

WRIGHT COUNTY BOARD OF ADJUSTMENT
Meeting of: August 4, 2023
MINUTES

The Wright County Board of Adjustment met August 4th, 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, Dan Mol, John Jones, Dan Vick & Bob Neumann. Representing the Planning & Zoning Office was Aaron Ogle, Planner. Absent was Greg Kryzer, Assistant County Attorney, legal counsel.

ACTION ON MINUTES FOR THE JULY 14, 2023 MEETING

On a motion by Jones, seconded by Mol, all voted to approve the minutes for the July 14, 2023, meeting as printed.

1. **ROGER KESKEY** – continued from 7/14

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 (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 displayed proposed site plan while reviewing the request details. The request to construct a new single-family dwelling 102.7 ft. from the Ordinary High-Water line of the lake and a new septic system 85 ft. to the Ordinary High-Water line of the lake was continued from the July 14th meeting so that a site inspection could be conducted. A variance is required as the proposed new home would be 102.7 ft. from the Ordinary High-Water line of the lake whereas 200 ft. is required. A variance is also required as the proposed septic system would be 85 ft. from the Ordinary High-Water line of the lake whereas 150 ft. is required. The 10.2 acre property is zoned General Agriculture and located on Skifstrom Lake in French Lake Township. The Township approved of the request to allow the homeowner to build within 102 ft. of the high-water mark and the septic 85 ft. from the lake.
- B. R. Keskey – felt the site visit covered reasons for the request. In 1978 he could have built but now because of some changes with the lake classification he is now in a situation of needing approval.
- C. No comment from the public.
- D. Mol – was at the site as well and used Beacon to assess the area for a home that would meet the 200 ft. setback requirement. The east side of the property would put the home in the road setback. Farther back on the property is a lower wetland type area that would possibly require additional permitting. Feels that the proposed home site is sitting quite a distance from the water line and that there is no chance of the lake reaching the home. At the proposed 102 ft. the home would be 150 ft. from the water. He is okay with the proposed request.
- E. Vick – feels the presented location is the ideal spot to place this home and member Mol covered key points.

- F. Jones – agrees with what the other members stated. Really there is no other location. The changes in the rules and regulations are not logical with what is present at the site.
- G. Neumann – could make the setbacks work but as stated then there would be a need for additional permitting related to wetlands. Feels the presented location is ideal for the home. If this was not a Natural Environmental lake the home would be well beyond the 75 ft. requirement.
- H. Aarestad stated he shares many of the same sentiments.
- I. Motion made by Mol to approve a new single-family dwelling 102.7 ft. from the Ordinary High-Water line and a new septic system 85 ft. from the Ordinary High-Water line. Site plan was noted as Exhibit "A" and it was CONDITIONED that a stormwater management plan submitted. Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

2. **JOSEPH SCOTT** – continued from 7/14

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 the proposed division while reviewing the request. The request to create a 2.6-acre entitlement division with 66 ft. of road frontage out of that 23.98 acre parcel was continued from the July 14th meeting because the Township had not yet given their response. 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 (BOA) and would need to go back to the Board for any alteration such as this. The 23.98 acre property is zoned General Agriculture and located in Marysville Township. The Township recommends the request be denied as there is plenty of area to comply with the 200 ft. road frontage requirement and the request is not a hardship. 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. R. Scott – trying to get building site access from Barton Ave. without losing some of the productive agriculture land. Admits this is not a hardship. He is just trying to hold as much of his Ag land under his guide as he can. Willing to adjust the road frontage if needed but has concerns of needing easements to maintain use of the farmland. At 200 ft. the acreage will dramatically increase, by maybe another 0.5 acre. Ogle – 2.5-4.99 acres there needs to be 200 ft. of frontage and anything over 5 acres needs 300 ft. Either way because the parcel was created by the BOA, any division would still need to be approved. If the road frontage was brought to 200 ft. the division would still need to be Board approved. There is not an additional home site to be created with the entailment to stay on the 2.6 acre proposed parcel. Reiterated that there are 2 parts to this variance, road frontage and because the parcel was created by BOA approval any division needs to be reviewed by this Board.
- C. Public Comment
- Andrew Hirsch – Marysville Twp. Supervisor – reason for denial was based on the variance not being a hardship. The problem is that being allowed the 66 ft. could open to future requests. The Township is concerned with mini-subdivision type developments on 66 ft. access points popping up in the Township.
 - Tammy Pfeifer – agrees that allowing this request would open to more people wanting variances. As far as Ag land, there is no reason if his daughter owns the property he can’t continue to farm.
- D. Vick – shares same thoughts as to what has been said. With the Township not approving he would have a hard time approving. Feels the lot can be narrowed and shortened. Questioned prime tillable. R. Scott – the septic design shows two locations on the southern 1/2, between trees, and his plan is to give enough room to eventually put up a shed. If the property is narrowed too much it could interfere with the septic locations. Ogle stated there is no concern with prime soils. R. Scott – acreage being offered is an old pasture with trees, the land isn’t all that productive. Vick – would like to see 200 ft. road frontage. R. Scott questioned if at 200 ft. would the Board be okay with a jog to keep the 242 ft. at the back of the lot. Ogle – present a revised

