

February 21, 2022

RE: Michael Ball 7479 Fernbrook Lane

To Whom it May Concern:

In the event we are unable to make the Planning Commission meeting on February 28, 2022 we would like to express our opinion on the shed located on the lower portion of the property of Michael Ball at 7479 Fernbrook Lane. We do not have any objections to the size or appearance of the shed. It does not negatively impact our view in any way. We think the shed is well done and matches the home nicely. We think it is beneficial to allow such a structure so that there is a place for Mr. Ball to keep his lake equipment, rather than have to leave it out on the lawn. Michael has been a good neighbor to us, as have Tim and Arlene Niles. We appreciate that Michael takes the time to make a skating rink that both kids and adults can enjoy. In these trying times, we like to see people getting outdoors. Having lived on this road for more than 50 years, it has always been our hope that neighbors can work things out and help one another.

Sincerely,

*Florence Gordon*

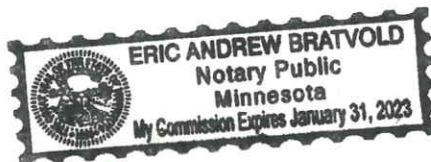
Florence Gordon

7463 Fernbrook Lane

*Loren Gordon*

Loren Gordon

7463 Fernbrook Lane



*E Bratvold*

2/21/2022

**From:**  
**To:** [Jesse Corrow](#)  
**Subject:** Variance application for 7479 Fernbrook Lane N  
**Date:** Sunday, February 27, 2022 12:03:30 PM

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Dear Jesse Corrow,

My wife and I received your notice for the variance application by Michael Ball at 7479 Fernbrook Lane N.

If we are unable to attend the meeting on Monday February 28th, we wish to make it known that we are against granting the variance.

From our perspective, allowing the structure to remain will negatively impact the water quality of the lake. Significant financial resources have been expended by multiple entities to clean up the lake. Setting a precedence to allow new structures this close to lake is counter to those efforts.

As a matter of principle, if the immediate neighbors are not willing to support a set-back variance request, then we believe it should not be granted. We also find it objectionable to be asking for the variance after building the structure.

The lawyer's letter attached to the notice indicated that this request is in support of a "community ice rink." We find that questionable because there is no public access to the rink other than from the lake. The nearest public access is a significant distance from the rink. Additionally, we find the detailed screening items to be insufficient to mitigate the visual impact.

James and Ann Ryan  
7415 Fernbrook Ln N  
Maple Grove MN

Response to the 7479 Fernbrook Lane requested variance.

We are the owners of the property adjoining the subject property on the South side,

We strongly object to the granting of this variance.

The owner Michael Ball, went to the city and found out what the regulations are and then consciously and deliberately erected a structure that did not meet any of those requirements.

It is too tall, covers too much square footage, does not meet setback ordinances and exceeds impervious surface maximums.

The request also does not meet the requirements for obtaining this variance.

In the variance language in the city code part C it states: The plight of the property owner must be due to circumstances that are unique to the lot or parcel and is not created by the property owner.

The plight is clearly created by the property owners desire to have a hockey rink storage facility not by any uniqueness of the lot and in fact he went ahead and built this structure knowing full well it is not in compliance with the ordinance.

He has been able to maintain his hockey rink for the last two years without having this structure so claiming it is necessary is also erroneous.

There is also a slope requirement that needs to be met in order to have a structure that close to the lake:

**Water-oriented accessory structures can be set back less than 75 feet from the OHM if slope conditions along the entire width of a property are 4:1, or steeper over a minimum horizontal distance of 16 feet.**

We have seen no documentation that this lot meets that slope requirement.

This continues a pattern of this property owner's disregarding city regulations and then after the fact trying to find ways to have his conscious circumvention ratified.

For example, in 2018 Michael Ball added 417 square feet of impervious surface with the extension of the outdoor patio and stairs. No variance was requested or granted for this alteration. The property was already over the 30% maximum impervious surface regulation at that time.

We are the recipients of the runoff from that change. The Northwest corner of our lot has been sinking. Michael has been the occupant and directed all activities and

alterations at the property since 2017 or before. Now this variance request indicates that it is their understanding that this and all other out-of-regulation changes he orchestrated are “grandfathered in” because they just recently completed the paperwork to put the property officially from his mother’s name into his name.

Another example is in 2021 Mr. Ball failed to get his fish house off of the lake at the required time. This resulted in him storing it within 25 feet from the lake and partially on our lawn for 8 months, which caused damage to our property that has not been repaired.

We can site other examples, but as you can see Mr. Ball has shown no regard for following regulations and in fact when I told him his plan for his shed did not meet the required regulations he replied that he did not care and was going to build it anyways. He told me to take it up with the city.

I hope I can count on the City to do the right thing and deny this variance request.

In Summary:

A variance is supposed to be requested and approved prior to building a structure that is knowingly out of compliance. The process was deliberately not followed.

The variance request does not meet the city’s requirements for granting it.

Mr. Ball is a repeat offender in ignoring city regulations.

This request should be denied.

Thank you for your consideration.

Tim and Arlene Niles  
7469 Fernbrook Lane North

To: Maple Grove Planning Commission;  
Re: Variance requested by Mr. Michael Ball.

From: James A. Galuska  
resident of Maple Grove  
particularly at 7493 Fern Court. Lane W.  
(two houses from Mr. Ball.)

If you and we have an ordinance to protect the lake, this ordinance was created by you, the committee - to protect the lake for all citizens to enjoy it in Maple Grove. If you (the committee) created it - then you enforce it - if you don't enforce it - then you get rid of it - which would not be "a good thing for the citizens."

