

WRIGHT COUNTY BOARD OF ADJUSTMENT
Meeting of: July 14, 2023
MINUTES

The Wright County Board of Adjustment met July 14th, 2023, 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: Paul Aarestad, John Jones, Dan Vick & Bob Neumann. Absent: Dan Mol. Representing the Planning & Zoning Office was Aaron Ogle, Planner. Greg Kryzer, Assistant County Attorney, legal counsel.

ACTION ON MINUTES FOR THE JUNE 16, 2023 MEETING

- A. Vick motion to approve the minutes with a correction on item #3 (Larry Berning). Instead of Vick making the motion and seconding it was Dan Mol making the second as he was the one that made the motion. Jones seconded the approval of minutes with the correction noted.

VOTE: CARRIED UNANIMOUSLY

1. **LARRY BERNING** – Continued from 6/16/23

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

REQUEST: 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 an attached garage to the existing home. The proposed garage would be inside of the side yard setback and proposed building coverage would exceed the maximum allowed.

Applicant was present in audience.

- A. Ogle – Board continued the request from the June 16th, 2023, meeting and directed staff to draft Findings for Denial.
- B. Jones moved to approve the Findings for Denial. Seconded by Neumann.

DISCUSSION: Kryzer stated the public hearing was closed at the past meeting with staff following instructions from the Board to draft the presented proposed order. Believes the Board has had time to review and feels the Board could adopt and proceed.

VOTE: CARRIED UNANIMOUSLY

Kryzer personally presented the signed Findings and Notice For Denial to the applicant, Larry Berning.

2. **STEVEN PEDERSON** – Continued from 6/16/23

LOCATION: 7599 20th Street SE - Part of the Northwest Quarter of the Northeast Quarter in Section 17, Township 119, Range 24, Wright County, MN (Rockford Twp.) Tax # 215-000-171204 Property Owners: Steven & Elizabeth Pederson

REQUEST: Variance as regulated in Section 155.026, 155.047(F)(3), & 152.027(A)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a livestock building and open feedlot within the side yard setback.

No representative present.

- A. Ogle – item was continued from the June 16th, 2023, meeting so that the applicant would have time to reevaluate the request with potential to improve the setbacks. The applicant is now requesting their application be withdrawn and dismissed without prejudice.
- B. Vick moved to withdraw the request without prejudice. Jones seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **MICHAEL LUEDEMANN** – Continued from 6/16/23

LOCATION: 1211 50th Street NW – Lot 3, Block 1, Oak Shore Terrace Third Addition in Section 08, Township 120, Range 25, Wright County, MN (Lake Constance - Buffalo Twp.) Tax # 202-043-001030
Property Owners: Michael Luedemann & Nancy Luedemann

REQUEST: Variance as regulated in Section 155.026 & 155.049(F)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a single-family dwelling within the setback from the centerline of the road as traveled.

No representative present.

- A. Ogle – the Board continued the request from the June 16th, 2023, meeting so that a site inspection could be conducted. The applicant is now requesting their application be withdrawn and dismissed without prejudice.
- B. Jones moved to withdraw the request without prejudice. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **RANDOLPH KLATT** – New

LOCATION: 1281 20th St. NE & 1339 20th St. NE - part of the NE 1/4 of the NW 1/4 and part of Government Lot 1 of Section 29, Township 120, Range 25, Wright County, MN (Buffalo Twp.) Tax # 202-000-292100, -291200. Property Owners: LGK Inc., Randolph M. Klatt

REQUEST: 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 allow a lot line adjustment between parcels 202-000-292100 and 202-000-291200.

Present: Randy Klatt

- A. Ogle displayed the location maps and site plans as he reviewed property details. The properties are zoned General Agriculture (AG) and consist of parcel 202-000-292100 at 0.6 acres and parcel 202-000-291200 which is currently 57 acres. In 2022 the Board of Adjustment approved site plan Exhibit “A” with a condition that lots “A” and “B” shared lot line would be adjusted so that lot “A” had 103 ft. of road frontage. The change from last year’s approval is on proposed lot “C”. Site plan approved and new proposal was displayed and reviewed. Adding land to proposed parcel 202-000-291200 would allow room for a new septic system. Currently the Township has not responded. A neighbor commented that the parcel should stay uniform, and they could put their septic system on the existing land instead of taking up more of the field and making parcel “un-uniformed.”
- B. Klatt stated his sewer system is failing so he needs the room and this is the only location.
- C. No public comment.
- D. Vick – would like to hear from the Township and agrees the lines should be kept uniform, as past approved. Questioned if multiple septic designers were contacted. Klatt – is all set to go. Doesn’t want to take that much but according to the sewer designer that is the only location for the system. He wanted to only take 50-60 feet on the side but he will need to take 110 ft. because the ground is too hard. Ogle – on the proposed plan there are 3 soil borings to the east. Was the southern area of the property explored as an option? Klatt – that area is all low ground with no drainage.
- E. Kryzer – from a legal perspective he is concerned. Feels the Board would need to be shown that the southern area of the property cannot sustain a septic system to even consider practical difficulty. Aarestad – might want to continue the item and allow time to meet with the Township and obtain additional septic information. Klatt stated he already met with the Township. Aarestad – would like to continue with questions from the Board but decide at a future meeting.
- F. Jones – interested in how low that southern area is and would like to hear from the septic engineers.
- G. Neumann – last year when approved the splits of these properties was the time to include this extra land. This request is within a year asking for another variance to again alter the property. In fairness it was maybe not know land was needed but it really did box in the property with the 2022 proposal.
- H. Aarestad – based on what has been discussed this item could be continued to the next meeting to allow time to provide proof showing why a septic system is not able to be installed in that southern area. Having perk tests or documentation stating the area is not usable would be helpful for this Board.

