

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: April 9, 2021

MINUTES – (Informational)

The Wright County Board of Adjustment met April 9, 2021 in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, John Jones, called the meeting to order at 8:30 a.m. with all Board members present. Barry Rhineberger, Planner, represented the Planning & Zoning Office.

MINUTES FOR THE March 12, 2021 MEETING

On a motion by Aarestad, seconded by Mol, all voted to approve the March 12, 2021 minutes as presented.

1. **NICK T. EVANS** – Con. From 3/12/21

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: Applicant not present

A. Rhineberger summarized the continuation from the last hearing was for the applicant to look at other options. He has decided to divide out the lot north of the existing lot of record and submitted a written request to dismiss.

B. Mol moved to dismiss the petition without prejudice. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **JONATHAN P. BIGALK** – New Item

LOCATION: 7321 Nevens Avenue NW –Lots 9 & 16, except tracts..., Annandale Beach First Addition, according to plat of record; Section 26, Township 121, Range 28, Wright County, Minnesota. (Lake John-Southside Twp.) Tax #217-014-000090

Requests a variance as regulated in Section 155.026, 155.049(F)(2) & 155.057 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the construction of a 20' x 24' addition to existing detached garage 78' from the centerline of a County Road.

Present: Jonathan Bigalk, on WebEx

- A. Rhineberger reviewed the previous lot line adjustment the Board approved. The new request is for an addition to the detached garage. The Board gave a variance in 1975 for the existing garage for a 78' setback from the county road. The Board is looking at the setback only, the building will meet all the other standards. Town Board and one neighbor submitted favorable responses.
- B. Bigalk stated he has talked with all his neighbors and they are in agreement.
- C. Rhineberger opened the hearing for public comment, hearing no response discussion returned to the Board members.
- D. Vick asked if the proposed size fits what is allowed on the lot? Rhineberger responded, yes.
- E. Aarestad – stated he reviewed the size with what it exists in the neighborhood and felt this building will fit in. The Town Board has approved. He has no problem with it.
- F. Mol concurs. Neumann – questioned the use and what the existing garage is used for? Bigalk stated he plans to insulate the garage and use it for his shop and garden shed. He has a three-stall garage now. Rhineberger noted a portion was allowed as a guesthouse in 1975 but does not think it has been used for that by this owner.
- G. Aarestad moved to approve a variance as regulated in Section 155.026, 155.049(F)(2) & 155.057 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the construction of a 20' x 24' addition to existing detached garage 78' from the centerline of a County Road. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **PAIGE S. RICKERT** – New Item

LOCATION: 7407 Quinn Avenue NW – Part of Gov't Lot 2, Section 29, Township 121, Range 28, Wright County, Minnesota. (W. Lake Sylvia - Southside Twp.) Tax #217-000-294200
Requests variances as regulated in Section 155.008(B), 155.026, 155.048(F)(3) & 155.057 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and allow the construction of a 16' x 27' two-story addition with 6' 11.5" headroom (unfinished storage space underneath) on the north side of the existing structure, that would bring the existing compliant structure to 15.3 ft. from the side property line. Also proposed is a 23' x 24' screen porch on the south side, 763 sq. ft. deck on the east side and conversion of the existing 346 sq. ft. upper level into a full 672 sq. ft. upper level. Proposal doubles the footprint and living space of an existing structure and makes a conforming structure nonconforming to the side setback.

