

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: July 30, 2021

MINUTES – (Informational)

The Wright County Board of Adjustment met July 30, 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: John Jones, Bob Neumann, Paul Aarestad, Dan Vick and Dan Mol. Barry Rhineberger, Assistant Planner represented the Planning & Zoning Office; Greg Kryzer, Assistant County Attorney, was absent.

MINUTES

On a motion by Aarestad, seconded by Neumann all voted to approve the minutes for the meeting of July 9, 2021.

1. MARCUS R. TODD – Cont. from 7/1/21

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 noted this is a continued item and the Board had a site inspection at this property. At the last meeting the applicant corrected the size of the porch to be 18' not the 16' noted on the request. Rhineberger displayed the site plan and reviewed the proposal.
- B. Jones opened comment to the public, no response and went to the applicant. Todd had no additional comments.
- C. Aarestad stated that because he was not at the site inspection, he would defer from commenting at this time.
- D. Vick indicted that his concern is still with the bluff but after seeing the site he is okay with the porch addition. He would like to know if the deck can be cut back with more of a catwalk to the existing deck. Concerned that using vegetation to combat runoff under a deck doesn't seem to work because plants and vegetation die. Would like to see a gutter and drain tile system from the deck area towards the porch than create a more natural swale to divert water away from the bluff. Todd asked for clarification on drain tile location. Vick - north east to the natural swale area that bends back away from the bluff. Rhineberger displayed the plans and mentioned that a 4' walkway would be a permitted encroachment and not need a variance. Vick has no problem with the presented plan, if the water is properly diverted away from the bluff area and feels the request is reasonable for the property.
- E. Neumann couldn't make the site visit but did stop by the property on his own. Because the deck is replacing one that is already there, not getting bigger and is not going any closer he does not see a problem. Agrees with Vick that the runoff needs to be addressed and likes the recommendation of gutters and drain tile. The porch addition area isn't any closer to the bluff, so is okay with that request as presented.

- F. Mol agrees with a gutter and tile system that will collect and direct water to prevent erosion of the bluff. Looking at the property and setback he feels that even though moving closer to the bluff there is plenty of room to control the water and prevent erosion. Overall approves the presented plans.
- G. Rhineberger displayed the site plan and reviewed for the Board and applicant what he is hearing with regards to gutter and drain tiling. Todd agreed he would add gutters and drain tile to the plans and divert that runoff to an area that will prevent bluff erosion.
- H. Jones and Aarestad were both in agreement with the comments from the other Board members.
- I. Vick moved to approve the replacement of 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. Approved a new 18' x 24' screen porch on the northeast side of dwelling, 84 ft. from the river and less than 30 ft. from the bluff. Condition: Addition of a gutter and drain tile system must be installed to divert water away from the bluff. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **BRUCE J. PREVOST** – New Item

LOCATION: 11265 Duffield Avenue NW – N 100 ft. of S 140 ft. of Gov't Lot 1, Section 5, Township 121, Range 26, Wright County, MN. (Silver Lake – Silver Creek Twp.) Tax #216-000-054402

Property owner: Oss

Requests a variance as regulated in Section 155.026, 155.048(F)(2) & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to replace an existing 18' x 24' detached garage that is 88.6 ft. from the centerline of County Road 123 with a 26' x 36' detached garage that will be 83 ft. from the centerline of road.

