

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: November 5, 2021

MINUTES – (Informational)

The Wright County Board of Adjustment met November 5, 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 Jones, seconded by Neumann, all voted to approve the minutes for the October 8, 2021, meeting.

1. **RICH & TRISTA ANDERSON** – Cont. from 10/8/21

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: Applicant not present

- A. Rhineberger informed the Board that at the previous hearing, the Board direct counsel to prepare findings consistent with denial. Those findings were provided to the Board for review. Looking for additions, corrections, or motion to approve.
- B. Kryzer – staff went through the record and composed the proposed findings and conditions. If everything is in order, the Board can make a motion to adopt.
- C. Vick moved to adopt the Notice and Order of Denial, as presented. Aarestad seconded the motion.

DISCUSSION: Rhineberger stated that a copy of the signed Notice and Order of Denial would be sent to the applicant via US Mail.

VOTE: CARRIED UNANIMOUSLY

2. **KIMBERLY & MICHAEL FRYE** – New Item

LOCATION: 14926 62nd Street NW – Part of Gov't Lot 5, Section 34, Township 121, Range 28, Wright County, Minnesota. (E. Lake Sylvia - Southside Twp.) Tax #217-000-343303

Requests a variance as regulated in Section 155.026, 155.011, 155.057 & 155.090 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to replace existing dwelling with a new dwelling that will have 1,552 sq. ft. of living space including 768 sq. ft. of storage area in the lower level and also a 168 sq. ft. screen porch on the lower level; the middle level to have 2,592 sq. ft. of living area and also a 288 sq. ft. deck; the main level is 1,696 sq. ft. of living space with 768 sq. ft. attached garage. Proposed new structure to be 75 ft. from the Ordinary Highwater Mark (OHM) of lake with a deck 63 ft. from the OHW and 23 ft. from the bluff. Proposed Type IV septic system treatment area to be 45.3 ft. from the lake, 17.3 ft. from the dwelling and 7 ft. from the deck, with the proposed septic tanks 8 ft. from the dwelling and 2 ft. from the deck.

Present: Kimberly & Michael Frye, Bernie Miller (MSTS), Darwin Hoffman (Builder), Brandon Scheuble (Designer)

- A. Rhineberger – the property is located on Lake Sylvia, which is a General Development lake, and roughly 23,482 sq. ft. in size. Staff determined that this will be looked at as a new build versus a remodel and addition. The new build value roughly 375% of the existing structure, therefore warrants the new build classification. The applicant is seeking to replace the existing dwelling that has 978 sq. ft. of lower level living space, 456 sq. ft. lower level screen porch, 644 sq. ft. lower deck, and 864 sq. ft. upper level. The current building is 58.4 ft. from the OHW and 23 ft. from the bluff. The 58.4 ft is to the deck. The bluff is odd in that it runs more north and south with a portion that isn't considered bluff but there are steeper portions on either side of that gap. The proposed new dwelling will meet the side yard and road setbacks as it currently sits. The new dwelling will have 1,552 sq. ft. of living space, 168 sq. ft. porch, and 768 sq. ft. of storage area on the lower level, 2,592 sq. ft. of living area and a 288 sq. ft. deck on the middle level, and 1,696 sq. ft. of living space and a 768 sq. ft. attached garage on the main upper level. There are 2 levels that are basically basement. The garage will come in at what is more of a 3rd level. The new structure walls will be 75 ft. to OHW, the deck will be 63 ft. from the OHW and this is about a 9 ft. improvement. Still 23 ft. from the bluff, no further encroachment. Proposed Type IV septic system to be 45.3 ft. from the lake, 17.3 ft. from the dwelling, and 7 ft. from the deck, with the proposed tanks 8 ft. from the dwelling and 2 ft. from the deck. Impervious surface to be reduced from 26.4% to 25%. Town Board approval was received. One neighbor approves and another voiced concern about the increased construction traffic on the privately maintained dead-end road.
- B. Miller – the goal of the applicant is to increase the livable area of the home from a 3 to 5-bedroom home, and improve access from the garage into the home with an attached garage. Currently the detached garage sits higher up and back from the house and the steps leading to the house are dangerous and difficult to maneuver. The applicant would like to attach a garage to the home and remove the one road side. They spent considerable time coming up with a way to not increase or impose more on setbacks and the way to work with the land and topography was to go up and not increase footprint. The current drainfield is compliant and could stay but it was decided that, during the build, it would be an ideal time to replace a system that would eventually need to be replaced down the road. In the past, a nonconforming septic system was allowed by the County EHO department to be replaced if it was not encroaching more and bettering the situation. This new system follows those rules and would not need to be part of the variance. Rhineberger confirmed that the septic system follows the same state statute rules about pre-existing non-conforming being replaced if no

