



# Board of Adjustments

Tuesday, April 23, 2024

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 Board of Adjustments Minutes March 26, 2024

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 Request: Ivan Foxcroft - 20055 Polk Street NW

6. MOTION TO ADJOURN REGULAR MEETING



**Meeting of the Elk River Board of Adjustments  
Held at the Elk River City Hall  
Tuesday, March 26, 2024**

Members Present: Chair Jill Larson-Vito, Commissioners Perry Beise, Eric Johnson, Tony Mauren, and Rob Rydberg

Members Absent: Commissioner Dennis Booth

Council Liaison: Councilmember Matt Westgaard

Staff Present: Community Development Director Zack Carlton, Senior Planner Chris Leeseberg, and Sr. Administrative Assistant Jennifer Green

**1. Call Meeting to Order**

Pursuant to due call and notice thereof, the meeting of the Elk River Board of Adjustments was called to order at 6:30 p.m. by Chair Larson-Vito.

**2. Pledge of Allegiance**

The Pledge of Allegiance was recited.

**3. Consider Agenda**

Moved by Commissioner Johnson and seconded by Commissioner Beise to approve the March 26, 2024, Board of Adjustments agenda as presented.

Motion carried 5-0.

**4. Consider Minutes**

Moved by Commissioner Beise and seconded by Commissioner Johnson to approve the November 28, 2023, Board of Adjustments minutes.

Motion carried 5-0.

**5.1 Holiday Station Store – 18823 Freeport St. NW  
▪ Sign Height Variance, Case No. V 23-01**

Mr. Leeseberg presented the staff report.

Commissioner Johnson asked about the upcoming sign ordinance amendment to be reviewed during the Planning Commission meeting. He asked if staff is recommending 40' and will that height meet the proposed ordinance amendment. He asked if the Board of Adjustments should deny the applicant's request.

Mr. Leeseberg indicated the recommendation of 40' will meet the proposed ordinance amendment. He clarified that staff's recommendation for this variance application reflects the new ordinance amendments.

Chair Larson-Vito opened the public hearing.

**Michael Dick**, JDI Signs & Graphics, 14000 Sunfish Lake Blvd., Suite I, Ramsey – stated he realized the 100' sign wasn't going to be supported but asked if they could approve any heights above 40' such as 50'. He stated they measured the height of the Burger King sign, and it is 49' as measured from grade. He asked if Holiday's sign could be similar to Burger King's and requested a 50' height. He noted prior to application, Holiday was requesting a 100' sign, which is their sign package standard height. He explained a flag test could be performed to determine if the 50' height is visually more beneficial.

Mr. Leeseberg stated the applicant's request before them today is for 80' and that is what the Board of Adjustments will act on. Mr. Leeseberg stated the proposed sign will be approximately 30' from the base of the sign but 40' from the grade of the road, which is 9' lower than the base of the sign.

Commissioner Johnson asked if Mr. Leeseberg could confirm the Burger King and McDonald's signs are 50' in height above their base.

Mr. Leeseberg confirmed they are at a height that was approved as part of a Planned Unit Development agreement at the time of construction.

Commissioner Johnson asked Mr. Dick what a flag test was.

Mr. Dick explained it involved a boom truck and measurements to determine the appropriate height for visibility.

There being no one else to speak, Chair Larson-Vito closed the public hearing.

Commissioner Rydberg wondered if there was concern for sight line and safety issues due to the possibility of the sign height being at the same height of the bridge.

Mr. Leeseberg explained how he didn't feel any issues with blocking any site lines at School Street.

**Moved by Commissioner Johnson and seconded by Commissioner Rydberg to approve the request by Holiday Station Store for a Sign Height Variance, for one sign, not to exceed 40 feet, as measured from the nearest point grade of the main line of Highway 169 for the store located at 18823 Freeport St. NW, as all criteria for a variance are satisfied with the recommended increase in height.**

**Motion carried 5-0.**

## **6. Motion to Adjourn Regular Meeting**

**Moved by Commissioner Rydberg and seconded by Commissioner Johnson to adjourn the meeting of the Board of Adjustments.**

**Motion carried 5-0.**

The meeting was adjourned at 6:46 p.m.