sketch and reviewed dimensions at under 5 acres with 200 ft. by the road as well as meeting width and depth requirements. The Board would still be required to make a decision on if they would approve a division. Vick – likes straight lines but is willing to hear what others have to say.

- E. Jones – agrees with member Vick and the Township. He would like to see the 200 ft. even if the line isn't straight, otherwise he sees problems occurring in the area.
- F. Neumann questioned why the entire parcel isn't sold. R. Scott – can't afford the price. Neumann – the parcel was created 2 years ago and now back for another portion chopped out. Feels that as owner he can sell for any price. Property has one building entitlement so in the future what is going to become of the rest that will be restricted? If it was prime farmland, it could be a 19 acre farm field that would be desirable to a farmer. When there is the wetland, he is wondering what the future use will be if the building entitlement is taken away from the 24 acres.
- G. Mol – sitting on the Planning Commission he has an idea. Even if not in the Land Use Plan a person can always ask to rezone and there would be some building entitlements added back. Once rezoned there is a possibility of additional building sites. It could take years to have a rezone request but this type of division does set up the opportunity. Believes the 200 ft. road distance needs to be met. Agrees the property can be sold for any price and the parcel was just recently split. His experience is that restricted parcels sooner or later have a request to rezone for building entitlements. Value is not supposed to be considered but once an entitlement comes off of a parcel the value drops. Feels there is no hardship or reason to not meet the 200 ft. road frontage as well as depth and width requirements. The Township is also asking for a denial. Ogle – Land Use Plan is set for General Agriculture. Land Use Plan displayed and area reviewed. Mol – with water on the property it might be possible for the area be considered riparian and therefore become especially suited for rezoning.
- H. Aarestad – liked the original plan. Appreciated the Township articulating the reason for their recommendation and is in favor of a 200 ft. access.
- I. Ogle reminded the Board there are 2 parts to the request. There is the road frontage variance as one part of the request and allowing a further division approval as the 2nd part. Even if the Board doesn't approve the 66 ft. road frontage the overall division could still be addressed.
- J. Mol moved to deny the request on the basis of not meeting the 200 ft. road frontage. Jones seconded.

VOTE: IN FAVOR: Mol & Jones NAY: Vick, Aarestad, Neumann MOTION FAILED

- K. Vick – addressed the revised plan on display. Ogle – with 200 ft. road frontage and square lines the acreage is roughly 4.25. It would be up to a surveyor to get accurate figures. Vick – wants to make sure not over 2.5 acres of tillable. Ogle stated prime soils in this area is not an issue.

- L. Vick moved to approve the request based on presented rectangular drawing of 250 ft. width and 4.6 acres. Aarestad seconded.

VOTE: IN FAVOR: Vick & Aarestad NAY: Jones, Mol, Neumann MOTION FAILED

- M. Neumann stated his opinion is that the acreage should be kept at 24 acres.

- N. Neumann moved to deny the entire request. Jones seconded the motion.

