



PINE COUNTY ZONING BOARD AGENDA

Thursday September 26, 2019

5:30 p.m. Pine County Courthouse Boardroom

635 Northridge Dr. Ste 250, Pine City

- A.) CALL MEETING TO ORDER
- B.) PLEDGE OF ALLEGIANCE
- C.) APPROVAL OF AGENDA
- D.) APPROVAL OF MINUTES –July 25, 2019
- E.) OLSON VARIANCE REVIEW: 15209 Copper Canyon Road, Pine City (PID: 08.5142.000)
 - I. Staff Report
 - II. DNR Statement
 - III. Applicant's Statement (*limited to 15 minutes*)
 - IV. Public Hearing (*limited to 3 minutes each*)
 - V. Zoning Board Findings of Fact Discussion (*See variance worksheet*)
- F.) RONALD AND KATHERINE MCDONALD VARIANCE REVIEW: 22495 Pehler Dr, Pine City (PID: 08.5192.000)
Same sequence as previous
- G.) JERGENSON VARIANCE REVIEW: 22497 Pehler Drive, Pine City (PID: 26.5014.000)
Same sequence as previous
- H.) NEW BUSINESS
 - 1. Shoreland subdivision lot suitability analysis
- I.) OLD BUSINESS
 - 1. Pine County Zoning Ordinance
- J.) ADJOURNMENT



MINUTES
PINE COUNTY ZONING BOARD
July 25, 2019 5:30 p.m.
Pine County Courthouse
635 Northridge Dr, Pine City, MN

Members Present:

Dirk Nelson, Patrick Schifferdecker, Richard Glattly, Nancy Rys, Skip Thomson (Chair), Rick Williams, Matt Ludwig (Ex-Officio)

Members Absent:

Gary Valvoda,

Staff Present:

Caleb Anderson, Land & Resources Manager

Others Present:

Robert Bier, Barbara Cysiewski, John Bier, Peter Schmittdiel, Margo Rothenbacher, Jim Scheunemann, Doug Anderson

CALL TO ORDER

Skip Thomson called the meeting to order at 5:30p.m.

APPROVAL OF AGENDA

Glattly/Schifferdecker, 6-0 to approve the agenda.

APPROVAL OF MINUTES

Rys/Schifferdecker, 6-0 to approve the minutes of the June 27, 2019 meeting.

BIER VARIANCE REQUEST (18767 LAKE LN N, PINE CITY; PID: 08.0409.000)

Caleb Anderson provided a summary of his findings, detailed in the Staff Report document. **Anderson** shared information from Section 6.1.1 of the Pine County Shoreland Management Ordinance, which prohibits lots that do not conform to the lot width or lot area requirements of Section 5.1 from being allowed as building sites if they have been in common ownership with abutting lands.

John Bier described that the intent of the lot division is to enable the family to equitably distribute their mother's estate. The family has no intention to build on the proposed new lot.

Skip Thomson opened the public hearing at 5:40pm.

Jim Scheunemann stated that he has done multiple lot divisions in the neighborhood, all of which have conformed to a 75' minimum width. He asserted that the proposed division creates greater nonconformity and is not consistent with the comprehensive plan.

Doug Anderson stated that he owns a 66' wide lot to the north. He felt that 66' is not wide enough for building and 75' is more appropriate. He prefers the lot be left as it is.

Peter Schmittdiel shared that he is also a neighbor. The property is an eye sore with trash being stored in cars and excessive junk on the property. He shared his concern that dividing the property could make matters worse. He requested that if the Zoning Board approves the variance that they place a condition that the junk be cleaned up. He also shared concern that

the proposed new lot has a wetland along the roadway that may present a challenge to development.

Bob Bier stated that he is responsible for the junk on the property and he intends to clean it up.

John Bier added that the junk has not been cleaned up as the existing ownership structure has not allowed it. In the event of lot division it will be possible to clean it up.

The public hearing was closed at 5:47pm.

In the Zoning Board's discussion of the applicant's request for variance from the Pine County Shoreland Management Ordinance, Section 5.2.1, the following findings were made.

- The proposed use of residential recreation is allowed in the property's zoning district.
- The proposed use is not consistent with the County Comprehensive Plan or intent of the Ordinance as it creates greater noncompliance. Also, division of the lot would result in a structure not meeting the sideyard setback, therefore, a nonconforming structure would be a result.
- The variance would not alter the essential character of the locality.
- A practical difficulty does not prevent the owner from complying with the Ordinance.
- The applicant's proposed use is reasonable.

