

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: December 10, 2021

MINUTES – (Informational)

The Wright County Board of Adjustment met December 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 all Board members present. Barry Rhineberger, Planner, represented the Planning & Zoning office.

MINUTES

On a motion by Neumann, seconded by Aarestad, all voted to approve the minutes for the November 5, 2021 as printed.

1. KIMBERLY & MICHAEL FRYE – Cont. from 11/5/21

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: Kim & Mike Frye; Darwin Hoffman, building contractor; Bernie Miller, MSTs site designer

- A. Rhineberger stated there has been no new information submitted since the last meeting. The Board members have made a site inspection.
- B. Miller distributed site plans that were color coded to show what is existing, the expansion proposed, areas that are decreasing and increasing on setbacks. He explained because there is a lot going on, it was difficult for the Board to understand the proposal. The new site plan clarifies what does not need a variance. There was some discussion about changing impervious coverage. He noted the change by the boathouse is removal of a deck and the new apron that does not require a variance. Steps are just being moved to the other side. A significant amount of impervious is being removed and the area shaded green is being added. Pointed out the shed in back. The additions shown in pink are the expansion to the house and are meeting setbacks. Red is existing and that is being removed. The green is being added.
- C. Jones questioned the neighbor where the blue encroaches on the side yard? K. Frye – they have been an adjacent owner for about 15 years, have responded by email that they do not have any problem with it.
- D. Miller – noted the elevations are hard to understand. The driveway and grade of the garage will be lower than the existing hill. They are taking it down to a lower level, with retaining walls and grading so it will not take a lot of fill. Material from the basement can be used.

- E. Neumann – seeing the property helped him understand the plans as he was not on board at the first meeting. He is somewhat concerned about the change to the driveway, and he would like to see erosion control measures added to the plan.
- F. Mol – agrees with some of Neumann’s comments. He was more concerned after seeing the hill. Appreciates the additional information Miller brought to the meeting. Although the hill is not considered a bluff he questioned what will be done to control rainwater runoff with the additional roof surface. Miller – they have done a good job in the past or it would be eroding. Agreed there are options, room to do something. The area that is about 60’ between the drainfield to the lake is fairly flat and is adequate room to add a buffer. Much discussion followed on what the options were. Miller – buffer strips (no mow) areas are a possibility. Rhineberger –noted the terraces with the retaining walls will help to slow the flow of water down to the lake. Agreed with Miller that in this situation, guttering is not the best option. Mol – on this property he is not willing to require a buffer strip. Questioned if they run the water back to the terraces. Want to filter it down without requiring a rain garden in front of the house on this lot. Miller confirmed soils are sandy. Rhineberger agreed guttering is not necessary. Miller reminded the Board overall they are reducing impervious coverage. There is a large gully to the side; but questioned if it is the best idea to direct water into that. The contours that tip toward the gully do send water in that direction Vick suggested adding rock on that side of the gully.
- G. Aarestad – indicated he is satisfied with the plan.
- H. Vick asked if they are getting rid of the lowest level of the garage? Frye – confirmed that they are. Rhineberger unless it is a sticking point, the Board has the option of leaving it in their approval in the event they change their mind. Vick – if they are not going to build it, he is willing to approve without it. The applicant’s both indicated that is fine with them
- I. Vick – moved to approve the variance according to Exhibit “A”, site plan and Exhibit “B” building plans, except for the removal of the lowest level of the garage on the plan; along with Exhibit “C” site plan showing the impervious coverage changes and setbacks. Condition: A stormwater management plan be submitted for approval by Staff at the time of the building permit. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **RAYMOND H. SCHMIDT** – New Item

LOCATION: 3693 – Hendricks Dr. NW – Lot 5, Block 1, Zander Addition, according to plat of record, Section 14, Township 120, Range 27, Wright County, Minnesota. (Henshaw Lake – Albion Twp.) Tax #201-024-001050 Property owner: Krystyna Schmidt

Requests a variance of Section 155.026, 155.049 & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a 16' x 22' attached garage 187 ft. from Ordinary Highwater Mark of a Natural Environment lake. Existing dwelling is 184 ft. from the lake.

Present: Ray Schmidt, Krystyna Schmidt, property owner; Loren Weese, contractor

- A. Schmidt explained the request is to obtain a variance from Henshaw Lake to build a single car attached garage. A variance was granted to locate the existing house 183' from the lake and the garage proposed will be an additional 3' further back from the lake. There is no garage on the property and Krystyna would like a garage.
- B. Rhineberger reviewed the 1.05-acre platted lot that is on a Natural Environment Lake which requires a 200' lake setback. The minutes from the 2000 meeting were included in the Board's packet. House was allowed at 184' from the lake was located right up to the road right-of-way setback. He looked at the first proposal with the contractor and at that time it was on the backside where the porch extends out. That location did not fit well with the manufactured home and discussion followed on how to make it more functional. The location to the side is no closer than existing setbacks of the home. Another consideration was the mound sewer system and a drainage area through the middle of the lot. This location meets the distance from the sewer and stays out of the drainage area. Another consideration is a shed near the lake that the Board should address. Structures are prohibited near the lake on Natural Environment lakes. The location of the shed will either have to be approved or it should be moved. Town Board approval was received, two favorable neighbor responses were received from Marschel & Couette.
- C. Drawings of what the garage will look like were displayed. Construction details show this is a one-story single car garage with the roof line lower than the existing house roof line.
- D. Jones opened the hearing for public comment, no one came forward and he returned to the Board.
- E. Mol - the fact that the garage will not encroach any closer to the lake, he agrees if the shed is either removed or moved further back. Looking at the air photo along here, he did not find storage structures on other properties near the lake. K. Schmidt agreed to move it.
- F. Rhineberger – suggested the Board could state the shed be moved to a point no closer to the lake than the house. Noted the small shed is convenient to have for storage of lawn mowers, etc. K. Schmidt nodded her agreement.
- G. Jones had the same concern about the shed. Noting the Board wants to avoid problems with future owners or neighboring properties wanting the same thing.
- H. Aarestad felt the proposed garage addition is reasonable in size and is in line with what is there.

