

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: December 9, 2022

MINUTES – (Informational)

The Wright County Board of Adjustment met December 9, 2022, in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Paul Aarestad, called the meeting to order at 8:30 a.m. with Board members present: John Jones, III, Dan Mol, Dan Vick, and Bob Neumann. Representing the Planning & Zoning Office was Aaron Ogle, Planner. Legal counsel Greg Kryzer was not present.

ACTION ON MINUTES FOR THE NOVEMBER 4, 2022, MEETING

On a motion by Jones, seconded by Mol, all voted to approve the minutes for the November 4, 2022, meeting as printed.

1. **DANIEL LEMKE** – cont. 11/4

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: Applicant nor representative present

- A. Ogle briefly addressed the matter continued from the November 4th meeting. The Board continued the request until the December 9, 2022, meeting as there had not yet been a township response form submitted. During the November 4th meeting the Board members asked if the applicant could come up with a revised plan to present at the December 9th meeting that took their discussion into consideration. The Board did not appear to find the originally proposed 21 acre division justified. While no specific acreage amount was agreed upon by the Board, their discussion leaned towards the applicant presenting a smaller acreage division at the December 9th meeting to further discuss. The applicant has chosen to seek a 10 acre division that could be approved administratively, without the need of any variances. The applicant has asked for his request be withdrawn and dismissed without prejudice.
- B. Mol moved to approve the withdrawal of the variance request with no prejudice. Seconded by Aarestad.

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

2. **JEROME HASS** – cont. 11/4

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. Hass, and Rosemary A. Hall, each an undivided on-fifth interest

REQUEST: 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 stated that this matter was continued from the previous meeting as the Township had yet to hear the item and the Board did not appear to find the original request to divide off approximately a 35 acre “1 per 40” division with the existing home to be an appropriate division. The Board asked if the applicant could present an alternative plan at the December 9th meeting that took their discussion into account. The Board appeared to have issues with the size and layout of the originally proposed division based on possible future planning concerns of the property. Hass appeared before Woodland Township on Jan 13, 2020, and again on November 14, 2022. In January of 2020, the Township stated they did not have anything against the division as proposed. After discussing with Hass at the November 2022 meeting, the Township suggested Mr. Hass look into State or County programs that would help with the preservation of land and trees, if that was his main priority. There has not been changes to the originally proposed division.
- B. Hass – talked to his neighbors about this without disagreement. Feels the opinion from his neighbors is important. One of the application questions is if the request conflicts with the Land Use Policy. The Land Use Policy is there to protect, preserve and enhance the natural environment. His goal is to protect and preserve the old growth forest and he understands the importance of maintaining the forest. The land is swamp and forest, not suitable for farming. He feels that by splitting off the agricultural portion of this parcel, it will be land-ready to farm. As it sits now, 32 acres are un-farmable and would potentially be bulldozed by future buyers. Preservation of the swamp and land is vital, especially due to droughts and maintaining water quality. Hass asked for approval on merits. He understands that this will fall away from straight property lines. The Township is reconstructing the ditch system north and west of the property, so much of the land was lost to this. The property has been owned by his family for 115 years and as stewards of this property for over a century, it's been well cared for. They are a century farm, and it should be kept as a legacy.
- C. No public comment.
- D. Mol – asked Ogle if another portion of existing property can be split without a variance. Ogle – with Beacon displayed the location of the home was reviewed. One entitlement is currently being used by the existing home and the other would stay with the remaining acreage. He mentioned the Township's suggestion to research state-level preservation programs and suggested leasing the land out that is currently tilled to maintain preservation. Hass – it's a bit of a quagmire; some siblings want to sell their share. Mol – understands the challenges at hand and explained how a portion of his family's 300-acre property was split and sold, keeping the homestead on the original ten acres, and was all done without a variance. His suggestion is to hang on to property for preservation purposes and empathizes with him regarding family conflict. The Board needs to

consider the property and how it fits from a planning perspective. He feels that the proposed division is not a good split and could create problems down the road for any future sellers or buyers. If rezoned, roads will need to be brought into the back side of the property. Hass – if anything is developed, he believes there is a 75th street that would be constructed along the north edge of the property. He does not see any development in the next 40 or 50 years but cannot speak on behalf of the Township.

