

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: January 5, 2024

MINUTES – (Informational)

The Wright County Board of Adjustment met January 5, 2024, in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Board members present were Russ Greninger, Paul Aarestad, Dan Vick, Dan Mol, & Bob Neumann. Representing the Planning & Zoning Office was Aaron Ogle, Planner. Greg Kryzer, Assistant County Attorney, legal counsel.

ORGANIZATIONAL ITEMS:

First meeting of the year, Ogle, acting as Chairman, pro-tem, called the meeting to order at 8:30 a.m. and called for nominations for a Chair. Vick nominated Aarestad as Chair. Ogle called three times for further nominations, hearing none, a roll call was called, and unanimous ballot cast for Aarestad.

Aarestad assumed the Chair and called for nominations for a Vice-Chair. Mol nominated Neumann as Vice-Chair, hearing no further nominations, a roll call vote was called, and unanimous ballot cast for Neumann.

Aarestad called for action to adopt the Meeting Calendar for 2024. On a motion by Mol, seconded by Neumann, all voted to adopt the meeting dates at 8:30 a.m. on suggested calendar.

ACTION ON MINUTES FOR THE DECEMBER 8, 2023 MEETING

On a motion by Mol, seconded by Neumann, all voted to approve the minutes for the December 08, 2023, meeting as printed.

1. **JOAN KOTILA** – continued from 12/8/2023

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: Applicant or representative not present

A. Ogle called for the applicant or anyone speaking on behalf of the applicant three times, with no one stepping forward. The request to create a 17.6 acre entitlement division with 33 ft. access strip was continued from the December 8th meeting so that staff could prepare findings consistent with the Board's discussion, those findings have been provided to the Board for review. The matter at that time was closed to the public so no further oral or written comment will be accepted.

B. On a motion by Mol, seconded by Neumann, all voted to approve the Notice and Order of Denial.

VOTE: CARRIED UNANIMOUSLY

A copy of the adopted and signed Notice and Order of Denial with Findings will be mailed to the applicant.

2. **DEAN FRIELER** – New

LOCATION: 12439 Guildner Ave NW – part of Gov't Lot 34 in Section 36, Township 122, Range 27, Wright County, MN (Sugar - Clearwater Twp.) Tax # 204-100-363204. Property Owners: Dean Frieler

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: Jenelle O’Brien

- A. Ogle displayed proposed site plan and property details while reviewing the request. The 0.25 acre property in Clearwater Township is zoned Urban/Rural Transition and located on Sugar Lake which is classified as General Development. The existing building coverage is 7.6% and existing impervious surface is 24.6%. The request is to construct a 15 ft. x 30 ft. (450 sq. ft.) addition onto the north side of the existing home. A variance is required for the proposed addition onto the existing home because the home is 31 ft. to the lake whereas 75 ft. is required and 5.5 ft. as well as 10.1 ft. from the side yards whereas 15 ft. is required. A variance is also needed for the septic pressure bed that is proposed 7.2 ft. from a property line whereas 10 ft. is required. The Township recommends approval of the request as it is not closer to the lake. The response from a Wright County Environmental Health Officer was that they believed the proposed location of the pressure bed would not be a cause for concern and the proposed distance from the property line should allow enough room for installation while staying entirely within the referenced property.
- B. O’Brien and public had no comment.
- C. Mol – likes that the impervious surface coverage will be improved. Is familiar with the area and the property in question and feels that these are small lots so any type of addition would require a variance. The addition is away from the lake and impervious is staying under the 25% maximum allowed. He is okay with the plan as presented.
- D. Vick questioned if the 7.6% building coverage is existing or after the addition. Ogle – proposed addition puts building coverage at roughly 11.7%, with no variance required. Vick stated he is okay with the proposal as presented and likes that impervious and building coverage meet the requirements.
- E. Greninger – no comment.
- F. Neumann questioned if the lot is flat or if there are contours. O’Brien – flat to the shoreline. Neumann agrees that these small lots are difficult to meet setbacks. Likes that the building and impervious coverages are staying within the requirements and this is a request that he can support.
- G. Aarestad – was concerned about drainage but his concern and questions were addressed.
- H. Neumann moved to approve the request is to construct a 15 ft. x 30 ft. (450 sq. ft.) addition onto the north side of the existing home that is 5.5 ft. from the east side yard, 10.1 ft. to the west side yard, and 31 ft. to the ordinary high-water of the lake. The septic pressure bed would be 7.2 ft. from the west property line. Noted that site plan is Exhibit “A”, building plans Exhibit “B” and septic plan Exhibit “C”. Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

3. **LYNN C. BERNING** – New

LOCATION: 12617 Estes Ave NW – part of Gov't Lot 3 of Section 32, Township 122, Range 26, Wright County, MN (Limestone Lake - Silver Creek Twp.) Tax # 216-100-322309. Property Owners: Lynn C. Berning & Sherri S Berning

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 remove the existing home and construct a new home within the shoreland building setback.

Present: Lynn Berning

- A. Ogle displayed proposed site plan as he reviewed request details. The 1.79 acre property in Silver Creek Township is zoned Urban/Rural Transition and located on Limestone Lake which is classified as Recreational Development. Existing building coverage is 4.8% and existing impervious surface coverage is 10%. The request is to construct a new home 72.5 ft. from the ordinary high-water line of the lake. A variance is required as the proposed new home would be 72.5 ft. from the ordinary high-water (OHW) of a Recreational Development lake whereas 100 ft. is required. The Township approves of the request because the dwelling is being moved further from the lake and it fits within the scope of the character of the other lots on each side of the house.
- B. Berning – plan is to move back from the lake with the home location where it will not impede neighbors view. The septic system location and a low area of the property played a role in the building location.
- C. No public comment.
- D. Vick asked to have Beacon displayed so he could visually see the neighboring homes. Berning – other homes are closer to the lake. Vick asked why this specific area. Berning – if moved back more from the lake they would be 4 ft. below the crest of a hill and have a blocked view of the lake as well as encroach on a natural drainage area. Vick – concern is large home with water draining to neighboring lots. Questioned if the home can meet 75 ft. from the OHW with Berning confirming.
- E. Neumann – with new construction would like to know why the setbacks cannot be met. There is plenty of room to build on the lot and if a variance is given for new construction each time an addition is wanted a new variance could be required. Other than the view what is the hardship? Berning – moving back from the lake would be additional excavation and more of an impact. Neumann – feels location is a self-created hardship rather than only place that the home can be located. If on a different type of lake, the 75 ft. would be meeting the required setback. Having a hard time finding a hardship with a brand new build. Feels square footage of the home is quite large at roughly 4,360 sq. ft.
- F. Mol – 4 ft. is not a lot of additional excavation area and the rise could be incorporated into the design of the home. