

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: November 4, 2022

MINUTES – (Informational)

The Wright County Board of Adjustment met November 4, 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 OCTOBER 7, 2022, MEETING

On a motion by Mol, seconded by Jones, all voted to approve the minutes for the October 7, 2022, meeting as printed.

1. MA PETERSON – continued 10/7

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.

A. Aarestad announced the public hearing was closed during the last meeting. Direction by the Board of Adjustment was given to Staff/County Attorney to draft a proposed notice and order of denial 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. Jones moved to approve the Findings for Denial. Seconded by Mol.

DISCUSSION: Vick stated he agrees with the Findings but had some concerns with the conversation related to the impervious coverage and precedence this result could set for future decisions. Since the applicant or representative is not present to address there would be no need to review.

VOTE: Mol, Aarestad, Jones, Neumann

NAY: Vick

MOTION CARRIES

Kryzer asked if there was a representative for MA Peterson or the property owner present to accept the Findings. With no representative present the Findings will be mailed to the applicant via US Mail.

2. **JARED & MALLORY GUSTIN** – Continued 10/7

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 original proposed site plan and reviewed the property details that were provided at the prior meeting. The request was heard at the October 7th meeting and continued as the Board voiced concerns regarding the impervious surface coverage. The applicant contested gravel drives should not count towards the impervious surface coverage while staff argued the impervious surface definition includes all driving and parking surfaces. The applicant requested the item to be continued to today's meeting so they could address the Boards impervious surface coverage concern and come back with a revised proposal. The revised site plan was displayed for the Board while noting the revisions did bring the impervious coverage down to the 25%.
- B. J. Gustin – the Board had asked to see the impervious at the 25% and that is what they have proposed with the revised plan.
- C. No comment from the public.
- D. Mol – the applicant did what the Board asked. He is okay with the request as presented with the 25% impervious coverage at 25%.
- E. Vick questioned if the gravel driveway was included in the coverage. J. Gustin – the driveway to the south will be grass.
- F. Jones stated he appreciates the application getting to the 25% coverage. Questioned if there is a stormwater management plan in place. J. Gustin – the lot is relatively flat, and the area of the addition is currently patio pavers. Water runoff should not be a problem.
- G. Vick questioned if request is a roadside addition. J. Gustin – correct. Vick stated the revised plan looks good and a stormwater management plan would be necessary for his vote.
- H. Aarestad – no issue with the request.
- I. Neumann moved approve the variance according to the plans submitted and labeled Exhibit “A” on file and subject to impervious surface coverage to be no more than 25% and a stormwater management plan to be submitted at the time of building permit application. Seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

3. **CHRISTOPHER RASSET** – New

LOCATION: 7254 & 7250 Dempsey Ave NW – the NE ½ of the SW ¼ and part of the NW ¼ of the SW ¼ in Section 27, Township 121, Range 26, of Wright County, MN (Maple Lake Twp.) Tax # 210-100-273202 & 210-100-273300. Property Owner: Christopher & Vicki Rasset, Jennifer & Phillip Rasset.

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 210-100-273202 and 210-100-273300.

Present: Christopher Rasset

- A. Ogle displayed the air photo with property lines overlayed. In 2001 the Board created the referenced 9.7 acre parcel and has the authority to adjust the lot lines. The request is to add 0.3 acres from parcel 210-100-273300 (43.99 acres) to parcel 210-100-273202 in order to create a 10 acre parcel. Neither parcel currently meets the road frontage requirements, nor would they if the proposal were approved. The Township did indicate they approve of the request with no other comments received.
- B. C. Rasset stated he has no other comment nor was there comment from the public.
- C. Vick – the Township approved, and he does not see any concerns. The proposal will get his vote.
- D. Jones asked for clarification on the road frontage. Ogle reviewed that in 2001 the Board approved the 9.7 acre parcel with a 33 ft. access strip and currently neither parcel meets the required road frontage, nor would the request fix that issue. The request would alter the line slightly but neither parcel has nor will have the required road frontage. Jones questioned who owns the parcel giving up the acreage. The owner spoke up in the crowd but did not step forward. Jones stated he was okay with the request.
- E. Neumann questioned why in 2001 9.7 acres was fine and now is not. Rasset stated they are wanting to do some Commercial Ag Tourism actives and per ordinance 10 acres is required. Neumann – at 10 acres the animal unit limit would change. Rasset – correct, not looking at any animals on the property. Neumann questioned what can be done with 10 acres that can not be done with 9.7 acres. Rasset – would like to open a winery and with Commercial Ag Tourism they are required to have 10 acres. Neumann – for future use would like to see an animal unit condition added to the request.
- F. Mol stated he has some of the same concerns related to animals. Questioned how 10 acres on the property would effect buildings. Ogle – at 10 acres the 15% total building lot coverage would apply, not the limited to 4,000 sq. ft. that currently applies. Mol would assume more buildings would be coming with the potential use. Rasset – correct. Mol – understands the reason for the request and feels he can go along with the request with an animal restriction applied.
- G. Aarestad stated his concerns were addressed by other members.
- H. Vick moved to approve the request to add 0.3 acres from parcel 210-100-273300 to parcel 210-100-273202 in order to create a 10.0 acre parcel consistent with the plan submitted. Subject to survey and completion of Recorder's Combine Form; if the parcels can't be joined under the existing Tax ID a separate Administrative Order will be required. Condition: no more than 0.5 animal units per acre. Motion Seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

4. **WAYNE SCHMIDT** – New

LOCATION: 16045 62nd St NW – Johnson Parks 2nd Addition Lot 2, Block 6 in Section 32, Township 121, Range 28, of Wright County, MN (W. Sylvia - Southside Twp.) Tax # 217-029-006020. Property Owner: Wayne & Sandra Schmidt.

Requests a variance as regulated in section 155.026, 155.006, & 155.049(F)(3), and 155.057(E)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a 4-season porch and deck addition to the existing home. The existing home is nonconforming to the side yard and shoreland building setback. The addition would be inside of the shoreland building setback and shore impact zone. The request is to be over the 25% impervious surface and 15% building coverage allowance.

