

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: September 15, 2023

MINUTES

The Wright County Board of Adjustment met September 15, 2023, in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Vice-Chairman, Bob Neumann, called the meeting to order at 8:30 a.m. with Board members present: Dan Mol, John Jones, Dan Vick & Bob Neumann. Absent was Paul Aarestad. Representing the Planning & Zoning Office was Aaron Ogle, Planner. Absent was Greg Kryzer, Assistant County Attorney, legal counsel.

ACTION ON MINUTES FOR THE AUGUST 25, 2023 MEETING

On a motion by Jones, seconded by Vick, all voted to approve the minutes for the August 25th, meeting as printed.

1. DIRK WESTVEER – continued from 7/14/2023 & 8/25/2023

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.

No representative present.

- A. Ogle explained to the Board the applicant has requested a continuation until the December 8th, 2023 Board of Adjustment meeting. The Board continued the request from the July 14th meeting to August 25th so the applicant could reassess their proposal. At the August meeting the applicant had not yet heard back from the surveyor and was granted another continuance until today's meeting. There is a BOA policy that if there are three continuations by the 4th meeting there should be a plan in place to discuss and action taken.
- B. Mol moved to continue to the October 13th meeting, with that meeting being a point the Board will take action. Vick seconded the motion.

DICUSSION: Ogle – applicant did request until December 8th, as he has not been able to make contact with his surveyor. Mol – extending to December allows time for quite a bit to change from what was originally requested. Vick suggested if in October the applicant is not able to attend the meeting with a request or update then the Board could vote for dismissal. Mol agreed that if details can't be addressed by the applicant by the October meeting the item would be voted on and withdrawal might need to be addressed.

VOTE: CARRIED UNANIMOUSLY

2. **HARLAN KUNKEL** – continued from 8/25/2023

LOCATION: 4329 County Road 7 NW – the W1/2 of the SW 1/4 and the SE 1/4 of the SW 1/4 , in Section 07, Township 120, Range 26, Wright County, MN (Ramsey - Maple Lake Twp.) Tax # 210-000-073400. Property Owners: RUTH V KUNKEL 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: Harlan Kunkel

- A. Ogle displayed site plan and reviewed. The request is to create an entitlement division that would exceed the maximum 10 acres. The Board continued the request from the 8/25/2023 meeting so the applicant had time to revise the proposed plans based on the discussion at the previous meeting. The applicant did provide a more accurate measurement of 19.87-acres that would include the existing home. A variance is required as the proposed division would be over the 10-acre maximum. Property is currently 123.60-acres zoned General Agriculture in shoreland district of Ramsey Lake. The Township did approve of the request.
- B. Kunkel stated that at the last meeting it was mentioned that Maple Lake would want to annex the property. Spoke with Maple Lake City Administrator who indicated there are no plans of annexing this property in the future. Also spoke with Wright County Highway regarding traffic on this road. In 2022 MN DOT counted 2,136 vehicles a day. In looking at the aerial map on display there is a field access on the corner that he took a measuring wheel to and went towards the trees, that was 390 ft. before the parked car could be seen. This is a corner that has roughly 6-7 seconds, on a good day, to see a vehicle at the corner access point. Feels this access is a safety issues. He would like the 20-acres because it is a natural division otherwise a line would cut across the middle of the field at 10-acres.
- C. Public comment opened.
- Tom Neumann – Maple Lake Township Supervisor. Reason the Township voted for the 20-acres goes along with what the applicant stated. Road approach is dangerous and there is a ravine along the curve. With regards to preservation of farmland, a division at 10-acres would cut farmland in half. Yes, in the future the area will be homes but at this point we are trying to preserve agriculture land. Mol asked what that Township has listed in the Land Use Plan for the property. Neumann – strictly General Agriculture (AG) not in the Plan, at this time, to go Agriculture Residential (A/R). Mol – at 20-acres, with some very natural features, there is opportunity to come back for a two 10-acre split and how would the Township feel. Would the Township be okay with a rezoning for another home? T. Neumann – understands that concern but knowing the applicant feels that in the near future a rezone request won’t happen. With the tree line he feels this is a natural fix to leave as a 20-acre division. Kunkel – there are currently 880 homes within the City of Maple Lake with another development coming with roughly 250 homes. For the City to need this land for growth would be far off. Ogle – property is in the Transition area and sounds like for now there is no intention to annex.

- D. Mol – fully understands the natural reason for the request but if this Board goes away from the 10 acre division it is transitioning into the opportunity to rezone. Struggles as he does not see that there is a hardship or an exact need. Also, opens for other opportunities down the road.
- E. Vick questioned member Mol if two 10-acre divisions would be allowed without entitlements. Mol – if allowed to rezone there could be two 10-acre buildable homesites. Vick – can the parcel be accessed or is there a creek? Kunkel – there is a 30 ft. deep ravine where a culvert could be installed but it would be cost prohibitive. Vick questioned parcels across the street and ownership. Kunkel and Ogle used the Beacon aerial to explain property ownership. Vick asked where the hardship is with the new line being at the wood line east of the homestead. Ogle – based on Ordinance, at 5.0 to 9.99-acres, someone is allowed 4,000 sq. ft. of accessory buildings and in this case the existing buildings are well over that amount so to be conforming should have at least 10-acres. Ogle produced a rough drawing was displayed based on comment from member Vick as well as a line at 10-acres.
- F. Jones – understands the reason but agrees with member Mol. If this Board starts to allow a division such as this the requests will come in from all over the County. Having a difficult time with the request.
- G. Neumann – last month he was in agreement with comments made. Familiar with the property and knows the curve and agrees it could be a safety concern. Struggling to find the hardship at over 10-acres but does agree there are site line and traffic issues. More inclined to agree with the new proposal. Questioned acres of prime soils. Ogle – would not be a factor in this case as it predates 1978. Neumann – would ask the Board to consider including an Animal Unit (AU) restriction of 10 AUs' as well as a building restriction to a single building entitlement with no further households or splits. Ogle – a condition could be added that states no further divisions out of this parcel, as it stands. Prime soils are roughly 4-acres. Neumann – 2.5-acres are allowed by ordinance. Ogle – if the property had an existing home prior to August 1, 1978, the prime soils are not a factor. In this case the prime soils are not part of the request but can be considered by the Board. Neumann – a month ago he was wanting to see 10-acres but since that time he has reconsidered and if conditions can be added for AU's and further divisions than he could support the request because of the natural boundaries and safety factor.
- H. Mol questioned if a limit of AU's is feasible. Kunkel – no current animals and no plans of adding. Ogle – suggested that AU limit be specified as 0.5 AU's per acre versus total limit of 10 AU's. At 19.87-acres the property wouldn't hit 10 AU's.
- I. Vick – addressed the small triangle across the road as a building lot. Ogle – part is connected to the parcel to the north and is not part of the request. Kunkel – that area is low and really nothing can be built; it is all swamp land.
- J. Vick moved to approve the entitlement division of 19.87 acres per site plan as presented noted Exhibit "A". CONDITIONED there be 0.5 Animal Units (AU) per acre, no further divisions of the entitlement division are allowed, subject to survey, subject to Deed Restriction. Motion seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