I have lived on First Lake for 45 years, and I've watched the citizens enjoy the lake immensely. I, myself, have loved every minute of the many years. Do not plan to move any time soon.

I resent that our neighborhood has been forced to enforce the ordinance, as it is not your job (the committee) to enforce the ordinance you created; we all of Maple Grove have endorsed?

I'm in closing to reiterate - if we have an ordinance (what you created on our behalf for the betterment of the lake and community) is it not your responsibility to enforce it or get rid of it?

Respectfully  
JAMES A. GALUSKA  
James A. Galuska  
Feb. 28, 2022

## Response 1 to the 7479 Fernbrook Lane requested variance

I believe I have a unique perspective on the variance application. I am not only the neighbor directly to the north of the 7479 property, I am also a Fish Lake Area Residents Association (FLARA) board member and a past president of FLARA. During the last 20 years I've spent hundreds of hours:

- attending and seminars, and training sessions
- writing newsletter articles
- recruiting other volunteers
- collecting water samples in rainstorms for TMDL studies
- advocating for Fish Lake with Rick Lestina, Mark Lahtinen, Derek Ashe and Ken Ashfeld
- attending city LQC meetings and council meetings
- meeting with Water Resources staff and commissioners at Three Rivers Park District
- attending Elm Creek Watershed meetings
- meeting with Hennepin County staff and commissioners
- meeting with DNR staff
- introducing solutions like Adopt-A-Drain to the City
- providing information for grant requests to MN Conservation Partners Legacy Fund
- creating websites
- raising money alum treatment

All of this with the objective of improving the water quality and getting Fish Lake off the MPCA impaired waters list.

FLARA along with the City of Maple Grove and several other government bodies raised \$750,000 for an alum treatment that removed most of the internal phosphorous in the lake. The treatment has made a drastic improvement in the water quality of Fish Lake. This improvement will soon lead to Fish Lake's removal from the impaired waters list.

But the work is not over. We must limit the amount of phosphorous coming into the lake. If we don't do that the algae will start multiplying again and we'll have the same problem. Phosphorous gets into the lake from run off through the storm sewer system and directly from lake property runoff.

It is vitally important to minimize the runoff from these two sources. Impervious surfaces exacerbate runoff because water can't naturally soak into the ground. As water lands on these surfaces, it finds a low pathway off the surface, building volume and speed as it moves down. When it reaches the ground, it has so much volume and speed it doesn't have time to be absorbed. It rushes down to the lake carrying nutrients (like phosphorous and nitrogen) from the grass and fertilizer into the lake. This is why the city has limited impervious surfaces.

The city ordinance limits impervious surface in critical areas around lakes and streams to 30% of lot size. According to the lot survey calculations, before the deck was rebuilt and the patio was added the 7479 property was 34% impervious. The new deck, patio tile and steps added during the 2017-18 project added another 8% bringing the impervious surface to 42% of lot. Now the homeowner wants to add the shed bringing the impervious area to 43%. That's 45% more than the maximum allowed by code.

This property is already well over the 30% impervious limit, most of that came from the patio project the current homeowner designed and directed just 5 years ago without city approval. This shed just adds to the problem. It is hoped that when making your decision, the Planning Commission focuses on the fact that the property will have 45% more impervious surface than is allowed by the city ordinance, NOT the fact that the shed will only add 1%.

This variance request is definitely not in harmony with the general purpose and intent of city code or consistent with the comprehensive plan. It is for these reasons I oppose the variance.

David & Jackie Haas  
7487 Fernbrook Lane N

## Response 2 to the 7479 Fernbrook Lane requested variance

The issue before you is ... will you accept the purposeful disregard of the city code? Is it important that residents trust the city to enforce these ordinances? Does it really matter if I build a structure without a permit? Who will it hurt if I just take this one little electrical short cut? It's my property why can't I do anything I want?

The city of Maple Grove has over 75,000 people living in 35 square miles. Without the presence and enforcement of a city code we'd have total chaos. Our city code is what separates us from being a third world village. So, there are real consequences to our lifestyles, health and safety, financial security and to our community's social interactions if we ignore the city ordinances.

Let's look at the facts:

- The homeowner's attorney, Robert Kouba acknowledges in the letter dated Jan 17, 2022, that 5 ordinances were violated by the construction of this shed.
- The homeowner visited the city offices, and he discussed ordinances regarding erecting a shed on his property. The discussion involved city ordinances about building closer than 75' from the shoreline including size, height, positioning and required permits
- Mr. Niles, the neighbor on the south side of the homeowner's property questioned the location of the staked layout of the shed before it was erected
- The property had recently been surveyed, the survey was paid for by the homeowner, and the property lines were prominently marked
- MG city staff visited the site while the shed was under construction and told the homeowner that the location was too close to the property line
- The homeowner did not apply for a permit from the city for this shed
- The homeowner did not ask for a variance until after the city threatened punitive action

So the homeowner violated the ordinances, he knew that he was violating the ordinances but went ahead with the construction anyway. Now he wants a variance.

We've all heard **"it's easier to beg for forgiveness than to ask for permission"** It seems to be a simple and harmless approach, but it's short sighted and costly to all involved. If the homeowner would have applied for a permit, the city would have caught the nonconformities in advance of construction. When he could have easily adjusted the specs and the location of the shed to conform with the ordinances. It would have eliminated the time and effort expended for staff, attorneys, commissioners, city council and neighbors to correct the issue.

There are several homeowners around the lake that have expressed interest in putting sheds down by the lake to make it easier to access water related equipment. The ruling on this shed will certainly draw attention and will act as a precedent for many other lake side homeowners.

This is one of the reasons I am opposed to the variance.

David & Jackie Haas  
7487 Fernbrook Lane N