VOTE: IN FAVOR: Jones, Mol, Neumann NAY: Vick, Aarestad

MOTION CARRIED

- O. Mol moved to continue the hearing to August 25, 2023, and direct staff to draft findings consistent with denial.
Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **JAMES HALLSTROM** – New

LOCATION: 9805 Nevens Ave NW – Part of the NE 1/4, in Section 14, Township 121, Range 28, Wright County, MN (Unnamed Lake - Southside Twp.) Tax # 217-000-141102. Property Owners: Marilyn R & James A Hallstrom

REQUEST: 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 would be located within the shoreland building setback.

Present: Marilyn Hallstrom

- A. Ogle displayed the site plan while reviewing the request. The 3.2 acre property is zoned General Agriculture and located on an Unnamed Lake which is a Natural Environment lake in Southside Township. A variance was granted in 1980 to create the building site and in 2008 an Administrative Order was done to add land to the original parcel. A variance was also granted in 2008 to allow a 16 ft. x 20 ft. 4-season addition over a walkout basement that was 59 ft. from the lake. The survey submitted from the 2008 variance showed the distance was to the approximate water's edge which is different than the survey submitted for this request which is measured based on the edge of existing tree line. This request is to construct a 22 ft. x 26 ft. addition to the existing home that would be 60.1 ft. from the edge of the existing tree line that is adjacent to the lake as noted on the survey completed by Bogart, Pederson & Associates on 6/23/2023. A variance is required as the proposed addition would be 60.1 ft. whereas the building setback required for Natural Environment lake is 200 ft. The Township approved of the request as it was no closer to the lake than the existing structure, lot coverage was not an issue, and the septic is compliant.
- B. M. Hallstrom – original home was built in the 80's when the lake was not classified by the DNR, so the home was compliant. The request is to add onto the garage for storage. Ogle – 1992 the lake was designated as Natural Environment.
- C. No public comment.
- D. Jones – home was in compliance when built and there is no problem with impervious coverage at the site. Sees no problem with the request.
- E. Neumann – house is existing with the addition not going closer to the lake. There is plenty of room and space so he feels he can go along with the request.
- F. Mol – lake designation came after the home was built is a practical difficulty. The addition is no closer and all other aspects are compliant. He can agree with the request.
- G. Vick stated he was in agreement with what other members have commented.
- H. Aarestad – same sentiment as others. No real concern with the request.

- I. Neumann moved to approve a 22 ft. x 26 ft. addition to the existing home that would be 60.1 ft. from the edge of the existing tree line that is adjacent to the lake as noted on the survey completed by Bogart, Pederson & Associated on 6/23/2023. Motion seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

4. **JEFFERY EATON** – New

LOCATION: 16929 County Road 7 NW – TH PRT OF NW1/4 OF NE1/4 DES BEG ON E LN in Section 11, Township 122, Range 27, Wright County, MN (Clearwater Twp.) Tax # 204-100-111200. Property Owners: Scott Miller & Marlene Miller

REQUEST: Variance as regulated in Section 155.026 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the expansion of an existing nonconforming use and remove an existing variance condition. The expansion would be to increase the size of the commercial building.

Present: Jeff Eaton

- A. Ogle – the 10 acre property is zoned General Agriculture and located in Clearwater Township. In 1975 the Board of Adjustment (BOA) granted the expansion of an existing nonconforming use of an auto repair and salvage business to build a new structure. In 1989 the Board of Adjustment approved the alteration of a nonconforming auto-business by adding a new shop building. This request is to rebuild and expand the existing shop/office building. The proposed shop would be 60 ft. x 104 ft. with a 24 ft. x 40 ft. office area. The request is also to remove the existing condition placed on the 1989 variance approval that says PID 204-100-111200 which is the Eaton property & PID 204-100-111202 must be owned in common. A variance is needed to expand an existing nonconforming use and the Board can address the request to remove a prior variance condition. The Township approves of the request as the building moved away further from the road.
- B. J. Eaton – fire damaged building they were using and the shop area is an old concrete building that is not usable. Looking to improve buildings so they are usable.
- C. No public comment.
- D. Neumann – Township stated they are okay with the request. Questioned why in 1989 the BOA required parcels to be owned in common. J. Eaton stated he is not sure. Ogle – looking at the minutes it is not clear why that condition was added. Would guess it has to do with the property, at one point, being an old farm. Mol – reviewed history he was aware of with regards to the prior owner and current owner being related. Neumann – Township doesn't have a problem; the building location is back from the road and there is room for the building so he does not have a problem with the request.
- E. Mol – rebuilding is important for the business. Didn't realize properties were still owned by separate owners. He can go along with both of parts of the proposed request.
- F. Vick – agrees with statements from other members.
- G. Aarestad – this site has been around for a long time with this Board having a good working relationship with users of the property and sees no reason to stop. Agrees with both parts of the request.
- H. Jones – agrees with others. Logical to rebuild as proposed.

