

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: September 9, 2022

MINUTES – (Informational)

The Wright County Board of Adjustment met September 9, 2022, in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Paul Aarestad, called the meeting to order at 8:30 a.m. with Board members present: John Jones, III, Dan Mol, Dan Vick, and Bob Neumann. Representing the Planning & Zoning Office was Aaron Ogle, Planner; Greg Kryzer, Assistant County Attorney, legal counsel.

ACTION ON MINUTES FOR THE AUGUST 19, 2022, MEETING

On a motion by Jones, seconded by Neumann, all voted to approve the minutes for the August 19, 2022, meeting as printed.

1. MOORES & MAAS PROPERTIES, LLC.

LOCATION: Up The Creek Bar and Grill - 4246 112th Street NW – Lot P & Lot K of Gov. Lot 1, Section 05, Township 121, Range 26, Wright County, MN (Silver Creek Twp.) Tax # 216-000-054110, 216-000-054112, 216-000-054105, 216-000-054106. Property Owners: Moores & Maas Properties, LLC.

Requests a variance as regulated in section 155.026 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the expansion of an existing nonconforming use. The expansion would be to include live outdoor music.

A. Kryzer announced the public hearing was closed at the last meeting with the recorded closed to further written or oral submissions. The Board of Adjustment had directed Staff/County Attorney to draft a proposed notice and order of denial and corrective action, consistent with the discussion. The notice was provided to the Board prior to the meeting and is before the Board for discussion and review.

B. Mol moved to approve the Findings for Denial. Seconded by Aarestad.

VOTE: Mol, Aarestad, Jones

NAY: Neumann & Vick

MOTION CARRIES

Kryzer asked if there was a representative for Moores & Maas Properties, LLC. present to accept the Findings? Christina Maas and Jennifer Doherty appeared and were handed the Findings.

2. **MA PETERSON** – New

LOCATION: 10384 Baker Ave NW – Lot 3, Buck's First Addition, Section 12, Township 121, Range 26, Wright County, MN (Silver Creek Twp.) Tax # 216-112-000030 Property Owners: Kelly L Shelquist

Requests a variance as regulated in section 155.026, 155.049, & 155.006 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to rebuild a home with additional living space in the existing footprint that is 45.9 ft. to Lake Ida where 75 ft. is required, 4.5 ft. and 10.9 ft. to the side property lines where 15 ft. is required, and approximately 45 ft. from the centerline of Baker Ave (existing footprint is 41.9 ft. to right-of-way). The existing impervious surface coverage is 36.9% with the proposed being 33.6% where 25% is the maximum. Building coverage would stay at 21% where 15% is the maximum.

Present: Kelly & Pete Shelquist, Beth Hendrickson with MA Peterson.

- A. Ogle displayed the site survey while reviewing the property and request details. The property is 0.34 acres on Lake Ida, which is a General Development Lake located in Silver Creek Township. The request is to rebuild the home with additional living space within the existing footprint. The home is proposed at 45.9 ft. from Lake Ida, 45 ft. from the centerline of Baker Avenue, 4.5 ft. from the north property line and 10.9 ft. from the south line. Proposed impervious surface coverage is 33.6% with building coverage to stay at 21%. In 1984 the Board granted a variance to allow the enclosure of the existing 10 ft. x 30 ft. deck, conditioned that it could not be heated. In 2019 the Board granted a variance to install a new Type III septic system with the tank being less than 50 ft. from the lake and the lift station being at the property line. The treatment area was allowed at less than 20 ft. from the house and less than 10 ft. from the road right-of-way. A condition was added that a barrier be installed roadside. The Township approved of the request.
- B. K. Shelquist stated she has lived in the home since 1974, when it was owned by her parents, and in 2019 became the owner. This is a restoration and modification of her childhood home with the idea being that they are turning it into a retirement home she owns with her husband. The plan is to stay within the current footprint and go up with some livable space. Over the past few years, they have been investing in the property, with the end of the journey being completion of the home.
- C. P. Shelquist – work has been done over the last few years with the restoration of the boathouse in 2019, as well as updates to the shoreline and septic system. This is an opportunity to refurbish the home and allow them to continue to use the home and lakeshore.
- D. Hendrickson – goal of the design was to try and balance out the existing nonconforming issues, be sensitive to the use of the surrounding area while trying to increase the living space. The plan is to use the existing footprint. The 1/2 story upper level is being pulled back further off of the lake than what is existing. The deck area, that was turned into living space, will be converted back to deck area. The design went with a 1 1/2 story addition to get living space in the upper level rather than a full 2nd story with a lower pitched roof. This was done with the idea of being sensitive to the area and keeping the height as minimal as possible. Little can be done to lessen the lot coverage. The plan is to remove the patio and concrete walk on the north side of property, along the north wall.
- E. Joe Schneider – neighbor to the north – feels the property is already over built and has been since back when the property was built. There are encroachments onto his property. The plan looks a lot