- I. Ogle pointed out that there is not a Township response related to this request. The original request might have been discussed at the Township but this new request will need to be a separate discussion and the Township should be contacted. Klatt stated he would do so.
- J. Jones moved to continue the item to August 25th, 2023, to allow time for the applicant to meet with the Township and septic designer. Vick seconded the motion.

DISCUSSION: Aarestad addressed the applicant and reiterated that the Township does need to hear from him the Board is asking to see documentation from a septic engineer stating that southern area is not suitable for a septic system.

VOTE: CARRIED UNANIMOUSLY

5. **CRAIG HERTZENBERG** – Continued from 6/16/23

LOCATION: 2405 62nd Street NW – Lot 8, Block 2, Sherwood Forest, Section 34, Township 121, Range 26, Wright County, MN (Maple Lake - Maple Lake Twp.) Tax # 210-129-002080 Property Owners: Stanley D Jensen & Dawn Damart Revtr

REQUEST: Variance as regulated in Section 155.026, 155.049(F)(3), & 155.090(Table 3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct an addition to the existing home that would be inside of the side yard setback and setback to the septic tank.

No representative present.

- A. Ogle – the Board continued the request from the June 16th, 2023, meeting because the applicant had not yet met with the Township. The applicant has requested their item be withdrawn and dismissed without prejudice.
- B. Jones moved to withdraw the request without prejudice. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **LUCAS JOHNSON** – Continued from 6/16/23

LOCATION: 13886 101st Street NW – Lot 1, Block 2, Spring Beach First Addition, and portion of the West 50 acres of the Northwest Quarter, Section 14, Township 121, Range 28, Wright County, MN (Lake Augusta - Southside Twp.) Tax # 217-052-002010 & 217-000-142204 Property Owners: Hunt, Kimberly & Jeff

REQUEST: Variance as regulated in Section 155.026, 155.049(F), & 155.057(E)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a single-family dwelling located within the shoreland, side yard, and road setback.

Present: Lucas Johnson, builder & Jeff Hunt

- A. Ogle – no updated site plan has been received. The original request is to construct a single-family dwelling 70.8 ft. from the ordinary high-water of Lake Augusta, 11.0 ft. from the east side yard, and 49.6 ft. from the centerline of the road serviced by a holding tank. The Board continued the request from the June 16th meeting so the applicant could provide an alternative plan showing the possibility of a septic system being installed and the home moved further from the lake. J. Hunt used the document camera to display a revised septic design, which he is using as a proposed site plan. Ogle – on the most recent site plan there is not a specific distance to the lake, the applicant having to fill in that detail. The Township approves of the original request with the neighbor comment being addressed at the prior meeting.
- B. Mark Hayes, septic designer, stepped forward. Moved the house to the 2nd lot due to compaction issues while still allowing for the easement. The house was backed up as far as it could go without moving a roadside utility box. The mound is a state minimum mound. The slide slopes could be removed and a retaining wall installed, which could make the system roughly 20 ft. smaller. The septic design is not complete with two soil borings missing because of an infestation of bees and wasps in the area. Before the permit process is started those borings would be completed.
- C. Hunt – reason for the continuation is because his original plans were to have the dwelling on the current house lot, with a holding tank and well. At that meeting he knew there was a potential of two easements on the property. One of which was with the Clearwater River Watershed District (CRWD), which is the reason he was asking for a holding tank. At the last meeting it was encouraged to look at a full septic system and the only way to do so would be to expand onto the second property. Since the last meeting CRWD has provided documentation stating the easement no longer exists. The other easement was an agreement originally signed between the original landowners. In consulting with Young & Brown Attorneys it was determined the easement will be honored, which is access to the lake. The proposed plan will allow individuals involved in the easement access to the lake and meet the requirements of the County.
- D. Comment opened to the public.
 - Wayne Gangl – is part of the easement. Easement has been in place since the 70's. For the last 15 plus years he has been maintaining the property. Uses the road on the property to access lake and use for storage of docks. Concern is the size of the structure with the existing structure at 840 sq. ft. and an 1,872 sq. ft. structure being proposed. Feels the size is the reason the easement is being affected. Proposed back of home is 10 ft. off the road and unsure if there is a required setback from the electrical box. The easement is approximately

