



# Board of Adjustments

Tuesday, September 23, 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 - August 26, 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 Sign Setback, James Rossman - 404 Main St NW

5.2 Variance: Lot Width, Colleen Solors - 21538 Brook Rd NW

5.3 Variance: Setback Variances to Support Building Expansion, Spikes & Houles Feed, Seed, & Pet Supply - 906 US Highway 10 NW

6. MOTION TO ADJOURN REGULAR MEETING



**Meeting of the Board of Adjustments  
Held at the Elk River City Hall  
Tuesday, August 26, 2025**

**Members Present:** Acting Chair Dennis Booth, Commissioner Robert Rydberg, Commissioner James Zahler, Commissioner Anthony Kaba

**Members Absent:** Chair Perry Beise, Commissioner Eric Johnson, Commissioner Dornan Bland, Councilmember Jennifer Wagner

**Staff Present:** Community Development Director Zack Carlton, Senior Planner Chris Leeseberg, and 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 Rydberg and seconded by Commissioner Kaba to approve the agenda. Motion carried 4-0.**

**4. CONSIDER MINUTES**

**Moved by Commissioner Rydberg and seconded by Commissioner Zahler to approve the following consent items as outlined in their respective staff reports. Motion carried 4-0.**

4.1 DRAFT Minutes - July 22, 2025

**5. PUBLIC HEARINGS**

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

Mr. Leeseberg presented the staff report.

Acting Chair Booth opened the public hearing.

**Jennifer Belde, 21131 Vernon St NW, applicant**, reviewed the request to build a space for their relatives to live on their property and a building to store items that are currently outside. She stated that one reason for the additional space was to allow wider hallways and stairwells for accessibility.

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**Brian Hauge, 21205 Vernon St**, expressed concern with the appearance of accessory dwelling units (ADU) on properties. He questioned who could live in the ADU, particularly who may live there if the Belde family were to no longer live on that property.

Ms. Belde responded that a visual survey of her neighborhood showed 53 houses with 26 ADU structures. The proposed ADU was within the pole building structure.

Mr. Hauge asked for clarification on the definition of an ADU.

**Ed Stevens, 21216 Vernon St**, expressed concern about the appearance of an ADU. He questioned if the ADU would resemble a house or a pole barn. Ms. Belde responded that the proposed structure would have steel-clad siding and look like a pole barn. It would be subordinate to their house.

Acting Chair Booth closed the public hearing.

Mr. Leeseberg clarified that an ADU is a residential dwelling and any property in Elk River may have one ADU between 250-1,000 square feet. There are currently no design standards on ADUs or restrictions on who may live in the units. ADUs use the same septic, electrical, and address as the primary house.

Mr. Leeseberg clarified with Ms. Belde that the 26 structures she counted in her neighborhood were pole buildings or garages not ADUs. She stated that was true.

Commissioner Rydberg was concerned about converting a single-family residential lot into multi-family housing. He was concerned about the impact of multiple dwellings on the neighborhood, particularly if the Belde family should move from that site. He asked if adjusting their house may be an option rather than a separate ADU.

Mr. Leeseberg clarified that ADU's, attached or detached, are allowed on any city lot and the applicant is asking for a variance to increase the size, not permission to have one.

Acting Chair Booth stated he had built an ADU to city specifications and it was a straightforward process. He had concerns that the applicant was asking to go beyond ADU and accessory structure limitations.

Commissioner Zahler added that he did not see where the applicant had a "unique circumstance" requiring the size adjustments.

**Moved by Commissioner Zahler and seconded by Commissioner Rydberg to deny 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.**

**Motion carried 4-0.**

The variance will go before the City Council at the September 15, 2025 meeting.

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

Mr. Carlton presented the staff report. The applicant is proposing a smaller lot size for Lots 2 and 3 than the 2.5 acre standard.

Commissioner Zahler asked for clarification on the location of the railroad and easements which Mr. Carlton showed on the map.

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

Commissioner Rydberg questioned if some of the land from Lot 4 could be transferred to the two smaller lots to make up some of the difference.

Commissioner Zahler clarified that the combination of the two smaller lots would be 3.2 acres.

**Moved by Commissioner Zahler and seconded by Commissioner Kaba to 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. Motion carried 3-1. Commissioner Rydberg opposed.**

6. MOTION TO ADJOURN REGULAR MEETING

**Moved by Commissioner Zahler and seconded by Commissioner Rydberg to adjourn the meeting. Motion carried 4-0.**

The meeting adjourned at 7:07 p.m.

Minutes prepared by Katie Porath.

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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**  
September 23, 2025

**Prepared By**  
Chris Leeseberg, Senior Planner

**Item Description**  
Variance: Front Yard Sign Setback, James Rossman -  
404 Main St NW

**Reviewed by**  
Zack Carlton

## Action Requested

Approve a 4.5 foot front yard setback variance, allowing construction of a freestanding sign for the following reasons:

1. The general purpose and intent of the ordinance are met.
2. The property has a Land Use of Neighbor Commercial, 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 requesting a variance to reduce the required setback by 4.5 feet, for a freestanding sign.

The subject property is located at 404 Main Street where freestanding signs are required to be 10 feet from the front property line. The applicant is requesting this variance due to existing conditions created by the building and large utility box recently constructed west of the subject property. That building was previously granted a variance reducing, also reducing the front yard setback. Without the variance, the visibility of the sign for eastbound motorist is less than pre-construction conditions.

## Applicable Regulations

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  
The requested variance is consistent with the intent of the ordinance, which seeks to balance reasonable use of property and maintaining functionality. The reduced setback will allow a sign in a location that improves visibility, hindered by the neighboring property, and does not negatively impact the adjoining properties.
2. Is consistent with the City of Elk River comprehensive plan.

### The Elk River Vision

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



The request is consistent with the goals of the Comprehensive Plan, which encourage reasonable business visibility and support commercial development that enhances the community.

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;

*Applicants response: Only asking for a 4.5 ft variance. The building next door, to the West is setback 10' from the property line and it will still create some visibility problems by only moving our sign to the South by only 4.5' The stoop at the South door of the adjoining property extends towards the street at an equal distance. By granting a 4.5 ft variance the sign will not extend further than the stoop on the building to the West as shown in our pictures.*

The applicant proposes reasonable use of the property by seeking only a 4.5-foot reduction to the setback requirement. Without the variance, there is reduced visibility due to the existing conditions created by the neighboring structure and landscaping, which also received a front yard setback variance.

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

*Applicants response: This request is being ask due to circumstances that were not created by the variance applicant. The building to the West was given a reduced set back which has created this needed variance of 4.5 ft.*

The plight of the applicant is due to circumstances beyond their control. The adjoining property to the west was previously granted a reduced front yard setback. These conditions create the need for the applicant's variance and were not caused by the applicant's actions.

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

*Applicants response: It will not alter the essential characteristics of the locality.*

Granting the variance will not alter the essential character of the locality. The sign will align visually with existing conditions and will not extend further into the setback than adjoining structures.

### **Financial Impact**

None

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

Ethical, efficient, and responsible.

### **Attachments**

1. Location Map
2. Narrative
3. Photos
4. Site Exhibits
5. 5.I Rossman



# Project Location Map

Rossman

Variance

Case No: V 25-14

Due to set back variances granted to the property to the west our business sign has lost visibility from the Street hurting commerce. We request a variance to move the sign closer to the street to equal the distance that the neighboring door stoop extends

**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**

Yes

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

Yes

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

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

Yes

Only asking for a 4.5 ft variance. The building next door, to the West is setback 10' from the property line and it will still create some visibility problems by only moving our sign to the South by only 4.5' The stoop at the South door of the adjoining property extends towards the street at an equal distance. By granting a 4.5 ft variance the sign will not extend further than the stoop on the building to the West as shown in our pictures.

**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**

yes

This request is being ask due to circumstances that were not created by the variance applicant. The building to the West was given a reduced set back which has created this needed variance of 4.5 ft.

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

It will not alter the essential characteristics of the locality

<b>Legal Description of Property</b>	
<p>The East 4.5 feet of Lot 12, Block 1, AUDITOR'S SUBDIVISION NO. 5, Village of Elk River, according to the plat thereof, Sherburne County, Minnesota.</p> <p>Together with that part of the Northwest Quarter of the Southeast Quarter of Section 34, Township 33, Range 26, lying east of Block 1, west of Block 2, northerly of the easterly extension of the south line of said Block 1 and southerly of the easterly extension of the north line of lot 7 of said Block 1 of AUDITOR'S SUBDIVISION NO. 5.</p>	
<p><b>The narrative is your opportunity to describe, promote, and sell your proposal to the Board of Adjustment and City Council (if needed) and should explain your request in detail and how the five criteria are met in order to be granted a variance.</b></p>	
<p>Due to set back variances granted to the property to the west our business sign has lost visibility from the Street hurting commerce. We request a variance to move the sign closer to the street to equal the distance that the neighboring door stoop extends</p>	
<p><b>A variance may be granted by the board only if it finds that:</b></p>	
<p><b>The variance is in harmony with the general purpose and intent of the ordinance</b></p>	<p>yes</p>
<p><b>The variance is consistent with the City of Elk River Comprehensive Plan (discuss with city staff if needed)</b></p>	<p>yes</p>
<p><b>Variances may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties means that:</b></p>	
<p><b>The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance</b></p>	<p>Yes Only asking for a 4.5 ft variance. The building next door, to the West is setback 10' from the property line and it will still create some visibility problems by only moving our sign to the South by only 4.5' The stoop at the South door of the adjoining property extends towards the street at an equal distance. By granting a 4.5 ft variance the sign will not extend</p>

	further than the stoop on the building to the West as shown in our pictures.
<b>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</b>	yes This request is being ask due to circumstances that were not created by the variance applicant. The building to the West was given a reduced set back which has created this needed variance of 4.5 ft.
<b>The variance, if granted, will not alter the essential character of the locality</b>	It will not alter the essential characteristics of the locality



