

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: December 8, 2023

MINUTES

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

ACTION ON MINUTES FOR THE NOVEMBER 3, 2023 MEETING

On a motion by Mol, seconded by Jones, all voted to approve the minutes for the November 3, 2023, meeting as printed.

1. **ROY STELZER** – continued from 10/13/2023

LOCATION: LOCATION: xxxx 75th St. SW – SW ¼ of the NE ¼ and Part of the NW ¼ of Section 09, Township 118, Range 26, Wright County, Minnesota. (Woodland Twp.) Tax #220-000-091300 & 220-000-092400 Property Owner: Constance Beck, Roy A Stelzer & Linda A Stelzer

REQUEST: Lot line adjustment as regulated in section 155.026 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to add land from 220-000-092400 to 220-000-091300.

Present: Roy Stelzer

- A. Ogle displayed property details and proposed plan. The request to add 10.75 acres from parcel 220-000-092400 to parcel 220-000-091300 was continued from the October 13th, 2023 meeting so the applicant could speak with the property owner and the Township about having a 66 ft. owned access and not an easement to the northern field on parcel 220-000-092400. The updated request is to add 10.1 acres from parcel 220-000-092400 to parcel 220-000-091300 leaving a 66 ft. access strip to the north field. Both parcels are zoned General Agriculture and located in Woodland Township. There will be no transfer, loss, or gain of entitlements as part of this request. The Township initially did not recommend an approval due to access issues to the northern field but the applicant met with the township again, after the October meeting, where the Township did recommend approval and noted that if a driveway or culvert is needed the landowner installs them in the 66 ft. access area.
- B. No comment from Stelzer.
- C. Public comment opened.
 - Ron Broll – operates the property being discussed. He would like to be clear on how he will be accessing to farm. The area is lower ground and he wants to ensure he can get equipment on the land to farm.
- D. Mol questioned the applicant if he is willing to bring in fill for the access area and is the 66 ft. area able to be used to access the farmland. Stelzer – his experience is that in over 40 plus year tractors have been able to come and go in this area. Mol – updated proposal is what he was looking for and the 66 ft. is wide enough for large tractors and combines for harvesting. What is proposed is acceptable.
- E. Vick – would like to see 10 acres but unless there is another major concern, he would be okay with the request. Township did state access area is low and he doesn't want there to be a problem for tractors to access the field. Stelzer – presently there is an access that is used. If anything, a load of Class 5 would be needed and he is willing to bring that in and if needed install a culvert.
- F. Jones – agrees that the changes made are acceptable.
- G. Neumann – the Township knows the property and if they have given approval the issues must have been brought up at the Township level. Stelzer confirmed. Neumann – the Township would have disagreed if they felt the 66 ft. strip would not allow farmland to be accessed. Feels that if the Township is okay with the request than he can be okay with the request.

H. Aarestad – most comments shared by others.

I. Neumann moved to approve the request to add 10.1 acres from 220-000-092400 to 220-000-091300. Subject to survey, administrative order, and recorders combine form. Motion seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

2. **ANTHONY BAKEBERG** – continued from 11/3/2023

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

REQUEST: 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.

No representative present.

- A. Ogle stated that the applicant is requesting to withdraw their application for an entitlement division exceeding 10.0 acres without prejudice.
- B. No public comment.
- C. Motion made by Vick to withdraw the request, without prejudice, at the applicants request. Seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

3. **STEVEN KLAMMER** – continued from 11/3/2023

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

REQUEST: 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: Steven Klammer & Joni Hedtke

- A. Ogle displayed original and revised proposal as he reviewed the request. The original request was to create a 6.3 acre, 25.6 acre, and a 40.1 acre division for agricultural purposes. Item was continued from the November 3rd, 2023 meeting so the applicant had the full five-member Board. The Townships approval of the original plan was with only two agricultural divisions as the applicant did not mention anything at the township meeting about the proposed 6 acre division. Between the 11/3/2023 and 12/8/2023 meeting dates, the applicant submitted a proposal altering from the original request. The applicant is now requesting a lot line adjustment which would add approximately 3.2 acres from parcel 219-000-054100 to parcel 219-000-054200 and keep the remainder of parcel 219-000-054100 together, which would not involve the agricultural divisions that were originally proposed. Discussion had with the applicant, property owners, and neighboring property owner after the November 3rd meeting indicated some miscommunication between the involved parties as to what is wanting to be done with the property. Clarification should be made by the applicant and property owner to the Board.
- B. Klammer – the 3 acre area is not easily accessible if not owned with the 80 acres. Ogle – in an email with Joni Hedtke she stated there was not going to be any agriculture divisions, only the 3 acre lot line adjustment. In speaking with Mr. Klammer, he indicated he also wanted the division along the ditch. The exact proposal needs to be clearly stated to the Board. Klammer – they don't know what to do with the 3 acres and what the Board would recommend. The division is not being done for a personal gain but because they have a buyer that possibly can't afford the entire parcel which is the reason for the division along the ditch.
- C. No public comment.
- D. Vick questioned if what is being asked is the 3 acre division and original line along the ditch. Klammer – confirmed and reiterated that with the ditch as a natural line it makes sense. Vick – as presented, with the natural boundaries, he is not opposed of the revised request. Ogle – based on discussion the applicant is looking for an agriculture division along the private ditch, as was in the original proposal, and a 3 acre lot line adjustment with the new parcel to be combined with the neighboring parcel. Nothing will be done with the 6 acres that was part of the original request. Klammer – agreed. Vick – 25.6 acres is included? Ogle – yes, the 25.6 acres, the 43-ish acres, as well as the newly added 3 acres in the northwest. Vick – okay with this new proposal, as long as 6 acre division isn't included and the natural boundaries make sense.
- E. Jones – the suggested divisions would solve some of the problems mentioned. Stated he has no problem with the request.
- F. Neumann questioned if the person that owns parcel ending in -054200 will buy the 25 acres and the 3 acres. Klammer – no. The acreage across the ditch is not wanted by the potential buyer. Neumann – the 25.6 acres would be sold to someone else. Klammer – can't predict who will purchase but it will be up for sale. Ogle – directed the Board and applicant to review the displayed updated proposal. Neumann – all around the properties are nice and square and this proposal looks messy. Understands the lines follow natural borders