Present: Paige Rickert & Bernie Miller of MSTs

- A. Rhineberger displayed maps to show the location of the 39 acres west of Quinn Avenue with some access on the east side. The property has a small shoreline area on Lake Sylvia. The existing structure is conforming, and the proposed expansion brings it to 15.3' from the sideline. Minimum side setback is 30'. The Board looks at the expansion project in its entirety even though some of the expansion meets setback. The plans were reviewed to show the finished elevation of the proposed lower floor and the two-story addition is shown on the cross-section. Although the structure will be higher, it is within height limits. Pictures of the existing dwelling were viewed. Town Board and a neighbor, Robinson, have no objection.
- B. Miller – explained he has worked with the applicant along with his architect. The applicant has made improvements to the existing structures. The only way to add on is to the north to make an addition with an upper level. He suggested the applicant keep expansion as far back as possible and only one variance is the result. There is a new sewer system, designed when the applicant purchased the property. The 38 acres is zoned AG with part of the land across the road, but not farmed in recent years. The applicant has been working with Wright County SWCD, eradicating buck thorn and to make food plots. Rezoning to Residential would allow a 15' side setback. Looked at the possibility of rezoning, but there is not enough lake frontage to subdivide a piece off.
- C. Rickert - tried to buy 15' from the neighbor to the north but they did not want to sell. Also contacted the neighbor who lives in Pennsylvania to buy that home that is to the south and that was not successful. Has looked at all options the last 18 months. There are two wells that are capped in the southwest corner. The full basement is only under the northern portion of the dwelling.
- D. Aarestad – looking at the aerial picture he finds the location of the home is unique. The location along the lake, the home is isolated by wetlands and woods and will not likely see development nearby. This setback should not impair future development. The larger structure would not stand out in the neighborhood. This is not like a typical lake lot, there is not the impact that other shoreland areas have. There is distance between the road and lake and not concerned about other issues with runoff and drainage. He felt these situations are unique to warrant granting the variance. The Board takes doubling the size of the house seriously, usually the increasing and doubling the value of the home would be a high concern; but considering the unique factors of the property, he feels the intent of the Ordinance is met in this case.

- E. Mol – agrees with most of what Aarestad said; however, is struggling with the fact there is an undeveloped property next door. The property is now conforming, if allowed it will be 15' from a line in an AG zone. If approved, he questioned how they would address any future requests, especially development of the adjacent property. Rhineberger – stated that neighbor did ask how this would impact them. Mol – this is a concern of his.
- F. Miller – pointed out the 1080 contour and assumes someone would build in that location on the neighbor's property. Several lots were split off along the shore. He noted this part of the property is narrow and extends out to the road, unlike most 40-acre parcels that have more frontage. They had originally thought of building in back and using this home as a guesthouse until they found out it was too big for a guesthouse. Since have invested money in fixing it up. He noted if it had been in poor shape to begin with it probably would have been torn down. Noted there is the unique barn in the back. Felt this house was built prior to all the smaller parcels being split off. Rickert – stated he is proud of the renovation of the old barn. Pictures were displayed. Rhineberger noted the garage portion does not meet the setback and could not be used as a guesthouse.
- G. Neumann is not as concerned about the 15' because of the slope of the adjoining property they probably would not build as close to the common property line. Asked if the existing sewer is adequate for the living space? Miller – currently it is compliant, it could be expanded or time-dosed. This meets the State requirements, but not the County sizing requirement. There are no issues in meeting the County requirements and there is room to do it. Rhineberger – the EHO states that the existing system is slightly oversized for three-bedrooms, but not large enough for four bedrooms, but could be time-dosed. That would be handled at the permit review.
- H. Vick – would agree with the 15' side setback as the Board has allowed that. The hardship is the existing house location. Asked about the garage setback. Rhineberger noted the closest corner is 10'. Discussion followed about the height of the existing basement and the intention was to match what is there. Rhineberger suggested the Board address whether the basement could be a full 7' (livable space), it is shown at 6'11" now. Rickert stated he has no intention of putting bedrooms down there, no egress window is and area to be used for storage. Vick – confirmed the requirements and whether it impacts sewer sizing. Rhineberger – only if there are bedrooms. He would suggest if the Board is not concerned, they should include allowing it as an option, so they do not have to come back to the Board. Rickert – agreed the option would be nice, would not be livable space, but to avoid any future problems. Miller noted for clarification, the drainfield is 13' from this space. Rhineberger – Environmental Health can allow less from non-livable space administratively. Miller felt there is room, and they can go closer to the deck with the sewer. Rhineberger confirmed that is correct.
- I. Vick moved to approve variances as regulated in Section 155.008(B), 155.026, 155.048(F)(3) & 155.057 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and allow the proposed expansion according to the survey marked Exhibit "A" and building plans marked Exhibit "B" and allow the basement wall height to increase to a full living space height. Aarestad seconded the motion.

VOTE: CARRIED NAY: Mol

4. **JEFFREY & BETH MATTHEWS** – New Item

LOCATION: 6370 Quinn Avenue NW - Lot 5, Sylvan Shores, according to plat of record, Section 32, Township 121, Range 28, Wright County, Minnesota. (W. Lake Sylvia - Southside Twp.) Tax #217-058-000050

Requests variances as regulated in Section 155.008(B), 155.026, 155.049 & 155.057 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the replacement of the existing 12' x 18' enclosed porch and 14' x 18' deck with a new 26' x 18' addition on the lakeside of dwelling, 67.5' from the ordinary highwater mark of lake and a 4' x 10' deck on the north side of structure.

