



Board of Adjustments

Tuesday, October 28, 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 - September 23, 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: Side Yard Setback, Tim St. Claire - 19072 Baldwin St NW

5.2 Variance: Structure Size Variance, Benjamin Poythress - 13640 Island View Dr NW

5.3 Variance: Lot Size and Wetland Setbacks, Allen Perkins - 13937 196th Ave NW

6. MOTION TO ADJOURN REGULAR MEETING



**Meeting of the Board of Adjustments
Held at the Elk River City Hall
Tuesday, September 23, 2025**

Members Present: Chair Perry Beise, Commissioner Eric Johnson, Commissioner Robert Rydberg, Commissioner Dennis Booth, Commissioner James Zahler, Commissioner Anthony Kaba, Commissioner Dornan Bland, Councilmember Jennifer Wagner

Members Absent: None

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 Booth to approve the agenda. Motion carried 7-0.

4. CONSIDER MINUTES

Moved by Commissioner Booth and seconded by Commissioner Zahler to approve the following consent items as outlined in their respective staff reports. Motion carried 7-0.

4.1 DRAFT Minutes - August 26, 2025

5. PUBLIC HEARINGS

5.1 Variance: Front Yard Sign Setback, James Rossman - 404 Main St NW

Mr. Leeseberg presented the staff report.

Chair Beise opened the public hearing.

James Rossman, 321 3rd St NW, applicant, spoke in favor of granting the Variance to move the sign forward.

Commissioner Rydberg asked if moving the sign forward would obstruct any utilities. Mr. Leeseberg

stated there may be utilities in that area in the future and they may need to be routed under or around the sign if the Variance is approved and their currently is no easement.

Chair Beise closed the public hearing.

Moved by Commissioner Rydberg and seconded by Commissioner Booth to 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.**

Motion carried 7-0.

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

Mr. Leeseberg 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.

Moved by Commissioner Johnson and seconded by Commissioner Booth to approve the lot width variance of 30 feet for one parcel adjacent to 11038 217th 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.**

Motion carried 7-0.

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

Mr. Leeseberg presented the staff report. Staff recommended approving the rear setback but denying the west side setback.

The Commission discussed access to the rear of the building and questioned whether the variance for

the west property line setback would impede access to the rear of the building. The Commission would like additional information from the fire department regarding any safety concerns regarding access around the building in an emergency.

Commissioner Rydberg suggested a condition to require a gap in the east side parking lot to access the rear of the building. Mr. Leeseberg commented that allowing a fire lane would remove four parking spots from the business.

Chair Beise opened the public hearing.

Gino Pitera, applicant/owner, asked for approval of both Variances.

Commissioner Booth asked about the two containers behind the building shown on the overhead map. Mr. Pitera stated they were trailers for straw and hay. The trailers can be accessed from either the east side or the west side currently.

Chair Beise closed the public hearing.

Commissioner Rydberg questioned the following variance standards, as stated in the memo, and felt that the improvements to the building would be positive:

2. The petitioner does not propose to use the property in a reasonable manner.
3. The essential character of the locale could be altered.

Commissioner Bland commented that having more warehouse space is valuable to a business.

Chair Beise stated, if the Commission denies the west side Variance, it would go to the City Council for review. That would provide time for the fire department to comment on safety concerns.

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

and to 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.**

Motion carried 7-0.

Councilmember Wagner stated that the Council would discuss the safety concerns at their October 20, 2025, meeting.

6. MOTION TO ADJOURN REGULAR MEETING

Moved by Commissioner Johnson and seconded by Commissioner Booth to adjourn the meeting. Motion carried 7-0.

The meeting adjourned at 7:17 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
October 28, 2025

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Variance: Side Yard Setback, Tim St. Claire - 19072
Baldwin St NW

Reviewed by
Zack Carlton

Action Requested

Deny, by motion, the proposed variance to permit encroachment into the side yard setback, allowing construction of a deck, as the following standards have not been satisfied:

1. Not maintaining adequate separation between structures for safety, access, neighborhood consistency, and utility needs does not meet the general purpose and intent of the ordinance.
2. The property is guided for residential uses which includes decks, and the property is currently improved with a home and deck that provide reasonable residential use.
3. Expanding the deck can also be accomplished without requiring a variance but expanding the nonconformity is not necessary to allow reasonable use of the property.
4. The lot configuration and existing house placement are not unique among properties in this neighborhood. Many nearby homes have similar layouts and conforming decks within the required setbacks.
5. Enlarging the deck to encroach further into the setback could disrupt the established pattern of separation between structures, potentially altering the visual and spatial character of the area.

Background/Discussion

The applicant is requesting a variance to allow construction of a new deck which increases the size of the existing, non-conforming, deck at 19072 Baldwin Street NW. The proposed deck would encroach further into the required side yard setback than what is permitted by city code. The applicant cites the lot configuration and existing home placement as limiting factors in meeting the standard setback requirement.