- 15 ft. from the edge of the home, that is not including landscaping. Concern is where will vehicles park. The location of proposed septic system with relationship to the road does not provide room for parking. The biggest issues are parking, size of structure, and the easement. Is okay with allowing the holding tank. The easement has been in place for 53 years. Also, not sure a well can be placed on an easement property.
- Warren Weller – same concerns as mentioned. Have cut grass and maintained both properties for years. Was told it would be an unbuildable lot.
 - James Halek – concern with the placement of the well. He was present when the well location was marked, which was 1 ft. off his property line. There is a new proposal that he was not aware of. The new well location was marked 1 ft. off of his property line and 10 ft. from his well. Concern is another well that close to his well.
- E. Neumann questioned how far the absorption area is off the property line. Hayes – absorption area is 20 ft. off the property line. The proposed plan shows the full mound footprint, which is the side slope and not part of the absorption area. Neumann – there is adequate room between the property line to do the construction and grading. Hayes – yes, about 10 ft. If it is an issue a retaining wall can be installed, which is common practice, and gain roughly 12 ft. Neumann asked the tank location. Hayes – lakeside due to the drain back requirement. The final septic design will have floodplain requirements shown. Neumann questioned if this will be a timer system. Hayes – yes, this is Type III System due to the fact that soils have been manipulated. Neumann – is this a single story or two-story home? Johnson – single story double wide manufactured home with roughly a 14 ft. peak height. Neumann – heard from public concern with parking. Hunt – described parking not being finalized. There will not be cement driveway with idea to find area for parking near the center of home. Hayes – referring to the displayed site plan reminded the Board that the rings shown are setback lines, not building lines.
- F. Vick – what is the setback off the lot line in the NW? Hayes – at least 15 ft. from the rings. From the house it would be roughly 35 ft. from the lot line. Vick – with proposed he feels there would be no problem getting the boats to the lake. Hayes – many years ago the easement lot was a block and lot that was split and became unplatted land. Part of the easement is the skinny lot to the west, so the easement technically has that land as well. Hunt – Mr. Haleks land would also be included in the easement. Hayes – not sure how a lot and block was allowed to turn into unplatted land. Vick – would consider that a hardship. Questioned if the mound system could be turned and brought closer to the other sideline. Hayes – would be more than happy to turn the system but not sure it would be approved by the County Inspectors. Only need to be 10 ft. from the line but removing the side slopes could add 20-25 ft. Vick – that would move the house closer to the lake. Feels that everything that the Board asked to be addressed at the last meeting was. Questioned lake setback distance. Hayes – only concern is 50 ft. as that is the septic system setback. Ogle – Mr. Hayes works with septic systems. The Board of Adjustment wants to see house distance from the Ordinary High-Water, sidelines, and road so a survey that shows actual measurements would be ideal. Hayes – would estimate NE corner of house at 75 ft. from the lake. Ogle – this Board doesn't approve close to a number they approve based on specific plans and numbers.
- G. Jones – many questions answered. Concern with the slope material and would be interested in going with retaining walls to remove slope material.

- H. Aarestad – original concern was the holding tank and that was addressed. Satisfied with the mound system and the location. Would like to verify the distance to the road, appears to be 30 ft. Questioned if the distance from the road to dwelling was changed from the original 49.6 ft. Johnson – using the proposed plan reviewed and stated could expect roughly 10 ft. closer to the road. Aarestad – fine with changes but now there is a concern with the road setback. He would like to see what that figure is so everyone understands location of home. Feels that this amount of change warrants an opportunity for the Township to review. Hayes questioned distance from a platted road for a structure with Ogle replying 65 ft. from centerline of road as traveled. Ogle – best resource would be a survey that shows exact distances. Aarestad – likes what has been shown and hearing that others are feeling the same. This is quite a big change from the original proposal so they would like to see some firm distances. Vick is in agreement.
- I. Hunt – coming back next time he will have measurements being asked for and hopes to work with neighbors as well so there is an amicable agreement.
- J. Jones moved to continue the request to the August 25th, 2023, meeting so that an updated site plan could be presented as well as allow time to meet with the Township. Vick seconded the motion.

DISCUSSION: Ogle – site plan should show proposed setbacks, driveway location, and updated lot coverage percentages.

VOTE: CARRIED UNANIMOUSLY

7. **JEFFREY YATES** – New

LOCATION: 17196 108th St NW – Breezy Ridge Lot 14 in Section 07, Township 121, Range 28, Wright County, MN (Lake Louisa - Southside Twp.) Tax # 217-020-000140. Property Owners: Jeffrey & Mary Yates Trust

REQUEST: Variance as regulated in Section 155.026, 155.049(F)(2), 155.057(E)(1), & 155.090(Table 3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a new single-family dwelling within the shoreland, road, and septic building setbacks.

