

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: October 07, 2022

MINUTES – (Informational)

The Wright County Board of Adjustment met October 07, 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 SEPTEMBER 9, 2022, MEETING

On a motion by Mol, seconded by Jones, all voted to approve the minutes for the September 9, 2022, meeting as printed.

1. MA PETERSON – continued

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 & Mark Peterson with MA Peterson

- A. Ogle reviewed the property details and history. The request had been heard by the Board at the September 9th meeting and continued for a site inspection. The original request was to rebuild the current home, with additional living space, in the existing footprint. The home does not meet the required shoreland, side yard, and road setback. The existing impervious coverage is 36.9%, with the original proposal being at 33.6%. The maximum allowed is 25%. The building coverage would stay at 21%, where 15% is the maximum allowed. During the September 9th meeting the Board did continue the item to allow time for a site inspection and allow time for the applicant to address some concerns. At that meeting the Board voiced concerns regarding the impervious surface coverage, building coverage, visual impact from the lake, distance to side lot lines, and the driveway on neighbors' property. The applicant did provide a slightly revised plan and that was displayed. The applicant did address the current driveway issue with plans to remove the portion that is on the neighboring property. The impervious went from the proposed 33.6% down to roughly 30% coverage. The Township did approve of the request.
- B. M. Peterson – asked to have the revised building plan displayed while he reviewed the layout of the proposed design. The intention was to minimize the visual impact of the remodel by working with the existing footprint. While displayed for the Board the 1st floor plan was reviewed. In the proposed plan the leading end of the gable would be moved back 10 ft. and provide less visual from the lake and still maintain a minimal 1st floor imprint. The plan was to design the 1st floor to be livable with a minimum amount of extra space. To reduce the area of the 1st floor plan would not make it a livable 1st floor plan. A higher pitched roof allows for a bedroom and workshop and the vaulted area to be used as living space. Down the street there is a home that has a similar roof pitch. Revised site plan was displayed, and it was mentioned that the house and driveway both have been existing since the mid 60's. Roughly 31 sq. ft. of driveway is currently on the neighboring property, this will be removed. Small area of the driveway is in the right-of-way and needed to gain access to the road. Because of the existing house being at an angle there is a small portion of the garage that does not meet the 15 ft. setback, on either side. The more visual area of the home is quite a ways away from the property line. Feels that the spirit of the side yard setback ordinance is not wanting buildings too close together. There is 51 ft. from the property line to the actual house. Because of the elevations the proposed homes ridgeline will sit minimally higher than the neighboring home. The elevation numbers were reviewed

for the Board. Looking to expand the height of the home by 9 ft. and would not be significantly higher than the neighbor's home. There are other homes on the lake that have this pitched roof with the additional living space. Looking to use that area as livable space but does not want to stand out or be out of line with what is in the neighborhood. Feel they have addressed the driveway issue being over the line and slightly in the right-of-way is necessary to access the road. The side yard setbacks, as related to the neighboring property still has the home a fair distance from neighboring properties. Wanted minimal impact and worked with what was currently there with the footprint. Not looking to make a very tall 2-story home. Feels this is a reasonable request.

