

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: July 9, 2021

MINUTES – (Informational)

The Wright County Board of Adjustment met July 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 the following Board members present: Jones, Bob Neumann, Paul Aarestad & Dan Vick. Absent was Dan Mol. Barry Rhineberger, Assistant Planner represented the Planning & Zoning Office; Greg Kryzer, Assistant County Attorney, was provided for legal counsel.

MINUTES

On a motion by Aarestad, seconded by Neumann all voted to approve the minutes for the meeting of June 18, 2021.

1. MARCUS R. TODD – New Item

LOCATION: 15433 Curtis Avenue NW – Part of Gov't Lot 4, Section 15, Township 122, Range 26, Wright County, MN. (Mississippi River-Silver Creek Twp.) 216-100-153200
Requests a variance as regulated in Section 155.026, 155.048 & 155.058 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to replace an existing 8' x 16' deck with a new 8' x 38' deck that would be 75 ft. from the river and within the bluff. Also proposed is a new 16' x 24' screen porch on the northeast side of dwelling, 84 ft. from the river and less than 30 ft. from the bluff.

Present: Marcus Todd

- A. Rhineberger displayed the site plan, survey with the topography and reviewed the proposal. He explained where the bluff cuts across the property. He has new direction from the Department of Natural Resources and explained how that impacts the second part of the proposal, screen porch. Interpretation on whether it is in or outside the bluff is not as clear on this proposal, however, it is all within the 30' bluff setback. The deck replacement 8.5' x 38' is over the bluff. The expansion of the deck runs past the southwest side of the house at the same width, no closer to lake. The screen porch is on the northeast side, less than 30' from the bluff. Construction plans to show the structure were provided. He noted the stairs (4' of porch) is a feature that is permitted, not considered an encroachment. Approval from the Town Board was received.
- B. Jones opened up comment to the public no response and went to the applicant. Todd – clarified his dimension on the porch was 18' and not 16'.
- C. Vick – felt because he is not very familiar with the bluff situations, he would like to see the site before a decision. Aarestad agreed a site inspection would be helpful. He has reservations about expanding the deck into the bluff. He would need to find a hardship. Seeing the porch addition at the site and if it is in the bluff would help. Another consideration is water runoff this close to the bluff and how that could be managed.
- D. Todd stated the survey company shows the condition on the north side of the house. He does not understand how it is not 30' off the bluff because the yard is flat there. Agrees it is not meeting a 100' river setback. Rhineberger explained the DNR bluff definition, the percent of slope and distance used in how it is measured. He noted this situation on the river has a steep drop to the river and some areas use "the visual break in the slope is the top of the bluff", but because that is not part of the Ordinance he cannot use it.

- E. Neumann concurred a site inspection would be helpful. He noted the Township approves a 36'. Todd – noted he had included the steps in the dimension of the deck that is expanded. The Town Board did not like that it extends beyond the house. They can do it either way. Rhineberger – noted the Town Board sees a plan a lot of times prior to the application. Neumann – questioned the Town Board's thoughts on the 36' vs. 38' dimension.
- F. Neumann moved to continue the hearing to July 30, 2021 with a site inspection prior. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **TERRI A. ERICKSON** – New Item

LOCATION: 14332 90TH St. NW–Part of SW ¼ of SE ¼, Section 15, Township 121, Range 28, Wright County, MN. (Southside Twp.) 217-000-154302 Property owner: Fischer

Requests a variance as regulated in Section 155.026, 155.048 & 155.090, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to install a drainfield (sewer treatment system) 1' from the east property line.

Present: Terri Erickson

- A. Rhineberger stated the sewer upgrade is for a sale. He explained the County used to allow a neighbor to sign off on sewer located closer to the line, however, that policy was dropped because of instances where neighbors don't get along they can prevent the upgrade. The two different plans to show the proposal is a drainfield 1' from the property line in order to meet the 100' from the existing well that is shallow. Town Board approves if a permanent marker is placed to show where the system is.
- B. Erickson – the property is surrounded by farmland and one of the Town Board members owns that land and he is in agreement.
- C. Jones asked for comment from the public, no response.
- D. Aarestad - this is in a rural area and has no problem. Vick although does not like encroaching on the neighbor he agrees this is the best option.
- E. Neumann - there are only two options, keeping away from a shallow well seems best. Jones stated he would concur.
- F. Aarestad moved to approve installation of a drainfield (sewer treatment system) 1' from the east property line according to Exhibit "A", held on file. Condition: A permanent marker be placed at the closest corner of the drainfield to the property line. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **JEREMY L. SCHEUBLE** – New Item

