

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: March 12, 2021

MINUTES – (Informational)

The Wright County Board of Adjustment March 12, 2021 in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Jones called the meeting to order with all Board members present. Barry Rhineberger, Planner, represented the Planning & Zoning Office; Greg Kryzer, Assistant County Attorney, provided legal counsel by WebEx.

MINUTES FOR THE FEBRUARY 12, 2021 MEETING

On a motion by Aarestad, seconded by Mol, all voted to approve the minutes for the February 12, 2021 meeting as printed.

1. MATT BRONDER – Cont. From 2/12/21

LOCATION: 13307 80TH St. NW – Lot 7, Southview Addition, according to plat of record, Section 26, Township 121, Range 28, Wright County, Minnesota. (Lake John - Southside Twp.) Tax 217-049-000070

Requests a variance as regulated in Section 155.026, 155.049(F)(2) & (3), 155.057, 155.090(C) Table 3, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow replacement of an existing 572 sq. ft. one story dwelling with a new dwelling that includes a 1,125 sq. ft main level with a lookout basement and a 1,563 sq. ft. modified second story, 528 sq. ft. attached garage, 96 sq. ft. entry porch, and 55 sq. ft. lakeside deck,. New structure to be 87.7 ft. from the OHW, 10.8 ft. from the property line, 18.4 ft. from the center (edge) of the road right of way, 15.2 ft. from a Type IV septic system, and within the bluff. A variance requested for a new septic system 5 ft. from the side and road property lines. Also, a variance to replace an 8.8' x 16.8' boathouse within the bluff and over the OHW with a 10' x 17' boathouse 2.3 ft. from the OHW and within the bluff.

Present in person: Bernie Miller, MSTs representing the applicant; Matt Bronder on Teams

- A. Rhineberger noted the Board made a site inspection since the last meeting.
- B. Miller – had explained the proposal at the site. No further information.
- C. Mol – not encroaching any closer to the bluff; however, the concern is the boathouse, size of bluff and how they could do something down there. He would like to see the boathouse removed and put in a retaining wall without going further back into it. Felt there is a way to put a patio down there and secure toys into that. He questioned how they could work down there and not disturb the bank, even working off the ice. The concern is maintaining the integrity of the bank. Rhineberger – asked if the Board is willing to replace the boathouse if the portion that extends over the ordinary highwater mark is reduced? Mol – either way, but, reducing off the water line would not leave a very large building. He agrees with the setbacks proposed above the bank. He looked at the buildings down the line. There are a lot of homes along here and there will be other residents who would want to do the same thing.
- D. Miller – there is an awkward space down there. Understands as part of granting a variance the Board can require removal of things that are there. Rhineberger replacement of the boathouse cannot extend over the Ordinary Highwater Mark (OHWM). Miller – Bronder had indicated he would agree to what the Board requires, however, Miller feels it would be reasonable to allow some type of storage down there. Maybe not large enough for a boat but life jackets, fishing rods, etc. Rhineberger felt the dimensions would be about 10' x 12'. Mol – questioned how to get down there to get a dock in, no room for a beach. There will only be a stairway down to a dock. Miller – noted another option is to have the beach area instead of boathouse. Rhineberger – there are some options and felt it would be advisable to allow some flexibility. Miller understood and felt no further excavation is fair. Rhineberger – there will be a minimal amount of excavation to get block in.
- E. Neumann – would concur with Mol's statements. A small pre-built storage building. He was skeptical about the house variances before the site inspection; but after seeing it understands. Does have some concern about how close it is to the road for snow removal. The applicant has plans to remove the snow

without moving it across the road, which is illegal. He questioned the boathouse. Rhineberger – explained a pre-built storage building would have to be anchored down. Certain size does not require a building permit; but must meet zoning and building codes. They could do a patio area down. Miller – filling it back in down there would be a problem too. Mol concurred, landscape rock or something to secure the bluff is needed.