Minutes prepared by Jennifer Green.



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Jill Larson-Vito, Chair

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Tina Allard, City Clerk

DRAFT





# Request for Action

**To**  
Board of Adjustments

**Item Number**  
5.1

**Meeting Date**  
April 23, 2024

**Prepared By**  
Chris Leeseberg, Senior Planner

**Item Description**  
Variance Request: Ivan Foxcroft - 20055 Polk Street  
NW

**Reviewed by:**  
Zack Carlton

## Action Requested

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

1. The general purpose and intent of the ordinance is not met.
2. A garage closer to the street than the other homes/garages on that street will alter the essential character of the locality.

## Background/Discussion

The property is zoned Panned Unit Development (PUD) which has the following setbacks from property lines:

Front: 35'

Side: 20'

Garage-side: 20'

Rear: 30'

The applicant is requesting a variance to extend 16 feet past the front setback and 10 feet past the side setback of the property.

## Public Hearing

Staff received two letters of support for the requested variance. One of the property owners is directly adjacent to the subject property on the side that the encroachments would occur. They think the proposal looks fantastic and the aesthetic is in keeping with the rest of the subject property and will be an excellent addition to the neighborhood. It also would provide additional privacy to the pool area behind their own house. The other property owner does not feel it will affect the character of the neighborhood.

## Applicable Regulation

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

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

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

The Elk River Vision

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



*The addition, in its proposed form, will be more aesthetically pleasing than other options available within the setback criteria. The proposed structure will still be 31.5 feet from the bituminous curb and 16.5 feet from my property line.*

The purpose and intent of front yard setbacks is to ensure that buildings are not constructed too close to the street, helping maintain a visually pleasing streetscape with uniformity of structures along a street.

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

*The property is guided for residential, and accessory structures are allowed in residential districts and is consistent with the Elk River comprehensive plan.*

The property is guided as Traditional Single Family Residential. The suburban residential category predominately consists of single-family detached homes occupying moderately sized lots. This land use is the most prevalent residential type within the Urban Service Area and consists of a range of neighborhood typologies. The district should accommodate single-family attached, townhomes, and duplexes which have varying setbacks, in some cases down to zero. While the proposal does not meet the ordinance, it is consistent with the comprehensive plan.

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

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

*I think this addition does put the land to reasonable use. In addition, it will create additional privacy for my neighbor and I to the rear of our current properties.*

As the staff site plan exhibit shows, most of the property is encumbered by easements, setbacks, the drain field, the well, and a change in topography. The only location for a structure is on either side of the house/garage and to be allowed the square footage this size of lot can typically support, encroachments into the front yard would be required.

While a small accessory structure meeting setbacks could be built, the property owner is trying to utilize his property to its allowed potential, the same as other property owners in the neighborhood can, which the applicant believes is reasonable.

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

*The practical difficulty with my parcel of land is as follows:*

- *A large percentage of the land to the rear of the property is wetland with a 20' setback.*
- *The location of my septic tanks and septic drainage field and the 20' setback to these.*
- *The acute slope to the side of the property and location of my water well on that slope.*

*These factors limit the options available to me and make the proposed area for construction my only viable option.*

The property owner bought the property in 2018 in its current configuration with the location of the well, wetland, and septic drain field already in place. These plights are not a consequence of the petitioner's own action or inaction.

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

*If anything, I feel it will add to the essential character of the locality.*

*If approved, the proposed structure will allow the garage door to be at a 90-degree angle to the current garage doors,*

*creating a more aesthetically pleasing view from the street and front angles of the property.  
It will contribute to additional privacy for my neighbor and I to the rear of our properties.  
In addition, it is in line with several other properties in our street that also have garage additions.*

If approved, the proposed garage would be closer to the street than the other homes/garages on that street. As the applicant has stated, a desire of his is to minimize the number of garage doors facing directly toward the street and make it look more like a house, which is more aesthetically pleasing.

**Financial Impact**

None

**Mission/Policy/Goal**

- Help, not hinder citizen quality of life
- Reflect the culture of citizens and what is important to majority

**Attachments**

1. Location Map
2. Applicant's Narrative
3. Rendering
4. Staff Site Plan
5. Letters of Support



Foxcroft  
Variance

Case No: V 24-02



## V 24-02 Narrative

To Board of Adjustment

I respectfully request that you consider my application for a variance to the setbacks of my property in Polk St NW, Elk River.