LOCATION: 2400 - 40th St. SW – Part of W ½ of SE ¼ Section 22, Township 119, Range 26, Wright County, Minnesota. (Marysville Twp.) 211-000-224200 & 211-000-224300

Property owner: McCarthy

Requests a lot line adjustment as regulated in Section 155.025(E)(2) & 155.048, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to rearrange existing lot lines between 211-000-224200 & 211-000-224300 to create a 21-acre parcel with an entitlement and the remaining 61.5 acres with an entitlement.

Present: Jeremy Scheuble & Reed Hamala

- A. Rhineberger displayed the two parcels, one smaller lot approved by the Board in 1981 and a large tract that is a total of 88.7 acres. The remainder parcel includes an “entitlement”, and the proposal is a reconfiguration of the lot lines to increase the small lot. They are proposing a shared approach to the County road and have received access approval from the County Highway Department. The very hilly topography was described and dictates where an approach to the highway could be made safely. Kryzer – if approved there would have to be a reciprocal easement recorded to avoid future problems on use.
- B. Aarestad - is the driveway steep? Rhineberger stated it is not the driveway but the highway. The location was reviewed. Aarestad asked if the farmland in front is steep? Rhineberger yes, high elevation above the highway, only crop suited is hay ground because of the topography. Water viewed on the air photo is the backwater of the Crow River.
- C. Schueble – as far as the shared driveway, he would be purchasing the larger parcel and explained there is only a small section along the road that they would share for access.
- D. Jones opened up the hearing for public comment.
- E. Richard Bodin – farms the land to the east. He questioned if the property lines would change when it is surveyed. He has run into this with other neighbors after they have had surveys. Rhineberger – nothing for this division has been surveyed. He noted it is the surveyor’s job to survey what the legal description of the property are. The perceived property lines could change. Bodin – if the sale price is higher than surrounding properties, would that increase their taxes? Rhineberger – that question should be directed to the County Assessor.
- F. Neumann - asked about the history of an adjustment in 1993. Scheuble – does not know the history. They both want to build homes out here. Hamala – the purchase agreement is contingent on whether they can split the property.
- G. Bonnie Belland asked how many acres they need to build on? Rhineberger explained that it in the AG district, it is whether they can use the “entitlements”. This property has two and lot size to use them was noted. The hearing is to consider where the property line between the two entitlements available on this property can be used. Belland – stated they

have had the same issues as Bodin, three times new neighbors have had surveys and they also get a survey and lines change. Rhineberger – that is not something this Board or the Office can address, sometimes it is decided by a Judge.

- H. Mel Belland – asked if the new house will replace the old one in the same location? Rhineberger there is not a specific proposed house location and will address setbacks, etc. at the time of the building permit.
- I. Scheuble and Hamala stated they are not looking to change any existing fences.
- J. Bodin – referred to cattle, they smell, and his concern is the issues he has had with some property next to the City of Montrose where a new development went in. He can no longer spread manure 150' from the line. Rhineberger – stated the setback from a feedlot for a house is 500' and that is reciprocal. This would be reviewed at the time of the building permit. The Feedlot Officer would address what is allowed by law and Ordinance.
- K. Neumann – it seems like a reasonable request to move the line (illustrated by a yellow line) as shown on the site plan, he prefers two 40-acre parcels but in this case can go along with the adjustment.
- L. Vick - does not like shared driveways, but if they could separate them later, he would prefer that. Rhineberger – this is something the Highway Department controls, and they did not respond to the notice. Knowing the sight distance problems along here, he can understand the shared access. Schueble – because of safety concerns this is the best area for both parcels. Vick - because the proposed division does not include any prime tillable he would agree.
- M. Aarestad – asked about where the 500' setback distance falls noting he would not want to approve anything that would create a problem for the farm operation and limit the neighbors' livelihood. Bodin – pointed out the creek and where his cattle cannot go. He is not concerned about the feedlot, but limits on spreading manure along the west line. Aarestad - felt if there is any impact it would be minimal at most.
- N. Vick moved to approve the lot line adjustment to rearrange existing lot lines between 211-000-224200 & 211-000-224300 to create a 21-acre parcel with an entitlement and the remaining 61.5 acres with an entitlement. Condition: Subject to a certificate of survey and an Administrator Order to be signed by the property owner. As part of executing the transfer of title, the parties record a reciprocal easement for the driveway. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **STEVEN A. GRANITE** – New Item