- E. Vick – struggles with same issues as Mol does; it's an odd division. Ogle – displayed Beacon with a possible revised lot line showing an entitlement division at about 4 acres with the property lot dimension standards, road frontage and depth that leaves room for public road access to the reaming fields.
- F. Jones – sympathizes with the applicant, like Vick and Mol, but has to look at this from County's perspective and looking at the entire County. Does not see how this division can work as proposed. Cutting off the 4 acres makes more sense but at this time could not go along with what has been requested.
- G. Neumann – also understands the situation, but cannot see a hardship, only desire, to force this division. There may be other means of preservation and cannot approve as proposed.
- H. Aarestad – after said discussion, the variance will likely not pass. He explained to Hass that the Board can vote. He can ask for a continuance to address the discussion and redraw the property lines or withdraw the request with possible intent to reapply and go forward to a different set of board members in the future.
- I. Vick – asked Ogle if a division of 10 acres can be done without board approval.
Ogle – an administrative division may be approved up to 10 acres, pending all proposed lot dimension standards are met and are not creating setbacks issues from existing buildings. He does have 2 entitlement divisions allowing for 1 acre minimum to 10 acres maximum. This process can be done in-office without board approval.
- J. Aarestad – suggested revisiting options with Ogle to look at this administratively and potential options. Ultimately, Hass needs to make a decision on how to proceed, it's not up to the Board to help with the design.
Ogle – to include the existing home within the allowed 10 acres, there is no way to reach the northern woods as designed. He is welcome to redesign his plans, consider recommendations, and come back.
Hass – requests a continuation to address this matter again at the next meeting and give him time to address this with the Township as well.
- K. Vick moved to continue the hearing to January 13, 2023, to allow time for the applicant to revise proposed plans. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **THOMAS WISKOW** – new

LOCATION: 50 Aladdin Cir NW– Lots 2 and 3, Olson’s Point, and an undivided 2/17th interest in Lots 17, 18 and 19 of said Olson’s Point in Section 26, Township 120, Range 26 of Wright County, MN (Buffalo – Chatham Twp.) Tax # 203-019-000020. Property Owner: Thomas Wiskow

REQUEST: A variance as regulated in section 155.026 & 155.049(F) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an addition to the roadside of the existing home that would encroach the road and side yard setback.

Present: Tom Wiskow & Corey Wiskow

- A. Tom Wiskow – introduced himself. He provided background and expressed his reasons for the variance being the need to have an office space on the main level of the home.
- B. Ogle – presented an arial view of the parcel. The 0.72 acre property is zoned R-1, located on Buffalo Lake in Chatham Township. The request is to allow a 20.5 ft. x 24 ft. (435 sq. ft.) addition to the roadside of the home that would be 50 ft. from the centerline of Aladdin Circle NW, where 65 ft. is required and 11.6 ft. from the side yard setback, where 15 ft. is required. The Township did approve of the request. A variance is required because the existing home meets the required setbacks, but the addition would not.
- C. Corey Wiskow –Tom’s son and is VP of their family-owned company. He expressed how passionate his father is about what he does and that he deserves a home to work out of and can age-into it. The current room layout is not conducive to having an office on the main level. Tried to find another option, did not want to go towards the lake. This area of the proposed addition is the best spot to not affect the sight line.
- D. Aarestad opened the floor for public comment.
 - Lloyd Douglas, 70 Aladdin Circle NW, has concerns of water runoff. The previous owners filled in the ditch that used to run along the roadside. At another house to his left, water ramps were installed at his other neighbors’ and anticipates he’ll be flooded out. Aarestad – asked Douglas if his request is for the applicant to restore the ditch? Douglas – it’s not a big ditch, but it’s an incredible thing to drain the yards. When his home was built in the 1950s, he did not anticipate people coming in and raising yards. Aarestad – asked if he currently has issues with flooding. Douglas – never had water in his house but anticipates that he will. Why can’t Planning and Zoning address these types of issues? Ogle – could address this separately outside of the meeting with Douglas but we are here to focus on the property at hand. Legal counsel is not present, so he is not sure about legalities but believes the ditch issues should be brought to the Township as they are the roadway authority as this falls within the right-of-way and is outside of the County’s zoning jurisdiction. C. Wiskow – approached podium, stated that they are willing to do what they can to improve water runoff. T. Wiskow – was not aware of stormwater issues when house was purchased.

