



**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.

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.**

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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.

Dennis Booth, Acting Chair

Tina Allard, City Clerk