

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: May 7, 2021

MINUTES – (Informational)

The Wright County Board of Adjustment met May 7, 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 Board members, Bob Neumann, Paul Aarestad & Dan Vick present. Absent was: Dan Mol. Barry Rhineberger, Planner, represented the Planning & Zoning Office.

There was no one on WebEx or who called in to participate in the meeting.

ACTION ON MINUTES

On a motion by Vick, second by Neumann, all voted to approve the minutes for the April 9, 2021 meeting.

1. EDWARD & TRACI PREWITT – New Item

LOCATON: 6424 Pilger Avenue NW – Lot 1, Coates P. Bull Addition, according to plat of record, also part of Gov't Lot 5, all in Section 33, Township 121, Range 28, Wright County, MN. (E. Lake Sylvia -Southside Twp.) Tax # 217-022-000010 & 217-000-334101

Request to amend variances granted 12/4/2020 as regulated in Section 155.008(B) 155.026, 155.049 & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances. The scope of the project has changed from a remodel and addition to what is essentially new construction 40.6' from the Ordinary Highwater Mark of the lake. Construction involves removal of two-and-half of the four existing walls on the lower level, complete removal of the upper level and 3 ft. 4 in. increase in height due to upper-level wall changes.

Present: Ed & Traci Prewitt with Bernie Miller, of MSTs

- A. Rhineberger summarized the Board action last fall to allow an addition for a two-level screen porch. The setback is 46.6' from the ordinary highwater mark. After the applicant obtained more information on the existing structure, plans have changed. The replacement of the lower area walls was needed, leaving only a couple walls. There is more new construction than additions. Proposal includes increasing the height of the walls to get duct work in. Rhineberger noted although the setbacks are not changed, he was not comfortable allowing this much change. The height revisions of the structure are 3' higher even though there were some roof changes in the original plan, the amount of replacement is substantially more. Plans show the new footings where the screen porch and gap where there was a nook under the existing porch. Plans displayed show the new foundation along with the proposed new construction. Town Board approval was given.
- B. Prewitt –indicated work on plans for a couple years, expressed appreciation for Rhineberger's help and the Board's previous variances. He explained the existing ceiling height is low on the first floor, if a 20" truss is used they can run HVAC in them. The top floor has a 3.5" gap in the floor that is a tripping hazard. His contractor advised he come back to the Board. Prewitt is concerned about further delay, as the cost has tripled. Asking for two additions 8 to 10' in the kitchen and get the HVAC between the floors. Height is going from 29.4' to 32.9' which is still under the maximum height allowed of 35'. The side and front wall do not have adequate footings with a large crack going up the wall. They can run engineered floor trusses across to accommodate HVAC and plumbing, otherwise running soffits around the ceiling would not leave more than 6' ceiling height which is not adequate. The new construction comes in because there is not an adequate foundation. Originally, plans were only to remodel and reuse what they can. They are not going beyond the original footprint, just trying to improve the structure to accommodate the things they need. Rhineberger if the foundation is sinking, asked if they completed any soil tests. Concern is whether there is fill over a bog. Prewitt – no he meant they were crumbling.

Rhineberger – warned he may want to check that out. Prewitt – they are not falling in, but there is some settling. There is wood floor that is over 60 years old, and the backside is fine.