Edward Jones

INVESTMENTS

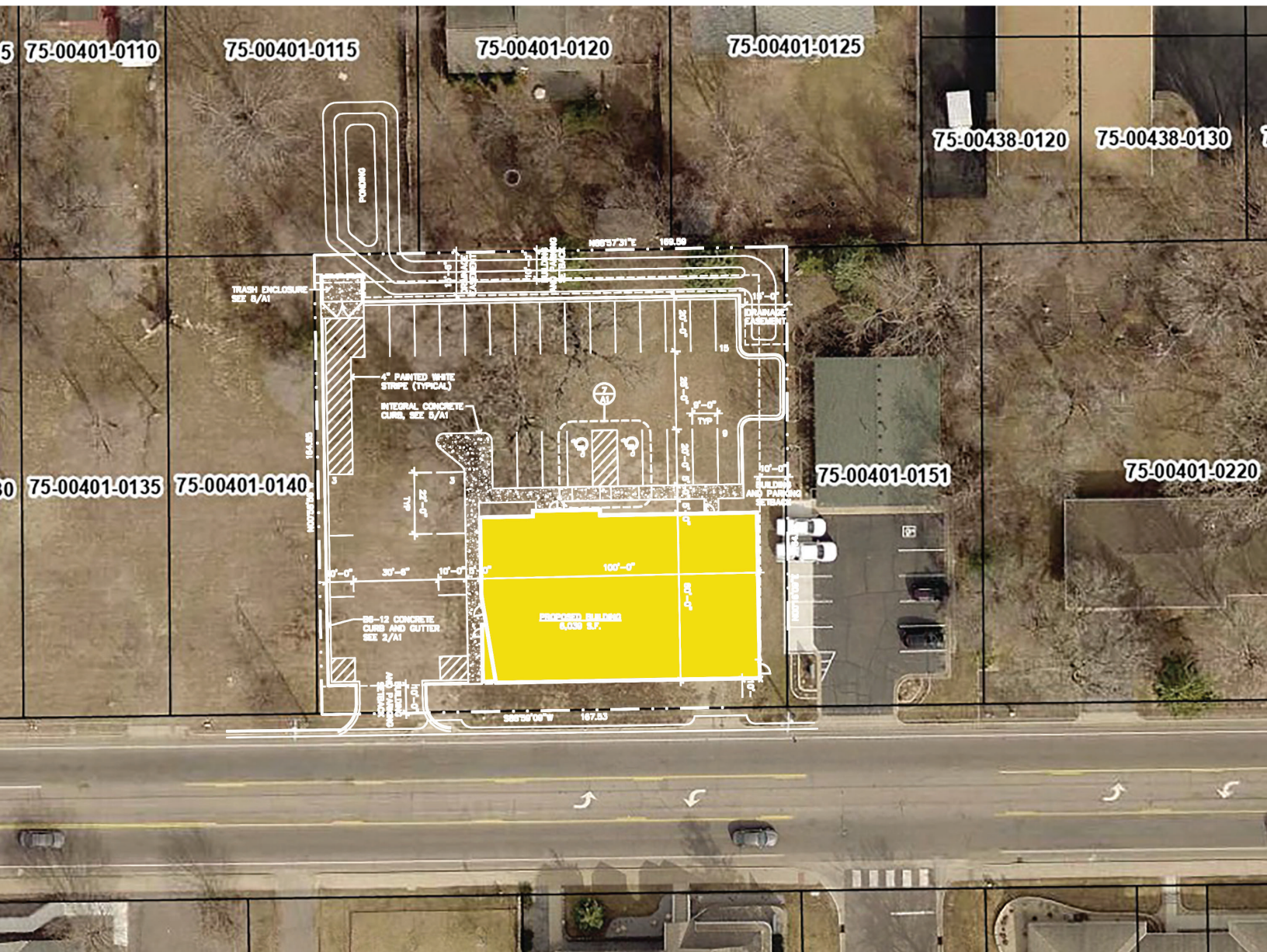
ROUSMAN  
Company

404 Main Street, Minneapolis, MN 55330



404

2025/07/30

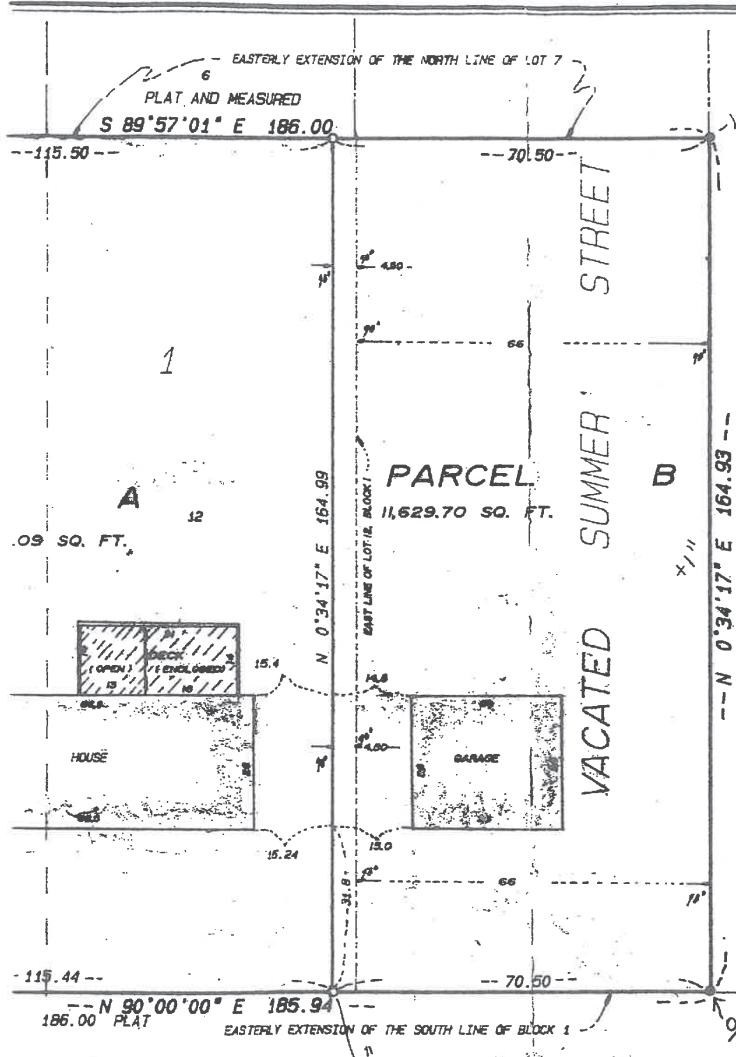




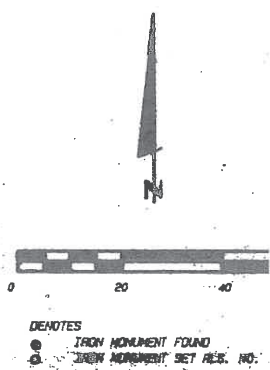
CERTIFICATE OF SURVEY

FOR

JIM ROSSMAN



404/402  
 ← main  
 V 25-14

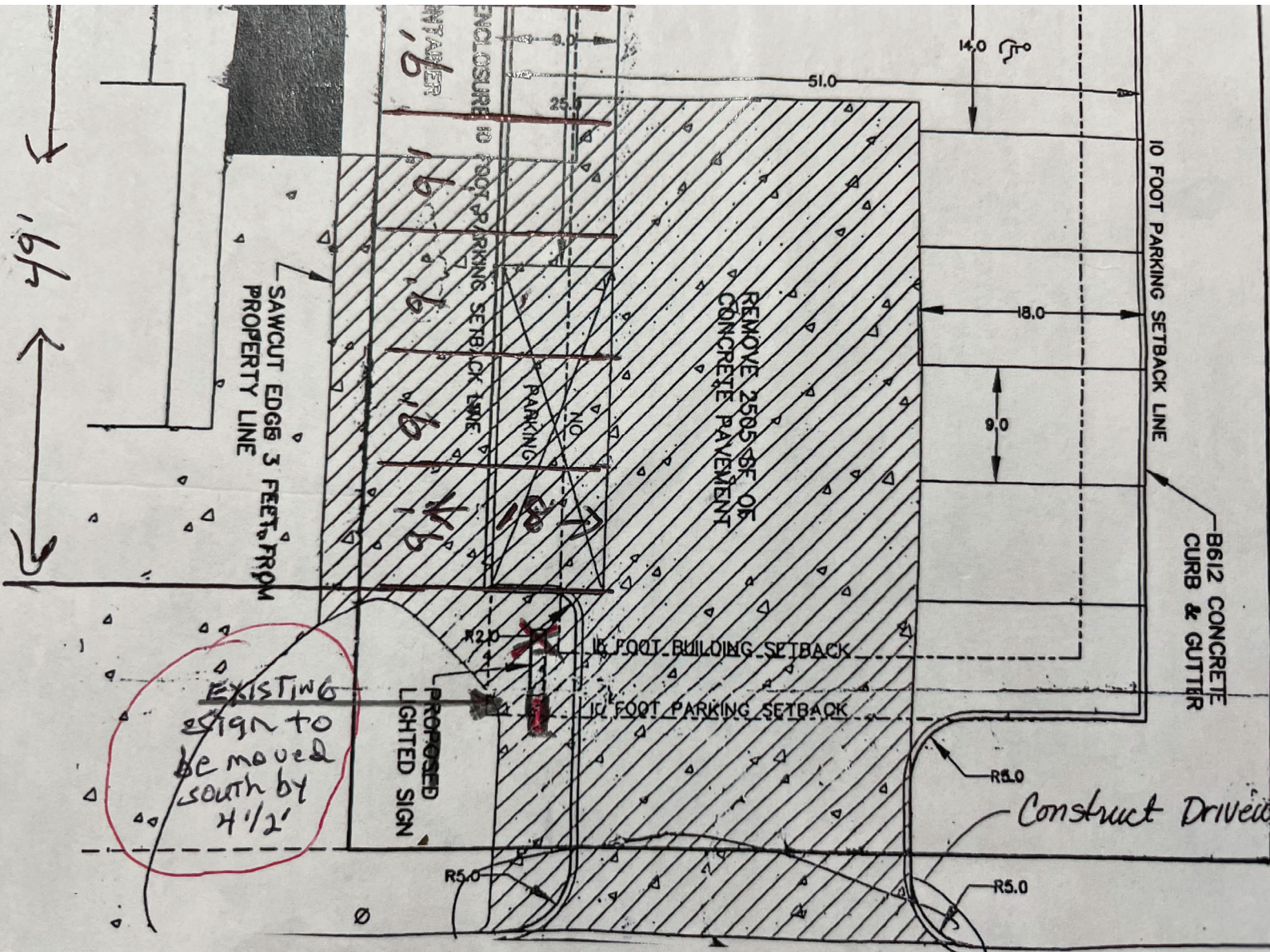


**Parcel A**  
 Lot 11 and that part of Lot 12 lying west of the  
 Lot 12, all in Block 1, AUDITOR'S SUBDIVISION  
 River, according to the recorded plat thereof,  
 Minnesota.

**Parcel B**  
 The East 4.50 feet of Lot 12, Block 1, AUDITOR  
 Village of Elk River, according to the recorded  
 County, Minnesota.

Together with that part of the Northwest Quarter  
 Quarter of Section 34, Township 33, Range 26,  
 west of Block 2, northerly of the easterly ext  
 of said Block 1 and southerly of the easterly ext  
 line of Lot 7 of said Block 1 of AUDITOR'S SUB

NO DRAINAGE or utility easements



EXISTING  
 sign to  
 be moved  
 south by  
 4 1/2'



# Item 5.1

## James Rossman Setback Variance

75-00401-0145

**SITE**

75-00401-0151

75-00401-0220

Main Street

# Background

- Has existing freestanding sign
- Sign setback requirement is 10-feet
  - Requesting 5.5 feet
- Property to west received building setback variance
  - 10-feet from property line
- Visibility of the sign was lessened
  - Building
  - Utility Box
  - Landscaping

5 75-00401-0110

75-00401-0115

75-00401-0120

75-00401-0125

75-00438-0120

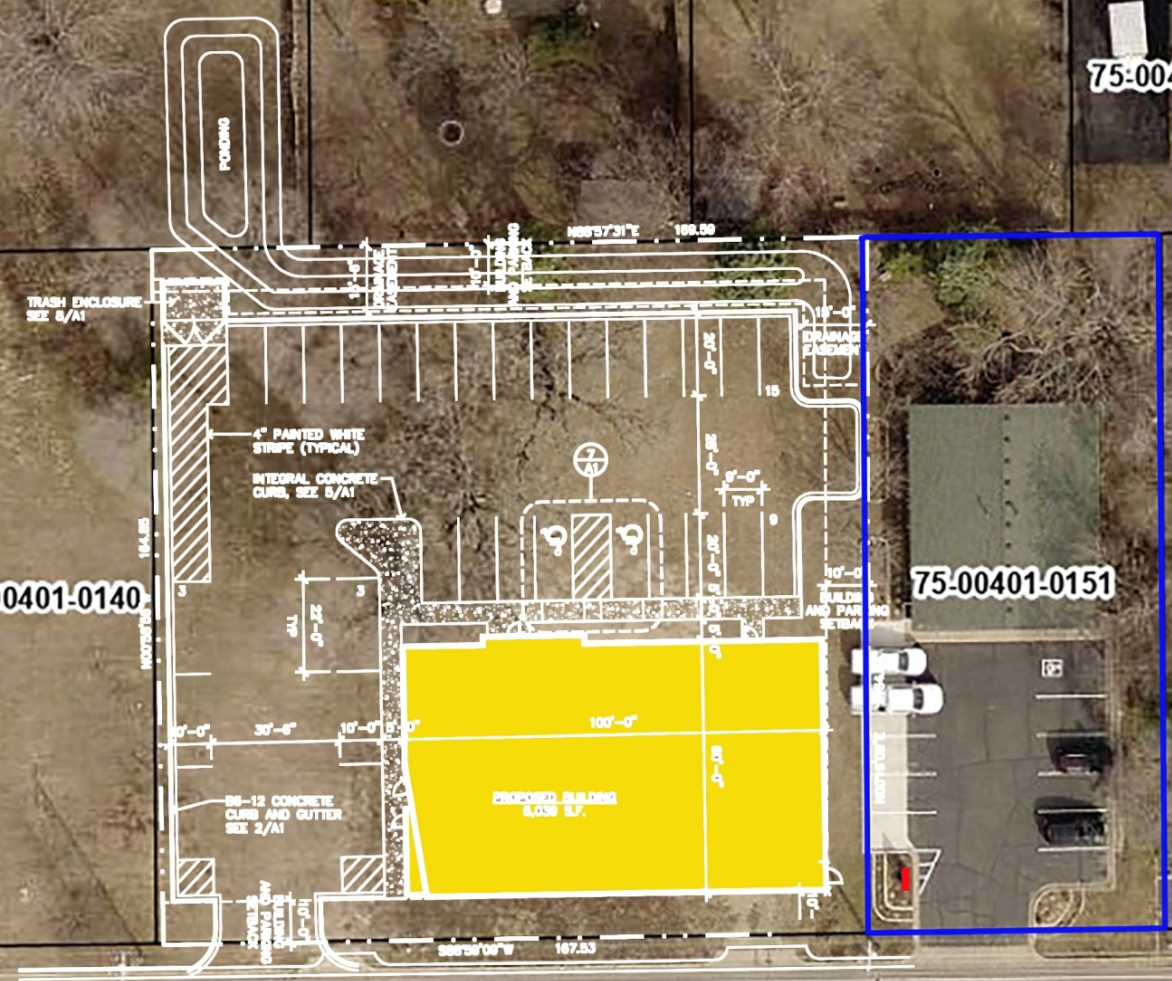
75-00438-0130

0 75-00401-0135

75-00401-0140

75-00401-0151

75-00401-0220







Edward Jones  
INVESTMENTS  
ROSSMAN  
Company  
Financial  
Advisor  
405.570.1234  
M 55330



# Variance Requirements

- Staff's analysis of the application shows compliance with all five (5) of the standards required for approval of a variance
- We can discuss individually if needed

# Action Requested

- Approve a 4.5-foot front yard setback variance, allowing construction of a freestanding sign, for the reasons 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 **October 3, 2025**, this item will go to the:
  - **October 20, 2025**, City Council Meeting



# Request for Action

**To**  
Board of Adjustments

**Item Number**  
5.2

**Meeting Date**  
September 23, 2025

**Prepared By**  
Chris Leeseberg, Senior Planner

**Item Description**  
Variance: Lot Width, Colleen Solors - 21538 Brook Rd NW

**Reviewed by**  
Zack Carlton

## Action Requested

Approve the lot width variance of 30 feet for one parcel adjacent to 11038 217<sup>th</sup> Avenue (75-00630-0120), 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 rural 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 property is zoned RI-a (single-family residential) and is 70.43 acres in size. The applicant would like to create a new buildable parcel (10–15 acres) with access to the 217th Avenue cul-de-sac. The RI-a district requires 160 feet of width, and the ordinance requires all new lots to have direct access and frontage on a public street. Access through an easement is not permitted for new lots. The lot width on a cul-de-sac is measured at the required front setback line tangent to the curve of the street.