C. Aarestad opened public comment

- Joe Schneider – neighbor to the north & Daniel Kauppi – Attorney. J. Schneider stated he was wondering how the retaining wall, towards the lake, is being constructed. Wants the water, runoff, and rain to go naturally into the ground. Otherwise, is happy with what is being discussed. Concerned with the water runoff and the environmental impact of the lake. Aarestad – those questions can be discussed and asked by the Board. Schneider – Lake Ida is a treasure for Wright County. Wants to make sure the roof water is going to the right locations.
- D. Mol – was not able to make the official site inspection but did take the time to drive by prior to today's meeting. Still has a strong concern with the amount of impervious coverage. The mound system is up front and held up by a rock wall and the driveway. It is a very tight lot. The home is being taken down to the foundation so maybe this would be a start over situation with some additional side yard setback gained. The 4 ft. is barely enough room to walk around without being on the neighboring property. The impervious has been improved but at 30% it is not down to the 25% and this is a very big concern.
- E. Vick – made the site visit and it did change his opinion. They have done a lot of work to make everything fit in the area that they have to work with. Pulling the roofline back 10 ft. would make a low impact on the visual. The impervious has always been questioned, but the Board has stretched the limit in the past. Feel that taking off 6% is a huge improvement. This is a reasonable request, and he feels they have worked hard to fit within the parameters.
- F. Jones – impervious is still a concern, which is a lot larger than has been seen in a while. Agrees with member Mol, that an entire replacement might be in order and maybe a variance would not be needed. Questioning how all of these irregularities of the home and lot were even allowed. Still has some real concerns with the 30% of impervious.
- G. Neumann – as stated at the last meeting, not okay with the request. Thinks that if as much of the home is going to be removed, he would certainly go with a new foundation. That would give opportunity to correct a lot of the issues that the Board has problems with. A few steps have been made but not enough. The impervious was addressed just a little bit and feels that the 25% impervious coverage needs to be met. Fine with the road right-of-way and the driveway. This is an opportunity to correct some of the challenges this property has, and he will not be in favor of this proposal.
- H. Aarestad questioned if there is an allowance to rebuild in the exact same footprint. Ogle – applies if the living space is not going to be increased. Aarestad – did a great job of alleviating some of the concerns with the presence of the building. Has no issue with the side or road setbacks. Biggest concern is the impervious coverage. Would need to see that impervious come down. Another concern taken into consideration is drainage. Would like to hear from the applicant the impact on drainage and what is planned to prevent or solve any existing problems. M. Peterson – the area of roof that is currently present has not changed with the proposed plan. Managing the gutters water from the roof would be done in accordance with good practices. There is a good amount of hard cover that will be removed. Water management plan could be worked on with

the county based on what is required. The retaining wall and how shed off of the hillside is not adding any more water then what is currently there. If building were to be repositioned there will still be setback issues and the septic system would need to be rebuilt.

- I. Aarestad addressed the applicant. From discussion it sounds like if the Board were to vote there is a good chance the request would not pass. The options are to make some improvements and come back with a revised proposal, withdraw the application, or allow the vote and see what happens. It is up to the applicant to decide how to move forward. Indication is there is not enough to pass, and the reasons why have been mentioned.
- J. Vick – they are not increasing the footprint. The building is going straight up with little to no impact. Does not feel an entire rebuild is justifiable and this is a reasonable request. Aarestad – is hearing the impervious coverage is a high bar. Not sure the Board has ever approved this high. Vick – doing nothing would still be at 36%.
- K. K. Shelquist stated they would like the Board to move forward with a vote.
- L. Mol motioned to close the public hearing and direct Staff to draft Findings consistent with denial. The item will be continued to the November 4, 2022. Motion seconded Jones.

VOTE: Mol, Aarestad, Jones, Neumann

NAY: Vick

MOTION CARRIES

2. **LARRY BERNING** – continued

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: Larry Berning

- A. Ogle – with the site plan displayed the property and request was reviewed. The 0.36 acres property is zoned Urban/Rural Transition (R-1) and is located on Lake Charlotte, which is a General Development Lake, in Rockford Township. The original request was to construct a 28 ft. x 36 ft. detached garage that would be over the 800 sq. ft. maximum detached accessory building size limit for a parcel this 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 a parcel under 20,000 sq. ft. The request includes having 38.4% impervious surface coverage when the maximum allowed is 25%. In the last few days Mr. Berning did provide a new proposal that shifted the location of the building and changed the impervious to 39.8%. The shift did not cause an additional variance. The applicant did ask for a continuation from the last meeting to allow time to meet with the Township. The Township did approve of the request but did mention concerns with water drainage and impervious surface. A neighbor did question what would be required to make up for the impervious overflow of unfiltered water to the lake.
- B. Berning – currently the driveway is a horseshoe with a 12 ft. slope from the side of the highway to the front of the house. The driveway brings all that water to the front of the house and into a drain that goes to the lake. The proposal is to install a retaining wall and rain garden that will help slow and divert the runoff along the side of the garage and into the rain garden. He is looking to increase the size of the garage and move it 8 ft. from the home.
- C. No public comment
- D. Vick – impervious coverage is being added to with an increase in the size of the allowed accessory building. Feels the plan needs some work to lower the impervious coverage and building size.
- E. Jones – agrees that adding the building adds to the problem and the impervious needs to be lowered. Berning – these are small lake lots, it's inevitable impervious is going to be a problem. Jones – questioned what the impervious is currently. Berning – 39.8%. Ogle – original proposal listed a reduction of 1.3%, the new proposal is about 0.2% reduction. Berning – the new proposal moved the garage back to a 10 ft. setback versus the original proposal at 15 ft., so he could get more turnaround room. The north driveway is actually a shared driveway. Jones – concern is still the impervious. Berning – is trying to build up retaining walls and create rain gardens, will not do that if his request is not approved.
- F. Neumann – the driveway is probably paved to address erosion issues that come with a 12 ft. slope. The Board needs to be consistent on decisions. Unfortunately, the driveway is a big factor with the impervious coverage. This is a difficult situation. Berning – is not going to put in the rain gardens if this request doesn't pass so it's more of a problem today and will be less of a problem if passed.

