

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: October 8, 2021

M I N U T E S – (Informational)

The Wright County Board of Adjustment met October 8, 2021, in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, John Jones, called the meeting to order 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 Vick, seconded by Neumann, all voted to approve the minutes for the September 10, 2021, meeting with the addition to the final motion for item #6 to include "maximum side-wall height is 16'".

1. TJB HOMES, INC. represented by Thomas Budzynski – Cont. from 9/10/21

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: Applicant not present

- A. Rhineberger informed the Board that the applicant has formally withdrawn.
- B. Mol moved to dismiss the petition without prejudice at the applicant's request. Neumann seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **RAY D. WOLF** – New Item

LOCATION: 14223 – 68th St. NW – Lots 6 & 7, Sylvia Cedars Resort & part of Lot 1, Replat of Sylvia Cedars Resort, Section 34, Township 121, Range 28, Wright County, MN. (E. Lake Sylvia/Southside Twp.) Tax #217-059-000060/217-060-000010

Requests a variance as regulated in Section 155.026 & 155.049(F)(2) &(3) & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow expansion of an existing non-conforming dwelling that is 9 ft. from a bluff, 71.6 ft. from the lake and 45 ft. from the center of the road by building a 543 sq. ft. addition over a walkout basement and a new 168 sq. ft. addition over an existing garage that has a deck on top. Proposed addition to be 40.2 ft. from the center of the road. Proposal includes a new septic system to be placed on a backlot.

Present: Ray Wolf & Bernie Miller of MSTs

- A. Rhineberger reviewed the survey of the 19,431 sq. ft. lot. The site plan shows the existing structure, the proposed expansion is a 543 sq. ft. addition over a walkout basement off to the side; and a 168 sq. ft. main level addition that will replace a deck that is over a tuck-under garage. The expansion will add two bedrooms to the home and a new sewer system will be installed on the backlot to accommodate this. The setbacks were reviewed. Existing dwelling is 71.6' from the lake, meets the side yard and the road setback is at 40.2' at the closest point. Building plans were displayed to show the main addition with a foyer that connects the addition and where the addition over the one-car garage is located. Pictures of the existing structure and lot were viewed. In 2006, a request to build a new attached garage and other additions were approved but not constructed. The applicant is a new owner. Approval from the Town Board and a neighbor were received.
- B. Wolf stated he purchased the property in 2018 and with their expanding family need two more bedrooms to accommodate everyone.
- C. Miller explained the road is privately maintained and serves only one additional property beyond this. Once the survey was completed, they were surprised that there is a bluff on the property. The proposed addition is meeting the bluff setback. The deck on the lakeside is on the bluff line. The owners had wanted to keep the addition parallel with the existing structure but have designed it to move away from the bluff. He took pictures the day before to show the terrain and better explain the bluff and a drainage area along the sideline. Water drains toward the road and with gutters installed, could make sure it continues to drain in that direction and not toward the bluff. This area is grassed and there are no erosion problems. The impervious coverage was at 26%, much of it used in the loop driveway. There is an area they can remove (area hatched), making the building coverage 12.8% and the impervious reduced by 1.1% to make it more compliant. The setback from the tank to the road setback line was noted on the request. Rhineberger – the response from the Town Board indicates they approve. The tank they are replacing is not getting closer. Miller – a large maple tree was noted, and they would like to keep the tank on this side of the road for best service. The system was determined compliant but will not last forever and not sized for the number of bedrooms they are proposing.