- F. Vick – pulling out the entire boathouse could cause problems for the bluff, asked if a replacement could be a pole structure. Rhineberger – the construction has a height limit for a boathouse. Miller – would like some latitude for his options. Vick – a structure could have a deck on top. Mol – is agreeable as long as they are not moving 10-12' back into the bluff. Understand a retaining wall will require a minimal amount of work. Rhineberger – a smaller boathouse with a deck over it is possible. Stairs could come down to the deck, another set to get down to the dock might work. Stairs might help deflect water from coming straight down also. Miller felt there are several construction techniques he described. Rhineberger – the soils are sandy, and it will be important to do this at the right time of year. Miller stated the applicant has experience with these types of projects and does them in the winter. Things can be done, looking for some parameters and latitude to make an improvement, minimizing excavation to reduce impact.
- G. Aarestad – after seeing the site he is comfortable with the proposed dwelling design and setbacks. The water runs off the house and wants to see a water management plan to slow or reduce the amount of water. There is a direct flow of water by the neighbor's home.
- H. Rhineberger – asked if Aarestad is comfortable with Staff reviewing the water management plan. Aarestad responded yes. Rhineberger – adding there is a lot of hard surface and all the water coming off the house would go to the southwest. Described the drainage and felt much of the water can be directed roadside. A tile would be directed down below. Miller – if they did not do a tile, would need a small berm to catch the water. Capturing the water from the roof will improve what is there now. Rhineberger – asked if the sewer is a raised pressure bed? Miller – mostly in the ground, agreed they could slope from the lakeside of the garage back so water runs toward the road. They have discussed that and how to make improvements. Rhineberger – the material from the excavation could be used in improving the drainage and disperse the energy of the water coming off. Miller – explains the water fans out, Rhineberger added the trees that are there also help.
- I. Mol moved to grant a variance as regulated in Section 155.026, 155.049(F)(2) & (3), 155.057, 155.090(C) Table 3, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow replacement of an existing 572 sq. ft. one story dwelling with a new dwelling that includes a 1,125 sq. ft main level with a walkout basement and a 1,563 sq. ft. modified second story, 528 sq. ft. attached garage, 96 sq. ft. entry porch, and 55 sq. ft. lakeside deck. Plans approved are according to site plan on file labeled Exhibit "A", building plans Exhibit "B" with the change in the boathouse. New structure to be 87.7 ft. from the Ordinary Highwater Mark, 10.8 ft. from the property line, 18.4 ft. from the edge of the road right of way, 15.2 ft. from a Type IV septic system, and within the bluff. A variance is granted for a new septic system 5 ft. from the side and road property lines. Allowing replacement of existing boathouse with minimal impact to bluff, that portion that is above the Ordinary Highwater Mark, roughly 10' x 12'. Condition: Stormwater management plan to be submitted at the time of building permit. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **ROBERT R. SUTHERLAND** – Cont. From 2/12/21

LOCATION: 7177 Newcomb Avenue NW – S ½ of Lot 6, Annandale Beach, according to plat of record, Section 26, Township 121, Range 28, Wright County, MN. (Lake John/Southside Twp.) Tax 217-013-000060

Requests a variance as regulated in Section 155.003 (147), 155.026, 155.049(F)(2) & (3), 155.057, 155.090(C) Table 3, & 155.102, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to replace the existing 568 sq. ft. one-level dwelling that is 33.5 ft. from the ordinary highwater mark (OHM) of lake, 7.7 and 8 ft. from the side property lines with a new 660 sq. ft. one-level dwelling (22' x 30') with a 308 sq. ft. loft that has 6 ft. of headroom, and 330 sq. ft. attached garage. Setback variances proposed are 60.2' from the OHW, 10 ft. from both side lot lines and 18.8 ft. from a new Type IV septic system that will be 5 ft. from the property line and 2 ft. from the road right-of-way.