- E. Aarestad – closed floor for public comment and opened for board discussion.
- F. Vick – Township has no problems and feels okay with the distance to the road. The 11 ft. has been approved in the past and allows enough access area from the front of the house to the lake. In looking at the elevations, he couldn't tell where the runoff would go, but could see that the addition will not be any closer to the road than neighbors and potentially
- G. Jones – agrees with comments member Vick made. The Township has no problems with the distance to the road and the addition itself; he does not see any issues either.
- H. Neumann – the request for the addition size is not huge. Originally, he had concerns with the road setback but if the Township is okay with the distance he would be as well. Would assume the septic system is compliant if recently purchased the property. T. Wiscow – confirmed the system was inspected and approved. Neumann – impervious and lot coverage are within the required limit. Feels this request is acceptable.
- I. Mol – this Board is supposed to look at each property and its uniqueness. Looking at this and how he has previously voted, it meets many of the criteria. He is struggling with the new owner coming to the Board before living in the home, asking for a variance, versus buying a house that would fit their needs. Historically, he has voted for many setback requests like these. Questioned if other options have been looked into, perhaps remodeling the garage or basement. Without the longevity and historical time in the home, he hesitates to approve this. If use for an office, might this open up for a conditional use permit, if running a business 4-5 days/week out of the house.
- J. Aarestad – has similar thoughts to Mol's in looking at a compliant house to become non-compliant. Factors to consider include looking at the impact of the lake. This is a roadside variance and is under the impervious coverage and is a modest request. He encourages working with neighbors and Township to solve the drainage issue and suggested a stormwater management plan in place due to the increased roof surface.
- K. Motion made by Neumann to allow a 20.5 ft. x 24 ft. (435 sq. ft.) addition to the roadside of the home that would be 50 ft. from the centerline of Aladdin Circle NW and 11.6 ft. from the side yard setback. Seconded by Jones.

VOTE: Aarestad, Jones, Neumann, Vick

NAY: Mol

MOTION CARRIES

Discussion: Douglas approached the podium to ask the board if they might consider the drainage issue. Aarestad stated the item is closed for public comment but allowed him to approach for comment. Douglas has issues with landscaping and drainage into neighbors' property and wondered if the Board could reverse the variance and require Planning and Zoning to visit the property. Aarestad thanked him for his question. At that time, the Board didn't feel that a site inspection was necessary, so no site inspection will take place. Ogle added that part of a building permit includes an on-site inspection by a building inspector after the permit is issued.

4. **TROY LOKEN** – new

LOCATION: 7141 Rosewood Ave NW – Part of the East 150 feet of the West 452.4 feet lying south of cartway & North of Union Lake in W 1/2 of SW 1/4 Section 30, Township 121, Range 28 of Wright County, MN (Union Lake – Southside Twp.) Tax # 217-000-303305. Property Owner: Troy & Deanne Loken

Requests a variance as regulated in section 155.026, 155.049(F), 155.057(E)(1), & 155.090(Table 3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a second-level addition and proposed deck to an existing home that is inside the side yard, road, and lake setback. The proposed septic tank would also encroach a property line setback.