- D. Discussion on the runoff and direction water flows. It was noted they want to make sure no water drains to the neighbors. Miller indicated there are options such as an infiltration basin, a tile under the road or possibly a rain garden to address this. The soils are sandy out here. The impervious they are taking out will give more room.
- E. Jones opened the hearing for public comment. No one came forward.
- F. Vick – felt this addition is within reason, however it is the amount of coverage that is a concern. Asked if they can eliminate the parking area and park on the other side of the street. Noted another driveway and placement on the other side of the road. Wolf – the other side has been used for service trucks to back into to get out of the road. Miller – there are no issues with drainage going in that direction; but have thought some of the turnaround on this lot could be taken out. Want to keep the other driveway because it is the access to the house, the other is considerably lower. Vick – that is a congested area in that corner of the lot and could be a way to reduce some coverage. Rhineberger what drains off that drive is toward the south side. Explained how the bluff drops off and the road leans to the south. Miller-water drains away from the lake.
- G. Aarestad – addition angles away from the lake, the road issues have been addressed, the pictures showing the bluff were helpful and erosion is not a problem. As Vick mentioned, if the impervious coverage can be reduced, they would like to see that.
- H. Mol – agrees and likes that the addition is back off the impact zone. He would suggest gutters be installed so the water is directed away from the lake and not impact the neighbor. He could support the plans.
- I. Neumann - asked if the lakeside deck going to remain. Applicant indicated yes. Neumann asked who maintains the road? Wolf – stated there are thirteen neighbors that pay for plowing and some summer maintenance. Rhineberger indicated the road is marginal and would not support a township vehicle.
- J. Mol moved to approve the plans presented according to the septic site plan on file marked Exhibit "A" and the building plans marked Exhibit "B". Condition: The new addition to have gutters installed to direct the water away from the bluff. Aarestad seconded the motion.

DISCUSSION: It was noted what is impervious, there will not be any other surface coverage allowed. The applicant to take the necessary precautions to stay away from the bluff.

VOTE: CARRIED UNANIMOUSLY

3. **MARK G. MEREDITH** – New Item

LOCATION: 7571 Redwood Ave. NW – Part of the N ½ of NE ¼, Section 29, Township 121, Range 28, Wright County, Minnesota. (Southside Twp.) Tax #217-000-291202, -291301 & -291102 Property owners: Applicant & Ron Meredith

Requests a variance as regulated in Section 155.026, 155.003(79) & 155.048(G), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to add 10 acres from property owned by Ron Meredith (tax parcel #217-000-291301) to the applicant's existing parcels (tax #217-000-291102/291202) resulting in a 20-acre parcel. Remainder parcel to be a 15-acre lot of record.

Present: Mark Meredith

- A. Rhineberger – two properties were reviewed. A ten-acre parcel owned by the applicant and his family owns a 23.9-acre parcel to the south. Proposal is to add another ten acres to the applicant's homestead. The previous divisions and a Planning Commission hearing to rezone and subdivide part of the original farm that lies south and east of County Road 2 left this remainder parcel. The area to the north and west is zoned AG and both lots are in the Plan for AG. The 24 acres with the lakeshore might have a slight chance of rezoning in the future, although it is a Natural Environment Lake. The Board is addressing the adjustment and if approved, the combination of tax parcels is suggested. Approval from the Town Board was the only written response received. Looking at the new air photo, a recent land alteration was noted. He informed the applicant live trees that are 4" in diameter or larger cannot be removed. Also, more than 10 cu. yds. of earth movement require a permit, over 50 cu. yds. require a Conditional Use Permit.
- B. Neumann – can understand the desire to add land, but asked why not a smaller acreage? Meredith – they are running the additional land to the lake to have a beach back there and smaller acreage would make it narrow. Neumann – asked about access to the county road and whether additional access is needed or another entitlement? Rhineberger – noted the additional frontage. Explained the 24 acres is a left-over parcel and does not have an entitlement. The existing 10-acre lot has the farmhouse. Only way to gain another would be through a rezoning. Meredith stated he lives in the farm site.
- C. Vick - asked about combining tax parcels. Rhineberger – Staff would suggest everything north owned by the applicant be combined as one. Kryzer – asked if that can be done before the end of the year? Rhineberger would assume it could, unless a mortgage is involved.
- D. Aarestad - agrees to the adjustment if they can combine.
- E. Mol – asked for confirmation on what the Land Use Plan designation is with the land across the road rezoned A/R? Rhineberger displayed the Land Use and Zoning maps. Property north and west of Redwood Avenue are designated AG in the Plan. The area rezoned were pointed out. Mol – as a member of the Planning Commission he has concerns that they are setting it up for a rezoning to get a couple more entitlements. If there are 13 acres and A/R is requested, not saying that would be successful.

Rhineberger - in this case the acreage left would meet the lot standards. Although the acreage under the lake is not calculated in the lot size. Would suggest if approved, it is based on what is above the ordinary highwater mark. This is not in the Plan at this time, it is up to the Commission whether it is shoreland especially suited for residential. Good planning would be to consider the future. The Board could make sure the standards are met in the event it can be rezoned.

