

WRIGHT COUNTY BOARD OF ADJUSTMENT
Meeting of: November 3, 2023
MINUTES

The Wright County Board of Adjustment met on Friday, November 3, 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, and Bob Neumann. Absent: Paul Aarestad. Representing the Planning & Zoning Office was Aaron Ogle, Planner. Greg Kryzer, Assistant County Attorney, legal counsel. Barry Rhineberger, Planning & Zoning Office Zoning Administrator, was present.

ACTION ON MINUTES FOR THE OCTOBER 13, 2023, MEETING

On a motion by Mol, seconded by Jones, all voted to approve the minutes for the October 13, 2023, meeting as printed.

1. **JACOB SAUFLEY** - Cont. 10/13

LOCATION: 10860 Carling Ave SE – SW 1/4 of SE 1/4 and the SE 1/4 of the SW 1/4, Section 28, Township 118, Range 25, Wright County, Minnesota. (Unnamed NE Lake – Franklin Twp.) Tax #208-200-283400 Property Owner: Walsh Properties LLC

Requests an appeal as regulated in section 155.026 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances of the Zoning Administrators determination of a Nonconforming Use.

No representative present

- A. Ogle – request was to appeal the Zoning Administrators determination of a nonconforming use. At the October 13, 2022, meeting the Board closed the public hearing and continued the request to the November 3rd meeting to allow staff time to prepare findings consistent with Boards discussion.
- B. Kryzer – per the Boards directive staff drafted a notice and order affirming the Zoning Administrators opinion, that order has been distributed to the Board for review. Feels that the order drafted and presented accurately reflects the opinions and statements of this Board and correctly identifies the thoughts on this matter. Matter was closed to public hearing at the last meeting so no further oral or written comment will be accepted.
- C. Neumann called for a motion.
- D. Vick moved to adopt the findings, as presented. Jones seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Kryzer noted the applicant and Mr. Walsh are not present. Staff will mail a copy of the findings.

2. **KYLE ANDERSON and others for the neighborhood community** - Cont. 10/13

LOCATION: 5026 105th St SE – PRT OF W190FT OF TH PRT OF S 20 ACRES OF NW1/4 LY N OF S198 FT, Section 28, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-200-252302 Property Owner: JKP Properties LLC

Requests an appeal as regulated in section 155.026 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

No representative present.

- A. Ogle – request was to appeal the Zoning Administrators determination for reasonable accommodations based on the application materials submitted by Step Up House. The Board closed the public hearing and continued the request from the October 13, 2023, meeting to the November 3, 2023, meeting so that staff could prepare findings consistent with the discussion.
- B. Kryzer – per the Boards directive staff drafted a notice and order affirming the Zoning Administrators opinion. Matter was closed to public hearing at the last meeting so no further oral or written comment will be accepted. He feels the drafted order accurately reflects the opinions and statements of this Board and correctly identifies the thoughts on this matter.
- C. Mol moved to accept the findings, as presented. Motion seconded by Jones.

DISCUSSOIN: Vick asked that the matter be postponed for a site inspection. Feels the matter was rushed and it would be a disservice if pushed through. Familiar with the area and feels it would be good for the Board to see how close these houses are to each other. Continuation will also allow for staff to review and possibly implement setback rules. Agrees with the findings but thinks the County is looking for trouble with opportunity for developers to build 8 bedroom homes and allow 17 people residence. If this Board holds off the County can revisit easier and his feeling is things can be addressed to provide a safer environment. Mol – understands what Vick is asking for but what is in front of the Board needs a decision. Agrees, going forward the ordinance does need to be looked at and there are possibly additional requirements that could be added. Very much agree with statements made by member Vick but looking at what the Administrator had to work with and what the findings describe, he feels this Board needs to move forward with a vote. His thought is that what is presented today and the laws the Administrator referenced are what needs to be used for the decision. Vick stated the findings appear correct and the Zoning Administrator does follow the rules but his concern is if by allowing the situation it will be 'grandfathered' and a can of worms opened for the County.