but he is not a fan of the messy lines. The overall request doesn't follow quarter-quarter lines and might be one that needs to stay as a whole.

- G. Mol – following quarter-quarter lines is not possible. Ogle – reviewed the agriculture division rules and stated that there is no way to divide this parcel without a variance. Mol – voted against at the last meeting, due to the 6 acres. Does like the idea of the 3 acres and the reasoning. He as well likes to see straight lines but knows he has gone with following ditches because they are long lasting natural boundary lines. The 3 acres being added to the neighboring property makes sense with accessibility playing a factor. Removing the 6 acres from the original request and dividing the north acreage across the ditch is acceptable.
- H. Aarestad – shares similar thoughts as Neumann and Mol. In the end this proposal does preserve farmland and the ditch is a natural boundary. The revised proposal is acceptable.
- I. Motion made by Vick to approve the request for a 25.6 acre and a 40-44 acre agricultural division that is subject to survey and deed restriction. Approved is a lot line adjustment for 3 acres from parcel 219-000-054100 to 219-000-054200 and is subject to survey, administrative order, and recorders combine form. Motion seconded by Mol.

VOTE CARRIED: Mol, Vick, Jones & Aarestad. NAY: Neumann

4. **JOHN GRABER** – continued from 11/3/2023

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

REQUEST: 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 Bentley, John Graber, and Bernie Miller with Miller's Sewage Treatment Solutions (MSTS)

- A. Ogle displayed property map and proposed plans while reviewing the request. The request is to remove the existing dwelling and construct a new single-family dwelling that is located within a bluff. The item was continued from the November 3rd, 2023, meeting so that a site inspection could be conducted. A variance is required as the building setback from the top of a bluff is 30 ft. and the proposed home would be located within the bluff. The 0.66 acre property is zoned Urban/Rural Transition and located on West Sylvia which is a General Development lake in Southside Township. The existing building coverage is 3% and the proposed is 4%. The existing impervious surface coverage is 15% and the proposed is 16.6%. The Township disapproves of the request within the bluff due to the square footage expansion into the bluff. There was mention by supervisor Ferguson that perhaps they could pursue keeping the same footprint and building up. A neighbor submitted comment after the 11/3/2023 meeting stating they support the request as they believe it is in a well-placed location that will not hinder their views or impose on their property.
- B. Bentley – feels this plan best preserves the area and protects the bluff. The new build is modest and will be built in the same footprint. The part of the slope in question is just over 18% grade with drainage not being affected. There is no space for a drainfield if the building is moved back and a 2nd story would not be suitable for the living plan or fit into the neighborhood. The feeling is that the proposed plan would be the least disruptive to the property and neighborhood.
- C. Miller – started with a septic design for the property and at that time the survey provided did not indicate a bluff and the bluff was determined with the application process. The location of the building is just over the 18% grade and if under that amount would be exempt. To meet requirements the building would need to be moved back 88 ft. and turned to get in the drainfield. Doing this would affect the existing trees, entry to the property as well as drainage. Moving the home would cause more soil disturbance on a property with no history of drainage issues. The applicant is allowed to go with an exact replacement but are looking to expand a minimal 400 sq. ft. with this request. The actual size of the proposed cabin is 847 sq. ft. Feels that this is a modest expansion and if they move the location there will be considerable soil disturbance.
- D. Graber – there are many things wrong with the building that cause it to be unusable, it was built in 1946. The proposal will better suit the family.
- E. No public comment.
- F. Neumann – was at the site visit and feels that with a lake home one would want to be able to play in the front yard, near the lake, and relocating the building would allow for more space. Feels that the home can be moved back. This Board has been hard on other applicants in the past when it comes to the bluff and this is a brand new build. Having been at the site he feels that moving back to at least the power pole is where he would be comfortable with the request. Understands they can go with an exact replacement but with the variance request he is not comfortable with the proposed location.
- G. Mol – struggles with bluffs as they are a challenge with the ordinances and MN DNR rules. Willing to work with the applicant and feels that the cantilever portion of the plans could be squared up with the home and would be livable space gained in the lower level. If this is done, he would view the request as more of

replacing what is existing. A previous member always said when starting over things should be in compliance and he agrees. Being in the bluff is a concern. There are so many properties in the same situation and the ordinance does not allow building in a bluff.

