

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: September 10, 2021

M I N U T E S – (Informational)

The Wright County Board of Adjustment met September 10, 2021 in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, John Jones, called the meeting to order at 8:30 a.m. with Board members present: Jones, Bob Neumann, Paul Aarestad & Dan Vick. Absent was Dan Mol. Barry Rhineberger, Planner, represented the Planning & Zoning office.

MINUTES

On a motion by Aarestad, seconded by Neumann, all voted to approve the minutes for the August 20, 2021 meeting as printed.

1. **BRUCE GRANDT** – Cont. from 8/20/21

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 summarized the action was to have counsel draft Findings based on the record. The public hearing was closed, comments and questions from the Board is appropriate, but no public testimony is allowed. The Findings for denial were provided to the Board.
- B. Neumann moved to adopt the Findings and Order for Denial as drafted. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

- C. Rhineberger provided the applicant a copy of the signed Order.

2. **RICHARD & DAWN BECKER** – Cont. from 8/20/21

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 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: Richard & Dawn Becker, Bernie Miller, MSTs

- A. Rhineberger noted the hearing was continued for a site inspection without a lot of discussion about the proposal.
- B. Vick appreciated the applicant allowing them to visit the site and noted the value of seeing the property. He could see the need for an improved foundation, the only concern is to make certain they are not directing water on the neighbor and all precautions are taken to save the bluff.
- C. Aarestad – was concerned about the erosion on the line with the neighbor. Although this would be a concern if they were just repairing, he would want to make sure the turf is re-established when done. This is a delicate spot, and he would suggest the applicant work with the neighbor to improve the erosion.
- D. Neumann asked if the applicant has additional information. D. Becker – stated they had talked about putting a 4' x 8' deck out lakeside and would that be allowed. Rhineberger summarized the permitted encroachments that are allowed for steps and entrances. Suggests it would be good for the Board to mention it. Neumann questioned the location. Rhineberger – lakeside entrance. Aarestad and Neumann indicated they have no problem with it. Neumann added he would want them to slow the water down from the garage all the way to the lake. May mean water has to sit on the lawn to drain. Rhineberger informed the applicant they would need to provide a stormwater management plan before building starts. Miller asked this be a condition to provide it at the time of a building permit. He does not expect this project will increase runoff. Rhineberger – the concern is more about grading rather than gutters or tiling in this case. There is not much room here. Miller added they should get the vegetation established after construction before silt fence is taken down. Discussion followed on the best way to control and slow water down. Miller – if they raise the foundation some, they could keep the water on this property.
- E. Aarestad moved to approve the variance as submitted according to building plans marked Exhibit "A" and site plan marked Exhibit "B", held on file and Board allows for an additional 4' x 8' landing on the lakeside. Condition: Stormwater management plan be submitted at the time of building permit application. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **TJB HOMES, INC. represented by Thomas Budzynski** – New Item

LOCATION: 6247 Pilger Avenue NW – Part of the W ½ of Lot A of Gov't Lot 5, Section 33, Township 121, Range 28, Wright County, MN. (W. Lake Sylvia – Southside Twp.) Tax #217-000-334202

Property Owner: Anderson

Requests a variance of Section 155.026, 155.049, 155.057(E)(1), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to replace an existing 555 sq. ft. one story cabin over a crawl space that is 56 ft. from the Ordinary Highwater Mark of lake (OHM) with a new 1,568 sq. ft. footprint two-story dwelling over a walkout. Living space includes 1,044 sq. ft. in a walkout basement; 1,148 sq. ft. of living space, a 422 sq. ft. attached garage and 320 sq. ft. of deck on the main level and 1,539 sq. ft. in the second story. Structure is proposed 44 ft. from the OHW to the deck, 52.4 ft. to the dwelling from the OHW and maybe located within a bluff.