Present: Jeff Yates, Bernie Miller with MSTs

- A. Ogle – with property map and site plan displayed as the request was reviewed. Property is zoned Urban/Rural Transition (R-1) on Lake Louisa, which is a General Development Lake in Southside Township. The property is 0.39 acres with existing building coverage of 10% and impervious surface coverage of 20.8%. The request is to construct a new single-family dwelling 65 ft. from the Ordinary High-Water line of the lake, 44.2 ft. from the centerline of the road, and 15 ft. from the drainfield. A variance is required as the proposed new home would be 65 ft. from the Ordinary High-Water line whereas 75 ft. is required, 44.2 ft. from the centerline of the road whereas 65 ft. is required, and 15 ft. from the drainfield whereas 20 ft. is required. The Township approved of the request as the proposed new home would be further from the lake than existing, a new septic system, and lot coverage would be under what is allowed. A neighbor supports the request.
- B. Yates – property has been in family for 51 years and their goal is to retire here and become part of the community.
- C. Miller – existing structure is closer to the lake than proposed. Lot configuration does not allow for a home to be built without some type of variance. This is unique as it is a log cabin. Log cabins tend to be more rectangular so in working with the house designer looked at many different alternatives. The slope of the drainfield area is quite steep. Initial idea was to turn house 90° so it would run parallel with lake but the existing garage and drainfield needs caused the design of the house to be longer and skinnier and not able to run parallel. The house was downsized from the original want to accommodate setbacks and why the side yard setback is met but the lake and road setbacks are not met. Currently there is a holding tank and to have a full drainfield all setbacks cannot be met. There is roughly a 5% increase in building coverage. Majority of what is existing is within the lake setback. Pulled home back from the road to get in the tanks and have parking area. The site plan was used as the existing and proposed driveway was explained. There will be 245 sq. ft. allowance for additional impervious surface coverage. In this situation the building overhang adds to the building coverage because it is a 4 ft. overhang. Ogle – over 4 ft. overhang counts towards building coverage and under 4 ft. does not and that is why request was noticed at 65 ft., as that is the foundation. Impervious coverage will count over 2 ft. overhang.
- D. No comment from the public.
- E. Vick – explanation of why the house wasn't turned makes sense. The basement does have doors that he can see needing a patio but there is an allowance for that. Comfortable with the proposed plans and feels the work was done to get here.
- F. Jones feels this was a job well done with the property limits.

- G. Neumann – the 65 ft. from the lake has been approved by this Board in the past. The 51 ft. to center line of the road leaves space for vehicles and the tanks in that area won't allow for parking. The parking area has been addressed so overall feels homework was done with the design.
- H. Ogle – appears the slope will be higher ground towards the west and lower to the east. For discussion purposes, will runoff be kept off the neighbor property to the east? Miller – contours of the site plan were reviewed. There is an existing swale area that runs towards the lake with drainage near the home and existing garage naturally running to the lake. The area is sandy and not steep so easier to manage the runoff. Part of the reason why they looked at keeping the existing garage a distance from the house is to manage the grading and drainage. Vick questioned if this was something the Board would want to review before approval or allow staff to address. Miller stated they could do a drainage plan at time of permit with Aarestad agreeing.
- I. Aarestad feels this was a job well done with the plan thought through and concerns were addressed.
- J. Motion made by Vick to approve the plans as presented with the site plan noted as "Exhibit A" with added condition that a stormwater management plan be submitted at time of building permit application. Seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

8. **BRIAN PARTRIDGE** – New

LOCATION: XXXX Oliver Ave NW – the N 1/2 of the NW 1/4 and part of the SW 1/4 of the NW 1/4 in Section 23, Township 121, Range 28, Wright County, MN (Southside Twp.) Tax # 217-000-232100. Property Owners: Eleanora R Partridge Revtr

REQUEST: 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 create a “1 per 40” entitlement division over 10.0 acres.