Present: Jeff & Beth Matthews

- A. Rhineberger reviewed the 22,747 sq. ft. lot on Lake Sylvia and displayed pictures of the existing dwelling with a screen porch. The existing porch and deck will be replaced with a 26' x 18' addition on the lakeside. The deck and screen porch does not have living space under it and there is an additional 2' in height. The proposed construction is not going closer than existing structure. The deck on the north side of the structure has a walkway to a platform. A survey provided, shows the angle of the structure puts it at 71.5' & 67.5' at the closest corners.
- B. Mol – although this is more roof coverage, he is considering it with the deck coverage there, with no further encroachment of the lake and meeting the 15' side setback. He tries to hold to a minimum of 60-65' from the lake and they exceed that. The project is within impervious coverage limits. The criteria he has gone through, he feels this project meets his concerns.
- C. Neumann questioned the elevation of the slope lakeside and whether the building is 30' off the bank? Rhineberger described the elevation and definition of how a bluff is calculated. This lot rises quickly to a flat area in the middle where the house sits and then rises behind. Neumann – questioned what the new addition would be used for? J. Neumann -one large room, no bedrooms. Neumann – indicated his concern was that it could impact the sewer size required.
- D. Vick indicated the explanations have addressed the concerns he had.
- E. Aarestad – has some concerns, the Board gets many similar requests for three-season porches and the Board has restricted the conversion of three-season porches into four-season living space. He is considering this is the reverse and if this is granted how that affects previous applicants. Understands the variance is only 7' closer to the lake than allowed. He asked if there are ways to make improvements. Water management plans have been required, reducing hard surface or ways to make improvements to offset what is being allowed.
- F. Mol stated he is looking at replacing a structure with year around but did not think the runoff would change much. There is runoff from the deck and structure there. Aarestad – the other three-season variances granted must remain that use. Rhineberger what he is seeing is the distance from the lake. A lot of the type of proposals Aarestad is referencing are extending out in front and closer to the lake. He would suggest they look at the setback. He recalled two requests on Limestone and some on Lake Sylvia that were before the Board.
- G. J. Matthews noted where the current stairway is located, and the change brings that further from the lake by 3'.

- H. Vick noted he is considering this because they are not moving closer to the lake. Aarestad after hearing Rhineberger's explanation, he could agree with this. Mol concurred this is different in that we are not moving closer to the lake, taking the stairwell away from the front. Rhineberger using the plan pointed out an extension that is not there.
- I. Aarestad moved to allow the replacement of the existing 12' x 18' enclosed porch and 14' x 18' deck with a new 26' x 18' addition on the lakeside of dwelling, 67.5' from the ordinary highwater mark of lake and a 4' x 10' deck on the north side of structure. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **JOHN D. WITSTINE** – New Item

LOCATION: xxx 9TH St. SE - Lot 4, Block 3, The Birches, , Section 5, Township 119, Range 24, Wright County, MN. (Lake Martha-Rockford Twp.) Tax #215-011-003040

Requests a variance of Section 155.026 & 155.049(5)(a) , 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct 36' x 36' x 14' (H) detached garage on an 8,285 sq. ft. vacant lot. Proposed structure to be 28.5 ft. from the Ordinary Highwater Mark of lake, 10 ft. from the road right-of-way and 43 ft. from the centerline on town road, exceeds 15% lot coverage by buildings.