3. **SUSAN & ANDREW WILDE** – New

LOCATION: 2102 County Road 5 NW – Part of Gov't Lot 1 in Section 19 & 20, Township 120, Range 27, Wright County, MN (Granite – Albion Twp.) Tax# 201-000-194400 & 201-000-203300. Property Owners: Susan & Andrew Wilde

REQUEST: Variance as regulated in section 155.026 & 155.057(E)(1) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct two porch additions to the existing home that is located within the shoreland building setback.

Present: Susan and Andrew Wilde

- A. Ogle – displayed proposed site plan. The 2.4 acre property is considered Urban/Rural Transition district and located on Granite Lake which is a recreational development lake in Albion Township. The existing building coverage above the ordinary high-water and outside the right-of-way is 4.3% and the existing impervious surface coverage is 14.3%. In 1998 a variance was granted to allow the replacement of the existing cabin 43 ft. from the Ordinary High-Water of the lake with a 33 ft. x 33 ft. dwelling to include a basement and loft area. This request is to construct a 6 ft. x 56.5 ft. (339 sq. ft.) porch and a 12.5 ft. x 32.5 ft. (406 sq. ft.) porch addition to an existing home that is 76.7 ft. from the Ordinary High-Water line. A variance is required as the existing home and proposed additions are located within the 100 ft. shoreland building setback. The Township approves of the request as presented and it was noted that Neumann abstained from voting.
- B. A. Wilde – lakeside patio always existed as pavers. They are looking to replace with a concrete slab with a roof. The impervious surface is already there with the addition not going closer to the lake.
- C. No public comment.
- D. Vick concern is the addition and more water running towards the lake but it has been clarified currently cement. Feels there is a lot of addition but would like to hear what others have to say.
- E. Jones – because this is an existing area going from bocks to concrete, he has no problem with the request.
- F. Mol – porch will open with no screening or walls. A. Wilde confirmed, just a cover to shade the sun. Mol – no closer to the lake confirmed. Adding living space but is within the garage and not part of the request. The addition is no closer to the lake than what is existing and no real water flow changes. Ogle – the addition away from the lake will have very minimal coverage increase but still well below the allowed 25%. Mol stated he is okay with the request as presented.
- G. Neumann stated he is in agreement with statements made.
- H. Mol moved to approve the request to construct a 6 ft. x 56.5 ft. (339 sq. ft.) porch and a 12.5 ft. x 32.5 ft. (406 sq. ft.) porch addition to an existing home that is 76.7 ft. from the Ordinary High-Water. Site plan noted as Exhibit “A” and building plans noted as Exhibit “B”. Motion seconded by Jones.

DISCUSSION: Vick – questioned the accessory buildings, there are 3 shown on the plans. Ogle – some were granted with past variances or are considered grandfathered; they are not directly related to this request.

VOTE: CARRIED UNANIMOUSLY

4. **TODD SMITH** – New

LOCATION: 15858 Greer Ave NW – Fish Lake Shores Lot 10, Block 1, Section 13, Township 122, Range 27, Wright County, Minnesota. (Fish – Clearwater Twp.) Tax #204-119-001100 Property Owner: Gloria Thorpe & Dennis Ziebart

REQUEST: Variance as regulated in section 155.006, 155.026, 155.049(F), 155.057(E)(1), 155.090 (Table 3) 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 side yard. The proposed septic tank would be located within the setback to the building, side yard, and the road. The proposed building and impervious surface coverage would be over the maximums allowed as well as below the lowest floor elevation requirement.