The subject property is a residential lot located within a developed neighborhood with an existing deck that is considered a legal nonconforming structure. The applicant proposes to replace, and enlarge, the existing deck with portions of the deck proposed to be 4-feet and 5.5-feet away from the property line, resulting in an increased encroachment into the required side yard setback of 10-feet. There is also a 5-foot drainage and utility easement along the property line.

The zoning regulations allow maintenance or replacement of a legal nonconforming structure but prohibit expansion of nonconformity unless a variance is granted.

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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

Applicants' response: The variance request supports the intent of the ordinance by allowing safe and functional use of the property in a residential manner. The deck expansion is modest, consistent with the surrounding neighborhood, and does not create adverse impacts on adjacent properties.

The purpose of setback requirements is to maintain adequate separation between structures for safety, access, neighborhood consistency, and utility needs. The proposed deck expansion would further reduce the required side yard separation, conflicting with the intent of the ordinance.

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

Applicants' response: The variance supports reinvestment in existing housing, enhances neighborhood livability, and maintains the residential character of the community. The proposed deck expansion is consistent with the Comprehensive Plan's goals for preserving and improving established neighborhoods.

The property is guided for residential uses, which includes decks, and the property is currently improved with a home and deck that provide reasonable residential use. Expanding a deck to 5.5 feet away from the property line does not align with the Comprehensive Plan's goals for orderly development and protection of infrastructure.

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: A modest deck enlargement is a common and reasonable residential use. Strict application of the setback requirement would prevent the property owner from improving their home with a safe and functional outdoor living space that is typical in the neighborhood.

The property is currently improved with a home and deck that provide reasonable residential use. While the existing deck is smaller than desired, it may be maintained or replaced within its current footprint without requiring a variance and expanding the deck can also be accomplished without requiring a variance. Expanding the nonconformity is not necessary to allow reasonable use of the property.

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: The lot layout and placement of the existing home limit the available space for deck expansion. These conditions are unique to the property and were not created by the current owner.

The lot configuration and existing house placement are not unique among properties in this neighborhood. Many nearby homes have similar layouts and conforming decks or patios within the required setbacks. A compliant deck could be designed without the need for a variance (see Staff Exhibit A). Therefore, the circumstances are not unique and appear to result from the homeowner's preference for a larger structure

rather than from the physical constraints of the property.

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

Applicants' response: The proposed deck will be similar in scale, design, and use to other decks in the neighborhood. It will not change the residential character of the area or negatively affect adjacent properties.

The existing deck is similar in size and placement to many others in the surrounding neighborhood. Enlarging the deck to encroach further into the setback could disrupt the established pattern of separation between structures, potentially altering the visual and spatial character of the area.

Based on the findings above, staff recommend denial of the requested variance to allow construction of a deck that further encroaches into the required side yard setback at 19072 Baldwin Street NW. The request does not meet the city criteria for granting a variance.

Financial Impact

None

Mission/Policy/Goal

Ethical, efficient, and responsible.

Attachments

1. Location Map
2. Applicant's Narrative
3. Site Plan
4. Staff Exhibit A



Project Location Map

St. Claire

Variance

Case No: V 25-17



Requesting a variance from the City of Elk River zoning setback requirements to allow construction of a new deck larger than the existing deck at 19072 Baldwin Street NW. The proposed deck will encroach further into the setback than permitted by code. The variance is sought due to the lot configuration and the placement of the existing house, which limit compliance with the standard setback requirement.

Legal Description of Property

Deerfield 3rd Addition, Block 11, Lot 23, Sherburne County, 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.

The property owner proposes to replace the existing deck with a slightly larger deck. The proposed design requires a variance from the rear yard setback due to the lot configuration and house placement. The variance is necessary to allow a safe, functional, and typical outdoor living space.

This request is in harmony with the purpose and intent of the zoning ordinance because it maintains safe, functional residential use while preserving neighborhood character. It is consistent with the City of Elk River Comprehensive Plan by supporting reinvestment in existing housing and enhancing neighborhood livability.

The project represents a reasonable residential use not permitted by strict application of the ordinance. The unique lot configuration and placement of the existing house create practical difficulties beyond the control of the owner. Finally, granting the variance will not alter the essential character of the locality, as the deck will remain consistent in scale and design with others in the neighborhood.

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

The variance request supports the intent of the ordinance by allowing safe and functional use of the property in a residential manner. The deck expansion is modest, consistent with the surrounding neighborhood, and does not create adverse impacts on adjacent properties.