Present: Wayne and Sandra Schmidt

- A. Ogle displayed the proposed site plan and reviewed the property details. The Urban Rural Transition (R1) zoned property is roughly 0.29 acres in Southside Township on West Lake Sylvia. In 1980 the Board approved a garage less than 65 ft. from the centerline of the Township road. In 1982 the Board approved an 8.5 ft. x 20 ft. portion of the existing deck to be screened in only and may not be converted into habitable living quarters and may not be located any closer to the lake than the existing house. In 1988 the Board denied a carport because it was too close to the road right-of-way and exceeded the lot coverage standards. In 2006 the Board approved a 26 ft. x 44 ft. dwelling 38 ft. from the Ordinary High-Water Mark of the lake at the closest point on the condition that an existing shed would be removed, and portions of concrete would be removed to bring impervious coverage into compliance. It was also conditioned that the home be limited to two-bedrooms. The request before the Board is to construct a 12 ft. x 14 ft. 4-season porch and a 10 ft. x 10 ft. deck that would be 34 ft. from the lake, on an existing home that is 14.4 ft. from the side lot line. The request would put the building coverage at 15.79% and impervious coverage at 25.73%. The Township approved of the request because of the work done on the yard to further contain erosion and impervious surface drops from 28% to 25.73%. A neighbor responded they do not oppose of the request and two other neighbors support the effort to improve the property. A variance is needed as the additions would be added onto a home that is non-conforming to the shoreland and side yard setbacks. The proposed additions would be inside of the shoreland building setback and shore impact zone, which is half of what is required. The impervious surface coverage would be over the allowed 25% and building coverage over the allowed 15%.
- B. W. Schmidt – purchased the property about 7 years ago. At the time 62nd Street was gravel. The street was improved in 2021 because of erosion issues. His lot and his neighbor to the east had erosion issues to the extent they would have to use their personal bobcats to clean gravel off of their driveways and lawns. Originally, this was their weekend home and before leaving he would place waddles, known as bio logs, in his driveway to prevent the road from washing into his yard. The Township recognized the problem and a year and a half ago the road was paved with a 5" curb installed. The erosion problem is now gone and is one of the reasons the impervious surface is so well managed. They did everything they could to get the impervious number down. The lot and survey shows several areas of concrete that will be removed. The driveway was wider with quite a bit of gravel, that likely had eroded from the road, and enlarged the area over time. His plan is to have a smaller driveway so they could get the impervious coverage down but would like at least a 12 ft. driveway so when stepping out of a vehicle it is onto a hard surface. After the road was installed the gravel that had washed into the yard was cleaned up. From the garage to the street a hump that

had formed was cut down about 12” and replaced with 5-6” of black dirt and seeded. By the lake the same thing was done. A photo was displayed that showed fabric waddles towards the lake and an area not yet improved as they are waiting for this addition process to finish out. There is another area near the lake that was sandy soil and did not do well, so they cut that area down and added black dirt and seeded. A photo was displayed of the lake that showed an area of wild rice that recently came into the bay and replaced lily pads. The bay has no erosion coming in and there is no reason to place rip-rap with the gradual slope of the yard. The only boat traffic is paddle boarders and kayaks. They have tried to use every bit of landscaping to keep the water on the property. On the west side of the home are downspouts that lead to a raspberry patch and apple tree, so that nothing gets to the lake. The plan is to install an eyebrow on the roof that will have a downspout directing the water onto the land. This addition will improve the water flow to different areas of the yard and is designed to not feed directly into the lake. Erosion is a big deal, and they have no erosion going into the water and with the sheltered bay they have no erosion issues from the lake. The concrete under the deck will be removed, and the addition would go over the top. The concrete is already out 10 ft. with the addition 2 ft. out from that existing area. S. Schmidt – the addition would only come out an additional 2 ft. from what is already there with the cement surface. W. Schmidt – the surveyor did a great job helping go through every possible scenario. Recognize they are not meeting the lakeside setback but feel this is a unique situation with the sheltered bay. Would want to install a small berm with some natural grasses to still improve an area needing to be addressed.

- C. No public comment.
- D. Jones asked to have the house plan displayed and questioned if the deck reduced by 2 ft. would affect the impervious coverage. Ogle stated he was not sure what the coverage would be with that change. Jones – the impervious is so close to the 25%. W. Schmidt – displayed a photo of planters that are on the west side of his home and serve as a retaining wall. If removed the impervious would get down to 25.39%. A berm could be created to address the runoff the planter was taking care of. Jones – he would like to see that planter removed. Ogle – 92 sq. ft. would need to be removed from the proposed plan to get to 25%. Depending on where that came from might not address the coverage on building coverage.
- E. Neumann stated he is comfortable with the 14.4 ft. for the side yard setback but has a problem with the 34 ft. to the lake. W. Schmidt – understands the biggest concern with 34 ft. is probably related to erosion. Because of the bay no wave action comes off the lake. The bay does not have a lot of high speed traffic or a lot of boat traffic causing erosion. They don’t have a wave problem and their lake shore has no rip-rap. This is one of the reasons they felt the request could be approved. The corner of the bay has a ridge or peninsula that really shelters their lot and is a reason why they feel they can justify their request. Neumann – this Board has always held firm for new construction, such as a deck or screen porch, not allowed to go beyond 65 ft. from the lake and that is really for consistency. For that reason, he feels he would be a no vote.
- F. Mol – has some of the same thoughts. Hear what is being said regarding the erosion. He looked at the past history of the property in the 80’s and the house approved in 2006 at 38 ft. with what those Boards approved. Now this Board is being asked to go with 34 ft., which is closer to the lake. The Board needs to be consistent for all of Wright County. He struggles with allowing the house to get closer and closer and in the past has not approved of moving closer to the lake with a new addition. Understands the purpose of the addition, but the Board has to come up with practical difficulties as to why the variance is necessary. There are a lot of ways to open up the home or add windows so the lake can be viewed. If more room is needed an addition on the backside is something he would

possibly consider. W. Schmidt – feels they did consider all possible options. There is a bearing wall, stairway and floor trusses that cause construction obstacles. He is a contractor and feels they did consider all options. In the past, when home was purchased, the shoreland was in rough shape and they made an effort to address the impervious surface and water runoff. When he applied for this request, there were 6 questions he answered and one of them was regarding their personal golden year plan, which includes spending time with grandchildren at the lake and watching the loons. W. Schmidt went on to describe his family and hardships they have gone through the last few years. The porch addition is intended for his autistic grandchild to sit and look at the lake. Understands there are rules but sometimes things are done to help people out. S. Schmidt – their grandchild loves to look out at the lake and when looking at the floor plan there is no sitting area in the upper level to see the lake, except by the dining room. There is currently a deck with a cement slab beneath. The porch addition would really go only 2 ft. closer to the lake than the current cement slab and the water runoff is already impacted by the cement.

