



OAK GROVE PLANNING COMMISSION
FEBRUARY 20, 2025
6:30 pm

Call meeting to order and roll call

APPROVAL OF JANUARY 16, 2025, MEETING MINUTES

NEW BUSINESS

PUBLIC HEARINGS

1. Conditional Use Permit (CUP) – for reconstructing Viking Blvd NW in the Scenic River District. Rum River Bridge to Orchid Street NW. Anoka County.
A variance from side yard and front yard setbacks for a detached garage.
2. Variance – for an additional accessory building than allowed on a lot 10 acres or larger.
2001 Rum River Blvd NW. Lisa and Michael Hovan.

ADJOURNMENT

OAK GROVE PLANNING COMMISSION
Regular Meeting
January 16, 2025

Chairperson Johnson called the Regular Meeting of the Oak Grove Planning Commission to order at 6:32 p.m. on Thursday, January 16, 2025. Roll call was taken.

Present: Brad Johnson
Guy Farah
Alan Hall
Joel Tjepkes
Marshal Anson

Also Present: Angie Bray Johnson, City Council Member
Loren Wickham, City Administrator

ORGANIZATION

1. Nominate 2025 Chairperson
Farah nominated Johnson to be Chair. Hall agreed.

MOTION: Commissioner Farah moved to nominate Brad Johnson as the 2025 Chair of the Planning Commission. The motion was seconded by Commissioner Hall. Motion carried 4 ayes, 0 nays, 1 abstain. Chair Johnson abstained.

2. Nominate 2025 Vice-Chair
Anson nominated Hall.

MOTION: Commissioner Anson moved to nominate Alan Hall as the 2025 Vice-Chair for the Planning Commission. The motion was seconded by Tjepkes. Motion carried 4 ayes, 0 nays, 1 abstain. Commissioner Hall Abstained.

APPROVAL OF NOVEMBER 21, 2024 MEETING MINUTES

MOTION: Commissioner Anson moved to approve the November 21, 2024, minutes as submitted. The motion was seconded by Commissioner Farah. Motion carried 4 ayes, 0 nays, 1 abstain. Commissioner Tjepkes.

NEW BUSINESS

PUBLIC HEARINGS

1. **Variance – 2242 213th LN NW – Anthony Olejar & Debra Nickels. A variance from side yard and front yard setbacks for a detached garage**

Chair Johnson introduced the application and invited the applicant to the podium.

The following exhibits were reviewed and are on file:

- Exhibit 1 – Public Hearing Notice
- Exhibit 2 – Application Packet Submittal for Variance

Exhibit 3 – Staff Memo
Exhibit 4 – Certificate of Survey

Administrator Wickham read the staff memo stating that the applicant is applying for a variance from the side yard and front yard setback for a detached garage.

Anthony Olejar, 2242 213th Lane NW

Mr. Olejar stated he was trying to build as big as he could but decided not to build as big because his neighbor was not on board. He worked with the surveying company to lay out how big the garage could be in proportion to the house.

Commissioner Farah mentioned he had previous concerns about getting a truck in between the well and the neighbor's property line.

Chair Johnson asked how deep the well was. He added it is a consideration on whether the pump could be manually pulled out or not. Mr. Olejar replied that it was a consideration when he was trying to determine how much space he would need.

Chair Johnson mentioned that they would include a finding that it does not constitute any permanent improvements to the road right-of-way. Administrator Wickham replied that the applicant would need a driveway permit.

Mr. Olejar asked if he would be able to put in an apron to the property line. Chair Johnson replied that he could.

Chair Johnson stated that Mr. Olejar cannot pave the entire driveway but to work with the City to determine a plan.

Public Comment:

Chair Johnson opened the meeting for public comment at 6:50 p.m.

Administrator Wickham noted that staff received a phone call from the Campbells at 21252 South Lake George Drive NW in favor of the variance.

After calling for public comment and hearing none, Chair Johnson closed the public hearing at 6:51 p.m.

Commissioner Hall asked if the ditch was a County ditch. Chair Johnson replied that it did not look like it was a County ditch.

The following findings were reviewed:

1. The subject property is zoned Single Family Residential (SFR)
2. Anthony Olejar and Debra Nickels own the subject property according to Anoka County Tax Records.
3. The subject property is approximately .28 acres according to Anoka County.
4. The subject property is a platted lot of record and legally described as Lots 7 & 8 Block 13 Shady Oaks, Subj to Ease of Rec.
5. A certificate of survey of proposed conditions was prepared by Widseth and signed by Shawn M. Kupcho registered land surveyor and dated December 12, 2024.
6. The property is within 1,000' of Lake George a General Development (GD) classified lake so the

property is subject to the shoreland ordinance.

7. A notice of public hearing was sent to the Department of Natural Resources (DNR) on January 3, 2025.
8. Section 109-48 (a) of the Oak Grove City Code allows for the granting of variances in cases where the “property owner proposes to use the property in a reasonable manner not permitted by a zoning requirement; the plight of the landowner is due to circumstances unique to the property and not created by the landowner; and the variance, if granted, will not alter the essential character of the neighborhood.”
9. The property owners propose to use the property in a reasonable manner.
10. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
11. The variance will not alter the essential character of the neighborhood.
12. The variance request is reasonable and meets the city’s criteria.
13. The applicants have identified practical difficulties and meet the requirements for granting a variance.
14. The exhibits submitted for the review of Applicant’s Variance application are as follows:
 - Exhibit 1 – Public Hearing Notice
 - Exhibit 2 – Application Packet Submittal for Variance
 - Exhibit 3 – Staff Memo
 - Exhibit 4 – Certificate of Survey

MOTION: Commissioner Tjepkes moved that the Planning Commission recommends to the City Council approval of the application with findings of fact. The motion was seconded by Commissioner Farah. Motion carried 5-0. This will go to the City Council meeting on January 16, 2025.