further encroachment. Miller - decided to include the septic in the variance request to keep the historic data clear and clean up any past questions. If they didn't need the building variance they would not need to be before the board to replace the septic. The building coverage sounds like a lot, but going from 11.3%-15%, therefore still meets the requirements. Took time to look at the impervious and make sure in line with the required 25%.

- C. Vick – sees the plan as very busy with a lot of moving parts happening. Because of the bluff and all the work being proposed, he would like to see the location with a site visit.
- D. Aarestad – originally had some concern with the 5 different variance requests for one applicant, but with the septic portion explained he feels better about that portion of the request. Likes to hear that the applicant is being proactive on replacing the septic system and the explanation that went with the replacement. It appears that the house sits back much farther from the shoreland than those around them. He is concerned with what the height will be and if that fits in around them or would have a negative impact. The other item is the deck being at 63 ft. where he would like to see that meet the 65 ft. setback. Rarely does the Board approve anything under that 65 ft. mark. He does realize that the bluff does impact how far back the house can go but would like to see the applicant try to cut back or adjust the deck so it fits that 65 ft. setback. K. Frye displayed additional photos for the Board to see how the current home sits in relationship the neighbors that are on either side as well as how the bluff plays a role in location of the house.
- E. Neumann agreed with what Aarestad stated. Questioned if significant excavating is occurring for the addition, why they aren't moving the entire house back. Hoffman – the current foundation will stay and to remove and start over increased the cost significantly. Neumann questioned if the current foundation is able support what is being proposed. Hoffman confirmed that the foundation will support what is proposed. Miller – majority of the excavation will be roadside. Rhineberger – the amount of fill needed to come up enough for the attached garage to align is about 7-8' of dirt in the worst spot. Displayed plans were discussed as to where cut and fill areas of the project will be.
- F. Vick would like to know if the alteration would be within the bluff. Rhineberger - out of the bluff but drainage around the house should be addressed. Miller – setbacks on the side of the garage allow for water drainage as needed. There are currently several catch basins that will need to be slightly modified. There are already multiple ways that water has been draining on the property. There will need to be some retaining walls added bluff side. It is almost like building a bridge to access garage.
- G. Aarestad stated he wants to see that deck brought back in size or adjusted to meet that 65 ft. setback. Miller - only one side of the deck is at that 63.2 ft. mark, it is not the entire deck. The layout has to do with usable deck space and the angle of the OHW. Having an 8 ft. wide deck really makes it an unusable area. If the deck is a holdup point, he is sure that the applicant can address the deck and make something work.
- H. B. Scheuble – could potentially jog the deck to meet that setback but downsizing the deck to less than 12 ft. deep really makes the deck unusable. Aarestad reiterated that in the past it has been the Boards policy to stick with the 65 ft. Hesitant to deviate from this 65 ft. mark. He understands that the applicant feels it is splitting hairs between 63'-65' but the Board needs to stay consistent.
- I. Miller asked to have photos of the neighboring east property displayed, which is practically on the lake. Rhineberger – the request before the Board is farther back than neighbors on either side and a lot of the neighbors on that side of the lake and in that area are closer to the lake because of the natural slope of the

area. Aarestad – helpful to see what the others have in relationship to what is presented but still wants to see the 65 ft. for the deck. Wants to see a storm water management plan that shows the water properly being directed that is coming of the bluff and neighboring fields.