Present: Jean Sutherland & Bernie Miller, MSTs

- A. Rhineberger – the Board has been to the site, reviewed the site plan with the house was drawn as 20', but based on the building plans should have been drawn 22' wide. Once that was discovered, it changed the setback of the structure to 9' on one side and 9.3' from the closest corner to the north side, 62.9' from the OHW, moving 3' back from original plan. Impervious lot coverage changes slightly; but moving back there is less driveway and small amount more allowed for patio/sidewalks. This is right at 15% building coverage. A stormwater management plan was provided.
- B. Miller after visiting the site, they mentioned the stakes were 20' and that was a mistake after changing plans several times. He drew back in the 22' in width and talked with Deckert on the septic design. The well variance is required, they reconsidered that and the septic. Previously he had designed twice what would be needed for one bedroom, because the State does not have a design for a one-bedroom. He discussed the sizing with the Deckert and that was reduced. He tried to rearrange things to best fit. The only corner affected is the two sides and lakeside, had proposed 10.4' and now 9 & 9.3'. He pulled it back to improve setbacks the best he could. This is 51 sq. ft. increase in what was there. The house size is close to a wash. Will work with the MN Department of Health who have specific things for the wells that they are concerned about, such as pollution, setbacks from infiltration systems and rain gardens. Worked out some of this design with them, as well as the MN PCA, along with consideration of the best management practices. The hatched area is where an infiltration trench would be. Two details were noted were the trench, described how that is built; if they could run a tile or pipe to an infiltration system, cannot put a tile because it has a risk of becoming polluted. There are a couple questions using inlets in the system and might have to do that without a pipe. He is still waiting for an answer on that. The trenches on the side will be a shallow swale, try to capture the water and dry out this area. The neighbor to the north, who primarily has a concern, would benefit more than the applicant's lot. Rhineberger – looking at the cross-section, the water moves slow and now they will get the water down below the peat to the sand and disperses into the water table. Indicated there are no guarantees that it will work, but with the peat and topography, there is nowhere to direct the water and requires they look at other options.
- C. Mol stated what is being explained sounds like a very good plan. He questioned if the final grade would increase the elevation and impact the Sutherland property or would the grade be similar to theirs (to the north). Miller – the floor of the Sutherland house must be raised up and grading was described. The house is a foot and half out of the ground on the north side. Using the foundation as a retaining wall. There is not much width to work with and explained how the swale will

prevent water from running right on the neighboring lot. He can provide a design; but must be installed and graded right and these plans are not fully enforced. Would want to ensure it is done right to make the neighbor happy. Although the plans do not show it, there will be silt fence during the construction wrapped all around.

- D. Rhineberger –in the end, if this is not working, suggested a condition for an enforceable measure that they try something else. A condition on the variance that it be maintained into perpetuity in event something is not sloped properly, etc.
- E. Jones asked if anyone from the public is on-line and has any questions. Alan Isaacson – looks good.
- F. Neumann – he talked in depth with Miller on the septic. There is only 4' of elevation between the road and lakeshore. To him the design sounds more like an experiment than science. Miller has tried to convince him the holding tank is not the way to go and that the pressurized bed treatment system returns the water to the ground. Looking at the site, considering the topography he felt the last thing they need is more water. Soils are saturated every time it rains, and the septic is a huge concern. Considering the limited elevation, does not think the applicant or neighbor need more surface water. He is concerned how purified the water is coming from septic. He felt water would go toward the neighbor. Asked Miller if he could assure him that the septic would work well. He felt the house design is acceptable and improvement by moving back from the lake and setbacks proposed are similar to what is there on each side. Miller responded to the concern about the sewer. The 1996 code with pre-treatment systems were originally called “experimental” in the code, causing concerns when property was put on the market. The different types of systems have now been given numbers I-V. He explained different locations, soils and the elements where these types of systems can work. He has designed hundreds of these and although no guarantees that they work all the time, he felt this system is appropriate. The technology works for the bed that has a pre-treatment system, ultra-violet light that kill all the pathogens before the water goes into the system. A service provider is required to come out and get a sample of the water, it is tested and in this State these reports are required every year or two. The water coming out is cleaner than the lake.
- G. Rhineberger the holding tank is a last resort when systems fail. Understands Neumann’s concern and the County’s Environmental Health do a good job of tracking it every year. Neumann in looking at the neighbors to the south and north, they have holding tanks until elevation increases. More elevation makes sense for placing a sewer and felt that is why they have holding tanks in both directions. J. Sutherland – those neighbors have seasonal homes. Lots further down have drainfields serving year around homes. Miller – these systems are expensive and is sometimes the reason owners go with holding tanks when they are not living in the home year around. If those owners want to live out here year around, these systems would be recommended. He has designed two others in this area. Neumann – thinking about future use, the next owner might have more than two people using the system, putting more water into it. Want to make sure the neighbors are protected; these lots don’t need more water.
- H. Vick – he is comfortable with the system proposed knowing it is being tested. Questioned the fill needed to bring the floor elevation up, would it help if they lowered the floor. The Board could vary that. Sutherland – not sure about lowering the floor of the house, she would not want water problems. Miller –now they are proposing 3’ higher than what is there. If allowed this option, it would allow a better swale with the neighbors and is helpful. Coming down a foot would not be a