Chair Johnson explained that the Commission is recommitting to being open for residents in order to help them with resources and processes.

Chair Johnson noted that Administrator Wickham would be reaching out to Commissioner Untereker to be recognized for his years of service during an upcoming Planning Commission and City Council meeting. He added that the City Council approved the Planning Commission to continue to meet on the third Thursday of each month.

ADJOURNMENT

Commissioner Hall made a motion to adjourn. The motion was seconded by Commissioner Tjepkes. Motion carried 5-0. The meeting was adjourned at 6:59 p.m.

Respectfully Submitted,
Loren Wickham, City Administrator



NOTICE OF PUBLIC HEARING BEFORE THE OAK GROVE PLANNING COMMISSION

PLEASE TAKE NOTICE that the Planning Commission of the City of Oak Grove, Minnesota, will hold a public hearing on the following application(s):

APPLICANT(S): Anoka County

LOCATION: Viking Blvd - Rum River Bridge to Orchid Street NW

PETITION: To consider Conditional Use Permit (CUP) for
reconstructing Viking Blvd in the Scenic River District

HEARING, DATE AND TIME: The hearing will take place on **Tuesday, February 20th 2025 at 6:30 p.m.** at the Oak Grove City Hall, 19900 Nightingale St NW. **All written and oral comments will be heard.** Written comments can be sent to planner@ci.oak-grove.mn.us

You have been notified because the proposed application is within 1,000 feet of your property. If you know of any neighbor or affected property owner who for any reason, has not received a copy, it would be appreciated if you would inform them of this public hearing.



www.ci.oak-grove.mn.us

To: City of Oak Grove Planning Commission
CC: Loren Wickham, City Administrator
From: Claire Stickler, Planning Consultant
Date: February 13, 2025
Re: Anoka County CSAH 22 (Viking Blvd NW) Reconstruction - Conditional Use Permit



Description of Request

The Anoka County has applied for a Conditional Use Permit (CUP) to reconstruct Viking Blvd NW from Rum River Bridge to Orchid Street NW. Portions of the project are located within the Wild and Scenic River. Below in the report is an aerial photo of the project and a narrative from the County describing the project for your review. Also, attached is a review memo from City Engineer Chuck Schwartz.

The Rum River is designated as Wild and Scenic through Oak Grove. There are City ordinances that control river land development in order to protect and preserve the outstanding *scenic*, recreational, natural, historical and scientific values of the Rum River in Oak Grove, Minnesota, in a manner consistent with Minnesota *Wild and Scenic Rivers Act*.

City Code Compliance

Section 109-336.c lists Public roads, subject to the provisions of section 109-339.

109.339.d requires a Conditional Use Permit (CUP) for the County project.

(d) Public roads.

(1) Construction or reconstruction permits. In addition to such permits as may be required by Minn. Stats. § 103G.245, a conditional use permit shall be required for any construction or reconstruction of public roads within the Rum River land use district. Such construction or reconstruction shall be subject to Minn. Rules pts. 6105.0190 and 6105.0200.

(2) Definition. The term "public roads" includes **county and municipal** roads, streets and highways **that serve or are designed to serve flows of traffic between communities or other traffic-generating areas.** A conditional use permit is not required for minor public streets, which are streets intended to serve primarily as an access to abutting properties.

Conditional Uses in the Shoreland Area

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide. The following additional evaluation criteria and conditions apply within shoreland areas:

(1) Evaluation criteria. Thorough evaluation of the water body and the topographic, vegetation, and soil conditions on the site shall be made to ensure:

- a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
- b. The visibility of structures and other facilities as viewed from public waters is limited.
- c. The site is adequate for water supply and on-site sewage treatment, if applicable.
- d. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

(2) Conditions attached to conditional use permits. The city council, upon consideration of the criteria listed in subsection (1) of this section and the purposes of this article, may attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this article and said conditions may be more restrictive than this article.

Section 109-136 Criteria for Granting Conditional (Interim) Use Permits.

In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the Comprehensive Plan and upon the health, safety, morals, and general welfare of occupants of surrounding lands. Among other things, the Council shall consider the following:

1. *Factors of noise, glare, odor, electrical interference, vibration, dust, and other nuisances.*

The potential for nuisance factors exists but would only be for a short duration during the timeline of reconstruction, and not on a consistent basis.

2. *The use shall not create an excessive burden on existing parks, police and fire, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.*

The project is improving a public facility and when completed will not create excessive burden on public facilities.

3. *The effect on sensitive environmental features including wetlands, slopes, floodplains, woodlands, lakes, surface and groundwater.*

A conditional use permit is required to ensure that the City can impose additional conditions if needed, particularly as it relates to sensitive environmental features. The project will have to follow all MN State Statute and City of oak grove regulations and standards for construction and stormwater management.

4. *The use shall be compatible with adjacent land uses so that existing uses and property values will not be adversely affected and there will be no deterrence to development of vacant land.*

The use is compatible with the residential uses it is adjacent to. The final product will be an updated road which will be a benefit for it's users.

5. *The use shall not have an adverse effect upon adjacent properties, including aesthetics, scenic views, character and integrity of the neighborhood.*

When the project is complete, aesthetics will be improved from the original state of the road today.

6. *The use, in the opinion of the City Council, shall be reasonably related to the overall needs of the City and to the existing land use.*

To be determined by the City Council.