Present: Brian Oss

- A. Rhineberger stated that the applicant has not been able to meet with the Township. Suggested the Board discuss any issues or concerns they may have. If the applicant chooses, they can make revisions and present these to the Township. There is not an expectation for the Board to approve or deny, but if anything, at least mention any glaring and apparent issues or concerns they may have with the presented plans. The site plan was displayed as Rhineberger explained the request and detailed the property setbacks. The request is to replace an 18' x 24' detached garage with a new 26' x 36' standard detached garage with a 6/12 roof pitch and no upper level. The building will be 5'5" closer to the center line of County Road 123 with all other setbacks met. The new garage will be roughly 83 ft. from the center line of the County road and in line with the detached garage of the property owner to the north. The applicant is set to meet with the Township on August 3rd.
- B. Oss indicated that their concern with moving the garage closer to the house is drainage and how the runoff will behave. They lined up the new garage with the neighbor garage to the north. Thought about other locations on the lot but with drain tile and narrowness of the lot there really wasn't any other options. This property was going to be seasonal, but circumstances changed and they would like to be able to park their vehicles in a garage during the winter.
- C. Vick – at this time does not see any issues that he would like to mention. He would like to hear if the Township or neighbors have any concerns before he decides. Likes that the new garage will be in line with the neighboring garage.
- D. Neumann no glaring problems that he can see and would like to hear from the Township.
- E. Mol and Jones indicated that they would like to hear from the Township.
- F. Aarestad feels this is a modest and reasonable request. He would like to hear from the Township and if they have any specific concerns with the right-of-way or maintenance of the road.
- G. Mol made a motion to continue the hearing to the August 20, 2021 meeting to allow time for the Township to hear the matter and provide input. Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

3. **MEGAN E. DIMERCURIO** – New Item

LOCATION: 7583 Pilger Avenue NW – Registered Land Survey #9 & Part of Gov't Lot 4, Section 28, Township 121, Range 28, Wright County, Minnesota. (W. Sylvia – Southside Twp.) Tax #217-000-281302 & 217-067-000040

Requests a variance of Section 155.026 & 155.049(5)(a), 155.057(C)(5), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a dwelling that is 3,187 sq. ft. one level over a walkout basement with a 668 sq. ft. deck and 160 sq. ft. covered stoop. Setback variances is for the deck that is proposed 61.3 ft. from the Ordinary Highwater Mark of lake and stoop to be 63.9 ft. from the centerline of a township road.

Present: Kristopher & Megan Dimercurio

- A. Rhineberger displayed the survey of the 2.1-acre lot on West Lake Sylvia. The proposal is for a new, roughly 3,100 sq. ft. single level over walkout home with a 668 sq. ft. deck and a 160 sq. ft. covered stoop. Variances needed for the proposed deck 61.3 ft. from the OHW and the covered stoop 63.9 ft. from the center line of the township road. Township did give their approval. Three neighbors (Iverson, Stuart and Ruetz) responded as opposed to the request. One issue with the request, though not directly related to this discussion, is a land alteration that would be heard by the Planning Commission. The Board's task could affect the amount and location of fill; therefore, the land alteration portion has not been applied for until this Board determines where the home can be built. The Township did indicate they would like the applicant to reappear regarding the fill in relationship to the road right-of-way. With the elevation of garage and pole building there appears to be a significant amount of fill that would be placed in the road right-of-way. If elevation of the garage and pole building were 1071, as proposed, where driveway meets right-of-way would need roughly 10 ft. of fill. Township would need to review and determine what they would allow for fill in the right-of-way. Displayed the topography and elevation. Noted the existing little cabin will be removed. Because of the elevation and fill the proposed layout of the home and pole building would require a significant retaining wall. Lowest spot on the lot, by the driveway, is an elevation of 1058 and they are proposing a 1071 elevation. This means 13 feet of fill being needed. Unless there is a retaining wall, roughly 8-10 ft. in height, even more fill would be needed. The retaining wall would need to run from the garage to the proposed pole barn. In 1994 a variance for a new home, in roughly same location as this proposal, was dismissed. Then in 1995 a variance was approved for a home location in the northwest corner of the lot. The 1995 variance is still effective. At that time the 3-year expiration rule did not apply, so that variance is open and valid.
- B. K. Dimercurio – Because of the property uniqueness and desired house they worked on the design for a few years. The house itself fits the setbacks with just the deck and stoop being out of compliance. They worked hard at trying to make it all fit and have minimal impact. M. Dimercurio – the only area to reasonably build is in the crater area of the lot. They did their best to work within the realm of the setbacks. As for the OHW mark being at 75 ft., there is 200' of cattails, so there isn't an impedance to the water. There is quite a bit to look over before the water.
- C. Jones questioned the applicants if the approved 1995 site wasn't acceptable. K. Dimercurio – not the best view and difficult to fit their house design. M. Dimercurio - neighbors garage is right there, and the asphalt
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goes 6 ft. over the property line. Because the building was put up years ago, it can stay as it is. It would not be a good or desirable location for the home.