- H. Vick questioned if the deck is included in the 847 sq. ft. and what size is the existing deck. Miller – no. Existing deck is 260 sq. ft. Vick – really asking for about 200 sq. ft. more. With what is existing this request is not a huge increase. It does make it tough that the Township did not approve as they are the neighbors and tend to know more. Feels a few less feet, to get closer to existing, is possible and if size can be shrunk a little maybe the Township would approve. Bentley – when talking the deck is it being suggested to think about the deck line beyond the cantilever? Vick – the entire footprint could be looked at and try to stay in existing footprint. Bentley – appreciates comments and wants to work with the Boards suggestions. Vick – agrees, wants to work with Township as well. Miller – it is clear what part has been disturbed. Moving back to the power pole will cause more disturbance to the property and still have bluff issues. Moving the house back will require the home to be raised and a flat lawn area will require more to be cutout of bluff and additional dirt work. Feels there is opportunity to move back 18 ft. and get a good portion of the new house outside of the bluff and disturbance would be much more minimal than moving back to the power pole. There will also be a nice area of flat ground that would help with drainage. Vick – staying where proposed and shrinking the size would be less impact to the ground. Applicant did mention willingness to work on drainage. Graber – with displayed topography map the drainage pattern and slope of the property was reviewed and it was stated water has not been an issue. Plan is to work with a landscape professional to prevent drainage issues. Vick – shrinking the building size could appease the Township.
- I. Jones – at the site and feels that moving back a few feet makes sense. Does not like idea of opening up the area where the home currently sits. If can move the home back he could go along with the request.
- J. Aarestad – feels the size of the home is reasonable. Agree with minimizing the earth work and not having to remove trees. Looks at the visual impact to surrounding properties and he is not in favor of going up, as suggested by the Township. Concerned with moving back the mature trees would be removed, the home would be higher-up and therefor have a negative impact. The proposal of the home is small, modest and fits the current location being proposed is reasonable. If approved, would want to ensure drainage does not go onto the neighboring property. Graber – used the displayed Beacon contours map to explain the property has a ridge so water drains laterally and pass north of the current structure. Confident if build in the proposed location water would continue to drain as it currently does. Bentley stated the party to the south will be the ones the house moves towards and they are in support of the plans. Aarestad – feels the proposed location makes the most sense but based on conversation it appears there is a chance, as presented, the request will not pass. There is an opportunity to allow a vote, revise plans and come back to another meeting or withdraw the request.
- K. Neumann – hard cover calculation states 16.6%. Questioned if the house is moved back would some of the proposed hard cover disappear and get down to the 15%. Miller – with all of the buildings in the plan they are below the required limit and if they didn't have a bluff, they could build a home 3 times larger than requested. The total impervious needs to be under 25% and is proposed at 16.6%, which includes a lot of driveway. If the home is moved back, they could have a smaller driveway but either way there is room for additional impervious coverage. Moving back to the power pole will lessen the driveway and going back that far would cause mature trees to come down and not what he would suggest. Feels the location presented is the optimal spot. Moving back 18 ft. there would be minimal change and moving further back than that would cause more long term negative impact. Neumann – reason suggested moving home to the power pole is because there is no garage on the property and maybe a future owner would want a garage. With the grade of the property the location of the home could impact a future garage and by moving back home would be more on top of the hill as a more suitable location for future garage.
- L. Vick questioned if the Township looked at the site. Graber – no, he presented information but feels they didn't have nearly the same information available to review. The concept of building up, which was

recommended, is clearly not appropriate. Vick stated if the Township had agreed, he doesn't find problem with proposal. Thought is if there would be a way to go back to the Township with a smaller building or if they had seen the property, they (Township) might be in favor. Graber agreed that he could have provided more information.

- M. Aarestad questioned the location of the mature oak trees as one of his concerns is if the home is moved back how are those trees impacted. Trees can be planted but oak trees are unique and visual presence could be impacted. Neumann pointed out that on the site plan the oak trees are marked. To get above the bluff line the trees would have to go but there are several trees to the west that could stay.
- N. Aarestad questioned the applicant on how they would like to proceed.
- O. Bentley – want to work with the Board and the Township. Feels that at this point they would like to continue working on the project and seek a continuance. Miller – at this point not sure what the outcome on a vote would be. Willing to work on a revised plan but not clear on what to come back with. Mol – this is an expansion in a bluff. His feeling is that all of the discussion had is that it does make sense to expand where presented. Down the road this Board has to be able to justify expanding in a bluff and answer the questions according the ordinance and laws. Suggestion would be to try and stay within the footprint, use the cantilever area, and look at the deck area. His goal would be a plan that stays in the footprint and not expanding into the bluff. His struggle is the expansion into the bluff. Moving the home back is possible and understands the direction of that suggestion.
- P. Vick – all great points mentioned by member Mol. The Township mention expansion in the bluff as a concern. Suggestion would be to go back and get approval from the Township. He is okay with the request but for him it is key to have the Township approval.
- Q. Miller – makes sense to have the Township review. Initially items went to the township because they are the road authority and if it doesn't involve the road most times they don't care. Lake Sylvia is a different animal and people are very careful. On other lakes there has been similar expansions approved. The concern of the bluff is hydraulic loading and hill sluffing off. In this area it is all sand and gravel with less concern. Feels there is opportunity to go back to the Township. Aarestad stated the Township is one part of the discussion and there is room for some redesign.
- R. Aarestad questioned Ogle on the 120 day 15.99 waiver status. Ogle – 120 days would be January 30th with the next Board meeting January 5th. Aarestad asked the applicant if continuing to January 5th would allow enough time. Graber – fine with January 5th but concern would be getting to the Township. Bentley – suggested putting off after the holidays. Ogle – the 2024 calendar dates would be approved at the January 5th meeting so the Board could continue to the tentative date of February 2nd, 2024. If not heard on January 5th they would need to sign the 15.99 waiver. Bentley – questioned the timing of the 15.99 waiver with Ogle stating he would send an electronic version to be signed and Bentley agreeing.
- S. Motion made by Mol to continue the request to the tentative February 2nd, 2024, meeting. Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