- I. Vick questioned if the business would be affected by the properties not required to be owned in common. Ogle – properties are considered existing legal nonconforming and allowed to continue operation as separate properties and owners.
- J. Mol asked if they approve the owned in common condition be removed would it create issues. Ogle stated there was discussion among Planning & Zoning staff and it was determined not requiring owned in common would not create issues.
- K. Mol moved to approve the expansion of an existing nonconforming use which consists of a 60 ft. x 104 ft. shop with a 24 ft. x 40 ft. office building. The request also APPROVED the removal of a 1989 variance condition that said PID 204-100-111200 & 204-100-111202 must be owned in common. It was CONDITIONED that all other remaining conditions still stay in effect. Seconded by Neumann.

VOTE: CARRIED UNANIMOUSLY

5. **ROBERT SCHLOEDER** – New

LOCATION: 5821 State Hwy 55 SE – TH PRT OF N1/2 OF SE1/4 of Section 24, Township 119, Range 25, Wright County, MN (Rockford Twp.) Tax # 215-100-244110. Property Owners: Robert Schloeder & Juli Goding

REQUEST: Variance as regulated in Section 155.026 and 155.003(B)(1) of Chapter 155 & Section 150.01 of Chapter 150, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a detached building that would be within the Highway 55 Official Map setback and over the maximum detached building area on the property.

Present: Robert Schloeder & Juli Goding

- A. Ogle displayed proposed site plan which included setback lines related to the Highway 55 Official Map. The 2.1 acre property is zoned General Agriculture and located in Rockford Township. The request is to allow a 40 ft. x 63 ft. (2,520 sq. ft.) detached building that would be 75 ft. from the Highway 55 Official Map proposed setback. The request would also be to allow a total of 3,255 sq. ft. of detached building area on the property. A variance is needed as there is a 130 ft. setback from the proposed centerline on the Highway 55 Official Map whereas 75 ft. is being requested. A variance is also needed as the maximum detached building area for a parcel 1.0 to 2.49 acres is 2,400 sq. ft. whereas the requested total is 3,255 sq. ft. The Township would like the County to review and approve or deny the request. The requested building is planned right up to the proposed new right-of-way of Hwy 55. This Board cannot allow any closer than this location.
- B. R. Schloeder – looking for more room for personal use. Spoke with MnDot and their setback is 75 ft. so the location is as far back from the Hwy as they can go. Size of the shed is not a hardship but is added room for storage.
- C. No public comment.
- D. Mol – sees challenges with Hwy 55. and building location but does have a problem with the building size. R. Schloeder – reason for the size is the 5 kids, mother is coming to live with them with stuff and they just need the room for personal storage. J. Goding – lots of stuff and they just want to keep it all stored in a building instead of outside as well as have plenty of room for adequate storage. Mol – sees that the site is a challenge to place any shed and meet the requirements. Okay with the setback request but is having a difficult time with the size.
- E. Vick – hard time allowing over the 2,400 sq. ft. that is allowed. Suggestion would be to connect the garage to the house. Okay with the setback but the size he cannot agree with.
- F. Jones – knows of this location. No concern with the shed location but has a problem with the size.
- G. Neumann – talk has been had for over 20 years about expanding Hwy 55., not sure it will happen in the next 20 years. He is fine with the placement of the shed. The size at 800 sq. ft. over what is allowed is a problem. This Board sees many requests for larger than allowed buildings on these 2 acre lots and historically they have not been approved. Feels that the Board needs to stay consistent. There is already a large garage on the property. Hearing from the members that they all have concern with the size 800 sq. ft. over. He as well has no problem with shed location but does have a problem with the size of the building.
- H. Ogle – figured a 36 ft. x 44 ft. building would meet the allowed maximum.