I have always dreamed of having a garage large enough to allow for my hobby / passion of restoring, collecting and showing vintage motorcycles in my spare time.

I am finally in a position financially to be able to afford to build one. Unfortunately, due to the constraints of my property, listed below, I am not able to construct a suitably sized building within the current setbacks.

I am requesting a variance to my property setbacks to allow me to build an attached 42' x 30' garage addition.

The proposed garage will extend 16 feet past the front setback and 10 feet past the side setback of the property.

The practical difficulty with my parcel of land is that a large percentage of land to the rear of the property is wetland. In addition to this, the location of my septic tanks and septic drainage field and the required setbacks to those, I am limited to the proposed area, to construct the addition. Please see the attached plan.

The proposed structure will allow the garage door to be at a 90-degree angle to the current garage doors, creating a more aesthetically pleasing view from the street and front angles of the property. Please see attached proposed rendering.

I plan to model the front of the addition to look exactly as the front of the house to create the image of an extension of the dwelling space.

With the addition, my total garage space will be 1956 sq/ft, well within the 2500 sq/ft allotted for my parcel of land.

I have included letters from my neighbors who are all in support of my proposal.

I humbly request a favorable response to this variance request to enable me to add this addition to my property.

Respectfully

Ivan Foxcroft

**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 addition in its proposed form, will be more aesthetically pleasing than other options available within the setback criteria. The proposed structure will still be 31.5 feet from the bituminous curb and 16.5 feet from my property line.*

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

*The property is guided for residential, and accessory structures are allowed in residential districts and is consistent with the Elk River comprehensive plan.*

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

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

*I think this addition does put the land to reasonable use, in addition, it will create additional privacy for my neighbor and I to the rear of our current properties.*

**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 practical difficulty with my parcel of land is as follows:*

- *A large percentage of the land to the rear of the property is wetland with a 20' setback.*
- *The location of my septic tanks and septic drainage field and the 20' setback to these.*
- *The acute slope to the side of the property and location of my water well on that slope.*

*These factors limit the options available to me and make the proposed area for construction my only viable option.*

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

*If anything, I feel it will add to the essential character of the locality.*

*If approved, the proposed structure will allow the garage door to be at a 90-degree angle to the current garage doors, creating a more aesthetically pleasing view from the street and front angles of the property.*

*It will contribute to additional privacy for my neighbor and I to the rear of our properties.*

*In addition, it is in line with several other properties in our street that also have garage additions.*





Christopher Yearneau  
20079 Polk St NW  
Elk River, MN 55330

21<sup>st</sup> March 2024

Re: Proposed Variance at 20055 Polk St NW, Elk River, MN, 55330

Variance Board,

We have recently reviewed the attached proposed application for variance of Ivan & Zanielle' s garage addition at 20055 Polk St NW, Elk River.

We are their neighbors on the side of the proposed addition to their home.

We have lived in our house for over a year and have developed a great friendship with both Ivan and Zanielle.

We are writing this letter to indicate our support for the variance. We think their proposal looks fantastic, the aesthetic is in keeping with the rest of their property and will be an excellent addition to the neighborhood.

In addition, the proposed garage will provide additional privacy to the pool area behind our house. We support their application and look forward to the addition.

Please don't hesitate to contact us if you require any additional information.

Respectfully:



Chris

**Support Letter**  
Darren and Angie Kiser  
20113 Polk St Nw  
Elk River, MN 55330

March 23, 2024

To whom it may concern:

We are writing in support of Ivan & Zanielle's application for a variance on their home 20055 Polk St NW, Elk River, MN, 55330.

We have been neighbors for 5 years and have developed a great friendship with the Foxcroft family. Our kids are really good friends and hang out regularly.

We feel that the proposed addition will in no way affect the general purpose or intent of the land usage, and if granted will improve on the essential character of the locality.

We have reviewed their proposed plan and support the addition to their property.

Respectfully submitted,  
Darren & Angie Kiser  
20113 Polk St NW  
Elk River, MN 55330