- J. Neumann – with all that is happening and the bluff he would like a site visit. Photos don't really give a true picture of the height that is being discussed.
- K. M. Frye – feels that when said and done, the neighboring house on the left will be higher than theirs. Miller – how this house sits with the bluff and trees, there will be trees visible from the lake and not stick out as much as one would think. Agreed with M. Frye that the neighbor house will most likely be higher than the applicants.
- L. Vick questioned if they could bring the ceiling height from 10 ft. down to 8 or 9 ft. It would help with the overall height of the dwelling from the lake. M. Frye – addition in height was to accommodate for the driveway and attached garage. Miller – several professionals were involved for months on this project so that what we feel would be the best option presented to the Board. The proposal presented meets the needs of the applicant and best fits into the requirements with minimal variances.
- M. Rhineberger asked if by removing the entire structure could they move the building back and up, which would alleviate the elevation. Miller – yes, that was looked at but the cost of starting over was significantly higher and there would need to be more excavation.
- N. Vick – questioned if adjusting the roof pitch of the garage could help bring the house height down. Still would like to see the property. Rhineberger – that is another part of moving the building back, the farther moved back and up the taller it will stick out. Hoffman – if we remove existing basement foundation, the amount of dirt would significantly increase. Aarestad – using the existing foundation to limit the amount of dirt work is a positive thing. B. Scheuble – the maximum height in the County is the 35 ft. and this building came in 4 ft. below that max height. Vick – concern is what the building looks like from the lake.
- O. Aarestad stated he is fine with what he is seeing presented, other than the deck and storm water management plan. Understands others needing to see the site and would go along if that is the direction others want to go. Vick – feels a site visit is warranted.
- P. Neumann – would not be okay going with less than 65 ft. for that deck, as proposed would be a no for him at this time. M. Frye – if the sticking point for the board is the 65 feet for the deck they will come up with a plan and figure out how to make that work.
- Q. Aarestad – appreciates the time and thought that has gone into the planning of the project but sometimes pictures and topo maps don't give the full scope of the project. Fully understands the delay that a site visit would cause, but in this case, feels a site visit could be needed.
- R. Aarestad moved to continue for a site inspection, and the matter heard again December 10, 2021. Neumann seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **DANNY B. HUSOM** – New Item

LOCATION: 46 Aladdin Circle. NW – Lot 1, Olson's Point, according to plat of record, Section 36, Township 120, Range 26, Wright County, MN. (Buffalo Lake – Chatham Twp.) Tax #203-019-000010

Requests a variance as regulated in Section 155.008(B), 155.026 & 155.049(F)(2) & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to remove and replace existing 25' x 27' attached garage, add a full second-story addition above the new garage to the dwelling that is 70' from the Ordinary Highwater of Lake, 15' from the platted road right of way (54' from traveled road). Expansion also includes a new 10.5' x 20' foyer and 4' x 10.5' covered stoop on the main level.

Present: Christine & Danny Husom

- A. Rhineberger displayed the parcel photo and proposed building plans. The lot is 16,223 sq. ft on Buffalo Lake. The existing dwelling is approximately 70 ft. from the Ordinary Highwater (OHW), 15 ft. from the platted road right-of-way, and 54 ft. from the traveled road centerline. The applicant is looking to add a full second story above the existing attached garage and expand with a new 10.5 x 20 foyer and 4 x 10.5 covered stoop. Addition is all road side with nothing going lake side. Town Board approval was received, with their reasoning being that all houses in area are in the right-of-way and they are not moving any closer. No other comments were received.
- B. C. Husom pointed out that there will about 100 sq. ft. of impervious coverage added, for the foyer. The majority of the dwelling increase is going up and not increasing the footprint. With the split entry style home from the 70's the entry way is small and not easy to maneuver or use. There are several steps up and down to maneuver and the proposed plan will increase the size of the entry area and decrease stairs to a single step.
- C. Jones opened the hearing for public comment. Hearing none, the meeting was moved along.
- D. Aarestad – feels the request is reasonable. Not concerned with the amount of improvement going roadside. Footprint is minimal and not concerned with lake setback as the expansion is roadside.
- E. Neumann – doesn't feel that the footprint is increasing by a concerning amount. If the roofline matches what is there to prevent waterflow and ice dam issues, he is good with the plan.
- F. Vick agrees with the other members and feels the request is reasonable.
- G. Aarestad moved to approve the variance, as presented, to add a full second-story addition above the garage to the dwelling that is 70' from the Ordinary Highwater of Lake, 15' from the platted road right of way (54' from traveled road). Expansion also includes a new 10.5' x 20' foyer and 4' x 10.5' covered stoop on the main level. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **CRAIG D. McADAMS** – Cont. from 10/8/21