Neumann called for a vote.

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

Kryzer noted the applicant or representative is not present. Staff will mail a copy of the findings.

3. **SCOTT & SARAH AUBITZ** – Cont. 9/15 & 10/13

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

Requests a 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.

No representative present.

- A. Ogle stated the applicant is requesting to withdraw their request without prejudice.
- B. Mol moved to dismiss the request without prejudice at the request of the applicant. Seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

4. **CHRISTOPHER TACL** – New

LOCATION: 17687 54TH St NW – Rustic Ride Lot 21 & 22 of Section 06, Township 120, Range 28, Wright County, Minnesota. (Francis – French Lake Twp.) Tax #209-025-000210 & -000220 Property Owner: Christopher M Tacl & Karen B Tacl

Requests a variance as regulated in section 155.026, 155.049(F)(3), and 155.057(E)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an addition and a deck to the existing home which is within the side yard and shoreland building setback.

Present: Chris Tacl

- A. Ogle displayed the proposed plan details and reviewed the request. The 0.93 acre property is located on Lake Francis, which is a General Development lake. The existing building coverage is 6% with the proposal up to 7%. The existing impervious surface coverage is 17% with the proposal lowering that coverage to 16%. The request is to construct a 23 ft. x 26 ft. (452 sq. ft.) addition and a 410 sq. ft. deck to the existing home. A variance is required as the existing home is 12.5 ft. from the west side yard whereas 15 ft. is required. The proposed deck is 70.9 ft. from the Ordinary High-Water of the lake whereas 75 ft. is required. A neighbor supports the request and we are waiting on the Township response.
- B. Tacl stated he did meet with the Township and continued on to read the Township response, which was in approval of the request and provided to staff.
- C. No public comment.
- D. Vick questioned if addition is going towards the lake. Would like to see area of deck reduced to more of a catwalk. Tacl – no closer to the lake, just extending out deck in one area.
- E. Mol asked if the existing deck will remain. Tacl – not removing, just extending out. Mol – at 68.8 ft. with existing deck and new area being another 1 ft. back. Questioned how far back the east edge of new deck would be from lake. Tacl – angles so probably another 1 ft. Mol – further from the lake than existing. No problem with proposed because it is further from lake and going to the east. The 12.5 ft. side yard setback is an existing area. With what is proposed and Township approval he can go along with the request, as no closer to the lake.
- F. Jones – agree with member Mol.
- G. Neumann stated his questions were addressed by the other members.
- H. Mol moved to approve the plans on file for an addition and deck to be no closer than 70.9 ft. from the lake. It was noted that site plan be Exhibit "A" and building plans Exhibit "B". Motion seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

5. **JOHN GRABER** – New

LOCATION: 6416 Quinn Ave NW – Lot 7, Sylvan Shore on Lake Sylvia of Section 32, Township 121, Range 28, Wright County, Minnesota. (W. Sylvia – Southside Twp.) Tax #217-058-000070 Property Owner: Susan J Graber Revtr

Requests a variance as regulated in section 155.026 and 155.057(E)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a single-family dwelling within a bluff.

Present: Elizabeth Graber-Bentley, daughter of applicant.