problem and they could always go 4'. Rhineberger – the State standard is 3' above the highest water level, County has a 4' requirement. The elevations were reviewed. Asked if the water has ever come up a foot and half high on the house? Sutherland – no. Rhineberger – in that case, it should not be a problem and might help a little. Vick – that would be his thought.

- I. Aarestad after the explanation by Miller with the sewer and the way they plan this he agrees. The neighbors' problem will not change and hopefully this would help. He is confident that this will help alleviate problems. He felt the slight adjustment on setbacks is agreeable.
- J. Mol – This information has been helpful for the future as the Board considers other options. Each lot is unique, and this may be another option to a rain garden. Rhineberger – there are some special circumstances they need to dig into. He prefers the Board see these solutions rather than just leave it up to Staff.
- K. Vick agreed felt the solution is better.
- L. Aarestad moved to grant a variance as regulated in Section 155.003 (147), 155.026, 155.049(F)(2) & (3), 155.057, 155.090(C) Table 3, & 155.102, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to replace the existing 568 sq. ft. one-level dwelling that is 33.5 ft. from the ordinary highwater mark (OHM) of lake, 7.7 and 8 ft. from the side property lines with a new 660 sq. ft. one-level dwelling (22' x 30') with a 308 sq. ft. loft that has 6 ft. of headroom, and 330 sq. ft. attached garage to be built at a minimum of 3' above the highest water level. Setback variances approved are 62.9' from the Ordinary Highwater Mark, 9.3 & 9' from side lot lines and 18.6 ft. from a new Type IV septic system that will be 5 ft. from the property line and 2 ft. from the road right-of-way. Approval is according to Exhibits, a revised site plan on file, Exhibit "A"; building plans, identified as Exhibit "B"; and stormwater drainage plan, Exhibit "C". Condition: The stormwater system must be maintained into perpetuity and if not functioning must be corrected so not to drain water onto the neighbor's lot. Mol seconded the motion.

VOTE: CARRIED, Neumann opposed

3. **CURTIS J. LUND** – New Item

LOCATION: 11004 Pelouin Avenue NW – Part of the SW ¼, lying south of lake, Section 3, Township 121, Range 28, Wright County, (Lake Caroline – Southside Twp.) Tax #217-000-033300

Requests a variance of Section 155.026 & 155.048.4(c)(1) & (2) & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a five-acre “entitlement” division on a 33’ access strip leaving the remaining 89 acres with a 33’ wide access to the public road.