- G. Mol – there is a problem throughout Wright County with the lakes having small lots. Many of these lots were created in the 50's and 60's for a small cabin to be used as a weekend getaway, not a year round home. There are ordinances this Board has to maintain and the DNR has their rules that need to also be followed. The rain gardens should already be in and protecting the lake not contingent on being approved for a variance. This request is just too much for this size of lot. Maybe more property is needed for what is wanted. The impervious is too much and the building is over the allowed limit for the lot size and zoning. This is a tough situation, but it is just too much for this lot.
- H. Aarestad – shares some of the same thoughts as other members. The Board does have some wiggle room, but unfortunately impervious coverage is really one they tend to be pretty strict on. Addressed the applicant asking if he would like to continue and come back to the Board at the next meeting with a revised plan, withdraw the application or allow the Board to vote with the indication that a denial will most likely occur.
- I. Berning questioned how the impervious could be reduced and what recommendations have been made to turn a driveway into impervious. Ogle – there are permeable materials but the impervious surface definition, in section 155.003 (70), does state that all parking and driving surfaces are considered impervious. Aarestad – people will bring down sheds or remove walkways. The applicant was asked how he would like to move forward. Kryzer explained the different options available at this time with a chance to withdraw, continue to revise plans and bring down the impervious or ask the Board to vote and potentially be denied. Berning – main reason he is wanting this building is to improve on what he has and if the Board doesn't see that then there are no other options. It is a small lake lot, and he sees the same problem on so many lots. Statement was made he would like to withdraw the request.
- J. Motion made by Mol to withdraw the application based on the request of the applicant. Seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

3. **BEATRICE HANSON** – new

LOCATION: 3900 Norris Ave NW – Lot 14, First Addition to Martha's Beach, Section 14, Township 120, Range 28, Wright County, MN (French Lake - French Lake Twp.) Tax # 209-019-000140 Property Owner: Beatrice E. Hanson

Requests a variance as regulated in section 155.026, 155.086, 155.006, 155.049(F), 155.057(E), & 155.030(A) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to keep an unpermitted (after-the-fact) guest house prior to a permitted dwelling that is inside the side yard setback and less than 4 ft. above the highest known water level. Three sheds were also placed inside the side yard setback. The property is over the allowed 25% impervious surface coverage.