- A. Ogle displayed the proposed plan and discussed details of the request. Property is 0.66 acres and located on West Sylvia, which is a General Development lake. The existing building coverage is 3% with proposal bringing that to 4%. The existing impervious surface coverage is 15% and proposed is 16.6%. The request is to remove the existing dwelling and construct a new single-family dwelling that is located within a bluff. A variance is required as the building setback from the top of a bluff is 30 ft. Township disapproves due to the square footage expansion into the bluff. There was mention by Supervisor Ferguson that they could keep the same footprint and build up.
- B. Graber-Bentley – parents have owned the property for years and are looking to replace the current cabin. Cost to repair the current cabin would exceed the value of the home, so plan is to rebuild in same location. Building site plan was displayed and reviewed. They worked hard on a plan that would respect the land and meet all other setbacks. Late in the design they realized the bluff was an issue. If the house is pushed back a large amount of trees would need to come down, which is currently a nice buffer. The proposed home is setback from the steepest parts of the bluff. She encouraged the members to visit the site and see for themselves that the home should stay where it currently exists.
- C. No public comment.
- D. Mol – reading the Township response, reviewing the plans, and seeing the topography of the land he would agree a site visit would be helpful. This Board has witnessed sites that in theory meet the definition of a bluff but at the site there is more of a gradual slope.
- E. Jones – agree, would like to look at the site. Vick – agree, a site visit would be nice.
- F. Neumann – new house would be 44% larger than what is there. Would this be a replacement or a brand new plan? Mol – would look at it as brand new plan. Neumann – square footage is modest but still 44% larger. Questioned how close the top of the bluff is the home? Ogle – used the site plan and explained the location of the approximate bluff line and noted that almost everything, except the north corner, will be within the bluff. Neumann – moving outside bluff line would put close to the road. Graber-Bentley – back towards the road is full mature tree growth with a small gravel driveway. The neighboring houses are already closer to the lake. At the site she feels the Board will see the house is quite setback from the lake, other homes, and the greatest slope. Moving it back would leave a hole where the current home is located. It is very important to her family to keep the home modest and fit the landscape with low impact on the environment.
- G. Motion made by Mol to continue to the December 8, 2023, meeting to allow time for a site inspection. Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

6. **JULIE WRIGHT** – New

LOCATION: 5014 Hart Ave NW & 5000 Hart Ave NW – S 20RDS 12FT OF E41 RDS 10.5FT OF SE1/4 of Section 02, Part of the E 1/2 of the NE 1/4 of Section 11, and the NW 1/4 of the NW 1/4 of Section 12 all in Township 120, Range 27, Wright County, Minnesota. (Albion Twp.) Tax #201-000-024400, -111101, -122201, -122200, -111100 Property Owner: Donna J Carlson, Robert Michael Glen Carlson Julie Wright, Reese J Lang & Kara J Lang.

Requests a lot line adjustment and variance as regulated in section 155.026 & 155.003(B)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to adjust existing lot lines. By adjusting existing lot lines, the total accessory building area will be exceeded for one of the properties.

Present: Julie Wright

- A. Ogle displayed Beacon aerial of existing property lines as well as proposed and reviewed the request. The request is to adjust the lot lines between parcels located in Albion Township. Parcel 201-000-02400 is currently 5.4 acres, 201-000-111101 & 201-000-122201 together are 4 acres, and parcel 201-000-122200 is 37.6 acres. The request is to attach parcel 201-000-111101 to 201-000-024400 and attach parcel 201-000-122201 to 20-000-122200. A variance is required as the maximum allowed total detached building area for a parcel 5.0 to 9.99 acres is 4,000 sq. ft. whereas if parcels 201-000-111101 and 201-000-024400 were attached the total acreage would be 7.39 with approximately 5,728 sq. ft. of detached building area. The Township did approve of the request as parcel 201-000-024400 has a septic easement on parcel 201-000-111101 and they are acceptable to an animal unit restriction.
- B. Wright – hardship of her septic system located on the adjacent property. Plan is to buy the 2 acres so she will own the site of septic system and be out from under an easement.
- C. No public comment.
- D. Jones – likes what is presented. Wright – the plan helps Mr. Lang access his field as the current owner of -122201 does not allow him to drive on their property. All of the buildings are the original Bullock Farm buildings. Jones stated he has no problem with the request.
- E. Vick questioned how the field for parcel 201-000-111100 will be accessed. Wright – with Beacon displayed explained currently accessed off of 50th Street through 201-000-122200, that will not change. Same owner will continue to own -122200 & -111100, this does not change that.
- F. Mol – concerned with oversize buildings but the explanation of an old farm site eased his concern. This was probably an old farm divided years ago and is now going back to more of how it originally stood. Questioned restricted parcels and entitlement status. Ogle – there is an entitlement on combined -111101 and -122201 that will stay with -122201 and -122200. Mol questioned if parcels can be required to be combined with Ogle explaining -111101 and -024400 are in different Sections, so those cannot be combined to a single parcel number but the Administrative Order would require they stay owned in common. Parcel -122201 and -122200 in theory could be combined. Mol – the site is an old farm site so there being an overage in building size makes sense. He sees this request as putting back together a farm site and addressing a septic system easement.