- I. Aarestad – no problem with the road setback but does have an issue with the size. This is a common request seen by the Board. Questioned the applicant if he would be willing to bring the size down. R. Schloeder stated he would be willing to reduce the size.
- J. Ogle – would like to see the Board, if approving, to include in the motion a survey be provided showing location of the new shed. This will ensure the building does not go up in the right-of-way and cause issues when and if Hwy 55 does change. R. Schloeder – agreed and confirmed he would be willing to bring building size down.
- K. Vick – could the garage be connected to the house? R. Schloeder – due to requirement of frost footings not sure that is possible.
- L. Vick moved to approve a detached storage building, with no specified size, 75 ft. from the Highway 55 Official Map proposed centerline. It was CONDITIONED that the property cannot exceed the 2,400 sq. ft. of allowed detached building area and that a survey is conducted to verify the detached building is outside the Highway 55 Official Map proposed right-of-way. Motion seconded by Neumann.

VOTE: CARRIED UNANIMOUSLY

6. **BRUCE KARVONEN** – New

LOCATION: xxxx Colbert Ave. NW – NE1/4 OF NE1/4 ALSO TH PRT OF NW1/4 OF NE1/4& NE1/4 OF NW1/4 Section 15, Township 120, Range 26, & 7.97 AC TH PRT SE1/4 of Section 10, Township 120, Range 26 Wright County, MN (Maple Lake Twp.) Tax # 210-000-151100 & -104300. Property Owners: Bruce & Barbara Karvonen

REQUEST: Variance as regulated in Section 155.026 & 155.048(F)(3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an after-the-fact agricultural building within the side yard setback.

- A. Ogle displayed the property map and reviewed request details. The 66.48 acre property is zoned General Agriculture and located in Maple Lake Township. In 1983 the homesite which is PID 210-000-151101 was divided out from 210-000-151100. An Administrative Order combined part of the railroad right of way which is 210-000-104300 to be added to 210-000-151100 in 2008. The property is currently seeking an Interim Use Permit for a non-commercial contractor's yard. This request is to allow an after-the-fact 20.5 ft x 22.25 ft. agricultural building 5.8 ft. from the north side yard on parcel 210-000-104300. A variance is needed as the after-the-fact agricultural building was constructed within the 30 ft. side yard setback. The Township tabled the meeting until next month to see if Bruce could obtain a letter from the railroad company stating they are fine with the shed being close to the property line. A neighbor commented that they do not have any opposition to the request.
- B. Aarestad – stated they may want to continue as the Township specifically asked to have the item tabled. Traditionally this Board will not vote on matters until the Township gives a response. Willing to listen to comment from the applicant and public but would suggest a continuation until the August 25th meeting. B. Karvonen – email statement from C.P. railroad is that they do not provide letters such as what is being requested. He did call and asked for an expansion on that comment with their verbal comment being that they do not write letters. Aarestad – feels it is important to honor the request of the Township and hold off on a vote until August 25th.
- C. Mol moved to continue the item to the August 25th meeting at the request of the Township. Jones seconded the motion.

DISCUSSION: Vick questioned if the building requires a permit. Ogle – explained that this is an Ag Building, not a traditional storage building, but still requires a permit and required building permit or not the building still needs to meet setbacks. Vick – questioned if there would be a benefit to applying now for the permit to keep things moving and if there is a double fee. Ogle explained that this permit, as an Ag Building, is generally quicker and handled differently than a standard building permit. Plus, the Board has yet to decide on the setback. After-the-fact permits are a double fee.

VOTE: CARRIED UNANIMOUSLY

7. **BERYL & CAROLYN MUNSON** – New

LOCATION: XXXX Norris Ave SW – 113.84 AC SE OF NW & SE SW & N 1-2 SW SE OF RIVER in Section 02, Township 119, Range 28, Wright County, MN (N. Fork Crow - Cokato Twp.) Tax # 205-000-023100.
Property Owners: Munco Inc.