7. *The use shall be consistent with the purposes of the Zoning Code and purposes of the Zoning District in which the applicant intends to locate the proposed use.*

Public road reconstruction is listed as a conditional use in the Scenic River District in the Oak Grove City Code.

8. *The use shall not be in conflict with the Comprehensive Plan.*

The proposed use is not in conflict with the comprehensive plan.

9. *The use will not cause traffic congestion or hazards.*

There may be some temporary congestion during the construction of the project.

10. *The use shall have adequate utilities, access roads, drainage and necessary facilities.*

The use does.

11. *The use will not adversely impact the environment, natural resources or water quality.*

The road already exists, this is a reconstruction and the County will follow best practices, city code and state law for environmental regulations.

Project Location



Staff Recommendation

Planning staff recommends that the City of Oak Grove City Council:

- Adopt the staff report into the record;
- Accept the application, testimony, exhibits, and other evidence presented into the record; and
- **Approve** the Conditional Use Permit with the following conditions:
 1. All required permits from state and local agencies must be obtained prior to the commencement of construction activities. This includes permits for stormwater discharge, wetland impacts, and other environmental considerations.
 2. The project must conform to the city's stormwater management ordinance,

3. During construction, the applicant must implement erosion and sediment control measures to prevent soil erosion and sedimentation of nearby water bodies..

Alternative Actions

- The Planning Commission could recommend denial of the Conditional Use Permit and amend the findings of fact.
- The Planning Commission could table the application and request additional information.

Attachments

The following items are included in the packet for review:

1. Memo from City Engineer
2. Application



60 Plato Boulevard East
Suite 140
St. Paul, MN 55107-1835

P (612) 548-3132
TF (866) 452-9454
F (763) 786-4574

www.msa-ps.com

February 5, 2025

Mr. Loren Wickham
City of Oak Grove
19900 Nightingale Street NW
Oak Grove, MN 55011

Re: Anoka County CSAH 22 (Viking Boulevard NW) Conditional Use Permit (CUP)

Dear Loren:

Our office has reviewed the Conditional Use Permit (CUP) Permit Application dated January 8, 2025. The project is for the reconstruction of Anoka County CSAH 22 from the Rum River Bridge to Orchid Street NW. Construction is planned to begin in the spring of 2025 and extend through the construction season. Per City Ordinance Sec. 109-339 and Minn. Rules pts 6105.0190 and 6105.0200 a conditional use permit from the city is required for any reconstruction of any existing public roads within scenic river district.

The applicant shall meet the standards and criteria as identified in Minn. Rule pt 6105.0200. From a constructability and stormwater perspective, our office has no concerns at this time. We will be in attendance for the February Plan Commission Meeting to answer any questions the Commission may have regarding the project. If you have any questions or require additional information ahead of the meeting, please call me at 612/548-3141. Thanks.

Sincerely,
MSA Professional Services, Inc.

A handwritten signature in black ink, appearing to read "Charles D. Schwartz", is written over a light blue horizontal line.

Charles D. Schwartz, PE
City Engineer

CDS

FOR INTERNAL OFFICE USE ONLY

AMOUNT PAID 1300⁰⁰ DATE 1/8/25 CITY AGENT BP
PROJECT NUMBER ANOK22 RECEIPT NUMBER _____
APPLICATION DETERMINED COMPLETE ON THIS DATE _____



19900 Nightingale St NW
Oak Grove, Minnesota 55011
(763) 404-7000

300 Permit CU
1000 Escrow

APPLICATION

<input type="checkbox"/> Sketch/Site Plan	<input type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Planned Unit Development
<input type="checkbox"/> Interim Use Permit	<input type="checkbox"/> Interim Use Permit Renewal	<input checked="" type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Interim Use Permit Renewal
<input type="checkbox"/> Variance	<input type="checkbox"/> ROW/Easement Vacation	<input type="checkbox"/> Rezoning	<input type="checkbox"/> Comp Plan Amendment

Anoka County is reconstructing Viking Blvd. Improvements include replacing bituminous thru-lane pavement and curb with concrete pavement and curb, reconstruct bituminous shoulders and right turn lanes and the addition of left turn lanes at 197th Ave NW, Blackfoot St NW, Silverod St NW/194th Ln NW, and G-Will Liquors. Orchid St. will convert to right-in/right-out only.

Address _____

Subdivision name: N/A

Legal description of property: (attach if lengthy) N/A

Zoning: N/A Lot Size: N/A Property ID Number: N/A

Owner: Anoka County Hwy Dept Phone # 763-324-3100

Address: 1440 Bunker Lake Blvd NW, Andover MN 55304

E-mail: michelle.pritchard@anokacountymn.gov

Applicant: Anoka County Hwy Dept Phone # 763-324-3100

Address: 1440 Bunker Lake Blvd NW, Andover MN 55304

E-mail: michelle.pritchard@anokacountymn.gov

- To ensure timely review, the applicant fully understands that all of the above-required information must be submitted in accordance with the approved City schedule.
- All applicable fees and escrow, as outlined in the attached City Fee Schedule, are to be paid at time of application.
- By signing this application, the applicant accepts responsibility for paying all charges incurred by the City or its consultants related to the project, including but not limited to the City Engineer and City Attorney.
- The filing of this application in no way guarantees the approval of said request
- Application Fees are not refundable