- F. Aarestad moved to approve the request to add land from tax parcel #217-000-291301 to applicant's homestead being tax parcel #217-000-291102, 291202 & 291417, remaining acreage that is being added must include ten acres above lake elevation of 1050. Condition: The tax parcels making up the homestead parcel must be combined by December 31, 2022; and subject to survey. Vick seconded the motion.

VOTE: CARRIED, Mol opposed

4. **ARVIN E. SENNE** – New Item

LOCATION: 5125 –53rd St. SW – W ½ of Lot 12, all of Lots 13 & 14, Poplar Heights, Section 31, Township 119, Range 26, Wright County, Minnesota. (Little Waverly Lake - Marysville Twp.) Tax #211-017-000121, -000130 & -000140
Requests a variance as regulated in Section 155.026, 155.049, 155.057 & 155.090(C) Table 3, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to remove two existing garages and replace with a new one-level dwelling that will be 1,622 sq. ft. footprint of living space plus a 624 sq. ft. attached garage, 224 sq. ft. screen porch, and 162 sq. ft. covered porch 85 ft. from a Recreational Development lake, 10.3 ft. from the screen porch to the septic tank and 18.7 from the covered porch to the treatment area.

Present: Arvin & Linda Senne; Bernie Miller, MSTs

- A. Rhineberger reviewed the map and site plan of the 31,441 sq. ft. property that is made up of 3 separate tax parcels. Proposal is to remove the existing structures. A house was removed several years ago and was located closer to the lake. New construction was reviewed and includes a one-level, 1,162 sq. ft. dwelling and a 624 sq. ft. attached garage, 224 sq. ft. screen porch on the east side and 162 sq. ft. covered porch that is proposed at 85' from a Recreational Development Lake. There are no elevation issues and pictures were displayed to show the existing shed and RV. Town Board approval was received and no other written response.
- B. A. Senne – explained they have been using an RV for summer use and would like to build a home.
- C. Miller stated after the survey was done, the house designer looked at the available space available. The location of the mound sewer makes it difficult to fit a house on the lot and meet the 100' lake setback. The house fits nicely into the site with where the driveway is located, and elevation requires minimal modifications. The lake setback is 4-5' behind the neighbor's house. They are not looking at a deck in front because the house design is "slab on grade". Building lot cover is proposed at 8.6% and total impervious of 21.1%. Some of the existing driveway will be where the house is going. The setback from the sewer is supposed to be measured from the absorption area of the mound, but noted a flat area is provided to allow water to drain in both directions. Rhineberger clarified a setback to a structure without living space below can be reduced to 10' but included this as information for discussion. Miller noted the porch projects out, but they tried to get as far back as possible. Using the sewer site plan with contours, he pointed out the area he is referring to for drainage.
- D. Vick – prefers the structure be 5' closer to a sideline, however, after looking at the air photo and the location and number of trees they are trying to avoid, agrees.
- E. Mol - questioned impervious coverage and the likelihood additional patio areas or pavers would be added later. Miller explained they are at 21% and this gives a 300 sq. ft. allowance for that. Mol asked if it is added lakeside, it will be closer than the house and they do not have a plan. Rhineberger noted the house plan does not show a door lakeside, just one coming out of the screen porch. He pointed out an existing

landscaped area in the southeast corner near the lake. Miller - they are leaving some options for the owners and noted they can go up to 25% unless the Board puts restrictions on that. Mol - concurred with the plan, avoids the mound sewer in back and the house will line up with the existing homes along the shore.

- F. Neumann – stated the setback is 15' from meeting the setback and homes on either side are closer. For these reasons, felt this will fit into the neighborhood. According to Miller, pushing back would put the house over the sewer. The 1,600 sq. ft. footprint is not a huge home and would agree to the request.
- G. Rhineberger stated he recently looked at setback standards for a patio with the Zoning Administrator and concluded if it relates to the house, abuts but is not an attached deck it can be allowed. If it is water oriented, it would have to meet the standards for a "water-oriented" structure, and they already have that. He clarified they may not want to use up the 300 sq. ft. left in the event they may want a turn-around in back by the road. Board members concurred with that.
- H. Aarestad - questioned the requirement for a move-in garage? Rhineberger explained it is a requirement in a residential district.
- I. Vick moved to approve the variances according to Exhibit "A", site plan and Exhibit "B" house plans held on file on the condition no more than 300 sq. ft. of additional hard surface coverage is allowed. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **ALEX JORDAN** – New Item

LOCATION: 252 – 36TH St. SW – E 250' of NW ¼ of SE ¼, lying north of town road; also, a tract in SW ¼ of NE ¼ Section 24, Township 119, Range 26, Wright County, Minnesota. (Marysville Twp.) Tax #211-000-244200

Requests a variance as regulated in Section 155.026 & 155.048(F)(3) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow construction of a 50' x 104' machine shed 10' off the west side lot line.