- I. Vick noted there is limited space on the lot, and they are keeping an alternate site for sewer.
- J. Neumann agreed with the proposal for reasons stated.
- K. Mol moved to approve a variance to allow a 16' x 22' attached garage 187 ft. from Ordinary Highwater Mark of a Natural Environment Lake. Condition: Existing shed be moved to be in line with the existing house from the lake. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **MELISSA C. SHELTON**– New Item

LOCATION: 815 Greer Avenue NW – Part of Gov't Lot 1, NE ¼, Section 36, Township 120, Range 27, Wright County, Minnesota. (Rock Lake - Albion Twp.) Tax #201-000-361200
Owner: Wholemystic Enterprise LLC

Requests a variance of Section 152.027(A)(2)(b)3, Chapter 152, Section 155.026, 155.048 & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to reestablish a feedlot with 10 or more animal units (AU), with an existing livestock shed and new dirt lots 355 & 440 ft. from neighboring dwellings.

Present: Applicant not present

- A. Rhineberger informed the Board that the applicant is considering changes to the plans. He suggested she take time to decide and come back. She agreed and has signed a request for dismissal.
- B. Neumann asked if the applicant would have to re-apply? Rhineberger – answered yes. There are several changes being considered, and a new application and details will be needed.
- C. Neumann moved to dismiss the petition at the applicant's request. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **BONNIE L. GRAHAM**– New Item

LOCATION: 5483 22ND St. SE – E 200 ft. of N. 871.2 feet of SE ¼ of NW ¼ Section 13, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-132400

Requests a variance of Section 155.026, 155.048(F)(3) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to use an existing building that is 18 ft. from the property line to house two horses

Present: Tanya Graham, applicant's daughter

- A. Rhineberger reviewed the most recent air photo showing the property before it was sold. Janikula, the Feedlot Program Administrator was in the process of starting action against the previous owner to address the animals on the property. Rhineberger displayed the 2018 air photo which confirms there were no livestock in the existing building. The property includes 4 acres, but it is the narrow width of the lot, 200' with a 100' setback for a livestock building that requires the variance. The new owner is asking to allow two horses, with two horse stalls already in the building. Town Board recommendation was to allow no more than two horses. One negative response from neighbor, Olson was received.
- B. Jones opened the meeting for public comment. Jerry Smrcka resident since 1997 at 5379 22nd St. SE came forward and stated he is a retired engineer and neighbor to this property. He does not know the new owners but had problems with the previous neighbor. Explained he was dealing with their dogs in his yard, and they had up to 8 horses on the four acres. He and his wife witnessed that owner physically abusing two of the horses. He has had dogs over 50 years and does not appreciate that. He is not here in opposition or approving, but as a civil servant for many years appreciates the opportunity to be here.
- C. Jones asked the applicant if, in a few years, there would be three horses? Graham, no, as two are more than enough for her to take care of.
- D. Aarestad noted Jones makes a good point that she stays within the limit of two horses. He asked about building entitlements on the adjacent land. Rhineberger brought up the records to check. Smrcka came back up to the podium and pointed to his property location. The Maynard Olson estate property was outlined, and the other property adjoins is 140 acres owned by the Kiesner Family Trust and is on the market. Other properties to the north and northwest were noted. A horse operation to the north was pointed to. Rhineberger indicated to the east there are entitlements. Aarestad asked where the pasture is located. Graham noted there is an area that is flat and is pasture. She noted where she would put an electric fence and use the building that is there. This would be in a flat area. Aarestad – if limit is two horses and there is area for pasture, with no neighbor close, he could agree.
- E. Vick – questioned if this is reciprocal situation with the neighbor present? Rhineberger – noted that does not apply in this case because the 500' feedlot setback only comes into play when it is 10 animal units or more. Vick would agree then.
- F. T. Graham stated she has had horses for over ten years and knows how to manage the property. Neuman noted since Tanya does not live on the property asked how she would handle the manure?

Graham is open to suggestions; but explained how she composted manure in her previous location. Neuman felt with the size and depth of the property there should be room to even spread it. The property is unique in that it is narrow, but there are four acres and felt two horses is acceptable.

- G. Mol – the 18' setback is unique in this case with a power line behind. No one would be building close to this power line that runs through adjacent properties. Seems to be room to compost manure in the back corner or behind the buildings. This situation is unique from others for these reasons.
- H. Rhineberger – the property to the east is a horse farm, been on the market and the barn has stalls.
- I. Mol moved to approve the use of an existing building that is 18 ft. from the property line to house two animal units on the property. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

DISCUSSION: Graham asked if she would have to come back for a lean-to? Rhineberger yes, however, just hay storage has a 10' setback.

Meeting adjourned at 9:20 a.m.

Respectfully submitted,

Barry J. Rhineberger
Planner