Present: Beatrice Hanson

- A. Ogle displayed the survey while reviewing property details and request. The parcel is approximately 0.34 acres, zoned Urban/Rural Transition (R-1), on French Lake within French Lake Township. The request is to keep an unpermitted guesthouse that went up prior to a dwelling and is inside the side yard setback and less than 4 ft. above the highest known water level. There are three sheds included in the request that were placed inside the east side yard setback. The property is over the 25% allowed impervious surface coverage. The Township indicated they approve of the request to allow all of the existing buildings to remain. The guesthouse was constructed without permits, before a principal dwelling, inside the side yard setback, and below the required elevation from the highest known water level. The survey indicated the guesthouse is 4.43 ft. below the highest known water level of French Lake. There were accessory structures that were also placed within the side yard setback. A previous Wright County Planning & Zoning Administrator sent a letter dated June 7, 2021, to residents on the West side of French Lake (1st Addition Martha's Beach) which notified the property owner of the regulations regarding seasonal use of recreational vehicles. The letter explicitly informed the property owner of the required setbacks. It also noted that the units must conform to the definition of a travel trailer. The guesthouse referenced in this request does not meet the definition requirements of a travel trailer. The letter also informed the property owner of required setbacks for sheds that are on the eastern property line and other types of detached structures. A photo of the property was displayed showing the lot in 2008, 2015, 2018, 2021.
- B. Hanson – there are 3 sheds, and one houses her golfcart. The main place of living does not even have a bathroom.
- C. Aarestad opened to public comment
 - Timothy Bachmeyer – owns a lot 2 doors down from Ms. Hanson. Ms. Hanson is good for the community. She keeps her place impeccable. Understands there are some issues with setbacks. There are problems like this all over the county. If there were more people like her in Wright County, we would be a better county.
- D. Jones asked the applicant who constructed the guest house knowing a permit was required. Hanson – did not know a permit was needed because it is more like a travel trailer. Jones – what about the 3 other sheds? Hanson – only one is a living space and the rest are sheds. Jones – back to the impervious coverage being an issue. Ogle – currently at 29.5% impervious coverage. Jones – over the 25% the Board likes to see. Hanson – could she remove a shed? Jones – that would depend on what that being gone would do to the coverage. Ogle – impervious can most times be reduced. From a safety standpoint or environmental quality, a home or guest house that is less than the DNR required 4 ft. above highest known water level is an issue. There could very well be times water covers the entire parcel. The Board was reminded there was a guesthouse built prior to a single family dwelling. The reason you probably don't see single family homes in this area is because of the higher water table and a septic system cannot be installed and is a requirement. There are other issues

occurring on the site besides the impervious. Jones – feels that some of those items give reason to the Board to not approve all of the items requested.

- E. Neumann – 29% impervious is easy to adjust and get down to 25% and could be part of the motion as a requirement. The 0.5 ft. below the highest known water level is not a problem to him. Questioned the applicant how long she has lived at the location. Hanson – 17 years. Neumann – being there that long is aware that the water level can fluctuate and does not seem concerned. The side yard setback at 13.8 ft, when 15 ft. is required, has been approved by this Board in the past. Feels that he is in favor of the request.
- F. Jones asked if there is a septic system. Hanson – no sewer just an outhouse.
- G. Mol – is there any place on the property that would be above the 4ft.? It looks like a relatively flat parcel, and It does not appear there is an area for the home to be outside that 4 ft. high water mark. Ogle – elevations listed on the survey indicate there is no location on the property above the required 4ft. above the highest known water level. Fill would need to be brought in to get above that number. Mol – fill brought in would affect the neighboring properties. Feels getting above the 4 ft. highest known water level is a practical difficulty for this lot. According to what was seen in the photos shown, there is a large parking area that could be removed to get down to the 25% impervious. The sheds can come off the property line, there are options. Strongly wants to see the impervious at the 25%.
- H. Vick – asked if the neighboring homes are higher and if her building is on pier type footings. Hanson – the houses are about the same. Building is on blocks, but is putting on wheels. Vick – agrees with the rest of the Board about getting down to 25% impervious coverage. The house appears to be in line with others in the area. Suggested removing one of the sheds and brining the others off the property line to get to that required 10 ft.
- I. Ogle questioned if there is a kitchenet in the guesthouse and where is that water going. Hanson – there is a small kitchen that goes to a holding tank underneath the building. Ogle – one of the reasons the 2021 letter was sent was to address the holding tank. With a seasonal camper there is an onboard holding tank that you are able to move quickly if rising water becomes a concern.
- J. Vick – agrees with the request, if the impervious can be brought down to the 25%. Mol – there is a large parking area that could possibly be reduced to bring down the impervious. Ogle estimated 670 sq. ft. would need to be removed. Mol questioned if this should be continued to allow the applicant time to revise plans.
- K. Aarestad – does not feel the guesthouse was built maliciously. Would like to see the sheds moved to the same distances, or more, than her neighbors or at a minimum at least 5 ft. from the line. Currently they are right on the property line and there is no way to maintain or walk around without walking on the neighbor's property. Would like for the applicant to come back to the Board and show what will be done to get down to that 25% coverage. Vick questioned if they could include in the motion that Staff verify impervious is at the 25%, so that she doesn't need to come back to the Board.
- L. Mol reminded the Board there is the after-the-fact building. Vick – fees and a building permit would need to be addressed as part of the conditions. Ogle – the Board would need to address and approve several items related to this property. Approval of the guest house inside the side yard setback, address the elevation requirement, approve a guesthouse prior to a single-family dwelling, sheds that do not meet the side yard setback and the impervious coverage would need to be addressed. The Building Official did inspect the structure, prior to this hearing, and he believes it could pass building code. He did indicate that he may require additional plans at the time of application review.
- M. Vick moved to approve the unpermitted guesthouse on the property, without a principal dwelling, that is 13.8 ft. from the side yard and 0.43 ft. below the highest known water level. The Board stated that any detached accessory building, that is inside of the side yard setback of the eastern lot line, would need to be 5 ft. or