Present: Troy Loken and Deanna Loken

- A. Ogle displayed an aerial photo of the property. The R-1 zoned property is 0.32 acres in Southside Township on Union Lake. In 1987 the BOA approved a 24 ft. x 36 ft. cabin to replace an existing mobile home. In 1996 the Board granted a variance to allow an addition to attach the house and garage. This request is to allow a 28 ft. x 36.5 ft. (850 sq. ft.) second-level addition and an 8 ft. x 20 ft. (160 sq. ft.) deck to the existing home. Ogle then displayed a survey of the proposed second-level addition and deck which showed no further encroachment on any setbacks. The existing home/deck is 48.8 ft. from the lake, 11.3 ft. from the west side yard, 14.2 ft. from the east side yard, and 28.2 ft. from the centerline of Rosewood Ave. The request is also to allow a septic tank approximately 6 ft. from the property line. Township response has not yet been received, as their meeting is not until December 12, 2022. One neighbor did not object to the request and another commented that they agree with any improvements that would increase neighboring property values. The reason for this variance are that additions to an existing nonconforming home that are 48.8 ft. from the lake where 100 ft. is required, 13.3 ft. & 14.2 ft. from the side yard where 15 ft. is required, and 28.2 ft. from the centerline of Rosewood Ave where 65 ft. is required need a variance.
- B. Aarestad – asked of the applicants' thoughts on proceeding without a Township response. Normally they like a township's feedback before taking action. Deanne Loken – the Township meeting was originally scheduled for last week; the Township moved their meeting before this was scheduled. Aarestad – can discuss the item but doesn't wish to take action without their recommendation. Ogle – recommended the discussion with intent for continuation for the BOA meeting on January 13, 2023.
- C. Troy Loken – the existing septic tank will be removed, as it sits closer to the road than the proposed tank. They are working with neighbors to design a full drainfield to be placed across the road. They will be working with the Township to place the system under the road, if allowed, and be designed similarly as their easterly neighbors' system. The site plan was displayed showing the proposed septic site location as well as the easterly neighbor's current site. As it sits now, they are above building coverage at 15.2 % with intent to remove an existing 400 sq. ft. shed to bring building coverage within conformity, below 14.2% building coverage. No additional increase to impervious surface coverage, as the addition is for an upper level. Their intent for this addition is to expand family living space above the garage and explained the placement of said roofline. The westerly neighbors have no issues with this addition and feel that this addition will not add to the lakeshore sightline. The neighbor to their east has a second story, as do approximately 10 of the 16 homes on the lake.

Behind their home is a very large bluff owned by a single family, they will be leasing their property for the septic site. From the nature of the area, they do not feel their addition will impact the sightline of neighbors.

- D. No public comment.
- E. Neumann – asked about the roof over the garage and the impacts of the addition. Adding a roof to an addition does not create additional runoff for stormwater. He asked if the garage will be demolished. T. Loken – the garage is attached to the dwelling and will suffice the additional load. Neumann – feels okay being on the existing footprint; he wouldn't normally approve 48-50-foot setback from a lake for new construction. He feels okay with the addition not being closer to the road and that the septic system will be addressed. Legal representation was not present to elaborate on leasing land for the septic system. T. Loken reminded the Board that his neighbor to the east has a septic system across the road that is on leased land. Ogle stated he has spoken to Environmental Health Officer, Scott Deckert, to provide feedback. There are two items to consider in situations like this – a written township approval for the supply line, because it would cross under a township road, and a recorded legal easement document for allowance of the absorption area on the leased land.
- F. Jones – agrees with Neumann; no issues with the proposed setbacks and they are not moving any closer to the lake.
- G. Mol – asked with the addition, will there be any alterations to lakeview such as clearcutting or trimming of trees? T. Loken – no plans to remove any trees or disrupt the natural canopy created by the trees on the property, only taking off a few branches from a tree that hangs over the garage. No trees will be removed. Mol – just going up with the addition, not expanding the footprint but would still want to hear from the Township.
- H. Vick – asked about impervious coverage related to the deck addition. T. Loken – the 144 sq. ft. shed will be removed and will be adding 218 sq. ft. for the deck, slightly increasing the 21.8% impervious coverage to 22.3%, still within what is allowed. The deck will run a straight line along with the front edge of the house. The existing portion of the deck on the lakeside of the house is what is currently encroaching, but the additional deck would be in line with the home. Vick stated that he'd like to see that deck pulled in a bit, making it at least 55 ft. from the lakeshore, as 65 ft. has been a standard. Not only the deck, but the house will have the addition, which would make for a good trade-off. T. Loken – the garage, where the living space will be, sits higher from the slope, so stairs were redesigned to access inside the home.
- I. Aarestad – anytime there is a structure that is only 48 ft. from the shoreline, it gets the Board's attention. His concerns are how might this impact the neighborhood and how will it affect the lake? He feels okay with the roof surface in that it won't increase, and the added height is in line with neighbors. Likes that part of the plan is to address the septic system. Overall, does not have any issues with the request.
- J. Mol moved to continue the request to the January 13, 2023, meeting, allowing for the Township to meet and make their recommendations and for the applicant to take into consideration discussion point and potentially revise plans as proposed. Seconded by Jones.