- C. Miller – often times when they find sand it has been pushed from the lake over an ice ridge. In this location, it falls fast. There could be a portion in the front that might need some improvement. They could do borings, but that is hard with a house there. If it is an issue, they may need have to have an engineer come out and check it when they are doing the new footings. Rhineberger – it is a financial matter for the property owner to consider. Miller noted the height of the house should not be an issue at this location. He is also helping a neighbor, Spielman, with a project across the road and they are the only neighbors that might be impacted and are okay. There is no one to the west, there is water on that side. The house on the east side is not visible.
- D. Jones asked if they could improve the lake setback that is at 40.6'. Rhineberger – that is a decision for the Board. There is room to move back on the lot and that was a discussion the Board had before. Noting often the Board requires an improvement with this much replacement. He explained the topography does rise sharply and going back 5' would elevate the house at least 3'. Noting most of the excavation would be done because the lot would already be excavated where the current basement exists if there were to be a walkout. He explained the topography rises and moving back will make the height of the structure that much higher and more visible. This lot is well screened by woods so even at 40' this is not looming over the lake. The impact from the shoreline would need to be considered as pushing it back would make it higher and more visible. Board should decide what, in this case, should be done because the amount is virtually new construction.
- E. Miller considered the lot where a house would be built if nothing were there. It is very steep; but going back 5' would require going up 3'. Going back 10' would raise the floor up 6' and need to bring fill from the back with an engineered wall or cut the entire hill down on the roadside. The drainfield is up on top now and a future drainfield would go lakeside if needed. Rhineberger estimates 9' of elevation difference on the east side from front to back of the cabin. The basement would not have to come up 9', but approximately half that distance. West side there is couple of feet difference from front to back, the vast majority is an exposed basement wall. Further discussion on the amount of excavation to move back.
- F. E. Prewitt – explained their intentions were to just remodel when they bought the property. Much additional costs which he wished the Board could consider. Pricing of lumber has skyrocketed. There is not much room to move back and would change the lift system too.
- G. Neumann – initially he thought it should be moved back. Noting the owners could start over with their own layout. He was not on the Board in December. He is hearing it might not be that simple. However, the amount of demolition they are doing to the cabin, he felt they would be better off starting over and moving back. E. Prewitt – has already put \$5,000 in architect plans and is hard to justify another \$3,000+ in just plans. Miller – there was a deck out front at 28.5' from the lake and would have been allowed a full replacement at that location. The request was for a porch. Rhineberger – there was another porch in 2000 in the upper portion was never approved and was part of the request to make it legal and fill in the nook and another porch. The 28' setback Miller mentioned was to the lower-level platform. The upper-level deck only extended out 4'. Miller they were trying to make improvements to what was there, deck and platform would be gone. Rhineberger what was approved was a 3' improvement on the upper level and lower level

unchanged. Neumann – does not have a problem with the request, the applicant is not interested in a total rebuild, it should not impact the neighbors' view, and septic is far enough from the lake.

- H. Vick – did not feel there is a need for a 10' ceiling height. There is enough room with an 8' to get a footer truss for the mechanical. He is not in favor, with the cost they could move it back. There are only two walls left which he felt are questionable because they are going to have to tie into them. He would suggest turning the structure and starting over. Rhineberger asked Vick the measurement to the plate vs. the header. Vick who is in the contracting business, explained how this is measured. He indicated they don't need a 10' ceiling height. A redesign might be more prudent, turning the structure and moving it back is what he would suggest.
- I. Aarestad in listening to the information and reading the record from the last meeting, the height is not a concern because it is below the limit. There is a mix on Lake Sylvia on size and height of structures. Felt the location is unique in that if they raised it up and moved it back it might create more problems. The proposed wall difference might solve a problem on the upper level. Vick explained it would not in this case. Rhineberger explained the floor truss height and floor height in the upper floor adds to the overall height. Aarestad agreed the amount of replacement is good to consider and whether it should be moved back. However, this location might be reasonable, it is nestled into the property. Because of the amount of disruption to the hill, raising it up could create more problems. The cracked walls they have run into can be expected and the way they are trying to solve these problems are something he can go along with.
- J. Jones – his concern was at the 40' from the lake and whether they could improve that. Hearing moving back may cause more problems then solve; with reservation, he can go along with the changes.
- K. Aarestad moved to grant the variance to revise the plans approved December 4, 2020 in accord with the new building plans marked Exhibit "B", held on file subject to the site plan and conditions applied to the 2020 variance, including the removal of two sheds and matching the elevation of the existing floor. Neuman seconded the motion.

VOTE: CARRIED, NAY Vick

2. **PERRY R. DITTY** – New Item

LOCATION: 1616 - 37TH St. SE desc. as Part of SE ¼, Section 20, Township 119, Range 25, Wright County, Minnesota. (Crawford Lake-Rockford Twp.) Tax #215-100-204201

Requests a variance of Section 155.008(B), 155.026 & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow 185 sq. ft. of living area under existing screen porch, 65 ft. from the ordinary highwater mark of a Recreational Development Lake.