Present: Tom Budzynski, TJB Homes; David & Dana Anderson, property owner

- A. Rhineberger displayed the property location and summarized request is to replace the existing cabin that is 56' from the Ordinary Highwater Mark of lake. A survey with the topographical survey lines were submitted. The structure is within the bluff. The information provided and size of scale was difficult to discern the slopes, however, based on the bluff definition and the DNR's requirements for evaluating these properties, he displayed a map to show the bluff location. The percentage of slope over distance was reviewed on how Staff interprets a bluff. He recommends a site inspection, noting the Board has a variety of properties with bluffs. Pictures showing the cabin and a boathouse were viewed. The new dwelling would be 1,568 sq. ft., with setbacks of 44' to deck and 52.4' to the dwelling and built within the same area but a new deck encroaches 12' closer to the lake. He pointed out the sewer location is not in the bluff. Building plans and floor plan were received. The Town Board wants to meet again and SWCD is recommending the house meet the 75' setback. Three neighbors submitted negative responses, see responses on file.
- B. David Anderson – until recently he did not know much about a bluff. Has done his own research including what is on the DNR website. He is familiar with the slopes in Red Wing and along a river that are real bluffs. He agreed there are some areas that fall into the bluff category. He pointed out the location of the cabin, steps to come up. He used the 15' setback line, using the 1060 line going south and based on his measurements, he determined this is a 9.5% slope. Going from the top of the step to the turnaround over 108' that was at 13.3%. On the north side of the property over 77.1' it was just over 18%. He felt it is clear the bluff are the areas where he cannot mow. The location of where the house will go is level enough to mow. Pointed out areas that are steeper. They are trying to preserve the old growth trees on the property. The pictures showing the cabin in poor condition were displayed. The proposed house location is in a flat area and the other level area is where they park cars.
- C. Dawn Anderson – clarified there is not a boathouse on the property. Pictures of the building were displayed. David Anderson - the building has rails coming in to store boats and the above space is car and miscellaneous storage. There is no water or sewer connected to that building. Permit issued in 1987 had a condition of no living quarters and they have abided by that.
- D. David Anderson – disagrees the location of the new dwelling is a bluff. Picture of the driveway shows the slope. There is significant sill damage when the cabin was built, and pictures show the deterioration.
- E. Rhineberger further explained how the measurements were taken using the survey information. There is area that is over 30% slope. Measurements are taken in 50' segments.

If the percentage is 18% at the upper end of the segment, they keep measuring back' to a point where the slope is less than 18%. David Anderson agreed Rhineberger knows more about how the bluff is defined. He is trying to show the building site is not as steep as it might seem. Pointed areas where he would agree is bluff.

- F. T. Budzynski – felt the proposed location is typical to most walkouts, land rises up a little behind. They are not encroaching closer to the lake than the neighbors if you use the "string line". If they can vary the side setbacks, they could push the home back some. There is a big retaining wall on the south side and moving water around the dwelling won't be a problem. Would suggest a rain garden in a flat area that is good size. Here they could collect some water rather than flowing directly into the lake. Only a few trees would come out at the proposed location, not doing a lot of alteration. The old sewer will be replaced and a new one installed in back. Feels this will be a good improvement to the property. If they were to pull the garage off and put it behind, it does not make sense for the applicants who are at retirement age to have to walk 40' between a garage and the house. The garage size is double not triple.
- G. Jones – felt looking at the site will be helpful. Opened the hearing to the public.
- H. Earl Sanderson – adjoining neighbor to the south –stated he is more concerned about the setback. The existing cabin is 500+ sq. ft., is not close to the highwater mark and now they are suggesting moving a larger structure closer to the lake. He pointed to area behind where most of the land is. That is not bluff in back and where they should build. They are asking to build a home three times the size and move it closer to the lake and a deck as big as the current house.
- I. Dave Anderson – clarified where the property line is, and area referred to is owned by someone else. Sanderson – questioned the measurement using the string test. Rhineberger – stated some Counties employ a string test rule, Wright County does not. Sanderson stated he was trying to point out the difference if they line up decks. When they built, had met the setbacks, although would like to have been down closer to the lake.
- J. Jones called for further public comment, hearing no response returned to the Board members.
- K. Rhineberger asked the Board to address any concerns with the plans they see. This gives the applicant time to consider any revisions before they meet again.
- L. Aarestad – the bluff definition is just one part of critical areas of concern. The request is 3 times the size, in the bluff and closer to the lake. He noted that never happens. The burden is on the applicant to show how it can be moved back out of a bluff. He is having a hard time finding a hardship to allow something that is three times the size in a bluff. He is concerned with the impact to the bluff and the water runoff. Another item on the agenda was a small project. The bar is high on this request. When he visits the site, he wants to see why they cannot move back. A large building has impact on views across the lake. He wants to see the trees they want to preserve and native vegetation are things they will look at. This Board does not like to see a structure closer than 65'. That is what he would be looking at. The applicant can rebuild in the same footprint and not come before them. He would suggest close to the same footprint and move it back some. The request is challenging. It is the location, size and scope of the project that is a concern.
- M. Budzynski – could they move closer to the side yard to get back further? Aarestad would have to see a proposal and is up to the applicant, they will consider anything.
- N. Jones – ask they look at reducing the size.

