

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: June 18, 2021

MINUTES (Informational)

The Wright County Board of Adjustment met on June 18, 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 May 28, 2021 MEETING

On motion by Mol, seconded by Vick, all voted to approve the minutes for the June 18, 2021 meeting as printed.

1. **JOHN D. WITSTINE** – Cont. from 5/28/21

LOCATION: xxxxx 9TH St. SE - Lot 4, Block 3, The Birches, according to plat of record, 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 Witstine

- A. Rhineberger summarized the discussion from the last meeting when the Board reviewed a previous proposal and ended in a split vote. The matter was continued for a full Board and in the meantime the applicant submitted a new site plan and building proposal. The revisions submitted are to reduce the garage to 24' x 33', with the 33' dimension parallel with the road and lake. Also, the location of the building was shifted to the East and is 10' off the road right of way. The setback is similar to the building approved next door. Using these figures, best setback they could get was 44' from the ordinary highwater mark of lake. The survey showing how the shoreline moves into the lot which makes this lot different than others. Plans for the garage show the doors face to the side and not the road, sidewall is 12' with a 4:12 roof pitch.
- B. Witstine – further explained the construction with the schematic drawing of the garage on screen. Doors to face the southwest to address the parking concern.
- C. Neumann – appreciated the effort the applicant has made on the revisions on the size and height of the garage. The variance needed from the lake is still very significant, less than half the required. He felt due to the size of the property, this is probably the best they can get.
- D. Mol – questioned the water runoff from the roof line? Witstine – the builder and landscaper will address that. Proposing gutters on the building to direct water into a “French drain” which will allow the water to seep into the ground. Rhineberger reviewed the elevation difference is only 5' between the lake and road. He does not think water will drain fast, however, noted with grading and placement of garage it should not be a problem. Mol – indicated he would like to see a plan developed. Rhineberger added, the shoreline here is different because of the type of vegetation will help filter any runoff and is different from manicured lawns. Mol – he is struggling with the lake setback proposed; if approved at a minimum, Staff should get stormwater plan.
- E. Aarestad – felt the concerns he had were addressed. He does not view this lot and issues the same as if this were a dwelling site with a sewer. This part of the lake is not a deep-water body where there is boating or recreational use. The Board looks at how the structure sits on the lake and whether it fits into the neighborhood. This structure will not impact anyone's view across the bay.

As far as precedent, the reasons he mentioned would be what he sees makes this different and to allow the proximity to the lake. The type of shoreland with cattails will help filter any water that runs off. For these reasons he can go along with the revisions to the proposal.

- F. Vick agrees and noted he had been willing to accept the first revision. This proposal and angle of the driveway has addressed the concerns.
- G. Vick moved to grant a 24' x 33' detached garage according to the revised plans submitted, 44' from the ordinary highwater mark of lake and no closer than 10' off the road right of way. Aarestad seconded the motion.

DISCUSSION: Board considered whether the motion should include the water management plan. Vick did not feel it was necessary, Staff to review at the time of building permit.

VOTE: CARRIED Nay: Mol

2. **AUSTIN J. PIETIG** – Cont. from 5/28/21

LOCATION: 1497 30TH Street SE – Part of NE ¼, south of the township road, Section 20, Township 119, Range 25, Wright County, (Crawford Lake - Rockford Twp.) Tax # 215-100-201100

Requests a variance of Section 155.026, 155.051 & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to build a new 16' x 31.5' bedroom addition and a 5.5' x 24' one level over a basement also build a 7' x 27.5' & 6' x 24' additions to attached garage and a 3' x 10' covered porch addition to the side and roadside of a dwelling that is 82 ft. from the Ordinary Highwater Mark of a Recreational Development Lake.

Present: Austin & Matalyn Pietig

- A. Rhineberger stated the matter was continued for a site inspection which was completed on June 8. The map showing the project was on display. The plans were discussed at the last meeting.
- B. Mol – was unable to make the site inspection and asked for the Board's impressions. Aarestad – was satisfied there is a nice terrace that will control water runoff and another ridge along the shore. The location of the house in relation to the surrounding homes should fit in. Vick – agreed the addition should fit in nicely and does not go closer. Neumann – was not in favor, but after seeing the site, the addition will be parallel with the lake. The roof lines were explained at the site and should shed water to the side instead of lakeside. Expansion is to the side and back of the property and not lakeside. Would there be any expansion to the accessory building? A. Pietig – answered no. Mol was not as concerned about the expansion hearing what his fellow Board members relayed. He was reluctant as Neumann at the first meeting but looking at Beacon and where neighbors structures are located, he could go along with the proposal.
- C. Aarestad moved approve variances according to the plans submitted and labeled Exhibit "A" on file. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **MICHAEL J. MIESEN** – New Item

