

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: August 20, 2021

MINUTES – (Informational)

The Wright County Board of Adjustment met August 20, 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; Greg Kryzer, Assistant County Attorney, was legal counsel present.

MINUTES

On a motion by Aarestad, seconded by Neumann, all voted to approve the minutes for the July 30, 2021 meeting as printed.

1. MEGAN E. DIMERCURIO – Cont. from 7/30/21

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: Megan & Chris Dimercurio; Bernie Miller of MSTs

- A. Rhineberger – reviewed the new plans submitted. The changes explained include rotating the house and shifting the detached garage to the south side of the property. These modifications take advantage of the slopes and adjust the setbacks some. The new dwelling is 3,250 sq. ft. over a walkout basement with the size basically the same as the first plan. Also, there is a covered porch lakeside and deck proposed, along with a covered stoop. The proposed setbacks were improved from 61.3' from the Ordinary Highwater Mark of the Lake (OHM) lake to 65.8' and 74.1' at other corner to the covered deck and 65.8' at the other side. The one corner is 74.5' from the lake. The garage is proposed 73.1' from the lake and slides closer to the road at 55.6' from centerline. The setbacks from the road to the dwelling are 57.7' from the covered porch and 61.1' from the north corner of the house. The original plan had a compliant accessory structure on the north side; however, was relocated and has the doors facing parallel with the road. There are additional road and lake setback variances with the change in location of the shed with a 66.3' from the OHM and 55' from the centerline of the road. The house has moved closer to the road. The lot narrows at this end of the lot but takes better advantage of the slopes. One excavator had estimated 6,300 yards of fill for the first plan. Based on the best-case scenario estimate by Miller, the revised plan involves 1,300-1,400 cu. yds. Staff understands a certain amount of excavation is required to build a house with a basement and exceeds 50 cu. yds. in the shoreland areas. It will be up to the BOA or Staff to determine whether this amount will take a separate land alteration permit. He did not feel it is extra-ordinary amount, area needs to be flattened out for the shed and feels it is using the lots natural features. Staff would have to discuss whether it is needed unless the BOA conditions they get a separate land alteration permit.
- B. Miller - the design was changed considerably. Addressed the fill and estimates cutting of 765 yards and needing 602 yards of material, so is close to a wash. This plan has minimal alteration and may not need to bring any in, using what is on the site. The driveway was

relocated 50' to the south to improve the access to the shed and house. Avoids a natural draw that goes through the one area and first plan would have disturbed the natural drainage. Keeping that as a vegetated swale will retain an established drainage area. They have narrowed the shed to minimize the variance needed. Looking at the stormwater issue, felt if they gutter the lakeside of the house and get water directed to a subsurface tile or to the basin, they can capture most of the runoff. There is a natural buffer already with the trees and wetland on site.

- C. Jones opened the hearing for public comment – no one came forward and he returned to the Board.
- D. Aarestad indicated he likes what has been presented in the revised plans. The amount of alteration and removal of trees was his concern. After seeing the site, he understands they will lose some trees. He complimented them on a job well done on the revisions. He would like to see the drainage basin preserved for natural filtration. Suggests a condition that any trees 4" or larger be preserved. Rhineberger – stated in the Shoreland Impact Zone there is a restriction on clear-cutting and use the W & S River District standard that spells out the size tree which is 4". Aarestad – he wants to see the drainage area and trees preserved as best as possible. Rhineberger suggested the best way is to condition no alteration allowed, except for the existing beach area.
- E. Vick – he would not mind moving closer to the road to get away from the lake. He would like to see a plan on how the gutters and water will run it to the drainage area, keeping it away from the lake. Miller –that is addressed in notes on his plan. The drainage could affect some trees, but between the house and the lake it should not. He did specify that the water be redirected and run to the basin. Vick – asked does the garage run parallel with the road and how will they get access. Rhineberger yes. Considering the variances needed for the road, does the Board want them to go back to the Town Board? Mol – they have been working on this for a while, suggest they act contingent on Town Board approval on the road setback.
- F. Neumann – felt the improvements from the first proposal are good. Moving closer to the road setback, concurred they should get Town Board approval. A big concern was the fill and that was significantly reduced. Because they are using material onsite, he did not think he would set a condition for a separate permit.
- G. Mol – the Board had a lot of reservations with the first proposal. Looking at the site and understanding how they flipped things felt this was the best option. He agrees with moving it away from the lake some and the shed to the other side makes for the best use of the lot.
- H. Mol moved to approve according to Exhibit "A"- site plan that includes the notes on the bottom that make reference to stormwater; and, Exhibit "B", house plans on the condition, applicant goes back to the Town Board for their approval. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Rhineberger stated he would not require a new hearing if the Town Board does not agree but would bring it back to a future meeting as a discussion item.