further from the lot line. Impervious surface percentage shall not to exceed 25%. All after-the-fact and associated required permits must be obtained. Seconded by Neumann.

VOTE: CARRIED UNANIMOUSLY

4. **JARED & MALLORY GUSTIN** – new

LOCATION: 4080 Fillmore Ave NW – Lot 5 and Lot 6, Ramsey Lake Heights of Section 07, Township 120, Range 26, Wright County, MN (Ramsey - Maple Lake Twp.) Tax # 210-024-000050 Property Owner: Mallory L. Gustin & Jared Gustin.

Requests a variance as regulated in section 155.026, 155.006, & 155.049(F)(3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the construction of an addition on the roadside of the home. The existing home is nonconforming to the side yard setback and the proposed request would be over the 25% impervious surface coverage allowed.

Present: Jared & Mallory Gustin

- A. Ogle displayed the proposed site plan and explained the property is 0.49 acres on Ramsey Lake, which a Recreational Development Lake, in Maple Lake Township and zoned Urban/Rural Transition (R-1). The request is to allow the construction of an addition that is roadside of the existing home. The existing home is nonconforming to the side yard setback and the proposed request would be over the 25% impervious surface coverage. The Township motioned to only approve the impervious surface coverage if it stays at the 25% or is lower. They also indicated they want to add that if the driveway is not asphalt or cement then that the square footage should not count towards the 25% impervious coverage. The Impervious Surface definition states anything that is parking, or driving is considered impervious, whether gravel, asphalt, or cement. A neighbor did state they feel the proposed project is acceptable.
- B. M. Gustin – would argue that both driveways on the property are gravel and rock and in the definition of Access Drive it states an improved area of any lot or parcel, which is used for vehicle access or parking. Gravel or rock materials will not be used to figure lot coverage. The one driveway they have is gravel and the other is rock, which the survey determined. She would like to take those areas out of the impervious coverage figure. When she calculated, less the 2 driveways, the figure is at 24.5%. With the addition would increase to 26.6%. Ogle – agreed that is what is stated but according to section 155.012 of Chapter 155, Wright County Ordinances: the more restrictive conditions shall prevail regarding any provision of any other county ordinances or regulation. The definition of access and drives does state one thing but the impervious surface definition states that anything that is parking, or driving is counted toward impervious. M. Gustin stated that she does not think that the driveways should count as impervious, as it is stated in rules and definitions. The Township agreed with her.
- C. No public comment
- D. Neumann – the proposal, even without the driveways included, is still over the 25% impervious coverage. Feels the applicant will have to work on this number, regardless of how the driveways are involved. The side yard setback of 9.2 ft., he is okay with. Any addition will add water runoff, so would like to see a stormwater management plan presented. Thinks this is another one that needs some work and should come back to the Board with some adjustments.