5. **JAMES BURANEN** – New

LOCATION: 14882 State Hwy 55 NW & xxxx Osborn Ave NW– Part of SW 1/4 of SW1/4 and part of the N ½ of the SW 1/4 of Section 15, Township 121, Range 28, Wright County, Minnesota. (Southside Twp.) Tax #217-000-153305, 217-000-153302 & 217-000-153101 Property Owner: J & J Dock & Marine Service Inc. & Anna M Ryan

REQUEST: Lot line adjustment as regulated in Section 155.026 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to adjust existing lot lines between parcels 217-000-153305, 217-000-153302, and 217-000-153101.

Present: Travis Buranen on behalf of James Buranen

- A. Ogle displayed proposed site plan and reviewed the request. There are 3 parcels located in Southside Township that are part of this request. Parcel 217-000-153305 is 10.7 acres and zoned Highway Business, parcel 217-000-153302 is 2.9 acres and zoned Highway Business, and parcel 217-000-153101 is 61.7 acres and zoned General Agriculture. The Planning Commission has approved a conditional use permit for the sale of docks, boat lifts, incidental boat products, etc. The Board of Adjustment approved a lot line adjustment between two property owners that left a minimum 20 ft. setback from buildings. This request is to take 10.0 acres from parcel 217-000-153101 and add it to parcels 217-000-153305/217-000-153302. The Township approved of the request. While the Board of Adjustment does not have the ability to approve a rezoning, the Township also noted that they would approve of the 10 acres to be rezoned commercial, which would be later addressed with the Planning Commission.
- B. No comment from applicant or public.
- C. Mol questioned if there is prime tillable. Ogle – as a lot line adjustment prime soils are not a required factor. Prime soils were displayed on Beacon aerial with possible small area noted. Mol asked if there is any irrigation system being affected with T. Buranen confirming there is not. Mol – plan still allows access, he is okay with the presented request.
- D. Vick – concern was also prime soils and that was addressed. No issues with the request.
- E. Jones – agrees with what was stated by other members and can agree to the request.
- F. Neumann questioned why the entire parcel is not being purchased. T. Buranen stated it is but they are only wanting to rezone the 10 acres so they can connect to the commercial property. Neumann – cleared up his concern.
- G. Aarestad stated his concerns were addressed and he is okay with the request as presented.
- H. Motion made by Mol to approve the lot line adjustment which added 10 acres from 217-000-153101 to 217-000-153305/217-000-153302. Subject to survey, administrative order, recorders combine form, and J&J Dock & Marine get an approved rezone of the General Agriculture portion to Highway Business district AND obtain the proper Conditional/Interim Use permit for the business. The lot line adjustment plan was noted as Exhibit “A”. Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

6. **SHEILA SMUDE** – continued from 11/3/2023

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

REQUEST: 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 and Sheila Smude

- A. Ogle displayed proposed site plan and reviewed the request. The request to create a 4.96 acre entitlement division which includes 3.74 acres of prime farmland and was continued from the November 3rd, 2023 meeting so the applicant could explore options for an entitlement division that could be approved administratively and avoid a variance. The applicant met with the Planning & Zoning office after the November meeting and it was determined the amount of prime soils listed on the survey was not correctly noted. The applicant has chosen to keep the same proposed boundary as the November meeting with the updated prime soils calculation of 3 acres instead of 3.74 acres. A variance is still needed as 2.5 acres is the maximum allowed prime soils. The 58.6 acre property is zoned General Agriculture and located in Chatham Township. The Township approves of the request because they have an entitlement for the property, and proposed location is the best place for the house. A neighbor does not have any concerns with the request.
- B. S. Smude – goal of the continuation was to see if they could modify and bring closer to compliance. Discovered there was a miscalculation with the prime soils on the survey and feeling is they are closer to compliance at 3.0 acres. Feels that there is no other options and the reason they chose this location is that along 25th street there is a large hill and a driveway would not be safe plus the bottom to the property is very low pastureland. They’ve really looked at all options and feel this is the best option for building. Concern brought up at the last meeting was straight property lines. The tree line that creates the angle is a natural boundary. Yes, trees can be removed but these are well establish large old trees and would be a considerable undertaking to remove. If they went with a rectangular property that goes over the tree line the area of buildable land will be lowered and pastureland currently being used will be taken up. There is a fence that runs the tree line for the pastured cows and if the property line goes over the fence, it would complicate things as a shared fence. The presented pie shape is not ideal for them but if they straighten out lines without the tree line more prime soils would affected. They are trying to not ask for additional prime soils and keep as much land still being farmed and grazed. Of the 4.96 acre parcel there is 3 acres of prime soils and the intention is to continue farming a portion of what will be their property. They did speak with the current farmer and his thoughts were that the request is reasonable and he plans to continue farming the land. They did consider the discussion and concerns and even though the lines didn’t change from the last meeting they figured the 3 acres is a reasonable request and they did really look into ways to come closer into compliance.
- C. Comment opened to the public.
- Dean Perry – long term neighbor that would like to provide approval of the request.
 - Rita Varner-Otness – owner of the property – purchased from parents in 1987 with the property in family since 1946. Plan is to keep as farmland. Spoke with the farmer, who is in agreement with the proposal and will continue to farm. They did consider various options and feel this is the best way to stay out of the pastureland and hilly area. This request is the most suitable and modest.
- D. Vick – 2.5 acres is a sticking point for him. Questioned if acreage could be cut down to 4.5 acres, with line to the west coming in to get down to 2.5 acres prime. S. Smude stated she believes the soil borings would be within that area. Ogle – displayed Beacon with a rough drawing of 4.5 acres. And stated that as long as they come under the 10 acres, less than 2.5 acres prime soils and meet the road width and depth requirements the