Applicant's signature Date 12/26/2024

Property Owner's signature _____ Date _____

**Appendix A
City of Oak Grove Fee Schedule**

Planning

Color Maps/Printouts (8.5" X 11")	\$1.00
Conditional Use Permit	\$300.00
Conditional Use Permit Amendment	\$100.00
Comprehensive Plan Amendment	\$500.00 Application Fee \$1,000 Escrow
Commercial Site Plan Review	\$1,000 Escrow
Environmental Assessment Worksheet/Environmental Impact Statement Review	\$5,000 Escrow
Interim Use Permit	\$300.00
Interim Use Permit Renewal/Amendment	\$100.00
Park Dedication Fee in Lieu of Land	\$2,300 per lot created
Planned Unit Development Sketch Plan Review	\$1,000 Escrow
Planned Unit Development	\$500.00 Application Fee \$15,000 Escrow
Rezoning	\$200.00
Right-of-Way/Easement Vacation	\$250.00
Subdivision Sketch Plan	\$1,000 Escrow
Subdivision Application (Preliminary and Final Plat)	\$500.00 Application Fee \$15,000 Escrow
Subdivision Application W/ Urban Services	\$500.00 Application Fee \$25,000 Escrow
Minor Subdivision Application	\$300.00 Application Fee \$1,000 Escrow
Variance	\$300.00

- City Staff may require escrow or additional escrow based on the application.
- Charges against escrow deposits can include professional consulting fees, staff time, materials, publications, mailings, mileage, and other expenses directly related to an application.

ACKNOWLEDGMENT OF RESPONSIBILITY


This is to certify that I am making application for the described action by the City and that I am responsible for complying with all the City requirements with regard to this request. This application should be processed in my name, and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read the sections of the Oak Grove City Code which pertain to my application and understand the instructions supplied to me for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of materials and of the progress of this application.

I further understand that it is my responsibility to reimburse the City of Oak Grove for all expenses related to this application. Such reimbursement is due upon receipt of an invoice from the City of Oak Grove.

I agree to allow access by the City to the property for purposes of review of my application and to erect a temporary sign indicating the nature of the proposed application.

Name of application Michelle Pritchard Phone # 763-324-3162
(please print)

Signature of applicant  Date 12/26/2024



**NOTICE OF PUBLIC HEARING
BEFORE THE OAK GROVE PLANNING COMMISSION**

PLEASE TAKE NOTICE that the Planning Commission of the City of Oak Grove, Minnesota, will hold a public hearing on the following application(s):

APPLICANT(S): Lisa and Michael Hovan

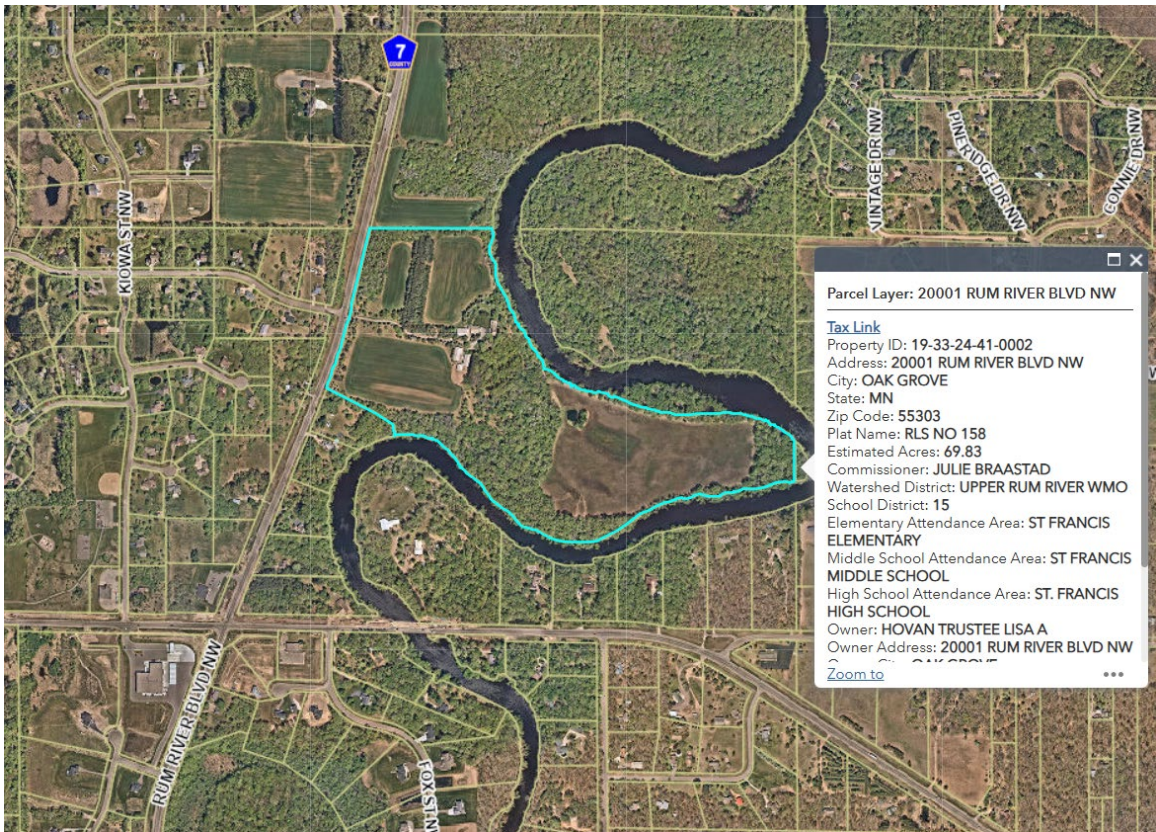
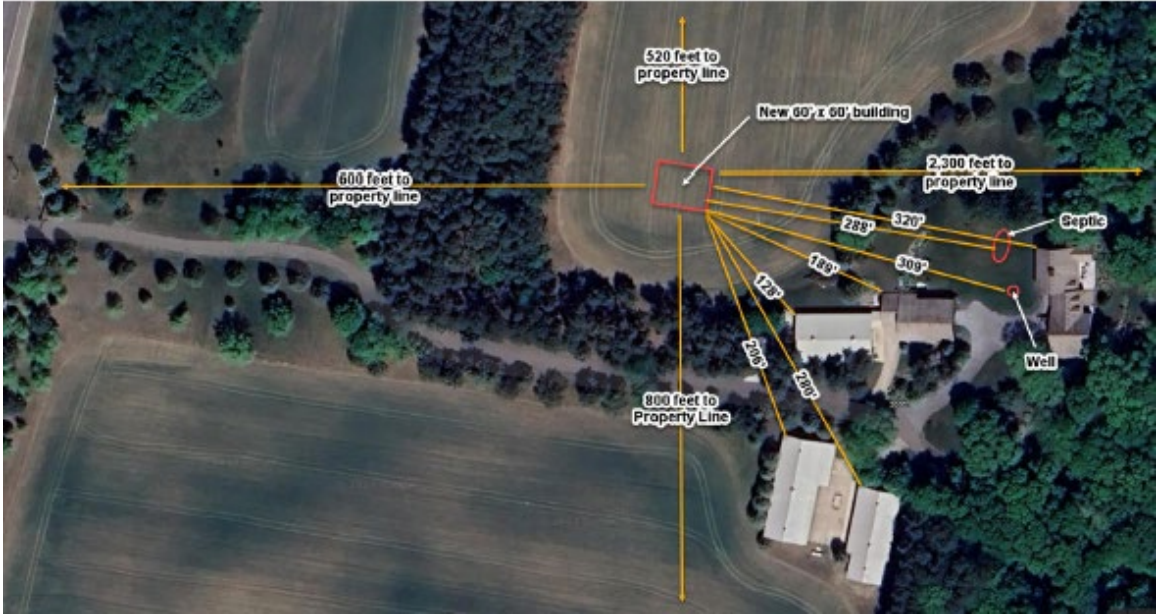
LOCATION: 20001 Rum River Blvd. NW.