2. **RICHARD & DAWN BECKER** – New Item

LOCATION: 13271 80TH St. NW – Lot 3, Southview Addition, according to plat of record, Section 26, Township 121, Range 28, Wright County, MN. (Lake John–Southside Twp.) Tax #217-049-000030

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 existing one level dwelling that is exists at 74.5 ft. from the Ordinary Highwater (OHM) mark of lake and 4.5 ft. from the property line, to be lifted and replace the crawl space with a new walkout basement, add a 6' x 6' covered stoop roadside and 6' x 10' lakeside main level deck. Structure to be repositioned to be 78 ft. from the OHM of lake and 10 ft. from the west property line. Existing and proposed structure will be located within the bluff and will be served by a holding tank.

Present: Dawn & Rick Becker; Bernie Miller of MSTs

- A. Rhineberger – reviewed the property on Lake John. Proposal is to raise the one-level structure that is on a crawl space and shift the structure to better position it on the lot over a new walkout basement. An expansion includes a 6' x 6' covered stoop roadside and a 6' x 10' deck in the nook of the house on the lakeside. The existing setbacks will be improved from 74' from the ordinary highwater mark (OHM) of the lake to 78' and from a 5' side property line setback to 10'. The proposed deck would be 75.7' from the OHM and the entire structure is within the bluff. The existing cesspool would be replaced with a holding tank. The improvements fall within the value allowed on a holding tank. The basement construction was reviewed that show lookout windows along the lakeside and a small walkout. Favorable response from the Town Board and a neighbor were received.
- B. D. Becker - explained the property has been in the family since the 1950's and now that they are retired want to make this their permanent home. Looking for some changes that will accommodate family members that want to come out.
- C. Aarestad – because this is a bluff, he would like to see the site. Although the changes are modest, he noted this is within a bluff and would like to see if it is possible to move it back further.
- D. Vick – has the same concerns with the bluff, although understands they could do an exact replacement in the same location. He would like to see further improvements on the setbacks. Seeing the property helps the Board in their decision. Neumann & Mol concurred with those comments.
- E. Mol moved to continue the hearing to September 10, 2021 for a site inspection. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **BRUCE GRANDT**- New Item

LOCATION: 10586 MONTGOMERY AVE NW– Part of Gov't Lot 2, Section 12, Township 121, Range 28, Wright County, Minnesota. (Clearwater Lake – Southside Twp.)
Tax #217-000-121305

Requests a variance of Section 155.026, 155.049 & 155.090(C) Table 3, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a new septic system treatment area to be 30 ft. from the Ordinary Highwater Mark of a lake classified “General Development”.