- G. Neumann questioned if existing buildings will be removed. Wright – no plans to remove buildings, the barn is an old dairy barn and the existing shed on -111101 will stay. Neumann asked if -111101 could be enlarged to grab additional acreage so that the parcel is in compliance with buildings. Wright – not sure if the owner would want to sell more land. Neumann – there are two ways to bring into compliance, larger parcel or buildings come down. Ogle – the Board could add a condition regarding the 4,000 sq. ft. limit and coming into compliance before any new building or expansion is allowed. Neumann – okay with animal unit and building conditions added. Mol – agrees, coming up with an additional 2.5 acres would put the parcel in compliance. Ogle – using Beacon it was shown a field access would be right in the area in question. Wright questioned if the building restriction would affect what she does with the home. Ogle – no, nothing attached to the home would be affected. Mol – option is to move forward with a vote or go back to the property owner and talk about acquiring additional land. Wright stated she would like to move forward with what is presented as she is not interested in 10 acres.
- H. Mol moved to approve the request, as presented, to attach parcel 201-000-111101 to parcel 201-000-024400 and attach parcel 201-000-122201 to parcel 201-000-122200. It was **CONDITIONED** that no additional outbuildings would be allowed until detached building area is brought back into compliance. Subject to survey, Administrative Order, and/or any other applicable documents. Motion seconded by Vick.

DISCUSSION: Ogle asked if the Commission wanted to address the Animal Units.

Mol motion to amend his motion with Vick agreeing that a condition be added that the property consisting of parcels 201-000-111101 & 201-000-024400 would be allowed 0.5 Animal Unit per acre.

DISCUSSION: Rhineberger, Zoning Administrator, asked for clarification that no further accessory buildings should be refined if the barn is going to be allowed to be replaced. Mol – intention in motion is yes, the barn can be replaced but no more expansion or new buildings. This is an old farm site and it would be a travesty if they were not able to rebuild the barn, no matter the reason it came down. Vick – agree, but also believes that it could be replaced if damaged by storm but not if they choose to replace as that is a want and should be brought into compliance.

Mol motioned to amend the condition to read that no additional outbuildings would be allowed until detached building area is brought back into compliance but would be allowed to replace existing buildings. Vick seconded the amendment.

VOTE: CARRIED UNANIMOUSLY

7. **SHEILA SMUDE** – New

LOCATION: 625 25TH St NW – part of the SW 1/4 in Section 24, Township 120, Range 26, Wright County, Minnesota. (Unnamed Lake - Chatham Twp.) Tax #203-000-243200 Property Owner: DUANE B OTNESS TR

Requests a variance as regulated in Section 155.026 and 155.048(G)(4) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to create a “1 per 40” entitlement division that exceeds the 2.5-acre prime farmland maximum.