- D. No comment from the public.
- E. Rhineberger reminded the Board that the discussion is about the house location and not the fill. Though fill is directly affected by location of the house. It is not something this Board necessarily ignores but it is a function and factor related to the placement of the house. The variance decision must come first because if not approved or the house location is moved, then the fill details can be determined. M. Dimercurio - if we move placement of the house, the setbacks will be greater. Rhineberger – there are many ways this can be done without a variance. There probably is no way to do this without a Conditional Use Permit for the fill. In this case the house comes 1st and the desire for the pole barn is 2nd. The house could be shifted and adjusted to meet all the setbacks requirements. It is all possible with relationship to specific house design and location.
- F. Miller – with MSTs - stated he designed the septic system and was present at the Township meeting. This applicant has been working on their home design for 3-4 years. Displayed the septic design and explained the crater, elevations and setbacks of the property caused a challenge to find a septic location. Initially was not able to find a suitable septic location and had to do test pits to find a single area for the system. Definitely a more challenging site. The more you slide the house north, the more fill would be needed. Rhineberger - the proposal is for 13' of fill up by the pole building. Miller agreed there is probably ways to change layout that would require less fill and variances. Even with 2 acres the evaluations, craters, and narrow areas of the lot do make it difficult to find buildable sites. This house plan is about as narrow of house he has seen. He put the house on his design in the location they directed him to use. The Town Board had zero concerns regarding the variances from the road or lake. The deck setback was more of a concern and discussion. Because of the 200' of cattails it is difficult to figure out and measure the true OHW.
- G. Neumann – Setback from road is about 1 ft. and doesn't really see an issue with granting a road variance. The deck setback is about 14 ft. inside the setback for lake and that is pretty good. There looks to be a lot of challenges with this lot, even with 2 acres. It would be helpful to go see the lot with a site inspection.
- H. Mol – A lot going on around Lake Sylvia and hearing more from the residents. Variance of 1.ft. from the road is okay. The 13 ft. of the deck into the setback is more of a concern. In the past the Board has worked with the applicant to get to that magic number of 65 ft. from the OHW. With the challenges of the lot and the number of things happening on Lake Sylvia he would like to visit the site.
- I. Aarestad – quite a few concerns. Aware there is some wiggle room from state and county laws but what is being asked is a lot. Yes, not talking about fill but the fill plays a significant role. Read from the Land Use Plan *“Development of lakeshore property shall abide by State Shoreland Management rules to maintain, as far as practical, a natural shoreline and natural views of shoreland areas from the lake's surface.”* Concern with what he is seeing regarding the amount of fill and land alteration that will be needed. The overall presence and how this building will fit and feel in the whole character of the lake and community around you. The house will have a definite impact from the lake. Looking at the precedence, that could be set, for fill that will be needed is a concern. Questioned if the lot isn't suitable for this size house and it needs to be modified. Definitely wants to see the lake setback met and doesn't see a lot of hardship. Acknowledged that Mr. Miller did a

great job at explaining the septic location and issues that were overcome and are present. Rhinebergers discussion regarding the garage was helpful. Still the amount of fill and presence on that lake is very concerning. The site visit would be helpful to see the issues that were brought up and get a visual of what the owner is presenting.