- G. Vick stated for him the impervious is less of a concern than the distance to the lake. Questioned if there are any options with a possible shed near the lake that could be used as an area to sit. The Board has to look at the entire County and also consider what the neighbors will see. He will probably vote no because of the distance to the lake.
- H. Aarestad feels a great job was done on reducing the impervious coverage and efforts to improve the lake are evident. As previously said, the Board is in a tough spot with the deck converted to a 4-season porch going closer to the lake. This goes against what the Board has allowed in the past and could potentially open a flood gate of requests. Based on discussion from the Board he does not feel a vote to convert the deck to a 4-season porch will pass. Addressing the applicant, Aarestad provided the options of moving forward with a possible denial vote, continuing the item to another meeting and coming back to the Board with a revised plan or completely withdrawing the request.
- I. W. Schmidt – has been in business for 46 years and learned if people do the best that they can that they should be given credit for that. Considering erosion is not coming in from the lake, a unique situation with the bay and that they do not have an erosion problem by the lake he thought these factors would separate this request from others that have been addressed. Aarestad – there is an option to withdraw and reevaluate. Maybe the addition could be moved to the back of the home or windows modified to get the light. Aarestad suggested the applicant can postpone to the next meeting or withdraw. A denial vote will go on the properties abstract. S. Schmidt – clarified the issue is nothing to be built closer to the lake. Aarestad – confirmed W. Schmidt – has looked all options and was creative. The Township asked if this was even a big enough room, and his reply was that he realized they were over on building and impervious coverage so he wanted to do what would work for them but minimally be over the limits. Ogle suggested that if there is no intention to place an addition anywhere but lake side the best option may be to withdraw. W. Schmidt asked the difference between table and withdraw. Ogle – option to continue and come back with plans that address the concerns with meeting the 25 % impervious, 15% building coverage and not going closer to the lake. If there is no intention to address those concerns the route to go is withdrawing. W. Schmidt – the roadside of the home is where the septic system is and probably the reason why the home was built where it is. Talked about going off to the side but there is not lake access. A 12' x 14' room is not monstrous, and the neighbors stated they are excited for addition and the home looking more like it belongs. W. Schmidt and S. Schmidt agreed to withdraw the request.
- J. Mol moved to withdraw the matter at the applicant's request. Neumann second the motion.

VOTE: CARRIED UNANIMOUSLY

4. **KENT DAVIDSON** – New

LOCATION: 5264 Quinn Ave NW – Part of the NW ¼ of the SE ¼ in Section 05, Township 120, Range 28, of Wright County, MN (W. Sylvia - French Lake Twp.) Tax # 209-000-054206. Property Owner: Kent Davidson

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 construct an addition to the existing home that is nonconforming to the shoreland building setback.

Present: Kent and Robin Davidson, Bernie Miller with MSTs

- A. Ogle displayed the site plan and reviewed the property details. The 4.55 acre property is zoned General Agriculture and located in French Lake Township on West Lake Sylvia. The property has been through several hearings, with the most recent one being 2013 when the Board approved an 18 ft. x 20 ft. one-level addition, 3 ft. x 7 ft. bump-out of entry, and a 15 ft. x 18 ft. extension of deck to be in line with the existing deck lakeside. Conditioned that a 20 ft. buffer area of natural grasses, between the dwelling and lake, be established within one year of construction. The request before the Board is to construct a 208 sq. ft. addition and 36 sq. ft. covered porch to the roadside of the home. The existing home is 41.5 ft. and existing deck is 28.2 ft. from the lake, where 75 ft. is required. The Township did not send a formal response but did indicate they approved of the request and provided a copy of the response form to the applicant at the Township meeting.
- B. K. Davidson – built the home in 1999 as a seasonal home and has since decided to make this his primary home. This addition would allow for living on one level. R. Davidson – trying to prepare as a full time home as they age. They are not adding any livable rooms, just extending what is currently there 6.5 ft.
- C. Miller – what is existing does not meet the setbacks, but all parts of the addition do meet setbacks. Currently building coverage will be 2.3% and the impervious coverage is staying roughly the same at 8.9%, both are well under the required limits.
- D. No public comment.
- E. Neumann questioned if the pavers in the photo are under the proposed addition. Miller – most of the addition is going over the pavers. Neumann asked for clarification on the covered porch area and overhang listed on the plans. With the site plan, current home photos and building plans on display the applicant and Mr. Miller explained the addition areas. Neumann stated he likes that the request is no closer to the lake but questioned the topography and runoff condition. Miller – there is 2-3 ft. drop over 100 ft. to the lake with relatively no erosion and the water spreads out and doesn't converge on a single drainage area. Neumann – does not believe a stormwater management plan is needed. The request is reasonable, and he feels he can support the request.
- F. Mol – the new addition meets the lake setback and the area being covered is already hard surface. Does not look like drainage is a concern and has already been addressed. R. Davidson – a large berm was installed with natural grasses after the past addition. Mol – stated he can go along with the request.

- G. Vick – does not have any concerns not already addressed. Impervious coverage is good, and the addition is away from the lake. He is good with the request. Jones agreed with Vicks comments.
- H. Aarestad – does not see the addition having a visual impact from the lake and as others stated he could go along with what has been requested.
- I. Mol motioned to approve a 208 sq. ft. addition and a 36 sq. ft. covered porch to the roadside of the home according to site plan marked Exhibit “A” and building plans marked Exhibit “B”, held on file. Seconded by Neumann.