Present: Andy Smude & Sheila Smude

- A. Ogle – request details were displayed and reviewed. The property is 58.6 acres zoned General Agriculture in Chatham Township. An entitlement was assigned to the referenced parcel in 2023, which moved an entitlement from parcel 203-000-243105, which is now restricted, to parcel 203-000-243200. The request is to create a 4.96 acre entitlement division that will include 3.74 acres of prime tillable soils. A variance is required as the proposed division includes 3.74 acres of prime soils. The Township approves of the request because they have an entitlement for the property and is the best location for a home. A neighbor does not have concerns with the request.
- B. S. Smude – plan is to build home for their family. They did consider other locations but this is the ideal location. The tillable land, near the pond, is not prime soils but it is a steep hill with sight line concerns for the driveway. Off of Baker Ave. the area is lower and pastureland with a deep ravine. Know there is prime tillable in the proposed area but the plan tries to save as much as possible. The proposed east line uses the natural tree line. Proposal is 4.97 acres with 3.74 acres as prime soils that they want to maintain and continue to rent. Proposed pie shape is not ideal but to get farm equipment into the corner it would be difficult with a square. They have a large family so a standard 3 bedroom home will not work long-term. The Land Use Plan is annexation area and most likely will be future development so the long term goal isn't to keep as farmland. They are doing their best to keep prime soils intact.
- C. Public comment opened.
 - Joy Boser – 2204 Baker Ave NW – here to understand request. Appreciates the family home and keeping more of a farmstead.
- D. Vick questioned what acreage would be if at 2.5 acres of prime soils. Ogle stated it would depend on how they move the lines. S. Smude – when property was surveyed, they knew lot requirements with road frontage and lot dimension but allowed Mr. Otto to propose a lot. Feels reasonable to add area of the property that is like a pie because it would be difficult to maneuver equipment. Tried to follow the rules and requirements but also drew lines based on the land and what makes sense. Vick stated he would like to see the parcel not exceed the 2.5 acres of prime tillable. S. Smude went on to explain area of prime that they are including and the area outside of prime with reason being that they are trying to keep as much area still farmed. Ogle – displayed a roughly drawn parcel with the required road and lot dimensions.
- E. Mol – agree with the 2.5 acres of prime soils. This Board needs to look at what is before them with regards to the ordinance and the county as a whole. Not sure can get below the 2.5 acres of prime, there is prime soils even within the farm site. Using Beacon aerial on display conversation continued

about options available to get under the 2.5 acres of prime and remove angled lines. This Board does approve angles but does prefer to see straight lines. Personally, he does not look at the tree line or low area as a barrier. A. Smude and Mol continued to review options of moving west and south lines and entire property more towards the east. A. Smude – beyond the east tree line is pasture that is rented for cattle. Feeling is that bisecting this area could create issues. S. Smude – there is also a fence in the tree line. Mol reiterated he wants to see straight lines and bring down more of the Ag land.

- F. Ogle – there may be ways to prevent a variance. Beacon was used to display a rough sketch that would most likely not require a variance. S. Smude stated she was not opposed to what was presented by Ogle and is willing to work with the Board. Mol – the item can be continued to the next meeting to allow time to go back to the drawing board to see if no variance is needed and the item can be withdrawn.
- G. Jones – would like to see straight lines.
- H. S. Smude – doesn't feel the Land Use Plan for this parcel supports preserving prime soils but she is having to ask for a variance for prime soils above 2.5 acres. Confused on why she has to ask for a variance for something she doesn't feel is supported. Vick stated he likes to keep farmland as farmland.
- I. Neumann questioned if there is a home on the farm site with S. Smude confirming. Neumann – suggested a new home could be built in the pasture area and still meet the road frontage, dimensions, and square lot concerns. Prime tillable soils matter today and that is what the Board has to consider.
- J. S. Smude – the pasture near the existing home has trees and a slope. They would prefer to not be so close to the existing homesite or share driveway. A. Smude – slopes in that area could be a challenge. Neumann – slopes can be used for a walkout and trees can be replanted.
- K. Motion made by Mol to continue the item to the December 8, 2023, meeting to allow time for the applicant to see if they could do a division administratively and avoid variances or come back with a revised plan. Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

8. **REBECCA SAUTER** – New

LOCATION: 14886 Cty Road 7 NW – N 1/2 of the NW 1/4 of the NW 1/4 in Section 24, Township 122, Range 27, Wright County, Minnesota. (Clearwater Twp.) Tax #204-100-242200 Property Owner: Janelle Sauter

Requests a variance as regulated in Section 155.026 and 155.048(G)(4) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to create a division out of an eligible lot of record that exceeds the 5.0-acre maximum allowed.