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

- A. Rhineberger reminded the Board the request had been heard by the Board at the October 8, 2021 meeting and it was decided that the item be continued to today’s meeting so the Township could have time to review some additional details. The Town Board made motion to approve the request for a 66 ft. wide access strip, on a public road, for the remainder 91-acre parcel.
- B. McAdams – the Township was looking for examples that show similar situations. Rhineberger – discussed several situations with the Township and the details related to those properties. This type of request is more common in heavily agricultural areas of the county. The strips like this aren’t as prevalent in Monticello Township as other areas.
- C. Vick questioned if the neighbors were present that voiced concern at the last meeting. Rhineberger stated that he did not see those neighbors in the audience. McAdams - after the last meeting he did take the time to meet with the neighbors and were able to address their concerns.
- D. Aarestad – double checking that the Township didn’t see any concerns that he didn’t see. After receiving the Township approval, he is fine with the request.
- E. Neumann – concern is the lot sizes being too small for farming and too large to mow. Because the entitlements available and the Township approves of the request, even though the size isn’t what he would like to see, it is allowed. So he is okay with the request.
- F. Vick moved to approve two “1 per 40 entitlement” divisions as proposed, subject to soil borings, new legal descriptions, and the property owner filing of a deed restriction. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **CHUCK BEISNER** – New Item

LOCATION: XXXX 85th Street NW – Part E ½ of SE ¼; Section 21; W ½ of W ½ of SW ¼ Section 22; Part of N ½ of NW ¼, Section 27, all in Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #213-100-214100; -223200 & -272201 Property owners: Joseph & Janice Holthaus & Holthaus Properties of Buffalo LLC

Requests a variance as regulated in Section 155.026 & 155.048(G)(4)(c), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an “entitlement” division of 11 acres to encompass the solar farm leaving the balance of the land (approximately 74 acres) with a 33’ wide access strip and the remaining “entitlement”.

Present: Chuck Beisner & Joseph Holthaus

- A. Rhineberger – Reviewed the 85-acre parcel located in Monticello Township. Reviewed the location map of the request with the solar farm area and proposed division area. The solar farm to the east was approved through a CUP in 2019. The applicant is looking to divide roughly 11-acres from the existing 83-acre property, leaving a 33 ft. access strip for the remaining 74-acres that will retain one building entitlement. The Board heard a request a few years ago to divide off the 40 acres to the east with the existing solar farm; at which time it was known that the road frontage that was left would not be sufficient for another entitlement division and the Board would hear a request when the time came. Part of this discussion and decision is if the Board will require soil borings for this division. With normal entitlement divisions, solar borings are required. Circumstances for this location are unique with a solar farm set to be there for a certain number of years. It is up to the Board to determine if borings are required or not and if they don’t waive the requirement, Staff will require borings. Monticello Township stated they approved the request.
- B. Neumann – clarified that the 11 acres will be purchased by the solar company for additional solar panels. Beisner confirmed that is the intention of the division. Neumann voiced concern that a 33 ft. access strip might not be an adequate width for machines operating on the 74-acre farm land. Holthaus explained that the 74-acres is an existing gravel pit with an easement access on Highway 25. Rhineberger – the approach onto Highway 25 cannot be used for anything except the current gravel pit use. If another use is presented, such as a home, the access would be off County Road 106 with the 33 ft. access strip. The County Highway Department would approve two new accesses off County Road 106. Neumann – questioned what Holthaus sees for the current 74-acres in the future, after gravel mining is done. Holthaus indicated he would put the land back into farm land. Neumann reiterated that a 33 ft. wide strip would be a tight fit for modern farming equipment. Because the purpose meets the plan, he would be okay with the request.
- C. Vick stated he would like to see a 66 ft. wide access strip. Rhineberger – with an entitlement division, like this, and the zoning of the property as General Agricultural, the minimum 33 ft. wide strip meets the requirements. Vick – if request meets the requirements for that strip to be 33 ft. wide then he is okay with the request as presented.
- D. Aarestad – there are divisions like this that have been done in other areas of the County and therefore feels this request is reasonable.
- E. Aarestad motioned to approve an “entitlement” division of 11 acres to encompass the solar farm, leaving the balance of the land (approximately 74 acres) with a 33’ wide access strip and the remaining “entitlement”,