DISCUSSION: Vick noted that a neighbor across the road has a holding tank and questioned Lokens if they've looked into that too; one less variance would be present. T. Loken - their current holding tank sits closest to the road. They're looking to leave the holding tank on their side to lower the impact on the property across the road.

VOTE: CARRIED UNANIMOUSLY

5. **HANS GAUGER** – new

LOCATION: 2505 45th St SE – N ½ of the SW ¼ and N ¼ of the SE ¼ in Section 28, Township 119, Range 25, of Wright County, MN (N. Crow River - Rockford Twp. & Franklin Twp.) Tax # 215-100-283100 & 215-100-284200 & 208-300-284200. Property Owner: Hans P Gauger Revocable Trust and Charles & Simone Thayer J R TR

Requests a variance as regulated in section 155.026, 155.048(F), & 155.057(E)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a lot line adjustment between parcel 215-100-284200 and 215-100-283100 so that parcel -283100 would have public road frontage but it would not meet the minimum required.

Present: Hans Gauger

- A. Ogle – opened the matter at hand with emphasis that this is the first of two separate requests by this applicant. The first matter to be heard is the lot line adjustment. The two involved properties are zoned AG and located in Rockford Township. Ogle presented a survey and explained the request is to exchange a 1/4 acre from the northwest corner of parcel 215-100-284200 (±25.6 acres), which is Mr. Gaugers property for a quarter acre from the southeast corner of parcel 215-100-283100 (±80 acres), which is Mr. Thayer's property. In 1977 the Board denied a variance request on parcel -284200 that wanted to relocate the floodplain district boundary lines for the purpose of constructing a residence because there could potentially be access problems related to flooding. In 1980 the Planning Commission approved a storage building within the floodplain. The exchange of 1/4 acres would give parcel -283100 104.35 ft. of public road frontage, which currently Mr. Gaugers property does not have any road frontage. The Township approved the lot line adjustment at 104.35 ft. The Board was reminded this request is a lot line adjustment to get Mr. Gauger public road frontage.
- B. Gauger – the 1/4 acre will give him the needed access to get onto his current property.
- C. No public comment.
- D. Jones – questioned if there is a road on the other side used for access to get into the property? Gauger – 45th Street comes in and turns north at the NE corner of the Gauger 80 acres. The current driveway cuts in at the NW corner of the Thayer property (-284200) and runs along the northerly lot line of Gauger's parcel (-283100). Jones – if the two proposed 1/4 acres are swapped, how would the southern corner be accessed? Ogle presented aerial photos to show how the driveway is currently without public roadway frontage and explained contiguity and how lot lines might possibly be split or moved. Jones – asked how one might be able to access the southerly lot with the adjustment. Gauger – this 1/4 ¼ acre is all marsh land and is only accessible by foot in winter when frozen over. Ogle explained that the southern 1/4 acre is simply a land swap and not needing to have access.
- E. Ogle – addressing the applicant, asked for clarification why a land swap versus purchasing the northern 1/4 acre. Gauger – Thayer did not want to sell and opted for the swap instead to keep their total acreage.
- F. Mol – favors sale of land versus swap. It's not a desired straight boundary line like the Board typically likes to see. He explained how this situation is similar to one from when he served on a Township board, involving legalities and in the end resulted in billing the property owner. It would be simpler to purchase the 1/4 acres out right. If the road needs to be extended, it should be done at the applicant's expense. From a planning and survey perspective, the property swap does not make sense. Regarding access to the road, he is for this, but questions the land swap.
- G. Vick – feels similar to what Mol and Jones are thinking in wanting to see a straight property line. Is it possible to move the entire property line to make it cleaner, rather than add to top northeast corner and remove from bottom southwest corner? Mol reminded Vick that would be cutting into a full 40- and 80-acre lot lines. Vick