- J. Vick – Would like a site visit. Questioned if they could even make a decision at today's meeting with the Township wanting to review the fill. Mol – discussion isn't about the fill that would be the Planning Commission. This Board needs to look at what has or hasn't been granted in the past and keep the fill portion out of the process. Aarestad – can't put the fill out of your mind. The house will be sitting on that fill and directly affect the view and presence of the house from the lake. Rhineberger – the variance and fill do go hand and hand. The location of the house directly affects the amount of fill or the amount of fill allowed affects the location of the house. This request is a challenge, the Board can't really disregard fill, but it is also not something that is directly under the Board's purview. The Board can have a say in the main floor elevation or because of allowed setbacks change the building location. These decisions affect the amount of fill. Only way the Board goes away is if the Board says no variance is granted. There is a previous request in which Board decided no lake setback variance but approved a road setback and the amount of fill did change. Mol – agrees that the decision this Board makes does affect the fill. Vick – the Township does want to review the fill. Rhineberger – yes, the Township did indicate they want to review fill more in-depth. The variance for the lake and road setback they were okay with. The entirety of the project might not have been known at the time of that meeting and related to what amount of fill would be needed and what would be going in the right-of-way. Believes a site visit is a good idea and it would also give the applicant time to meet with the Township.
- K. Mol asked the applicant if it would be possible to move the house closer to the road. Idea would be to move it enough to meet the lake setback but have a larger road variance. Rhineberger – a combination of moving the house back and to the north would require less fill needed between road and house. Main level lawn elevation around attached garage would be 1063 with the road at 1071. The more it is moved back the less fill would be needed. In this discussion, the elevation of floors directly affects so much on the lot. The presented plan has the attached garage at an existing elevation of 1058, with the proposed floor elevation of 1071. This would require 13' of fill. M. Dimercurio – questioned if Rhineberger was including under garage. They decided to not do anything under the garage and make it open storage space to lessen the amount of fill. Rhineberger - where you enter the garage you would need 13' of fill. What is happening under the garage doesn't change that you need that 13' of fill to be able to drive into the garage at this elevation. With a variance request, the elevation is something under the Board's purview and the Board has authority to determine allowed elevations as part of their decision.
- L. Miller stated that he feels with this location, it would be difficult to understand layout of the site without it being staked. Suggested that the property be staked before the Board goes to the site. If the house is moved north, the fill will increase. Can't look at the fill but if considering the fill, the presented location is probably in the best location. M. Dimercurio – they had home builder and surveyor out several times to decide on the best home location. K. Dimercurio agrees that a site visit would be a good. Jones questioned how long it would take to have the property staked. Miller – suggested the surveyor do the staking for accuracy and thinks it would be a couple of weeks but would be doable before the next meeting. At the site it would be nice if there are comments related to adjustments that could be made before the next meeting. Rhineberger – at the site the Board cannot discuss or make suggestions, they can only ask questions. It would be up to the applicant to make adjustments.
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M. Aarestad moved to continue the hearing to August 20, 2021 with a site inspection prior. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **PAUL M. HOBBDAY** – New Item

LOCATION: 6631 – CR #3 NW - Part of Gov't Lot 3, Section 34, Township 121, Range 28, Wright County, Minnesota. (E. Lake Sylvia – Southside Twp.) Tax #217-000-341407 & -371408

Requests a variance of Section 155.007, 155.026, 155.049(F)(3), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the division of lots of record that are owned in common. Proposed division line would be 10.4 ft. from an existing deck. Also, review of MN State statutory requirement regarding separation of a lot of record not having the ability to install a Type I septic system.