The applicant requests a variance from the minimum lot width to approximately 135 feet, which is based on staff Exhibit A. The variance would allow the applicant to subdivide the existing parcel into two lots as shown in the attached exhibit.

Once a new 10–15 acre buildable lot is created, it will leave 55–60 acres that could be developed in the future. Staff support the request for one variance, as the larger lot is likely to be developed with a public street and right-of-way in the future, supporting further development.

## Applicable Regulations

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

### The Elk River Vision

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



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

*Applicants' response: The variance is in harmony with the setback requirements with minimal adjustment (152' per lot in place of the required 160').*

Minimum lot widths are to control the density and type of development in each zoning district. This ensures that buildings are placed on lots that are appropriately sized for their intended use and spaced adequately from other buildings. The lot that the variance will be applied to will likely be utilized as right-of-way in the future and at that time, the reduced lot width will become moot. The adjustment from 160 feet to 135 feet is minimal and will still result in a parcel of sufficient size and functionality, which is the intent.

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

*Applicants' response: It meets the lot requirement size and future growth plan.*

The property is guided as Rural Residential. The rural residential category consists of large lot single family homes. This is the predominant residential type in the north of the city beyond the Urban Service Area. This land use primarily consists of planned residential subdivisions and lots located directly on arterial roadways. This land use supports large lot residential development and allows agricultural operations as an accessory use where appropriate.

The proposed subdivision is consistent with the Comprehensive Plan, which identifies this area for residential growth. The resulting lot sizes remain consistent with the intent of the 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;

*Applicants' response: Yes. Our intent is to subdivide or split into two separate parcels which follows the subdivision policy.*

Subdividing the parcel into two residential lots is a reasonable use of the property. Without the variance, the applicant would be unable to create a conforming lot despite the parcel having adequate area (approximately 55-60 acres).

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

*Applicants' response: Yes. The land was purchased as is.*

The practical difficulty is due to the geometric constraints of the subject parcel at the cul-de-sac and setback measurement standards. These are unique to the property and not created by the applicant.

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

*Applicants' response: The essential character of the locality would not be altered by the requested lot width variance of*

*144' in place of the required 160'.*

Allowing the lot width of 135 feet will not alter the essential character of the neighborhood. The proposed subdivision will remain consistent with surrounding residential development patterns.

**Financial Impact**

None

**Mission/Policy/Goal**

Support the growth and development of the community.

**Attachments**

1. Location Map
2. Narrative
3. Submitted Site Plan 9-16-2025
4. Proposed Subdivision of Land
5. Exhibit A
6. 5.2 Solars



# Project Location Map

Colleen Solors

Variance

Case No: V 25-15

**Legal Description of Property**

Colleen Solors (the "Applicant") owns the parcel of land located at 21538 Brook Rd NW Elk River, MN 55330 (the "Property"), otherwise known as Blackberry Hills. The property is 70.43 acres in the R1a Single Family Residential and The Mineral Excavation Overlay Districts.

Property Description:

Elk River City

SEC: 11; TWP: 33.0; RG: 26; LOT: 3; BLK:1; Acres: 70.43

Blackberry Hills

Please see the attached exhibit titled "Original Property Description" if more information is needed.

Lot Three (3), Block One (1), Blackberry Hills, Sherburne County, Minnesota, together with that part of Outlot A, said Blackberry Hills lying northerly of a line described as beginning at a point on the east line of said Outlot A distant 36.00 feet south of the most northerly corner thereof; Thence North 66 degrees, 20 minutes, 22 seconds West (plat bearings) for 51.95 feet to intersect and terminate on the northwesterly line of said Outlot A. For the purpose of this description said point of termination is known as Point A.

Except that part of said Lot Three (3) that lies southerly of a line described as beginning at Point A, described above; Thence North 66 degrees, 20 minutes, 22 seconds West for 16.05 feet; Thence South 69 degrees, 57 minutes, 18 seconds West for 253.15 feet to the most northwesterly corner of said Outlot A and there terminating.

Also, together with an easement for driveway purposes over and across the northeasterly 33.00 feet of that part of the Northeast Quarter of the Southwest Quarter (NE ¼ SW ¼), of Section Eleven (11), Township Thirty-three (33), Range Twenty-six (26), Sherburne County, Minnesota, described as follows: Beginning at the southwest corner of said Northeast Quarter of the Southwest Quarter (NE ¼ SW ¼); Thence east along the South line thereof 123 part, more or less, to the centerline of County State Aid Highway Number 21; Thence northeasterly, along said centerline, 138 feet; Thence northwesterly 221 feet, more or less, to a point on the west line of said Northeast Quarter of the Southwest Quarter (NE ¼ SW ¼), that is 198 feet north of the Point of Beginning; Thence south along said west line 198 feet to the Point of Beginning;

**The narrative is your opportunity to describe, promote, and sell your proposal to the Board of Adjustment and City Council (if needed) and should explain your request in detail and how the five criteria are met in order to be granted a variance.**

The ordinance requires all new lots to have street frontage (not an easement) and the only location this currently can occur is at the cul-de-sac. On the cul-de-sac, it's our understanding the City measures the lot width at the front setback line tangent to the cul-de-sac.

We've been informed that the zoning district the property is in requires 160' lot width. As you can see in the attached exhibit titled "Setbacks," the max lot width is around 152'. The applicant

<p>requests a variance to permit a lot width of 152' where 160' are required as the applicant intends to split the parcel into two lots off of the cul-de-sac. Please see the attached exhibit titled "Proposed Subdivision of Land." The proposed lot off the cul-de-sac is outlined in red within the existing parcel.</p>	
<p><b>A variance may be granted by the board only if it finds that:</b></p>	
<p><b>The variance is in harmony with the general purpose and intent of the ordinance</b></p>	<p>Yes. The variance is in harmony with the setback requirements with minimal adjustment (152' per lot in place of the required 160').</p>
<p><b>The variance is consistent with the City of Elk River Comprehensive Plan (discuss with city staff if needed)</b></p>	<p>Yes. It meets the lot requirement size and future growth plan.</p>
<p><b>Variances may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties means that:</b></p>	
<p><b>The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance</b></p>	<p>Yes. Our intent is to subdivide or split into two separate parcels which follows the subdivision policy.</p>
<p><b>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</b></p>	<p><b>Yes. The land was purchased as is.</b></p>
<p><b>The variance, if granted, will not alter the essential character of the locality</b></p>	<p>Yes. The essential character of the locality would not be altered by the requested lot width variance of 152' in place of the required 160'.</p>

# Submitted Site Plan

For reference only. This is not a survey.

160'

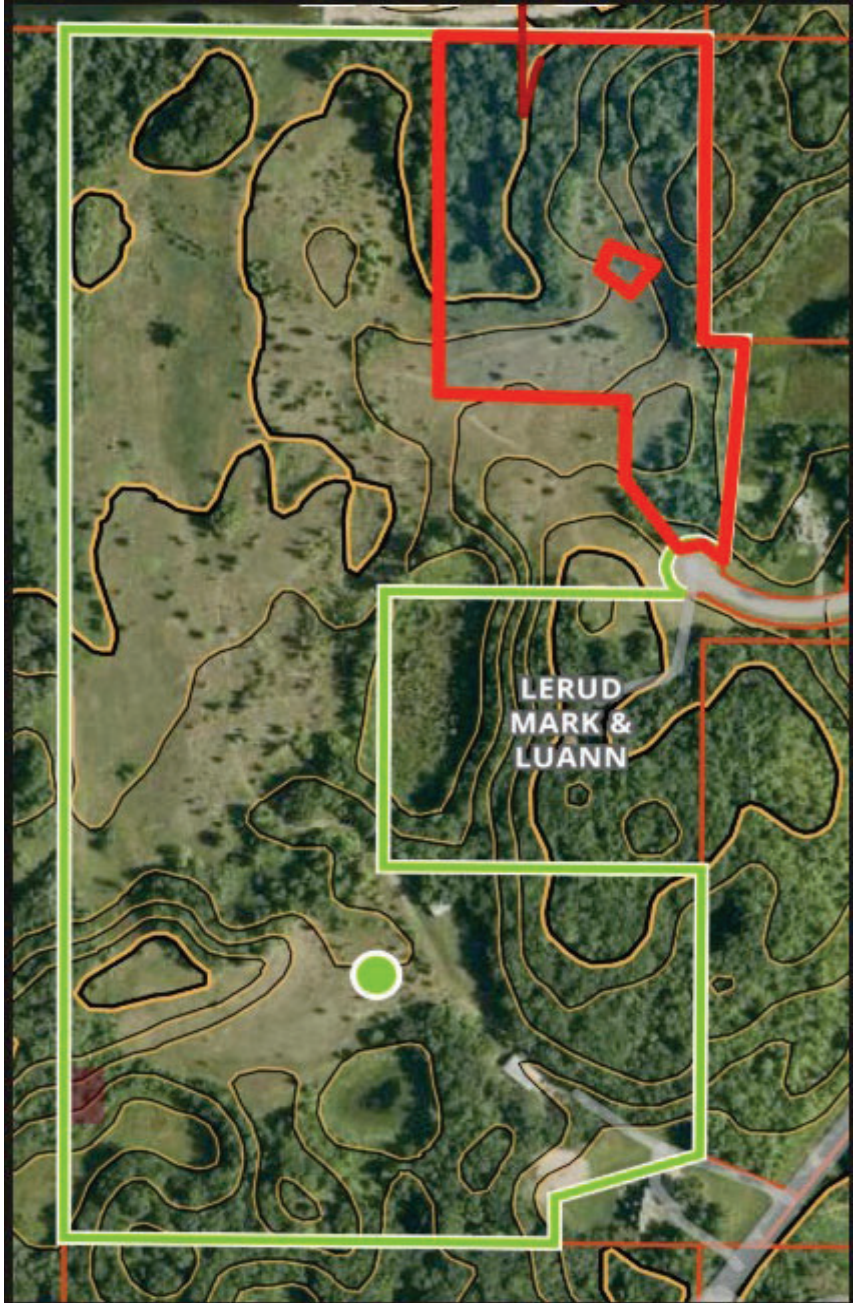
For reference only. This is not a survey.

144'

20'-0"

For reference only. This is not a survey.

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

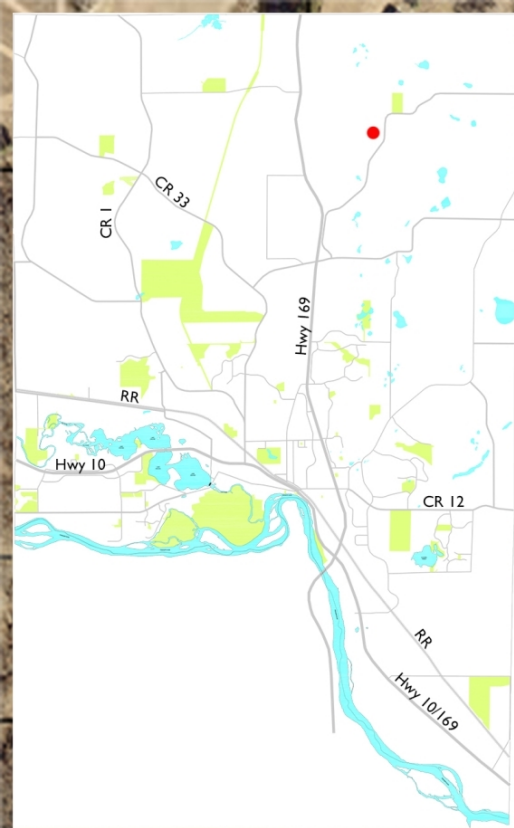




For reference only. This is not a survey.