bigger with a lot of cement. Questioned if an environmental study and impact on the water needs to be done. Another issue is the septic is right in the road right-of-way. The driveway encroaches on the right-of-way of the roadway. He doesn't mind them building a new home but would want his land boundaries determined and he did not have time to get his own survey, as they are 2-4 weeks. Another concern is that there isn't a turn around on a dead-end road and there won't be room for one. Believes Minnesota state law states that a dead-end road needs a turnaround cul-de-sac for emergency vehicles and there isn't enough room here to do that. Setback requirements for the house was questioned what they are and if there are any requirements. The proposal is right on his property and there is concern of the overhang being over the line. Beacon arial was displayed and continue comment was made on the location of the home to the property line and driveway. The house was already built well over the allowed building allowed coverage limit. Mr. Schneider stated he follows rules on everything that he does and gets the feeling that the rules don't need to be followed in this case. There is asbestos floor tile in the basement, and he is concerned when torn down what will happen with that asbestos and contamination of ground water or lake. If the house is going to be torn down, then why can't they turn the house to meet the required setbacks? Reiterated he does not want the overhang on his property, or his property affected and harmed. Would like to have time to get a survey and hire a land attorney. Ogle – addressed the driveway concern. Encroaching on a road right-of-way is how a driveway accesses a public road. Not saying the encroachment on his property isn't a concern, but a driveway goes through the road right-of-way to connect with the public road. Exact replacement of the home would be allowed without a variance and the reason the applicant is here for a variance is because they are not going with exact replacement. The setback for the side yard is 15 ft. and part of this request is for the side yard setbacks of 4.9 ft. and 10.9 ft. The Board has to decide if they will allow those distances. Schneider – he believes the home was already 38% over the allowed building coverage. Ogle – lot coverage overage is part of the variance request. Schneider – there isn't 10 ft. setback at any point of this building. How did the county allow the original home to be built in this location? Ogle – cannot answer to that question. The driveway location is not part of this discussion. Aarestad – interrupted the conversation to remind the public that the Board will discuss the request and the concerns that were mentioned. Schneider – would like a continuation on this matter to allow time to review and obtain a survey. Feels they are not being required to follow the rules. Mol recommended that Mr. Schneider have a seat so that the Board can have a chance to discuss.

- F. Mol – would like to consider a site inspection. Does have concerns with the closeness to the property lines. On this Board, he has been very adamant on the 25 % coverage and is very concerned with the 33% that is being asked for. Would like to know how the water will be addressed with a stormwater management plan. Feels a site visit could possibly help answer some questions and concerns.
- G. Vick stated he would also like a site visit. Questioned why a full set of plans was not included in the plans and questioned the foundation plan. Ogle explained that the staff report doesn't always contain all pages of a plan and there might be only key pages. Hendrickson used the podium camera to display the foundation plans while reviewing the foundation plan regarding what would remain as existing and what would be replaced. Plan is to remove portion of interior foundation and open up area to full basement, rest of basement is currently basement and will remain basement with a small area of crawl space. The area under the garage will remain slab on grade. Vick – wanted to see the foundation plans as he felt that if whole area to be excavate, he would want the entire house moved. Would like a site visit to see how much is going to be removed. If a lot of work is to be done, he might be more inclined to ask for the house to be moved.