Present: Bruce Grandt

- A. Rhineberger displayed the map and site plan of the 27,800 sq. ft. lot on Clearwater Lake. Requesting a new mound sewer system, 30' from the Ordinary Highwater Mark of lake (OHM). This was noticed at the worst-case scenario because the shoreline is not well defined. Could be 34' from OHM and looking at best information without a survey. The shallow well across the street is requiring the variance. Replaces existing holding tanks. Town Board approves along with one neighbor.
- B. Grandt explained his attempts to work with a neighbor to the north the past few years to abandon his shallow well. Grandt's well is deep and the neighbor could hook up to it, however, the owner is not willing. They have tried their best to weave this system between shallow wells out here. Another well was in the road right of way that has been taken care of. Another one had been worked out for a deep well.
- C. Vick – questioned the definition of a deep well and setbacks required. Rhineberger stated these are State requirements. Vick questioned an alternate location. Rhineberger the shoreline comes into the property and the suggestion would not improve the setback. Vick indicated he supports getting a modern system installed.
- D. Neumann – disagrees, they shouldn't vary it and felt it puts the system too close to a lake. He noted ownerships change and possibly they could convince the future owner. Grandt felt it is unlikely because the lot would transfer to other family members.
- E. Mol – noted the goal of the shoreland standards and the County is to get sewers away from the lakes. Knows mound sewer systems work properly but feels approving this 33' from a lake is too close. They are trying to get lakes cleaned up by improving the sewers, but this seems backwards. This is on a tank now, understands pumping is expensive. Many of these lots were designed for weekend cabins and now today everything has been converted to year around homes. He cannot go along with putting a sewer within 30' of lake. Grandt this lot has cattails that create a great buffer. This is not useable lakeshore and the highwater mark has never moved into that area. Has been out here 35 years and the water is clean. He thinks once it goes through the gravel bed in the mound it does a good job filtering the water. Mol – there are reasons for the setbacks.

- F. Aarestad – has a different take on this. The applicant has done a lot of work over period time to try to alleviate the issue. There seems to be a hardship. The mound system would get inspected periodically. Seems like a reasonable request.
- G. Kryzer - observed from the air photo there appears to be a need for storage. If the Board approves this they could be looking at another variance in the future. Grandt - what is seen on the air photo is on wheels and can be moved. Felt the photo they have is an old one. He stores items in back.
- H. Aarestad moved to approve the variance as submitted. Condition: No boat storage or other items in the backside of lot or around the sewer. Vick seconded the motion.

DISCUSSION: The discussion on septic inspection. Rhineberger clarified the County has Point of Sale Certification and when that is required for compliance. Every three years after the first five years after final inspection. He reviewed how the Staff can set a review period. Kryzer – the sewer system must be compliant. Could set a requirement for an inspection after the last inspection time frame expires such as six months after each compliance time period. Grandt – he is on the Lake Association board for 16 years and is pro-sewer improvements. He has caught night pumping in a couple of situations. Rhineberger clarified the air photo was taken this year.

VOTE: FAILED IN FAVOR: Aarestad & Vick NAY: Mol, Neumann & Jones

- I. Rhineberger explained the Board gives the option of withdrawing the request, but a motion for denial would allow the applicant to appeal the decision to District Court. Kryzer – it is up to the applicant how he wants to proceed, a withdrawal avoids drafting Findings and formal action. Discussion on the two options. Grandt hearing the explanation, does not want to incur Court costs. Asked for whether there has been a variance for sewers in the past. Rhineberger indicated they would find decisions for both approval and denial. Hearing the explanation, Grandt asked for a decision.
- J. Mol moved to close the public hearing portion of the hearing to oral and written testimony and direct Staff to draft Findings consistent with denial for their review at the hearing of September 10, 2021. Neumann seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **PHYLLIS R. LATOUR** – New Item

LOCATION: 14193 68th Street NW –Lot 6 & 7, Replat of Sylvia Cedars Resort; Lot 9, and part of Lot 3, Sylvia Cedars Resort; & Part of Gov't Lot 2, all in Section 34, Township 121, Range 28, Wright County, Minnesota. (E. Lake Sylvia – Southside Twp.)
Tax #217-060-000060/000070; 217-059-000032/000034; 217-059-000090/000091

Requests a lot line adjustment as regulated in Section 155.026(E)(2), 155.049 & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to attach a backlot that contains the septic system (217-059-000060) to lakeshore lot with existing dwelling (217-059-000034 & 217-059-000032). The remaining backlots, consisting of tax #217-059-000090, 217-059-000091 & 217-060-000070 with one building “eligibility” as a combined lot of record.