Present: Todd Smith

- A. Ogle – proposed site plan was displayed. The 0.09 acre property is zoned Urban/Rural Transition (R1) and located on Fish Lake which is a recreational development lake in Clearwater Township. The existing building coverage is 20.8% and the existing impervious surface coverage is 30.1%. The request is to construct a new home that would be 25.6 ft. from the Ordinary High-Water line, 12.6 ft. from the road right-of-way, 3.9 ft. from the south side yard and 6.0 ft. from the north side yard. The new homes lowest floor elevation would be 943 ft. The holding tank would be 5.2 ft. from the road right-of-way, 3.7 ft. from the building, and 2.9 ft. from the south property line (side yard). Building coverage would be 20.9% and impervious surface coverage would be 28.7%. A variance is required as the proposed new home would be 25.6 ft. from the Ordinary High-Water line whereas 100 ft. is required, 12.6 ft. from the right-of-way, 3.9 ft. from the south side yard and 6.0 ft. from the north side yard whereas 15 ft. is required. The new homes lowest floor elevation would be 943 ft. whereas 944 ft. is required. The holding tank would be 5.2 ft. from the road right of way, 3.7 ft. from the building, and 2.9 ft. from the side property line whereas 10 ft. is required. Building coverage would be 20.9% whereas 15% is the maximum and impervious surface coverage would be 28.7% whereas 25% is the maximum. The Township approves of the request because of the reduction in impervious surface, increase in property value, and a conforming septic. It should be noted that if the Board cannot justify the proposed expansion, they should still address the lowest floor elevation requirement if the applicant would like to do an exact replacement. An exact replacement would still require an elevation of 944 ft. with the 15 ft. “apron”. The Board could grant a variance for the lowest floor elevation to be no less than 943 ft. and remove the 15 ft. apron requirement to allow for what best fits the property.
- B. Smith – when property was acquired the impervious coverage as 33.9% with a deck since removed bringing coverage down to 30%. At that time, he had a discussion with Scott Deckert in Planning & Zoning, regarding fill in the shoreland area. They are making an attempt to bring down the impervious surface coverage with going down even more to 28.7%. The attached, single car garage, is in exchange of the sheds currently near the lake. Highest water is in the spring and these sheds tend to be underwater. He would not be any closer to the lake and is also asking for the state minimum of 943 ft. elevation. This spring a neighboring cabin did see water at the bottom of the cabin and this was the highest they have seen the water since living on the lake. This is another reason he believes the 943 ft. elevation would be acceptable as the water level at that time went to 940 ft. and water got to front yards but not inside. They would like to start at 943 ft. elevation and taper to the lake. Spoke with both neighbors and they would be interested in bringing up the level of their lot. He would be willing to go with a Versa-Lok or Bronco Block on either site of the property lines and fill to the top Bronco Block with soil and grow grass to the edge with an impervious 3 inches showing versus a full 2 ft. block. Ogle – reminded the applicant that land alteration might require a separate hearing. Smith stated he is aware and the conversation was part of the deck removal conversation.

- C. No public comment.
- D. Jones questioned if the impervious coverage could be brought down further. Distance to the road is only 12.6 ft. and should be 65 ft., the lake setback should be 100 ft. and is proposed at 25 ft. are a few of his concerns. Ogle – 12.6 ft. is to the right-of-way with the center of the road being further out. Existing home is already there and this proposal would be in the same footprint with the only new footprint added being the attached garage. Distance from the lake, side yards and road would remain the same that is existing. Jones – removing the shed near the lake does that compensate the total square footage? Ogle – displayed the site plan while reviewing the current and proposed coverages. Lot coverage existing is 30% and proposed at 28% with the building coverage at 20.8% and proposed at 20.9%.
- E. Smith – road is a no maintenance road that he maintains. It is more so of a right-of-way with the actual amount of driving surface. A previous neighbor worked hard at getting the township to take over but the road would have had to be expanded and with the topography that is not something that will happen and the Township has stated they want no responsibility. None of the properties on the west side of Fish Lake are more than 100 ft. from lake or 65 ft. from center of road.
- F. Mol – asked to have Beacon aerial displayed with Ogle pointing out this portion of the county is slightly off with location of property lines. Mol – would suggest a site inspection. He is from the area and the applicant does have some challenges. Feels it would be beneficial for this Board to visit the site and understand what is there to work with. When he was on the Clearwater Township Board, they did decide the road was too small and narrow to address. When the area was plotted off many of the lots were required to be put together to even fit a home. The lots were designed for tents and campers. There are hardships and difficulties present that should be seen.
- G. Vick – there are approximately 2 houses past this one? Smith – there is an open lot and the next resident on the dead end is his and where he lives. Vick – agrees with a site inspection. There is potential to flip the home or move but wasn't sure about elevations, so a site inspection would be good.
- H. Neumann – when looking at a teardown and rebuild, even on the same footprint, he would consider it new construction. He does not like to see variances on new construction. The septic system could be a challenge that might have to be dealt with but the building and impervious coverage could be compliant. Ogle – 0.09 acre parcel is a total lot size of 3,727 sq. ft., which is not a big lot. Proposed house is 528 sq. ft., which is less than what is there now. With the size of the lot, it is inevitable there will be some variances as part of the request. Neumann questioned the house size. Smith – 767 sq. ft. with the garage. Ogle – 528 sq. ft. for the living area of the home.
- I. Mol – feels it would benefit the Board to visit the site. Agrees, with new construction there should not be a need for variances. This area would be very hard to do anything without a variance. The flooding is coming from the Mississippi River, which backs up into the lake and therefor fluctuates tremendously from spring to fall.
- J. Mol moved to continue the hearing to October 13, 2023, for a site inspection. Jones seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **PAMELA & GREGORY MATHESON** – New

LOCATION: 16083 62ND St NW – JOHNSON PARK 2ND ADDN LOT-005 BLOCK-006 in Section 32, Township 121, Range 28, Wright County, MN (W. Sylvia - Southside Twp.) Tax 217-029-006050.
Property Owners: Gregory S Matheson & Pamela Matheson

REQUEST: Variance as regulated in section 155.026, 155.049(F)(2), 155.049(C)(5), & 155.003(B)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a two-story detached garage with a tuck under that would be within the road setback and over the maximum sidewall height.