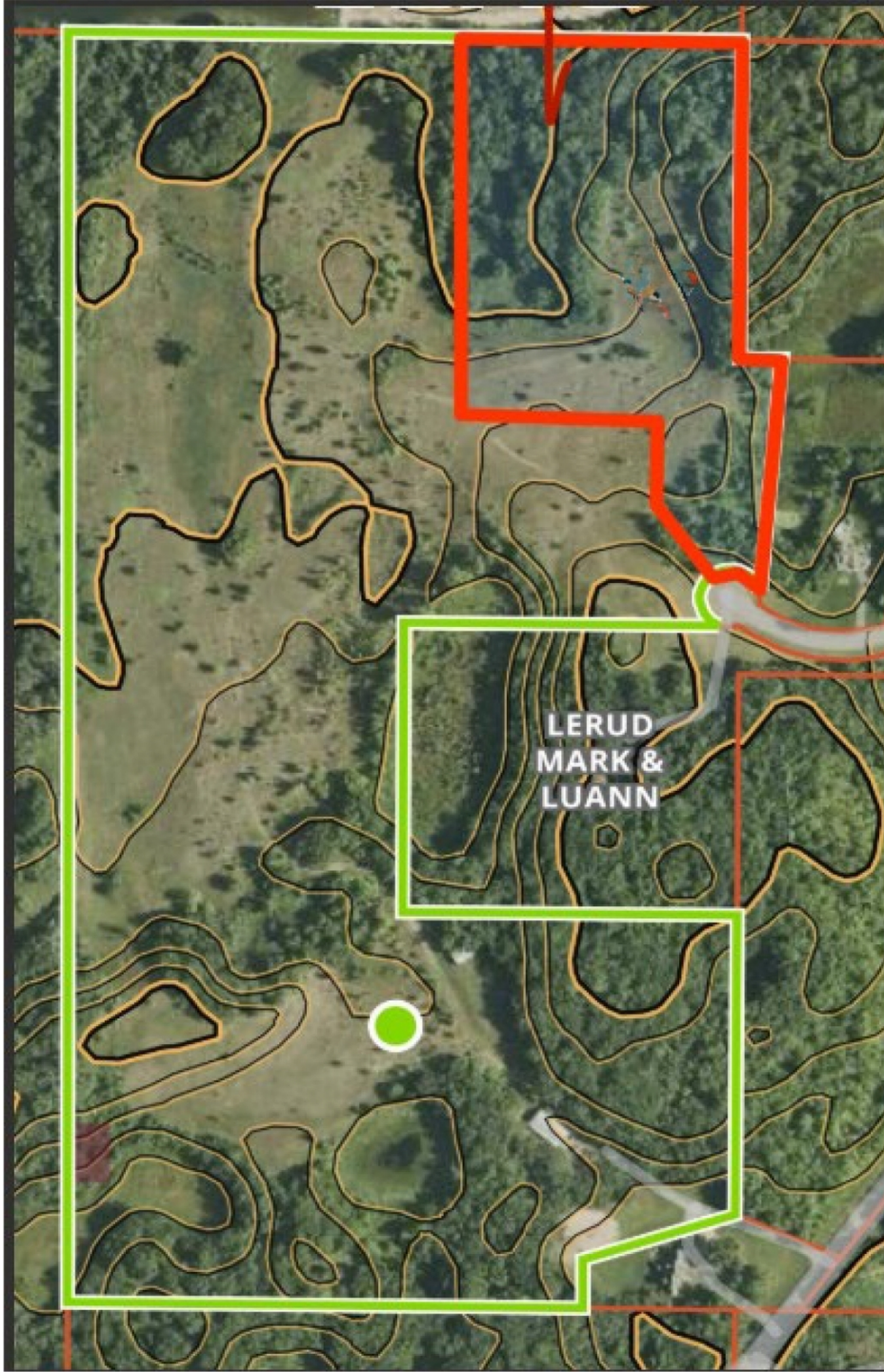
# Item 5.2

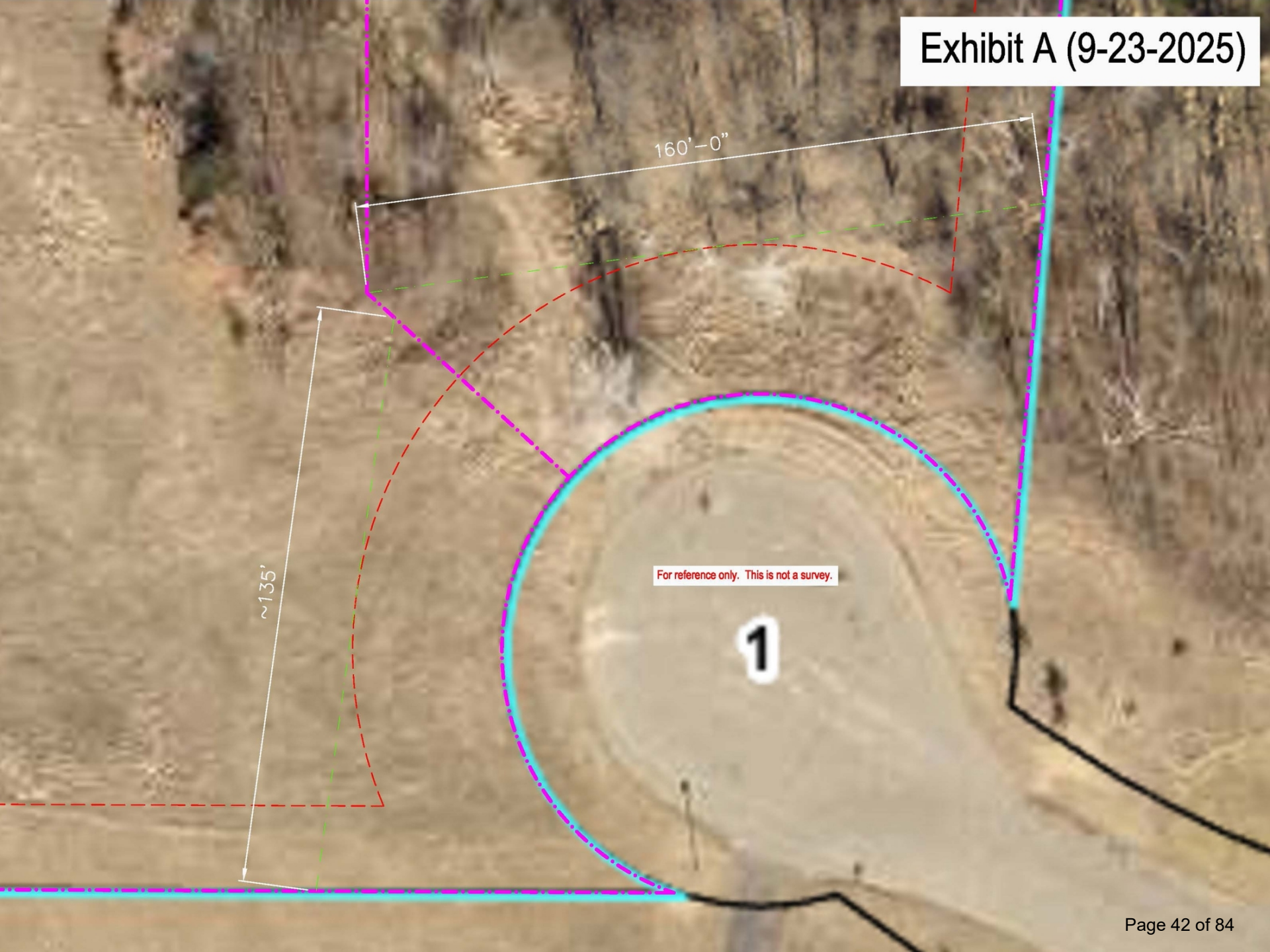
## Solors Lot Width Variance



# Background

- R1a
- Lot width of 160' required
- Proposing ~135'





For reference only. This is not a survey.

1

# Background

- New parcel 10-15 acres
- Leaves existing parcel at 55-60 acres
- Staff support the request for one variance on larger lot
  - Likely to be developed with a public ROW in the future



75-00111-2404

75-00630-0115

75-00630-0120

75-00111-3106

75-00111-3100

1

# Variance Requirements

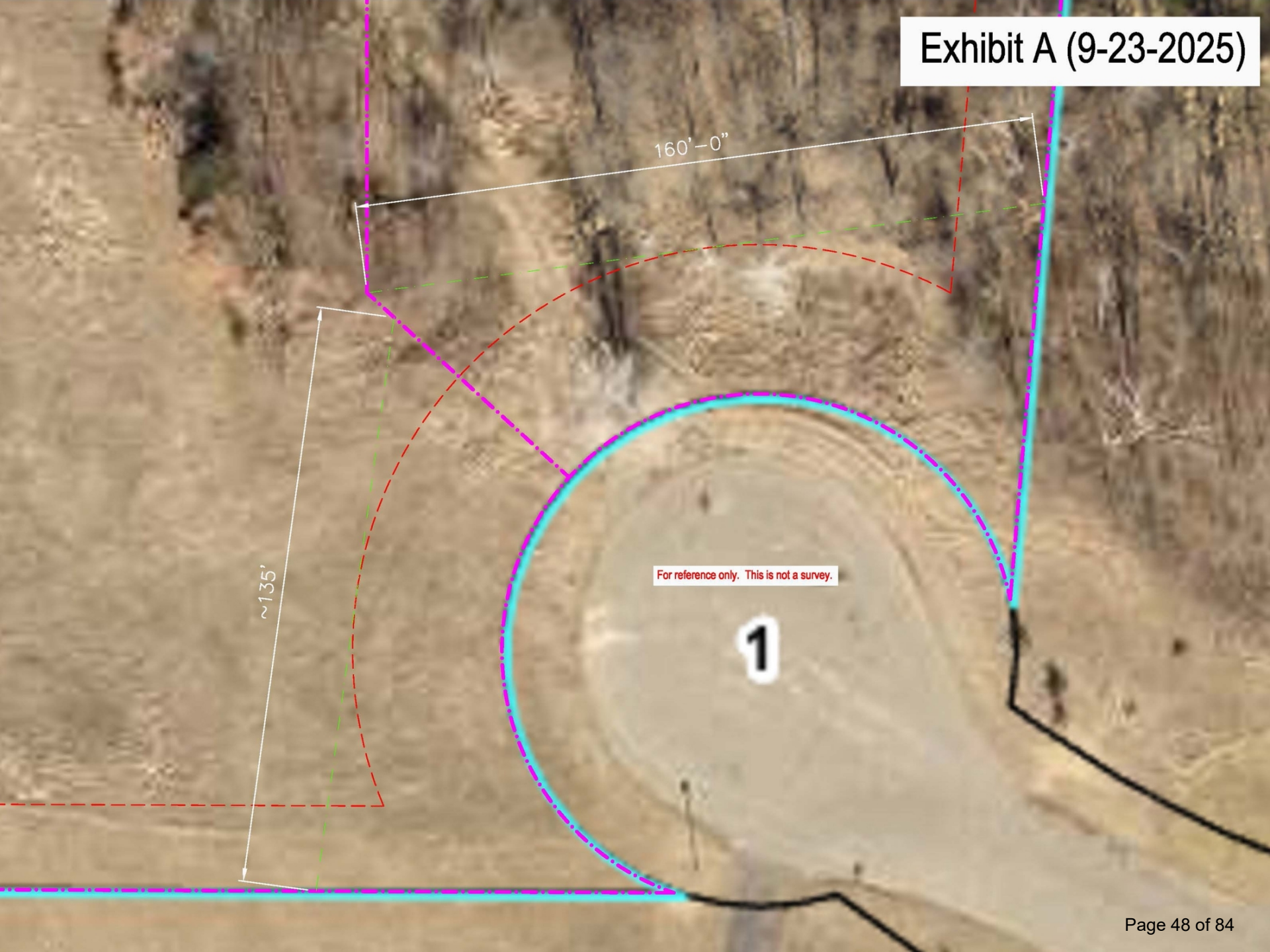
- Staff's analysis of the application shows compliance with all five (5) of the standards required for approval of a variance
- We can discuss individually if needed

# Action Requested

- Approve the lot width variance of 30 feet for one parcel adjacent to 11038 217th Avenue (75-00630-0120), for the reasons 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 **October 3, 2025**, this item will go to the:
- **October 20, 2025**, City Council Meeting



For reference only. This is not a survey.