LOCATION: 8177 Hoyt Avenue SW – Part of Gov't Lot 2. Section 14, Township 118, Range 27, Wright County, Minnesota. (Victor Twp.) Tax #219-000-142209

Requests a variance of Section 155.026, 155.049 (F) & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to remove an existing 576 sq. ft. one-level structure over a crawl space with a 160 sq. ft. attached screen porch, all existing 35.7' from the Ordinary Highwater Mark of lake and replace it with a new 576 sq. ft. one-level structure over an elevated crawl space and 296 sq. ft. screen porch 34 ft. from the Ordinary Highwater Mark of lake. Existing and proposed structure is 49.7' from centerline of road right of way.

Present: Zach Swanson, applicant's contractor

- A. Rhineberger reviewed the useable area on Lake Ann, noting it is less than 10,000 sq. ft. because of the area under the road right-of-way. Proposal to remove the existing structure, add block and fill them will raise the structure out of the water that floods this area. This is a narrow, flat area that in 2011 much of the structures were in water, however, not a designated floodplain. The Board allowed another cabin replacement down the road. Because the project is more than replacement, it is before the Board. A screen porch would be increased on the south side by extending it to be even with the lakeside wall and raising the structure up. He questioned a new concrete floor, but the plan shows the new floor to be below grade. The owner said it would be at the current grade. Swanson confirmed the plan is not right. He noted the crawl space under is for 5 courses of block. Rhineberger further described the existing structure location and because of the angle of the shore and structure, puts it closer. Expansion (additional space) is still less than 50% of value. Responses from neighbors and the Town Board were favorable.
- B. Swanson – noted an existing deck and proposal would not increase the hard surface coverage. The owners have also offered to remove a small shed to improve that. Aarestad questioned what the coverage is? Rhineberger stated it is just under 25% and the reason he did not include the calculation in the notice. The removal of the shed would keep the coverage about the same, maybe less.
- C. Vick – concerned about moving closer to the lake. He is concerned raising the structure would have an increased grade and cause more watershed. Rhineberger – did not know the grade would change, the structure is just being raised. Swanson the original foundation would stay and just adding block, the porch would be on posts. Vick struggles with the request that moves closer to the lake. Questioned the setback to the corner? Rhineberger – roughly 1.7' closer.
- D. Neumann had first thought they could move the driveway; however, it serves the neighbor. Swanson – that is right. The foundation is staying, adding block and just rebuilt. Neumann – because it is new construction he would like to see it moved back. Could the driveway be rerouted and make it more parallel with the road, there is 50' to the center of the road. Rhineberger – any movement will impact something. The cabin where it sits is shoe-horned in. Pushing it back moves into the bank and gets closer to the drive. Explained one common drive comes down 14' over a short distance. There is only about 100' between the road to lake. Swanson explained how tight things are on the lot. There is only 3' to move back to a stone foundation of the drive. He noted a relocation would impact the well and would have to be replaced. Neumann – when it is a

rebuild they look at ways to move back off the lake. When it is this tight, he must decide whether to allow replacement this close to the lake.