subject to survey and deed restriction. Condition: Prior to the Solar Farm building permit being issued, Planning and Zoning must receive soil borings. Neumann seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **JEAN L. KARINIEMI** – New Item

LOCATION: XXXX 10TH Street & CR 3 NW – N ½ of Section 34, except part to church; Part of NE ¼ of NE ¼ Section 33; Part of SE ¼ of SE ¼ Section 28, all in Township 120, Range 28, Wright County, Minnesota. (French Lake Twp.) Tax #209-000-342202; -342200; -342100; -331100; -284401
Property owners: Applicant, Mark Janckila, Bryan Janckila, Michael Janckila

Requests a determination on “entitlements” for original farm parcels and a variance to allow an “entitlement” to be used on a 10.35-acres as regulated in Section 155.026 & 155.048(G)(4)(c), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Jean Kariniemi, Keith Kariniemi, Mike Janckila

- A. Rhineberger displayed the original farm parcel map, as well as the proposed division area. The original farm was 143 acres in French Lake Township. There was a disbursement with 10.3 acre piece divide off and willed to the applicant. The division did not go through the proper process. At that time, the acreage was determined to be 139-acres, 1 acre short of having 4 entitlements, therefore, 3 entitlements were allowed. The division was dropped by the applicant and the 10.35-acres was transferred back to a family member that adjoined the property. With today’s technology, the acreage calculation shows the original farm was 143 acres, meaning 4 entitlements would have been available. The applicant and Staff would like the Board to address the entitlements and determine if the original farm has 3 or 4 entitlements. The other item for the Board to determine is if the proposed division of the 10.35-acre parcel, which includes approximately 4.15 acres of prime tillable farm soils, is justified and reasonable. French Lake Township did approve the request.
- B. Aarestad – details around the determination of the 3 or 4 entitlements makes sense and he sees the original farm having 4 entitlements. Looking at the proposal in relationship to the surrounding farmland, he is comfortable with the request of the 10.35-acre division.
- C. Rhineberger commented that the location of the 10.35 acres is bisected by a driveway. What is presently there looks to be hayed and really isn’t accessible from any other piece of the farm. What is being farmed to the East is owned and farmed by another party. This piece is really disconnected from the current farming operation. Aarestad reiterated he is fine with the request.
- D. Neumann – the 4th entitlement determination makes sense. Not a big fan of the 10-acre division but really it is splitting hairs between 10.35-acres and what is allowed without Board approval at 10 acres. It appears that the land is farmed for hay and really is divided from the rest of the farm operation by trees. Rhineberger – if staff was involve in the estate planning process, the lot size would have been addressed.
- E. Vick – agrees with the assessment of 4 entitlements. Does not see an issue with the proposed 10.35-acre division.
- F. Ortquist – neighbor, asked for clarification on entitlement determination process. Rhineberger detailed the “1 per 40” rule and how rounding is worked into the determination. There are no more entailments being gained, just clarification on the number with the original farm site now that there is better technology available to make the determination. Cannot rule out that in the future there won’t be additional building sites, but at present, the 4 entitlements are accounted for and will be used.