Present: Brian Partridge

- A. Ogle – with maps of property and proposed plan on display the request was reviewed. Property is zoned General Agriculture (AG) in Southside Township at 113.4 acres. The request is to create a 30-acre entitlement division. A variance is required as the proposed division would be 30 acres whereas 10 acres is the maximum. The Township felt that due to the history and the farm being in the family 135 years that they would approve of a 30-acre entitlement division. A neighbor wanted to make aware that if the property is in an AG preservation program that there could be limitations. Planning & Zoning does not deal with AG preservation, that is an Assessor program.
- B. Partridge – property is in the Green Acres program. Part of the reason for the variance is a disagreement with family regarding the estate. Brothers are willing to give him 30 acres that are low in value compared to rest of the land. Hopes for 30 acres that is directly across from the original homestead.
- C. Ogle displayed and reviewed the prime tillable soils map while explaining the property in question does not have prime soils.
- D. No public comment.
- E. Jones – this Board does not get involved in family issues. Finds it difficult allowing 40 acres to become 30 acres and this is farmland. Questioned if land is farmed. Partridge – yes, rented out. Jones – line won’t affect farming. Partridge – correct. At 113 acres it is two 40 acre sections with this being the remainder and another reason brothers were willing to sell.
- F. Neumann questioned where the 40 acre line split would be located. Ogle used the site map and explained. The proposed 30 acres was displayed with the Quarter-Quarter line location reviewed. Neumann asked why additional 10 acres can’t be purchased with a 40 acre transaction? Partridge – agrees but brothers were very insistent on the 30 acres. Neumann – what will the remainder of property be and will an entitlement be included with the 30 acres? Partridge – roughly 84 acres will be left and yes, there will be an entitlement with the 30 acres. Currently there are 3 entitlements on this land and one of those he will take. Neumann – agrees with Mr. Jones and would like to see the 40 acre line to keep neat and clean. Other than family matters he is having a hard time finding why it would be difficult not to buy the 40 acres. Partridge – unrealistic pricing. Neumann – finical issues are not a concern of this Board.
- G. Vick – as others have stated he is having a hard time seeing why a 40 acre division can’t occur. Questioned the amount of prime tillable with Ogle reminding the Board prime tillable is not an issue on this property. Without a variance would be allowed 1 acre minimum up to 10 acres maximum,

with width and depth requirement met. Prime soils are not a factor for this property. As stated, if selling on the Quarter-Quarter line would also not require a variance. Partridge stated he understands.

- H. Kryzer – this Board needs to find a practical difficulty. State statute states practical difficulty cannot be related to financial hardship. Everything the Board is hearing is that this is related to a family matter and financial issues. They are not finding a practical difficulty and it appears this Board will be voting to recommend a denial. Option to move forward with a vote that will most likely be for a denial. The request can be withdrawn and a discussion had with family on how to proceed. Partridge – nothing more to add. Aarestad stated that there is a choice to withdraw or vote. Partridge stated with what he is hearing he will withdraw his request.
- I. Neuman moved to withdraw the request without prejudice. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

9. **MARTIN LATZIG** – Continued from 6/16/23

LOCATION: S 1/2 of the NE 1/4, also the SE 1/4 of the NW 1/4, also the NW 1/4 of the NW 1/4 all in Section 17, Township 118, Range 27, Wright County, MN (Victor Twp.) Tax # 219-000-171400
Property Owners: Ruth Latzig Revtr

REQUEST: 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 create a “1 per 40” entitlement division over 10.0 acres with over 2.5 acres of prime soils.

No representative present.

A. Ogle – the Board continued the request from the June 16th, 2023 meeting so the applicant could try and come up with a division that would avoid any need for a variance or provide an alternative plan taking in the Boards discussion, which included reduced total acreage and prime soils. The applicant has requested their request be withdrawn without prejudice.

B. Vick moved to withdraw the request without prejudice. Jones seconded the motion.

VOTE: CARRIED UNANIMOUSLY

10. **DIRK WESTVEER** – New

LOCATION: 10601 & xxxx Amery Ave NW – Wildwood Terrance Lot 011 and Tract H, Registered Land Survey No. 45 in Section 12, Township 121, Range 26, Wright County, MN (Lake Ida – Silver Creek Twp.) Tax #216-028-000110 & 216-143-000080. Property Owners: Dirk J Westveer & Barbara S Olson

REQUEST: Variance as regulated in Section 155.026, 155.049(F)(3), 155.057(E)(1), & 155.006 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct an addition to the existing home which is located within the shoreland and side yard setback. The proposed building and impervious surface coverage would be over the maximums allowed.

Present: Barb Olson and Dirk Westveer

- A. Ogle displayed property map and request details. Property is zoned Urban/Rural Transition (R-1) on Lake Ida, which is a General Development Lake. The property is 0.28 acres in Silver Creek Township. The request is to construct an addition to the existing home that is 43.69 ft. to the Ordinary High-Water of the lake. The proposed addition would be 4.6 ft. to the north side yard. Building coverage would be 19.6% and impervious surface coverage would be 32.48%. A variance is needed as the existing home is 43.69 ft. from the Ordinary High-Water of the lake whereas 75 ft. is required, the proposed addition would be 4.6 ft. from the side yard whereas 15 ft. is required, building coverage would be 19.6% whereas 15% is the maximum, and impervious surface coverage would be 32.48% whereas 25% is the maximum. The Township approves of the request because they believe if anybody wants to upgrade/update their house it is a great idea and this addition is only a couple hundred feet.
- B. Westveer – addition is not going towards the lake and over an existing patio. A lot of the impervious issues, brick walkway, could be changed. Taking out the brick patio and firepit area by the lake as well as brick walkway towards the base of the stairs. Those changes will get rid of some existing impervious. Last updated was poorly done and has created some issues. Olson – on the house, fence side, they are 2.86 ft. at the closest and will not be going any closer to that line. Aarestad asked to clarify where the addition is located as the two proposed drawings are not clear. Ogle used various drawings to explain the area. The existing coverages were not provided, though not required as part of the application it is nice to have as a comparison with what is being proposed. Without the existing coverage provided it would be assumed there would be an increase in building coverage and potentially impervious. Westveer – proposing rain gardens along house.
- C. No public comment.
- D. Neumann questioned location of the addition. Westveer – east side, towards the road. Neumann – the 6.28 ft. will not change? Ogle – 6.28 ft. is existing and the proposed survey shows 4.6 ft., so asking to go closer to the north side yard. Westveer – looking to square out that area. Neumann – the building coverage is not a problem but there is a lot of impervious. This Board has held tight to the 25% impervious coverage. To get his vote more documentation will be needed on what the existing impervious coverage is and get closer to that 25% or meet that number. Not sure that is possible with what is existing on the property. The addition doesn't have to do with the lake because the existing home is still present. Nothing will change with the septic. Westveer stated they do have property across the road for future septic. Neumann – comes down to impervious surface coverage and he needs to know more details on exact figures and percentages. Westveer – building coverage will be