Glattly/Rys, 6-0, to deny the variance from Sections 5.2.1 of the Pine County Shoreland Management Ordinance based on the findings of fact.

OLD BUSINESS:

Pine County Comprehensive Plan

Anderson shared that, as requested, he researched and determined that even a small amendment to the comprehensive plan would require a public hearing. The Board discussed whether the existing comprehensive plan language provides adequate guidance. **Glattly** requested that the issue be saved so that if more prospective amendments to the comprehensive plan are identified they can all be addressed at once.

Pine County Zoning Ordinance

Anderson informed the Board that in early July townships were invited to opt-in to the Pine County Zoning Ordinance. Townships were given until October 15th, 2019 to be part of the first cohort of adopters.

ADJOURN

Schifferdecker/Williams 6-0 to adjourn the meeting.

Nancy Rys
Zoning Board Secretary

Skip Thomson
Zoning Board Chairperson



DEPARTMENT OF PLANNING, ZONING, AND SOLID WASTE

635 Northridge Dr Ste. 250•Pine City, MN • 55063

(320) 216-4220• (800) 450-7463 x4220

Memo

To: Pine County Zoning Board

From: Caleb Anderson, Land and Resources Manager

Date: September 12, 2019

Re: September 26, 2019 Zoning Board Meeting

A Zoning Board meeting has been scheduled for September 26, 2019, 5:30pm, as the County has received three applications for variance.

Dean & Cynthia Olson are requesting a variance at 22497 Pehler Dr, Pine City (Pine Parcel Numbers 08.5142.000 and 08.5140.000); Section 11, Township 39, Range 21, (Chengwatana Township) as follows:

The applicant has requested two after-the-fact variances from Section 5.2.2B of the Pine County Shoreland Management Ordinance, which requires water oriented accessory structures to meet a setback of 25' from the ordinary high water level. The variances are requested on separate lots for a sauna and storage shed with attached deck.

Staff Findings

- 1.) The Olsons own three lots on Norway Point of Cross Lake. The two western most lots do not conform to lot size requirements of Section 5.1 of the Pine County Shoreland Management Ordinance, while the east lot does. The lot depth ranges from approximately 30' to 120'. See Figure Two.
- 2.) The lot topography is challenging for construction as the peninsula is ridged toward the middle. See Figure One.
- 3.) The proposed variances are both after-the-fact, as both were constructed 4' from the ordinary high water level (OHWL). Both structures qualify as water oriented accessory structures, permitted under Section 5.2.2 of the Pine County Shoreland Management Ordinance. However, neither structure meets the 25' OHWL setback required in Section 5.2.2B2. Additionally, the sauna constructed on parcel 08.5142.000 does not meet the 10' height limit of Section 5.2.2B1.