- O. Neumann noted 1500 sq. ft. on the main level for a total living area over 3,000 sq. ft. He does not have a problem with the footprint size, but this is brand-new construction and can see no reason they cannot meet the 75' from lake and 15' from sideline. He prefers new construction rather than remodel or repairs. This is the owner's opportunity to get back and meet the setbacks. Rhineberger – the proposed location will be within the area dug out from the existing house and becomes less impact to the bluff. Illustrated where the 65'-75' setback puts it. Most of the basement wall will be in the hole where the existing house is sitting creating less disturbance. The proposed plan is a full walkout. Asked where the new well is going because the Board likes to see room to service the well without trespassing. A minimum of 10-12' on one side for service. Budzynski confirmed the well is proposed in the back, not lakeside.
- P. Vick – shared the concerns raised by Neumann and Aarestad. To improve the lake setback, he would not object to a 10' side setback. He noted there would be more watershed off the new building and there is not much flat area to address the drainage.
- Q. Budzynski agreed they could come up with a design with a 10' setback, noted something that would make sense without running into the triangular portion.
- R. Aarestad – indicated his difficulty with the request is they have not demonstrated a hardship. Suggested the corners of the proposal be staked before they visit the site to help them visualize what is currently proposed and an adjusted plan. Vick concurred seeing this would help in the decision.
- S. Sanderson asked the builder and property owners consider the back portion of the property where most of their land is, opposed to building lakeside. Dave Anderson – indicated that is where many of the mature trees are.
- T. Vick moved to continue the hearing to October 8, 2021 for a site inspection and to look at revisions. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **THOMAS L. OLSON** - New Item

LOCATION: 15295 76TH St. NW – Lot 5, Block 1, Bisanideewin Shores 1st Addn., Section 28, Township 121, Range 28, Wright County, MN. (W. Lake Sylvia – Southside Twp.)
Tax #217-019-001050

Requests a variance of Section 155.006, 155.026, 155.049(2)(a) & (3), 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to add a new 1,164 sq. ft. second story and 60 sq. ft. main level covered porch to an existing 1,200 sq. ft. one-level walkout dwelling that is 62.5 ft. from the center of the township road, 9.9 and 7.6 ft. from the side property lines. House to be served by a new Type IV septic system. Lot currently has 32.7% impervious surface coverage.