over where there is currently a patio, so no impervious is being added. Neumann – to allow a permit on a property already over the limit is difficult for him. Ogle – existing is not known so it is hard to compare. Do know that home is being added without buildings being removed. Likely already over 15% on building coverage and asking to add building to be at 19.6%. Impervious coverage is limited to 25% and it would be likely with what is existing that the property is already over that limit. This Board is trying to figure out the current figures.

- E. Vick – looking at the site plan is seeing that the building will be 4’8” from corner of house to the fence, which is roughly 1.5 ft. closer to the fence. Questioned the size of the addition. Westveer – 6 ft. coming out from the corner of existing home. The 4 ft. is where the bump out was. Vick – struggles with the impervious at 32.48%. Westveer – part of the issue is the size of the lot. Vick – possibly too much house for this lot. Will like to see where impervious will be removed. Westveer – feels more than 200 sq. ft. of what will be built can be dropped. Vick – wants to see a better proposal showing what is existing and proposed to be removed.
- F. Jones – all in agreement that the impervious is a problem. Westveer – thought the lot was 17,000 sq. ft. but it is only 12,000 sq. ft., which limits the property. Will take out what they can and come back for review. Olson – will raingardens help? Aarestad – mainly looking at impervious.
- G. Kryzer – the first item heard today was a property that exceed the building coverage of 15% and it was denied. They were bringing impervious down but not bring it down far enough for the Board. Historically this Board has been firm on lot coverage standards. When reviewing with the surveyor the building percentage really needs to be looked at with what is existing. There is also a vacant backlot, so there are options. The lot presented has a 15% standard for building coverage and 25% overall impervious coverage and he is not hearing that this Board is finding a practical difficulty.
- H. Aarestad questioned the applicant if they would like to revise plans and continue to one of the August meetings. Olson stated they would like to continue to the August 25th meeting.
- I. Motion made by Jones to continue the item to the August 25th meeting to allow time for the applicant to revise plans. Seconded by Neumann.

VOTE: CARRIED UNANIMOUSLY

11. **THOMAS & REBECCA KESKEY** – New

LOCATION: 17833 County Rd 37 NW & 17831 County Rd 37 NW– East 1/2 of the NW 1/4 and the East 1/2 of the SW 1/4 in Section 30, Township 120, Range 28, Wright County, MN (French Lake Twp.) Tax # 209-000-302100 & -302101. Property Owners: 17833 LLC

REQUEST: 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 create a “1 per 40” entitlement division over 10.0 acres. In 2007 a document was recorded that referenced a conditional use permit granted by the Planning Commission for an antenna support tower.

Present: Thomas Keskey

- A. Ogle – with proposal map displayed and request was reviewed. The property is 150.57 acres that is zoned General Agriculture (AG) in French Lake Township. In 2007 a document was recorded that referenced a conditional use permit granted by the Planning Commission for an antenna support tower. This request is to create a 32-acre entitlement division. A variance is required as the proposed division would be 32 acres whereas 10 acres is the maximum. The Township approves of the request to split off 32 acres for homestead use. The prime soils map was displayed and reviewed with the statement that there is not over 2.5 tillable acres in the proposed division.
- B. Keskey – organic farmer with plan to continue the operation. Plans to move and make this his farmstead. There is a small parcel within the boundaries of area trying to purchase that he intends to purchase as well. Owns the full parcel with some others, who have agreed to sell him this portion. Plan is to grow business and incorporate livestock. There isn't much room on 10 acres for the cattle part of the operation and outbuildings. From the north road taking 10 acres directly south would not incorporate the existing house and another reason asking for additional acreage. The north 40 acres would landlock the section to the south. Idea is to keep as much tillable land off of the section he is trying to purchase.
- C. No public comment.
- D. Vick asked how much acreage would be left. Ogle – just shy of 120 acres. Vick questioned how the entitlements would work. Ogle – Deed Restriction document would clearly address the number of entitlements. Vick – if the line that runs north and south would run fully to the south line would that be closer to 40 acres? Keskey – closer to 40 acres but not quite and would still need a variance.
- E. Jones questioned how the tower plays a role. Keskey – the tower has an existing easement.
- F. Neumann – the Board just got done with a 30 acre request but feels this situation is different. A 10 acre division won't incorporate the existing homesite, which does the applicant no good. Originally didn't care for the unique shape of the proposed parcel but likes that the reason is related keeping as much tillable in one continuous piece. This request is different in that there is not a lot of farm ground inside the 32 acre proposal. Even though an odd shape it makes sense and includes wetland, cell tower, wooded area, and a lot of things within the proposed parcel. Can understand why this request might make sense.