stated he understands the intent but purchasing the 1/4 acre would make the transaction cleaner and easier to follow.

- H. Jones – agrees with Mol and Vick that he would like to see a straight line versus a land swap. Gauger explained the bigger purpose of this is for his father to be able to build on the property. The neighbor was disinclined to sell, so he could keep his total acreage, hence the proposed swap.
- I. Neumann – what about the neighbor to the north? Might they sell off land to obtain access off Carling Ave SE? Gauger stated that he has not approached that option. Neumann stated that a prescriptive easement for the driveway is used now as it sits, which already goes across said neighbor's property without legal standing. He is not in favor of the swap. Like Mol, Neumann feels the road should be extended at the applicant's expense to suffice the access.
- J. Aarestad – lives across the road; he is familiar with the situation. The proposal seems like a reasonable solution, even if it's not a straight line where the jog is made is in the middle of the swamp, that is most of the time under water and not buildable, so the swap will simply be a paperwork item and not affect anyone else in the future. He feels the proposed land swap is a good solution and is in favor of the request. Gauger was asked how he wished to proceed. Options are to have the Board vote, continue with a revised plan to be presented at the next meeting or completely withdraw. Mol – wants to see the neighbors work together to come up with a different plan. The Gauger property is currently landlocked, and it is up to the Township, as the roadway authority, to get Mr. Gauger access to his property. The Thayer's would far benefit greater by the sale of the property, rather than get the Township and legalities involved. The way he is viewing this property is that he is landlocked, and the Township needs to rectify the situation. Stated he is not fully sure of the entire process, but once lawyers are involved it becomes expensive. Purchasing the 1/4 acre would be less expensive and not take as much time.
- K. Ogle – explained the brief history of the original 80 acre title transfer in 1961. Prior to 1977 a landlocked parcel could have an easement which could include drive access. No easement is shown on recorded documentation as of 1978 whatsoever. He is not sure of the legalities with the access piece of it. A "clean 40" on the Thayer property would not be possible as it sits the calculations are still under 40 acres with the township boundary in the quarter-quarter section and all the present water which is reduced from the total acreage which would include the river. With the 1/4 acre sale from the Thayer's there will still be proper road frontages and enough land to maintain what he currently has without making a swap.
- L. Gauger – asked if buying the 1/4 acre, or entire parcel, would solve this problem. Ogle explained that the purchase could not physically transfer the property unless the Board approves. The Board is seeming to be okay with the 1/4 acre on the roadside but not as a land swap. What he is hearing from the Board is a suggestion to go back to his neighbors and come to some sort of agreement to purchase the 1/4-acre piece, disregarding a land swap entirely. Gauger stated he will speak with his neighbor.
- M. Mol moved to continue the hearing to January 13, 2023, to come back to the Board with a revised plan based on discussion of the Board not in favor of the land swap. Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