Present: Tom Olson, Bernie Miller of MSTs

- A. Rhineberger reviewed the 10,955 sq. ft. lot on W. Lake Sylvia. The proposal is to add an upper-level living space over a one-level walkout home. The side setbacks are 7.8' and 9.9', and 62' from the centerline of road. A 6' x 10' covered porch is proposed on the back side. Although the proposal does not increase impervious cover, it is 32.7%. The applicant has provided pictures to show the reduction of impervious surface coverage of time. One area viewed is next to the garage and in front of the house where they have returned it to grass. Added patio pavers, replacing wood and an area near the lake within the beach was reviewed. The new story is above what exists, just a small-covered porch being added. Building plans were submitted. Has talked to the engineer on how much of the structure will remain. Olson stated the engineer has showed it can support this. Town Board approval was received, and Wright County Soil & Water Conservation District ask the impervious be reduced to 25%.
- B. Olson stated they have owned the property ten years and are learning about setbacks and hard surface limits. They have been working at reducing the hard surface the previous owner had installed added, drain tiles and rain gardens for water management improvement. Removed about 400 sq. ft. of blacktop. Replaced a timber wall. They are already seeing the improvement to the runoff and erosion. This project includes gutters to the building for further improvements. There are two major paver areas that are important to their family's recreation. These are areas where they spend a lot of time, one is by the lake and the area along side of the house where they have a picnic table. 700 sq. ft. would have to be removed to meet hard cover. Beneath all the pavers by the house is concrete from the previous owners that would have to be jack hammered out. Felt 100 sq. ft. of impervious area could be removed.
- C. Miller – the property is not a bluff, but nice slope. Project includes upgrade of the existing sewer system and will be a Type IV. The entrance is confusing as you come up to the house, so part of the covered porch is to identify entrance. The previous side yard variance was given for a garage addition at 9.5'. Looked at impervious coverage in the shoreland impact zone, there are tiers and further back is best. House is 95' back from the lake. He distributed a breakdown of where the impervious is on the lot, most is back by the house. He described there is minimal impervious in the lake setback and that should be less of a concern. The owner is willing to reduce more in other places, the impervious area near the house is over 100' back from the lake. Olson – there was a large amount of blacktop in back that was removed and replaced with granite rock to reduce the rate of water flow. Miller estimated before they removed those areas, the total was 46-47%, and looking to get it down to 32%.
- D. Neumann – understands the tight space; but adding another story to the height concerns him from looking at the pictures of the neighboring homes. He is concerned how this additional level would compare to other neighbors. Olson – he stated they own the cabin on the adjoining lot; but the next two are higher. He felt they would be on average with the

structures on the bay. Rhineberger – there are differences in elevation, and one might have more visual impact because of the wall height. This is a one-story over a walkout vs. a two-story over a walkout. Neumann is trying to envision what another story over this would like. Olson – described the gamble type roof, dormers all minimizes the appearance. The house plan was displayed to show the design.

- E. Brandon with Casey Home Design - came before the Board to answer any questions. The height will be 26'. Vick asked the type of homes along here. Rhineberger – most are one-story over walkouts. Another older one has more of an unusual design. Olson – four doors from this is three stories. Vick – the landscaping is nice but asked if steppingstones are considered hard cover. Miller – yes, had considered replacing those with pervious pavers but only get half of the credit. The reason he is showing where it is located on the property, most exceeds 90' from the lake and he would argue that is less of a concern. There may be other things they can do, offered removal of another 100 sq. ft. which calculates out as 1% reduction. Olson – they own the adjacent seasonal cabin, very rustic as far as landscaping and it is hard to find a flat spot and much of the runoff is coming from owners beyond that seasonal place. A project was described that improved drainage on the adjacent lot they own and are asking for consideration. That lot has only about 18% coverage, he is not asking for combination of parcels. Rhineberger – by State Statute they cannot combine those parcels. Olson the point he is making is the attempts they have already made to reduce coverage and improve the watershed and damage to the lake.
- F. Aarestad – thanked the applicant for the work done and the diagram on coverage. The information has helped him understand and changed his mind. The reduction shows they are good land stewards, stays within the same footprint, likes what he is hearing that was done on the lot next door. He is comfortable with the proposal but would like to see a reduction of 100 sq. ft. Acknowledged the work he has done, although the impervious coverage is a hard bar to cross. He finds the efforts and reduction satisfy him and would agree with the proposal. As far as impact, this home is set a good distance back. The Board usually see locations as close as 40-50' from the lake.
- G. Vick – suggested looking at the site for the adjacent height of structures. Aarestad stated that originally was a concern, but this house is 95' back. Is comfortable with the two-story home. Olson the gutters will help capture the water off the roof.
- H. Aarestad moved to approve the proposed construction according to site plan marked Exhibit "A" and building plans Exhibit "B", held on file with the reduction of the impervious coverage as best as possible. Vick seconded the motion.