Present: John & Teresa Witstine

- A. Rhineberger reviewed the backlot owned with the residential lot across the road. These properties are on Lake Martha and next door to a request before them at their last meeting. This lot is only 8,285 sq. ft. as measured above the ordinary highwater mark. Variances requested are to build an oversized 36' x 36' detached garage with a 14' sidewall, 28' from the ordinary highwater mark (OHM) of lake and 10' off the road right-of-way. The size lot limits the maximum storage building to 800 sq. ft. and a total accessory building area to a maximum of 1,000 sq. ft. Also, a maximum of 12' sidewall is allowed. The history of the lots in this platted Block were declared unbuildable and were not included in the municipal sewer extended to other lots. Written response from the Town Board was favorable, Voigt opposes.
- B. J. Witstine stated they located the proposed structure in the least disruptive spot to save trees. This is a more open area where holding tanks have been abandoned. The location should fit into the landscape, building proposed is a neutral color. Size needed to back into the garage from the road and store a pontoon in the winter. Pictures of five similar structures on nearby lots were presented. T. Witstine the pontoon measured to the tongue of the trailer is 36'. J. Witstine stated the neighbor has a 30' x 40' shed but the style trailer allows him to take it off the trailer. J. Witstine – there is a natural embankment to the lake, they will fit the garage into the landscaping, lower the building and the height will not have as high an appearance. An existing shed would be removed, and trees will shield it from neighbors.
- C. Neumann the 14' height concerns him if the storage is only for a pontoon, water/fishing items. J. Witstine agreed to reduce it to 12'. The height was picked due to the package his contractor made available. Rhineberger stated the height restriction is based on the size lot. The lot to the west is over 20,000 sq. ft. and is allowed 14' in height and reason it was allowed 30' x 40'. J. Witstine when they proposed the project a few years back, he understood the lot area they had to work was 28,200 sq. ft. The lake highwater mark is a stretch. Felt the area behind was dredged out in the 1960's. Abstract shows this was a drainage area. The weeds fill this area in later in the summer. The project should improve the value and increase property taxes without cost to the public. He feels this garage would be a win/win for everyone and preserves pine trees. Neumann agreed it is unfortunate the ordinary highwater mark is at 968, but they are proposing 28' when a 75' is required by Ordinance. The topography shows it is only 2-3' above the OHM. J. Witstine – the contractor is proposing the front of the shed would be at existing grade and the back of shed be raised. Asked if the lake is on private property if that makes a difference. Neumann – he is concerned the variance request is less than half the requirement. J. Witstine – assumes the setback is to prevent pollution, the contractor would landscape to prevent any washout. Rhineberger reviewed the shoreland rules adopted in the 1970's, were not just to protect the lake from erosion and pollution but also for aesthetics. J. Witstine – stated much in the back cannot get a boat through. T. Witstine noted the garage to the east is very close. They can be flexible on size but is

important to be able to get the pontoon inside to protect it. J. Witstine – wants room to walk around the boat and trailer.

- D. Vick stated he is struggling with going this much over the size allowed. Questioned if they would consider 32' x 28' x 12'. The neighbor has a different situation.
- E. Aarestad before hearing the reasons, he was ready to deny, but he is willing to consider something. The Board had considered this part of the lake is different. Felt the comparison of this and the neighbors' is "apples to oranges". The neighbor was allowed 52' setback and this request is at 28'. Understands their situation is different, the pictures of storage buildings in the neighborhood were very helpful. He appreciates the willingness to reduce the wall height to 12'. The size is still very large. He would agree some kind of structure, but smaller than what is proposed and move back off the road. Questioned impervious coverage? Rhineberger said that is met.
- F. Mol – is finding this request difficult. The neighbor next door he had suggested moving back 10' off the road and 54' from OHW. The Board has been very stringent on these variances. Even reducing they are getting much closer. There is not much elevation above the OHW, with landscaping around the back could be disrupting more, possibly within 18' of the OHW. There are many challenges with the variances requested. This is still area connected to the lake, water/wetlands. Where is the hardship for pontoon storage, there are other options for storage. Asked if the applicant wants time to consider other options.
- G. Vick asked if these lots were designed for outbuildings? Rhineberger stated the original plat was for homes. Mol- most of these old lots developed in the 1950-1960's was for small week-end cabins. J. Witstine – felt it was 1990 when it was determined unbuildable for homes. He offered a 32' x 28' as a reduced size. Vick stated now 10' off r-o-w is proposed, he was suggesting something close to 800 sq. ft. Aarestad would consider if the footprint is reduced and an improvement from the road. Rhineberger read the reasons the Board declared the lots unbuildable in 1983 for sewer reasons and setback. He noted improving the road setback would push the building back closer to the lake. If the doors are roadside allowing him to back straight in, parking in front would be in the road right of way. This is all in the shoreland impact area. T. Witstine noted if they turn the dimensions it would disturb more and is the reason they did not want doors on the side because it requires more driveway surface. J. Witstine trying to save trees.
- H. Mol – noted the neighbor accesses the south side of shed, suggested they bring it down to 24' even though it does not fit their pontoon. Felt that would be more acceptable because looking at the air photo it appears the shed would go right in the trees. J. Witstine – that is brush and where the holding tanks were. Mol asked if they want to redraw? T. Witstine – does not appear they will get this plan approved, won't park a car in front. Mol explained the Board options the applicant has. As one member, he will not approve the 36' or a 28' setback from OHW. The applicant has heard the comments other Board members made. J. Witstine asked if the vote must be unanimous; if not, he is trying to get a consensus. Backing into the garage from the road is important. Mol clarified his position is he won't agree to 36' or a 28' from OHM. Noted it is up to the applicant to come up with the plan for them to consider. Not sure what the other four members would agree to. J. Witstine after hearing his procedural options, chose to have his petition continued.
- I. Vick moved to continue the hearing to May 28, 2021 at the applicant's request. Aarestad seconded the motion. VOTE: CARRIED UNANIMOUSLY