division could be done administratively. Vick questioned the applicant if she would be okay with something similar to the drawing presented and 2.5 acres prime. S. Smude – understood the requirements to complete administratively but that isn't the desire. Wants to work with the Board but since they paid to ask for a variance for a reason or they would have initially gone with what would work administratively. She does not feel that 0.5 acres is a big ask but also understands there are rules to follow. If willing to settle for the 2.5 acres she wouldn't have asked for a variance and she wants to keep as much still agriculture and not box herself in later down the road. Vick – needs to see a hardship and he is not seeing one with the presented request. S. Smude – feels there are few places to build and that is a hardship. With all the rules and regulations, they went with the smallest area they could.

- E. Jones stated he has no problem with the request. He does like to see square parcels and he could go along with that as well.
- F. Neumann – why not buy the entire property? S. Smude stated she has a sister and she can't afford to buy it all. Neumann – the price is between the buyer and the seller, not this Board. If purchase the entire parcel and desire is to build another home, what other restrictions come into play? Ogle – there is an existing home so they would be limited to 10 acres and 2.5 prime soils. Even with 2 entitlements they are not allowed 2 homes on the entire parcel so a division would need to occur. Options are to divide off the existing home or divide a new area, they went with a new area. Neumann – assumed if there are 2 entitlements, they could be side by side. Ogle – only allowed 1 home on a single parcel so a division would need to occur for an additional home. S. Smude – at some point she could co-own the farm with her sister but that doesn't solve the current goal. Ogle – option is if the existing home is divided off there is ability to build anywhere on the remainder. S. Smude – believes she was told that if the existing home was divided off without a variance it would need to be under 10 acres and it could never be changed again. Ogle – no larger than 10 acres and old farmsteads are not subject to the prime soils rule. At 10 acres there would be animal unit limits that could disrupt what is occurring on the property. S. Smude – not a great option to divide off the farm site. Intent of the family is not for someone to have 10 acres and the rest going to someone else. There are also cattle on the property and intent is to keep that operation going so with those restrictions that may not be feasible.
- G. Mol – what was suggested by member Vick would take some time to look into and he would want soil boring locations verified or find a new location for the septic. Understands reasoning for not squaring property and that squaring the property would take up more prime soils and could start to block some of the lane through. He does have concerns with the 2.5 acres of prime soils and has voted against requests in the past. Understands trying to maintain building entitlements on a family farm and he does like to see farming continue. Would like to hear what others have for thoughts and suggestions on the prime soils.
- H. Aarestad – likes that the farmland will continue to be used and squaring up the lines could deter that. The 2.5 acres has always been a big issue for this Board. The surrounding area is made of smaller lots so another smaller in size parcel won't be out of line. There are 2 entitlements on this property so once this one is used that is it for the property. Feels that the entire area the prime soils are coming out of is relatively small for a farming operation. S. Smude – roughly 14 acres. Aarestad – feels 14 acres is a small parcel to farm and in the end the piece of land being left is relatively small for farming purposes. What is proposed is a good solution and reasonable request, even exceeding the 2.5 acres of tillable. Based on the entire package, surrounding area and productivity of the land; he can go along with he request.
- I. Vick – if this request fails a division could occur at 2.5 acres. S. Smude stated she understands. Mol questioned if there are plans for animals. On a property this size the Board will at times restrict to no more than 0.5 animal units per acre. S. Smude – would consider chickens at this point and would be fine with a restriction since they have access to the rest of the farm.
- J. Neumann asked if this would disturb plans future plans between the applicant and the sister. How are they planning on dividing the rest of the land or is that not this Boards problem? Aarestad – that is a question they need to address themselves. Mol – in looking at the area, it is heavily populated, and 40 years from now it

could all be developed. They are trying to preserve farmland but the handwriting in on the wall this area will be developed.

- K. Mol moved to approve the request for a 4.96 acre entitlement division as presented (noted as Exhibit “A”) with the CONDITION that the survey presented is updated to show 3 acres of prime soils and the division is restricted to 0.5 animal units (AU) per acre and subject to survey with legal description for division and remainder of the parcel and deed restriction. Motion seconded by Jones.