Present: Pamela and Greg Matheson

- A. Ogle – displayed the proposed site plan as we reviewed the details of the request. The 0.48 acre property is zoned Urban/Rural Transition (R1) and located on West Sylvia which is a general development lake in Southside Township. The existing building coverage is 7% and existing impervious surface coverage is 11.8%. There was a variance approval in 2022 for a two-story 32 ft. x 32 ft. detached garage with 18 ft. sidewalls that would be 32.1 ft. from the centerline of the road. It was conditioned that no water was allowed to the building and a stormwater management plan be submitted at the time of building permit application. This request is quite similar but with a few changes. The request is to construct a 30 ft. x 32 ft. detached garage with a tuck under that has a 20 ft. sidewall height and is 30 ft. from the centerline of 62nd St NW. A variance is required as the detached garage would be two-stories whereas only one-story is allowed for properties under 1.0 acre. A variance is also required as the proposed sidewall height is 20 ft. whereas 14 ft. is the maximum and the proposed distance to the centerline of the road is 30 ft. whereas 65 ft. is required. The Township approved of the request so the property owner would have space along the side of the garage to access the lakeshore area and a neighbor commented that they support the request.
- B. G. Matheson – contractor came out and provided recommendation to bring the garage back from the house to get drivable access to the lake. P. Matheson – retaining wall is already present and there would have been issues if they tried to straighten to the same angle as the house. Recommendation was tip towards the property line and changed location.
- C. No public comment.
- D. Mol – struggling with the request. Going 2 ft. higher and just approved in 2022 with 18 ft. height from grade, now wanting smaller building but 2 ft. from grade higher. This Board has been stringent on heights of buildings. P. Matheson – not sure why the height increased, they were under the impression that the building was just being moved at an angle and closer to road. Ogle – could be a difference in grade and more wall is showing. G. Matheson – shifted and shorted the building, not sure where the 2 ft. is coming from. Mol – at 20 ft. it could be setting a precedence. This is a small lake lot and a building this height could be an issue with others in the neighborhood asking for the same thing. Ogle – proposed plan shows more than 50% of the lowest floor showing, so ends up being classified as two-story and the sidewall height is measured from this area. P. Matheson

reiterated they are not sure where the 2 ft. came from as they only slightly changed the location and adjusted the length. The corner of the garage is now proposed at 2 ft. closer to the road.

- E. Vick – feels that grading is the problem and questioned the existing retaining wall. P. Matheson – wall by the road has been there for 60 years. The wall will stay and garage will go in that location, have been told nothing with change with the wall. Ogle – 2022 plan on display and reviewed the exposure of the building. Vick – would like to see less exposure. This will visually look like a very tall building. He had thought that after the last meeting the building was to be more of 1.5 stories. P. Matheson – with the entrance to the house they aren't able to add fill. The building is basically going into an existing hole. Next-door neighbor has a 2-story building. Ogle – contractor could work with the grading. The neighboring property is not considered 2-story due to less than 50 % exposure. P. Matheson – feels that filling in would cause drainage issue to the neighbors. Discussion continued around grading, retaining wall, and building plans. Ogle – the grading could be adjusted on this new plan and feels it could be the reason for the 2 ft. difference.
- F. Jones – appears the ground level changed, not the building. Questions would be how does the Board prevent the height becoming the norm for other requests or can the area be filled to get back to the 18 ft. height. P. Matheson – from the garage door towards the steps could be filled. Jones – moving in dirt in the corner, where the 20 ft. is, would that affect the doors? P. Matheson – if filled in the step from the house would be underground, this area is flat to their house. G. Matheson – adding fill would cause the area to be higher than the house.
- G. Ogle – at this point it might be a point for the contractor to address. The Board seems to have concerns with sidewall height and the contractor might be able to grade differently but keep the building plan the same.
- H. Mol – by shortening the garage by 2 ft. what will be improving from what was already approved? Where is the contractor coming from with the request to move location and shorten the 2 ft.? G. Matheson – ability to drive lakeside. Mol – what is the current space? G. Matheson – almost 6 ft. and will go to 10 ft. A truck would not be able to fit at the 6 ft. P. Matheson – understanding was that the area between the garage and house will be flat and ground level. Mol questioned where is the 2 ft. is being gained? P. Matheson – between the house steps and garage. G. Matheson – with the 2022 and 2023 site plan displayed location was reviewed. Explained that the by shifting the angle of garage there will be more distance between the buildings as well as shortened building by 2 ft. Mol – appears that nothing changed with the building plan, from what was previously approved, and the building is just being brought in by 2 ft. and shifted.
- I. Neumann – could condition that only 18 ft. be exposed and it would be up to the contractor and owner to figure out. Shifting seems like a self-created hardship. Does not see anything in the proposal that is a hardship because of what is existing. He struggles to see that this is a hardship that needs a variance.

- J. G. Matheson – agreeable to approving at 18 ft. and leaving it up to the contractor to address. P. Matheson – only wanted to be able to drive to lakeside if they need to address property repairs.
- K. Vick questioned if there was discussion on the location of the lakeside door. Ogle – condition as part of the 2022 request is the Board approved a 32 ft. x 32 ft. with 18 ft. sidewalls to be 14.8 ft. from right-of-way and that there is no water into the building and stormwater management plan included. There was nothing regarding doors in the approval. Recalls talk of the door and stairs during the meeting but nothing addressed in the motion. Vick – will a retaining wall be built by the stairs? P. Matheson – yes, on both sides. Vick questioned the area they are planning to use as passable to the lake. G. Matheson – pointed out the area on the site plan as between the house and proposed garage.
- L. Mol – in the past, on lakeshore properties, he was one to be sure to make sure there was enough space for lake access. He would look at this request as a correction on not catching this at the original request. For him this is no change and a condition could be added to keep the 18 ft. sidewalls. Previously he has had strong discussion with garages too close to property lines and no lake access. Can go along with this request with an 18 ft. sidewall as a correction to oversight.
- M. Ogle – if Board is going to approve the prior conditions should stay as part of this motion.
- N. Mol moved to approve the request to construct a 30 ft. x 32 ft. (960 sq. ft.) detached garage with a tuck-under (two-story) that is 30 ft. from the centerline of the road (62nd St. NW) with plans noted as Exhibit “A”. CONDITIONED that the sidewall height does not exceed 18 ft., no water is allowed to the building, and a stormwater management plan be submitted at the time of building permit application. Seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

6. **TOM IGOU** – New

LOCATION: 10591 Montgomery Avenue NW – A tract of land lying in Lot “A” of Gov’t Lot 2, Section 12, Township 121, Range 28, Wright County, Minnesota. (Clearwater Lake – Southside Twp.)
Tax #217-000-121306 Property owner: Deena M Igou Tr

REQUEST: Variance as regulated in section 155.026 and 155.057(E)(1) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow expansion of a non-conforming structure for the conversion of an existing deck to a 3-season porch.