- H. Jones – agree, a site visit would be nice. A bigger concern is how the driveway was allowed so far over onto someone else's property. Feels this driveway will need to be addressed. Hendrickson stated the driveway is existing and is not planned as part of the proposal. Jones – does not see how it can be left on someone else's property, that is his concern. Knows it wasn't brought up as part of the plan, but the Board needs to look at the existing situation today and possibly address problems that might arise in the future. Removal of the driveway might help with some of the impervious coverage.
- I. Neumann – being this is a rebuild he feels there is an opportunity to correct a lot of issues. Maybe not staying within the existing footprint is the answer and goal. He is hearing from the others that the coverage is way too much. A new design that is at the 25% of impervious and 15% building might need to be looked into. They might end up with a much smaller home and potentially a 2 story. Feels this is the chance to change the direction of the driveway and home where the setbacks to the side lots and coverage can be addressed. A site inspection would allow time to address some of the concerns mentioned. Hendrickson – the only part of the foundation that is planned to get worked on is the crawlspace. A new foundation would be considerable disturbance to the land and a great deal more excavation. Intention was to keep the existing footprint to minimally disturb the lot. Neumann questioned current home square footage. Hendrickson – footprint is 2751 sq. ft. with proposed the same. Neumann – what year was the home built. Hendrickson – 1966.
- J. Aarestad – with this being a small lot, there isn't much that can be done with the lake setback; therefore, he is fine with the lake setback variance. The plan is not really increasing the roof surface area, so he has no concern with stormwater runoff or water quality issues. Does have two concerns he looks at when reviewing a request. One is the impervious coverage, and the other is the visual impact of a taller structure from the lake. He looks at how does this new dwelling fit into the surrounding neighborhood, does it stand out and does the taller structure become more pronounced. He would like to look at this during the site visit. Likes the fact that they are wanting to stay within the existing footprint. Would like to see the impervious coverage reduced. Not sure they can get down to the 25% but he would like to see it significantly reduced. Feels the driveway issue on the neighbor's property is something that would need to be taken care of.
- K. Mol moved to continue the hearing to October 7, 2022, for a site inspection. Jones seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **JEDD KANGAS** – new

LOCATION: 5604 County Road 30 SE – part of the SW 1/4 of the SE 1/4, Section 01, Township 118, Range 25, Wright County, MN (Franklin Twp.) Tax # 208-200-014312 Property Owners: Jedd & Laura Kangas

Requests a variance as regulated in section 155.026 & 155.048(F)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the construction of a 30 ft. x 40 ft. (1,200 sq. ft.) detached garage that would be 80 ft. from the centerline of County Road 30 SE where 130 ft. is required.

Present: Jedd Kangas

- A. Ogle displayed the proposed site plan. The property is 1.07 acres, zoned General Agriculture and located in Franklin Township. The request is to construct a 30 ft. x 40 ft. detached garage that would be 80 ft. from the centerline of County Road 30 SE. The Township approved of the request, as the property is located on a low mile-per-hour road and the township setback requirement is less than 80 ft. from the centerline of a road. The Township feels the request fits into the Land Use Plan. The City of Delano, which has jurisdiction west and south of Mr. Kangas, approves of the request. However, they did ask that in order to maintain the essential character of the locality the garage be located to match the centerline setbacks of the single-family homes along the north side of County Road 30.
- B. Kangas – the driveway is a “L” that veers to the right and his plan is to use the existing driveway. Moving the garage to align with the front of the house would require additional driveway. The position is restricted with the location of the mound, septic line, and tanks. He has young children and would prefer to keep away from the road. The proposed location now keeps the kids in the backyard and gives them plenty of room. Garage would not block neighbors views. Unique situation with the Elementary school across the street. The road has wide shoulders and low speed limit. Ogle – displayed Beacon for review of the neighboring homes. The average home or garage is roughly 106 ft. from the centerline. City of Delano received the request to review based on location to the applicants property. Kangas – still located in Franklin Township, not in the city limits. Feels that positioning the garage lined up with the house would be less pleasing than proposed location.
- C. No public comment
- D. Vick – does not like a driveway running parallel with the road, this causes sight issues with lights. There is plenty of room to turn the garage and meet the house setback of 110 ft. More in favor of the garage being moved back and turned to deter lights from affecting those on the roadway. Adjusting location would also address the suggestion from the City of Delano.
- E. Jones – agrees with member Vick, does not like the direct onto the road situations. There is room to slightly adjust and keep the kids in the backyard and fit right in with the request from the City of Delano.
- F. Neumann – approval from the Township at 80 ft. and approval from the County Highway at 80 ft. Looking at the neighbors and aesthetics of the area the 80 ft. will stick out closer to the road. Feels that backing up the 20 ft. is reasonable and something that the Board should consider, and he would