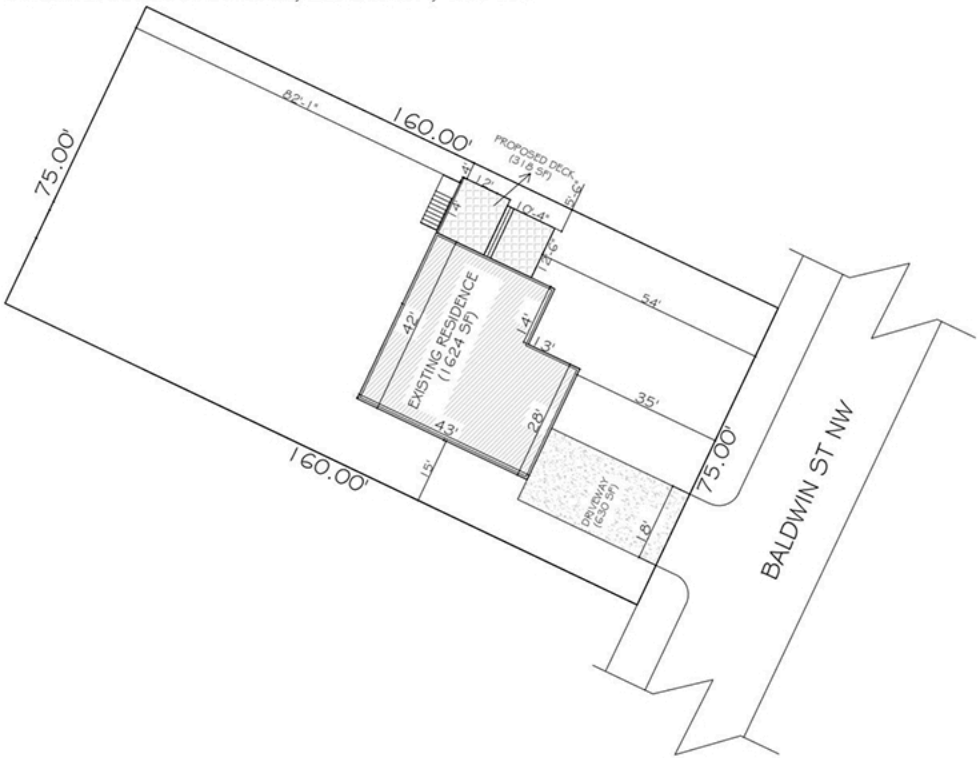
The variance is consistent with the City of Elk River Comprehensive Plan (discuss with city staff if needed)

The variance supports reinvestment in existing housing, enhances neighborhood livability, and maintains the residential character of the community. The proposed deck expansion is consistent with the

	Comprehensive Plan's goals for preserving and improving established neighborhoods
Variances 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	A modest deck enlargement is a common and reasonable residential use. Strict application of the setback requirement would prevent the property owner from improving their home with a safe and functional outdoor living space that is typical in the neighborhood.
The plight of the petitioner is due to circumstances unique to the property not a consequence of the petition's own action or inaction; and	The lot layout and placement of the existing home limit the available space for deck expansion. These conditions are unique to the property and were not created by the current owner.
The variance, if granted, will not alter the essential character of the locality	The proposed deck will be similar in scale, design, and use to other decks in the neighborhood. It will not change the residential character of the area or negatively affect adjacent properties.

SITE PLAN

LOCATION: 19072 Baldwin St NW, Elk River, MN 55330, USA
 PARCEL ID: 75-00516-1146/ ZONING CODE:PUD (PLANNED UNIT DEVELOPMENT)
 LEGAL DESCR.: DEERFIELD 3RD ADDITION, BLOCK 11, LOT 23



VICINITY MAP



NOTES

SITE PLAN OF THE PROPERTY UNDER REVIEW
 SHOWING THE PROPOSED DECK
 DEVELOPMENT.

LOT SIZE

0.28 Acres
 =
 11,995 SF

SHEET TITLE

SITE PLAN

LOT OWNER:

ST. CLAIRE,
 TIMOTHY & MINDA

DEEN'S CONSULTS

Architects • Planners • Project Managers

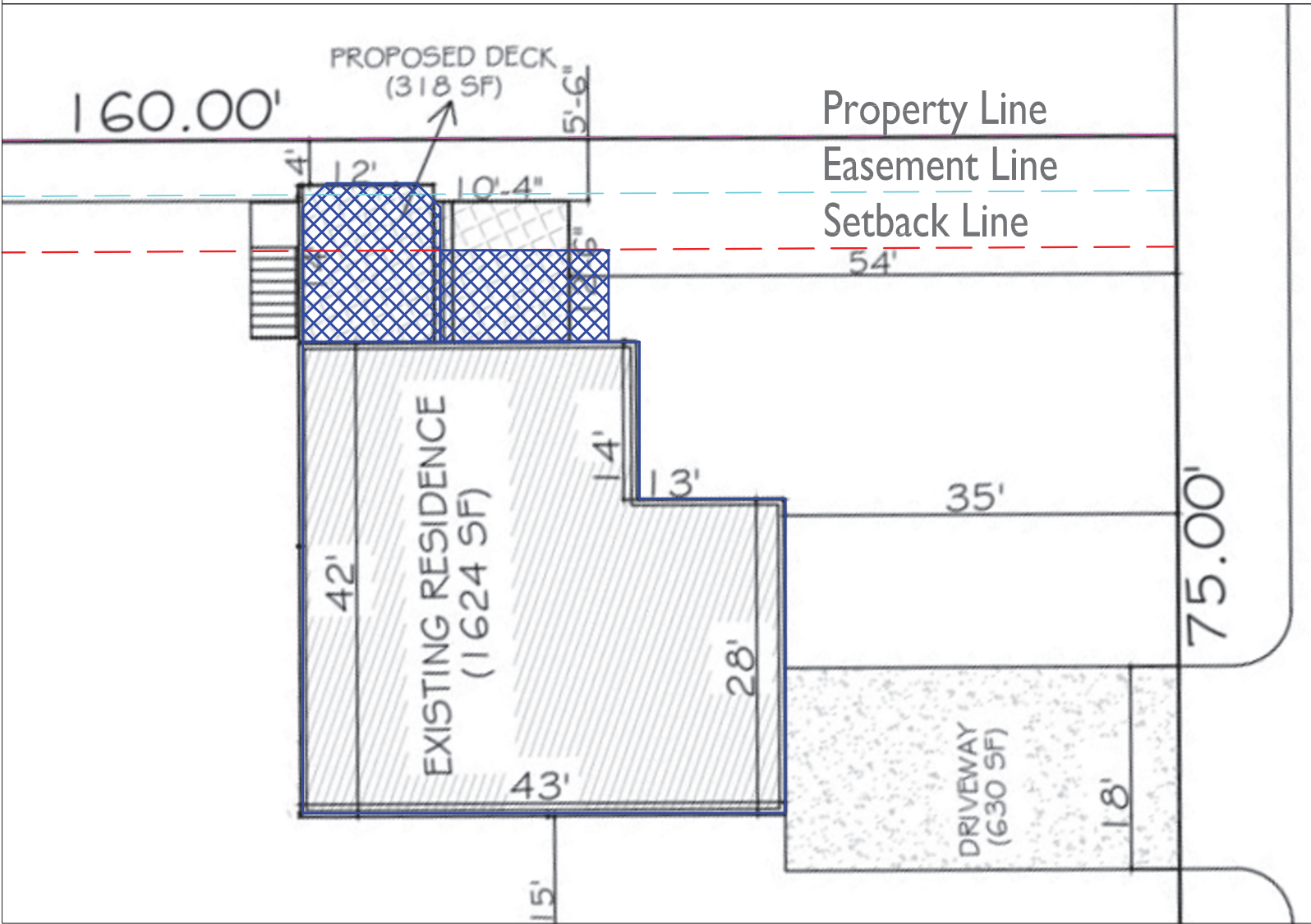
EMAILACT@GMAIL.COM

ARCHITECT	Deen's consult
DRAWN	Deen's consult
CHECKED BY	Deen's consult
SCALE: 1" = 10'	DATE: 06-13-2025

SHEET NO.

001

EXHIBIT A





Request for Action

To
Board of Adjustments

Item Number
5.2

Meeting Date
October 28, 2025

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Variance: Structure Size Variance, Benjamin Poythress - 13640 Island View Dr NW

Reviewed by
Zack Carlton

Action Requested

Deny, by motion, the variance proposal to exceed the permitted size of a water-oriented storage structure, as the following standards have not been met:

1. Allowing a structure nearly twice the size of what is permitted within the shore impact zone does not meet the general purpose and intent of the ordinance.
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 not reasonable as the property already contains a permitted 100 SF. water-oriented structure that serves the intended purpose of storing lake-related equipment.
4. There are no circumstances unique to the property that create hardship. The request results from the applicant's desire for additional space, which is a self-created condition, not a property hardship.
5. Granting the variance would permit a structure nearly twice the size allowed within proximity to the lake that could alter the essential character.

Background/Discussion

The applicant is requesting a variance to exceed the allowed square footage (400 SF) for a water-oriented structure by adding a 12' x 30' addition to the existing 10' x 10' storage shed as well as constructing a new deck attached to the storage structure. The existing structure and the proposed additions are near the Ordinary High-Water Level (OHWL). The proposal proposes a total of 780 SF of water-oriented structures, exceeding the 400 SF permitted by ordinance.

- 100 SF. Existing Building (10' x 10')
- 360 SF. Proposed Building (12' x 30')
- 320 SF. "Proposed" Deck (currently under construction)
- 780 SF. Total (400 allowed)

The applicant would like to replace an existing deteriorated deck with a larger, code-compliant structure of 320 SF, approximately 22 feet from the OHWL. The applicant has already begun construction of the

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replacement deck but has since stopped.

Applicable Regulations

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

Applicants' response: This request is in harmony with the intent of the ordinance because it allows us to safely and responsibly improve existing lakeshore amenities without creating environmental impacts. The variance supports the continued use of a modest storage structure for water-oriented items (kayaks, oars, lifejackets, etc.) and the replacement of a deteriorating deck with a safe structure. Neither project contributes to erosion, runoff, or shoreline degradation.