- E. Mol – asked to have the property photos displayed. There is a driveway to the right where a fish house is shown parked and could possibly be converted to grass. The 25% impervious needs to be upheld. He can go along with the 9.2 ft. or more setback. Feels there are some options to get down to that 25% coverage.
- F. Vick questioned how the tuck under garage will be accessed. M. Gustin – the tuck under is not used for vehicles. It is used for storage of the lawnmower and other stuff. In the 80's the top garage was added and why the setback is what it is. Not adding to the side of the tuck under garage. There is a holding tank that the pumper will use the driveway to gain access to that tank. Have looked at a septic system but has not been able to find a way to make it work. Otherwise, they really do not use the driveway on that side. The fish house is parked on concrete. Would like to reduce some of the concrete in the front of the tuck under garage and address the runoff that flows to the neighbor. Vick – sees what is mentioned about the planting of grass but that garage will need to be accessed. Still wants to see the 25% impervious.
- G. M. Gustin – showed the Board a revised survey that separated out the areas she feels should not be included in impervious coverage. The revision takes into consideration areas of concrete to be removed and replaced with rock. These changes would drop impervious to the 25%. Vick – personally, has always considered any hardcover as impervious and it would be hard for him to deviate from. M. Gustin – impervious is allowing water to flow through, which grass could do. The lower driveway is landscape rock sprinkled on the ground. Vick – if that lower driveway is turned back to grass would the impervious still be over? Ogle – grass is not impervious, according to the impervious surface definition patios, sidewalks, driveway, and parking areas count. If a concrete pad is removed and replaced with gravel that is not going to benefit the impervious surface calculation. M. Gustin – according to definition is still having a hard time understanding the argument of what is or isn't impervious. Ogle – gravel drives are part of the impervious, concrete or gravel. M. Gustin – read the land use plan and understands wanting to prevent rain flow to the lake. The driveways are just gravel and rock and do not hold water. Aarestad – the Board's definition and the standard held by the Board is that the driveway and gravel roads are solid surfaces and are treated as impervious. Vick – even with the lower driveway not included in the impervious calculation the addition will still put coverage over the 25%. M. Gustin – the addition is going over a concrete pad.
- H. Jones – feels that his concerns have been mentioned. In looking at the impervious coverage the Board has held to the 25%. The Board needs to look at the entirety of the county and look at the situation of each lot but also be consistent.
- I. Aarestad – it does not seem that the Board has a problem with the addition, but he is hearing the impervious needs to come down. That is up to the applicant to figure out how they can make it happen and what they are willing to do. Asked the applicant if they can make a commitment to get down to the 25% and move forward with a vote, would they like to come back with plan or would they like to withdraw. M. Gustin – would be okay with taking out the lower driveway. Ogle – figured that an estimated 1,975 sq. ft. needs to be removed to be at that 25% or less. The lower driveway is roughly 800 sq. ft. Sounds like the Board could be good with the addition location but the 25% is a hard number. Aarestad asked the applicant how they would like to proceed. There are ways to get down to the 25% but that is up to the applicant to figure it out and removing just that driveway won't cut it.
- J. Neumann – there is a boathouse, and another shed that could be part of the removed items.
- K. M. Gustin stated they would like to come back to the Board at the next meeting with revised plans.
- L. Vick moved to continue the request to the November 4, 2022 meeting so that the applicants could try and reduce impervious surface coverage to 25% or less. Seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

5. **KEITH HEATON** – new

LOCATION: 10050 120th St NW – Lot 2, Block 1 of Bass Lake Resort in Section 32, Township 122, Range 27 of Wright County, MN (Bass Lake - Clearwater Twp.) Tax # 204-134-001020 Property Owner: Keith Heaton & Victoria Luedtke

Requests a variance as regulated in section 155.026 & 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 detached garage inside of the County Road setback.