6. **DUSTY & JACKIE FINKE** – New Item

LOCATION: 1549 35th Street SW – NE ¼ of SW ¼ & Parts of the SW ¼ of NE ¼ and SE ¼ of NW ¼, Section 23, Township 119, Range 26, Wright County, MN. (Marysville Twp.) Tax #211-000-231301 Property owners: Joseph & Jeanette DesMarais

Requests a variance of Section 155.026 & 155.048(G)(4)(c), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a 10-acre entitlement division that would include approximately 4.2 acres of prime farm soils.

Present: Dusty Finke & Joe DesMarais

- A. Rhineberger displayed location maps and a site plan for the proposed 10-acre entitlement division on the west side that includes 4.2 acres that is classified prime tillable soils. Town Board approves.
- B. DesMarais stated he has owned the property for 46 years and when the property was purchased it was all rock and brush and worked the farm since. Finke has been helping with caring for the hogs and cattle and if he were to live close by it would help facilitate that. Although it exceeds the classified soils by 1.7 acres, it is rocky soils.
- C. Rhineberger opened the hearing to the public. No response and the meeting returned to the Board.
- D. Vick stated they attempt to preserve tillable land. Asked if they need more than 200' in width? Rhineberger stated ten acres requires 300' in width. Vick asked since this is family, could they angle the line and pick up more of the woods? Finke explained where the property gets steep and because of a drainage way, it is not practical. Gets the house far enough from the slope.
- E. Aarestad noted they have an entitlement and is the best way to use it. The proposal is reasonable.
- F. Mol questioned if the prime soils include the woods. Rhineberger displayed the soils map to show the hatched area is prime soils. He noted the "Soils of Statewide Importance" referenced in the Land Use Plan is no longer used. Look at undeveloped cropland. On occasion, they do look back on old air photos to see if the land has been tilled. In this case the land is undeveloped cropland and did not include the woods. Mol – historically he advocates for the protection of farmland. The Ordinance states they are to preserve prime farmland but where they are making the division, it appears like others in the surrounding community. He looks at the way this property is configured and where they are asking to make the division, it may be the best location for a house. Other locations are wet, and setbacks would be a challenge. In this case he can go along with the split. It makes sense for this property, following the existing property line and the woods there. DesMarais – that part of the land falls off, only can grow alfalfa. Make a clean split and farm the rest.
- G. Neumann – at first considered reducing it to the 2.5 acres of tillable, but by reducing it they would not meet the 300' wide on the road. Avoids jogging the parcel and this may be the best option.
- H. Aarestad moved to approve a 10-acre entitlement division that includes approximately 4.2 acres of prime farm soils. Subject to survey and filing a Deed Restriction. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

7. **GREGORY A. HAYES** – New Item

LOCATION: 5985 50TH Street SE – Part of E ½ of NE ¼ Section 36, Township 119, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-300-361100

Requests an appeal of Zoning Administrator's determination that proposal does not constitute an access strip and a variance for a 4-acre entitlement division with 33 ft. of public road frontage (Fenning Avenue) as regulated in Section 155.026(B)(1), 155.048(F)(4)(c) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Gregory Hayes