Present: Tom Igou

- A. Ogle – site plan displayed while request was reviewed. The 0.34 acre property is zoned Urban/Rural Transition and located on Clearwater Lake which is a general development lake in Southside Township. Existing building coverage is 10.3% and existing impervious surface percentage is 33.1%. In 2012 a variance was granted to add a 13 ft. x 36 ft. 3-season porch above the existing cabin/foundation and an 11 ft. x 36 ft. deck. The request is to construct a 10 ft. x 32 ft. 3-season porch and a 5 ft. x 10 ft. covered porch over the existing deck that is 64.7 ft. from the Ordinary High-Water of the lake. A variance is required to covert the existing deck which is 64.7 ft. from the OHW of Clearwater Lake whereas 75 ft. is required. The Township approved of the request as there is no additional impervious surface coverage and the new porch will not encroach on the lake any further.
- B. Igou stated they want to enlarge the 3 season porch for growing family.
- C. No comment from the public.
- D. Vick questioned current impervious coverage. Ogle – 33.1 %, will stay the same because of what is existing and presented. Vick – would like to see the impervious lowered. Igou – could take out some pavers that are next to the east side of garage. Between the shed and road used to be grass and he could easily make the gravel area smaller. Vick – if removing the deck will there be a future request for a deck. Igou – they don’t use the deck and why they want to do the porch. Ogle – to obtain 25 % impervious would be a reduction of total impervious by 1,192 sq. ft. Vick – would like to see an effort to get to that point. The site plan details were reviewed and discussed with Ogle stating it is not for this Board or staff to decide what is removed.
- E. Jones – at the 25 % impervious coverage he could go along with the request. Igou questioned the requirements with what he mentioned he could remove. Ogle explained the existing gravel driveway or pavers if removed would need to be replaced with grass, garden, or another permeable surface. Igou indicated he understood.
- F. Mol – in looking at the plans this feels like a lakeside addition. The request is for a 3-season porch but with the building materials being used he sees this moving into a year round use. There is a great big open space that from a few years now someone will want to enclose to become part of the home.

In the past he has not been in favor of lakeside additions and this is what he sees this request being. Igou – does not live at the home. Mol – if sold it does not mean the next owner won't. Igou – would be happy to change building materials if that is an issue. Wanted to use 2 x 6 to allow longer use in the spring and fall. Mol – not specifying how to build but to him the plans look like a lakeside addition.

- G. Neumann – shares the opinion of member Mol. He is the newest member on the Board and he has seen a deck go to 3-season then into a fully functioning addition. Agrees, this is not just a screen porch but it is a 3-season porch that will turn into a 4-season porch. It might not happen until years down the road with a different owner. Would not allow an addition to be less than 65 ft. from the lake and 3-season porches should meet the setbacks.
- H. Vick – according to floor plans it does not appear that the area will be usable in winter. Igou – explained the construction of his current deck and that underneath is already finished. Vick – could a condition be added not allowing any addition after this? Does not feel this would be used as 4-season. Mol – recently at a site inspection that was a 3-season porch located right next to the lake and it was clearly visible the area was not being used as a 3-season porch. This request is an expansion lakeside, if it was an expansion on the side or roadside the conversation would be different. Challenge has been that these cabins were built in the 40-50's on small lots to be used on the weekends. More and more requests come through expanding on these buildings and small lots. Vick – does like that there is no increase in impervious.
- I. Neumann stated there are only 4 of the 5 members present to vote, need 3 of the 4 to pass. What he has heard he is not sure if the request will pass. If the applicant wants to move forward with a vote that is an option. There is also the opportunity to withdraw the request or continue to the next meeting and try for a full board vote. Igou – could continue until next meeting and address impervious by the next meeting. Neumann feels this Board would require getting to 25%. Ogle – if continued it would not be a bad idea to show on the plan what can be removed to get to the 25% but it doesn't necessarily need to be removed before. Igou requested item be continued.
- J. Mol moved to continue the hearing to October 13, 2023, at the request of the applicant. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

7. **JAMES LATOUR** – New

LOCATION: 13841 102ND St NW – Lot 13, Block 2, and part of Lot 12, Block 2, Spring Park according to plat of record, Section 11, Township 121, Range 28, Wright County, Minnesota. (Lake Augusta – Southside Twp.) Tax #217-054-002130 Property Owner: LATROUR LIVTR

REQUEST: Variance as regulated in section 155.003(B)(1), 155.026, 155.049(C)(5), 155.049(F)(2) & 155.057(E)(1) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a 1,260 sq. ft. accessory building to be 32 ft. from the centerline of a township road and 43.7 ft. from Lake Augusta.