VOTE: CARRIED UNANIMOUSLY

5. **TAMMY GROSSINGER** – New

LOCATION: 1456 54TH Street NE – Lot 3, Block 5, Longbow Lake in Section 05, Township 120, Range 25, of Wright County, MN (Buffalo Twp.) Tax # 202-040-005030. Property Owner: Tammy Grossinger & Brian Kindelspire.

Requests a variance as regulated in section 155.026 & 155.090(Table 3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a deck around an above ground pool. The deck would be inside the soil treatment/absorption area setback.

Present: Tammy Grossinger and Brian Kindelspire

- A. With the Beacon aerial photo and proposed site plan displayed the property and request was reviewed. The property is 2.13 acres, zoned Agriculture Residential and located in Buffalo Township. The request is to construct a deck around the existing pool that is approximately 32 ft. x 73 ft. and would be located 5.5 ft. to the absorption area of the mound, where 10 ft. is required. Buffalo Township will not be able to hear the request until their November 14th meeting, so there is no response as of today's meeting. Wright County Environmental Health Officer, Scott Deckert, did comment that for the new construction of a structure, without interior space below the structure, no part of the absorption area shall encroach closer than 10 ft. to the structure. The existing pool is approximately 10.5 ft. from the absorption area of the mound. Constructing a deck this close to the absorption area should have no effect on the capability of the septic system to treat sewage. However, because the septic system is constantly being hydraulically loaded with septic effluent, the ground in this area will be periodically saturated. Staff is unsure what effect this would have on the footings of the deck.
- B. T. Grossinger indicated she had no additional comments.
- C. No public comment.
- D. Mol – does have some concerns. The plan appears to have footings installed 4 ft. into the ground. Kindelspire confirmed. Mol voiced concern with the closeness to the septic with such a large lot. Questioned how the pool originally got too close to the septic system. Grossinger – at the time of the pool permit application they did not clearly state intentions of the deck being part of the future plans. They had not realized the deck should have been mentioned at the time of the pool application. At this point the pool lacks adequate functionality and is difficult to maintain. With the deck plans they were thoughtful about being as narrow as possible near the septic side and realize they should have been forthright about the deck when the pool was constructed. Mol – would it be possible for the footings to be required at 6 ft. or 7 ft. deep and get them deep enough to not deal with the effluents as much? Concerned with a deck so close to a septic system that there will be moisture and the possibility of issues.
- E. Vick – with a deck 5 ft. wide the footings would be 7.5 ft. from the absorption area. Kindelspire – footings to the pool will be 4 ft. Ogle – the distance from the absorption area is probably closer to 7 ft. to the footings, not the pool. Vick - if the deck is cut back to 4 ft. the distance of footings would be closer to 8.5 ft. from the absorption area. He would be more okay with the deck footings 8.5 ft. from the absorption area.

- F. Jones questioned if the deck can be a 'U' shape and not go all the way around the pool and still be functional. Kindelspire – for cleaning and covering it would be nicer to have a deck all the way around. Jones – understands but there are possible problems that could be had being so near the mound system. At a minimum the footings should be installed deeper than proposed.
- G. Neumann stated the pool should be moved. There appears to be an area 4 ft. away that the pool can be moved to.
- H. Aarestad – originally concerned with the function of the mound but it sounds like there would be little impact. The request becomes what kind of liability would the deck be if it were to fail. It isn't a tall deck but does agree that the footings should go deeper or spaced closer together. Part of the concern is that it is a very large unknown if there could be an issue in the future. Would consider the request if the footings are modified.
- I. Vick asked the applicants if they are willing to decrease the deck, on the mound side, to 4 ft. and go deeper with the footings. Grossinger indicated they are willing to work with those suggestions.
- J. Vick moved to approve a deck around the existing pool as proposed with the conditions: 1) the deck be no more than 4 ft. wide on the mound side of the pool; 2) footings must be 60" deep on the mound side of the pool; 3) deck footings to be placed approximately 8.5 ft. from the absorption area on the mound side of the pool. Motion seconded by Mol.

DISCUSSION: Neumann – if there is ever any work to be done on the mound system there will now be a deck in the way. Allowing the pool and the deck so close could cause issues when it comes time to work on the mound system. There is ample room on the property to move the pool and would strongly encourage the Board to consider that.

Vick – would go back to the applicant asking if they are willing to move the pool. Grossinger – the pool has a lining with a low area. Moving it would actually be essentially reconstructing the entire thing as it is dug into the ground. Kindelspire – there is a 6 ft. deep area at one end. Grossinger stated if it was a flat pool floor, they would consider moving the pool.

Neumann – this is a pool, not a living quarters or a house. Does not see any hardship. Vick – with the deck size adjustment we are now talking 1.5 ft. under what is allowed.

VOTE: Mol, Aarestad, Jones, Vick

NAY: Neumann

MOTION CARRIES

6. **IAN KIRKPATRICK** – New

LOCATION: 3511 Darlington Ave SE – part of the N 1/2 of the SW 1/4 in Section 22, Township 119, Range 25, of Wright County, MN (Rockford Twp.) Tax # 215-100-223109. Property Owner: Brandi & Ian Kirkpatrick

Requests a variance as regulated in section 155.026 & 155.047(F)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an addition to an existing storage building that is nonconforming to the road setback.

Present: Ian Kirkpatrick

- A. Ogle displayed the property and proposed site plan. The property is zoned Agriculture Residential (A/R), in Rockford Township and roughly 11.54 acres. In 2016 the Planning Commission approved a rezoning from General Agriculture (AG) to A/R and a 5-lot unplatted subdivision. Request is to construct a 24 ft. x 30 ft. addition with a 6 ft. x 30 ft. covered porch onto a nonconforming storage building. The existing storage building is 37 ft. from the centerline of Darlington Ave SE, where 65 ft. is required. The Township did approve.
- B. Kirkpatrick had no additional comment nor was there anyone from the public that stepped forward.
- C. Vick stated the addition meets the setbacks and he does not have any concerns.
- D. Jones – no concerns and agrees with the request.
- E. Neumann – at 11.5 acres there is concern regarding building size? Ogle – the building lot coverage of 15% would need to be followed and is not a concern with this request. Neumann – the addition is no closer than the existing building, so he is okay with the proposed plan.
- F. Mol stated he is in agreement with what fellow members have mentioned. The addition is on the back side of the shed and itself meets the road setback.
- G. Aarestad agrees with what has been stated.
- H. Neumann moved to approve a 24 ft. x 30 ft. addition with a 6 ft. x 30 ft. covered porch as presented onto a nonconforming storage building which is currently approximately 37 ft. from the centerline of the road. Motion seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

7. **RICHARD BISTODEAU** – New

LOCATION: 13 97TH St. NE, 31 97th St. NE & 89 97th St. NE – Part of the SW 1/4 of NW 1/4 and Part of Government Lt 4 of Section 18, Township 121, Range 25 of Wright County, MN (Slough & Birch – Monticello Twp.) Tax # 213-100-182300, 213-100-183200, 213-100-182302, & 213-100-182304
Property Owner: RICHARD A BISTODEAU LIVING TR, David J. Voll & Angela L Voll, Kristy K. Johnson & Deron T. Johnson.