Figure 1. 10' Contour map for Dean and Cynthia Olson

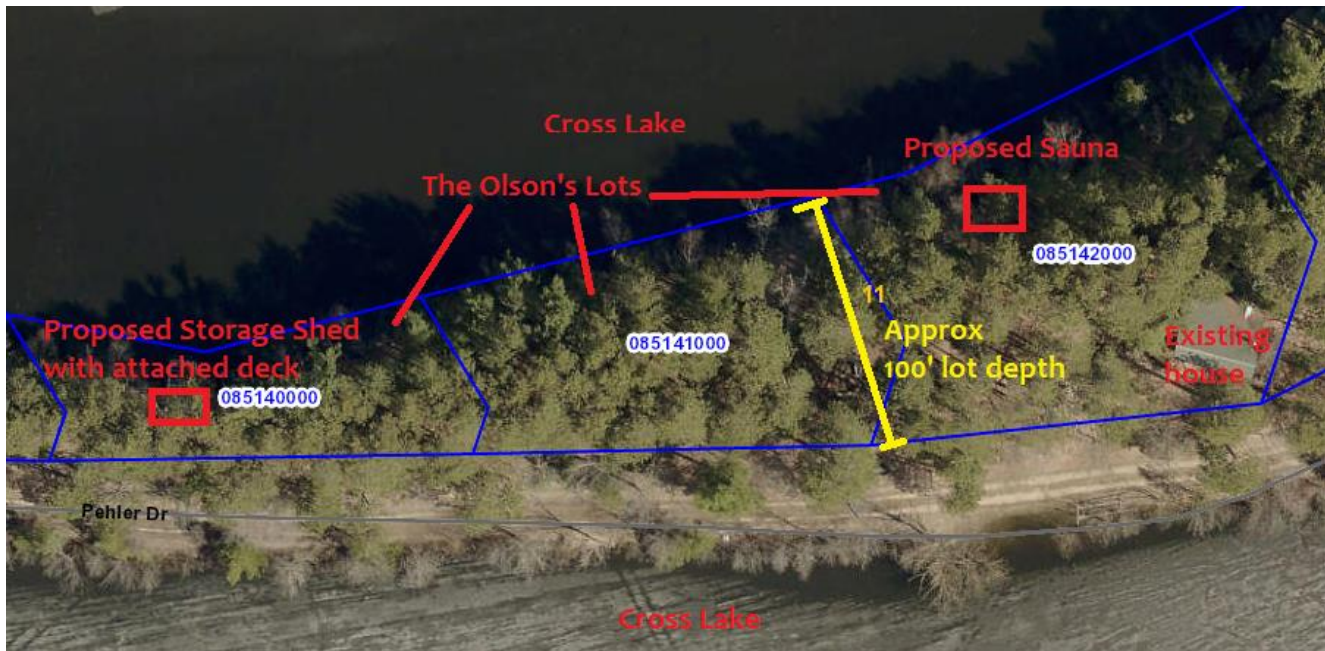


Figure 2. Parcel map for Dean and Cynthia Olson



Figure 3. Dean and Cynthia Olson's 96 square foot sauna constructed 4' from OHWL on PID: 08.5142.000



Figure 4. Dean and Cynthia Olson's 222 square foot storage shed with attached deck constructed on PID 08.5140.000.

Ronald and Katherine McDonald are requesting a variance at 22945 Pehler Dr, Pine City (Pine Parcel Number 08.5192.000); Section 11, Township 39, Range 21, (Chengwatana Township): as follows:

Section 5.52A of the Pine County Shoreland Management Ordinance prohibits lots from exceeding twenty-five percent of lot area with impervious surface. The applicant has requested a variance from this requirement in order to install a lean-to addition to an existing garage.

- 1.) Ronald and Katherine McDonald own a 20,775-square foot lot on Cross Lake, at the base of Norway Point. The property has a 1,120-square foot house, 1,008 square foot garage, 2,409 square foot driveway, a 375-square foot deck, and a 360-square foot patio, totaling 5,272 square feet. The allowed impervious surface is 5,194 square feet. They have applied for a building site permit to construct a 432-square foot garage addition, which, if built, would put them at 27.5% impervious surface.
- 2.) The proposed garage meets all setbacks of Section 5.2 of the Shoreland Management Ordinance.
- 3.) Staff has suggested that the applicant consider removal of a portion of the existing patio and driveway so that, if approved, the garage addition will not have a net increase in impervious surface.
- 4.) Staff recommends that if the Zoning Board finds the variance to be approvable, that they consider requiring the roof runoff of the garage and addition to be captured via gutter and directed to a constructed settling basin.



Figure 5. Ronald McDonald's parcel showing proposed garage addition.



Figure 6. Ronald McDonald's property showing proximity of impervious surface to lake.

David Jergenson is requesting a variance at 15209 Copper Canyon Rd, Pine City (Pine Parcel Number 26.5014.000); Section 25, Township 39, Range 21, (Pine City Township) as follows:

Section 6.2.1 of the Pine County Shoreland Management Ordinance prohibits nonconforming structures from being expanded. The applicant has requested a variance to add a roof to a nonconforming deck.

- 1.) This portion of the Snake River requires a 150' setback from the OHWL. The existing cabin's deck is approximately 30' from the OHWL.
- 2.) In June 2019 Pine County Zoning staff visited the property and observed that a roof was built over the deck and a slab for attached porch was constructed on the south side of the existing cabin. Both projects were constructed without permit. The applicant has conceded to remove the slab but seeks a variance to maintain the noncompliant deck addition.
- 3.) The lot is 200' dep so there is a compliant location to have a covered deck. However, this would mean building a covered deck about 75' away from the house, which may or may not be desirable.



Figure 7. Aerial photo of David Jergenson property showing constructed deck addition on riverside of cabin.