Present: Perry & Maddie Ditty

- A. Rhineberger located the two-acre lot on the southeast side of Crawford Lake. The construction and floor plan shows the area to be filled in under an existing upper-level porch that is 65' from the ordinary highwater mark of lake. The lake has a minimum 100' setback required from the ordinary highwater mark. An existing upper-level deck is to be removed and will reduce impervious coverage near the lake. The Town Board and one neighbor submitted approval.
- B. P. Ditty – stated the purpose of the addition is to add an office space for his wife who is now working at home. He received information about erosion control which was requested by the Town Board. Rhineberger – the County deals with that at the building permit stage and inspections. Rockford Township is now requesting plans for that. Ditty – there won't be any excavation or large machinery in to get the footings in.
- C. Neumann – asked if the upper porch will be enclosed? Ditty – that is now four-season and heated, going with a “stem” wall and noted a door on the east side to the deck will be filled in. Neumann – the addition below the porch will not be any larger? Ditty – to be exactly the same underneath and access to the office space will be through the basement. Neumann – felt because they are not moving closer to the lake than what is there, he does not have a problem with it.
- D. Vick – asked if it was recommended they take the deck off? P. Ditty – no it is just in need of repair. M. Ditty – it is an eyesore. P. Ditty – they want to improve the house since buying it in 2018 and this side of the house will be resided. Rhineberger – noted the Board could leave an option to replace the deck, even though they are not asking for it. This would give them the ability to do that within three years. After that they would have to come back to the Board. Vick – asked if the applicant would like the option? Noted this would also give them another fire exit. Ditty agreed they would like to keep the option.
- E. Aarestad – the Board has allowed similar requests and meets the minimum lake setback the Board likes to see.
- F. Jones – concurred with the proposal. Neumann – indicated he would be agreeable hearing it does not expand more than the existing dimensions.
- G. Vick moved to approve a 185 sq. ft. of living area under existing screen porch, 65 ft. from the ordinary highwater mark of a Recreational Development Lake and allow the deck to be rebuilt as long as the existing dimensions are not expanded. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **CHAD K. JUNG** – New Item

LOCATION: 3683 144TH St. NW – Lot 4, Block 3, The Preserve at Locke Lake, according to plat of record, Section 21, Township 122, Range 26, Wright County, Minnesota. (Locke Lake - Silver Creek Twp.) Tax #216-040-003040

Requests a variance of Section 155.102 and 155.026, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a dwelling that does not meet minimum width standards, 16' width is requested.

Present: Chad & Mrs. Jung

- A. Rhineberger – reviewed the existing accessory structure, a new air photo showing the structure was displayed. This has a lower-level garage and proposed is living space above. He explained the Staff had much discussion on the best way to address the use. Applicant will be building a permanent home on the property. The other option the Board sees is the temporary use permits for placement of a mobile home. Rhineberger's preference was to call it a dwelling and proposed is a variance of the width requirement for a dwelling. It meets the 800 sq. ft. floor area. This avoids the temporary use permit that often times need extensions if the primary house does not get built in the timeframe given. Town Board review included conditions that the house be brought to a guest house standard in 18 months. Vick questioned what must be removed? Rhineberger – the kitchen facilities and, in this case, 50 sq. ft. would have to be taken out. He noted this is accomplished by removing the door, a wall separation and access from below to a 50 sq. ft. room that can be storage. The reason is to avoid the potential for a rental unit. If the Board approves, they can add the condition suggested by the Town Board, if the timeframe exceeds that they would have to come back. A survey was displayed and a proposed floor plan of the upper level. Building codes would have to be met and noted they cannot have access to a flammable area and the building inspector will be reviewing during the building permit process.
- B. Jung - plans to convert this themselves and plan to build the new home in 18 months. Their home in Elk River sold faster than expected and need a place to live. Want to live on site while they build.
- C. Vick would like to see the Township's conditions met. Jung stated they have agreed to meet those, no plans to rent it out or have a second home on the property.
- D. Aarestad stated he had some concerns he needed clarification on. The rental aspect was a big concern, with the written document the Town Board has asked for; and changes to the living area along with the 18-month limit address it. The covenants on the plat for the neighborhood were mentioned and that is a concern and asked for elaboration on that. He looks at those like they respect Township recommendations. Rhineberger – in new developments a developer creates them. These are not enforced by the County and some developments have Homeowners Associations and Building Committees that review plans. Jung – stated they have met with the developer and met with their neighbors. Aarestad – he wanted on record they respect covenants, and it is clearly just temporary. Rhineberger – it does state it has to be reviewed by the developer, however, this is temporary.
- E. Neumann – had a lot of concerns before it was explained. Pleased it will only be temporary and the new dwelling plans are progressing. With the Town Board conditions and restrictions would agree.

