

**Board of Adjustment Public Hearing
Minutes For Wednesday, August 25th, 2025 for Lakeview Ave Variance**

1. **Called to Order at 5:00 PM by Chair Roose.**
2. **Roll Call: White, Hernesmaa, Councilor Roose, Heil, Palcher.** Staff Kochendorfer.
Excused: Anderson, Burke
3. **Additions or Deletions from Agenda**
4. **Public Hearing for the consideration of a Variance request for 600 N Lakeview Ave.**

The Variance public hearing procedure was read by chair Roose.

The Public hearing notice was read by Planning and Zoning Administrator Kochendorfer

5. **The Applicant (Daniel Krings) explained the request**

Daniel Krings (owner) explained that he originally purchased this property in 2022, he received a variance to put a garage on an empty parcel without a primary structure. Since then, the front property line for the lot is roughly 25 feet from the paved roadway, and the zoning says you have to be 35 feet back from the property line. The property also contains a large rock formation in the middle, which inhibits the ability to move the garage further back in the lot. What is being sought, is really 35 feet from the street edge, which equates to a 10-foot set back from the property line, to place the garage. The garage was moved from a neighboring property that is also going through a renovation. The variance is needed to be able to put the garage on this property.

6. **Letters received/ and or phone call comments read into record**

- None

7. **Those in support may comment**

- None

8. **Those opposed may comment**

- None

9. **Comments from those who wish to provide additional information**

- None

10. **Applicant will have the opportunity to answer additional questions**

11. Closure of the hearing @ 5:08 PM

12. Reading of the Finding of Facts

Planning and Zoning Administrator Kochendorfer read the finding of the facts (included in the agenda packet). **Planning and Zoning Administrator recommends approval of the variance on the following finding of facts:**

- **FACT:** Section 11.41 of City Code states that the minimum requirements in the Shoreland Overlay of Shagawa Lake Zoning District, the required Front Yard setback is 35 feet.
 - **FINDING:** The Current building plan would deviate from the 35-foot set-back requirement in the front yard. The proposal would meet all other setback requirements of the Shoreland Overlay of Shagawa Lake Zoning District for accessory structures, which is 4 feet for the side yard and rear yard.

- **FACT:** The property in question will be used in a reasonable manor
 - **FINDING:** The Property was purchased by Krings in October of 2022, from the City of Ely. The lot does not conform to the minimum zoning requirements of the Shoreland Overlay District. The current total lot size is 3,638 sq ft. (10,000 sq ft minimum is required) and the lot dimensions are 34 ft wide by 107 ft deep, which does not conform to the minimum lot dimensions of 75 feet wide by 120 feet deep. A Variance was approved on July 20th, 2022 to allow a 24 ft by 50 ft garage to be built on the parcel, without a primary structure on the property, due to the lot being of irregular size and shape, and non-conformity.
 - The total impervious lot coverage allowed on this property is 25% (909.5) square feet. The proposed building will only be 576 total square feet.

- **FACT:** The Plight of the owner of the property in question is due to circumstances unique to their property and not created by the landowner
 - **FINDING:** The property was platted prior to zoning codes. The original plat was in the early 1900s. The property was purchased with the agreement and intent to build an accessory structure (garage). After further exploration of the land, it was determined that due to ledge rock, it wouldn't be possible to meet the 35 feet front yard setback from the property line.
 - The building would be at least 35 feet from the edge of the paved roadway, but not the property line, as required.
 - The Plat of the roadways in this area are also irregular and inconsistent.

- **FACT:** If the variance is granted, it will not alter the essential character of the locality
 - **FINDING:** The proposal is in the Residential (R1) Zoning District, along with the Shoreland Overlay of Shagawa Lake Zoning District. The neighboring properties in this area are either seasonal cabins, or homes. The proposal is not being built towards Shagawa Lake, and the setback requirements from the OHW (Original High Watermark) (75 feet) will be maintained.
 - Garages (accessory structures) are allowed in the R1 (Shoreland Overlay) Zoning District, with primary structures. This proposal is for a private garage, and will be used for residential purposes only.

- **FACT:** Economic considerations alone do not constitute a practical difficulty. Practical difficulties include but are not limited to: inadequate access to direct sunlight for solar energy systems.
 - **FINDING:** Due to the make-up of the property, non-conforming size, and the ledge rock, the property is mostly non-buildable. The only useful space is the front of the property, and this is only big enough for a small garage.
 - The property will not have any sewer or water hook-ups, but may have power sometime in the future.
 - The cost to remove the ledge rock would be substantial, and is not an option for the home owner.

- **FACT:** A Variance may not be granted for any use that is not a permitted use under this chapter for property in the district where the affected land is located.
 - **FINDING:** The use of a garage (accessory structure) without a primary dwelling is not allowed by ordinance. On July 20th, 2022, the Planning Commission approved this in a variance to allow the use.

Accessory structures may not exceed 1,200 sq ft in residential zoning. The proposal is for a 576 sq ft building, which is allowed in this zoning district.

- Staff recommends Conditions to be added to the variance to include: No additional structures may be added to the property, and the proposed structure cannot be enlarged at any point.
- No sewer or water may be installed on the property

13. Decision rendered by the Planning Commission

Motion Hernesmaa to approve the variance, a 10 feet front yard setback, with the following conditions: No additional structures may be added on the property, the proposed structure cannot be enlarged at any point, and no sewer or water may be added to the property unless it is to add housing/ second White. Motion carried without objection.

14. Adjournment at 5:20 PM