Present: Alex Jordan

- A. Rhineberger reviewed the 10.5-acre parcel in Marysville Township. The proposal is to build a new shed 10' from a side yard that has a 30' setback requirement. He reviewed a site plan and permit issued in 2010 that showed that a building was going to be at the opposite side of the property. However, it was built and inspected on the west side at 15' from the property line. He noted at the time of inspection it may have been hard to determine where the line was when the footing was inspected. The air photo was displayed to show this line. The applicant is before the Board asking for the variance for the second shed to be closer than the 30' required. Building plans for the structure were displayed. Town Board approval was received.
- B. Jordan - using the air photo described the proposed location of the new shed only leaves 35' between the two buildings and pointed out the trees he is trying to save. Another feature is the pond that limits the area and to keep the view from the front open to see the steers in the pasture. The additional building will give him a place to store equipment indoors. He has talked with the adjacent neighbor, present in the audience, and he is agreeable.
- C. Vick – with the existing building at 15' asked if they could meet that as a minimum? Jordan indicated he is willing to meet that. Vick - thinks the location is a good spot, prefers to keep the buildings in line.
- D. Aarestad – they are considering the pond as part of the reason for 10'. Questioned the zoning and future development? He would like to see a minimum 15'. Rhineberger stated the property is zoned and in the Land Use Plan as General Ag. The lot has limited road frontage so development would be difficult without a new road.
- E. Mol – with a new shed he is looking for hardship. He sees open area and pasture that allows space for the building. Rhineberger – he reviewed the air photos and somewhere within the tree line is the west boundary and 98.5' is the area he measured out that is available for this building. Mol – he does not like to create a non-conformity when there appears to be room and is not finding a hardship. The neighbor agrees and is zoned AG but is a very large building right along the line. Owners change and it does not leave a lot of room to get around the building or back in ag equipment. He has a building that size and with water coming off it, 10' does not give room. Also, there are trees along that line. Vick –with an existing building at 10' and another at 30' is not lining up and felt they may end up storing things back up against the line.

- F. Neumann – he did not see any reason to crowd the line, does not see a hardship and he would vote to maintain the 30' required.
- G. Jordan – does not know where he would put it except further into the pasture. He explained his pasture location and on the south end of building is where he could store hay for the cattle. What is the option, putting it near the road? He needs the space where he has it proposed. Aarestad - can you reduce the building by a few feet? Jordan – although he maybe could, noted can never build them large enough. The lot is long and narrow, trying to keep some room away from the pond and avoid removing a tree or two. If he can keep it near the other building it avoids plowing more snow to get to a shed in another location.
- H. Vick moved to approve the building no closer than 15' from the side property line. Aarestad seconded the motion.

VOTE: In Favor: Vick & Aarestad; Nay Neuman, Mol and Jones

MOTION FAILED

- I. Rhineberger asked if the Board members have any other motions for a modification or do they want to see the property, a modified setback or continuation for a revision? If not, the options are to ask for Findings for a denial or applicant can withdraw. Jordan – has some of his dad's old farm equipment he is moving from his brother's property and wants to keep it all in one location and keep things near the line to save space. A 15' – 30' setback uses up a lot of space on the lot. Aarestad suggested he come back with a smaller size and further from the line. Jordan – asked for clarification on what they are looking for and if he meets 30' he can build it. Board answered yes. Vick – noted another request they gave a variance; they do give variances on side setbacks. Mol – but not in this kind of situation with a large parcel in an AG zone. He felt there is room to fit it and leave room from the swamp. Does not find a hardship. Jordan asked if they would allow a 20' setback. The pond is low because it has been dry but comes up quite a bit. Aarestad – the Board cannot bargain on the setback; but would be willing to allow time to modify the request and come back if he can show a hardship.
- J. Josh Wood - present - stated his land adjoins this line. He maintains a buffer of trees between the properties and the cattle. If they leave 30' it leaves space to store items on his side and in his view. He would prefer the 10' setback. Kryzer – the problem is the Board has laws and criteria they must follow. Three members on the Board are saying they are not meeting the practical difficulty standard and is the problem. He understands what Wood is saying, but the Board must apply those standards equally before everyone that comes before them. Mol – if there are some practical reasons, such as there is no room between it and the swamp and cannot get the poles in because it is not good soils, etc. the Board will consider it. With the open space they are measuring it appears a building will fit in there and meet setbacks. May have to change how you drive around or access the building. As neighbors who agree now, that can change. Explained the difficulty for the Board to make these decisions that are not easy. Jordan – prefers to dismiss it and does not want a continuation.