LOCATION: 5484 & 5586 Quinlar Avenue NW – Parcel described as part of Gov't Lot 2; also Lots 3 & 4, Davidson's 2nd Addition, according to plat of record, all in Section 5, Township 120, Range 28, Wright County, Minnesota. (W. Lake Sylvia–French Lake Twp.) Tax #209-015-000030 & -000040; 209-013-002060; 209-000-051300, 209-000-051211, 209-000-051216 Owners: Granite, Lampi & Bjorklund

Requests a lot line adjustment to create two backlots for existing residential lots on the lake as regulated in Section 155.025(E)(2) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to attach approximately on 1.5 acre from property owned by Granite (209-000-051300) to the Bjorklund property (209-013-002060) and approximately one acre from the Granite property (209-000-051211) to the Lampi property (209-015-000030, 000040 & 209-000-051216). Remaining property owned by Granite would be a lot of record that is entitled to build one dwelling.

Present: Trent Lampi, Steve Granite & Craig Bjorklund

- A. Rhineberger reviewed the separate tax parcels and the property currently approved in 2020 by the Board attaching the land to Granite's lakeshore lot. The proposal is to divide 1.4 acres and attach it to the Bjorklund property. Bjorklund has plans to replace the cabin and the additional land will give room for a new sewer system and possibly a storage building. The other adjustment is approximately 1 acre to the Lampi property leaving about 5.24 acres in the remainder parcel that will retain an "entitlement" as a lot of record. Rhineberger noted there is "buildable" area subject to sewer sites found; appears there is plenty of room for setbacks. The Town Board approved one piece, thinking the other parcel was already separate because it had a separate Parcel ID.
- B. Granite – the Town Board meeting was summarized; he felt the full discussion did not get on the record.
- C. Bjorklund stated he would like to get a new sewer in back to get it away from the lake. The design has been approved. Rhineberger explained the sewer, if built lakeside, would be a Type IV, and appears a Type I could go in back. Jones asked if there is much farmland behind? Bjorklund stated no, noted the elevation changes. Rhineberger displayed the contour map overlay. Land is heavily wooded, very hilly, and sandy soils are found.
- D. Lampi - relayed that discussion with the Town Board was they would like to keep the division no larger than an acre; but explained the location he wants to get his driveway in and avoid a cliff. He wants to make sure that there is enough room to do something there at the bottom of the hill. He asked if it would be a problem to increase it a little. Bjorklund – stated this is a backlot and both want to be able to do something. Granite added he also wants to make sure he retains a building site. Rhineberger – by definition it is not a bluff.
- E. Vick – asked if the septic sites can be marked off and area saved for that first. Rhineberger – that is a general condition for backlots regardless of the size. The Board generally limits garages to 800 sq. ft. and first a site must be determined and preserved for

sewer. The Board has set conditions on most backlots. Vick – there is a large structure on the one back lot. The size of the shed was noticed when the original backlot was approved. The Board can also set the size of a storage shed according to the zoning and size of lot. He noted this is zoned AG and not R-1. In this case the proposed lot sizes of the backlot 1.4 acres could have 2,400 sq. ft. Most backlots have more restrictive conditions than that.

- F. Aarestad - would want to see a certified sewer test to prove a site plan for a potential sewer prior to a building permit being issued for a garage.
- G. Neumann – was surprised other neighbors don't want a back lot also. He asked if any neighbors showed up at the Township meeting or expressed any concerns. Bjorklund & Lampi stated they have talked with all the neighbors. The neighbors have not expressed any concerns.
- H. Rhineberger - confirmed a condition would be that they would be looking for a septic design at the time of a building permit. That is common for backlots and is the primary purpose for granting backlots.
- I. Aarestad moved to grant a lot line adjustment according to Exhibit "A" and prior to any building permit a certified septic plan be submitted to the Planning & Zoning Office for approval. Subject to survey and Administrative Orders. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTION

A site inspection was scheduled for July 29 at 8:30 a.m.

Meeting adjourned at 9:30 a.m.

Respectfully submitted,

Barry J. Rhineberger
Planner

Cc: Board of Adjustment
Applicant/Owner
Twp. Clerks