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 that does not meet the required road frontage and another “1 per 40” entitlement division that does not meet the required road frontage and is over 10.0 acres.

- A. Ogle displayed the property maps and proposed lot line plan. The 113.85 acre property is zoned General Agriculture and located on the North Fork of the Crow River which is a Transition river in Cokato Township. A Deed Restriction in 2012 divided off the existing home. A Deed Restriction in 2013 divided the remaining home off 205-000-112204 & 205-000-023100 which left two remaining entitlements on what is now 205-000-023100. This request is to create one 6.25-acre entitlement division with 102 ft. of road frontage and one 42.3-acre entitlement division with 100 ft. of road frontage subject to the right-of-way. A variance is required as entitlement divisions over 5.0 acres require 300 ft. of road frontage. A variance is also required if the proposed division is over 10.0 acres. The Township approves of the request because of the unique circumstances due to topography of the land and accessibility off the Township road.
- B. B. Munson had no additional details.
- C. Public comment opened.
- Dan Bravinder, Chairman of Cokato Township - heard the request and feels Mr. Ogle explained why this is such a unique circumstance with the topography of the land. Regarding the access on the north curve, there is good visibility to the east and south. The Munson's are addimtent about protecting farmland and this is the best plan to protect farmland that is currently being farmed. Feels that setting of a precedence, with regards to the 300 ft., won't occur because of the properties uniqueness. Aarestad – complimented the Township doing a nice job articulating why they made their decision. Bravinder – if approved, the Township does require driveway permits so they would need to apply and the maintenance staff will address elevations.
 - Ann Benda – neighbor and here today just to hear what the plan is.
- D. B. Munson – North 40 acres is intended to have a building entitlement with the 100 ft. access allowing a home to be built. Grandchildren reside in the existing home with their parents looking to build on the 6 acre parcel. That is all they are looking to accomplish. This is to allow a buildable lot and if they did 300 ft. it would rip through a field. The north 40 acres is ensuring long term there is access.
- E. Jones stated the Township information is valuable with helping ascertain what is occurring. Understands the goal in what is wanted and even though the 102 ft. is not what is required he would not want to cut into the field anymore.
- F. Neumann questioned the use of the north 40 acres. B. Munson – was crop, in CRP at one point and now is cow pasture as it is the best use for the land. Neumann questioned if much of the area floods. B. Munson – the northwest side in the spring does flood. Neumann – unless the Township is going to extend the road the parcel is stuck at the 100 ft. because of the location of the existing parcel to the south. This does make the property unique when the road turns as it does and there isn't an opportunity to get at that 300 ft. Confirmed there

would be only one building entitlement on the 40 acres and that there is suitable land for a homesite. First thought on the 6 acre piece was to go with the 300 ft. but with the prime tillable soils a hardship is present. Would agree that the 102 ft. would be acceptable because at 300 ft. another problem would be created. Feels this is the highest and best use of this property would be a homesite.

- G. Mol – along with comments on the hardship for the northern 40 acres, the section line runs to the top of the road and there is no road frontage so a more southern line could land lock the parcel. Can go along with and understands why the line is not following the section line. With the prime soils he has always been adamant to try and protect the soils and protect the farmland. The 102 ft. is the best way to take the least amount of farmland out of production. The Township did answer questions well and addressed the access point not being a concern with sightlines. With what is being proposed with the lines and splits, he feels it is the best use.
- H. Vick – not a lot to add. Appreciates the Township Chairman coming to talk about the topography.
- I. Aarestad – Township comment eliminated concern with the access point. The division preserves the farmland, the layout of the property and historical connection to the land are all points that lead him to being in favor of the request.
- J. Vick moved to approve the plans presented as Exhibit "A" which is a 6.25 acre entitlement division with 102 ft. of road frontage and a 42.3 acre entitlement division with 100 ft. of road frontage subject to the road right-of-way. It was CONDITIONED the approval is subject to survey and Deed Restriction. Motion seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

DISCUSSION: Ogle – zoning looks at property size above the ordinary high mark. The 6.2 acres presented will likely have a legal description that is mapped to the centerline of the river and could be slightly different in acreage than what is presented.