Present: Phyllis Latour

- A. Rhineberger displayed the air photos and site plan. The existing lakeshore property consists of two tax parcels, with four tax parcels across the road right of way. The previous variance in 2004 was for construction of the house and included a lot in back for the sewer. The other back lots were outlined, the 9.6 acres has an “entitlement” as a lot of record. Some additional land was added to that parcel. Reviewed how the Statutes have changed and the size requirements were summarized. Noted there is a group of three that could be sold. The applicant is not looking to build a house, this proposal loses one entitlement, if they attach just Lot 6 to the existing lots on the lake with the house. If the parcel cannot meet the size and width, they cannot be separated. The result of the proposal will require the balance across the road to be combined. The backlot would be limited to 800 sq. ft. in a storage building. Received favorable response from the Town Board. One neighbor did not approve moving the lot line. Rhineberger in this case, not changing where a line is, just a combination.
- B. Latour – when they built the house, they chose to put the sewer on the back lot to get it away from the lake. There was room on the lot where the house is, but because they owned the land in back it was the best for the environment. Giving up an “entitlement” but had never intended to sell the land behind. She has a storage building in back and is considering building a house on the remaining back parcels.
- C. Neumann – asked for clarification of the two parcels on the lakeside and combination with the lot behind with the sewer. Rhineberger explained the combinations. Neumann questioned the remaining three, parcel with a shed, the “L” shaped parcel and small one with the other portion of the shed would be combined. Rhineberger confirmed they would be, and Administrative Orders would be required that combine these for zoning purposes, noting because of plats, some cannot be combined on the same tax parcel number.
- D. Mol - only one building site on the combination of three parcels in back? Latour – repeated that is her understanding and agreement.

- E. Vick – asked about the shed in back. Rhineberger – a condition should be the finished area in the shed cannot be used for habitable space. If there are guest quarters in that shed, now it can no longer be used because it is no longer attached to the main dwelling.
- F. Mol - asked Latour if she understands? Latour explains she currently uses the area in the shed for hobbies and has a sitting area. Using it now while she is cleaning out the dwelling. The shed does not have a stove, but has a $\frac{3}{4}$ bath, although she will live somewhere else, she would like to stay overnight here on occasion. Rhineberger it would take a variance to have a guesthouse before a main dwelling. Latour – explained the shed, finished area and holding tank were permitted by the County. Kryzer explained the difference is that it will no longer be attached with a house. Once the house is sold off, she cannot stay overnight. Latour - if she does not build on the back lots, she can have it there? Kryzer – yes. Latour – explained how the shed has been used and area in back is her garden area. Rhineberger – the structure was approved as a storage building, with plumbing for a $\frac{3}{4}$ bath but not for sleeping quarters or living area. Latour – there is no bedroom in the space.
- G. Vick moved to approve the lot line adjustment as submitted on the condition no sleeping quarters are allowed in the shed; and, subject to an Administrative Order combining Tax # 217-059-000032, 217-059-000034 and 217-060-000060; and a second Order combining tax parcel #217-060-000070, 217-059-000090 & 217-059-000091. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **JAY FRESHOUR** – Cont. from 7/30/21

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 an 18 ft. sidewalk.

Present: Applicant not present

Jones held the matter over until the end of the agenda

6. **BRUCE J. PREVOST** – Cont. from 7/30/21

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: Applicant not present

- A. Rhineberger – noted the Board did discuss this and the applicant was directed to meet with the Township. The Board did not state they had any issues with it. It is up to the Board on whether they want to proceed.

Jones moved the item to the end of the agenda to see if the applicant would arrive.

Chairman called for a 5-minute break and reconvened at 9:35 a.m.