Present: James Latour

- A. Ogle displayed the site plan, property details and reviewed the request. The 0.32 acre property is zoned Urban/Rural Transition and located on Lake Augusta which is a recreational development lake in Southside Township. The request is to construct a 30 ft. x 42 ft. storage building 43.7 ft. from the Ordinary High-Water of the lake and 32 ft. from the centerline of the road. A variance is required as the proposed accessory building exceeds the 800 sq. ft. single structure maximum size and 1,000 sq. ft. in total detached building area is allowed. The proposed building would be less than the required 65 ft. from the centerline of the road and less than the required 100 ft. from a recreational development lake. The Township approved of the request because the existing cabin is at the same setback and the lot coverage is at 20.1 % which is under the 25% allowed. Neighbors have concerns with the size of the building relative to the lot size, amount of fill needed to obtain required elevation due to floodplain, and possible drainage problems for neighboring properties/road. Ceil Strauss with the MN DNR is comfortable saying the proposed garage area will be outside of the future floodway so the state minimum regulatory flood protection elevation would be 998.5 ft. using the NAVD88 datum. Ceil said the structures floor would either need to be 998.5 ft. in the NAVD88 datum, or if it is less than 500 sq. ft. could be wet floodproof up to the regulatory flood protection elevation.
- B. Latour – recently purchased the property. Existing cabin is very tiny and will be seasonal. Would like to have a building for storage of boat, ATV, toys, and other items.
- C. Public comment opened.
- Duane Kassulker – owns the property to the east. Both properties are in the flood zone and almost lay level with the lake. With this shed going up, and raising high enough, he feels there will be more water coming his direction. On the east side of this cabin the water runs along his driveway to the lake. Where the proposed shed will be located is the existing septic system. The septic system, as he understands, will be moved to the front of the cabin and near the road. This area is also low and the water runs along the side of the cabin and along his driveway. Biggest concern is the water flow and what the procedure is to stop the water from this shed coming towards his property. He does have printed pictures from the flood in 2011 as well as phone photos of the flood that occurred this past spring. Latour stated a permit for the septic system has already been issued. Using the document camera Kassulker

- explained photos of the flooding. In 2011 water did come right up to the cabin but did not get into the building. Concern is that the water and flooding that happens on a regular basis.
- D. Latour – agrees that the property and area does see flooding and 2011 was a big flood. He has plowed the area for years and is familiar with what the water levels can be. Plan is to bring in fill but feels the work he plans to do will not contribute to water issues that are caused by mother nature.
- E. Jones – looking at water levels but also understands flooding somewhat out of anyone’s control. Addressing the building, the lot coverage is under the maximum allowed and building will be in the existing location. He does not have a problem with the request.
- F. Mol – challenged by the size of the shed. This is a small lot with small cabins in the area and this would be a very large shed. Questioned if there is a way to get down to 800 sq. ft. Has not heard that water will be coming from the building but is more of the lake fluctuating. Landscaping and water management can be addressed but the size of the shed is a concern. Would like to see the building within requirement of 800 sq. ft.
- G. Vick – does agree that the size is an issue. If brought down the setbacks would improve. Noticed a full bathroom in the plans and wonders if that is an issue. Ogle – without a variance, a detached storage building would be allowed 3 plumbing fixtures but with a variance request the Board can place reasonable conditions. Vick questioned the proposed elevation. Ogle – needs to be 998.5 ft. using the NAVD88 datum. Elevations show that a few feet will need to be added. Vick – appears existing cabin is 994 ft. and this building would need to be 998.5 ft. The bathroom is a concern with people sleeping in the building when it is not allowed. Would like to see the shed at 800 sq. ft., the area doesn’t seem to have big buildings and small size would better fit setbacks.
- H. Mol – looking at the lot size and other building there really is not room for any other location. Does not like new construction this close to the lake but if brought down to 800 ft. and moved back some from the lake he could agree with the request.
- I. Latour – building size is mentioned as a concern but another request today was much larger and approved. Ogle – the size of an allowed building is dependent on lot size and zoning district. In this case the limit of a single structure is 800 sq. ft.
- J. Vick feels the setbacks would improve with a smaller building. Latour questioned if the Board would consider a 26 ft. x 40 ft. (1,040 sq. ft.) building. Vick – would like to see the building setback more off the lake. This Board likes to see at least 65 ft. Latour – part of the problem is the way the lots were created years ago. Vick – would like to see more along the lines of 28 ft. x 30 ft. with Latour coming back with a suggested size of 26 ft. x 38 ft., which is 988 sq. ft. and would allow room for his pontoon.
- K. Neumann questioned the size of the cabin. Ogle – roughly 717 sq. ft. Neumann – the request is for a shed almost twice the size of the cabin. Any shed size variance request he has a hard time seeing a

hardship. A desire to store a pontoon is a desire, not a hardship. There are multiple places to store a boat for many years compared to the cost to build a shed. The aesthetics of the neighborhood is also looked at and it appears no one up and down the road has a shed the size of the request. He feels an 800 sq. ft. shed should be built. The amount of fill was questioned with Latour replying 4 ft. on one end of the building. There have been many times this Board has cut down building sizes because they were too close to a wetland or lake. For him a stormwater management plan would be a must with requirement that water stay on the property and not affect neighbors. Latour – does not feel there is a big issue with water, other than when the lake floods. Neumann – stormwater plan would manage rainwater. Proposed at 30 ft. x 42 ft. is what this Board is being asked to either approve, disapprove, or continue for revision of plans. Latour asked if there was possibility to make a decision today with adjustments. Mol – feels it is best to ask for continuation to see a building at 800 sq. ft. and what setbacks from lake and road would be as well as have a chance to review a stormwater plan and ensure with the Township if the building is okay if moved more into the roadway. Latour – moving more towards the road is a tree.

- L. Vick – would like to see 65 ft. from the lake. Questioned if the bathroom is a necessity. Latour stated that yes, they have 5 grandkids and would like the bathroom to stay. Vick – concern is area turning into living space and sleeping area but not meeting building code for that use and being a safety concern. Latour stated he understood an accessory building can have a bathroom. Ogle – confirmed and explained that the Board is allowed to put a reasonable condition on a variance. Vick – due to chance of flooding is a concern for him with a bathroom. Latour feels the holding tank is gravity fed and it should not be an issue. Vick – still concerned with bathroom in building and becoming living and sleeping quarters.
- M. Neumann with the proposal of 30 ft. x 42 ft., he does not see 3 of the 4 voting approval. Latour asked for continuation.
- N. Vick moved to continue the hearing to October 13, 2023, at the request of the applicant. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

8. **SCOTT & SARAH AUBITZ** – New

LOCATION: xxxx Quinlar Ave NW – Part of Gov't Lot 2, Section 05, Township 120, Range 28, Wright County, Minnesota. (W. Sylvia – French Lake Twp.) Tax #209-013-001020 Property Owner: John M Bishop

REQUEST: Variance as regulated in section 155.026, 155.049(C)(5), 155.057(E)(1)(1) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a new single family home that is at the edge of a bluff and in the toe of bluff as well as the construction of an accessory building that would exceed the maximum allowed for a single structure.