8. **ALLAN DOERING** – New

LOCATION: 9624 County Road 8 SW – The N 1/2 of SW 1/4, in Section 21, Township 118, Range 26, Wright County, MN (Woodland Twp.) Tax # 220-000-213200. Property Owners: Woodland 8 LLLP

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

Present: Al Doering

- A. Ogle displayed proposed site plan and reviewed the request. The 80.58 acre property is zoned General Agriculture and located in Woodland Township. The Planning Commission approved a move-in single-family dwelling with attached garage this year. The request is to create a 49-acre entitlement division with the existing home leaving the remaining parcel restricted. A variance is required as the proposed division, which includes the existing home, would be 49-acres whereas 10 acres is the maximum. The Township is leaving the decision up to the County without any input.
- B. A. Doering – this property has been in the family since 1857 and is probably one of the oldest continuously farmed operations in the county. They used to run dairy but 10-12 years ago the dairy was sold and they now have beef cattle and rent most of the land. There is woods and wetlands with the maple trees used for over 100 years to produce maple syrup. The current house is from the late 1800’s and in rough shape. Three older siblings live on the property and the intent is to move in a house for his siblings to live. The siblings have set up a trust for the grandkids with a stipulation they cannot sell the property unless they all unanimously agree. Intent is to keep the farm site in the family as long as possible. The only way to pay for a suitable house is to sell a portion of the land. The proposed land to be divided is currently farmed with the renter being the purchaser. Feeling is that this is the best parcel to sell because visually no one will notice any difference as it is farmland today and will stay in farmland. The proposal keeps the core of the farmstead intact with the woods and wetlands as well. The area to the south is part of the farm as well. Family and he himself owns the smaller parcels to the south. Their hope is to keep the farmstead intact as much as possible.
- C. No comment from the public.
- D. Neumann questioned the location of the quarter-quarter line. Ogle – displayed the Beacon aerial and explained the quarter-quarter line splits the 80 acres north and south and because of this a division on the quarter-quarter line cannot be done administratively or a landlocked parcel would be created. Neumann – this Board does not like jogs in lines, they like to see straight lines. Assumes the jog on the southern line is to include the existing buildings. A. Doering – drawn this way to follow the existing tillable field lines as much as possible. There is a lane from the farmstead to the woods that originated at an angle and as a kid he didn’t realize that but when you now see a map it is clear that the lane is not straight. He is not sure why that lane is not straight. Neumann – why would a 10 acre split not be practical? A. Doering – the money needed to finance the home. The field is already rented to the purchaser, who is agreeable to purchasing the full amount. Neumann – in the past there was a request where the applicant was trying to save a tree and his proposal was turned down when the lines were not straight. He tries to think 2-3 sellers down and this proposal is an odd shape that someone in the future is going to question why approved as such odd shape. As is proposed, he is not in favor.
- E. Mol – verified only road frontage is along County Road 8. This Board is not allowed to consider financial gain or losses. Appreciates protecting farmland but not running of straight lines is a hard way to divide a parcel. Even if a straight line is run to the back there will only be a small portion of farmland. The Planning

Commission see houses coming and the County is expanding. Feels a split like this proposal is setting up future challenges.