1



75-00111-2404

75-00630-0115

75-00630-0120

75-00111-3106

75-00111-3100

1



# Request for Action

**To**  
Board of Adjustments

**Item Number**  
5.3

**Meeting Date**  
September 23, 2025

**Prepared By**  
Chris Leeseberg, Senior Planner

**Item Description**  
Variance: Setback Variances to Support Building Expansion, Spikes & Houles Feed, Seed, & Pet Supply - 906 US Highway 10 NW

**Reviewed by**  
Zack Carlton

## Action Requested

Approve the rear yard setback variance for the following reasons:

1. The general purpose and intent of the ordinance are met.
2. The property has a land use guidance of Neighborhood Commercial 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. A full survey of the property shall be completed for the building permit.
2. The rear yard setback shall not be closer to than the existing primary building.

Deny the side yard setback variance for the following reasons:

1. The general purpose and intent of the ordinance is not met.
2. The petitioner does not propose to use the property in a reasonable manner.
3. The essential character of the locale could be altered.

## Background/Discussion

The applicant is requesting variances from the rear and side yard setback requirements in the C-3 Highway Commercial zoning district to allow for an expansion of the existing commercial structure. The proposed addition would replace an outdated accessory garage on the west property line and create a unified, upgraded building that enhances both the site and surrounding area.

### The Elk River Vision

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



The C-3 Structure Setbacks from property lines are as follows:

Front: 25'

Side: 20'

Rear: 40'

Max Height: 45'

The subject property is uniquely constrained by its location between Highway 10 and the railroad tracks, limiting buildable area and growth potential without impacting required setbacks. The existing principal structure already encroaches into the required rear setbacks.

The applicant proposes to remove the existing accessory garage on the west property line and replace it with a new building addition. The applicant believes the addition would modernize and expand the business, improve the existing structure, and support the City's goal of strengthening Elk River's community identity.

The applicant has shown an ongoing need for parking, leasing overflow city parking for business operations. They are not proposing any additional onsite parking for the project, and parking will continue to be provided by the city lot along Highway 10. The applicant states that the proposed variance would enable continued business growth while maintaining compatibility with neighboring properties.

Staff are supportive of the rear yard setback but have concerns with the side yard setback as it will encumber access to the rear of the building, potentially limiting the ability of emergency services to respond. Staff would like the Board of Adjustments to discuss parking and whether or not the additional building space should require the creation of dedicated off-street parking spaces..

The Burlington Northern Santa Fe railroad has been notified of the request and as of the drafting of this memo, staff have not received a response.

## **Applicable Regulations**

### **Rear Yard Setback Variance Analysis**

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 proposed variance supports the ordinance's intent by allowing reasonable use of a constrained lot, while improving site function and aesthetics. The existing principal structure has been maintained along the railroad right-of-way for many decades with no concern.

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

The project aligns with the City's comprehensive plan by enhancing a visible property along Highway 10, reinforcing community identity, and contributing to downtown revitalization.

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;

Given site limitations, the rear yard variance allows the applicant to reasonably expand and improve the property in a manner otherwise precluded by strict adherence to setbacks. Again, the existing principal structure has been maintained along the railroad right-of-way for many decades with no concern.

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

While it can be reasoned a buyer should understand the constraints of a property before they purchase it,

due to the age of the structure, predating current Highway 10 configuration, unique constraints are present which were not caused by the applicant.

5. The variance, if granted, will not alter the essential character of the locality. The rear yard variance will not alter the essential character of the area as numerous structures share the same rear yard setback non-conformity along the railroad right-of-way.

### **Side Yard Setback Variance Analysis**

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 Side yard setbacks are required to provide space between buildings for safety, privacy, light, air circulation, access for utilities, and emergency access. The proposed encroachment into the side yard setback eliminates any access to the rear of the building on the west portion of the property. Currently there is accessibility between the main building and the detached building.

2. Is consistent with the City of Elk River comprehensive plan. The project aligns with the City's comprehensive plan by enhancing a visible property along Highway 10, reinforcing community identity, and contributing to downtown revitalization.

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; While the existing structure which encroaches into the side yard setbacks is proposed to be removed, it is an accessory structure, which typically has less restrictive setbacks. It is not reasonable to construct a new principal structure that does not meet the typically larger setback requirements.

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 While it can be reasoned a buyer should understand the constraints of a property before they purchase it, due to the age of the structure, predating current Highway 10 configuration, unique constraints are present which were not caused by the applicant.

5. The variance, if granted, will not alter the essential character of the locality. Most structures in the vicinity, also in the C3 zoning district, provide some side yard setbacks and granting the variance could alter the essential character of the locale.

### **Financial Impact**

None

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

Ethical, efficient, and responsible.

### **Attachments**

1. V 25-16 Location Map
2. Narratives
3. Site Plan
4. Photos
5. Exhibit A
6. Option A

7. Response to City Comments 09.11.25
8. Presentation



# Project Location Map

Spikes Seed

Variance

Case No: V 25-16



## Variance Request Narrative

Spike Seed currently employs 13 employees and is open from 8am – 7pm during the week with hours of operation on Saturday 8am-6pm and Sunday 10am-5pm. The current site has 7 parking spaces and the proposed addition does not add any more spaces. We are currently looking to expand our building to add more inside storage and retail space to better serve our customers. This addition adds approximately 4,200sf of building which our company greatly needs in order to keep growing and serving this great community.

There are many existing conditions on our site that require a variance to make this improvement possible. We have a very tight lot between HWY 10 and the railroad tracks. As you can see the existing building does not currently meet the front setback requirements laid out for C-3 zoning (required is 25' and existing is 15'). Due to the constraints of the property there is very little chance for growth without encroaching on these setbacks. The current property has an accessory building placed on the west property line. The proposed expansion would replace this old, less than desirable garage, with a new structure that will tie the entire property together. Our plan is to not only expand the building, but also to improve the existing structure while retaining the historic elements of this unique property. The time has come for this Elk River landmark to be restored to grandeur while keeping its classic look that will tie it into all the new down town improvements. As stated in the City's comprehensive plan these improvements would strengthen Elk River's community identity by improving a facility that every driver on HWY 10 is sure to notice.

If this variance is granted it will have little to no impact on the neighboring properties as there is already an existing structure on the west property line that would be replaced with a more attractive and functional expansion. We have already proven that we are a growing business that needs room for expansion as demonstrated when we started leasing the overflow city parking lot for our garden center and additional parking. As the Elk River community continues to grow and flourish we want to be there to grow and serve this community.

**Legal Description of Property**

Auditors SUBD. BLK22

Lots 2 and 3 of Auditor’s Subdivision of Block 22 of the Village of Elk River, except that part of Lot 2 lying Westerly of the following described line: beginning at the Northeast corner of Lot 4 of Auditor’s Subdivision of Block 22 of the Village of Elk River, thence running Northeasterly at a deflection angle of 20 degrees Easterly from the Northerly extension of the East line of said Lot 4 to the railroad right of way and there terminating. Excepting also the railroad right of way and excepting also the highway right of way.

Commonly known as: 906 US Highway 10 Northwest, Elk River, Minnesota

**The narrative is your opportunity to describe, promote, and sell your proposal to the Board of Adjustment and City Council (if needed) and should explain your request in detail and how the five criteria are met in order to be granted a variance.**

I have attached the narrative that answers all of the questions below per the project narrative criteria. I have also attached a couple photos of a project we completed in Forest lake MN that gives you a good idea of what we are looking to do here.

Thank you!

Variance Request Narrative

Spike Seed currently employs 13 employees and is open from 8am – 7pm during the week with hours of operation on Saturday 8am-6pm and Sunday 10am-5pm. The current site has 7 parking spaces and the proposed addition does not add any more spaces. We are currently looking to expand our building to add more inside storage and retail space to better serve our customers. This addition adds approximately 4,200sf of building which our company greatly needs in order to keep growing and serving this great community.

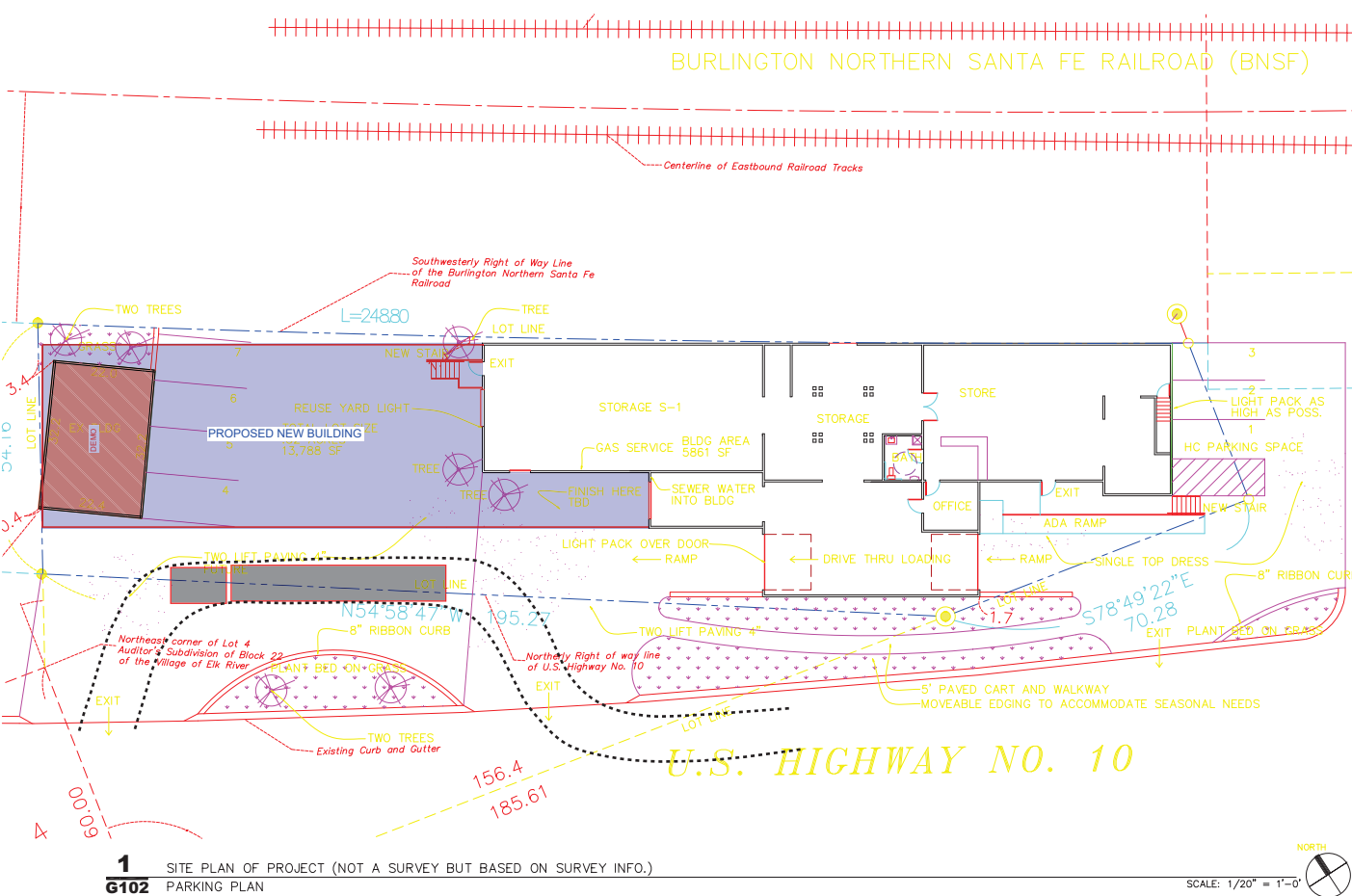
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**A variance may be granted by the board only if it finds that:**

<p><b>The variance is in harmony with the general purpose and intent of the ordinance</b></p>	<p>See attachment</p>
<p><b>The variance is consistent with the City of Elk River Comprehensive Plan (discuss with city staff if needed)</b></p>	<p>See attachment</p>
<p><b>Variances may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties means that:</b></p>	
<p><b>The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance</b></p>	<p>See attachment</p>
<p><b>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</b></p>	<p>See attachment</p>
<p><b>The variance, if granted, will not alter the essential character of the locality</b></p>	<p>See attachment</p>



**ARCHITECT**  
**rt DESIGN**  
 architecture + interiors  
 3300 KYLE AVE N  
 GOLDEN VALLEY, MN 55422  
 TEL: 612-743-6225  
 rt-design.com