The intent of the lakeshore setback and accessory structure standards are to preserve the natural character of the shoreline, protect water quality, and maintain consistency among lakeshore properties. Allowing a structure nearly twice the size of what is permitted within the shore impact zone would conflict with these goals. The variance is therefore not in harmony with the purpose and intent of the ordinance.

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

Applicants' response: The request is consistent with the City's Comprehensive Plan by preserving the residential and recreational character of the lakeshore. The addition to the small storage shed ensures adequate space for water-oriented equipment, while the rebuilt deck provides safe access and enjoyment of the property. Both improvements update pre-existing structures and are compatible with the development pattern of surrounding lakeshore homes.

While the property has a land use guidance of residential, and the proposed single-family residential use is consistent with the Comprehensive Plan, the plan also emphasizes protecting natural resources, especially along lakes and wetlands, by enforcing setbacks and size limitations for structures near the water. Expanding the existing water-oriented structure beyond ordinance limits is not consistent with these objectives.

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: The proposed improvements are reasonable uses of a lakeshore property. Expanding the existing shed provides adequate space to safely store water-oriented equipment, preventing shoreline clutter. Replacing the deteriorating deck ensures safe enjoyment of the property while aligning with typical residential lakeshore uses.

The property already contains a permitted 100 sq.ft. water-oriented structure that serves the intended purpose of storing lake-related equipment. The applicant also has sufficient space elsewhere on the property to construct additional storage structures that meet ordinance requirements. The desire for additional convenience or larger storage capacity does not constitute a practical difficulty. Therefore, the request does not represent a reasonable use that is otherwise prohibited by the ordinance.

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

Applicants' response: The property's unique site conditions—including the shoreline location, wetlands, and easements—limit alternative placement of both the shed addition and the deck. These constraints create practical difficulties in meeting zoning requirements while still allowing safe and reasonable use of the property. The request is not the result of actions or inactions by the property owners.

There are no circumstances unique to the property that has created a hardship. The lot is a standard lakeshore parcel with adequate buildable area for compliant accessory structures outside the shore impact zone. The request results from the applicant's desire for additional space, which is a self-created condition, not a hardship.

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

Applicants' response: The requested variance will not change the essential character of the neighborhood. Nearby lakeshore properties commonly have decks and small water-oriented storage structures. The proposed improvements are modest in scale, consistent with surrounding properties, and will preserve the residential and recreational nature of the lakeshore.

Granting the variance would permit a structure nearly twice the size allowed within proximity to the lake, setting a precedent inconsistent with surrounding lakeshore development patterns. Approval would alter the essential character of the locality by introducing a more intensive level of lakeshore development than intended by ordinance.

Findings

Staff find that the requested variance does not meet the required criteria for approval. There is no demonstrated hardship or unique property condition that justifies exceeding the allowed size for a water-oriented structure. The property already benefits from a permitted structure that serves the intended purpose and expanding it would conflict with the intent of the ordinance to protect lakeshore character and water quality.

Financial Impact

None

Mission/Policy/Goal

Ethical, efficient, and responsible.

Attachments

1. Location Map
2. Applicant's Narrative
3. Site Plan
4. Aerial View



Project Location Map

Benjamin Poythress

Variance



Case No: V 25-18

Legal Description of Property	
ISLAND VIEW FIFTH ADDITION LOT 2, BLK 3	
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.	
<p>We are requesting a variance to add onto an existing 10'x10' (100sf) storage shed used for water-oriented equipment such as kayaks, oars, and lifejackets, and to rebuild a deteriorating deck. We are proposing an additional 12'x30' addition to the existing storage shed which puts the total square feet at 460sf and is 60sf over the 400sf that is allowed. This addition is beyond the OHWL at 22' and does not encroach the 45' Wetland Setback. This addition also adheres to the City of Elk River's Zoning Setbacks for Accessory Structures and keeps the total square feet of attached/detached sf at 1,360 which below the 2,500sf that is allowed for our 2.53 acre property. Adding onto the existing structure also keeps us at only one accessory structure. The existing deck was not constructed to current codes and had become a safety concern due to its age and condition. The proposed replacement deck is larger than the previous one but is designed to be safe, code-compliant, and consistent with the character of surrounding lakeshore properties. The deck will also be beyond the OHWL setback at 22' and will be 320sf when completed.</p>	
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	This request is in harmony with the intent of the ordinance because it allows us to safely and responsibly improve existing lakeshore amenities without creating environmental impacts. The variance supports the continued use of a modest storage structure for water-oriented items (kayaks, oars, lifejackets, etc.) and the replacement of a deteriorating deck with a safe structure. Neither project contributes to erosion, runoff, or shoreline degradation.
The variance is consistent with the City of Elk River Comprehensive Plan (discuss with city staff if needed)	The request is consistent with the City's Comprehensive Plan by preserving the residential and recreational character of