- E. Vick – questioned changing the location of the landing? Swanson would have to cut down a tree to do that. Rhineberger – the landing is a permitted encroachment. Noted a cutout in the deck, 3' x 3' area that will become three-season porch. That small extension is where it moves closer.
- F. Mol – 1.5' is moving closer, but the three-season porch is different living space than a screen porch. Looking at changing from a week-end cabin into a new structure. At a recent hearing, the Board allowed a condition on a three-season porch to be lifted and allow the owners to convert to a bedroom for handicap hardship. The lots were designed for occasional weekend use, now people are wanting to replace with year-around homes. He struggles with that, everyone can find hardships, they have DNR and Ordinance regulations to enforce. He does not have a problem with adding block to get out of the water, but expansion is the concern.
- G. Jones – considering what has been said, asked if Swanson wants time to go back to the owners.
- H. Aarestad –converting it into a year around use is a concern. The small modifications and minor expansion and the year-round porch are a concern for the expansion. What concerns him is they are opening the door for other expansions. He wants assurance that they can guarantee this will only be screened porch and not three-season or a four-season porch, otherwise would not support it. Rhineberger asked if the Board would consider a 16' x 16' to backset the distance by 2' from existing wall. That would be consistent with the closest corner of the cabin to the lake. Mol – agreed if they can designate this as a screen porch. Rhineberger that does not prevent this owner or a future one from coming back to the Board for something else.
- I. Vick - if there are no mechanicals to extend heat out there, he would suggest a three-season. Rhineberger – the plan shows a three-season, the windows are only on one side. Swanson – the reason for reducing windows is the dust and to cut cost. A dimension of 16' x 16', would make it 35.7' from the lake. Mol – it is not a large increase. Swanson felt the owners would accept that. Rhineberger noted they can rebuild what is there, but this gives them some expansion; otherwise, the Board will deny it. Swanson owners want windows instead of screen to keep the dust out. Seasonal use of the porch was commented on. Aarestad noting the type of construction of the porch is on posts. Mol agreed. Neumann – the walls allow insulation and insulating the floor would not be difficult. Rhineberger – three-season construction does not mean it is not insulated. Vick – agreed additional windows make it colder in the winter.
- J. Vick moved to grant a variance to allow a 35.7' lake setback that allows the plan with a reduction of the three-season porch to 16' x 16', with a 2' setback off the front line of the cabin. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **SCOTT R. WALD** – Cont. from 5/28/21

LOCATION: 1751 40TH St. SW – W 465 ft. of E 1461 ft. of N 580 ft. of NW ¼, Section 26, Township 119, Range 26, Wright County, MN. (Marysville Twp.) Tax # 211-000-262102

Requests a variance of Section 155.003(B) (1), 155.026 & 155.048 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to build a 40' x 64' addition to the existing accessory building bringing the total size of the building to 4,160 sq. ft. on a six-acre lot.

Present: Applicant not present

- A. Rhineberger the applicant talked with his contractor about reducing the size requested and submitted a request to withdraw his petition.
- B. Vick moved to dismiss the petition at the applicant's request. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **COURTNEY A. CHRISTOPHER** – New Item

LOCATION: 971 - 8TH Street SW – Part of Gov't Lot 7, south of road & west of creek, Section 1; NW ¼ of NW ¼, west of creek, Section 12, all in Township 119, Range 26, Wright County, Minnesota. (Marysville Twp.) Tax #211-000-013300 & -122200

Requests a variance of Section 155.026, 155.048(D)(19), 155.103, 155.056 & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to operate a welding business as a home-extended business in a 2,400 sq. ft. accessory structure (2,000 sq. ft. max allowed) that is less than 500 ft. from the nearest neighbor. Lowest floor elevation is 1.5 ft. below base flood elevation.

Present: Courtney Christopher & Christopher Kangus

- A. Rhineberger reviewed the location and proposal to locate a welding business in an existing building that is larger than 2,000 sq. ft.. Two neighbors are within 500' of where the business would be located, one neighbor is at 260' and the other neighbor's home is at 360'. He reviewed the floodplain found in this area. The notice should have read .15' below the flood plain. He explained the difference is in the fact the FEMA has established a floodplain elevation for Deer Lake, but the Mill Creek area has not had a full study. A flood elevation line comes through the property and part of the building. There are some standards that require flammable items to be stored above. The applicants have a request for a CUP if the variances are granted. Town Board approval was received and neighbor, Stenehjem was not so concerned about the business as the traffic around the corner of the County Road. Stenehjem's house is 360' from the building proposed for the business.
- B. C. Christopher – moved into the community hoping to use the building this way. She has talked with neighbors and have not heard any objection. The Town Board was anxious to have them locate here because it provides a service to the farming community. Rhineberger pointed out some lot line adjustments and “entitlement” determinations on a large tract of land down on Baker Avenue. C. Christopher stated that is one neighbor she spoke with.
- C. Neumann – clarified the location and asked if there would be more residential development on Deer Lake? Rhineberger – reviewed developments in process around Deer Lake. One on the northwest side, another one in the process and another on the northeast side with 12 lots. Much of the traffic goes to the northeast. This highway does link up with CR 9, but that is five miles from here. Would not anticipate a lot of traffic would come by this property. The Land Use Plan was noted with most of what is showing is already developed, except a parcel that touches Buffalo Lake.
- D. Vick asked if this variance would be reciprocal? Rhineberger responded no, this would not impact the neighbors' ability to do something outside of what any existing issues might be.
- E. Neumann if the Conditional Use Permit is granted and there ends up being houses near the business, it could impact them. Rhineberger – noted the Scott property has another “entitlement” they could use on Baker Avenue. There could be two additional homes on that land using AG entitlements. Neumann noted across the road looks to be ag land without homes. Although the building is oversized, he did not think he would ask them to reduce it. Rhineberger noted the Board considered an oversized building a year or two ago and they moved the business into town. This is an existing 40' x 60' building, 400 sq. ft. over the limit. There have been instances of much larger buildings that were required to separate the business from the rest with a wall.