VOTE CARRIED: Mol, Jones & Aarestad. NAY: Neumann & Vick

7. **HENRY & KAREN MATTSON** – New

LOCATION: 1855 & 1873 Bolton Drive – Part of N 1/2 of the NW 1/4 as well as the SW 1/4 of the NW 1/4 in Section 26, Township 120, Range 26, Wright County, Minnesota. (Berthiaume – Chatham Twp.) Tax #203-000-262104 & 203-000-262100 Property Owner: Henry A & Karen H Mattson

REQUEST: 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 expand an existing “1 per 40” entitlement division over the 2.5 acre maximum the Board noted as part of the original variance approval for the “1 per 40” division.

Present: Henry & Karen Mattson

- A. Ogle displayed proposed plan and reviewed request. This request involves two parcels zoned General Agriculture and located in Chatham Township under the same ownership. Parcel 203-000-262104 is 2.5 acres and 203-000-262100 is 44 acres above water. A variance was granted in 1983 for an entitlement up to 2.5 acres on a 33 ft. access strip. This request is to expand the existing “1 per 40” entitlement division to 2.7 acres. A variance is required as the proposed size of the division would be increased to 2.7 acres which exceeds the 2.5 acre maximum the Board of Adjustment noted in the original “1 per 40” entitlement division approval. The Township approves of the request and has no concerns.
- B. H. Mattson – lived here for 30 years and the drainfield has now failed. Septic designer indicated the location of a new mound system that encroaches the property to the east, which they do own.
- C. No comment from public.
- D. Jones – no concerns with the request. Neumann agreed with no concerns.
- E. Mol questioned why the new system cannot go behind the home. H. Mattson – there is a slope and the proposed location is what Bernie Miller with MSTs suggested. Mol stated he has no concerns with the request.
- F. Vick stated he would like to see the new line go straight to the road and clean up the property line. K. Mattson – that parcel is currently agricultural use and a line like that would cut right through the property. Vick – the request is acceptable.
- G. Aarestad agreed with comments and has no issues with the request.
- H. Neumann moved to approve the expansion of the existing “1 per 40” entitlement division over the 2.5 acre maximum the Board noted as part of the original variance approval for the “1 per 40” division. Subject to survey and administrative order of legal description of entire parcel. The survey submitted was noted as Exhibit “A”. Seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

8. **THOMAS MORRIS** – New

LOCATION: 5614 Quinlar Ave NW – Lot 3, Block 2, Davidson's Addition in Section 05, Township 120, Range 28, Wright County, Minnesota. (W. Sylvia - French Lake Twp.) Tax #209-013-002030 Property Owner: Thomas R. Morris & Kim D Morris

REQUEST: Variance as regulated in section 155.026, 155.049(F)(3), 155.057(E)(1), and 155.090(Table 3) 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. The request is to also allow a septic pressure bed within the property line setback.

Present: Thomas Morris and Bernie Miller with MSTs

- A. Ogle displayed property map, proposed plans, and photos of the existing building as he reviewed the request. The 0.25 acre property located in French Lake Township is zoned Urban/Rural Transition and located on West Sylvia which is a General Development lake. The existing building coverage is 5.4% and existing impervious surface coverage is 31.7%. The proposed request would bring the building coverage to 7.5% and impervious surface coverage down to 25%. A previous request on the property was heard in 1975 which granted a variance for an addition 10.5 ft. from the lake. This request is to construct a 239 sq. ft. addition and two 107 sq. ft. decks onto the existing home that is 5 ft. from the north side yard and 9.1 ft. to the ordinary high-water of the lake. The new septic pressure bed would be 5 ft. from the north and west property lines. A variance is required as the request is to add onto an existing home that is within the 75 ft. shoreland and 15 ft. side yard building setbacks. A variance is also required as the proposed septic pressure bed would be within the 10 ft. property line setback. Comment was not received from the Township but it is believed the applicant may have written comment from the Township to provide the Board. (Morris provided the Township response for Ogle to read out loud.) Response states Township approves as there is no negative impact to the lake and building is grandfathered.
- B. Morris – the idea is to expand and remodel this cabin to provide more living space.
- C. Miller – lot is challenging but a big item is how close the existing building is to the water. Suggestion was made right away, to the applicant, that if going to ask for any expansion there will need to be improvements to the lot, address drainage and fix what they can that is not in compliance. Feels that what is proposed is a modest request with minimal expansion. The request has a 10 ft. x 18 ft. addition and a 28 sq. ft. covered entry porch that is roadside. The decks mentioned are roughly 106 sq. ft. that will be one for the upper level and one for the bottom level, located in a notch of the existing home. Miller displayed and reviewed an exhibit which showed the existing impervious coverage at 31.7 % and the proposed impervious coverage at 25% and explained a large area of the driveway will be removed as well as the deck that is right up against the lake. They could have replaced the current holding tank but Mr. Morris is a retired septic installer and excavator and wanted to install a new system. Mr. Morris also has a long history with drainage though not a problem currently he wants to ensure a problem will not arise and he has plans to make the driveway more stable. The request is really only 181 sq. ft. of building expansion, not lakeside. The upper level is cantilevered toward the lake and the proposed plan pulls that back from 9.1 ft. to 10 ft., so the structure will come back roughly 1 ft. from the lake.
- D. No public comment.
- E. Neumann – likes that the impervious was reduced. Towards the road there is some elevation and questioned if there is bluff concern. Ogle – a bluff is not an issue for the proposed plans. The grade in area of the home is flat. Miller – if rebuilding moving the home back would be in the toe of the bluff. Neumann – this is not a rebuild it is a remodel and expansion. Questioned if a new septic system is going to be installed. Morris – currently a repaired holding tank with a shallow well that is 10 ft. away with plan to dig a deep well and install a new system. Neumann – anticipate a stormwater management plan as part of the approval. Cabin is

existing with setbacks at 5 ft. and 9 ft. and part of the nonconforming home and the addition is modest; he is okay with the presented request.