be in favor of. This Board tends to like keeping garages and homes in a line with neighbors. He can support 100 ft. from the centerline of the road.

- G. Mol stated this is challenging request for him. The Township and County Highway approved. Has voted in the past this distance of variance. Feels that the City of Delano is no different than a neighbor. The property is in the Township and the Township approved because of the low speed limit road. Doesn't disagree that moving the garage back would be in line. Difficulty could be seen in moving it back causing issues taking up more of the backyard and his children playing in the front or having room to put in a swing set.
- H. Aarestad shares similar thoughts. Respects the City of Delano but the property is in a township, and they are different set of government. The County Highway did approve of the request. No strong opinion either way and could go along with the request as proposed.
- I. Mol moved to approve the variance to construction of a 30 ft. x 40 ft. (1,200 sq. ft.) detached garage that would be 80 ft. from the centerline of County Road 30 SE. Seconded by Aarestad.

DISCUSSION: Vick stated he does not see a hardship in keeping with the 100 ft., to keep it in line with the neighboring homes. Has concern with the lights affecting traffic. There is plenty of room with a big backyard with a lot of room for the kids to play as well as a playground across the road. Kangas stated he is a residential contractor and has trucks and trailers that he parks. The proposed garage is positioned so that he can easily backup and maneuver with trailers. Moving the garage would require more swing space to get in a truck and trailer. He is simply looking to use what is there and changing it up would make things difficult.

VOTE: Mol, Aarestad, Jones
NAY: Neumann & Vick
MOTION CARRIES

4. **JOHN FRITZ** – New

LOCATION: 1310 65th Street SE – the southern portion of the NW 1/4 lying south of the railroad, Section 05, Township 118, Range 25, Wright County, MN (Franklin Twp.) Tax # 208-200-052300 & 208-200-052400 Property Owners: John A Fritz & April D Fritz and Clay C Montgomery

Requests a variance as regulated in section 155.026 & 155.048(G)(4) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to reconfigure an existing “1 per 40” entitlement division by adding ±3.72 acres. The request would increase the size of parcel 208-200-052300 (7.49 acres to ± 11.21 acres). Existing division has 2.7 acres of prime tillable soils, no additional undeveloped cropland classified as prime farmland will be included in this request.

Present: John Fritz

- A. Ogle displayed a Beacon map with current and proposed property lines. This request involves two parcels that are under different ownership. Both parcels are zoned General Agriculture in Franklin Township. There is an unnamed Ag/Tributary stream that runs through both properties. In 2018, the Board approved a 7.49 acre “1 per 40” division that had 2.7 acres of prime tillable soils. The request is to reconfigure that existing “1 per 40” entitlement division by adding roughly 3.72 acres and increase the parcel in question to approximately 11.21 acres. The existing division has 2.7 acres of prime tillable soils with no additional undeveloped cropland classified as prime farmland will be included in this request. The Township did approve of the request as they believe it makes sense with the Land Use Plan. Using the displayed Beacon map a review of the properties lines was reviewed for the Board.
- B. Jones – there is not an additional building entitlement. Ogle – expanding of an existing entitlement division to go above 10 acres in size with no transfer of an entitlement. Jones stated he does not see a problem with the request.
- C. Neumann questioned if by going over 10 acres, or the 7.9 acres, does that increase the number of animal units that would be allowed. Ogle – if not mistaken, going over 4 acres allows for certain types of livestock and for each acre 0.5 animals units are allowed. Once at 10 acres in size the size restriction on detached accessory buildings is lifted and the building coverage limit is followed. At 9.99 acres there is a maximum limit of 4,000 sq. ft. of accessory building. Neumann – normally does not like these larger properties. This property seems to be mostly low land, so there would be minimum maintenance with the majority of the added land staying wildlife land. Feels he could go along with this request.
- D. Mol – the Board could add a per animal unit condition. The request is for mostly wetlands, with a river or drainage ditch. Feels he could go along with the request.
- E. Kryzer – the tributary running through the property causes well over $\frac{3}{4}$ of the property being in shoreland. The Feedlot Ordinance regulations, regarding shoreland, will add restrictions to the property.
- F. Vick – not a lot to add with most of what he thought has already been discussed. Might be inclined to add an animal unit condition.
- G. Aarestad – shares many of the same thoughts.