- K. Vick moved to dismiss the request at the applicant's request. Applicant signed a dismissal request form. Neumann seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Chairman called for a break and reconvened at 9:50 a.m.

6. **RICH & TRISTA ANDERSON** – New Item

LOCATION: 1846 110TH St. SE –Tract B of Registered Land Survey 49 (part of SE ¼ of SE ¼), Section 29, Township 118, Range 25, Wright County, Minnesota.
(Franklin Twp.) Tax #208-237-000020

Requests an “after-the-fact” variance as regulated in Section 155.026 & 155.048 & 155.086 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an open staircase to remain in a guest house, bringing total living space to 1,287 sq. ft.

Present: Rich & Trista Anderson

- A. Rhineberger reviewed the location of the 23-acre property. The “after-the-fact” variance is to allow the staircase constructed in a guesthouse on the property. The side wall height in the storage room in the upper level has the full 8’ headroom and a patio door. At the time of building permit in 2020 for the guesthouse, the plans had a staircase which Staff denied and required revised plans and access could only be indirect by a ladder. The building inspector went out to inspect they found the full staircase had been built and found a range and oven was put back in space that cannot be used for habitation. A range moves it from a guesthouse to a dwelling and the property cannot have a second dwelling. A guesthouse has a 750 sq. ft. limit, with the staircase, it exceeds space allowed.
- B. R. Anderson – explained he is not a contractor, was constructing this himself and there was no bad faith. Range is gone, just looking for safe access, he is not getting younger, and wants safe access to the storage area.
- C. Aarestad – Board seen projects after the fact on occasion – understands it can be confusing considering the applicant is building it himself. He does have some deep concerns, the documentation provided makes it clear what was allowed and prohibited. It looks like 1300 sq. ft. living space and not 750 sq. ft. Looking at the pictures it looks like a home. Recommends removing the staircase.
- D. Mol – agrees with Aarestad. Questioned whether the property can have another home, this is a second home. Anderson – stated it is not a second home, but they have family that come up and need more sleeping quarters. T. Anderson they have hunting parties, want a place for them to stay and want to use the land they have. Mol – he would like the staircase removed, the permit states clearly no staircase. The applicant indicates when the building inspector came out he did not say anything, but applicant should have known. R. Anderson – the problem removing this it is all tied into the upper railing. Added, Inspector, Palusky was out there. Another inspector, Ding had suggested a drop-down ladder and that did not seem practical. He is not a home builder and did not realize it would be a big thing. They considered the time and cost put into the project and after discussing a \$800 fee for a variance, felt this was their best option. Rhineberger had informed them there is no guarantee. Rhineberger – you put in a full stairway up to storage. R. Anderson – wanted a nice place and wanted it to look finished. Nothing on the upper level is finished off.