- F. Mol – likes that the impervious coverage was brought down. The addition is not encroaching anymore than what is existing. Would agree that a storm water management plan should be submitted at time of building application. Morris – has plans for the driveway to address the water flow.
- G. Vick – addition is opposite of the lake and deck additions make sense; he is okay with the request.
- H. Jones – after discussion he as well can go along with the request and planned improvements.
- I. Aarestad – feels this is a great plan and concerns were addressed. There is no visual impact to neighbors and from lake, no disturbance to the land and driveway runoff will be addressed. Concerns and questions have been addressed; he can go along with the request.
- J. Neumann moved to approve the request to construct a 239 sq. ft. addition and two 107 sq. ft. decks onto the existing home that is 5 ft. from the north side yard and 9.1 ft. to the ordinary high-water of the lake. The septic pressure bed would be 5 ft. from the north and west property lines. Subject to a stormwater management plan to be submitted at time of building permit application. Site plan noted as Exhibit “A”, building plans noted as Exhibit “B”, and septic plans noted as Exhibit “C”. Seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

9. **JOAN KOTILA** – New

LOCATION: XXXX County Road 35 W – NW1/4 OF SE1/4 along with SW1/4 OF SW1/4 & E1/2 OF NW1/4 OF SW1/4 & SE1/4 OF SW1/4 & W35A OF NE1/4 OF SW1/4 & SW1/4 SW1/4 OF SE1/4....of Section 34, Township 120, Range 28, Wright County, Minnesota. (French Lake Twp.) Tax #209-000-344200 & 209-000-343401 Property Owner: Joan Kotila

REQUEST: 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 and does not meet the required road frontage.

Present: Joan Kotila & Nathan Lake

- A. Ogle displayed property maps and proposed division. The request involves two parcels under the same ownership. Parcel 209-000-344200 is 47 acres and parcel 209-000-343401 is 165 acres. Both parcels are zoned General Agriculture and located within French Lake Township. The most recent Deed Restriction done in July of 2006 as part of a "1 per 40" division variance was approved involving parcel 209-000-353200 which split that parcel east and west of the river. One of the five remaining entitlements went to the east side of the river which is now parcel 209-000-353202. Four entitlements now remain on parcels 209-000-343401, 209-000-343402, 209-000-344200, 209-000-344400, and 209-000-353200. This request is to create a 17.6-acre entitlement division with a 33 ft. access strip. A variance is required as the proposed 17.6-acre entitlement division is over the 10.0-acre maximum allowed. The request is also for a 33 ft. access strip whereas 300 ft. of road frontage is required for parcels over 5.0 acres. The Township approves of the request.
- B. No comment from Kotila or public.
- C. Mol stated he can see what is trying to be accomplished. The lines are not straight but appear to be following contours of the land. Questioned why 17-acres versus 10-acres. Kotila – the driveway adds to the acreage and idea was to stay at the edge of the farmland. Mol – asked if there is meadow and lowland area with idea to have home in trees. Kotila – yes, area has been pasture lowland. Mol – likes that the proposal is not taking prime land but the 33 ft. wide access is a concern. Kotila – hope is they are not locked in at 17-acres and agree the 33 ft. width is narrow. Mol stated he would like to see 66 ft. access with Kotila agreeing. Ogle explained the 17.6-acres is a rough figure. If approved, it would be subject to survey and approval is based off proposed plan concept.
- D. Vick – agree, 66 ft. would be more adequate. Understands the concept with idea to not take up tillable land.
- E. Jones – driveway was biggest concern and agrees 66 ft. width is needed.
- F. Neumann questioned why the entire parcel is not being purchased. Kotila stated she is not selling it all. Neumann – if entire -344200 parcel is purchased the driveway could go right into the property and be straighter. In the past this Board has turned down similar 10.1-acres and 10.2-acres and this request runs across 2 PID's. He finds a lot wrong with the proposal and feels there should be more thought put into the request. This might not be the right place to build a home. Kotila – thought was to protect the farmland and keep as much agriculture as possible. Neumann – understands intent but property is in French Lake Township not next to Buffalo or high density area. He does not see a hardship with the request. This is a brand new building lot with options. Where is the hardship and why is this request special?
- G. Aarestad – shares some of member Neumann's thoughts. This is a large lot area and concern is the odd shape and long access. Where is the hardship? This plan does preserve farmland but it does open other problems that are just as concerning. The access road length and shape of property are concerns. He would like to see a different design that shortens the access and agrees that by purchasing the entire parcel it would better fit into the area and Land Use Plan. Kotila – there is a power line across the property, if built closer to the road the

line would be in the way. Ogle used Beacon to show the line location. Lake – he is the one wanting to buy the property. Any other way to get back to the area would be taking up tillable or be just as long through lowland. Aarestad – agree with those thoughts but there are other issues in play. Ogle – using Beacon, drew out a rough drawing, based on comment from member Neumann, with the entire parcel and shorter access. Aarestad stated that proposal would resolve some of the concerns, farmland would probably continue to be farmed and it keeps the parcel in character with the Land Use Plan as well as shortens the driveway.