Present: Paul Hobday & Bernie Miller, MSTs

- A. Rhineberger reviewed the separate tax parcels and displayed the site plan. In 1998, when a deck variance was approved, the lots didn't meet the minimum size requirements by Ordinance. Therefore, the lots were required to stay owned in common and treated as a single parcel for variance. At that time the Board didn't take into consideration a common property line, which is 10 ft. from the deck. State Statute has since changed and if they meet certain criteria the lots can now be separated. The first criteria to determine if they are legal lots of record is reviewing public road frontage and access. Both lots are provided access with an easement that predates January 1, 1977 and are therefore considered legal lots of record. Both lots meet the statutory size requirement to be considered separate with one at 25,177 sq. ft. (341407) and the other 17,407 sq. ft. (341408). The lots also need to be suitable for a Type I septic system. The current home site (341407) does not have a Type I septic system, nor is there room for the installation of a Type I septic system. Furthermore, the vacant lot (371408) can have a Type I septic system but there isn't room for an alternate site. With a Type IV septic system there is room for a primary and alternate site. Ultimately, if the deck were to be removed, these lots could be sold separately and not need a variance. The vacant parcel (341408) does have some limitations with peat areas but wouldn't need an extremely large amount of excavation and fill. A wetland delineation was completed. Approval from Township was received. Neighbor Jim Hudson responded that he is not in favor of the request.
- B. Hobday had no additional comment.
- C. Miller - created a speculative plan with a 2-bedroom home on the site and explained that a Type I system can be done on the vacant parcel (341408) and meet all the setbacks. It would be more advantageous to go with a Type IV system and extend the life of the system with 2 sites available. If a person wants to attach a garage to the house there will need to be considerable amount of fill brought in. He did attend the Township meeting and the Town Board didn't see any reason for the current deck to be removed.
- D. Jones asked Hobday to talk about the deck and size. Hobday feels that the ideal location of a house on the vacant lot would be farther away from the current deck and that it wouldn't be an issue for a new owner. If the Board directs him to do so, he would be willing to remove the deck or take it down in size but would like to see the variance approved. Miller - improved encroachment with steps was discussed with the last item. Even if a portion of the deck was removed there would still need to be steps and landing. The only area of issue is about 4'x10' that is in the setback area and the rest is properly setback. Rhineberger – it is possible to meet the setback by keeping the majority of the deck and decrease the area on the south side to walkway or entry.
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- E. Mol – acknowledged the lots meet all the requirements to be separated. Though he would like to see the lots stay together, they do meet the criteria to be split and the item before the Board is the deck setback. The variance for the deck to be 10 ft. from the line seems more reasonable than having the deck taken down or brought down in size. Feels like in the past the Board has granted variances for other decks at the 10 ft. setback and can't see a reason to not allow this deck as it is.
- F. Aarestad - agrees with the comments Mol made.
- G. Vick - agrees with Mol as well. Questioned the impervious coverage on the vacant lot and what Miller estimated the coverage to be at. Miller feels that number is roughly 20% but reminded the Board that he used a speculative house plan, and the lot does not have much driveway because of the easement. Rhineberger mentioned that the lot with the house doesn't have a detached garage or large parking area, so the current coverage is about 17.4%. Impervious and building coverage is criteria for separation and wasn't previously mentioned because they are being met.
- H. Neumann agrees to what the other members stated and that the Board has granted a 10 ft. deck setback in the past. Feels this request is reasonable.
- I. Aarestad made a motion to approve the existing deck 10.4 ft. from the property line, allowing the parcel to be sold separately. Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

5. **JAY FRESHOUR** – New Item

LOCATION: 1381 Iffert Avenue NW - Lot 1, Block 2, Trumpeters Pass, according to plat of record, Section 9, Township 119, Range 24, Wright County, Minnesota. (Rockford Twp.) Tax #215-060-002010

Requests a variance as regulated in Section 155.003(B)(1), 155.026 & 155.051, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a 72' x 102' accessory structure (with a 18 ft. sidewall height)

Present: Applicant not present

- A. Rhineberger stated he received an email from the applicant's contractor indicating Rockford Township will revisit the project at their next meeting and there is approval needed from the Homeowners Association. The applicant requested to postpone his item until the August 20, 2021 meeting. Return message to contractor and recommended that they attend this morning's meeting but did not hear back. Legal council is not present to guide the Board on hearing comments from the neighbors or the Board discussing the request without owner representation. There is a neighbor present to speak but without the applicant present the Board needs to decide how to move forward.
- B. Mol - not comfortable allowing the neighbor to make comments without the owner being present to give their reply and answer questions. Rhineberger stated that the reasons the owner is requesting a continuation could have been discussed prior to the contractor sending an email the night before this meeting. It was known after the Township meeting that there are some items to work out and they did not contact staff. Agreed that hearing from the public without the applicant or representative present was not the way to proceed and would suggest the Board continue to the next meeting. Doesn't feel the neighbor should be allowed to speak without the owner present.
- C. Aarestad moved to continue the matter, at the applicant's request, to the August 20, 2021 meeting. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

9:30 a.m.

6. DUANE H. ROLSTAD – New Item

LOCATION: 2266 – 20TH St. SE – E ½ of SW ¼ Section 9, Township 119, Range 25, Wright County, MN.
(Rockford Twp.) Tax #215-100-093400

Requests a lot line adjustment as regulated in Section 155.026, 155.048(G) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to divide the existing 82-acre parcel into two pieces that do not follow quarter-quarter section lines. East portion to be approximately 41 acres with 340 ft. of road frontage and the west portion to contain the remaining 41 acres with 360 ft. of road frontage.