- E. Neumann – asked if the 750 sq. ft includes the upper? R. Anderson – that is just the lower. The wording was vague in the Ordinance, when they first drew the plan they were informed it could not be the upper and inspector, Ding, suggested they call that area storage. They submitted the new plan to show that storage in the upper level. Neumann – with storage above the guesthouse allowed, asked if it is only the staircase? Rhineberger – yes, must only have indirect access. He compared this to cases with replacement structures the Board sees with storage in lofts. Staff cannot go out and monitor these in the future. How this ties into the rest of the structure, it looks and functions as a 1200 sq. ft. home. Neumann – currently it is direct access. R. Anderson – yes – the stairs were described. He asked if a guest house on a slab, could have stairs to the basement? Rhineberger, no just indirect. R. Anderson – questioned safety matters. Mol – he is looking at this as a house and how they prevent them from not putting a range and cots back in. There is a two-car garage on a bunk house? A bunk house is considered a building for sleeping quarters, they park up at the main dwelling and they go down to the main house to eat. Putting sleeping quarters in the second level is not storage. If the Board allows a staircase the fact is it will be a second home that others are now allowed to have. R. Anderson – he assured the Board members the property will stay in his name during his lifetime, there is no second address and there will not be division of the property. Rhineberger – a second dwelling is prohibited and that is the problem, a second dwelling is not allowed. There are remedies, there could be an exterior access where the patio door is.
- F. Vick – that would be his suggestion is an exterior stairway with a 4' x 4' landing out the sliding glass door. The concern is also it could become a rental unit. The way this is constructed there could be kids sleeping up there. R. Anderson – the building code was followed there are smoke detectors, etc. The range is gone, but it will be costly to modify the staircase. Vick – there will be a safe access with a ladder, or an exterior staircase. Rhineberger – to answer the applicant's question on a basement, he noted they would only allow a non-habitable height that cannot be more than 6'.

Discussion on action. It was noted if the Board is not going to allow it, it would be a continuation for Findings. Vick asked how to develop a motion to deny and what modifications are appropriate. T. Anderson noted they finished this to look nice from below. Kryzer – what is required to have it framed up. Vick – understand the concern, suggested a legal handrail across for safety. Aarestad - remove the stairs and modify the upper level to show how this cannot be reinstalled so in the future they cannot throw the stairs back in. Rhineberger – the plans granted for the building permit indicated an approved ladder. If they follow that plan it is approved, did not know if the Board should add in conditions. Staff had approved a specific plan and if it is built according to that plan, that should satisfy it. The deck for the patio door was not on the original permit and they would have to apply for a permit for the deck. Vick – anything built can be torn down. Vick would not object to the nice rail continued through.

- G. Vick moved to close the public hearing and continue the petition to November 5, 2021, for counsel to draft Findings consistent with denial according to their discussion. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

7. **CRAIG D. McADAMS** – New Item

LOCATION: 693 –90th St. NE – Part of NE ¼ & part of Gov't Lot 2, Section 19, Township 121, Range 25, Wright County, MN. (North Lake– Monticello Twp.) Tax #213-100-191200 Property owners: Yager, Olson, Lee & Ailie

Requests a variance as regulated in Section 155.026 & 155.048(G)(4), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow two "1 per 40 entitlement" divisions along 90th Street leaving the remaining 91 acres with a 66' wide access strip to the public road.

Present: Craig McAdams & Tim Hillukka; Paul Otto, Otto Associates

- A. Rhineberger – reviewed the two divisions proposed along the road as "entitlement" divisions. The only road frontage is along the north side and, because it is limited, the variance is to allow the remainder parcel with a 66' wide access strip (300' wide is required). Proposed lots meet the standards and are not oversized. The maps showing the location were viewed and the Land Use Plan has the area designated "Rural-Residential". A potential development plan for the balance of the land is not before this Board but is a possibility in the future. The 66' width would provide for a future public road. If development never takes place, the balance keeps the remaining entitlement. Town Board response was included in the Board's packet.
- B. Otto – explained the future development is not before the Board but the hardship is the lack of road frontage, there is 792' and three entitlements. The concept plan for development will have to go to the Planning Commission if this goes through. If rezoning does not happen, the third entitlement would remain with the balance and the 66' wide access strip. He felt the end plan might help the Board with their decision. The future road location was chosen as the best location at the top of the hill. Future lots are planned as 10-acre lot sizes and not a Planned Unit Development, which would be smaller lots. Trying to use the 3 lots in the front would leave an odd 14-15 acres and would create an irregular shaped property.
- C. Aarestad – felt in concept this makes sense. He would like to hear from the Town Board first, in case they have some concerns. Likes to have things line up with the road. Hillukka – stated he thought the Town Board concern was the process. Aarestad –would want to work with them and wait to make sure they are comfortable with it.
- D. Jones opened the hearing for public comment.
- E. B.J. Buettner – pointed out her property to the north. Is opposed to smaller parcels along the road and asked why they are not placing the homes further back on the property. Noted there are a couple other homes being built along here and felt this plan crams two more entitlements in front. Opposes the increase in density along here.
- F. Otto responded to Buettner's concern, noting that the lots behind will be 10 acres. The area along the road is where the nicest building sites are. If it would help, the Board could come out and see the property. They could be looking at more lots if