Present: Curt Lund

- A. Rhineberger displayed the air photo to show the location of the 94 acres on Lake Caroline. A site plan shows the proposed five-acre division with the existing house. The five-acre lot would have 33’ wide on the town road, leaving the remaining 89 acres with the balance of 33’ wide on the road. The dead-end road was noted. The Township approves. They had purchased a 66’ x 66’ area in this corner to provide public road to four homes in the back that had no frontage. Noted there are different options to divide the property, but only way to make a division.
- B. Mol – this is a situation where this is the only way to make a division and not landlock a portion.
- C. Lund - plans to keep the five acres and his house and give the balance to his kids.
- D. Vick – agreed they cannot landlock the rest of the property. Aarestad - the applicant has a right to a division and to avoid landlocking the rest this is a reasonable solution.
- E. Rhineberger – the applicant could extend the lines up to ten acres because it is not agricultural land. Action could allow some leeway on the size of the lot. A closer look at the property was viewed.
- F. Neumann – questioned the parcel ID with an easement? Rhineberger – old pre-ordinance parcel that existed on an easement. Explained these old lots were recognized because the easement was recorded prior to 1977. Neumann questioned the reason for the jog, used to seeing straight lines. Rhineberger – not sure that may have been to accommodate a driveway that serves a house on the lake. Appears they have a strip to get to the town road also.
- G. Mol – only concern is whether leaving 33’ wide on the balance will be enough. In the future would that be enough to allow for several lots along the lake should it develop? Should this be 66’ wide? Lund indicated that is unlikely. The area in back is all swamp along the lake. His hope and goal is it would not develop. Rhineberger confirmed that the Land Use Plan designates this area to remain zoned AG. Existing lots to the west are very old. Mol was satisfied under those facts.
- H. Vick moved to approve a variance of Section 155.026 & 155.048.4(c)(1) & (2) & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an “entitlement” division of approximately five acres on a 33’ wide access strip, leaving the remaining 89 acres with a 33’ wide access to the public road. Subject to a survey and Deed Restriction filed. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **JOSHUA B. MALMQUIST**– New Item

LOCATION: xxxxx 9TH St. SE - Lot 3, Block 3, The Birches, according to plat of record, Section 5, Township 119, Range 24, Wright County, Minnesota. (Lake Martha-Rockford Twp.)
Tax #215-011-003030

Requests a variance of Section 155.026 & 155.049, 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a 24' x 33' detached garage 58 ft. from the Ordinary Highwater Mark of lake and 6 ft. from the road right-of-way, 39' from the centerline.

Present: Josh Malmquist

- A. Rhineberger reviewed the location on Lake Martha. The back lot is 8,983 sq. ft. and the applicant owns a lot across the road. The lots have been through the Board of Adjustment hearing years ago and this is one of the lots deemed unbuildable for a residence. Later the City sewer was extended to this lake as well as Lake Charlotte. The area measured is above the Ordinary highwater mark of the lake. Proposed is a 24' x 33' garage 6' from the road right of way and 58' from the Ordinary Highwater Mark of lake (OHM). Plans were provided for the garage and a site plan to show placement. Garage meets the standards for construction. Town Board comments were summarized. They suggest 5' off the road right-of-way, measured from the soffit. They are expecting final plans to come back to them for approval. Neighbors responding in favor were Benson and Johnson, Voight is not in favor.
- B. Jones asked if the Board could act without the Town Board finalizing their action. Rhineberger indicated the applicant met with them and they have given concept approval. He noted there is nothing in the Statute or Ordinance that prevents this Board from taking action. Some recommendations from Townships have deferred to the Board. It is up to the Board to decide how they want to proceed.
- C. Malmquist explained there is a slight deviation and asked if he would have to go back. They want 5' from the closest point. He does not have an issue with going back to the Town Board. He reviewed the placement of the garage, originally had it 1' off the right-of-way. Indicated he has gone through many renditions and different ways of orientating the garage and driveway to have the least impact or need for variances. He is flexible on the placement.
- D. Aarestad – questioned if the lot to the west is buildable? Rhineberger stated no, they will be making a similar request for a garage at the next meeting.
- E. Malmquist stated the survey shows the details. The neighbor's situation is different and he is looking for a larger shed.
- F. Aarestad felt the situation is unique, with the bay and swamp and considering the criteria felt the variance is justified and is different for precedence. If the Township accepts the setback he would agree, noting this is a dead-end and traffic will be slowing down. Some of his concerns about the road have been alleviated. Asked if they can move away from the one neighbor? Malmquist stated there are only a couple properties beyond. There is 24.7' from the neighbor's attached garage. Aarestad feels that is a reasonable distance and has no issue.