6. **HANS GAUGER** – new

LOCATION: 2505 45th St SE – N ½ of the SW ¼ and N ¼ of the SE ¼ in Section 28, Township 119, Range 25, of Wright County, MN (N. Crow River - Rockford Twp. & Franklin Twp.) Tax # 215-100-283100 & 215-100-284200 & 208-300-284200. Property Owner: Hans P Gauger Revocable Trust and Charles & Simone Thayer J R TR

REQUEST: A variance as regulated in section 155.026, 155.048(F), 155.048(G), 155.056(D)(4), & 155.057(E)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a “1 per 40” division that is over the maximum allowed acreage, not meeting public road frontage requirements, and not meeting the required vehicular access elevation in the floodplain for a “1 per 40” division which would allow for a new principal structure.

- A. Ogle explained that this matter cannot be considered until the previous matter regarding roadway access is addressed. Gauger asked if the Board might proceed for the sake of discussion. The Board appeased Mr. Gauger’s request; Ogle continued with the matter at hand. The survey was displayed for review and stated designed as proposed, dependent on the approval of the prior matter. If the lot line adjustment were to be approved the parcel in question would have road frontage and allowed to take part in an entitlement division request. The request is to divide off roughly a 40.0 acre “1 per 40” entitlement division from -283100. The new division parcel would have 71.35 ft. of public road frontage and the existing parcel, with existing home, would have 33 ft. of public road frontage. The new division’s vehicular access from the public road onto the property at an elevation of 913 ft. The new division would have 71.35 ft. of public road frontage where 300 ft. or an approved access strip that is 33 ft. to 66 ft. is required. The divisions would be over the 10.0 acre maximum allowed with parcel -283100 and the proposed division not meeting the required public road frontages. The vehicular access for the proposed “1 per 40” division would be greater than 2 ft. below the regulatory flood protection elevation (less than the required elevation). Ogle displayed the Beacon floodplain map and reviewed the elevations of the properties. The Gauger access would be at 913 ft. with a letter sent by a pervious Zoning Administrator stating the regional floodplain elevation for neighboring home location is 916.4 ft. Gauger stated that he was in contact with the Delano Fire Department Chief and was provided written confirmation that the driveway would be serviceable during a flood.
- B. Aarestad asked if the applicant had anything to add. Gauger asked if the matter could be continued since the roadway access was not addressed. The plans and designs for his father’s homestead are placed on the highest elevation of the property, septic designs are ready for review, and he would like to move his dad in sooner than later.
- C. No public comment.
- D. Vick noted the long driveway and difficulties for maneuverability for the fire department. He asked about the placement of the house on the survey and Gauger described the house site, septic area, and shared driveway. Vick feels there could be problems with the shared driveway and suggested converting it into a cartway. Ogle stated that this would need to be brought forward to the Township, there is nothing stating they could not have a cartway, but each residence needs to have its own public road access. One parcel has a proposed 33 ft. access strip, and the other is 71.35 ft. with a recorded easement for the driveway. The County doesn’t enforce easements with any disputes being a civil matter.