- G. Aarestad motioned to approve the 10.35-acre entitlement division as proposed. Subject to soil borings, survey, and Deed Restriction. The Board acknowledges the original farm site of 143 acres and therefore 4 entitlements existed. Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

7. **KEVIN G. MARQUETTE** – New Item

LOCATION: 495 & 457 Dempsey Avenue, NW – Part of NW ¼ of SE ¼ & SW ¼ of NE 1/4 & part of E ½ of SE 1/4, Section 33, Township 120, Range 26, Wright County, MN. (Chatham Twp.) Tax #203-000-334400 & -334102 Property owners: Marquette & Botzet

Requests a variance as regulated in Section 155.026 & 155.048 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the division of the 147 acres as follows: 1) Attach a 100 ft. wide strip containing approximately one acre to the Botzet lot (tax #203-000-334102) creating a property line 18 ft. from an existing detached garage and making the access strip serving the Botzet lot more than 66 ft. wide but less than 200 ft. 2) Divide the south 40 acres with a building entitlement 3) Divide the existing farmstead on approximately 13 acres, leaving a 33-66 ft. access strip to the remaining 95 acres that would be restricted.

Present: Kevin Marquette, David Marquette, and Larry Marquette

- A. Rhineberger displayed the area image showing parcels in question, with the three areas of the request clearly marked. The farm parcel in question is 147 acres with a 2.5-acre division for a homesite done in 2004. The first item to review is the applicant wanting to add 100 ft. to the existing 2.5-acre homesite that is to the north. This will result in more than 66 ft. but less than the 200 ft. required road frontage and put the property line 18 ft. from an existing detached garage. The second part of the request is to divide existing farmstead on approximately 13 acres, which exceeds the 10-acre maximum that is allowed with an entitlement division. The third item of the request is dividing off the southern ¼ ¼, leaving the remaining 95 acres restricted with a 33 ft. access strip, when 300 ft is required. The Township has approved.
- B. K. Marquette – the requests are related to their parents will. Addressing the first request, by adding the additional acreage and how they cut the property line will clean up the driveway and incorporate the parcels driveway so that the current easement would not be needed. The second portion of the request will allow for Larry to receive roughly 15 acres of the farm-site, as indicated in the will. This allows the farm-site to stay intact and provide adequate land to continue farming with some animals. The third item of the request would be the 95 acres to adjoin directly to the property owned by Dave. It will allow Larry and Dave to continue operating as is but also gives flexibility to sell portions of the 95 acres.
- C. Neumann addressed the first item as being roughly 3.5 acres and overall makes sense. The second item he voiced concern and would like to see if they can't bring it into compliance as a 10-acre division. Questioned if the dimensions of the division could change in such a way to give a wider access to the 95 acres that remains. The third part the of request he feels is reasonable. Just that 2nd portion of the request has him concerned and wondered if there is a way to bring that into compliance from 13 acres to the 10-acer mark. K. Marquette – they tried to work out the property lines and size of parcels with what was written in the will and that indicated the farm-site would be 15 acres. The south line that creates the 40 acres does border Dave's property and will be combined with his current parcel. L. Marquette – topography of the site also played a role in how the lines were drawn to optimize the usable farmable areas. Rhineberger did some quick measurements and by adjusting the lines around the farm-site it would just open the situation to additional variance requests related to the feed lot setbacks. Adjusting the lines from what is proposed would just adjust which variance is needed and basically take away one but add another.
- D. Vick – After the explanation from Rhineberger and seeing the present parties coming together with a solution, he feels that the requests have been thought out and are reasonable.