- F. Aarestad moved to approve a dwelling that does not meet minimum width standards. Condition: Subject to the Town Board's condition that construction of the new home be completed in 18 months and at that time this living space would require a permit for conversion to meet guest house standards. Neumann seconded the motion

DISCUSSION: Rhineberger explained the steps for permits and noted the applicant must apply for the building permit for the temporary living space, the information provided was part of this record. The time frame will start from when that permit is issued for the permanent dwelling and once the main dwelling is completed, a permit for the conversion to a guest house and that work must be completed within 120 days.

VOTE: CARRIED UNANIMOUSLY

4. **THOMAS J. FITZPATRICK** – New Item

LOCATION: 7571 – County Rd. 8 SW - SE ¼, Section 8, Township 118, Range 26, Wright County, Minnesota. (Woodland Twp.) Tax #220-000-084100

Requests a variance of Section 155.008(B), 155.026 & 155.048(F)(2), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow replacement of existing 14' x 16' porch and allow construction of a new 14' x 16' addition over existing deck and a new 20' x 22' attached garage on the backside of a structure that is 88' from the centerline of County Road 8.

Present: Tom & Jan Fitzpatrick

- A. Rhineberger reviewed the farm consisting of 156 acres. The dwelling is 88' from the centerline of a county road. The proposed addition is on the back side away from the road. The Board is considering expansion of the non-conforming structure. He noted small, minor additions can be allowed administratively, however, the amount of square footage in living space and also looking at an attached garage requires the Board approval. Replacing deck with a 14' x 16' addition and replacing a 14 x 16 porch with an addition. There are some small dimensions that are hard to show. An expansion of a bathroom to make it more useable on the upper level. A blue line on the plan shows garage separation from living space.
- B. Tom Fitzpatrick clarified that the 14' x 16' is actually a bathroom now and not a porch. He also noted the deck will be removed, rebuilding over that. Rhineberger – indicated the understanding was the deck would be removed.
- C. Neumann - the additional building area is actually for a garage. The expansion is on the backside and does not encroach closer. He feels this request is reasonable.
- D. Rhineberger – displayed the air photo that was recently flown. A neighbor, Broll, also approved.
- E. Vick – did not think the entrance to the garage would be an issue.
- F. Aarestad – sees no problems and feels it is reasonable. Jones indicated he agrees.
- G. Vick moved to approve the replacement of existing 14' x 16' porch and allow construction of a new 14' x 16' addition over existing deck and a new 20' x 22' attached garage on the backside of a structure that is 88' from the centerline of County Road 8. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **WESTON P. WEBER** – New Item

LOCATION: 8144 Fenning Avenue NE – Part of SE ¼ of SE ¼ Section 24, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #213-100-244401

Requests a variance of Section 155.008(B), 155.026 & 155.048(F)(2), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow construction of a new 27' x 27' addition on the backside of dwelling that is 75' from the centerline of County Road 118.

Present: Applicant not present

- A. Rhineberger explained it was an oversight that this item was scheduled for this Board. A Town Board member informed the Office this property falls in the Monticello Orderly Annexation Areas and requests are heard by the Monticello Joint Planning Board. They have a meeting the following Wednesday and new notices have gone out. The Board should refer this matter for their consideration.
- B. Aarestad moved to refer the request to the Monticello Joint Planning Board meeting on May 12, 2021. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 9:55 a.m.

Respectfully submitted,



Barry Rhineberger
Planner