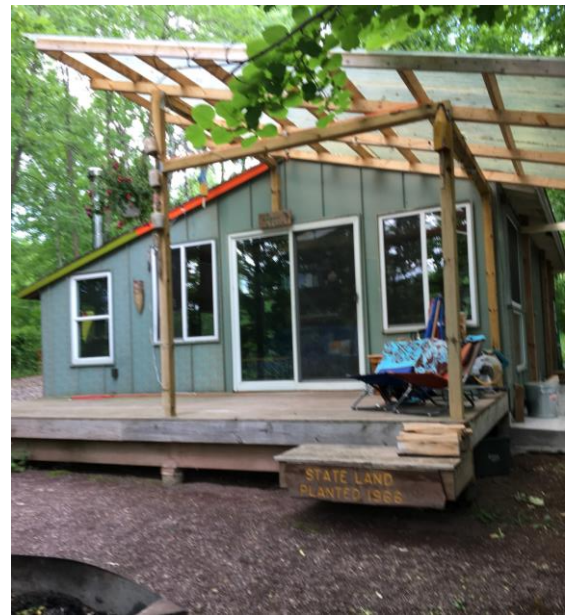


Figure 8. David Jergenson's recently constructed deck expansion.

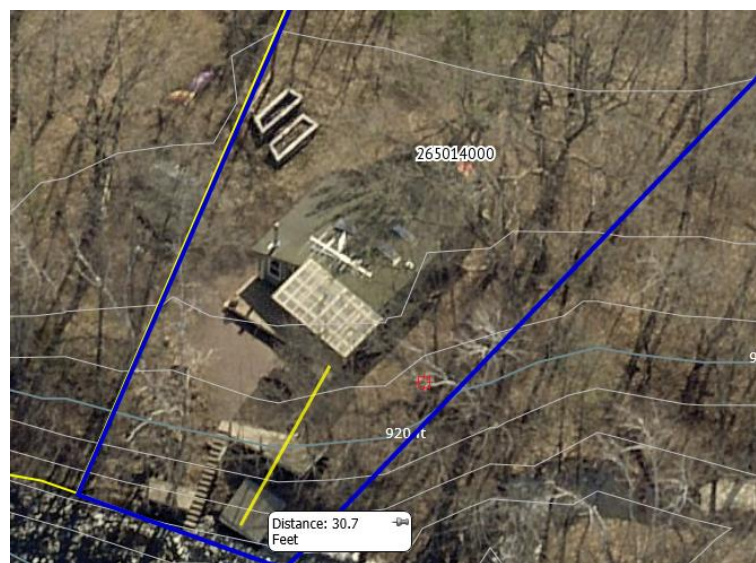


Figure 9. 2' contour map of property's shore impact zone showing distance of deck to the river.

New Business

Shoreland Subdivision Lot Suitability Analysis

Zoning staff received an inquiry about subdividing a shoreland property. This is the first subdivision in which current staff questioned whether the proposal would satisfy Section 7.1 of the Pine County Shoreland Management Ordinance, which states:

“Each lot created through subdivision...must be suitable in its natural state for the proposed use with minimal alteration. The land suitability analysis shall consider susceptibility to

flooding existence of wetlands, soil and rock formations, with severe limitations for development, severe erosion potential, steep topography...”

Staff has concern that the proposed subdivision shown in Figure 10 would not satisfy this criterion due to the presence of a Type 3 wetland on the east side of the property.



Figure 10. Proposed Lot split showing wetland between public roadway and buildable area. The red line represents the proposed lot line.

MN 8420.0420 Subp 8A1C of the Wetland Conservation Act only allows for the filling of 100 sq ft of type 3 wetland in the shoreland district. Essentially, if this property was subdivided it would not have road access without an approved application for wetland replacement.

Zoning Board Consideration: The subject language of Section 7.1 of the Shoreland Management Ordinance leaves grayness, which requires professional judgement. Does staff’s assessment sound reasonable?

Old Business

Pine County Zoning Ordinance

Staff have been invited to discuss the Ordinance with the townships of: Mission Creek, Chengwatana, Barry, and Nickerson.

Enclosures

- 1.) Agenda for the September 26, 2019 Zoning Board meeting
- 2.) Minutes of the July 25, 2019 Zoning Board meeting.
- 3.) Applications submitted by Olson, McDonald, and Jergenson
- 4.) Findings of Fact Worksheets

CC: Pine County Board of Commissioners, Pine County Administrator, Pine County Attorney, Pine County Auditor, Chengwatana Township, Pine City Township, Minnesota DNR, Pine County SWCD



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(320) 216-4220 • (800) 450-7463 Ext 4220 • Fax (320) 216-4202

Variance Worksheet (MN 394.27): Olson

All criteria must be answered, "yes," to be deemed approvable.