Present: Keith Heaton & Victoria Luedtke and Bernie Miller with MSTs

- A. Ogle displayed the site plan and reviewed the property details. The property is roughly 0.78 acres, zoned Urban/Rural Transition (R-1) and located in Clearwater Township on Bass Lake. The property was rezoned in 1980 and platted in 1989. The request is to allow the construction of a detached garage inside the 130 ft. County Road setback. The Township approved of the request 102 ft. from the centerline of the road. The Highway Department does not have concerns with the variance request if the garage is to be constructed at 101.7 ft. from the centerline.
- B. Heaton – small home with a small garage. There is no room for storage, and he can't get his truck in the current garage. Looking at the restrictions of the lot and this is really the only location. Would like to have the garage cosmetically fit into the area. Fill will need to come in so that water will flow away from the septic system and back behind the garage. With the driveway and the garage, he will be at about 19% impervious. Most of the buildings along the road are close to the setback he is proposing.
- C. Miller – site plan with septic system included was displayed and reviewed. There is really only one location this building could go to meet all setbacks but the road. Feels the original survey miss calculated the impervious and it should be closer to 17%. Meets all setbacks and coverage requirements, besides the centerline of the road setback.
- D. No public comment
- E. Mol – knows this area well and most homes and places probably have variances from the County Road. A few neighbors contacted him and were in favor of the request. Does not see a problem with the proposal.
- F. Vick – does not see a problem with the proposal. Would like to make sure gutters are installed to address the direction of runoff. Heaton confirmed the house and garage will be getting fitted with gutters so that water runs away from everything. Vick – wants to make sure neighbors are not affected. Heaton confirmed he also does not want to create problems for anyone.
- G. Jones – all questions have been addressed. Has no problem with the request.
- H. Neumann – approval received from the County and Township. He is good with the request.
- I. Aarestad stated he is in agreement with the other members and has no problem with the request.
- J. Motion made by Mol to approve the construction of a detached garage 101.7 ft. from the centerline of County Road 128. Neumann seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **DUANE SPARKS** – new

LOCATION: 6769 Pilger Ave NW - Part of Government Lt 3 of Section 18, Township 121, Range 25 of Wright County, MN (W. Sylvia - Southside Twp.) Tax # 217-000-331207 Property Owner: Duane D. Sparks & Mary D. Sparks.

Requests a variance as regulated in section 155.026 & 155.057(E)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the construction of an addition to an existing home that is inside of the shoreland building setback and setback from the bluff.

Present: Duane Sparks and Bernie Miller with MSTS and Brandon Scheuble of KC Custom Home Design, Inc.

- A. Ogle displayed the proposed site plan while he reviewed the property details and request. The property is 6.47 acres in Southside Township on West Lake Sylvia, which is a General Development Lake and zoned Suburban Residential (R-2). Property was rezoned in 1980 to R-2. Planning Commission hearing for a land alteration in 1985 for a new building site and driveway. This request is to allow for an addition to the existing home that is inside the shoreland building and bluff setback. The Township did approve the request. Photos of the current home and property were displayed with the bluff details reviewed.
- B. D. Sparks – did receive approval 2 months ago for his adjacent cabin to be replaced with a new home. The current home issue is that there are 28 steps inside and 14 steps outside. In the last year his wife has fallen 3 times and the home has become a hazard to live in. They proposed the cabin to the south to be replaced with a single level home and that was approved. His wife has since decided that she does not want to give up the home she raised her family in. He has worked hard on an addition that stays away from the bluff, complies with lake setbacks, and keeps the addition as a single level. The addition will have living quarters for him and his wife and access to the lower level. They do not plan on using the upper levels of the current home for themselves. None of the new building will be inside the lake or bluff setbacks. Unfortunately, the current home corners are 68 ft. and 73 ft. from the lake setback and is therefore nonconforming and why they are before the Board. Feeling is that when the home was built in 1986 it was probably intended to be 75 ft., but the bluff and equipment used in the 80's was more difficult to obtain that accuracy that can be accomplished today.
- C. Miller – new addition is meeting all setbacks. The Board might remember that the bluff in this area is a little strange and it is hard to define the actual bluff area. With the site plan displayed the bluff line was reviewed and explained. Some portions of the property don't flow towards the lake. The addition was designed to comply with all requirements. Building coverage is 2.9% and impervious is 10.3%, which is largely the driveway.
- D. No public comment
- E. Vick – proposal looks good. Questioned if the proposed accessory garage has setback issues? Miller – no. Vick – the existing house is nonconforming, but the addition meets all setbacks.
- F. Ogle – note that the building plans were reviewed, and the addition will not be a separate living area and the home will not be a duplex.
- G. Jones – when at the site, for the neighboring property, he did look at the bluff and agrees it is unique. He has no issues with the proposed request.
- H. Neumann – feels homework has been done. The addition is meeting all the setbacks and he is okay with the request.