- E. Jones – has problems with locked land and asked how the Township, the roadway authority, might alleviate this? Ogle stated this is related to the previous request, but that the Township might not need to get involved due to the age of the property. If creating the division, the Township would need to purchase a portion of the land to become public access, or the owner needs to be the one to purchase land that provides road frontage.
- F. Neumann – has concerns with a shared driveway, like Vick. Who will maintain plowing/grading? Issues with shared driveways can come up when the land is eventually not owned by family. It may be better for the Township to build a road for future development and to convert a portion of the existing gravel drive into roadway. Has no concerns with the size of the proposed parcels but there is concern for him with the shared driveway. Does not like roads deeded to the public, where no one is in charge. Otherwise, a contract of maintenance or some other means of an agreement might need to be visited, if privately owned and shared, to prevent future problems.
- G. Mol – has sentiments like Vick and Neumann regarding the shared driveway. If the proposed “1 per 40” is approved, all property would still be family-owned, and the driveway becomes a shared driveway with relatives. However, they need to look at the future; the property could be sold to people who might not get along and cannot agree on shared driveway maintenance. He suggested that while still in the family, keep the land as-is with a shared driveway, but to map out on paper the two 66-foot strips so that each parcel could have their own driveway. This is the time to do it right, for clarity and to avoid future potential problems. Neumann – lenders typically do not like shared driveways. Ogle asked Member Mol if his statement regarding the 66 ft. access for each parcel would be a total of 132 ft. of public road frontage instead of the proposed 104.35 ft. Mol stated it was a suggestion at this point. He is okay leaving the access to the road at 104.35 ft., as presented, and once into the property provide each parcel with a 66 ft. strip.
- H. Aarestad asked Gauger if he has considered restoration of the original overgrown private road to utilize as their own road. The same driveway can continue to be used and will solve the problem regarding a shared driveway. Gauger agreed that would be worth visiting. Vick asked if the Township might consider putting in a roadway. Aarestad does not believe they will and is not able to speak on their behalf.
- I. Ogle – to clarify, the concern at hand does not appear to be the proposed size of the division with Board agreeing. Up for consideration is once on the property providing each parcel with 66 ft. of what could be individual driveways. The last portion of the proposed request would be the access elevation does not conform to floodplain standards, what are the Boards thoughts? Aarestad – has lived just down the road for over 30 years and every spring there is water, and he has flooding, and he has never had problems with vehicles not getting through. The Fire Department has no problems. He does not envision issues with roadway flooding. From a township roadway maintenance standpoint, it is still drivable, and the road holds up very well. Vick – can go along with Aarestad’s sentiments, considering the history at his residence and the Fire Chief being very familiar with the area and not having a concern.
- J. Gauger asked for clarification on the 33 ft. and 66 ft. previously mentioned. Mol stated that he suggested increasing the access from 33 ft. width from north property line to 66 ft. width plus adding another 66 ft. to access the “new” property for father’s home. This way, both properties would have the needed 66 ft. strip needed to build a road in the future. They could share the driveway as is for now but when either property is sold each parcel has proper width.

K. Aarestad – asked Gauger if he wished to delay and continue this matter at the January 13, 2023, meeting or would he like more time, that way he isn't under any pressure. Gauger – really his only option at this point is to see about purchasing some or all of the land to the east as a starting point. He is not sure about the timing and cannot hire an architect to design before obtaining the needed variances. Ogle explained this request could get continued to the next scheduled meeting. At this time the only set meeting is the January 13th with the rest of the year (2023) to be set at that meeting. The applicant's 120-day date is February 25, 2023; the meeting is tentatively set for February 3, 2023. Ogle asked Gauger if January 13th might allow enough time. Gauger – January 13th is tight, but February is more realistic.

L. Mol motioned to continue the matter to the January 13, 2023, meeting. Motion seconded by Vick.

DISCUSSION: Neumann noted that it may take additional time outside of the 120-day waiver, to meet with the neighbors and suggested to withdraw his application and come back when ready. Aarestad explained he has opportunity to withdraw at any point until the 120th day. He agreed with the tight window of time as Neumann expressed. Mol – understands what Neumann is stating but withdraw would mean re-application with fees again. With signed 120-day waiver, he can continue to work on items needed and can be placed on any future agenda. If down the road he feels it isn't working, he could ask to withdraw at that time.

VOTE: CARRIED UNANIMOUSLY

DISCUSSION: Neumann asked when they will be voting on the 2023 meeting dates. Ogle stated the January 13th meeting will be the time to discuss and vote with a suggestion that if any concerns are present, they are brought up sooner than later.

Motion made by Jones with Mol seconding to adjourn the meeting at 10:23 a.m.

Respectfully submitted,

Aaron Ogle
Planner

AO:arm

Cc: Board of Adjustment
Applicants/Owners
Twp. Clerks