



ITEM REPORT
PLANNING AND ZONING COMMISSION

Agenda Date: 4/14/2026
 Agenda Section: New Business

TO: Baxter Planning and Zoning Commission

FROM: Matthew Gindele, City Planner

REQUEST: **PUBLIC HEARING. Variances** to allow a deck within the required setback from a bluff, the OHWM of the Mississippi River, and a lot line for property located at 10130 Timber Ridge Drive. (City file 2026-011)

APPLICANT: Paul and Melinda Ashner, 10130 Timber Ridge Drive, Pillager, MN 56473
 RR, Rural Residential

ZONING:

1. Application Request

The applicant is requesting variances to allow a deck with a gazebo on it to be located within the required 150-foot setback from the ordinary high water mark (OHWM) of the Mississippi River, within the required 30-foot setback from a bluff on the Mississippi River, and within a required 10-foot setback from a lot line.

Specifically, the applicant is proposing to demolish an existing deck with a gazebo on it and construct a new deck with a gazebo on it in the same location as the existing deck. The new deck would be slightly larger than the existing one, expanding the area within the river and bluff setback, but not getting any closer to the river than the existing deck. The new deck would extend over a shared lot line that runs through the home creating a 0-foot setback over the shared lot line. Both lots are owned by the applicant.

2. Context

Adjacent Land Use and Zoning

	Adjacent Land Use	Zoning
North	Vacant Property	RR, Rural Residential
South	Vacant Property	PB, Public Benefit
West	Vacant Property	RR, Rural Residential
East	Vacant Property	RR, Rural Residential

Characteristics of the Site

The subject property is comprised of two separate lots of record with the shared lot line running through the middle of the house. The subject property is wooded primarily with mature deciduous trees. A home and attached garage and deck are located on property. The front half of the property between the home and the street is flat. The subject property is a riparian shoreland lot on the Mississippi River meaning it has frontage on the river. The property is mostly flat near the road and in the yard around the home. On the river side of the home, the grade drops and slopes down a 44-foot bluff to the river. The river also acts as a wetland and a FEMA floodway, although the proposed improvements are outside the flood district. There are no other wetlands on the

property. The proposed development would not expand the impervious surface on the property, which is currently at 6.4%, which complies with the maximum 25 percent impervious surface requirement of the shoreland overlay district. This portion of the river is a rural river section which requires a minimum 150-foot setback.

3. Analysis of Request

Variance

The applicant is proposing to build a new deck in place of an existing deck. Both the existing deck and the proposed deck are within the setback to the OHWM of the river and the bluff. Both the existing and the proposed decks are approximately 124 feet from the OHWM when 150 feet is required, and both are slightly over the top of the bluff providing a 0-foot setback when 30 feet is required. The new deck is proposed to expand the area of the deck within both the bluff and river setbacks but would not be any closer to the river. Additionally, the new deck is proposed to have a 0-foot setback from the shared lot line that runs through the existing home.

The variance standards are established by Minnesota Statute §462.357, Subd. 6.2. The burden of proof is on the applicant to show that the variance standards have been met. Staff has reviewed the application for consistency with the variance standards, as follows:

a) That there are practical difficulties in complying with the Zoning Ordinance.

There are practical difficulties in complying with the Zoning Ordinance because the existing house and the deck are currently beyond the bluff setback over the top of the bluff and within the river setback. Due to the interior floor plan of the home, the deck cannot be moved further back to meet shoreland and bluff setbacks and still make use of the existing access into the house from the deck. Additionally, due to the awkward lot arrangement between the two subject lots and the location of the shared lot line, there is no location on the property that the deck could be built to meet all the setback requirements. The two lots effectively function as a single lot. The requested variance is for a reasonable use of the property that is otherwise allowed. The variance is not excessive and is the minimum variance needed to accomplish the applicant's goals.

b) That the conditions upon which a petition for a variation is based are unique to the parcel of land for which the variance is sought and were not created by the landowner.

The conditions are unique to the parcel of the land and were not created by the landowner. The unique conditions include the fact that there is an existing home and deck already in the bluff and river setback, over the top of the bluff, that were built over a lot line between two lots under the same ownership. Due to the interior layout of the home, there is not another reasonable location for the deck that all the setback requirements. The existing home and deck were constructed by a previous owner in 2003 when the current setback standards were in place, however, only the river setback was checked but not the bluff. Then when the home was built, it was placed closer than 150 from the river and was never realized during inspections. Therefore, the unique circumstances were not created by the landowner.

c) That the granting of the variation will not alter the essential character of the locality.

The granting of this variance will not alter the essential character of the locality because there is already a deck with a gazebo on it in the location of the proposed deck. Additionally, the area of expansion of the deck is toward the road rather than toward the river.

d) The proposed variance would be in harmony with the general purposes and intent of the Ordinance.

The variance would be in harmony with the general purposes and intent of the ordinance. Staff finds that, given the existing development pattern of the lot, the variance is reasonable and would meet the intent of the ordinance to protect the river and the bluff from erosion and visual impairment from the river.

e) *The variance is consistent with the Comprehensive Plan.*

The comprehensive plan and zoning ordinance identify this property as a residential use where decks are a common and acceptable accessory uses of property.

DNR Review

The DNR was provided a copy of the application but has not provided any comments to date.

4. Recommendation

Staff recommends approval of the variances, subject to the findings and conditions in the draft resolution.

Attachments

1. Draft Resolution 2026-030
2. Site Location Map
3. Site Plan
4. Construction drawings
5. Images of existing conditions