1.) Is the proposed use allowed in the zoning district that the property lies in?

YES / NO

BECAUSE:

2.) Is the variance in harmony with the general purpose of the applicable Ordinance and is it consistent with the Comprehensive Plan?

YES / NO

BECAUSE:

3.) Would the variance be consistent with the essential character of the locality?

YES / NO

BECAUSE:

4.) Does a practical difficulty exist on the property that prevents them from complying with the ordinance? In other words, is there a circumstance unique to the property, not created by the landowner, that prevents them from complying?

YES / NO

BECAUSE:

5.) Is the applicant's proposed use reasonable?

YES / NO

BECAUSE:



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Variance Worksheet (MN 394.27): McDonald

All criteria must be answered, "yes," to be deemed approvable.

2.) Is the proposed use allowed in the zoning district that the property lies in?

YES / NO

BECAUSE:

2.) Is the variance in harmony with the general purpose of the applicable Ordinance and is it consistent with the Comprehensive Plan?

YES / NO

BECAUSE:

3.) Would the variance be consistent with the essential character of the locality?

YES / NO

BECAUSE:

4.) Does a practical difficulty exist on the property that prevents them from complying with the ordinance? In other words, is there a circumstance unique to the property, not created by the landowner, that prevents them from complying?

YES / NO

BECAUSE:

5.) Is the applicant's proposed use reasonable?

YES / NO

BECAUSE:



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Variance Worksheet (MN 394.27): Jergenson

All criteria must be answered, "yes," to be deemed approvable.

3.) Is the proposed use allowed in the zoning district that the property lies in?

YES / NO

BECAUSE:

2.) Is the variance in harmony with the general purpose of the applicable Ordinance and is it consistent with the Comprehensive Plan?

YES / NO

BECAUSE:

3.) Would the variance be consistent with the essential character of the locality?

YES / NO

BECAUSE:

4.) Does a practical difficulty exist on the property that prevents them from complying with the ordinance? In other words, is there a circumstance unique to the property, not created by the landowner, that prevents them from complying?

YES / NO

BECAUSE:

5.) Is the applicant's proposed use reasonable?

YES / NO

BECAUSE:



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VARIANCE APPLICATION

Petitioner Information

Property Owner: DAVID JERGENSON Mailing Address: 4337 MAIN ST NE
City: COLUMBIA HEIGHTS State: MN Zip Code: 55421 Email: Z3PRESHY@GMAIL.COM
Daytime Phone: 612-~~440~~-865-8966 Other Phone/Fax: _____

Site Information

Site Address or Location: 15209 COPPER CANYON ROAD
Size (In Acres) 0.31 Parcel ID Number 265014000
Existing Land Use RECREATIONAL Current Zoning RESIDENTIAL-RECREATIONAL

Description of variance request:

AWNING COVERING 1/2 OF ATTACHED DECK OVER
ENTRANCE DOOR. THE DECK WAS PRESENT, BUT
REPAIRED. AWNING WAS BUILT OVER EXISTING DECK
WITHOUT ADDING TO FOOTPRINT OF DWELLING.

- Is the proposed use allowed in the Land Use District in which the subject property is located? Yes / ☒ No
- Is the variance in harmony with the comprehensive plan? Yes / ☒ No
- If granted, will the variance alter the essential character of the locality? Yes / ☒ No
- Does a practical difficulty exist that prevents the applicant from complying with the ordinance? Yes / ☒ No
A practical difficulty is established when the applicant proposes to use the property in a reasonable manner not permitted by the ordinance and when the variance request is due to circumstances unique to the property not created by the landowner. Economic considerations alone do not constitute practical difficulties.

Description of practical difficulty: PURCHASE OF PROPERTY WAS PURCHASED
WITH EXISTING FOOTPRINT. WE DID NOT KNOW OF COUNTY

ORDINANCES AND PLAN TO REMOVE SOUTH PORCH FRAMING
AND WILL COMPLY WITH FUTURE PROJECTS. WE ARE REGRETFUL
I understand that by signing this form that the property in question may be visited by county staff and/or board/commission members during normal business hours throughout the petition process. I certify that the information and exhibits submitted are true and correct to the best of my knowledge
BE PROUD, HARD-WORKING PINE COUNTY TAXPAYERS.
PLEASE ACCEPT OUR CONGRATULATIONS.