**GENERAL CONTRACTOR**  
**METRO BUILDING**  
 4738 42ND AVE N  
 MINNEAPOLIS, MN 55422  
 TEL: 763-536-0277

**PROJECT**  
**SPIKE'S LAWN AND GARDEN**  
 HWY 10, ELK RIVER, MN  
**TENANT IMPROVEMENT**

**ARCHITECT'S STAMP**  
 I hereby certify that this plan, specification, or report was prepared by me or under my supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.  
 Ryan B. Thufeldt, AIA  
 Signature: *[Signature]*  
 License # 44751

**OVERALL SITE PLAN**  
 scale= 1/20" = 1'-0"

date: 5/18/15  
 PERMIT 3/19/15  
 PERMIT 2 5/18/15

**1** SITE PLAN OF PROJECT (NOT A SURVEY BUT BASED ON SURVEY INFO.)  
**G102** PARKING PLAN

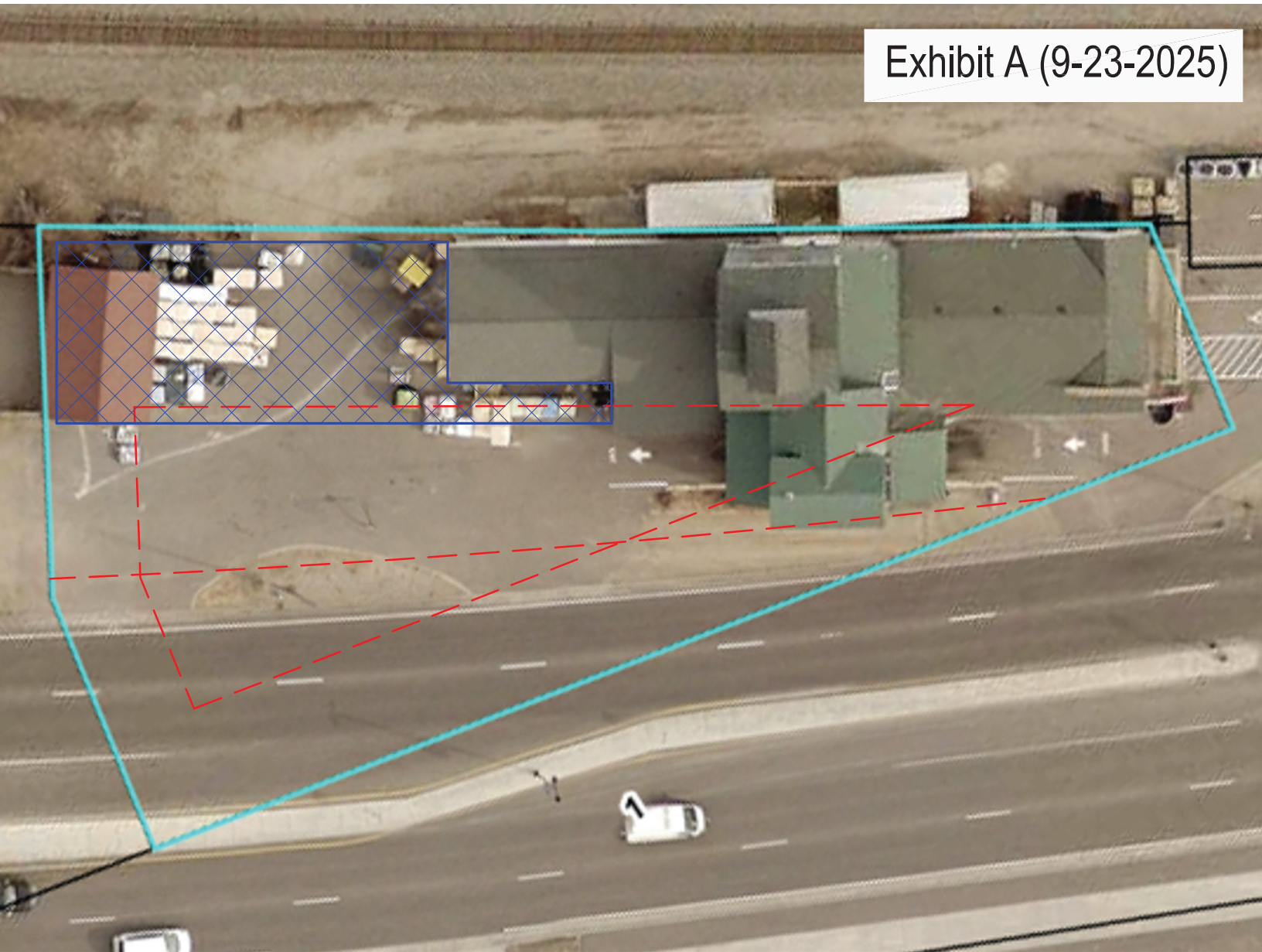
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**SHEET G102**  
 © rt design LLC 2015

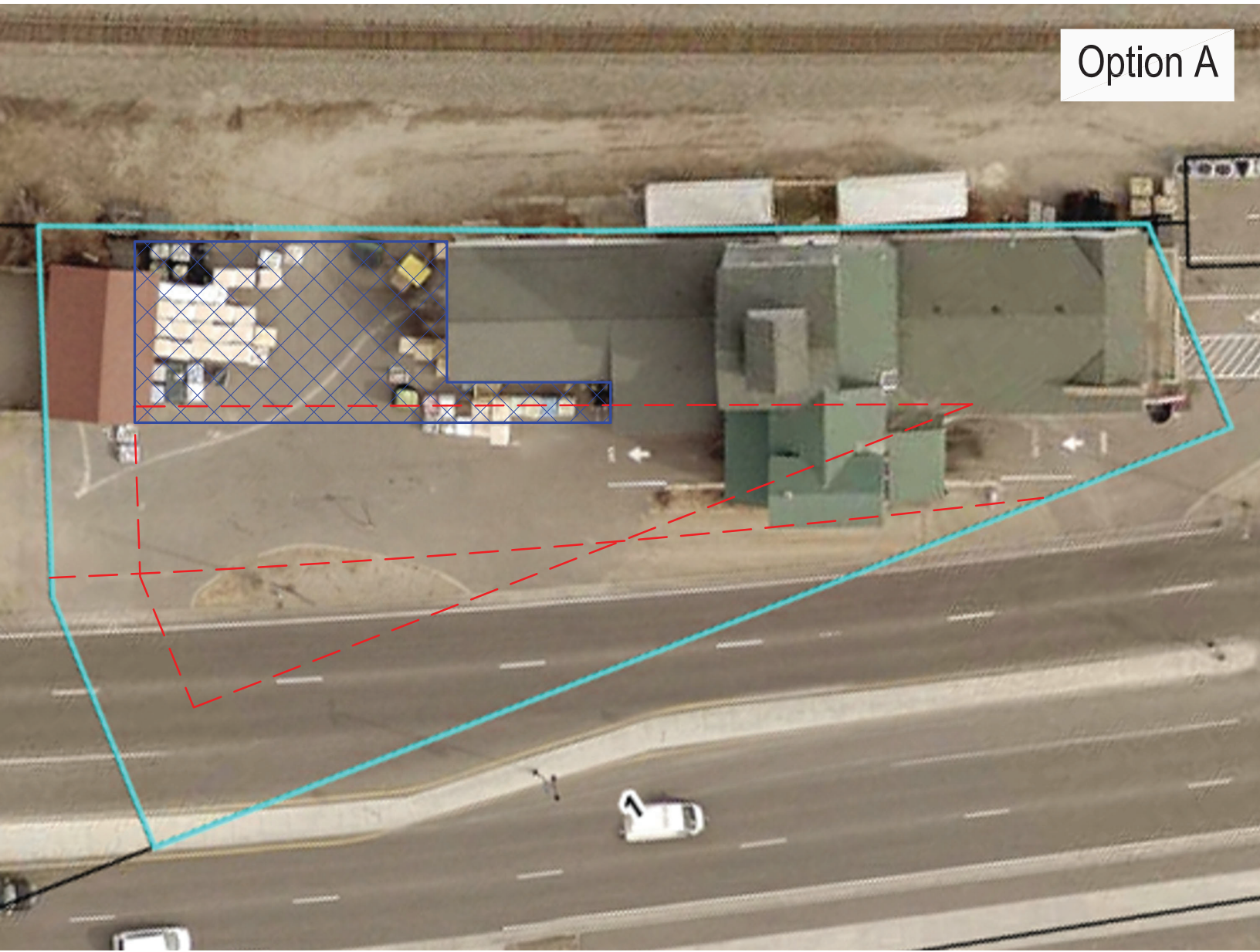




Exhibit A (9-23-2025)



Option A





September 4, 2025

Gino Pitera  
5715 Blaine Ave  
Inver Grove Heights, MN 55076

Via email to [gpitera@gertens.com](mailto:gpiterra@gertens.com)

Nick Lorentz  
8415 220<sup>th</sup> St. West  
Lakeville, MN 55044

Via email to [nick@kcibuilds.com](mailto:nick@kcibuilds.com)

Thank you for your application for a Setback Variance to encroach into the rear and side yard setback to build a 4,200 addition to the property located at 906 US Highway 10. I will be reviewing your application and preparing the staff report for the Board of Adjustments and if needed, the City Council.

On August 6, 2025, the city received your application for the above use. Per Minnesota State Statute §15.99, the city is required to decide within 60 days of receipt of the completed application. Subd. 3 of that section requires the city to notify an applicant within 15 business days if information is missing, delaying the start of the 60-day review period. A city may extend the 60-day review period up to 120 days to complete the review.

With the receipt of the required materials on August 6, 2025, the application for a Variance has been deemed complete, and the 60-day review period starts. This application has been assigned Case Number V 25-16 and is scheduled to be reviewed by the Board of Adjustments on September 23, 2025, at 6:30 p.m. at the Elk River City Hall, 13065 Orono Parkway. If the Board of Adjustments denies the Variance request, or an appeal is received by October 3, 2025, the Elk River City Council will also conduct a public hearing concerning this matter on Monday, October 20, 2025, at 6:00 p.m. at Elk River City Hall, 13065 Orono Parkway.

Staff conducted a city-wide site plan review on September 2, 2025, and has the following comments:

**Planning** – *Contact Chris Leeseberg with any questions 763-635-1033 [cleeseberg@ElkRiverMN.gov](mailto:cleeseberg@ElkRiverMN.gov)*

- Staff are concerned with the side yard (west) encroachment and likely will not be supportive. Can the building be reduced to meet side yard setbacks?

This lot presents extenuating circumstances that we are asking for special considerations. To maintain a viable business in this location we struggle due to the parameters within which we have to operate. In order to justify the exterior renovation of this landmark we need to achieve the highest level of efficiency possible. Our options are very limited on this parcel and we believe our expansion and restoration can make this historic property a center piece to the downtown area.

Thank you in advance for your consideration of our struggles with this endeavor.

13065 Orono Parkway  
Elk River, MN 55330  
763.635.1000  
[ElkRiverMN.gov](http://ElkRiverMN.gov)



There are currently no striped parking spaces on the west end of the property (contrary to what the site plan shows). We lease half of the parking lot to the east of our property from the city and this has proved to be more than adequate for the number of customers that are served. You are also stating that we are adding retail space which is false, the expansion will be adding storage space in order to keep the current retail space stocked and reduce the frequency of deliveries (truck traffic).

- The proposed addition will eliminate parking while adding retail space. Are there opportunities for adding on-site parking?
- Will the proposed addition eliminate the need for outdoor storage? If not, where will it be located and how will it meet Section 30-807? There is no plan for outside storage in this expansion.
- How will loading and unloading occur without the loading docks? The existing loading dock is not functional as a loading dock as it is at the wrong elevation. We will continue to pull trucks into the yard, tailgate unload them, and move the materials into the new storage area just as we have done in the past.
- Please provide an updated site plan showing on-site parking, turning radius of delivery vehicles, and identify outdoor storage if being maintained. See attached showing the semi path. As stated above no outside storage planned and the parking area is a leased parking lot to the east of the property.

**Building** – Contact Mark Pistulka with any questions 763-635-1066 [mpistulka@ElkRiverMN.gov](mailto:mpistulka@ElkRiverMN.gov)

- Architectural and engineered plans will be required.

**ERMU (electric)** - Contact Tom Geiser with any questions. 763-635-1351 [tgeiser@ermumn.com](mailto:tgeiser@ermumn.com)

- Any service upgrade due to the addition will be charged to the property owner for 100% material and labor.
- An electrical load sheet for addition will need to be filled out. These building improvements will require minimal additional electrical load.

To prevent delays, please submit revised exhibits and other requested information, if indicated above, by September 16, 2025.