DISCUSSION: Vick felt it would be nice to see the visual impact. The Board will be out to Lake Sylvia. Olson – two doors down is a two-story. Rhineberger pulled up the Assessor's record that shows that house is a story and half. Aarestad – is that house closer to the lake? Olson – right on the lake. The other house he mentioned is about 75' from the lake. Miller this house sits down, 8' up from the walkout level and not high on a bluff. Rhineberger asked for them to define the improvement to impervious coverage.

Aarestad amended his motion to require impervious lot coverage be reduced by 1%. Vick amended his second.

VOTE: CARRIED UNANIMOUSLY

5. **DARWIN HOFFMAN** – New Item

LOCATION: 7076 Quinn Avenue NW – Lot 2, Block 1, Ellingwood & Powell 2nd Addn., Section 28, Township 121, Range 28, Wright County, MN. (backlot of W. Lake Sylvia – Southside Twp.) Tax #217-027-001020 Property Owner: Struble

Requests a variance of Section 155.026, 155.049(C)(5), 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a 1,664 sq. ft. accessory building with tuck-under storage, exceeding the single accessory structure maximum size limit.

Present: Dustin Hoffman, Brandon Struble, Bernie Miller, MSTs

- A. Rhineberger reviewed the backlot on Lake Sylvia. The request is to remove an existing dwelling and accessory buildings, except for one accessory building. The new accessory building is proposed at 1,664 sq. ft. and requires a variance to exceed the 1,400 sq. ft. allowed for one building, total accessory structures of 1,600 sq. ft. If any of the existing buildings are kept, that would add additional square footage. These standards are found in the R-1 zone, are based on the size lot. Plans submitted were viewed that show the two-level building dimension is 32' x 52'. The lot slopes and the lower level is built as a tuck-under with three sides in fill. Survey shows the details. Favorable response from the Town Board, neighbor, Bruce did not approve a variance to exceed the 1,400 sq. ft.
- B. Miller informed the Board the family owns a lot to the south and another on the lake. The Board was out to the Jensen lot recently, just across the road. The subject lot has old buildings that are run down and are to be removed. The applicant does not want to build a home on the lot but get some storage. The new building will provide needed storage for two families. At first they were at a 3,000 sq. ft. and two stories, noting that would meet the coverage. The existing buildings are now at 9.9% and the proposal brings it down to 7.6%. If they were to build a house in addition to the shed, there is room. The impervious is being reduced from 44% to 25%. Felt these improvements are bringing the impervious into compliance and removing old structures. The woodshed is in good shape and 400' from the lake, want to retain that. The shift in the existing location of the driveway that does not come straight across, would bring that over so it is adjacent to their property. That would allow them to lessen the slope on the driveway. Miller has designed (he submitted) the stormwater management/grading plans that keeps water from going down into the Jensen's property. Rhineberger – the lots are considered separate and could be sold in the future. The Board should understand that the driveway would cross the other lot. Miller – can record an ingress and egress easement. Rhineberger – agreed, but try to avoid it. He noted that could also interfere with the stormwater plan. Miller agreed the stormwater pond could be moved, but the plan is beneficial for the current owners to have the driveway at this location.
- C. Jones – opened the hearing for public comment. No response.
- D. Vick questioned the side wall height limit? Rhineberger – it is 14' and the plans show it meets the requirement. Vick – noted the total height is 30'. Felt the size is large for a residential area. A 48' x 30' would be more in line, especially if they keep the woodshed. Miller – noted Burns recently purchased a backlot for sewer and shed and the Board allowed 1,600 sq. ft. Rhineberger – in that case the property was an acre, which has a larger structure allowed. The Board stated there could be no more accessory structures but didn't exceed the total. Miller the only other option would be to get rid of the woodshed and get as large of a building as they can. Vick – does not see what the hardship would be.
- E. Aarestad – has a different thought, in this case it is only 260 sq. ft. over what is allowed in one structure. The location is ideal in that it should not impact the neighborhood, is in back and the location hides it from others. He likes the fact the owner has reduced the impervious coverage, included a water management plan. He does not have an issue with the woodshed.