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 create an access strip on parcel 213-100-182300 that would give public road access to parcel 213-100-183200. The request is also for a variance as regulated in section 155.026 and 155.048(G) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to add the land east of the access strip to parcel 213-100-182304 which would be over 10.0 acres in size, under the minimum required road frontage, and over 2.5 acres of prime tillable soils. The land west of the access strip would be added to parcel 213-100-182302 which would be over 10.0 acres.

Present: Richard Bistodeau

- A. Ogle displayed the Beacon aerial map with proposed lots marked while reviewing the property and request. The properties in question are zoned General Agriculture (AG), in Monticello Township and while partly within shoreland jurisdiction there is only a small portion of one parcel that is riparian. There are four (4) parcels involved in the request. Parcel 213-100-182300 (22.7 acres), 213-100-183200 (50.9 acres), 213-100-182302 (1.0 acre), 213-100-182303 (1.8 acres). In 1984 the Board approved a lot line adjustment to add land to parcels 213-100-182303 & -182302 but it does not appear was completed. In 1999 a deed restriction created parcel -182304 and left the remainder of -182300 restricted. At the last Board meeting, held October 7, 2022, there was a request under Stephanie Schmitz were the Board approved a lot line adjustment that would add 10.0 acres from -183200 and add to 213-100-182400 but did not involve a transfer of entitlements. The request before the Board today is to create a 33 ft. access strip through parcel -182300 so that parcel -183200 has public road frontage. The land east of the access strip would be combined with parcel -182304, which requires variances for a 1 per 40 division over 10.0 acres, as proposed would be approximately 12.7 acres; less than 300 ft. of public road frontage, at 208 ft.; 5.4 acres of prime tillable soil when 2.5 acres is allowed without a variance. The land west of the access strip would be combined with parcel -182302, which requires a variance for a 1 per 40 division over 10.0 acres as the proposed acreage is roughly 12.0 acres. The Township approved of the request, which included a 33 ft. access strip and adding the land east and west of the strip to the parcels referenced in the notice.
- B. Bistodeau stated he had no additional comment nor was there any comment from the public.
- C. Bistodeau – the surveyor suggested a 66 ft. access strip versus the proposed 33 ft. He isn't sure if that would make a difference. Aarestad stated that could be talked about by the Board but having a 66 ft. strip would probably work more in his favor. Bistodeau stated his goal is to give more land to his kids.
- D. Jones asked for where the possible land lock situation is located. Ogle displayed the Beacon aerial map and reviewed the layout of the current properties and proposed lot lines. Jones asked Bistodeau if the applicant understood the explanation. Bistodeau stated he understood, and the plan is to

combine the divided land into the existing homesites. Jones – would agree the strip should be 66 ft. Bistodeau – if that is the suggestion, he would be willing to go with the 66 ft. over the 33 ft. strip.

- E. Neumann questioned if the access strip would be a public road or private driveway. Bistodeau stated the strip would be a private driveway. Neumann – that leads to a concern with 50 acres and are there one or two building entitlements on that acreage. Ogle – at the October 7 meeting there was a request that took 10 acres off of that 50 acres, this has been Board approved but as of now Staff is not aware the transfer has actually occurred. Once that division is complete the leftover parcel would be approximately 40 acres with a single entitlement. With an entitlement the minimum road frontage required is 33 ft. Ogle continued to review the parcels involved with what is existing and being requested as well as the sizes of each proposed parcel was reviewed. Neumann – parcels 10 acres in size are too small to farm and too big to mow. He tends to have a problem with those size lots. For future use he would want to see a 66 ft. access strip. Not in favor of the larger lots but if that is what the applicant wants than he can go along with the request with a 66 ft. access strip.
- F. Mol questioned the land use classification. Ogle – all lots, except -182302, are in the plan as Rural Residential with that small lot to remain AG. Mol – agrees there needs to be a 66 ft. access strip. This is a riparian parcel that could eventually be rezoned and developed. As the Board allows these splits and divisions it opens doors for the future that should be addressed now. If approved, he would like to see a 66 ft. access strip.
- G. Vick asked if animal units are a concern. Ogle – current small parcels are under 2 acres, so there isn't an animal concern. By moving up to 12 acres those parcels would fall under the Feedlot Ordinance rules unless the Board conditions differently. Vick – concern was going from 1 to 12 acres would significantly increase animal units. Mol – agreed, but the Board can add an 0.5 animal unit condition.
- H. Ogle – if going with a 66 ft. strip the listed proposed parcel sizes would change slightly from the 33 ft. that was originally presented. Mol questioned how the 66 ft. strip would affect the building that is currently along presented parcel 1. Ogle roughly measured out the distance and does not feel it will be an issue.
- I. Aarestad – no concerns with the overall request but will agree there should be a 66 ft. access strip.
- J. Motion made by Mol to approve a 66 ft. access strip on parcel 213-100-182300 that would give public road frontage to parcel 213-100-183200. The land east of the access strip to be combined with parcel 213-100-182304 and the land west of the access strip to be combined with parcel 213-100-182302, as presented. Subject to survey, administrative order, recorders combine form, and conditioned that parcel "1" and parcel "2" on the plan submitted and presented be limited to 0.5 animal units per acre. Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

8. **DANIEL LEMKE** – New

LOCATION: 3277 Quimby Ave SW – part of the SE ¼ of NE ¼ of Section 20, Township 119, Range 28 of Wright County, MN (Cokato Twp.) Tax # 205-000-201403 Property Owner: Daniel W. Lemke & Janelle H. Lemke

Requests a variance as regulated in section 155.026 & 155.048(G) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an entitlement division with an existing home that would be over 10.0 acres.