- E. Aarestad stated he appreciates the planning that went into this request; not only for current plans but thinking into the future as well. Concern with the first request is putting added issues onto the existing farm with setbacks. Rhineberger – the farm itself is not impacted; the only item is that garage setback. Aarestad – comfortable with garage setback and the road frontage. The second part of the request he does agree with Neumann with regards to the size. Also questioned if 33 ft. is enough for access for farm equipment. Neumann – a road is supposed to be 12 ft. wide but the equipment is 15-18 ft wide. If just a driveway to a house, the 33 ft. would be enough but as a road it would not be. Confirm that the 95 acres is restricted. Rhineberger – addressed the width concerns with describing that it could be possible to the lines to meet setback requirements and acreage request. Neumann - with the 95 acres being restricted it would have to go through a board to change the use for the possibility of development. The 33 ft. width for the present request is adequate. Aarestad – feels more comfortable with the request after this discussion and explanation.
- F. Vick made a motion to approve the request to 1) Attach a 100 ft. wide strip containing approximately one acre to tax parcel (tax #203-000-334102) creating a property line 18 ft. from an existing detached garage and making the access strip serving the Botzet lot more than 66 ft. wide but less than 200 ft. 2) Divide the south 40 acres with a building entitlement 3) Divide the existing farmstead on approximately 13 acres, leaving a 33-66 ft. wide access strip to the remaining 95 acres that would be restricted. Subject to survey and deed restriction. If the 1-acre can't be joined under the existing Tax ID a separate administrative order will be required. Motion was seconded by Aarestad.

VOTE: CARRIED UNANIMOUSLY

8. **CRAIG L. BROSE** – New Item

LOCATION: 9265 Lathrop Avenue SW – Part of E ½ of NE ¼ Section 19, Township 118, Range 27, Wright County, MN. (Victor Twp.) Tax #219-000-191400 & -191100 Property owner: Brose Land LLP

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 a property line between two parcels (both owned by Brose Land LLP) to be moved that will result in a setback less than 30 ft. from existing grain bins and agricultural buildings.

Present: Craig Brose

- A. Rhineberger displayed the parcel map with the proposed new property line. The current property line, created in 1987, separates the two farm properties, both are owned by the same farm corporation. The line currently runs through a farmstead building and at the edge of the existing house. The proposed line will separate off the grain bins from the house site so that site can be sold. The building setbacks vary but they are all less than 30 ft. and in neighborhood of 10-15 ft. The situation presented would be more compliant than it currently sits. There really isn't a way with how all of buildings sit to divide without some type of variance. The Township did approve.
- B. Brose stated that the plan is to sell the parcel with the grain bins. The new line will also square up the parcels and correct the lot line on the west.
- C. Vick – understands the request is an improvement to what is there currently and is okay with the request.
- D. Aarestad – less than ideal but practical solution. Clarified that the southern parcel would be sold with an entitlement and driveway easement. Questioned if the owner of the south parcel wished to build a house, would they be affected by the farmstead site and constricted with what they can do for a build location. Rhineberger – there are no animals on the farm so the 500 ft. setback is not applicable in this location. Aarestad stated with that information provided, he is fine with the request as presented.
- E. Neumann – asked for clarification what is there currently and requested with regards to access with the driveway for both farmstead and grain bins. Essentially the north parcel will get bigger and the southern lot will become smaller and straighten out the line. Rhineberger – there is an access easement established for access to the grain bins and that does not affect the line adjustment or sale. The specific use of the easement is for access to the grain bins and if a house is built, a new driveway access will have to be established and there is plenty of road frontage for this to occur. Neumann – questioned the existing small strip on the west side of the northern parcel. Rhineberger stated that strip occurred with an error in how the legal description was written in 1987 but will be cleaned up with this request.
- F. Vick motioned to approve a property line between two parcels (both owned by Brose Land LLP) to be moved that will result in a setback less than 30 ft. from existing grain bins and agricultural buildings. Subject to survey and deed restriction. Neumann seconded the motion.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTION

Board consensus was to set November 29, 2021 for site inspection. Meeting at the Government Center at 8:00 a.m., arriving at the site by 8:30 a.m.

Meeting adjourned at 10:05 a.m.

Respectfully submitted,

Barry J. Rhineberger
Planner

BJR:sld

Cc: Board of Adjustment
Kryzer
Twp. Clerks