Please let me know if you have any questions.

Sincerely,



Chris Leeseberg, Senior Planner  
Ph: 763.635.1033  
[cleeseberg@ElkRiverMN.gov](mailto:cleeseberg@ElkRiverMN.gov)

Enclosures: Section 30-807

---

**Sec. 30-807. Outdoor storage.**

- (a) *Definitions.* The definitions in section 30-1 are applicable in this section.
- (b) *Purpose.* It is the intent of this section to establish regulations which allow the outdoor storage materials within the city in a clean and safe manner. Outdoor storage areas must be approved by the city in accordance with the standards outlined in this chapter.
- (c) *Standards.*
  - (1) Outdoor storage shall not exceed 50 percent of the parcel area.
  - (2) Approved outdoor storage areas must be paved with an approved surface in accordance with section 30-900(a).
  - (3) Outdoor storage areas shall maintain the front yard setback established for the district where the use is located. The side and rear yard setback shall be ten feet.
  - (4) Outdoor storage areas shall not be located in designated parking areas or areas striped for parking.
  - (5) Outdoor storage areas shall be completely screened from view within all public rights-of-way and commercial or residentially zoned parcels. This requirement shall include gates constructed of the same screening material that can be closed when not in use.
    - a. Screening must provide a visual barrier. Any such barrier shall reduce visibility in a manner that restricts vision of the object being screened, but is not required to totally block the vision of any such object.
    - b. Screening shall consist of one of the two following methods.
      - 1. A screening fence of at least six feet and constructed of one or more of the following materials:
        - (i) Wood;
        - (ii) Factory finished metal or vinyl panels;
        - (iii) Chain link with vinyl slats. The slats must be maintained at all times and must be replaced within 30 days at the request of the city.
      - 2. An earthen berm of at least three feet in height with a mixed hedge of evergreen and deciduous plant materials.
        - (i) Plant materials must include a variety of shrubs, ornamental trees, and overstory/evergreen trees. Shrubs must be at least three feet tall at the time of installation and the plan must be approved by city staff.
        - (ii) Earthen berms shall not have a slope of more than three feet horizontal to one foot vertical or be located within any street right-of-way unless otherwise approved by the city engineer.
  - (6) Outdoor storage areas abutting an adjacent industrial zoned parcel are not required to be screened.
    - a. Where screening is not required, barrier style curb B612 shall be installed to define the limits of the approved outdoor storage area.

(Ord. No. 16-26, § 2, 11-21-2016)

# Item 5.3

## Spikes Setback Variances

75-00407-0020

Rail Road

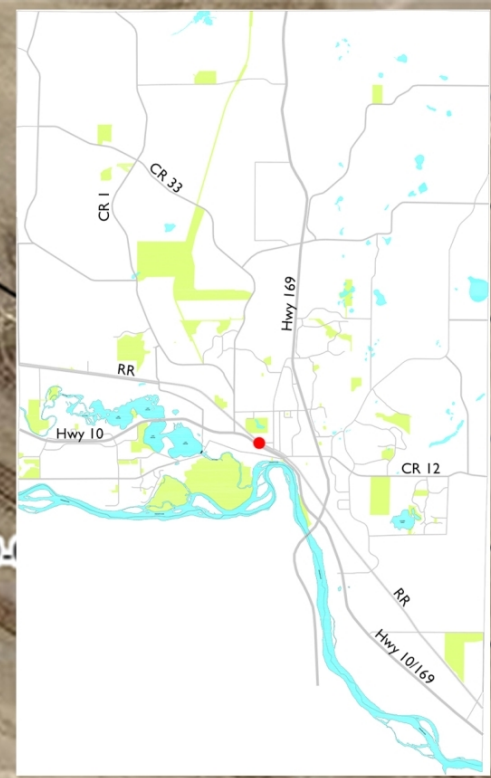
75-00999-1

75-00407-0030

**SITE**

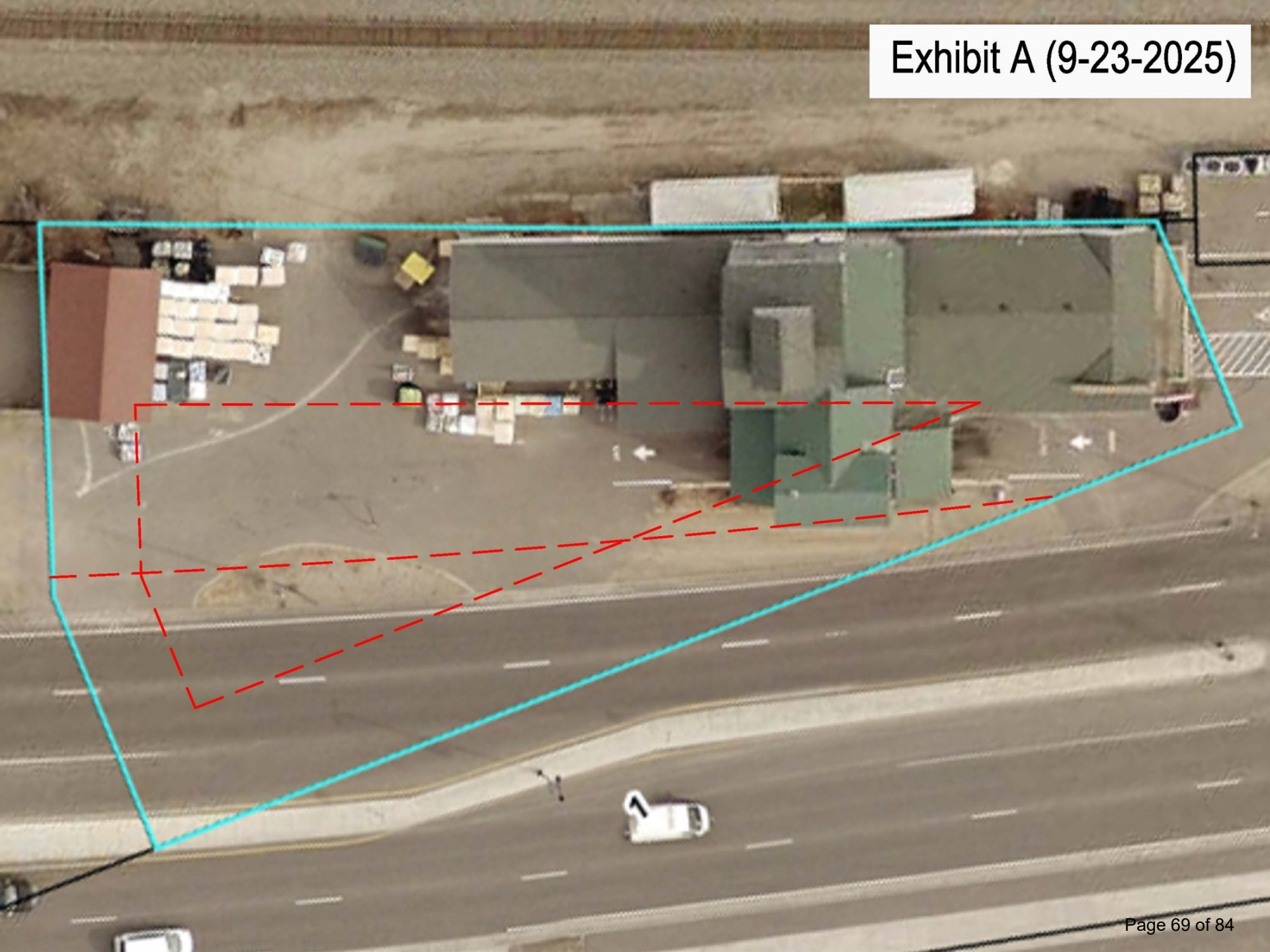
10

Hwy 10



# Background

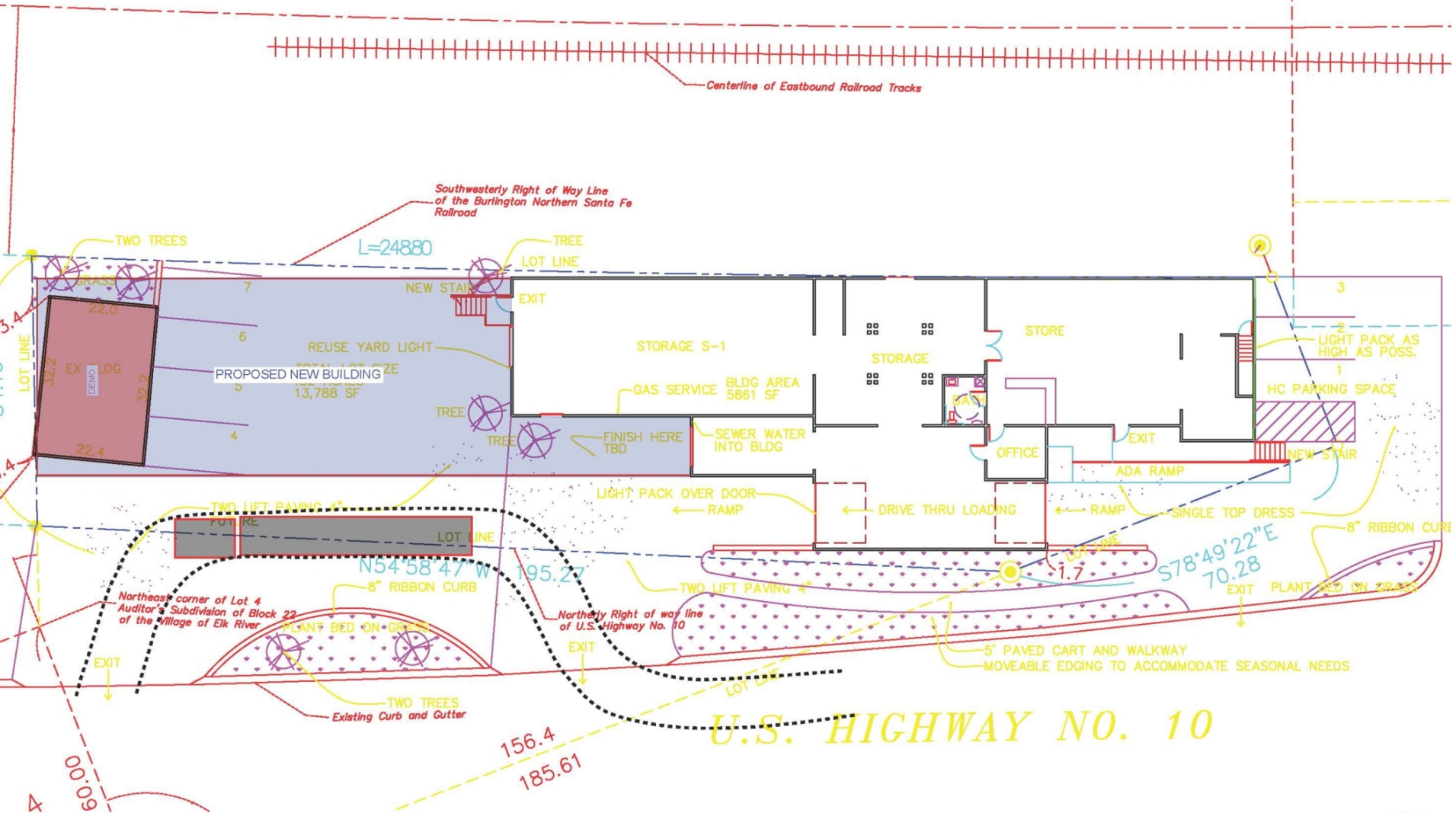
- Requesting two variances
  - Rear Yard Setback
  - Side Yard Setback
- Expanding primary structure
- The C-3 setbacks from property lines are as follows:
  - Front: 25'
  - Side: 20'
  - Rear: 40'



# Background

- Constrained between Highway 10 and RR tracks
- Limiting buildable area/growth potential without impacting required setbacks
- The existing principal structure already encroaches into the required rear setback
- The applicant proposes to remove the existing accessory garage
  - Build addition onto main structure

# BURLINGTON NORTHERN SANTA FE RAILROAD (BNSF)



**1** SITE PLAN OF PROJECT (NOT A SURVEY BUT BASED ON SURVEY INFO.)  
**G102** PARKING PLAN

NORTH  
 SCALE: 1/20" = 1'-0"