	<p>the lakeshore. The addition to the small storage shed ensures adequate space for water-oriented equipment, while the rebuilt deck provides safe access and enjoyment of the property. Both improvements update pre-existing structures and are compatible with the development pattern of surrounding lakeshore homes.</p>
<p>Variances may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties means that:</p>	
<p>The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance</p>	<p>The proposed improvements are reasonable uses of a lakeshore property. Expanding the existing shed provides adequate space to safely store water-oriented equipment, preventing shoreline clutter. Replacing the deteriorating deck ensures safe enjoyment of the property while aligning with typical residential lakeshore uses.</p>
<p>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</p>	<p>The property's unique site conditions—including the shoreline location, wetlands, and easements—limit alternative placement of both the shed addition and the deck. These constraints create practical difficulties in meeting zoning requirements while still allowing safe and reasonable use of the property. The request is not the result of actions or inactions by the property owners.</p>
<p>The variance, if granted, will not alter the essential character of the locality</p>	<p>The requested variance will not change the essential character of the neighborhood. Nearby lakeshore properties commonly have decks and small water-oriented storage structures. The proposed improvements are modest in scale, consistent with surrounding properties, and will preserve the residential and recreational nature of the lakeshore.</p>

75-00638-0310

320sf of De minimis
outside of setbacks and
verified by the City of Elk
River.

Existing Water-Oriented
Accessory Structure
10ft x 10ft

Proposed Water-Oriented
Accessory Structure
12ft x 30ft

Existing Deck
Replacement
16ft x 20ft

22ft

Lake Orono

75-00130-4415

I hereby certify that this plan,
specification or report was
prepared by me or under my
direct supervision and that I
am a duly Licensed Architect
under the Laws of the State
of Minnesota.
ARCHITECT/SEAL

Signature: _____
Print Name: _____
Date: _____ License No. _____

PROJECT TITLE

POYTHRESS
RESIDENCE

13640 Island View Dr.
Elk River, MN 55330

DATE	REVISION

PROJECT NO. _____

PROJECT PRICE _____

DATE Drawn By _____ Checked By _____

An aerial photograph showing a house under construction. The roof is partially covered with wooden joists, while the rest is bare. A person wearing an orange shirt is visible near the house. The surrounding area is a mix of dirt, grass, and some debris. A boat is visible in the upper right corner.

13640 ISLAND
VIEW DR
NW

Request for Action



To
Board of Adjustments

Item Number
5.3

Meeting Date
October 28, 2025

Prepared By
Zack Carlton, Community Development Director

Item Description
Variance: Lot Size and Wetland Setbacks, Allen Perkins - 13937 196th Ave NW

Reviewed by
Chris Leeseberg

Action Requested

Approve the variance requests from Allen Perkins to support a subdivision of land with two lots below the 2.5-acre minimum lot size, and for a cul-de-sac to encroach into the wetland buffer/setback, as the following standards have been met:

1. The general purpose and intent of the ordinance are met.
2. The property is guided for residential uses, 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.

and, subject to the following conditions:

1. The applicant must work with city staff to move the cul-de-sac away from the wetland as far as is practicable.
2. All areas within the 25-foot buffer must be planted with native vegetation and must be left to grow naturally.

Background/Discussion

The applicant, Allen Perkins, is working with the property owner to subdivide her existing 5-acre parcel into two single-family parcels – creating one new buildable lot. The subject parcel is zoned R-1a, single-family, with a minimum lot size of 2.5 acres. The proposal creates two lots of approximately 2.1 acres each.

Splitting a 5-acre lot would typically result in two 2.5-acre lots, meeting the zoning standard. However, in this case there is an existing street along the west side of the property which will be improved to provide access to the new lot. The street is currently classified as a public street and is maintained by the city. However, the plat will dedicate right-of-way, reducing the area to be counted towards lot area.

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The existing wetland on the property has been reviewed by the city's environmental staff and the proposed cul-de-sac will encroach into the wetland buffer and setback areas. Staff have spoken with the applicant about moving the cul-de-sac, but there will be some impact on the buffer areas.

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

This variance, I believe to be in harmony with the general purpose and intent ordinance of the City of Elk River.

The proposal preserves rural density, septic capacity, and access standards. While two lots are under 2.5 acres, both exceed 1 acre of upland area, generally providing enough buildable area for a rural single-family home.

The cul-de-sac will be a public asset and provide access to two buildable lots. The cul-de-sac is an improvement over the existing dead-end street, and the change will improve access for residents, public services, and large trucks.

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

My request, in addition to allowing the subdivision of this property into two parcels smaller than the 2.5 acre minimum for this Zone, would be to allow the proposed cul-de-sac in the preliminary plat to shift south enough so it's no longer in proximity of the edge of the wetland. I also am curious to know if the cul-de-sac could be smaller than what's on the preliminary plat drawing or is that a fixed code requirement? If so, I would propose making the cul-de-sac as small as the city would allow. Also, if the city would permit the well to exist within the easement zone of the cul-de-sac so that the cul-de-sac could shift as far south as possible that the city would allow as well as avoid relocating utilities near the western border of the proposed Cul-de-sac

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 efficiently and promoting accessible housing opportunities.