Present: Michelle Weinzetl as realtor for Mr. Lemke

- A. Ogle displayed the Beacon aerial image with the proposed site lines and reviewed the property details. The 47.92 acre property is zoned General Agriculture in Cokato Township. In 2000 the Board approved a 16 acre division based on the lay of the land and determined the 16 acres made the best division. This division was never created. In 2001 a 66 ft. access strip was created along the southern lot line of the referenced parcel so that what is currently parcel 205-000-201300 has public road frontage. The request before the Board is to divide off approximately 21 acres, as a 1 per 40 division with the existing home and the remainder will be restricted. The Township did hear the item but has not provided a response form.
- B. Weinzetl stated they did meet with the Township, and they approved the request. The Township sent the approval letter to Mr. Lemke; she does not have a copy but does have a picture of the letter.
- C. Aarestad opened the floor to the public.
 - Harlan Anderson – lives a mile north of the property in question but family farms the area and has for many years. At one point his father did own the property, and, in the past, he personally tried to purchase the property when it was up for auction. He had not heard of any division with this property but was aware it had been up for sale for some time. Mr. Lemke is a good neighbor and friend that he has helped many times in the past and there is no objection to what he is doing. He lives in the neighborhood and is proud of the area. Dividing properties invites problems. Realizes not everything can be controlled and there isn't usually a problem when everyone lives by the rules. The neighboring properties are owned by his wife and son. Mr. Anderson questioned if the neighbors have any input. Aarestad – absolutely and this is why he is before the Board today. The request is for a variance to the existing ordinance rules. In a situation such as this the Board does look at preserving farmland. The Board has criteria to follow but also takes input from the public, applicant, township, and all members of the Board. Ogle – explained the 1 per 40 division and how it is applied to this request. In this case the division would be over the administratively allowed 10 acres and the reason for the request. Anderson questioned who determines the 21 acres versus the 10 acres. Ogle – the proposed parcel size is determined by the applicant. Weinzetl stated she has had this property listed for a year and tried to sell as a cheese farm, then as a hobby farm and just couldn't make it work. Had thought of doing a 10 acre division but there is an area of trees that is rolling land with a lower area, and it made sense to draw the line as presented so that it could be used as a hobby farm with some pasture area. Aware the farm restricted area would need to stay as farmland and will not have an entitlement. The end plan is to market as a 20 acre hobby farm. Anderson questioned if the 26.5 acres has an entitlement with Ogle confirming that remnant parcel will be restricted without an

- entitlement. The 2000 approval drawing of the 16 acre division was displayed for review. Anderson questioned why the 16 acres was not acted on. Ogle – the owner or applicant would need to address that question. Anderson – was not aware of the division and in the past has been helping the owner and has no concerns with how he operates the property but is worried about how the new owner would operate. This is a very unique facility and with a milking parlor the concern is that a new owner will come in with a herd of cows on the 21 acres. Contact with the owner has not been successful. Ogle – this would be a concern for the Board to possibly address. Anderson – concern is what control is present to prevent a buyer not fitting or the neighbors not comfortable with the situation. Aarestad – any future buyer would have to follow existing feedlot and zoning rules. Anderson – does a lot of development himself and the concern is that it seems the rules are moving, and he is skeptical. Ogle – the Board can not address who the purchaser can be. In early 2000 this Board approved a request for a similar division. There is not a specific Conditional Use Permit but at one point there was a feedlot registration.
- D. Neumann – does not like these larger lots and would prefer to see a 10 acre lot. In 2000 the Board approved a 16 acre lot and he himself would approve a 16 acre lot, because they did, and he does not see a need for 21 acres.
- E. Mol questioned the amount of prime tillable involved. Ogle displayed the prime tillable map and reviewed history of property related to prime tillable determination and why this parcel is exempt due to age of farmstead. Mol – does work in the area and knows the area. This area is very much wide open fields and primarily agriculture. Understands the reasoning of the 21 acres but there is a 40 acre piece with an existing barn that could be a self-sustaining farm on the full 40 acres. If the parcel is brought down to 21 acres, issues could come up with disposing of the manure. At 10 acres there isn't approval needed from the Board. Not sure this 40 acres is a good situation to be split and is struggling with the request. The Board can't worry about if a property sells or does not sell.
- F. Vick – would like to hear what the rest of the Board has to say. Not sure on the 21 acres but somewhat likes the idea of allowing what was approved with the 16 acres.
- G. Jones – agrees with the 16 acres versus the 21 acres. If wanted to continue with what is being done on the property, they will need the acreage to do so. Has a problem with the lot not being a total 40 acre parcel but that is not what was requested. There is such a large amount invested in the current building and equipment he can understand the apprehension of buyers with the size of the parcel. Mol – looking at the financial portion is not a challenge for this Board to review and discussion should stick to the lot line adjustment. Per ordinance a 10 acre division can be done administratively. The presence of a hardship was questioned as this property is in the middle of farm country. The Board needs to strictly look at the lot lines.
- H. Aarestad – preservation of prime tillable is a goal of the county land use plan and this is prime tillable land. Feels dividing off the 21 acres goes against that goal and agrees with the 16 acres, as was allowed in the past.
- I. Weinzetl – the 16 acres compared to the 20 acres is because she was not aware that 16 acres was ever approved. The line was drawn based on what she saw as current tillable and pastureland. The original 16 acre division request map was displayed with the statement made by Weinzetl that the area west of the trees does drop off and potentially part of why the line was drawn as it was. Questioned if the request can move forward at the 16 acres, as she does not believe the owner would

have a problem with a 16 acre division. The 20 acres was a line she chose based on the tillable and pastureland lines.