7. **LUKE D. KOWALZEK** – Cont. from 7/30/21

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 & Amy Kowalzek

- A. Rhineberger the Board had continued the hearing to view the site.
- B. Mol – the house is entirely in the bluff. He noted the restrictions in the Ordinance and has serious concern on how they will get the material outside of the house without disturbing the bluff. The back corner of the house is where the bluff starts and drops off significantly. He understands there is a hardship, the condition of the house that needs some upkeep. Wants to hear how they could do it with the least impact as possible. Site plan was displayed.
- C. L. Kowalzek – has talked with an excavator, who would use a bobcat/skid loader with a mini-excavator on the side to put in the footings. Jones - where was he going to put the dirt? Kowalzek - he would choose to remove the dirt and haul it out. Mol noted coming around the side to the front with a skid loader they would be right up to where the trees and vegetation starts. He noted after a few trips it will dig up the soils where it drops off significantly and opening it to erosion. He would like to hear other observations.
- D. Aarestad – would share that concern. At the site he looked for drainage and existing signs of erosion and there were none. A good turf is established. He felt during construction is where the concern is. The drainage was away from the tree line, there was no sign of erosion and seemed stable. Should try to preserve that side and fence it off so they do not disturb that area. The request is simple, but it is the logistics on how they can move the soil. He was confident it can be done, not a lot of soil being removed but it could cause problems if not done carefully.
- E. Rhineberger – asked when they crib the house could they move it just enough forward and use an armed excavator instead of a bob cat to avoid driving over the sensitive area. A bobcat would require several trips, digging the surface going up the hill with a heavy load.
- F. A. Kowalzek – recognizes the need for erosion control. She explained they would have properly installed silt fence, know there is some disturbance with any construction project, however, if they install the erosion control, they minimize the footprint with a manageable area to restore. Phasing the project to make sure proper vegetation is established. They

understand the importance of maintaining the integrity of the bluff. They have discussed using the most minimal invasive equipment choice to do this with the excavator. Jones asked if they are willing to lift it up and back? L. Kowalzek – indicated not opposed; but would need to ask the contractor.

- G. Vick stated he has given this a lot of consideration since the site inspection. He would like to see it moved off the bluff line, asked where the septic is located. Rhineberger pointed out the inspection pipe location. There are portions back there where there are steep slopes, although some may not be 18%, it is 13% slopes. Vick suggests they move it back. Rhineberger it would be too close or over the sewer. A. Kowalzek – presented Rhineberger with an exhibit. Vick – asked the size of the structure and L. Kowalzek stated it is 980 sq. ft. Vick – suggested shifting it over. His suggestion would be to investigate the cost of a full replacement and felt the cost difference is not much. He felt they may get a better layout and maybe even save themselves some money. He questioned if the stairwell would meet code. Kryzer indicated new notices would be needed to consider that. Rhineberger - if they want to pick up the house, put a 6' crawl space under the home, they would not need a variance. The Board has heard new rebuilds this year that were in bluffs. If they rule differently on this one, they should make it clear what is different.
- H. A. Kowalzek –there was discussion at the site visit about whether there was a site that would meet all setbacks. She submitted a site plan to show a mock-up if all the setbacks were met. That would require removal of all the trees and no vegetative screening between the home and road and moving a compliant sewer system. A drainage system was part of the plat and a ravine noted. These features do not make it a practical solution. Would remove vegetation off the site and result in much economic waste.
- I. Neumann – would concur with Vick to get out of the bluff. Noted any future changes would be back before the Board. That option is not his decision and they have to respond to the plan before them. He would suggest mats on the ground to protect the ground to avoid digging up the ground during excavation. When the house was built it was conforming. After seeing the property, he has changed his mind. Asked if they considered a full basement under the foyer. Rhineberger – for now that is on posts, although it was mentioned at the site. A. Kowalzek – they are open to conditions and if they feel that the foyer should be on a foundation rather than pillars, they are willing to do that. Neumann – felt it would be best but would ask Vick about the frost causing shifting. Vick – with proper footings it should not shift. Rhineberger – it would improve watershed and drainage and felt either a full basement or a crawl space for their mechanicals might be a better solution. Although it was noted the Board does not like to design, a different design may address some concerns. Neumann – personally he would move the structure out, but that is not what is before them. He felt they can do it and protect the environment if mats were used.
- J. Mol - agrees with the comments, should include protections in the motion if it is to be done. Kryzer asked if this is a situation that the Board would like Staff to draft a motion? Mol -yes. Vick agreed it can be done but would urge the applicants to investigate replacement. Neumann – wants to see a full basement, including under the foyer.