PETITION: A Variance for an additional accessory structure than allowed on a lot 10 acres or larger.

LEGAL DESCRIPTION: TRACT B REG LAND SURVEY NO 158

HEARING, DATE AND TIME: The hearing will take place on **Tuesday, February 20th 2025 at 6:30 p.m.** at the Oak Grove City Hall, 19900 Nightingale St NW. **All written and oral comments will be heard.** Written comments can be sent to planner@ci.oak-grove.mn.us

You have been notified because the proposed application is within 1,000 feet of your property. If you know of any neighbor or affected property owner who for any reason, has not received a copy, it would be appreciated if you would inform them of this public hearing.



www.ci.oak-grove.mn.us

To: City of Oak Grove Planning Commission
CC: Loren Wickham, City Administrator
From: Claire Stickler, Planning Consultant
Date: February 13, 2025
Re: Variance Application for Maximum Size and amount of Accessory Structure on an 8+ acre lot. 69.83 lot at 20001 Rum River Blvd. NW (PID 19-33-24-41-0002)



Summary of Request and Review

Lisa and Michael Hovan have submitted a variance request from the maximum amount of allowed accessory structures and the maximum square footage on a 69.83 acres. There are three existing accessory structures on the property which is the maximum allowed on 10 acres or larger as regulated in section 109-194 (7). The maximum square footage is 9,000, the addition of the fourth structure would go over the 9,000 maximum. The proposed additional accessory building meets all other requirements of the zoning code. The building was allowed previously when the lot was 40 acres. However, the subdivision of land that the applicants initiated triggers the need for all buildings on the property to be in conformance with existing zoning regulations.

The property is zoned Single Family Residential and located within the Scenic River District. The variance request does not affect Scenic River District standards and would be compliant with that section.

Building	Size
1	42x60 – 2530 sq ft
2	36x92 – 3,312 sq ft
3	36x60 – 2,160 sq ft
Proposed Structure	36x60 – 2,160 sq ft
Total – 10,162 sq ft	

Oak Grove Code of Ordinances 109-194

(7) On lots of ten acres or larger, the total building floor area for accessory buildings shall not exceed 9,000 square feet and the sidewall height shall not exceed 16 feet as measured on the inside of the building between the finished floor elevation and the bottom of the roof truss. Not more than three accessory buildings, not more than one 700 sq. ft. accessory dwelling unit (ADU), and up to four 200-square foot storage buildings/sheds and one private garage (attached or detached) shall serve a principal building.

Variance Standards

109-48

(a) *Practical difficulties.* A variance from the requirements of this chapter may be granted by the city when the applicant for the variance establishes that there are practical difficulties in complying with such requirements. The term "practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by a zoning requirement; the plight of the landowner is due to circumstances unique to the property and not created by the landowner; and the variance, if granted, will not alter the essential

character of the neighborhood. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

(b) *Conditions.* Variances shall only be permitted when they are in harmony with the general purposes and intent of this chapter and when the variances are consistent with the comprehensive plan. The city shall not permit as a variance any use that is not allowed under the chapter for property in the zone where the affected person's land is located. The city may permit as a variance the temporary use of a one-family dwelling as a two-family dwelling.

(c) *Restrictions.* The city may impose such restrictions and conditions in a variance to minimize the impact of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance.