Present: Rebecca Sauter

- A. Ogle – proposed site plan displayed while request reviewed. Property is 20.3 acres zoned General Agriculture in Clearwater Township. The request is to create a 10 acre division from an eligible lot of record. A variance is required as the proposed 10 acre division from a lot of record exceeds the 5 acre maximum allowed. The Township approves of the request due to the fact that it is next to other rural residential properties.
- B. Sauter – grandfathers plan was always for family to have a single-family home.
- C. Comment opened to public.
 - Sheree Rinkenberger – lives near this property and area has changed since the lots have been changed to 5 acre lots. A lot of people drive four wheelers onto your property and drive through the ditch with large equipment. Has a gut feeling that she is not comfortable with the request. She feels the more people in the area it is going to not be so countryish.
 - Vickie Anderson – originally was her father’s land. Intention is to keep renting area for cattle and as rural as possible.
- D. Mol – questioned who will own the remainder 10 acres. Sauter – her sister. Originally her sister was going to build a home but she is now planning to stay in another of the family homes. Mol questioned if there is a single entitlement, no home and just a shed. Ogle – proposed south parcel has a shed and only a shed, which is allowed. Based on the displayed site plan there should not be a problem finding a home location for the parcel in question. This being a lot of record there is technically not an “entitlement” but a full building permit plan review does include verifying home and septic system location and requirements. Mol – owns the property to the west. There is a gas line that runs through this property which comes with a very strict setback rules. Sauter stated she has been in contact with the gas company and they have been a pleasure to work with, sees no problems moving forward. Mol – at 5 acres no variance would be required but with the required setbacks that would leave an “L” shape parcel. It makes sense to split this 20 acres in half with the remainder 10 acres to be restricted.
- E. Jones – agrees with member Mol. The proposal makes sense and that gas line does cause some restrictions.
- F. Sauter – elevation on the parcel does play a role in location of a home. Mol – the property does have slopes and the proposed home location is about the only good location.

- G. Neumann questioned the applicant on why not 5 acres. Sauter – grandfather always said 10 acres to each as it was an easy split down the middle. Half of the 10 acres will still be used for cattle. Neumann – a variance needs a hardship. Member Mol did give some good insight with buildable locations and hardships of the property. Mol – the pipeline and large hill cause difficulty in meeting setbacks.
- H. Vick questioned if intent was to build on the south 10 acres. Sauter – no plan to build on the south parcel, where existing storage shed stands. Neumann confirmed with Ogle the southern 10 acres will be restricted.
- I. Motion made by Vick to approve the 10 acre entitlement division, as proposed, with the site plan on file as Exhibit “A”. Noting the south 10 acre parcel will be considered restricted. Subject to survey, which included the legal description for the division and remainder of the parcel be provided and a deed restriction document. Motion seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

9. **ANTHONY BAKEBERG** – New

LOCATION: xxxx Grover Ave SW – Government Lots 3 & 4 in Section 12, Township 118, Range 27, Wright County, Minnesota. (Yaeger - Victor Twp.) Tax #219-000-124200 Property Owner: George J Bakeberg & Kathleen M Bakeberg

Requests a variance as regulated in Section 155.026 and 155.048(G)(4) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to create a “1 per 40” entitlement division that exceeds the 10.0-acre maximum.