- K. Aarestad moved to approve the plans to lift the home, remove the crawl space and replace with an 8' basement and a new 10' x 10' foyer with either a crawl space or full 8' basement under the foyer that is within the bluff. Subject to the following condition: Erosion, stormwater and excavation plans be submitted at the time of building permit to show the placement of silt fence, how they plan to excavate and what type of erosion controls are going to be part of the project to protect the bluff and environment. Neumann seconded the motion.

DISCUSSION: Further clarification on the details about protecting the woods and placement of mats. A. Kowalzek agreed they would include those details at the time they apply for the building permit.

VOTE: CARRIED UNANIMOUSLY

8. **JORDAN & RACHEL WAGNER** – New Item

LOCATION: 1394 Newcomb Avenue NW – Part of NE ¼ of SE ¼, Section 26, Township 120, Range 28, Wright County, Minnesota. (French Lake Twp.) Tax #209-000-264100 /264102

Requests a variance of Section 152.027(a)(2)(b)2., Chapter 152; 155.026 & 155.048 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the feedlot less than 500' from nearest residence to the south.

Present: Jordan & Rachel Wagner

- A. Rhineberger – reviewed the two parcels owned by the applicant. The five-acre division and a 20-acre restricted parcel in French Lake Township. The Board is considering an “after-the-fact” variance for a feedlot (over 10 animal units) that is less than 500' from the closest home. The home to the south was pointed out. It was noted the variance is reciprocal in the event there is expansion to that house, a new variance for the house would be needed. Favorable Town Board action along with written agreement from Anthony Janckila, neighbor whom the setback encroaches on.
- B. R. Wagner - explained they had no intentions of ignoring any rules or regulations. The location was not done in haste but were not aware of the standard. The location was chosen to avoid cutting trees, maximize the hay ground and stay away from the road. The topography was explained and noted how the land drops off to the back. Kryzer asked what the light-colored area depicts on the air photo? R. Wagner – stated that is a riding arena.
- C. J. Wagner - noted the property could have up to 300 animal units, but they have no intentions of getting anywhere near that number. Currently, they have 22 animal units and plan to stay at that amount. R. Wagner explained there are cattle and five horses for a total of 17 head. Rhineberger explained that 10 animal units or more require the feedlot permit. Janikula, Feedlot Administrator, has listed these out.
- D. Aarestad - understands things can happen and did not think the applicant acted in bad faith. He is concerned about the burden this could put on the neighbor in the future, but it appears the neighbor is agreeable. It could be argued a future neighbor would be aware of the situation when they move into an agriculture area with a feedlot operation. A stipulation he would like to see is a limit on the animal units with some leeway for extra calves.
- E. Vick - agreed with Aarestad and did not think this was a situation where they were trying to get around the rules. A note that says if the current neighbor has a problem in the future, the applicant would take it down. He felt that neighbor should not be led to believe that would happen and noted if that neighbor wants to do anything, he will need a variance.
- F. Rhineberger - explained the applicant has two separate lots that could be sold separately. In the future, if they were to sell one from the other, it would need its own feedlot variance.