- J. Neumann questioned if this Board is required to abide by the 2000 approved 16 acre division or can the 21 acres be denied, and the division go back to 10 acres. Kryzer – the 2000 BOA action is expired by roughly 16 years and that decision has no bearing on the decision of this Board. Ogle – noted that some of the buildings have been improved since the 2000 BOA decision.
- K. Vick asked if the existing buildings would meet the required setbacks at 10 acres. Ogle – would have to review with the Feedlot Administrator as there could be setback regulations related to a registered feedlot requirement. The Board was reminded that the Township has yet provided an official response and the Board could wait to hear from the Township. If continued a revised site plan should be submitted.
- L. Neumann moved to continue the hearing to December 9, 2022. Jones seconded the motion.

DISCUSSION: Mol questioned the reason for the continuation and what is it the Board is asking of the applicant. Neumann stated that he is looking for the applicant to either go with the 10 acres, that does not require a variance, or come back to the Board with a division less than the proposed 21 acres. He is not in favor of the 21 acres and would like to see a proposal less than that figure. Mol stated that clarified it for him.

VOTE: CARRIED UNANIMOUSLY

9. **JEROME HASS** – New

LOCATION: 2294 80th Street SW – the West 1/2 of the SE 1/4 of Section 10, Township 118, Range 26 of Wright County, MN (Woodland Twp.) Tax # 220-000-104300 Property Owner: Richard J. Hass, Michael L. Hass, Jerome D. Hass, John E. Haas, and Rosemary A. Hall, each an undivided on-fifth interest

Requests a variance as regulated in section 155.026 & 155.048(G) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an entitlement division with an existing home that would be over 10.0 acres.

Present: Jerome Hass

- A. Ogle displayed the aerial Beacon image with proposed property lines. The property is roughly 77 acres located in Woodland Township and zoned General Agriculture. The request is to divide off approximately 35 acres with a 1 per 40 division. With two building entitlements on the current parcel the existing home parcel would use one entitlement with the remainder keeping one building entitlement. Woodland Township will not be able to hear the request until the November 14th meeting, so no response has yet been received.
- B. Hass stated he had been before the Township a few years ago and they did approve the exact proposal. Because it has been over a year, they would like to revisit the request. Recognizes the Board would like to keep as much of the land continued to be farmed. His proposal takes off most of the tillable land and separated it from mostly swamp and trees. There is some old growth forest on the property that he hopes to preserve. The applicant displayed a photo of a large oak tree that is roughly 14 ft. round at the base. The applicant pointed out the areas of old growth forest for the Board. Haas stated that the lines were chosen based on the tree lines and keeping the tillable and forest separate. There is a small area on the north that is sometimes accessible during dry years for farming. All of the farmland is currently rented.
- C. No public comment.
- D. Mol – trying to understand the reasons why the lines are the way they are and what is trying to be accomplished. Essentially, there is a creation of an access strip to the back that would go right through existing buildings. Haas – there is a 320 ft. access off of the road. Mol – is looking at the other parcel and access to the entire back portion of the property, so that it is not to be land locked. Can see the goal but still struggles with the piece in the back area and what could happen in the future with development and possible rezoning. With a 35 acre parcel there could potentially be 2 more homes. Haas – by the time they developed houses in that area it could be 100 years. There is so much land between Montrose and this location. Believes at one point they were annexed into the City of Montrose, but there isn't water or sewer within a 1.5 miles of his property and probably will not be for at least 40 years. Mol – is not talking annexation. The property can be rezoned with additional homes allowed. With a division like this there could be an issue or hardship created for the future property owners that was created by this Board. Mol – the request is for 35 acres with the home right up front. If the owner eventually wanted less acreage, how would they create an access strip to the back of the property? The concern he has is what issues could be created for future owners.

- E. Vick questioned the amount of tillable involved. Haas – estimated 5-7 acres with the rest forest or swamp. Ogle reminded the Board that both properties would have a building entitlement, with the existing house using one of those. A restricted parcel is not being created. Vick stated he would like to see square lots. Haas – if that was done half of the farmland would be with his homesite and he does not have farm machinery and does not have a want or need for the farmland. He went this route to allow someone that wants to farm or needs the land for their operation the opportunity.
- F. Jones clarified the farmland areas on the displayed Beacon map. Haas would not object to any farmland outside if the boundaries to be farmed. Jones – difficult to comprehend as he is used to square lots. Haas – uses the wood and swamp area for a ski trail in the winter and people do hunt the property. Jones feels he could go along with the request.
- G. Neumann – the shape of the properties is disturbing. Feels some properties should remain as a full 80 acre parcel. He has seen a lot of divisions and there are some that just don't make sense to split, and this is one of them.
- H. Vick reminded the Board the Township has not responded. Haas stated he did present the same plan in the past and they were in favor. Preservation of the old growth is a key point in the property lines. Would not be opposed to put the property in a land trust.
- I. Neumann questioned the applicant on how far the property was from Montrose. Haas – 3.5 miles from Montrose. Thought at one time the property was annexed into the City of Montrose with water brought 1.5 miles from the property. Ogle – in land use plan the property is set to remain General Agriculture. That could change but most likely not anytime in the near future.
- J. Aarestad – feels this is a good plan that preserves agriculture land but a bad plan that could potentially create a problem with the remaining floating entitlement on the house parcel. Vick corrected Aarestad that there are 2 entitlements with one of them being used by the home and the other to go with the farmland parcel. Haas stated he has no plans to build a house on the current property. Would be willing to eliminate the extra entitlement if the Board so choose. Vick questioned if a portion of the 35 acres could be condition as restricted. Ogle stated he isn't sure how that would work and if rezoned a condition such as that would not be valid with a separate set of zoning rules.
- K. Mol questioned if it would be best to continue the item for the Township response. The applicant has heard the thoughts and considerations of the Board. Aarestad – there could be new members on the Township Board, and the thoughts of this Board could be reviewed. Mol – agrees, the applicant has heard what has been said and could possibly redraw the lines based on the discussion. Ogle – there may be alternatives that do not require a variance, with a smaller parcel. Haas – main intention was to keep old growth forest and let someone else farm the land.
- L. Neumann moved to continue the hearing to December 9, 2022, to allow time for Township review and time for the applicant to possibly revise proposed plans. Jones seconded the motion.