He would like to adjust the stormwater now, so it does not create a future problem with the driveway. Miller – there are easements for many places around this lake. He thinks this is the optimum situation for stormwater which he explained reduces the amount of land alteration. His recommendation is to record an easement.

- F. Neumann – looking at the design there is a drive off Quinn and 71st. Miller it is positioned on the best spot on the hill. Described the topography and noted the access on the bottom and top levels and allow them to get it down to 25%. Originally wanted to drive through the bottom out the other side, but this plan reduces the impervious. There is no drive thru. Had thought of legally combining the parcels but they cannot. This is the reason for two driveways.
- G. Rhineberger explained by State Statute, at the time the lots were purchased, and they each had habitable structures, they cannot be combined. He referred to another on Lake Francis and sequence that owner had to follow to combine.
- H. Neumann – he would agree with the size proposed if the woodshed is removed. Should be room for wood in the size building proposed.
- I. Vick moved to approve the variance for the proposed building size on the condition no additional accessory structures are allowed (all existing buildings to be removed including the woodshed) and an easement be recorded prior to the building permit application. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **JAY FRESHOUR** – Cont. from 8/20/21

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 a 18 ft. sidewall height).

Present: Jay Freshour & Chase with RAM General Contracting

- A. Rhineberger summarized the property that has an R-2a PUD zone. A 7,344 sq. ft. building is proposed on 6.7-acre lot. The maximum for total outbuildings is 4,000 sq. ft. with a 16' sidewall. The building is in excess by 3,344 sq. ft. and 2' in sidewall height. The neighbor, Bethke, has concerns and asked for a site inspection however, matter raised is a civil matter.
- B. Freshour – stated he is trying to obtain the maximum storage as possible. The property is not useable for farming or ATV trails. His hardship is to be able to maximize the property use for his family.
- C. Chase – using the map he pointed out the location of the neighboring homes are all to the north. Where the building is being proposed will have no visual impact. The size would not impact neighbors. No commercial uses, no noise or pollution as a result. This project would not impact neighbors negatively.
- D. Freshour – he has talked with neighbors in the Association, and they have no problem with it. Bethke is to the east, present and he can speak to his concerns.
- E. Bethke – came before the Board and noted the 40 acres is to the east. He had survey stakes placed 20 years ago and signs mark the line. He had an issue with someone else encroaching on the line. He wants to make sure the line is respected. He is concerned material coming in might. Freshour he explained how he would access the other side. Bethke – does not want this to incur costs of another survey. Rhineberger informed the neighbor these are civil matters that this Board cannot address, they would just address the building. Bethke asked what the off sets are. Rhineberger – the side setback is 10', driveway must be 5' off the line.
- F. Aarestad felt the size of the building is large and is the concern. He is happy to hear that everyone in the plat agrees and suggests the applicant could provide that. A Planned Unit Development District is a unique zone and allowed to preserve certain characteristics and a rural feel. Erecting a huge building like this, how will that fit into this setting. It is said it won't be seen, but that is not the only issue. He cannot accept the size, maybe something smaller because there is no hardship. Being a PUD makes it even more difficult and the Board must deal with other PUD's. The 18' height is a big concern and would like that reduced to 16'. Freshour – could accept 16'. Freshour noted the large parcels near this. There are other large buildings in the immediate area and did not think the proposed size is out of the scope of what is in the area. Rhineberger – those parcels are large agricultural tracts; this lot is in a residential zone. Aarestad felt this is a large increase, he is willing to consider 16' side wall and something smaller.
- G. Neumann asked to see the map to show the area and the Land Use Plan. Rhineberger – all the surrounding land is zoned AG. The Land Use Plan designates this a Transition Area for the City of Hanover. Freshour asked if the fact that this is an isolated PUD with AG around it makes it different. Rhineberger explained the additional lots and smaller lot sizes allowed were given to approve a PUD and protect wetlands. The applicant's lot does not meet the width standard of 300'. Neumann – this area will someday see development. He is concerned