- H. Mol questioned the applicant if they are set on the original proposal or wanting to come back with a revised plan. Kotila stated she wants to go with what was requested and if that is not okay, she is fine with that. Aarestad explained that if vote is no that is the end of discussion. There is opportunity to come back to the next meeting with revised plans or decide before the next meeting to withdraw. Kotila stated she would like a vote.
- I. Mol moved to close the public hearing to further oral and written comment and direct staff to draft findings, based on discussion, consistent with denial. The hearing will be continued to the January 5th, 2024, meeting to review the findings. Motion seconded by Neumann.

VOTE: CARRIED UNANIMOUSLY

10. **JEAN DUFRESNE** – New

LOCATION: 3955 Donnelly Drive NW – Portions of Lot 6,7 & 8 of Maple Crest Addition and Lot 2, Block 1 Maple Crest 2nd Addition in Section 04, Township 120, Range 26, Wright County, Minnesota. (Maple - Maple Lake Twp.) Tax #210-014-000070 & 210-155-001020 Property Owner: Charles Dufresne & Maria C Moreno

REQUEST: Variance as regulated in Section 155.026, 155.006, and 155.049(F)(3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to replace the existing home within the side yard setback and exceed the lot coverage maximums.

Present: Jim Dearing on behalf of Jean Dufresne

- A. Ogle displayed property map and reviewed request. The 0.16 acre property located in Maple Lake Township is zoned Urban/Rural Transition and located across the road from Maple Lake which is a General Development lake. Existing building coverage is 11% and existing impervious surface coverage is 27%. In 1996 a variance was granted to allow a 12 ft. x 20 ft. deck at approximately 46 ft. from Donnelly Drive and 7.5 ft. from the side property line. In 2021 the backlot was created. This request is to replace the existing single-family dwelling and construct a new single-family dwelling 10 ft. from the west side yard. The total building coverage would be 15.05% and total impervious surface coverage would be 25.05%. A variance is required as the replacement home would be 10 ft. from the west side yard whereas 15 ft. is required. The proposed building coverage would be 15.05% whereas 15% is the maximum and the proposed impervious surface coverage would be 25.05% whereas 25% is the maximum. The Township approves of the request.
- B. Dearing stated they tried to do the best they could with such a small lot.
- C. No public comment.
- D. Vick – would like to see the 25% impervious surface coverage met as well as the 15% building coverage. Feels that making a small adjustment to the house these numbers can easily be met. Dearing – agreed that a little can come off of the garage. Ogle stated he figured roughly 3 sq. ft. would need to be removed from the building to get both numbers into compliance.
- E. Jones – shares same concern as member Vick. Would like to see building and impervious coverage at allowed amounts.
- F. Neumann – the side yard setback is 10 ft. with the required distance of 15 ft. Sees a hardship in the width of the lot and the requirement of a minimum width and size of a home. If the home were decreased in size, to meet the setback, it would be 19 ft. wide and to him that is a hardship. He is okay with the 10 ft. setback and feels the request is reasonable and setback variances are acceptable but would like to see the impervious and building coverage meeting requirements.
- G. Mol – agrees, would like impervious and building coverage at 25% and 15%; if that is done, he is okay with the proposal.
- H. Aarestad – shares thoughts as others mentioned but would be fine with the extra 3 sq. ft. left.
- I. Vick moved to approve replacement of the existing single-family dwelling and construct a new single-family dwelling 10 ft. from the west side yard. Conditioned that the building coverage does not exceed 15%, impervious coverage does not exceed 25%, and an as-built survey is provided verifying lot coverage and placement of home. The site plan was noted as Exhibit “A” and building plans noted as Exhibit “B”. Motion seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

11. **MICHAEL DEWITTE** – New

LOCATION: 5574 County Road 30 SE – Part of SW 1/4 of SE1/4 in Section 01, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-200-014311 Property Owner: MICHAEL R & MARY L DEWITTE

REQUEST: Variance as regulated in Section 155.026 and 155.048(F)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct an addition to the existing home that is within the road setback.

Present: Michael and Mary Dewitte

- A. Ogle displayed property details and reviewed proposal. The 1.07 acre property located in Franklin Township is zoned General Agriculture. The request is to construct a 16 ft. x 26 ft. two-level addition to the north side of the home. A variance is required as the addition would be onto an existing nonconforming home. The existing home is approximately 100 ft. from the centerline of County Road 30 whereas 130 ft. is required. The Township approves of the request because the house was in place before the rules and the addition is not changing their distance to the centerline of the road.
- B. No comment from applicant or public.
- C. Jones – no problem with request. Township approves and Highway Department doesn't have a problem.
- D. Neumann – Township approved and addition isn't going near the road. He is okay with the request. Mol agreed and approves of the request.
- E. Vick and Aarestad both stated they are okay what is being requested.
- F. Vick moved to approve the request to construct a 16 ft. x 26 ft. two-level addition to the north side of the home as presented with it noted that the site plan is Exhibit "A" and building plans Exhibit "B". Motioned seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 11:00 a.m.

Respectfully submitted,



Aaron Ogle
Planner

AO: sd

CC: Board of Adjustment
Applicants/Owners
Twp. Clerks