- F. Mol –as a Planning Commission member that represents that Board he relayed some of the things he considers is the use. He asked the type of welding the applicant does? These can generate noise and asked if there is ag equipment and metal sitting outside, employees? C. Christopher explained there are no additional employees in their business. It was noted only one additional employee outside of family is allowed. She stated the Company is downsizing. Kangas has operated with his Dad, who has been in the business 43 years in Maple Grove. Kangus explained the type of welding does not generate a lot of noise, the work is done indoors in a climate-controlled building. Everything is stored indoors, there are no flammable materials used. Mol felt the description addresses his concerns.
- G. Aarestad – felt the applicant has shown they are trying to do things right and acknowledge the potential issues. The plans are in place and have shown they intend to follow the Ordinance and be a good neighbor.
- H. Vick – questioned the amount of traffic related to the business? Kangus stated a couple trucks a week. Vick questioned if the business permit is limited to the applicant? Rhineberger – explained not usually and goes with the land. However, some Conditional Use Permits must be renewed or reviewed. Mol noted a few have been Intermittent Conditional Use Permits that expire when property is sold. Vick noted he questioned that because the noise level could change with a different operator. Rhineberger noted the highway noise in this location might be more noticeable. Mol noted future residents should be aware of the business. C. Christopher – indicated she had discussions with Rhineberger prior to purchasing the property. They were aware what is needed.
- I. Aarestad moved to approve variances to allow the location of a welding business as a home-extended business in a 2,400 sq. ft. accessory structure that is less than 500 ft. from the nearest neighbor. Subject to obtaining a Conditional Use Permit and no exterior storage. Neumann seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **DUANE DeMARAIS** – New Item

LOCATION: 3791 – 20TH St. SW – Part of the N ½ of NW ¼. Section 16, Township 119, Range 26, Wright County, Minnesota. (Marysville Twp.) Tax #211-000-162200

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 division with the existing homestead on 14.53 acres.

Present: Duane DeMarais & Charlene Driver

- A. Rhineberger reviewed the location map of the farm and the survey submitted to show the 14.53-acre division with existing farmstead. In addition to the variance for the division that exceeds 10 acres, is a lot line adjustment to allow a land swap between this property and an existing parcel that borders to the east. The survey and site plan were viewed to show a building that sits over the property line.
- B. Mol felt because of the location of the buildings and the natural division based on where the fields are, this division makes sense. The division does not take any of the fields out of production. The lot line adjustment will correct property lines that run through buildings.
- C. D. DeMarais stated the survey came out very close to 60 acres and questioned if they could get the second building “entitlement”? Rhineberger noted a survey completed shows 59.8 acres.
- D. Aarestad – based on what has been described, he would agree. Vick noted it follows a trees line. Neumann – his concern is that when lots exceed five acres, they get to be too large for people to care for and turn into a place for inoperable vehicles and junk. D. DeMarais stated they cut hay off this land area included in the division.
- E. Rhineberger – indicated he found that it is not so much the size of the property. They have those issues on small lakeshore lots as well. The County has a mechanism to deal with those problems. The survey shows the barn is 100’ from the proposed line and there is a possibility someone might want animals. The feedlot regulations apply, but the size allows more opportunity for a hobby farm. As in some other cases, the Board can consider whether they want to set a half-animal unit per acre. Mol stated he would not want to hinder someone who may want several horses and use the barn. He is not willing to set additional limits than what the Feedlot Administrator allows.
- F. Aarestad moved to approve a variance for a division with the existing homestead on 14.53 acres and correction on a property line with the neighboring property according to survey prepared by Meyer-Rohlin Land Services, dated 6/26/20, Job #19434. Condition: Subject to a Deed Restriction recorded. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 9:47 a.m.

Respectfully submitted,

Barry Rhineberger
Planner

BJR:tp

Cc: Board of Adjustment
Applicant/Owner
Twp. Clerks