- G. Mol - considering they will be looking at another request, feels this is much too close to the road. Questioned if they can get a minimum of 10' off the right-of-way? This would give room for maintenance and any future road improvements. Understands the Town Board approves 5'. Malmquist explained there is actually an additional 25' to the travelled road. Mol – understands these areas, but in event they ever rebuilt the road.
- H. Rhineberger gave some history of the plat. These were old residential lots and not backlots and it was determined they were not suited for sewers. Clarified the shoreland is a bay of the lake. Aarestad considering the type of shoreland would prefer moving closer to the lake.
- I. Neumann suggested continuing to allow the Township to complete their review, so they are not left out of the loop. Rhineberger noted it does not appear that this Board would go beyond what the Township has indicated they would approve. He referred to a decision on Lake Sylvia for Berns that was also on a dead-end road.
- J. Jones questioned if the decision would impact the neighbor's request. Rhineberger stated he provides the applicants with the information, who then take it into account and noted they can apply for whatever they want.
- K. Mol – storage sheds on either side and another coming up. Suggests they set the parameters. Rhineberger felt because of the location of the OHM, it may get closer. Mol - the shed may have to be narrower.
- L. Vick agrees the proposed road setback is very close. The plans show he will park to the side. Malmquist stated that was intentional. He would prefer to access from the road for ease of backing in a boat or other items. Vick would agree to an 8' setback because it is a dead-end. Questioned if the property slopes down a couple feet, adds cost and would that make it more difficult getting into the lot. Malmquist – indicated a willingness to meet 10' and noted that does allow him to preserve a couple pine trees. Rhineberger indicated at that setback it would be measured to the wall instead of soffit. This would get the building 54' from OHM, 43' from the centerline and 10' off the road right-of-way.
- M. Aarestad moved to approve a variance of Section 155.026 & 155.049, 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a 24' x 33' detached garage 54 ft. from the Ordinary Highwater Mark of lake and 10 ft. from the road right-of-way, 43' from the centerline. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Applicant was directed to bring the revised plan back to inform the Town Board.

5. **JOSEPH (Rick) R. SCOTT**– New Item

LOCATION: 1461 Barton Avenue SW - Part of S ½ of NE ¼ & Part of SE ¼ Section 11, Township 119, Range 26, Wright County, Minnesota. Tax Parcel #211-000-111301, -111300 - 114200; -111400 (Marysville Twp.)

Requests a variance of Section 155.026 & 155.048 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to add approximately 12 acres from 211-000-111300 to 211-000-111301, leaving 23 acres with more than 2.5 acre tillable and one “entitlement”. Also combining all of 211-000-114200 and west 30 acres (approx.) of 211-000-111400 to 211-000-111301, creating a 65-acre parcel with the existing home. One of the available entitlements on the property to remain with Tax #211-000-111400.