Present: Duane Rolstad

- A. Rhineberger displayed the air photo with the location of the proposed new lot line. The applicant currently owns roughly 82 acres, with the only road frontage being roughly 700 ft. on the south portion of the property. The proposal is to divide the property into two parcels, each containing roughly 41 acres with both lots having the minimum required 300 ft. along the public road right-of-way. The Board is hearing the request because the division does not follow ¼ ¼ section line. Each lot will retain an entitlement. Township did provide their approval. One neighbor, Steve Cheney, sent in his approval.
- B. Aarestad - feels this is a good split, with the large lots. The goal is to preserve AG land and the proposal appears to be doing a good job of this.
- C. Rolstad – noted that he has a signed purchase agreement with the new owner. The current field road into the property will be moved to accommodate the location of a new home. Mol questioned if there is enough dry land to get to the back of the lot and not impact the wetland. Rolstad – yes, there is plenty of room and already a road there. The area he plans to build is about 5 acres of hay. Rhineberger displayed an aerial photo of the property and reviewed the location of the public road, as well as the field road being discussed. Both properties would meet the 300 ft. frontage requirement. This is a lot line adjustment request that doesn't follow the ¼ ¼ line and not a variance request.
- D. Vick - agrees with the request.
- E. Neumann - likes that the separation keeps most of the AG land in one area and the rest seems to be more recreation use land. Logical split.
- F. Mol - appreciates that they are staying at 40 acre lots in the AG district. Rhineberger – further development would be difficult with the limited road.
- G. Aarestad motioned to approve a lot line adjustment as regulated in Section 155.026, 155.048(G) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to divide the existing 82-acre parcel into two pieces that do not follow quarter-quarter section lines. Each parcel will retain a building entitlement. Subject to signed Deed Restriction by the property owner. Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

7. **LUKE D. KOWALZEK** – New Item

LOCATION: 2543 Kimball Avenue NW – Lot 8, Block 1, Granitridge, according to plat of record, Section 20, Township 120, Range 27, Wright County, MN. (Granite Lake–Albion Twp.) Tax #201-027-001080

Requests a variance as regulated in Section 155.026, 155.049 & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the conversion of a crawlspace under the existing structure into habitable space by raising it to 8 ft. of headroom. Also proposed is a new 10' x 10' foyer addition to the north side of the structure. Existing structure and proposed addition are located within a bluff.

Present: Luke and Amy Kowalzek

- A. Rhineberger displayed the site plan, survey with the topography and reviewed the proposal. He explained the request is to expand the existing structure by raising the crawlspace to 8 ft., which will be a walkout basement. Will also construct a new 10' x 10' entry foyer addition on the north side of the structure. With the DNR information related to the bluff determination, the bluff line is no longer when the 30% ends but is extended to a point where it is less than 18% over 50 ft. once a bluff has been established. Presented the survey with the location of bluff line and required setback. In this instance, the house itself is completely in the bluff area. Displayed photos of the current A-frame home and explained the proposed floor plans. The roof pitch of the foyer would not be any more than the current house. There is already a fairly significant crawlspace lakeside, so there wouldn't be an excessive amount of elevation change to create a full basement. Township did approve. Neighbors Nelson and Poe indicated they approve.
- B. A. Kowalzek acknowledged the plan is in the bluff and the sensitivity of a bluff in relationship to the lake. The proposal is what they feel will have minimal impact by working with the natural grade. The plan lends to a walkout style where there isn't a need for retaining walls. The proposal would remedy the bare ground under the current crawlspace. Currently water does run under this area and it is creating gullies. There are exposed water and sewer lines that need to be insulated. Idea is to lower the floor and level the crawlspace to get in a full basement. The foyer would be on piers, instead of an excavated foundation, leaving vegetation underneath. Proposal is lowest impact they can get by working very close to the same footprint.
- C. No public comment
- D. Vick – would like a site visit because of the bluff. There is so much to look at for each situation. Liked that the plan was well thought out and explained. Rhineberger – this bluff is a little different. With the foyer it might be better off to excavate so that you don't have dead vegetation and it would then be more open and exposed to erosion if you don't put in some type of crawlspace, wall, or basement. Mr. Uecker, with Albion Township spoke up that at the meeting they suggested the foyer footings be the same height so that the foundation isn't compromised. A. Kowalzek – thought was the impact of excavation and not only excavation of the foyer and ability to stabilize and establish erosion control right away. Understand concern and would be open to adjusting the plans as needed.
- E. Neumann – with the bluff line and existing building he fully understands the desire to have a full basement. The problem he sees is that anytime there is a desire to do something with the building a variance will be required. Questioned the applicant if thought went into lifting and moving the building into an area outside that bluff setback. A. Kowalzek – considered moving the building but even with a large property there really