Staff Recommendation

Staff is recommending that the City of Oak Grove:

- Adopt the staff report into the record;
- Accept the application, testimony, exhibits, and other evidence presented into the record; and
- Recommend the Planning Commission Recommend approve the request for a 2,160 square foot accessory structure on a 69.83 acre lot on the basis that the request does meets all three practical difficulty requirements.

Additional Alternatives

- The Planning Commission could recommend denial of the variance request and change the findings of fact;
- The Planning Commission could table the application and request additional information.

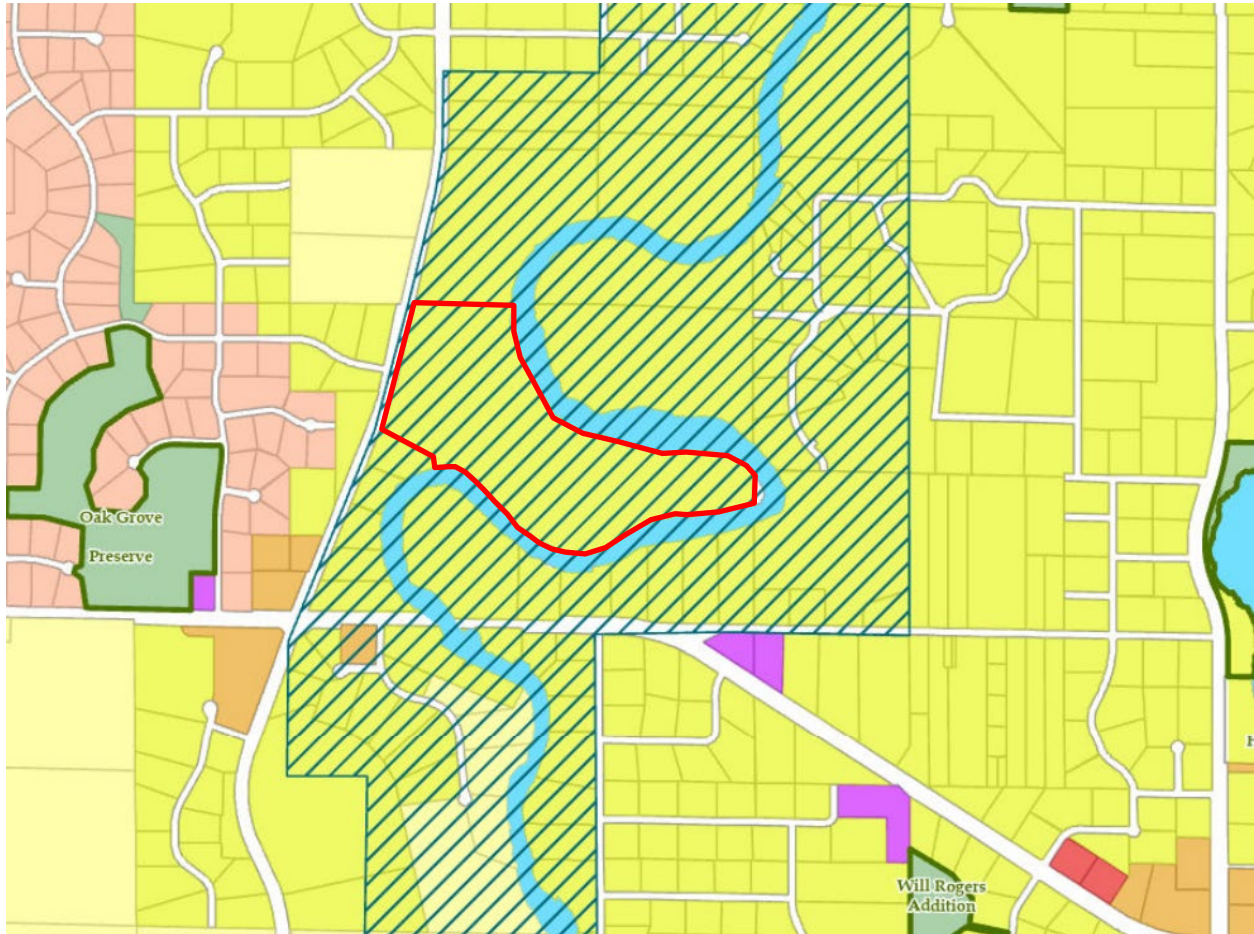
Draft Findings of Fact

The draft Findings of Fact shall be amended to reflect concerns conveyed at the meeting and public hearing and should specify the facts and reasons that are the basis of the determination. In granting a variance, the City of Oak Grove may impose conditions directly related to, and bearing a rough proportionality with, the impact(s) created by the variance.




















1. The property is currently zoned Single Family Residential.
2. All existing structures meet zoning code requirements.
3. Oak Grove's 2040 Comprehensive Plan does not directly address the applicant's situation, but it appears that the accessory structure will not interrupt the rural residential character of the area, which is supported by the Comprehensive Plan.
4. Section 109-48 (a) of the Oak Grove City Code allows for the granting of variances in cases where the "property owner proposes to use the property in a reasonable manner not permitted by a zoning requirement; the plight of the landowner is due to circumstances unique to the property and not created by the landowner; and the variance, if granted, will not alter the essential character of the neighborhood."
5. The property owners propose to use the property in a reasonable manner.
6. The plight of the landowner appears to be due to a circumstance created by the landowner.
7. The variance if granted will not alter the essential character of the neighborhood.