- F. Vick stated he is looking for a 10 acre maximum and rectangular. Agrees with what has been stated by other members regarding not having straight lines makes a mess for the future.
- G. Jones stated his concerns have been expressed. He would have a problem going along with the proposal.
- H. Aarestad – preservation of farmland is a goal and he feels this proposal does that. Likes the comment that no one will know as it will be farmland for many years. Makes sense even without straight lines. As a restricted parcel he is in favor of the variance request. Hearing what others have said it does appear the request will not pass. There is an option to come back with a reconfiguration that addresses the concerns mentioned, withdraw request, or allow a vote.
- I. A. Doering – would consider anything. Heard the comment from this Board about giving precedence but the purpose of this board is to give precedence. If rules were always followed this Board would not be needed. The Board is here to listen to the reasons and determine if those reasons are the exception to the rule. If another request comes in and their reason is solely that they just want to do what they are asking, that is not the same thing. Because of how the property is set-up there aren't many options available. Understands not here to consider monetary but we all do have compassion. He gets no benefit out of this division and if he had known in March what a pain it would be to move in this house, he might have gone another route. He is doing this to preserve as much as possible as this farm that has been in the family for years. Part of Wright County's goal is to that as well and these family farms are very important to the County. Yes, this might look like an odd division but it is for a good purpose and reason. If the 40 acres comes off the back it would be a land locked parcel. He wishes the Board would reconsider how they are looking at the request. This Board is here to listen to each request and thoughtfully think about each decision individually. To say this was denied before, there were probably other reasons for that denial.
- J. Vick asked the proposed division size. A. Doering – just over 32 acres.
- K. Mol – preserving farmland and Wright County farms is the task of this Board while we try and uphold the ordinance and different rules that must be followed. This Board cannot consider finances and tries to also hold some of these farmlands together. By saying no to a request is how the Board is trying to maintain farmland. He is also a farmer and owns property and would like to do what he wants but there are rules and ordinances that need to be followed. If the land is chopped up all over, into pieces, there are these large old farms that are broken up into smaller sites and the County continues to be chopped up. This Board tries not to chop up the land but also has to consider what is being asked. This Board does not want to create challenges so that a person has to come back asking for approval because of a previous Board's decision. Members of these Boards take hours looking at details of the request, reviewing the neighborhood and decision are not taken lightly. He hears what is being said but with that he personally has 40 acres and built a house right in the middle, which now he realizes wasn't best decision 20 years ago and he created his own problem. In this case the homesite was decided in 1857. This Board has to find a practical difficulty and this one appears to be strictly monetary, which can't be a deciding factor.
- L. Aarestad asked if there is a way to create a different boundary line that would go through the homestead site and be a straight line. He is hearing some of the issue is the way the division is laid out. A. Doering – there is a barn and shed in the way. Discussion continued between the members and applicant regarding where the proposed southern line could go straight east and west while meeting setback, road, and width requirements. Ogle used Beacon to draw out a possible division based on conversation as well as showing that the remainder of the southern portion, with the homesite, could be divided with the required 300 ft. of road

frontage. A. Doering stated that he could most likely work out an easement agreement with the buyer to address the wooded area and remaining farmland. Ogle – displayed a drawing as a 10 acre division while stating he is not sure how 10 acres would affect the feedlot. Another rough drawing, as rectangle, was displayed at roughly 28 acres.

- M. Mol questioned the applicant if he would like time to review the revised proposal with the buyer. A. Doering stated he would like approval from the Board and if the buyer isn't in agreement, he does have other options.
- N. Ogle questioned if there is livestock in the buildings with A. Doering stating not the building in question but the property is a feedlot. Aarestad – could a variance be given for the feedlot? Ogle – would like discussion and input from the Feedlot Officer.
- O. A. Doering – the purchase agreement on the house keeps getting pushed back and so he would rather not have to continue. Aarestad – if the revised displayed proposal is okay by the applicant, feels the Board can move forward with an approval motion.
- P. Mol questioned if there would be an entitlement transfer with A. Doering stating the property will not be sold with an entitlement.
- Q. Neumann – feels this should be continued because this Board should not be the ones drawing lines, even if the applicant is agreeable with what is drawn here, he would like to see what the applicant is proposing. He would be in favor of a continuation. A. Doering stated he would be in agreement with revised plan as displayed. Aarestad – in agreement with the revised plan as is the applicant so he would like to see a motion of approval.
- R. Mol stated he would want to see that all setbacks are met for the existing buildings and feedlot at 100 ft. as well as acreage at 24-25 acres with all straight lines. Ogle – would like to have an exhibit drawn that is used for approval versus just interpretation. Discussion continued while Ogle presented revised drawings with a final drawing presented as Exhibit "A".
- S. Motion made by Vick to approve a restricted Agricultural Division not to exceed 23 acres noted Exhibit "A" with CONDITIONS that all building and feedlot setbacks are met, subject to survey and Deed Restriction. Seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 10:20 a.m.

Respectfully submitted,

Aaron D. Ogle
Planning & Zoning Planner

AO:sld

Cc: Board of Adjustment
Applicants/Owners

Twp. Clerks