Present: Sarah Aubitz, Bernie Miller with MSTs

- A. Ogle reviewed the proposed request while site plan was on display. The 3.14 acre property is zoned Urban/Rural Transition and located on West Sylvia which is a general development lake in French Lake Township. The request is to construct a single-family home that is located within the bluff and a 2,341 sq. ft. detached storage building that is located within the bluff. A variance is needed as the proposed dwelling would not meet the required setbacks of the bluff. The proposed accessory structure is also over the 2,000 sq. ft. maximum single structure size based on the parcel size and zoning district. Unless the applicant has additional details, they are waiting on response from the Township. S. Aubitz – provided Township response to Ogle. Ogle – Township responded they disapprove of the request because of the complete lack of space between the bluff variances with added comment that the Board is sympathetic to owner but not in favor of setting a precedence. Ogle displayed and reviewed a drawing he created that shows area of bluff, impact area, and buildings.
- B. S. Aubitz – dad purchased property when she was a child and at that time it was 2 parcels, one a backlot and one a lake lot. In 1991 rezoned to be two side by side lots with intention to build on both, even had approval of house and septic. Now is wanting to move back to the area and have a place for her family. The 2 lots were never developed so her proposal is to pull together the lots and build a multi-generational home. As a single lot there are quite a few constraints. Most of the lot is a bluff, bluff setback, or lake setback. As a multi-generational dwelling it is their interest to protect the integrity of the bluff and lake long term. There are quite a few large old trees on the property they want to protect. When looking at the home location they landed on the current natural opening where there was a previous structure and really is the only place flat with no trees. Hired several professionals to come up with a plan that addressed as many constraints as they could. Did look at pushing the home back, out of the setback of the lower bluff area, but there was a lot of disruption to the upper portion of the bluff and they were not able to use the current driveway. This disturbance would also cause the removal of more trees than they would like. Moving the home north there was no way to get out of the bluff setback. Goal is to keep integrity of the bluff but also the character of the lot with the mature trees. There were not a lot of place to locate the home without causing other issues. Backwater Reflections is working on a landscape plan with intention to keep natural.
- C. Ogle – displayed the proposed plan with the bluff area pointed out and reviewed. An approximate location, outside the bluff area, of similar size home was included in what Ogle displayed. It was

noted that on the landscape plan there was considerable area near the lake that would possibly be removed or has been clearcut. Technically, cannot clearcut in bluff or shore impact zone. Access with select removal of trees is allowed. S. Aubitz – no plan to remove trees inside the bluff for the landscape plan. There was already a clearing present.

D. B. Miller – site plan shows natural driveway to the proposed house and an existing driveway to the north, towards the proposed shed. This lot was basically 2 lots with the majority of the southern lot bluff. Initially had conversations and worked through house plans to find an area where the house could go with minimal bluff disturbance and variances. Feels it is hard to see on a flat sheet of paper and would suggest that a person see the site to understand. Recognizes there are items that could be done to improve the plan but every change affects another aspect. Mr. Miller provided the Board and displayed a “Bluff Exhibit” that he created and reviewed. The total acreage of the lot is 3.14 acres with 2.12 acres within bluff and 1.02 acres outside. Buildable area, that includes bluff, lake and side yard setbacks is 11,779 sq. ft. in the north area and 8,721 sq. ft. in the southern area. Total buildable area is 0.47 acres. Proposed setback encroachment was reviewed, which shows areas of the proposed building meeting or not meeting setbacks. Mr. Miller went on to state that the MN DNR has a vague definition of a bluff and this has been brought up to this Board in the past. The definition says nothing about multiple bluffs in a bluff system. The County states there can be multiple bluffs and that each has a 30 ft. setback. Believes the DNR and County would argue what the State definition states. They would like to work with the Board and not create an issue for the area. In the end he feels that it would be a good idea for the Board to visit the site.

E. Public comment opened.

- John Bishop – owner – Does not feel it was clearcut, there was a path that was full of buck weed that he had cleaned up. Purchased in 1981 and was split in the back of the current lot. At that time the county was dead-set on any 2nd tier development so he went through the process to split as 2 buildable lots vertically. He was not aware they were not buildable lots or a bluff existed until now. Feels he has been paying taxes for 30 years on two buildable lots.

F. Mol – clearly challenges with bluffs and slopes. With so many challenges he would like to visit the site.

G. Vick agreed, this would be a site to visit.

H. Jones stated he agrees with a site visit but questioned the size of the house. Ogle – house is proposed at 3,648 sq. ft. not including detached shed that is also part of the variance. Jones – none of those buildings can fit into those areas that meet setbacks? S. Aubitz – issue was when finding location several large oak trees would have to be removed and there is a natural open flat area that could be utilized with a goal to protect the bluff and trees. Jones – quite a bit of lot would need to be cleared for buildings. Miller – trees are one thing but looking at the big picture sometimes causes issues elsewhere. There is a spot that looks like a great place to build but there are other requirements and

features to consider. This project needed a starting point to bring to the Board and that is where we are with and with an understanding there might be some adjustments. Jones stated he would like a site visit.

- I. Neumann – looks at trees as a 100 year event with no significance. There is over 8,000 sq. ft. of potential buildable area and this is new construction. There should be an area where trees can be removed to make the home fit. Feels there are lots of options on this site, not limited options. Same goes for the shed, why is there a need for a 2,300 sq. ft. building. S. Aubitz stated they could work with the 2,000 sq. ft. building. Neumann – sounds like a site visit is wanted by the Board.
- J. Moved to continue the hearing to October 13, 2023, for a site visit. Jones seconded the motion.