Attachments

1. Application and Variance Narrative
2. Site Plan



ZONING

 AGRICULTURAL	 WILDLIFE MANAGEMENT AREA
 SINGLE FAMILY RESIDENTIAL	 HIGH DENSITY RESIDENTIAL
 PUD	 CITY PARKS
 GENERAL BUSINESS	 RAILROAD
 PUBLIC/INSTITUTIONAL	 WATER BODIES
 LIMITED INDUSTRY	 SCENIC RIVER DISTRICT
 LAKE GEORGE DISTRICT 1	 CEDAR CREEK CONSERVATION AREA
 LAKE GEORGE DISTRICT 2	 COMMUNITY BOUNDARIES
 LAKE GEORGE DISTRICT 3	
 PARK	
 AG PRESERVE	

FOR INTERNAL OFFICE USE ONLY

300⁰⁰ Variance

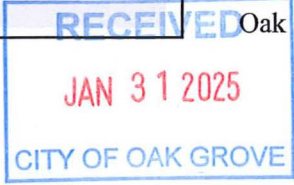
AMOUNT PAID 1000 Escrow DATE 1/31/25 CITY AGENT BP

PROJECT NUMBER _____ RECEIPT NUMBER _____

APPLICATION DETERMINED COMPLETE ON THIS DATE _____



19900 Nightingale St NW
Oak Grove, Minnesota 55011
(763) 404-7000



APPLICATION

<input type="checkbox"/> Sketch/Site Plan	<input type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Planned Unit Development
<input type="checkbox"/> Interim Use Permit	<input type="checkbox"/> Interim Use Permit Renewal	<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Interim Use Permit Renewal
<input checked="" type="checkbox"/> Variance	<input type="checkbox"/> ROW/Easement Vacation	<input type="checkbox"/> Rezoning	<input type="checkbox"/> Comp Plan Amendment

Project Description: construction of a new barn on the property which will be a multi- use building for the storage of farm equipment and horses.

Address: 20001 Rum River Blvd. NW, Oak Grove, MN 55011

Subdivision name: N/A

Legal description of property: (attach if lengthy) Tract B Reg Land Survey No. 158

Zoning: 2A, 2B - Agricultural **Lot Size:** 69.83 **Property ID Number:** 19-33-24-41-0002

Owner: Lisa A. Hovan Trust under agreement dated May 5, 2023 **Phone #** (763) 238-3386 and (763) 486-7876

Address: 20001 Rum River Blvd. NW, Oak Grove, MN 55011

E-mail: lihovan@yahoo.com and michaelfoadb@gmail.com

Applicant: Lisa Hovan and Michael Hovan **Phone #** (763) 238-3386 and (763) 486-7876

Address: 20001 Rum River Blvd. NW, Oak Grove, MN 55011

E-mail: lihovan@yahoo.com and michaelfoadb@gmail.com

- To ensure timely review, the applicant fully understands that all of the above-required information must be submitted in accordance with the approved City schedule.
- All applicable fees and escrow, as outlined in the attached City Fee Schedule, are to be paid at time of application.
- By signing this application, the applicant accepts responsibility for paying all charges incurred by the City or its consultants related to the project, including but not limited to the City Engineer and City Attorney.
- The filing of this application in no way guarantees the approval of said request
- Application Fees are not refundable

Applicant's signature **Date** 1-30-2025

Property Owner's signature **Date** 1-30-2025

**Appendix A
City of Oak Grove Fee Schedule**

Planning

Color Maps/Printouts (8.5" X 11")	\$1.00
Conditional Use Permit	\$300.00
Conditional Use Permit Amendment	\$100.00
Comprehensive Plan Amendment	\$500.00 Application Fee \$1,000 Escrow
Commercial Site Plan Review	\$1,000 Escrow
Environmental Assessment Worksheet/Environmental Impact Statement Review	\$5,000 Escrow
Interim Use Permit	\$300.00
Interim Use Permit Renewal/Amendment	\$100.00
Park Dedication Fee in Lieu of Land	\$2,300 per lot created
Planned Unit Development Sketch Plan Review	\$1,000 Escrow
Planned Unit Development	\$500.00 Application Fee \$15,000 Escrow
Rezoning	\$200.00
Right-of-Way/Easement Vacation	\$250.00
Subdivision Sketch Plan	\$1,000 Escrow
Subdivision Application (Preliminary and Final Plat)	\$500.00 Application Fee \$15,000 Escrow
Subdivision Application W/ Urban Services	\$500.00 Application Fee \$25,000 Escrow
Minor Subdivision Application	\$300.00 Application Fee \$1,000 Escrow
Variance	\$300.00

- City Staff may require escrow or additional escrow based on the application.
- Charges against escrow deposits can include professional consulting fees, staff time, materials, publications, mailings, mileage, and other expenses directly related to an application.

ACKNOWLEDGMENT OF RESPONSIBILITY

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all the City requirements with regard to this request. This application should be processed in my name, and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read the sections of the Oak Grove City Code which pertain to my application and understand the instructions supplied to me for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of materials and of the progress of this application.

I further understand that it is my responsibility to reimburse the City of Oak Grove for all expenses related to this application. Such reimbursement is due upon receipt of an invoice from the City of Oak Grove.

I agree to allow access by the City to the property for purposes of review of my application and to erect a temporary sign indicating the nature of the proposed application.

Name of application Lisa Hovan and Michael Hovan Phone # (763) 238-3386 and (763) 486-7876
(please print)

Signature of applicant  Date 1-30-2025

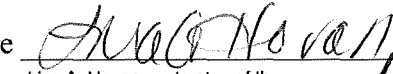
AFFIRMATION OF PROPERTY INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name of Fee Owner Lisa A. Hovan Trust under agreement dated May 5, 2023
(Please print)

Name of Applicant Lisa Hovan and Michael Hovan
(Please print)

Street address/legal description of subject property: _____
20001 Rum River Blvd. NW, Oak Grove, MN 55011

Fee Owner Signature  Date 1-20-2025
Lisa A. Hovan, as trustee of the
Lisa A. Hovan Trust under agreement dated May 5, 2023

Applicant Signature  Date 1-30-2025

If you are not the fee owner, have the fee owner sign this form or attach a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach a copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of the agreement authorizing this action on behalf of the joint venture or partnership.