- I. Mol – agrees with other member comments. From the lake view this is going to be quite a complex. Going one level versus going out does get bigger. Feels that maybe the Board needs to discuss the impact from the lake. Is not against attaching to the current home but this will be a large home and how will it appear from the lake. Miller – photos of the current home and lot were displayed with the addition location described. He personally has been on the lake many times and can't remember seeing this home, it is really hidden. D. Sparks – if you didn't know it you couldn't find it. Miller – the height of the garage will go across the lawn where there is wooden shoreline. Would be very surprised if you can see this home from the lake. The entire addition is going to sit down, not on top of a bluff. The main floor will be 7 ft. above the lake. Some of the other homes on the lake that stand out are 15-20 ft. D. Sparks – preference is to see but not be seen. They will keep the wooded area lake side of the home.
- J. Aarestad – concern was the view and presence from the lake and feels the explanation satisfied his concern. Has no issues with the request.
- K. Motion made by Neumann to approve the construction of an addition to an existing home that is inside of the shoreland building setback and setback from the bluff as presented. Seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

7. **STEPHANIE SCHMITZ** – new

LOCATION: 253 97th St NE & 13 97th St NE – part of the Northeast 1/2 of the SW 1/4 of Section 14, Township 120, Range 28, and Government Lot 4 plus part of the SW ¼ of the NW 1/4 of Section 18, Township 121, Range 25 of Wright County, MN (Monticello Twp.) Tax # 213-100-182400, 213-100-182300 & 213-100-183200
Property Owner: Ryan S. Schmitz & Stephanie M. Schmitz & Richard A. Bistodeau Living Trust.

Requests a lot line adjustment as regulated in section 155.026 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to adjust the lot line between parcels 213-100-183200 and 213-100-182400.

Present: Ryan Schmitz, Stephanie Schmitz, and Richard Bistodeau

- A. Ogle displayed the Beacon map, explained the parcels, and provided details on the history of the properties involved. The properties are zoned General Agriculture/AG and located in the shoreland district of Slough and Birch lakes in Monticello Township. Parcel 213-100-182400 is roughly 40.67 acres and parcel 213-100-183200 is approximately 50.88 acres. The request before the Board today is to adjust the lot line between parcel 213-100-182400 and 213-100-183200 to add 10 acres to 213-100-182400. An aerial photo was displayed with existing and proposed property lines explained. The Township approved of the request.
- B. R. Schmitz – current usage is a pasture; the use will not change but a possible lean-to for horses would be added. S. Schmitz feels it is important to note that the use of the property won't change.
- C. No public comment
- D. Jones stated he is okay with the request as the use is not changing and appears to be a simple lot line adjustment.
- E. Neumann – likes to see lines straight and no jogs but this area appears to have many alterations in the past. Questioned the access for -182300 and received confirmation from the applicant that access is not being affected by the property line adjustment. Does not see a reason why not to approve of the request.
- F. Mol – ownership was addressed for access; he as well was concerned about land locking a property. R. Schmitz reviewed the access locations for the parcels in questioned.
- G. Vick stated he has no problem with the request.
- H. Kryzer questioned when the applicants felt they could complete the transfer by. Ideally, the Board would like to see the transfer completed by 12/31/2022. S. Schmitz stated they needed to get the survey and they were ready to go with the purchase. Kryzer – currently there is not an official survey so he would recommend the Board state that the division is allowed up to 10 acres. This would allow for the surveyor to have some flexibility but not allowed to go over 10 acres without coming back to the Board for approval. The parcels should be required to be combined by the end of the year. R. Schmitz – that is there intention.
- I. Aarestad – in agreement with the request.
- J. Motion made by Vick to approve the lot line adjustment, as proposed, to add up to 10.0 acres to parcel 213-100-182400 from parcel 213-100-183200. Subject to survey and an Administrative Order or Recorders Combine From completed no later than 12/31/2022. Seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 10:25 a.m.

Respectfully submitted,

Aaron Ogle

Planner

BR:sld

Cc: Board of Adjustment

Applicants/Owners

Twp. Clerks