- G. Aarestad – agrees with member Neumann’s statements. Originally unclear on the request but hearing the explanation helped. At the end of the day, he feels this is the best plan to preserve farmland with an added bonus of keeping the land farmed. Considers this a reasonable request.
- H. Motion made by Neumann to approve the 32-acre entitlement division as presented and marked Exhibit “A”. Subject to survey and Deed Restriction. Vick seconded.

DISCUSSION: Vick – feels it would be easy to do a 40-acre division. Statement made that farming would continue. Does not think variance is needed if division is 40 acres. Ogle used the Beacon aerial map to show the location of the Quarter-Quarter line and explained that in order for a 40 acre division to occur without a variance, the Quarter-Quarter lines would need to be followed. In this situation that is not possible. The rule isn’t to just hit 40-acres it is 40-acres on the Quarter-Quarter line. Vick – the Township did approve and the explanation of the 40-acres does answer his question.

VOTE: CARRIED UNANIMOUSLY

12. **ROGER KESKEY** – New

LOCATION: 12851 County Rd 35 W– part of the SW ¼ of the SW ¼ lying south of Hwy 35 in Section 36, Township 120, Range 28, Wright County, MN (Skifstrom Lake - French Lake Twp.) Tax # 209-000-363301. Property Owners: Keskey

REQUEST: Variance as regulated in Section 155.026, 155.057(E)(1), & 155.090(Table 3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a new single-family dwelling and septic system within the shoreland setback.

Present: Roger & Janet Keskey

- A. Ogle – with property maps and proposed site plan displayed the request was reviewed. The property is 10.2 acres, zoned General Agriculture (AG) and located on Skifstrom Lake, which is a Natural Environment Lake located in French Lake Township. In 1978 a variance was granted for a dwelling that was 150 ft. from the lake, no structures permitted lakeside of the home, and that the parcel remain as one. The home build was never followed through. The request is to construct a new single-family dwelling 102.7 ft. from the Ordinary High-Water line (OHW) of the lake and a new septic system 85 ft. to the OHW of the lake. A variance is required as the proposed new home would be 102.7 ft. from the OHW of the lake whereas 200 ft. is required. A variance is also required as the proposed septic system would be 85 ft. from the OHW line of the lake whereas 150 ft. is required.
- B. R. Keskey – when purchased there was a designated building site and why they made the purchase. They are trying to put the house in that exact same location. The DNR has said the OHW was originally from the lake and now they are stating it is from the highwater mark which changed things for the property and is why they are here for a variance. The septic location will be further from the lake than the house. The OHW mark comes all the way across the land and he has never seen water in that area. He is asking for a variance from this Board instead of going though the DNR to change the OHW. Proposed building location is on the highest location of the property and where he feels is the best location to build. At 150 ft. the house will be in lower ground.
- C. No public comment.
- D. Jones – agrees the highwater mark does fluctuate but talking with the DNR will be confusing. Does not have any concerns with the request.
- E. Neumann – if this were a Recreation Development lake the setback would be 75' from OHW. The shoreland rules state the 200 ft. setback. The rules puzzle this Board sometimes but they are the rules that they are given. Homes have been closer than what is being asked and feels the 102 ft. should not be a bother. Other than the existing shed there are no other buildings on the property and this could be considered a clean slate with brand new construction. Why should brand new construction have a variance? There is room to back up and move. He is torn on whether a variance on brand new construction is a hardship.
- F. Ogle displayed an aerial photo with a box showing the buildable area of the property. The County Road requires 130 ft. setback and the lake 200 ft. from OHW.

- G. Vick – struggling with new construction with none of the house inside the setback area. Feels there is room to fit the home and that elevation issues can be fixed. Two points are elevations can be fixed and the house can moved back to get more into setback.
- H. Aarestad – different viewpoint. Look at each application independently when it comes to lake setbacks. This is a very small lake and in a rural area. Some of the reasons for these setbacks is protecting the water quality and the visual impact to others on the lake. He doesn't see this request affecting either of those. He does not have an issue with the lake setback and feels the home location is the highest area and makes sense. Based on how he would normally look at criteria on other lakes he doesn't see setbacks being an issue. The septic location is at 85 ft. and in his rule book that is good enough, considering there is a farm down the street not controlling any runoff. He is in favor of the request.
- I. Ogle – Highest known water line is roughly 990 ft. with the ordinance stating a home needs to be 4 ft. above that number. Fill can be brought in to alter elevation. There are setbacks but also elevation requirements to consider. About 1/2 of what is in the setback appears to be wetland. R. Keskey – to the south setback area he has never seen water. He is not sure how the lake got to be a Natural Environment lake. The house is in the exact location where approved and at time of purchase he could have built in this location. There is a lowland to the north with the proposed house at the highest point.
- J. Aarestad would like to entertain a motion.
- K. Vick moved to approve the request as presented. Jones seconded the motion.