Signature of Property Owner: [Signature] Date: 09.03.19

Date Stamp Here If
Checklist Is Complete



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(320) 216-4220 • (800) 450-7463 Ext: 4220 • Fax (320) 591-1640

VARIANCE APPLICATION

Petitioner Information

Property Owner: Ron McDonald Mailing Address: 22945 Pehler Dr.
City: Pine City State: MN Zip Code: 55063 Email: _____
Daytime Phone: 320-629-4653 Other Phone/Fax: _____

Site Information

Site Address or Location: 22945 Pehler Dr.
Size (In Acres) .910th Parcel ID Number R08.5192.000
Existing Land Use Res Current Zoning _____

Description of variance request: Want to add Lean To to the back of garage

- Is the proposed use allowed in the Land Use District in which the subject property is located? ☒ Yes / ☐ No
- Is the variance in harmony with the comprehensive plan? ☒ Yes / ☐ No
- If granted, will the variance alter the essential character of the locality? ☒ Yes / ☐ No
- Does a practical difficulty exist that prevents the applicant from complying with the ordinance? ☒ Yes / ☐ No
A practical difficulty is established when the applicant proposes to use the property in a reasonable manner not permitted by the ordinance or when the variance request is due to circumstances unique to the property not created by the landowner. Economic considerations alone do not constitute practical difficulties.

Description of practical difficulty: small lot also has two waste lines on the west or middle of land that prevented a larger garage in 2001 when build

I understand that by signing this form that the property in question may be visited by county staff and/or board/commission members during normal business hours throughout the petition process. I certify that the information and exhibits submitted are true and correct to the best of my knowledge

Signature of Property Owner: Ron McDonald Date: 9/9/2019

Date Stamp Here If
Checklist Is Complete



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VARIANCE APPLICATION

Petitioner Information

Property Owner: Dean Olson Mailing Address: 2276 Leyland Trail
City: Woodbury State: MN Zip Code: 55125 Email: deanopalua@gmail.com
Daytime Phone: (651) 761-1515 Other Phone/Fax: _____

Site Information

Site Address or Location: 22497 Pehler Dr, Pine City
Size (In Acres) 75 acres Parcel ID Number R08.5142.000
Existing Land Use Cabin Current Zoning Residential Recreational

Description of variance request: Building near the lake. My property is extremely narrow on the Norway point peninsula.

- Is the proposed use allowed in the Land Use District in which the subject property is located? Yes / No
- Is the variance in harmony with the comprehensive plan? Yes / No
- If granted, will the variance alter the essential character of the locality? Yes / No
- Does a practical difficulty exist that prevents the applicant from complying with the ordinance? Yes / No
A practical difficulty is established when the applicant proposes to use the property in a reasonable manner not permitted by the ordinance and when the variance request is due to circumstances unique to the property not created by the landowner. Economic considerations alone do not constitute practical difficulties.

Description of practical difficulty: See attached.

I understand that by signing this form that the property in question may be visited by county staff and/or board/commission members during normal business hours throughout the petition process. I certify that the information and exhibits submitted are true and correct to the best of my knowledge

Signature of Property Owner: Dean Olson Date: 8/30/2019

Date Stamp Here If
Checklist Is Complete

Our property at 22497 Pehler Dr. is located on a peninsula on Norway Point. The property is extremely narrow and the cabin is up 42 stairs from the road on the south side of the peninsula and 36 stairs up from the lake on the north side. When we purchased the property in 2015, the dock was on the south side of the property. I had to carry the kayaks and paddle boards down 42 stairs to use them, and up 42 stairs to store them. For my long-term safety, this was not a reasonable scenario. This was why I built a boat house and deck on the north side of the property for storage of the lake items and moved the dock to the north side of the property. I was operating under the wrong assumption that I only needed a building permit if I was building structures attached to the primary house. This is the code in cities near my primary residence for decks. I had no idea that my storage shed on the lake was under question. If I had known, I would not have started my sauna project this summer, which is also on the north side. The previous owners had built stairs, 36 total, down to the lake with nothing at the bottom of them. For health reasons, I started building a sauna at the bottom of the stairs near the water. Because of being on the peninsula, meeting the current building requirements is extremely difficult. There are points on my property from one side of the lake to the other is around 50 feet. Thus, this is my practical difficulty in building on my property and the reason for the variance request.