H. Motion made by Vick to approve of the request to reconfigure an existing “1 per 40” entitlement division by adding ± 3.72 acres with the added condition that no more than 0.5 animal units per acre will be allowed. Jones seconded the motion.

DISCUSSION: Neumann – currently limited to 4,000 sq. ft. of accessory building, by adding this additional acreage a larger building could be added. Maybe this is an item the Board wants to discuss. Vick questioned if this is something the applicant is wanting. Frtiz – already has a 4,000 sq. ft. Ag building in the application process. The reason wanting to get over the 10 acres is for more than 4,000 sq. ft. of buildings, as he already has another small shed that would have to come down. Vick – with the wetland it would be hard to build a larger building. Mol – the property is in an agriculture area not a development type area. The Beacon aerial photo shows the neighbor being a larger farm and farmland. Does not have a problem with a bigger shed. Aarestad agreed.

Mol asked to add into the motion, subject to survey and deed restriction. Kryzer questioned if it was the intent to have the tax parcels combined by a specific date. The suggestion would be to require the tax parcels be combined by December 31, 2022.

Vick moved to amend his motion: subject to survey and deed restriction with the completion of an Auditor’s Combine Form; to be completed by December 31, 2022. If the ± 3.72 acres can’t be joined under the existing Tax ID a separate administrative order will be required. Jones seconded the amendment.

VOTE: CARRIED UNANIMOUSLY

5. **MELISSA HARDIN** – New

LOCATION: 6185 Osland Ave NW - Part of Government Lot 5, Section 34, Township 121, Range 28, Wright County, MN (E. Sylvia - Southside Twp.) Tax # 217-000-343409 Property Owners: Jeffrey & Melissa Hardin

Requests a variance as regulated in section 155.026 and 155.049(F)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the construction of a 644 sq. ft. two-story addition to the existing home that is approximately 27.6 ft. from the centerline of Osland Ave NW.

Present: Melissa Hardin, Jeff Hardin, and Bernie Miller, MSTs site designer,

- A. Ogle displayed the Beacon aerial photo and proposed site plan. The property is zoned Urban/Rural Transitional (R1), is roughly 27,382 sq. ft. on East Lake Sylvia in Southside Township. In 1977 the Board granted a variance to split a 1.5 acre parcel into two, one 0.65 acres and the other 0.85 acres. The request is to allow a 644 sq. ft. two-story addition to the existing home, that is approximately 27.6 ft. from the centerline of Osland Ave. NW. The Township approved of the request as the addition does not infringe further into Osland Ave., which is a private road. A few neighbors have stated that Osland Ave. is private and that they believe the variance should be approved.
- B. M. Hardin – purchased the home roughly 3 years ago knowing it would eventually be too small but fell in love with the lake and the area. Now at the point they need to enlarge the home. In planning were mindful of making it under the 25% coverage and still allow the kids to have their own room. Being setback so far from the lake were not aware of issues with adding to the back of the home.
- C. Miller – when looking at ways to expand they did find that there is a toe of the bluff, which is the bottom of the bluff with no setback requirements. The bluff area was displayed and explained. Not sure at first if the private road required a setback. The Zoning Administrator did determine that because the road services more than one home it is considered a road with setback requirements. The existing house is 180 ft. from the lake with the building and impervious coverage not being an issue. There is a shared septic system. The existing septic system tank is not properly sized and will be updated with this addition.
- D. No public comment
- E. Neumann – looks like homework has been done. The road situation doesn't appear to be a problem, with the addition not going any closer to the road.
- F. Mol – not getting closer to the road. Only variance being asked for is the 27.6 ft. from a road because of the increase in livable area. In looking at the Beacon photo he feels that he can go along with the request, as the build is no closer to the road.
- G. Vick stated he agrees with comments of other members. Questioned the elevation, bluff area, and reason for no bluff variance. Ogle – the addition is not going to be built inside the bluff area therefore no variance is needed. With construction there will most likely be some disturbance to the bluff but the build itself is not in the bluff area. The road is a smaller private road with a turn around. Neighbors that commented did state they are in favor of the request. They did bring up concerns of

