.D.: 75-00130-4106
Joseph & Rachel Benitz

West Quarter Corner of
Sec. 30, Twp. 33, Rng. 28
Sherrill County, MN
Established by
Coast Iron Monument
Dec. No. 109789

P.D.: 75-00707-0905
Chris & Deborah Hermes

BOGART, PE



Action Requested

- Staff's analysis finds that the variance meets the five criteria required for approval and recommend approval by the Board of Adjustments.

City Council Meeting

- If the BOA denies the request, or an appeal is made by any interested party by **September 5, 2025**, this item will go to the **September 15, 2025**, City Council Meeting.

Applicable Regulations

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

The proposal preserves rural density, septic capacity, and access standards. While two lots are under 2.5 acres, both exceed 1 acre of upland, satisfying the development intent.

Applicable Regulations

2. Is consistent with the City of Elk River Comprehensive Plan

The proposal preserves rural density, septic capacity, and access standards. While two lots are under 2.5 acres, both exceed 1 acre of upland, satisfying the development intent.

Applicable Regulations

3. The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.

The petitioner proposes to use the property for single-family residential lots, which is a reasonable and expected use in this zoning district. The two lots (Lot 2 & Lot 3) in question are modestly under the 2.5-acre minimum but exceed 1 acre of contiguous upland and fully meet septic, setback, and access standards.

Additionally, there are numerous lots south of the subject site, smaller than the proposed lots and served by private wells and septic systems. The proposal is not out of the ordinary for this area of the community.

Applicable Regulations

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.

The existing parcels is uniquely constrained by a BNSF railroad easement, an existing county road, and natural gas utility easements. These features limit how the land can be divided while maintaining compliance with all setbacks and access needs. These are physical site conditions, not the result of actions by the petitioner.

Applicable Regulations

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

The area surrounding Prairie Haven is made up of low-density single-family homes on similarly sized lots. The proposed subdivision continues this pattern, preserves natural features, and does not require any additional infrastructure or road extensions. The neighborhood will retain its rural residential character.