VOTE: CARRIED UNANIMOUSLY

10. **SCOTT LEMKE** – new

LOCATION: xxxx Kilbury Ave NW – the SE ¼ of SE ¼ of Section 17, Township 120, Range 27 of Wright County, MN (Abbey Lake - Albion Twp.) Tax # 201-000-174400 Property Owner: Scott William Lemke & Cynthia Anne O'Donovan

Requests a variance as regulated in section 155.026 & 155.048(G) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an entitlement division that would be over 10.0 acres.

Present: Scott Lemke & Cynthia O'Donovan

- A. Ogle displayed the Beacon aerial photo and reviewed the property details as well as the request. The property is 41.22 acres with approximately 29.44 acres above water, located in Albion Township on Abbey Lake. The parcel is zoned General Agriculture. In 2010 a deed restriction/administrative order was done that allowed a 10.0 acre, above water, 1 per 40 division that did require a variance but was never acted upon. The proposed division was displayed. The request before the Board is to divide off a 25.02 acre (roughly 14.23 acres above water) 1 per 40 division and leave the remainder 16.2 acres as restricted. The Township would allow a building site split up to 10.0 acres, with rest of land remaining in-tact with Board of Adjustment to do a site inspection. A neighbor did not object to the request. A division over 10 acres must be heard by the Board and can not be completed administratively.
- B. Lemke stated that his family originally homesteaded the property in 1881 with the original homesite now gone and was closer to the lake. The intent of the division is to preserve the 25 acres with a building site for a family member. The property to the north of the proposed homesite is all tillable and currently rented and farmed by the neighbor to the north. That gentleman has stated interests in purchasing the property and will continue to farm. A survey was prepared with a potential house location and septic site determined. A large section of the property is underwater, and this area really is the only buildable site. The farmer has no interest in the lowland near the lake or the lake itself. The 25 acres is a nice homesite and preserves the land usages that are present today.
- C. Ogle displayed the original 10 acre division plan for the Board.
- D. No public comment.
- E. Vick – appears that very little of the 25 acres will be taken out of farming. Lemke – the line touches the tree line. Vick – appears there is also quite a bit of lowland. Vick stated he does not have a lot of concern with the request.
- F. Jones – the neighbor to the north wants to continue to farm and buy that area certainly helps maintain and preserves the farmland and he does not see any real concerns.
- G. Neumann – the item came before the Albion Township Board, so he is familiar with the request. The amount of the 25 acres underwater is significant and there is an area by the woods with a steep slope. Feels that this division makes sense and fits. The only concern he has is the animal units to be allowed on the 25 acres, which the Board could address with a condition. Because Abbey Lake drains into Granite Lake, he would suggest a limit of 5 animal units. The only buildable area is where presented, by the road, because of lowland or the steep slope of the property. The Town Board

did suggest a site inspection, which he would entertain, but overall, he is satisfied granting the request as proposed. Lemke stated a 5 animal unit limit is acceptable.

- H. Mol – a large portion of the 25 acres is in the water and the topography shows in the tree line there is a substantial drop-off. As presented, he can agree to the request.
- I. Aarestad feels that member Neumann presented and addressed his concerns and thoughts.
- J. Neumann moved to approve a 25.02 acre entitlement division according to site plan marked Exhibit “A” with the condition of no more than 5 animal units allowed on the 25.02 acre parcel. Subject to survey and filing a Deed Restriction. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

11. **CURT DUSKE** – New

LOCATION: 1117 & xxxx US Hwy 12 SE – part of the North 1/2 of the Northwest 1/4 of Section 05, Township 118, Range 25 of Wright County, MN (Franklin Twp.) Tax # 208-200-052100 & 208-200-052200. Property Owner: Scott A. Duske, Peggy A. Duske, Curtis L. Duske & Kari L. Duske

Requests a variance as regulated in section 155.026 & 155.048(G) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an expansion of an existing “1 per 40” division with home to be over 10.0 acres.

Present: Curt Duske

- A. Ogle displayed the aerial Beacon site plan and reviewed the property details. The properties are zoned General Agriculture (AG), in Franklin Township with a small portion of parcel #208-200-052100 located within the shoreland district of an unnamed Ag-Tributary stream. Parcel 208-200-052200 is approximately 1.7 acres outside of right-of-way and parcel 208-200-052100 is roughly 63.9 acres outside of right-of-way. The right-of-way is unique to these parcels and therefore was reviewed by Ogle in detail. Administrative orders for a 1 per 40 division was completed, creating two parcels, in 1987 and 2021. The request is to adjust parcel 208-200-052200, which is an existing 1 per 40 division with an existing home, to approximately 11.58, not to include the right-of-way. The Township did approve of the request.
- B. Duske had no additional comment.
- C. No comment from the public.
- D. Jones questioned the proposed size. Ogle – approximately 11.58 acres, outside of the right-of-way. The 1.7 acres of the existing homesite is included in the 11.58 acres. There is no survey at this time, so the acreage calculate is an estimate. Jones stated he was okay with the proposal.
- E. Neumann clarified the request is to enlarge the 1.7 acre parcel. Duske – he runs the farm with his brother, and they are in the process of selling. No one is interested in the pastureland, and he would like to keep that with his home. Neumann – the 1.7 acre parcel has a home. Duske – correct. Ogle reviewed the proposal and current lot lines again for the Board. Neumann – the remainder would be the 70 acres. Duske – correct.
- F. Mol – does not see a challenge with the request and is okay with what has been presented. The farmland is being preserved and the lowland and tree line area is being incorporated into a house site.
- G. Vick questioned if there is a concern for the Board related to an 11 acre lot, with lowland, having farm animals or the building size. Mol – believes the feedlot regulations have rules related to wetlands that would address animals. Vick – would like to consider 0.5 animal units per acre. Mol agreed. Duske stated he has no intention of animals and would be okay with that condition.
- H. Aarestad stated he had the same concern with the number of allowed animals.

- I. Vick moved to grant a 1 per 40 division according to site plan marked Exhibit “A” and subject to survey and Administrative Order with the condition of no more than 5 animal units. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 11:10 a.m.

Respectfully submitted,

Aaron D. Ogle
Planning & Zoning Planner

Cc: Board of Adjustment
Applicant/Owner
Twp. Clerks