- G. Neumann – it is in an ag area and likes they are using it for that purpose. He does not see a problem, if it becomes an issue with the neighbor in the future, they may have to relocate it.
- H. Mol – to meet 500' from the house he would have to be back in the woods. Rhineberger showed on the map where that would put it. Mol – he supports the ag side of it and fights for ag operations; but they must protect a resident also. He noted he would not support putting a new house within the 500'. What concerns him is the neighbor, because anything that owner wants to do has to come in for a variance and creates cost and a hardship on him. This neighbor has agreed in writing, but in fairness to the nearby resident, he is reluctant to allow it, making the decision difficult for him. Aarestad asked what he would suggest as a limit on animals? Mol he would limit it to no more than 30. He would suggest the feedlot permit would not go with the property when sold. Rhineberger - in the event one of the parcels sells separately, it should be listed as a condition and filed with the variance document because the Office would not see the transfer. Vick - is that the case if they sold both parcels? Kryzer - no. Vick noted even if a new buyer purchases both, could they have the new owner come back because they might not take care of it like the applicant. Rhineberger stated no, that is not an option. He suggested a condition to require that the two parcels owned in common unless the feedlot is removed. Kryzer agreed and the Board felt that was appropriate. Neumann – there may be a future owner that only wants 3-4 horses. Rhineberger – they would need to keep the dirt lot a minimum 100' from the property line. This will be a hard one for Staff to track.
- I. Aarestad moved to approve the variance according to plans on file subject to the condition that it is limited to 30 animal units or less or until the feedlot is made fully compliant. Properties remain under common ownership if the animal units exceed 10. Vick seconded the motion.

VOTE: CARRIED Nay: Mol

9. **COLLEEN M. ERNESTI** – New Item

LOCATION: 3252 12th Street NE – Part of the W ½ & Part of the SE ¼ of NE ¼, Section 27, Township 120, Range 25, Wright County, Minnesota. (Buffalo Twp.) Tax #202-000-273100, 202-000-272402 & 202-000-271300

Requests a variance of Section 155.026 & 155.048(G) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the division of the existing homesite on 10 acres with 40 ft. of road frontage, leaving the remaining 60 acres with one entitlement on a 33 ft. access strip.

Present: Colleen Ernesti & Paul Otto

- A. Rhineberger reviewed the parcels making up the 70 acres and the request is to break off ten acres with the house. The dead-end town road does not allow for the frontage required for two compliant parcels, the proposed ten acres or remainder parcel. There is not enough for each to have 33' wide on the road right-of-way. The Town Board has approved and agreed to take over an additional easement for town road. With this road easement extension there would be 40' x 33' an additional of road frontage. The proposed lot would have 40' wide on road, leaving 33' with the remainder parcel. Town Board approval is the only response.
- B. Otto - the road comes to the property line with only 17' right now on the public road. There are three tax parcels, they are looking to add some easement. The ten-acre lot standard is 300' which is met. Rhineberger - generally the width of lot is measured at the road, but this is like a flag parcel.
- C. Vick – appears to save tillable land. Ernesti – it is the reason she has laid it out this way. Rhineberger the division is not exceeding the tillable acreage. This is a dead-end road at the section line, and they run into this often. Ernesti - stated JME does the snow plowing and they come in that far now. Vick – questioned running it all the way across. Would it be cost prohibitive to get to the back in the woods to build. Ernesti – Gleason farms the land, and it is difficult for him to get in now, comes around the shed.
- D. Aarestad – has concerns with the division including tillable land. He asked if this is the best option for that. Where is this in the Township's Land Use Plan. Could a long strip pose a problem for future development? Otto – not understanding the ag question. The problem is the road frontage and not with the ag land. Building a road in would take up more ag land. The land included is mostly low and ditch. Vick wondered if they could run the road in front along the south line to get them over to a potential building site. Rhineberger – there is a lot of low land and a creek that they would have to get over. Could impact more farmland going along the south line, the wooded area is lower. Vick - he does not have elevations but was his question. Otto they could make the 33' strip 66' wide to accommodate a long-range plan. Rhineberger felt if development happens, the Gleason parcel would develop first. Felt it is a long way out.
- E. Mol – as Aarestad questions, is there potential for a large lot development for ten-acre lots, should this be 66' wide so they can get a road back for 5-6 lots back there. May not be

City lots. The 33' is adequate, but would more be advisable. Ernesti – this is not in the Plan to do that. Rhineberger - felt annexation is more likely. The City Transition area is a quarter mile to the west and large-lot development is not the best for this location. Other directions out from the City have more difficulty extending city services. Ernesti – felt that was the thinking when the Plan was adopted, there is more potholes etc. to the north and was in the Plan. Mol –would go along with the proposal, noting the Board has allowed 33' in the past.