- A. Rhineberger reviewed the 73-acre parcel. South end of the property abuts Fenning Avenue. The Zoning Administrator determined what is being proposed does not meet the definition of an access strip. The Board should address the appeal first, and then if Board wants to address a variance after, they have the option. The determination was included in the Board's packet. Approval from the Town Board was received. A written response from adjacent neighbor, Potente, was provided the Board and is in the file. They want the determination upheld and denial of the variance. He reviewed the proposed 4-acre division made up of woods in the southeast corner that touches the road right-of-way at 33'. There are people in the meeting room and on virtually.
- B. Hayes – in discussing with Riley and Rhineberger this process was required. His property falls between two roads, the location of the division is in the woods and avoids the tillable land. The access is adequate for his son and daughter-in-law to build a home back there. Neighbors, Tom & Jenny Bauman, who own to the east are present. There had been discussion about splitting the road between them and talking about putting a "T" turn around back when the residential plat was developed. He feels this is a reasonable request. He could put in a 1,400' long driveway to come in from the north to get back here. That is not practical, there is a lot of slope to get back there.
- C. Rhineberger opened the hearing to the public:
David & Amy Potente stated a letter was submitted which he summarized. Purchased the last lot at the end of Fenning Avenue adjacent to the proposed lot. The subdivision was summarized, and the size of the lots allowed them to have their own space and privacy. Built their home in 2015 and when they purchased the lot, they asked about the dead-end road from three different sources, including Wright County. It was confirmed the Harkness family was required to upgrade 57th St. that extends into Fenning Avenue and that it could be extended; but would have to be approved by Wright County and the width/frontage would be required. This is not what Hayes is proposing. The concern is the impact on their property value and ability to continue enjoying their property.
- D. Aarestad – supports upholding the Zoning Administrator's opinion. Mol – after reading through the Ordinance, he agrees with the Administrator's statements. Neumann – felt the practicality of what could be coming, he would disagree. Vick – would agree.
- E. Tom Bauman – present addressed the Board – owns the acreage to the east. He does not know what the future is going to be. Feels there is more development coming. Applicant could build on 50th to the north. The best place is to put the driveway on the line. He spoke out about making sure a road is on the line when the plat went in. He is farming the land, but for the future he would want access, should be half and half.

- F. Hayes agrees it would be best to have a “T” or turn around. He is not planning a road and it is in both their interests to work together. At a Town Board meeting in the past, a plan was for a “Y” because a “T” was not allowed. They had thought ahead in the event someone wanted to put a road in. He is not trying to do a road, just a driveway and 33’ wide seems adequate. The lot proposed is similar in size to what is in Hickory Hills.
- G. Aarestad moved to uphold the Findings of the Wright County Zoning Administrator. Mol seconded the motion.
VOTE: CARRIED; NAY: Neumann
- H. Aarestad – this request is like others the Board has allowed on dead-end roads. Clarified this is not a new road, the location of the lot is reasonable and would not object to the variance.
- I. Mol – agrees with Aarestad, although as a member of the Planning Commission he is concerned with the lot sizes. The road ends 50/50 on the shared property line and is meant to be extended. The Land Use Plan shows it is planned to be rezoned and developed in the future. Allowing an access strip takes it off the property line and could hinder development of the property. Also, blocks the neighbor from developing because it forces the entire road right of way onto the neighbor. This could stop development whether he wants to develop or not. Having 33’ touching the property they can use it; you can drive right off the road onto the property. But must consider future development and if they don’t require some provision to allow a road down that property line it could create problems in the future.
- J. Hayes –Agreed Mol’s comments were good. Hayes and Bauman had wanted to create a “T” at the end that would solve it; but there is a lot of steep topography where the land falls on the east. Anything is feasible but is it practical or economically reasonable. To develop his property, they would have to move off the section line and curve the road. This is unique also, 50th Street gives them another option, they could come in off 50th to develop. The grades exceed 8% and is not advised to try and build or maintain a road on that grade. He felt the Bauman’s could still come off it and is no different than the current situation because they would have to negotiate with each other to do it. Mol – often they put a “T” at the end and for whatever reason it was overlooked. He would like to do something here to avoid future problems. Hayes that was part of discussion with Riley, he had suggested a strip, but Riley did not want that. He is not opposed to a “T” here, but it could create an odd strip in the future. After discussing with Staff this was their suggestion.
- K. Neumann noted a “T” at Fenning and then run up to 50th Street some time in the future might be likely. Considering the neighborhood, felt this will happen in the future. No issue with building in this location but agrees with Mol they have to plan where the future road will go. Hayes stated he proposed a couple solutions to Staff, but this is what they came up with. If the County wants to look at the future and feels a “T” is the answer, he is not opposed to that. Just looking to use an existing entitlement he has. Neumann – where can the road go. Hayes using the topo map shows the likely location. He did submit a full topo of his property. Felt with time it will work itself out.
- L. Tom Bauman – described the grades and the area that is flat. He pointed out a 70’ bank but felt it could be built straight up the line. Noted the road through Hickory Hills had to make alterations and put in culverts to get the road in. Hayes stated he is not trying to make a master plan for both their properties. T. Bauman felt in a sense he was. Hayes clarified he is just trying to use his AG entitlement, either off the end or flag lot. If they want to keep it back from the south property line he has no objection to that.