Present: Tony Bakeberg & Kathy Bakeberg

- A. Ogle displayed the proposed plan and reviewed the request. The property is 53.87 acres, zoned General Agriculture and located in Vitor Township on Yaeger lake. The request is to create a 10.90 acre entitlement division. A variance is required as the proposed entitlement division is 10.90 acres when 10 acres is the maximum allowed. The Township approves of the request as the parcel includes swamp land and disrupts the overall field while maintaining the existing tree line as little as possible.
- B. T. Bakeberg – goal is to build in higher area and not in the middle of the field. Land will continue to be farmed and the proposed location is the most natural area to have a home. Thought about square parcel but because of hilltop location, keeping under 2.5 acres prime tillable and the 200 ft. lake setback this was the plan they came up with.
- C. No comment from the public.
- D. Jones confirmed with T. Bakeberg there are no buildings on the property. Questioned the access. T. Bakeberg explained they went with a 50 ft. wide driveway, coming off of Grover Ave, due to the existing tree line.
- E. Vick questioned if 50 ft. was acceptable by the county. Ogle – access strips are considered 33-66 ft. wide, but this Board can approve any size. T. Bakeberg – wider driveway will take up more prime soils. Right now, they are proposing 2.48 acres of prime soils. Vick stated he is okay with the presented plan.
- F. Mol – would like to see the division at 10 acres and questioned why the 0.90 above. T. Bakeberg – the proposed plan gets the house at the top of a hill and 200 ft. from the lake. Mol reiterated he would like to see no variance and a 10 acre parcel. Ogle – if driveway is 33 ft. – 66 ft., lot size 10 acres or less and under 2.5 acres of prime tillable than the approval can be done administratively. T. Bakeberg – 6.6 acres of the site is woods and swamp. Mol – feels the septic site could possibly be moved so that lot size can come down to the 10 acres. There are options and he would like to see no variance required. K. Bakeberg – they are also trying to create a lot that won’t have corn right outside the house. They are okay with that but they know future buyers might not be. T. Bakeberg stated they are trying to capture the top of the hill for the house. K. Bakeberg – even at 33 ft. for the driveway they won’t get down to 10 acres. Mol stated he would like to see 66 ft. for driveway.
- G. Neumann – echoes statements made by member Mol. Regardless of the line this is a new lot with plenty of space to build a home at 10 acres. Not in favor of the request as presented.

- H. T. Bakeberg – 0.90 acres is to keep a straight line and maintain the hilltop. Mol – explained the line can be adjusted to include additional swamp or other options to redesign and stay at the 10 acres. Suggestion was made to continue the item to the next meeting and allow the applicant time to come up with a plan that would be 10 acres and not require a variance.
- I. Rhineberger – Planning & Zoning Administrator – stated that there are options to redesign the lines but he does not want to see a strip by the lake as odd access. Mol – suggested continuing and review with staff prior to the next meeting. He would like to see 10 acres as this is a bare piece of land and does not see a reason to grant a variance.
- J. Neumann asked the applicant if they would like the Board to vote or continue the item to the next meeting and in the meantime work with staff on a plan that might not require a variance. T. Bakeberg asked to continue the item.
- K. Mol moved to continue the item to the December 8th, 2023, meeting to allow time for the applicant to revise plans based on discussion. Motion seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

10. **STEVEN KLAMMER** – New

LOCATION: xxxx 70th St SW – part of the E1/2 OF SE 1/4 and part of the E 1/2 of the SE 1/4 in Section 05, Township 118, Range 27, Wright County, Minnesota. (Victor Twp.) Tax #219-000-054100
Property Owner: Joni M Hedtke, Lori K Manecke & Steven W Klammer

Requests a variance as regulated in Section 155.026 and 155.048(B)(10) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to create three divisions for agricultural purposes that do not increase the density or number of residential building sites but do not contain at least 40 acres and at least one complete quarter-quarter section.