what this would set for a precedent. The Board looks at the future and what other owners might want if they live in this or another PUD plat. He thinks it is too big.

- H. Vick – questioned the total size allowed in accessory buildings? Rhineberger – 4,000 sq. ft. That would not even allow a garden shed. Vick noted although this owner wants storage, the next owner might have a different use such as a business with more traffic. He also wanted a large shed on his 3 acres but stayed within the limits.
- I. Freshour stated he would agree to something smaller. Vick – he would agree to a 4,000 sq. ft. with an open-lean to. Asked if the applicant would accept that. Freshour – he would be happy with 5,000 sq. ft. he could get his cars and classic cars in it. Aarestad – considering his neighbors have accepted the 7,000 sq. ft. would agree to 5,000 sq. ft. with a 16' sidewall, but no lean to. Freshour indicated he could agree with that. Neumann – did not find any hardship, just a desire for a larger building. Vick – agrees with Neumann, but would not object to a lean to, or a separate 200 or less sq. ft. garden shed.
- J. Vick moved to approve a shed no larger than 4,000 sq. ft. and 16' side wall height and an additional 200 sq. ft. allowed in a separate garden shed.

Jones called three times for a second. Hearing none MOTION FAILED

- K. Aarestad moved to approve a storage shed no larger than 5,000 sq. ft. and a 16' sidewall.

Jones called three times for a second. Hearing none MOTION FAILED

DISCUSSION: Freshour did not think an additional 1,000 sq. ft. is out of bounds or that the building would be auspicious. Chase – asked if the building was built to match the house that is there, wood siding would that mitigate the concerns about appearance. Rhineberger explained the County only addresses size and not facade. The issue here is that the lot is in a residential zone, not AG. The Board gets a lot of these requests. This item has been on three separate meetings, and they are in a position where they either must make a motion to approve or deny.

Vick moved to approve one building, not to exceed 4,000 sq. ft. and maximum 16' sidewall height, with allowance for an additional 200 sq. ft. in a lean-to or a garden shed. Aarestad seconded the motion.

VOTE: CARRIED, Neumann opposed

8. **BRUCE J. PREVOST** – Cont. from 8/20/21

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 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: Bruce Prevost & Brian Oss

- A. Rhineberger – summarized the request and continuation for the applicant to meet with the Town Board. The replacement of an existing garage with a larger one is proposed. The new detached garage measures 26' x 36' and is closer to the County Road by 5.5', but within the size requirements for the property. The red outlined area was reviewed. No response from the County Highway Department. Town Board approval was received. The proposed location is in line with a garage to the north.
- B. Oss stated he has talked with neighbors who gave their approval.
- C. Neumann – the proposed size is not much larger than the existing. The 83' setback is not a concern, felt 130' is a long distance.
- D. Vick questioned access. Aarestad felt this is not a concern. Jones concurred.
- E. Aarestad moved to approve the variance as requested 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. Neumann seconded the motion.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTION

Board consensus was to set October 4, for site inspection. Meeting at the Government Center at 8 a.m., arriving at the site by 8:30 a.m.

Meeting adjourned at 11.10 a.m.

Respectfully submitted,

Barry J. Rhineberger
Planner

BJR:tp

Cc: Board of Adjustment
Twp. Clerks
Applicants/owners