DISCUSSION: With elevations displayed Neuman commented that there appears to be an addition of roughly 10 ft. of fill that would need to be added to get to that 994 ft. at the 150 ft. mark. He still feels there is room to move the home back. Vick questioned if member Neumann would entertain a setback of 150 ft. from the OHW. Neumann – that is what was approved in the past and he could agree with 150 ft. Ogle – 1978 variance approval had no plans. When originally came to apply for the house it was determined too close to the lake. He does not know when the DNR established the OHW but appears to be sometime after the variance was approved. Feels 150 ft. could put them below the 994 ft. requirement. If there was going to be an approval, he would suggest an updated survey to determine requirements are met. Vick would be willing to amend his motion to approve at 150 ft. R. Keskey – does not feel that at 150 ft. he would be able to build the home and feels that if the Board saw the sight they would understand. Vick agreed a site visit would be a good idea.

Vick moved to rescind this motion with Jones agreeing.

- L. Vick moved to continue the item to August 4th for a site visit. Jones seconded.

DISCUSSION: Vick stated that he would like to see the home moved back to the 150 ft. Aarestad – it would be nice to see just how much fill will be required if the home is moved back to that distance. Suggestion was made to the applicant to get those details and be ready to present at the next meeting.

VOTE: CARRIED UNANIMOUSLY

13. **JOSEPH SCOTT** – New

LOCATION: xxxx Barton Ave SW – a northern portion of the SW 1/4 of the NE 1/4 in Section 11, Township 119, Range 26, Wright County, MN (Marysville Twp.) Tax # 211-000-111300. Property Owners: Joseph & Jean Scott

REQUEST: Variance as regulated in Section 155.026, 155.048(F), & 155.048(G) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to create a “1 per 40” entitlement division with less than the required road frontage.

Present: Rick Scott

- A. Ogle displayed maps of the property as well as the proposed division and reviewed the request. The property is 23.98 acres, zoned General Agriculture (AG) in Marysville Township. This parcel was created through the Board of Adjustment in 2021 as part of a “1 per 40” division request. The new request is to create a 2.6-acre entitlement division with 66 ft. of road frontage. A variance is required as the proposed division would have 66 ft. of road frontage whereas 200 ft. is required. The existing parcel was also created through the Board of Adjustment and would need to go back before the Board for changes. The applicant is set to be on the July 31st Township meeting. A neighbor disagrees with the request as they would prefer to keep the 200 ft. requirement in place so that others will not want the same accommodation.
- B. Aarestad stated that he is willing to have public comment and hear from the applicant but the Board will want to hear what the Township has to say before a decision is made. R. Scott agreed.
- C. R. Scott – reason 66 ft. access proposed is so he can maintain Ag land to the north. The land proposed to sell is an old cow pasture that is cut for hay a few times a year. The site is one of two buildable areas on the parcel.
- D. Public comment opened.
 - Jay Johnson – here on behalf of father-in-law. Believes that the request should be approved. His problem is related to his father-in-law owning a piece of property that used to be serviced by Baker Ave SW and has since been blocked access. He is here for education purposes and to make Mr. Scott aware eventually the road will be put in to access his fathers-in-law’s property for a house. Aarestad reminded Mr. Johnson to focus on the variance request. Johnson – here as a public person letting him know the road will be going in as it is deeded as an Ave. Ogle – comments made regarding Baker Ave. are a Township matter.
 - Tammy Pfeifer – questioned if there will be more houses. In 2021 this was split into a 20 acre parcel, now taking 2 acres off and it was stated there are 2 building sites. Ogle – if approved at the 2.6 acres the remainder of the 23.98 acres would be restricted agriculture land, meaning no additional home. Pfeifer – meaning never another house. Ogle – will not say never but related to this request there is only one entitlement. Pfeifer – road frontage makes no difference if a cartway. Ogle – parcel was created with the intent of an entitlement based on Marysville Township cartway that is existing. Pfeifer – based on fact there is not enough road frontage she does not believe the request should be allowed.

E. Vick moved to continue the item to the August 4th meeting to allow time for the applicant to meet with the Township. Jones seconded the motion.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTION

The Board scheduled a site inspection for August 1, 2023, for the Board members to meet at the Government Center at 8:30 a.m. with all members approving.

Meeting adjourned at 10:37 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Aaron Ogle', with a stylized, flowing script.

Aaron Ogle
Planner

BR:sld

Cc: Board of Adjustment
Applicants/Owners
Twp. Clerks