Present: Steve Klammer and Joni Hedtke

- A. Ogle displayed proposed site plan and reviewed the request. Property is 72.18 acres that is zoned General Agriculture. A Deed Restriction in 2002 left the referenced parcel restricted. This request is to create a 6.3 acre, 25.6 acre and 40.1 acre division for agriculture purposes. A variance is required as a division for agriculture purposes requires at least 40 acres and one complete quarter-quarter section. This request does not meet those requirements. The Township approves of the request as they have no problem splitting less desirable Ag ground apart and the property lies on each side of the ditch.
- B. Klammer – didn't mention the 6.3 acres at the Township meeting as he didn't think about it. Area is really not usable for much with plan to use a community type garden or something similar and keep with the Klammer farm. Ogle displayed the wetland layer of Beacon and pointed out wet area that splits the 25.6 acres and the 40.1 acres.
- C. No public comment.
- D. Jones questioned the lots with Ogle using proposed map to review parcels and explained the reason for the variance is that the parcel, as it stands, cannot meet the requirements for an agriculture division.
- E. Kryzer explained that the area between the 40 and 25 acre parcels is not considered part of County Ditch #10 and is a private ditch. Klammer – an older survey showed that it flows into Ditch #10 but is a private ditch. Hedtke stated they do have someone interested in buying the 40 acres but didn't want the 25 acre area, so that is why the split. Klammer – the soils on either side of the creek are completely different.
- F. Vick questioned where the residence is located. Klammer stated his son lives to the west, which is the old farm homesite. Vick stated he is okay with the 25.6 acres but not sure how he feels about the 6.3 acres. Klammer – area is basically pasture that can't be farmed. Vick – confirmed with Klammer there is no entitlement involved and they want the property to stay agriculture. Vick questioned if the private ditch could be filled in. Ogle – thought it was mentioned by applicant that when water is low it can be passed through. Klammer – confirmed and stated that the farmer that rents the property likes to drive around, on Keats Ave, for access. Kryzer – if filled or plugged not sure what could happen upstream. Area looks like it could be wetland and therefore not able to disturb.
- G. Mol questioned the Land Use Plan designation. Ogle displayed Land Use Plan and noted General Agriculture currently and, in the plan, to remain as General Agriculture with area across the road as

Transition. Mol – this is a nice Ag parcel. Still looking for practical difficulty for the split. For him, just because a farmer doesn't want the land isn't enough. Klammer – it was his idea to present the 40 and 25 acre parcels because the soils are so different. Mol – understands soils, he is a farmer and with different soils a person learns to farm differently. Doesn't know if there is a strong enough reason, other than a land sale, to allow for the proposed division. Questioned if there is a way to split with no variance. Ogle – displayed Beacon and reviewed the quarter-quarters. At 72 acres this parcel doesn't allow for two 40 acre parcels. The issue is there is no way to get a full quarter-quarter. Ultimately there is no way to divide this parcel administratively. Mol – to him that would be a practical difficulty. The 6 acres he would prefer to stay with the 40 acres. The ditch is a natural division line and makes sense.

- H. Neumann feels the only reason for this request is financial. This Board is not supposed to take financial reasons into consideration. He is having a hard time finding a reason or practical difficulty beyond accommodating a sale. He is not in favor of the request.
- I. Vick asked if the Township approved. Ogle – confirmed and read the response again. Vick – feels the ditch is a good natural divider.
- J. Mol – struggling with finance as a part of the reasoning.
- K. Neumann moved to deny the request to create three divisions for agricultural purposes. Mol seconded the motion.

MOTION FAILED: Neumann & Mol voted YES with Vick and Jones voting NAY

- L. Mol moved to continue the meeting to the December 8, 2023, meeting to allow for a full Board vote. Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTION

Board scheduled Friday, December 1st at 8:30 a.m. for site inspection.

Meeting adjourned at 10:40 a.m.

Respectfully submitted,



Aaron Ogle
Planner

Cc: Board of Adjustment
Twp. Clerks