possible damage due to the small road that they would like that mitigated, if possible. Vick – there could be a timeline on repairs.

- H. Jones – good with what other members have said. If the damage mitigation condition is added he feels he can go along with the request.
- I. Aarestad – only concern is what the neighbor mentioned regarding damage to the road. This is a small area on a private road. Does not think that anything needs to be mandatory but, if anything, would advise a written plan indicating where construction vehicles will be parked.
- J. Neumann motioned to approve the construction of a 644 sq. ft. two-story addition to the existing home that is approximately 27.6 ft. from the centerline of Osland Ave NW. Motion seconded by Mol.

DISCUSSION: Vick questioned if a condition could be added that there is a 1 year timeframe to repair any damages to the road. Mol – who would be the one to make that determination? J. Hardin – the neighbors are planning to do work, on their home, in the next year or two. There has been talk of as a group to replace the driveway once all construction is done and discussion has been had with neighbors regarding the parking. Kryzer – looking at the photos on display, the property line abutting the applicant is a stone fence, trees, or boulders. If someone is going to damage the property, they are going to be hitting a tree or stone fence and damaging their vehicle before the property is damaged. M. Hardin – reason they want to stay in the home is partly because they love their neighbors. Willing to create a plan for contractors that indicates parking. Would not want to open the door to damage and who would decide if it were damage that might have occurred a long time ago or during construction. Discussion with the entire neighborhood has been had regarding the replacement of the entire road area.

K. Aarestad brought discussion back to the Board for a vote.

VOTE: CARRIED UNANIMOUSLY

6. LARRY BERNING

LOCATION: 207 Halsey Ave SE – Lot 21, Oak Ridge View in Section 05, Township 119, Range 24, Wright County, MN (Charlotte - Rockford Twp.) Tax # 215-035-000210 Property Owners: Larry M. Berning and Patricia S. Berning.

Requests a variance as regulated in section 155.026, 155.049(C), 155.003(B)(1), & 155.006 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the construction of a 28 ft. x 36 ft. (1,008 sq. ft.) detached garage that would be over the 800 sq. ft. maximum detached accessory building size for a parcel under 20,000 sq. ft. in size. The request would also be to have 1,327 sq. ft. of detached accessory building area on the property where 1,000 sq. ft. is the maximum allowed for parcels under 20,000 sq. ft. in size. The request would be to have 38.4% impervious surface where the maximum allowed is 25%.

Present: Applicant not present

- A. Ogle explained that Mr. Berning was not able to attend today's meeting and is scheduled to be heard at the September 20th Township meeting. A neighbor did question what would be required to make up for the impervious overflow for unfiltered water into the lake.
- B. Motion made by Mol to continue the matter to October 7th to allow time for the applicant to meet with the Township. Seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTION

On a motion by Vick, seconded by Jones the Board scheduled a site inspection for October 4th, 2022, at 8:00 a.m. with all members approving.

Meeting adjourned at 9:40 a.m.

Respectfully submitted,

Aaron Ogle
Planner
BR:sld
Cc: Board of Adjustment
Applicants/Owners
Twp. Clerks