Present: Rick & Jean Scott; John Holthaus, agent with Keller-Williams

- A. Rhineberger displayed the location maps of the parcels owned by the applicant. The land area to be added to the homestead was outlined. The total area expanded to the south, west, and approximately half of -111300 will bring the combined parcel to approximately 65 acres. This leaves a 23-acre (N ½ of -111300) parcel and the applicant is asking to assign an “entitlement” to go with it. The land lying to the east will have 87 acres and an “entitlement” in addition the existing house. The Board is looking at expansion of the home parcel; and a 23-acre division that includes more than 2.5 acres of farmland. He noted the tillable field is broken up by wetlands. Minutes from the Town Board was read indicating they approve of the lot line adjustments. The discussion at the Township meeting regarding the road was read. A road maintenance agreement that was signed by the parties that live on the road was provided. The location of the road was pointed out on the map. Staff points out this road is listed on the recorded Township road map; although privately maintained, is a public road unless the Township vacates it. This is important, a division is allowed only if this road is public. That would not be the case if it were privately owned driveways and not accessible to the public. Although he understands there has been some history with this road, prefer the Township would have worded it differently, stating that it is privately maintained.
- B. Mol knows some history on the road. The parcel ending with -111400 has access off Barton and this action would not landlock it. Rhineberger – a future division would have to be determined and what process is needed. Mol – agrees with putting the parcels together and the 23 acres in the north. Usually, he has an issue with this size and amount of tillable; but noted with where the swamp is, this is not a large field with no more than five acres on either side of the swamp.
- C. Neumann – this is new for him, usually looking at someone trying to break up farms in smaller pieces. This proposal puts land together. As Mol mentioned, the tillable land in the 23 acres are small areas and the bulk of the tillable is in the balance across the street.
- D. Vick agrees with the proposal.
- E. Aarestad – felt the issues have been addressed. He would like some terminology in the action that this is public road, privately maintained and two tax parcels are combined. Rhineberger was going to suggest the Administrative Order or Combine Tax Parcels be filed so they get the divisions under the same tax parcel IDs. He explained to the applicant what that would mean.

- F. R. Scott – stated it is their intention to combine tax parcels. The surveyor is scheduled for the following Monday and a new description will be written for the 65-65 acre parcel as well the remainder “farmstead” parcel and the new 23-acre lot.
- G. Aarestad moved to approve a lot line adjustment to include a portion of 211-000-111300, 211-000-111301 & 211-000-114200 & portion 211-000-111400 to the existing residential lot totaling 65 acres. This results in a 23-acre entitlement division of 211-000-111300. Subject to legal description for the entirety and survey of the 23 acres “entitlement” division. One of the available entitlements on the property to remain with Tax #211-000-111400 (that is jointly owned with Tax Parcel #211-000-122300 that lies to the east). Subject to Administrator Order/ Deed Restriction or Auditor’s Combine Form for the 65 acres assigning the “entitlements” be signed and recorded. Board notes these properties are served by a privately maintained Town road.
Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **NICK T. EVANS** – New Item

LOCATION: xxx Farmington Avenue NE – Property owner: North Shore Point LLC

Tax# 202-000-364300: Govt Lot 2 & 3, except tract in Bk 219/357;

Section 36, Township 120, Range 25;

Tax #215-000-062200: Gov't Lot 1, Section 6, Township 119, Range 24;

Tax #215-100-011100: Gov't Lot 1, Section 1, Township 119, Range 25;

Tax #114-500-314300: Govt' Lot 1, Section 31, Township 120, Range 24.

(property on Moore Lake lying in Buffalo/Rockford Twps. & City of St. Michael)

Requests a variance of Section 155.026 & 155.048 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an “entitlement” division where it will leave part the remainder with 76 ft. of public road frontage. Other areas of the remainder parcel will have 300 ft. wide on the road as required.