isn't enough space to get that 30' bluff setback. If the building were to be moved there would be a variance for encroachment on the road or septic. Moving the house could cause the need to relocate the septic system. Addressed the displayed survey and pointed out the raven. This structure was built prior to bluff regulations so it is a legal nonconforming structure, and it does meet the lake setback. The rational is related to impact and how they can least impact the lake and bluff. By moving the house, they would not only be disturbing more soil they would be encroaching on the road and they feel moving the house would have a larger impact than simply lifting the home.

- F. Vick questioned the applicant on the foundation plan and how they would be creating the full basement. Would they be adding block or underpinning the current foundation? L. Kowalzek – adding block. Vick – so the existing footing is at that height you want.
 - G. Neumann – repeated with any future plans for the house they would have to come back for a variance so maybe moving the house would prevent that. K. Kowalzek stated that they fully understand this is a limited site, so these changes are to update and make the A-Frame more functional with the basement and foyer. They realize this is really the most they can do with the expansion of the building.
 - H. Mol – with a 10' foyer being added there is obvious expansion. Questioned Rhineberger if they were to replace the house within the footprint, leaving off the foyer but adding the basement, could they avoid the Board and have a compliant house. Rhineberger – the Statue states they can repair, maintain, or replace, excluding expansion. The County has a written policy that expansion includes any livable space, finished or not. A basement more than 6' is considered expansion. Crawlspace of 6', or less, does not increase livable space and is allowed but anything above that 6' would be require Board review. The policy also allows a 6' storage space above, with indirect access, but more than 6' would require a variance.
 - I. Rhineberger – there is buildable area on the property. The road setback and bluff area do make it about 60-70 feet of buildable area that meets all setbacks. The lot is decent in size but difficult to find a location to meet all setbacks with not much room for a larger size house.
 - J. Vick questioned the existing crawlspace height. A. Kowalzek – the height varies. Photo of current crawlspace was displayed. The crawlspace follows the slope of the ground from about 2.5' to 7' space. It was built on piers. Vick – clarified with applicant how they planned to bring up the height.
 - K. Aarestad– sees this request as low impact. Appreciates the applicant's knowledge and want to not create a lot of impact. Feels this will alleviate some of the problems they have with the bare ground and erosion. The addition of the 10' x 10' foyer is very minimal and modest. The variance request is very reasonable. He would agree with the Township and suggests the addition have full footings to prevent erosion issues by that foyer.
 - L. Mol – what has been done previously with bluffs and what hardship is the Board seeing with this request. As a Board we have to make sure there is a clear hardship, and he isn't sure what the hardship is in this case. Aarestad feels the hardship is the erosion and bare ground eroding the bluff area. This is a way to solve that problem once and for all. The hardship is the erosion that is currently happening and will continue.
 - M. Vick - stated he would like a site visit.
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- N. Jones – rules and regulations made it non-conforming. It was conforming at the time of build. Are we protecting that it was conforming and now is not? Rhineberger – many requests before the Board are those at the time the small cabin was built, it was a conforming building. This is a lot that was created in 1981 as a buildable lot with the rules in place that didn't include bluff rules. This was platted properly with Planning Commission approval.
- O. Uecker – much of this lot is mature trees and heavily wooded. If they want to move the house, they will have to remove a lot of trees.
- P. Mol - agrees that a site inspection would be good to see the bluff and how this house sits on the property.
- Q. Mol moved to continue the hearing to August 20, 2021 with a site inspection prior. Vick seconded the motion.