Spikes & Houles  
E.J. HOULE CO.  
PELLETING  
CHECK-R-MIX



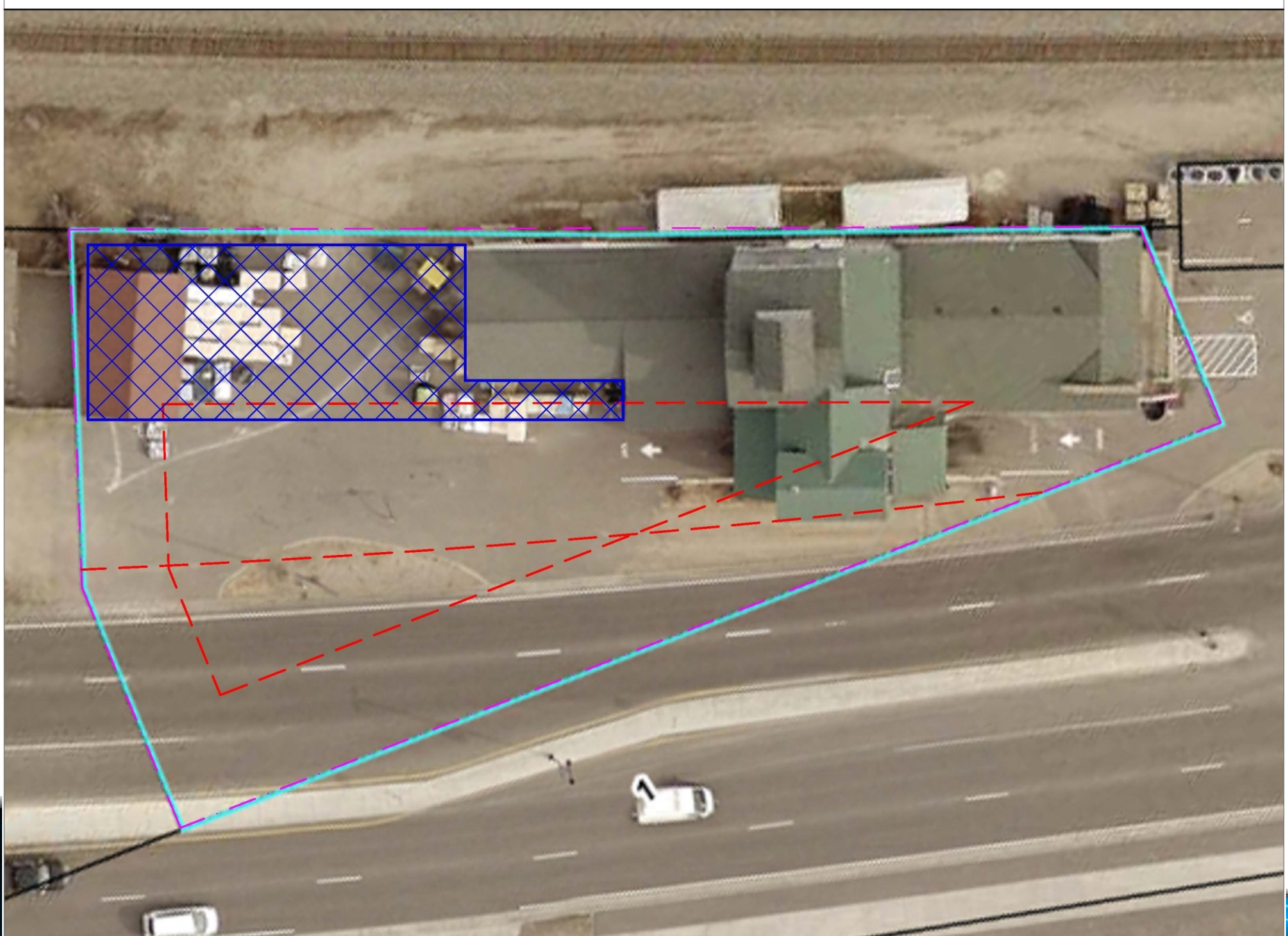
Spikes & Houles  
FEED • SEED • PET • LAWN • GARDEN

E.J. HOULE CO.  
PELLETING



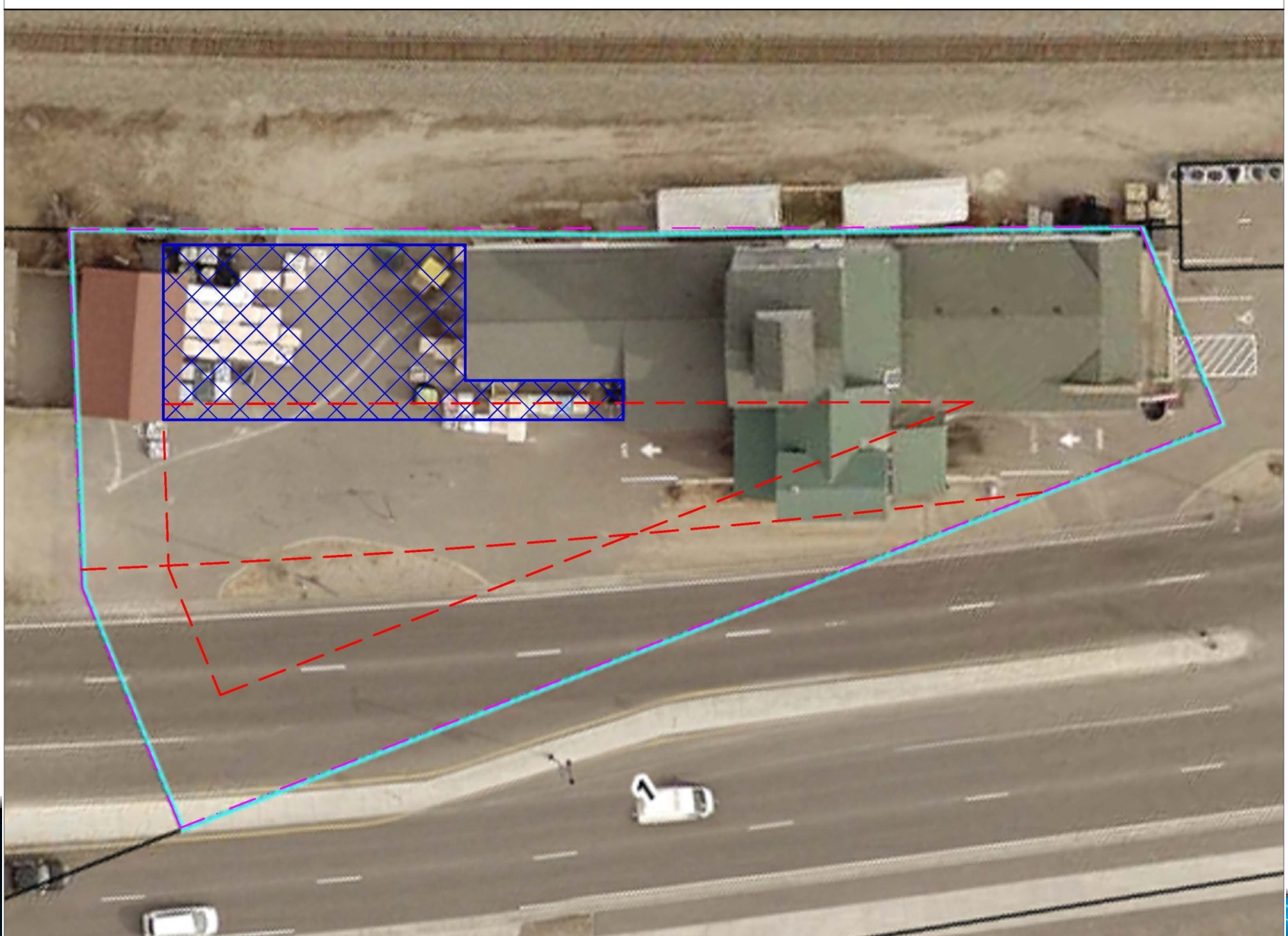
WELCOME!  
Store Entrance  
←

PICK UP  
#1



# Background

- Staff are supportive of the rear yard setback
- Have concerns with the side yard variance
- Encumber access to the rear of the building
  - Potentially limiting emergency services
- A smaller structure can be constructed while maintaining the side yard setback



# Rear Yard Setback Variance Analysis

- Staff's analysis of the Rear Yard variance shows compliance with all five (5) of the standards required for approval of a variance
- We can discuss individually if you want

# Side Yard Setback Variance Analysis

- Staff's analysis of the Side Yard variance shows compliance with only two (2) of the five (5) standards required for approval of a variance
- #1 - The general purpose and intent of the ordinance is not met
- #3 - The petitioner does not propose to use the property in a reasonable manner
- #5 - The essential character of the locale could be altered

# Action Requested – Rear Yard

- Approve the rear yard setback for the reasons outlined in the memo, and;
- With the two recommended conditions

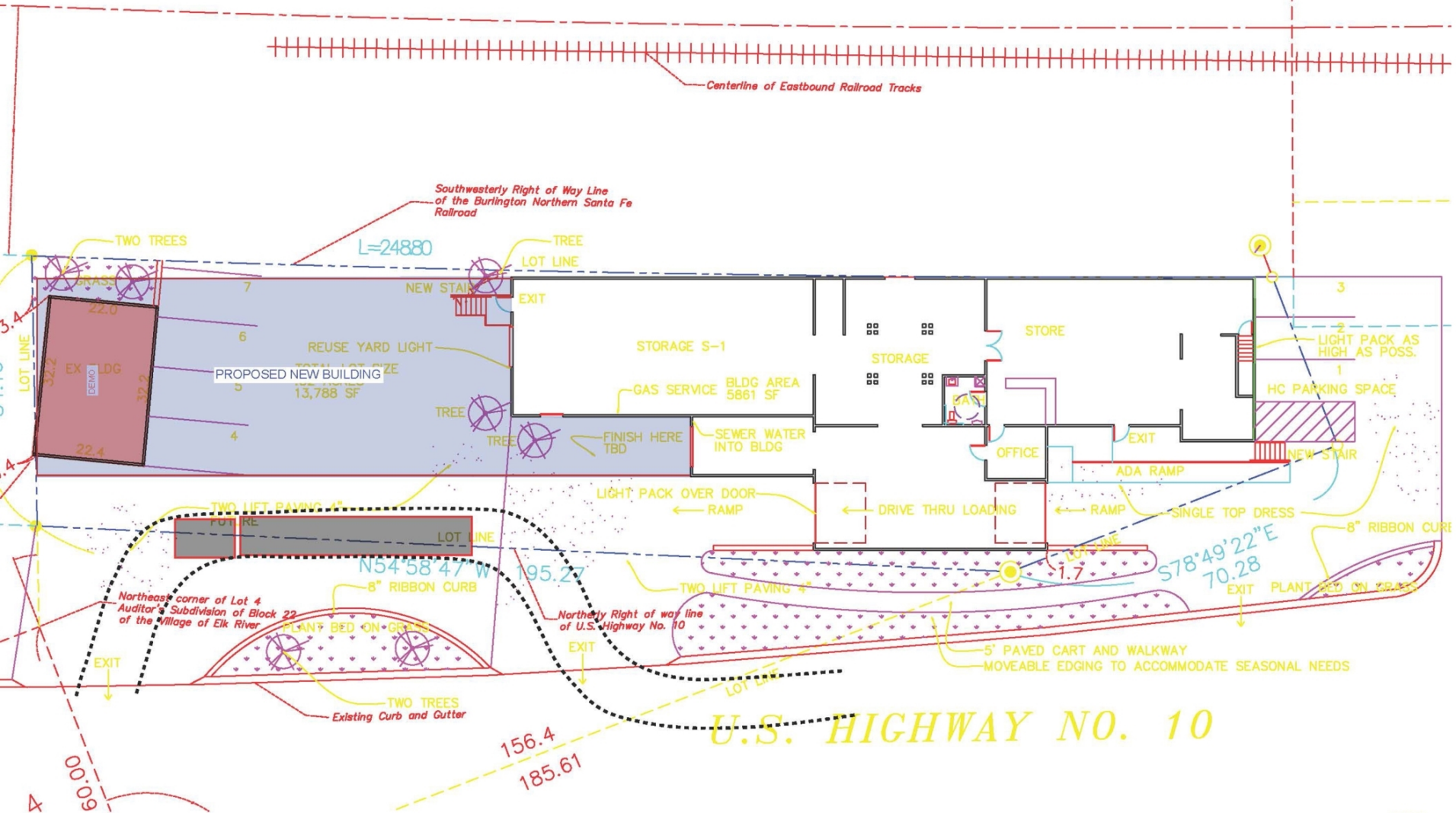
# Action Requested – Side Yard

- Deny the side yard setback for the reasons 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 **October 3, 2025**, this item will go to the:
- **October 20, 2025**, City Council Meeting

# BURLINGTON NORTHERN SANTA FE RAILROAD (BNSF)



**1** SITE PLAN OF PROJECT (NOT A SURVEY BUT BASED ON SURVEY INFO.)  
**G102** PARKING PLAN

NORTH  
 SCALE: 1/20" = 1'-0"