they were using the straight acreage. He felt 10 may be feasible with the lay of the land. The two they are talking about are 6 and 7 acres and not small. Entitlement divisions can be as small as 1-2 acres in the AG zone. Rhineberger added if they were to propose a Planned Unit Development, there is a maximum potential number of lots at 6/40 or 15 lots. That decision is not up to this Board and may come later. If rezoning does not happen, it would be two lots near the road and one house on the remainder.

- G. Mol – stated future development would be heard by the Planning Commission. This hearing is to consider the 66' wide access strip and the Board has done that in the past. Often the Board questions 33' and prefer owners go to 66' in width.
- H. Neumann – indicated he is not a proponent of 10-acre residential lots. What he sees happen, at least in his Township, the size is too large to mow and maintain, too small to farm and become a place for junk to pile up or weeds. Even a six-acre lot, unless there are woods or ponds to take up some of the area, is a large area for people to maintain. Questioned with the proposed lots if there is a way to make them smaller? He agrees with Aarestad and would want to hear from the Town Board. Rhineberger – state he intends to meet with the Town Board to answer any questions they might have. Also, suggest this would be the time to visit the site if the Board wants.
- I. Vick – asked what the maximize size storage shed allowed on six acres? Rhineberger up to 10 acres is 4,000 sq. ft. Lots over 10 acres are limited to 15% allowed building coverage. Vick agreed they should continue for Town Board review.
- J. Aarestad moved to continue the hearing to November 5, 2021, for Town Board input. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

8. **LYNNE CRANDALL** – New Item

LOCATION: 2162 & 2122 - 159TH St. NW – Lots 16-18, Freemont Heights & part of vacated road, Section 15, Township 122, Range 26, Wright County, Minnesota. (Mississippi River - Silver Creek Twp.) Tax #216-118-000160, -000170 & -000180 Property owners: Cox & Applicant

Requests a lot line adjustment as regulated in Section 155.026(E)(2), 155.049 & 155.058, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow approximately 45 ft. of Lot 17 to be added to Lot 18. The remainder of Lot 17 to be attached to Lot 16.

Present: Lynne Crandall

Kryzer noted for the record there was no one in the meeting room other than the applicant, staff, and Board members for purpose of public comment.

- A. Rhineberger reviewed the property that is in the Wild & Scenic River district and minimum lot sizes required for each lot which is 2 acres. There are three lots owned by two parties. The two eastern lots cannot be separated. Crandall wants to attach 45' on roadside 35' on river side and leaving the remaining two parcels, house, and detached garage as a lot of record. Town Board approval was received.
- B. Vick - asked if that increase parcel numbers. Rhineberger – potentially, unless the Board requires the parcels be combined. Kryzer – Staff recommends the Board require that, suggests prior to the end of the year when taxes are due. Suggested this be completed by the end of 2022.
- C. Aarestad – one lot is becoming smaller, the other larger. Asked the age of the sewer systems. Crandall – her sewer was installed in 2013. Rhineberger – felt the Cox property has more room in front if he should need to replace his. The soils are sandy, and they are not as concerned. He understands that owner is planning to sell, at which time it will have to be addressed. Aarestad questioned how much room to the property line. Crandall – wants 45' to avoid taking down a tree and room from the detached garage. The new line would be over 80' from the deck.
- D. Mol – this will improve a setback. Crandall – there is an easement for the existing driveway. This will not help on the west side but give more room on the east side. Mol – if the properties can be put together, no objection.
- E. Crandall asked if they must do a survey? Rhineberger and Kryzer stated it is needed to get a new legal description and have property stakes set.

- F. Neumann – are they eliminating one PID with this split? Rhineberger by Statute this is not a separate marketable lot. Neumann indicated he has no problem with the adjustment.
- G. Mol moved to approve the lot line adjustment as proposed on the condition the Parcel IDs are combined by December 1, 2022 and is subject to survey. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Respectfully submitted,

Barry J. Rhineberger
Planner

BJR:tp

Cc: Board of Adjustment
Kryzer
Twp. Clerks