- F. Neumann - pointed out a landlocked parcel to the northwest. Rhineberger – that was a lot line adjustment in 1993 and attached to a parcel to the west which has frontage. Neumann – if that were landlocked, he would want a 66' wide strip back there. Rhineberger – there is also a recorded easement to get back there. That owner must keep those parcels together. Neuman - asked if that owner can attach to this strip? Kryzer – that is privately owned.
- G. Aarestad moved to grant the variance as presented. Subject to survey and a Deed Restriction filed. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

10. **MARK V. LYREK** – New Item

LOCATION: xxxx CR 13 SE –W ½ of Lot 1, W ½ of SW ¼ of NE ¼ & E 5/8ths of N ½ of NW ¼ , Section 21, Township 118, Range 25, Wright County, Minnesota.
(Franklin Twp.) Tax #208-200-212100

Requests a variance of Section 155.026 & 155.048(G) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the division of approximately 84 acres with the road being the dividing line. A 40-acre tract west of the road with the remaining building “entitlement” and balance of 44 acres east of the road, restricted land without an entitlement.

Present: Mark & Julie Lyrek

- A. Rhineberger reviewed the 84-acre parcel in Franklin Township that has one “entitlement”. Proposed division is to sell that portion bisected by the county road on the west side with the “entitlement”, leaving the remainder restricted. Town Board approves.
- B. J. Lyrek - explained they have a family member that cannot afford to purchase the entire parcel and is interested in building out here. Plan to keep the remaining acreage in tillable. Jones noted there is no one in the audience for comment.
- C. Neumann felt this is a natural division line and there is plenty of road frontage.
- D. Mol, Aarestad and Vick concurred with the proposed division.
- E. Vick moved to approve the variance to divide the property along the county road. Condition: Legal descriptions be provided to the Planning & Zoning office and a Deed Restriction is filed designating the location of the “entitlement”. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **JAY FRESHOUR** – Cont. from earlier on the agenda

Present: Applicant not present

- A. Rhineberger summarized the morning of the first meeting wanted continuation for the Town Board review. They did meet with the Township; however, the matter was tabled. The contractor was informed of what was required. He received no contact. Kryzer asked about the 120-day time frame. He suggested the applicant be advised to meet with the Town Board and appear before this Board at the September 10 meeting, or the matter will be dismissed forthwith.
- B. Mol moved to continue the hearing to September 10, 2021 with the applicant directed to meet with the Town Board and attend the next Board meeting. If the applicant fails to appear before either the Town Board or this Board, the matter will be dismissed. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **BRUCE J. PREVOST** – Cont. from earlier on agenda

Present: Applicant not present

- A. Rhineberger explained this item the Board had heard but the Town Board had not met. Sometimes the Board has indicated that if the Township approves, the applicant will not have to come back. Town Board approval was received. He noted the Board discussed the issue and did not express any concerns. He is not opposed to the Board acting. Discussion on the items scheduled for the next meeting. The setback is like the building to the north. The discussion was on the road setback. Mol prefers to have the applicant present. Although did not think it would be a lengthy discussion, but in event they have changed their minds.
- B. Neumann moved to continue the hearing to the September 10, 2021 hearing for the applicant to appear. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTION

Board scheduled the inspection for Tuesday, August 31 at 8:00 a.m. and 8:30 at the site.

Meeting adjourned at 10:50 a.m.

Respectfully submitted,

Barry J. Rhineberger
Planner

Cc: Board of Adjustment
Applicant/owner
Twp. Clerks