- M. Vick asked if they could have the strip and include an easement across it. Hayes stated when Hickory Hills was developed there was a sketch, no one was proposing a “T”. The neighbor who wrote the letter would have to agree to sell a corner. Rhineberger - or work it out with the neighbor to the north to avoid a replat. Hayes the option would be to come off 50th St. Rhineberger when they have no idea of where the future road would be and the County does not regulate easements; if the Board dictates something that they cannot enforce if that is reasonable. Could a claim be made that it is a “taking” if they force an easement. Vick – if Bauman wants a road back there later. Hayes – if the Board wants an access strip he is agreeable to it. They are good neighbors and if they want to join him and do a “T”, he is agreeable. Vick he would be in favor of an access strip, on the condition they require that when the road comes through, they tie into it. Rhineberger without counsel present, does not know if they can condition that on the east 33’ of the parcel. This would have to be available or dedicated as a public road if needed for development in the future. An access strip does not change anything, it could make the situation worse.
- N. Mol the Ordinance allows 33’ in width touching the road is enough for a driveway. The neighbor can identify that point with the neighbors’ corner and is wide enough for deliveries. Questioned why they need more road frontage when they create access strips coming off roads. Rhineberger – just had a recent request that was the same situation where 33’ had ended, added a strip to get a driveway access. Reviewed the Ordinance language that allows an administrative approval of a strip of 33-66’ to a building site to preserve agricultural land. Would be granting a variance for a 33’ wide access. Mol – felt they have had plenty of those type of requests.
- O. Aarestad – felt it is reasonable. There is a lot of work to develop back there, they will work it out. They don’t know what that might be. The building/access location avoids a long driveway. Rhineberger - without the Zoning Administrator present, pointed out possibilities. Hayes there are no guarantees on the future. If something comes forward they would try to work together. Neither owner has any plans for that at this time. Felt there are still options. Vick he is concerned about the next owner that could prevent the development. Hayes - he has access on 50th Street. Vick he is hearing they cannot put an easement on it to allow for it.
- P. Mol – they have talked through the potential impact on future development. An access strip from 50th Street would take out a lot of ag land and felt it is a better option to come off Fenning with a driveway. This is already there.
- Q. Rhineberger noted Bauman has an entitlement and could show what they may want to do, but they would have to come back to the Board. Mol – understands they are setting a precedent for them to come off there. Hayes – anyone can move enough dirt and make it possible, but trying to do it in a way to preserve trees, no different than Hickory Hills worked around the trees and with the topography. Rhineberger agreed the rural developments are different than City plats. He asked if it is the same situation off of 50th Street to the Bauman property. Bauman it has been maintained by the Township and they turn around in his yard; but does not know if a turnaround is dedicated. Rhineberger thinks from the legal description of the street ends at the section line.
- R. Aarestad moved to approve the proposal according to Exhibit “A” for an access strip for a driveway to four (approx.) acre “entitlement” division. Vick seconded the motion.
- DISCUSSION: *Hayes asked the Board to word the motion so the division could meet the standards. He is not trying to get to ten acres but allows some flexibility to include a potential sewer/building area.*
- VOTE: CARRIED UNANIMOUSLY

8. **FINAL PLAT – Maple Crest Second Addn. (Anderson backlots)**

Action to accept the final plat and authorize Chairman's signature.

On a motion by Mol, seconded by Aarestad, all voted to approve the final plat of Maple Crest Second Addition and authorize the Chairman's signature.

Meeting adjourned at 11:20 a.m.

Respectfully submitted,



Barry Rhineberger
Planner

BJR:tp

Cc: Board of Adjustment
Applicant/Owners
Township Clerks