The addition of the cul-de-sac is supported by the Comprehensive Plan as it provides safe and efficient access to both parcels.

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 in question are modestly under the 2.5-acre minimum but have appropriate space to support single-family use and required septic areas.

The existing street currently ends in a dead-end without a cul-de-sac. Improving the street with a cul-de-sac will bring the property into compliance with city standards and improve the functionality of the street. The

improvement is a reasonable use of the property.

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 property is currently 5 acres in size and a simple split would generally create two 2.5 acre lots. However, due to the need to dedicate right-of-way, the lot sizes are reduced by approximately 0.4 acres. Additionally, the existing street does not have a cul-de-sac, and adding the public improvement will bring the property into greater conformance with city standards. This is not a consequence of the petitioner's actions.

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

The variances, adding one new buildable lot and improving a substandard city street, will not alter the essential character of the locality.

If the Board of Adjustments denies the request, or an appeal is made by any interested party by November 7, 2025, the variance will be reviewed by the City Council on Monday, November 17, at 6:00 p.m.

Financial Impact

None

Mission/Policy/Goal

Support the growth and development of the community.

Attachments

1. Location Map
2. Preliminary Plat of Perkins Acres
3. Applicant's Narrative



Project Location Map

Perkins

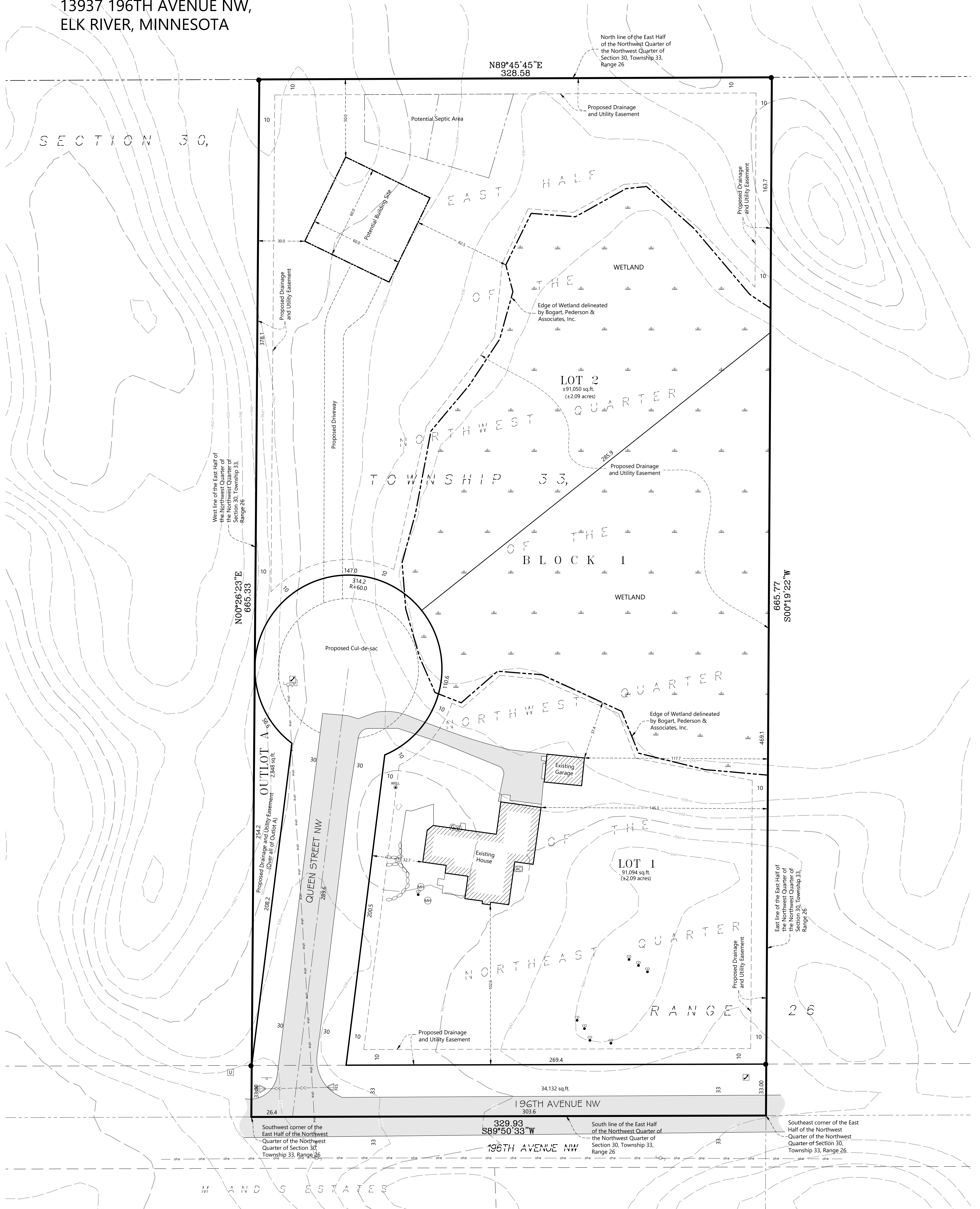
Variance

Case No: V 25-19



PRELIMINARY PLAT OF:
PERKINS ACRES

FOR: ALLEN PERKINS
 13937 196TH AVENUE NW,
 ELK RIVER, MINNESOTA



EXISTING PARCEL DESCRIPTION:

The East Half of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of Section 30, Township 33, Range 26, Sherburne County, Minnesota.