VOTE: CARRIED UNANIMOUSLY

9. **HARLAN POPPLER** – New

LOCATION: 5956 Gowan Avenue SW – Part of SW ¼ of SW ¼, Section 31, Township 119, Range 26, Wright County, Minnesota. (Little Waverly/12 Mile Creek - Marysville Twp.) Tax #211-000-313300
Property Owner: Roy H. Marschall & Danita M. Marschall

REQUEST: Variance as regulated in section 155.026 & 152.027 (A)(1)(b) Chapter 155 and 152, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to build a liquid manure storage area 96 ft. from the north property line.

Present: Harlan Poppler

- A. Ogle displayed the aerial photo and site plan. The 36.86 acre property in Marysville Township is zoned General Agriculture and located within shoreland jurisdiction of Little Waverly Lake which is classified as a recreational development lake and Twelve Mile Creek which is classified as an agricultural tributary stream. In 2006 a variance to the Wright County Feedlot Ordinance was granted to build a new barn less than 100 ft. from the centerline of the Township road. In 2018 a Conditional Use Permit for a feedlot consisting of 790 animal units that included the expansion of a feedlot within 1000 ft. from a neighboring home was granted. In 2023 the Planning Commission extended a deadline for the manure storage area with the conditions the area is designed and approved by 12/1/2023, constructed by 12/1/2024, and all other conditions from the 2018 approval in full force and effect. This request is to construct a manure lagoon 96.57 ft. from the north property line whereas 200 ft. is required. The Township approved of the request.
- B. Poppler – has been told by the Lake Association this lagoon is needed or he will be required to depopulate his herd. The lagoon meets all lake and creek setbacks but he does need a variance from the north property line, which that neighbor has no issues. He is ready to get this project completed this fall. The Natural Resources Conservation Service (NRCS) did deny his funding, stating his operation was not a pollution risk.
- C. Public comment opened.
- Sheila Mattson – neighbor directly east – purchased the property less than 3 years ago and really has not been part of the Lake Association controversy. Concern is the creek that runs through both her property and Mr. Poppler's. They have noticed manure in the creek. She would like to see everyone work together to protect the creek and prevent manure from entering the creek than making it to the lake. In the approved CUP condition #24 did mention the applicant is not permitted to place animals in the lower barn, next to 12 Mile Creek, or allow lower pasture area to be converted into the feedlot. He does not allow animals in the barn but there are animals in the lower area that walk over the creek. They would like to know how the additional pit will be better environmentally. No problem with Mr. Poppler and his communication or operation but would like to make sure manure is not getting into the creek. He appears to be complying with the requirements but feels there are things being missed. Using her phone Ms. Mattson displayed and reviewed photos of the creek with what

- she believes is foamy manure. Stating concern that another manure pit and doubling the herd will cause manure in the creek to be a worse problem. Grew up on a farm, no problem with dairy farming, but wanting to make sure the bigger picture is thought of.
- D. Ogle – in speaking with Tracy Janikula, Feedlot Administrator, the reason for a variance is to close to the north property line. No issues with setback to stream or lake.
- E. Poppler – invited any of the Lake Association to come to the farm and inspect. Purchased the property in 2003 and were told the milk house wastewater was supposed to be going to the lagoon. He discovered that winter the water was not going to the lagoon so that spring he correctly diverted the water to the lagoon. The Lake Association has constantly been after his operation. Has every right to have cattle in the pasture, this has come up every time he comes before a board. Has no idea where the manure in the creek would come from. In middle of winter, he emptied the lagoon and injected the waste into the fields. If we truly want to clean up the lake the bigger picture should be looked at, not just his farm. The Natural Resources Conservation Service (NRCS) denied funding because they didn't find an issue or problem and he is not required by NRCS to install a lagoon. The NRCS feels with the existing engineered lagoon and manure management plan the operation is not a pollution problem. The Lake Association is the one that feels all of that is not enough. He is here looking for a variance to the north property line so that he can finish up what is being asked of him. With this new lagoon he will go from ability to store 2.4 million gallons to just about 10 million gallons.
- F. Vick questioned if there will be 2 lagoons. Poppler – yes, when one lagoon gets to a certain level, he will move manure into the top lagoon. Operation produces roughly 6 million gallons of manure a year. The top lagoon holds 7.2 million gallons. This 2nd lagoon will allow him to have some extra room for storage in the event that he cannot spread the manure. Vick – asked around the area and received great responses about the operation and there wasn't concern that issues wouldn't be addressed. He is in agreement with the request.
- G. Jones stated that his questions were answered and feels that all concerns or issues are being covered.
- H. Mol – on the Planning Commission and is well aware of this site's history and has visited the operation. This is a request for a 100 ft. variance. Regarding pollution to the creek, he feels this will help correct any issues. Planning Commission did put in requirements for the storage to address weather events on top of quite a lot of conditions to follow and abide by. As far as the setback goes, this is from a field with the landowner stating he has no problem with the setback. Personally, has no problems with the request.
- I. Neumann – shadows comments from member Mol. Would think the Lake Association would be thrilled more storage is being added. Here today to decide if 100 ft. is reasonable versus the 200 ft. that is required. The neighbor is okay with the distance, it is farm field with no one else to the north for quite some distance. Poppler – father-in-law owns to the north. There is concern of cows in the

pasture but future plans are to get all the cows under a roof where manure will run into the lagoon basin.

- J. Mol moved to approve the request for a manure lagoon 96.57 ft. from the north property line. Site plan noted as Exhibit "A". Seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTION

Board scheduled Monday, October 9th at 8:30 a.m. for site inspection.

Meeting adjourned at 11:45 a.m.

Respectfully submitted,

Aaron D. Ogle
Planning & Zoning Planner

AO:sld
Cc: Board of Adjustment
Applicants/Owners
Twp. Clerks