DISCUSSION: A.Kowalzek addressed the Board if there was any other information beyond site visit that they would like to see. Vick – addressing the 10x10 foyer and foundation or footings as it was discussed. A.Kowalzek agreed to work on revised plans.

VOTE: CARRIED UNANIMOUSLY

8. **ED J. HACKENMUELLER** – New Item

LOCATION: 3951- 59TH St. NW – Lot 7, Maple Grove Beach, according to plat of record, Section 4, Township 120, Range 26, Wright County, MN. (Maple Lake – Maple Lake Twp.) Tax #210-015-000070

Requests a variance as regulated in Section 155.026, 155.049, 155.057 & 155.090, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to replace existing non-compliant sewer (cess pool) with a new holding tank that will be one foot from the property line and one foot from the house.

Present: Ed Hackenmueller

- A. Rhineberger displayed the aerial view with the holding tank design map and reviewed the proposal. He explained the holding tank placement would be roughly 1 ft. from the property line to the west and 1 ft. from the house. The issue and reason for the variance request is the well location. This property has the well in the back of the lot. The majority of others in the area have the well in the front, lakeside, of the home. There is an opportunity to obtain a well variance through the State of MN Department of Health, but that process is very difficult and can be extremely long. The holding tank could be placed where the current cess pool is but that doesn't meet the 50 ft. well set back. Without moving the well to the lake side of the home this variance is an option for the Board to decide on. Township did provide approval. No written responses from the public.
- B. Hackenmueller - the neighbor in question did email a copy of the response and apparently didn't send that to staff.
- C. Neumann - appears there is a hardship with either being close to the well or the neighboring line. Feels that it is extreme to install a new well just for a holding tank. Rhineberger reminded the Board of a situation on the Lake Sylvia peninsula where an owner had an issue with the location of septs and wells. They prepared a plan for all of the affected lots and installed new wells for those lots so that his system could meet the requirements and rebuild the home. It isn't unheard of to have to change a well location to be complaint with the septic location. This specific location is very limited in location because of the very small lot size.
- D. Mol - sees a hardship but also an improvement. With the cess pool being replaced with a holding tank that will be pumped and not a drain field situation. A true hardship here and this is a good alternative and improvement with getting rid of the cess pool.
- E. Vick – questioned if the hardship is really for the neighbor. It would be nice to see all the wells lakeside and not burden this neighbor with a holding tank so close to the property line, house and well. Rhineberger – addressed the aerial image and explained that the neighbors well is not affected by the location of this holding tank. The future issue could be the placement of a new well based on location of the holding tank. Vick is concerned about having the holding tank so close to the line and houses so that there isn't room to run any type of machine or equipment. Hackenmueller stated that the only vehicle he has run to the lake is an ATV. Vick suggested a new lakeside well to make room for a compliant septic location. Does not want to see the neighbor negatively affected if the tank isn't pumped. Rhineberger explained that the holding tank is a sealed system. If it overflows the waste will flow into the house and not out into the yard. In 1996 a holding tank in a situation like this could have been allowed with an administrative approval and signoffs

from the neighbors. Issues came up with personality disagreements between neighbors, so it was decided by Staff to take these situations through the variance process and allow the Board to do review and make the decision. Vick recognizes that monetary situations should not be a deciding factor for the Board and the well location could be changed to avoid the need of the variance.

- F. Aarestad - has no problem with the request and sees a clear hardship. Feels the concern regarding the neighbors being affected by potential overflow was addressed.
- G. Aarestad motioned to approve a variance as regulated in Section 155.026, 155.049, 155.057 & 155.090, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to replace the existing non-compliant sewer (cess pool) with a new holding tank that will be one foot from the property line and one foot from the house. Neumann seconded the motion.

VOTE: IN FAVOR: Aarestad, Jones, Mol, Neumann NAY: Vick
MOTION CARRIED

SITE INSPECTION

Board scheduled Friday, August 16th at 8:30 a.m. for site inspections.

Meeting adjourned at 10:40 a.m.

Respectfully submitted,

Barry J. Rhineberger
Planner

BJR:sld

cc: Board of Adjustment
Applicants/Owners
Twp. Clerks