Present: Nick Evans

- A. Rhineberger reviewed the location of the parcels that lie in two townships and the City of St. Michael. A division out is an old “lot of record” and the property has two “entitlements”. Proposed is a two-acre division out of the tillable. The reason for the variance is the location of the new 2-acre lot only leaves 76’ between the 1976 lot of record and the proposed lot. There is proper road frontage on the remainder parcel, but not 300’ between. The applicant’s reason for not butting this up to the lot of record, is there is an existing driveway that is used to get back to the peninsula where he will build. The driveway is between the lots. The 76’ is more than the 66’ wide public road required if the property develops. Town Board approval was received from Buffalo Township, the other parcels in Rockford and the City jurisdictions are small and do not involve the road.
- B. Neumann questioned if the 76’ is left for access? Evans explained he brought in materials to build up the drive to get back to the peninsula and planted trees alongside. Neumann asked if there is no reason other than access, could they drive around the south side of the proposed lot. He suggested the lot be split out of the north side. Evans stated that is better farmland and reason they did not want to break that field up. If they move the lot further south, the building site would not meet the 500’ separation from Klatt’s manure pit. Neumann stated he would not want to approve something that could create a problem in the future. Understands the owner would like to put it where he wants.
- C. Vick felt the division should square off the property to the north. Evans would agree, but that is very good farmland. The land to the south was viewed and Rhineberger indicated the setback from the manure basin uses up about half of the area useable for a house. Evans noted moving in that direction would block the view of the wildlife area from the neighbor across the road. Rhineberger noted the location has a couple low spots, with the driveway to the north. Noted a ridge where the house and sewer could go. Vick questioned the number of entitlements? Rhineberger stated the proposed and one on the remainder. Evans stated his new home would be built on the peninsula.
- D. Aarestad – understands the reason and saving prime farmland. Confirmed that they are not restricting the farmer with the feedlot and if it does not impact that operation, he agrees with the location.
- E. Mol – as the representative on the Planning Commission, relayed another request four years ago

where a family member was going to build on it and in the end, once transferred, it was totally different. He agrees both sides have prime farmland, however, leaving the 76' access going to the back is an issue. This is on the east side of the County where there is development happening. The strip as proposed would put a lot of traffic between two homes when this develops in the future. Although it is not what they are looking at now, things can change, and they don't know the future. Rhineberger – there would be a variance needed to develop with a 76' wide access road, development standards state 66' wide. Mol – he does not want to see farmland developed, but it is happening. The Planning Commission has been granting rezoning and development if it is on water. Evans stated he would not have asked to leave 76' if it were not for the trees planted.

- F. Rhineberger – stated he checked the Land Use Plan which has this designated AG, but there is an exception for riparian that is especially suited for residential. Mol – he has been losing that argument, if it is on water it gets rezoned and developed, one was recent done for three lots in Albion Township.
- G. Much discussion followed about the potential for future development, the access for that. Aarestad questioned what would be the objection to access wider than 66'? Rhineberger – if the second house built on the peninsula needs a division on a strip, there would be a narrow strip left. Aarestad – would that owner not have to attach that to adjoining land? Rhineberger – that would have to come back to the Board too. Explained how the language in the Ordinance is written, there was a difference in the interpretation between himself and the Administrator.
- H. Evans – in the future if someone were to develop the land, he felt the location of the access may be somewhere entirely different. Mol – explained they have to look into the future when considering variances. He would prefer to see the division on the north side. Rhineberger – stated that can be done and meet all the standards. Or, reducing the strip 10' leaving 66' between. Evans questioned a division further into the property so that it is not right on the road. Wants to avoid the best farmland on the north end. Rhineberger – it would be on an access strip and would still require a variance.
- I. Jones was not understanding the development based on riparian property; but suggested a continuation to allow time to consider other options. Evans - would like the location proposed. Rhineberger if there are two lots back on the peninsula then there will be two strips, each have to have their own driveways and makes it more complex. Cannot drive over someone else's land. Mol – felt it supports building on the north side of the property. Neumann pointed out how Albion Township applies the requirements for a town road. Aarestad agreed there are a few options. Board members concurred it would be beneficial to lay this over and applicant to continue working with Rhineberger.
- J. Mol moved to continue the petition to April 9, 2021. Aarestad seconded the motion.
VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 11:10 a.m.

Respectfully submitted,

Barry Rhineberger
Planner

BR:tp

cc: Board of Adjustment/Twp. Clerks/Applicants & Owners