NOTES:

- Parcel Identification No. 75-00130-1206
- Bearings shown hereon are in reference to the Sherburne County Coordinate System.
- The total surveyed parcel contains 5.03 acres.
- This survey was prepared without the benefit of a title commitment. The surveyed parcel may be subject to additional easements, covenants, restrictions or matters other than those shown hereon. This survey is subject to revision upon receipt and review of a title commitment.
- Existing contours shown hereon are per Lidar data provided by the Minnesota Department of Natural Resources.
- The wet land shown hereon is APPROXIMATE per aerial mapping. No wetland delineation marking were observed at the time of the survey.

SITE DATA

TOTAL SITE AREA	±5.03 AC.
TOTAL RIGHT OF WAY AREA	±0.78 AC.
TOTAL OUTLOT AREA	±2,848 S.F.
TOTAL LOT AREA	±4.18 AC.
SMALLEST LOT	±78,829 S.F.
LARGEST LOT	±103,316 S.F.
AVERAGE LOT	±91,072.5 S.F.
TOTAL NUMBER OF OUTLOTS	1
TOTAL NUMBER OF LOTS	2
GROSS LOT DENSITY	0.40 LOTS/AC.
EXISTING ZONING	R1a

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Signed: Northwind Land Surveying, LLC

By: *Kevin C. McCain*
 Kevin C. McCain, Lic. No. 58542

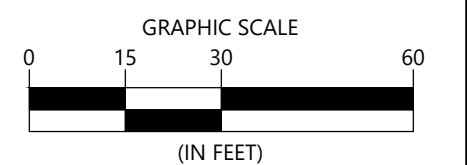
Date: 9/26/2025

LEGEND

- Denotes Found Iron Monument
- Denotes Set Rebar, Marked RLS #58542
- ⊕ Denotes Flared End Section
- ⊖ Denotes Cleanout
- ⊙ Denotes Power Pole
- ⊗ Denotes Misc. Sign
- ⊕ Denotes Gas Meter
- ⊖ Denotes Electric Meter
- ⊙ Denotes Well
- ⊕ Denotes Telephone Box
- ⊖ Denotes Utility Box
- ⊙ Denotes Air Conditioner
- ⊖ Denotes Misc. Manhole
- ⊙ Denotes Bituminous Surface
- ⊖ Denotes Wetland delineated by Bogart, Pederson & Associates, Inc. in 2025
- ⊙ Denotes Overhead Utility Line
- ⊖ Denotes Storm Sewer Pipe
- ⊙ Denotes Existing Contour
- ⊖ Denotes Retaining Wall



BENCHMARK
 Minnesota Department of Transportation
 GSID Station #30526 (Name: OGDEN MN141)
 Elevation: 915.43 (NAVD 88)



Job #250803	Date: 9/24/2025	Drawn By: KCM
Date:	Revision:	By:

NORTHWIND
LAND SURVEYING, LLC
 11876 EVERGREEN CIRCLE NW
 COON RAPIDS, MN 55448
 TEL 612-718-1698
 WWW.NORTHWINDLS.COM

Legal Description of Property	
Existing Parcel Description- The East Half of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of Section 30, Township 33, Range 26, Sherburne County, 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 am proposing to split a total Site area of 5.03 AC into total lot area of 4.18AC into two separate lots equal lots of 2.09 AC. Lot 2 of Perkins Acres that currently has no buildings on it I would propose if this variance got approved will eventually be developed into a single family residence property.	
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	This Variance I believe to be in Harmony with the General purpose intent ordinance of the City of Elk River.
The variance is consistent with the City of Elk River Comprehensive Plan (discuss with city staff if needed)	My request in addition to allow the subdivision of this property into two smaller parcels than the 2.5 AC minimum for this Zone Would be to Allow the Proposed Cul-de-sac in the preliminary plat to shift south enough so it's no longer in proximity of the edge of the wetland. I also am curious to know if the Cul-de-sac could be smaller than whats on the preliminary plat drawing or is that a fixed code requirement? If so I would propose to make the Cul-de-sac as small as the city would allow. Also if the City would permit the well to exist within the easement zone of the Cul-de-sac so that the Cul-de-sac could shift as far south as possible that the city would allow as well as avoid relocating utilities near the western border of the proposed Cul-de-sac

Variances 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	I Understand!
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	Understood.
The variance, if granted, will not alter the essential character of the locality	I don't believe it will.