Variance Narrative

Introduction. The property owner's land and buildings are in the 2A, 2B Agriculture zoning district of the City of Oak Grove. The purpose of this variance request is in relation to Section 109-194 (g)(7) of the City of Oak Grove's Zoning Ordinance which provides that no more than three accessory buildings may be placed on lots of ten acres or larger. The property owners (the "Hovans") would like to place an additional multi-use accessory building on their property, that does not strictly follow the requirements of Section 109-194 (g)(7). This building will primarily be used for the storage of equipment and the housing of horses.

Variance Requests. The variance is necessary because if the additional accessory building is added to the property, it will not strictly follow the zoning code, as too many accessory buildings will be located on the property. The Hovan's are seeking a variance to add this additional building to the property which will otherwise meet all zoning requirements. This technical variance will not present any land use issues or change the character of property or neighborhood. For clarity, an aerial image of the current buildings on the Hovan property is included at Exhibit A. The two buildings outlined in red are (i) a storage shed/building of 200 sq. ft. or less and (ii) a private garage. Thus those buildings are not classified as accessory buildings under Section 109-194 (g).

Survey. Although a survey does not necessarily appear to be noted as requirement under the code, due to correspondence with city officials, it appears that surveys are sometimes required with variance request. Here, a survey does not appear to be necessary. Based on correspondence from city officials, the building plans have already been submitted and approved, they are just waiting on zoning approval. The new assessor building will be at least a quarter mile in every direction, from any property line, therefore there will be no setback concerns.

Variance Standards. Under Section 109-48 of the Zoning Ordinance, a variance may be granted when the property owner proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property and the variance, if granted, will not alter the essential character of the locality.

The Hovans plan to use this accessory building primarily for the storage of equipment and the housing of horses. Their existing accessory buildings are not able to accommodate the intended use for their new proposed building due primarily to the lack of space and of horse stalls. The Hovan's would like to use their new building, in part, to house horses near the end of their lives when other options are not available for the horses. This will be a private enterprise and will not involve any public riding of the horses and thus no increase in traffic at the property. Overall, the property serves a number of different purposes. The owners live on the property. Part of the property has been farmed by the same farmer for over 28+ years, with an additional area of the property currently enrolled in the Rural Preserve program. This is not a use variance, as the new building will not deviate from the property's current use in any material way.

The County's variance standard primarily mirrors the undue hardship standard of Minnesota Statute § 394.27, subd. 7. The Minnesota Supreme Court recognized that variances are appropriate under these circumstances, and that an applicant like the Hovans need only make a showing of "practical difficulties." *In re Stadsvold*, 754 N.W.2d 323, 331 (Minn., 2008). In doing so, "factors for consideration under the "practical difficulties" standard include: (1) how substantial the

variation is in relation to the requirement; (2) the effect the variance would have on government services; (3) whether the variance will effect a substantial change in the character of the neighborhood or will be a substantial detriment to neighboring properties; (4) whether the practical difficulty can be alleviated by a feasible method other than a variance; (5) how the practical difficulty occurred; and (6) whether, in light of all of the above factors, allowing the variance will serve the interests of justice.” Each of these factors is discussed below.

The variation requested is not substantial in relation to the requirement under Section 109-194(g)(7). Under 109-194 (g) (1)-(7) the zoning code provides for a sliding scale for the number of accessory buildings allowed based on the total acreage for the property. For example, under Section 109-194(g)(2) for lots less than 1.49 acres, only one accessory building is allowed. Then under 109-194(g)(4), lots from 2.5 to 3.99 acres are able to have up to two accessory buildings. However, unfortunately for the property owner the code stops its sliding scale at ten acres or larger. As the property is substantially larger than ten acres (at approximately 69.83 acres) the additional accessory building is not a substantial deviation from the requirements and appears to be in line with the spirit of the code. This technical variance will not present any land use issues.

The variance will have no effect on government services. The new accessory building will not materially change the use of the property and will require no additional government services.

The proposed variance will not affect a change in the character of the neighborhood and will not be a detriment to neighboring properties. Due to the overall average of the property, including the surrounding properties characteristics and similar use, an additional accessory building on the property will not change the character of neighborhood.

The practical difficulty cannot be alleviated by a feasible method other than the variance. As none of the existing accessory buildings on the property can house horses, as a practical matter, there is not a reasonable alternative to alleviate the practical difficulty of the property owners beyond a variance.

The practical difficulty was not caused by the applicant. Here, the practical difficult was not caused by the Hovans, but was caused by the zoning code’s requirement placing an arbitrary cap on accessory buildings of ten acres or more. Moreover, as explained above, the Hovans proposed use of the property is in a reasonable manner and the variance, if granted, will not alter the essential character of the locality.

The variance will serve the interests of justice. In the end, the variance will not be obvious, or even visible, from off-site. The accessory building will not increase any burden on the county or city, and the accessory building will preserve the natural character of the land.

Conclusion.

We hope that this summary will serve to explain how the application satisfies the variance standards, so that the City of Oak Grove can grant the requested variance to allow four accessory buildings on the property. If you have any questions concerning the variance application or the proposal, please do not hesitate to contact us.

Exhibit A



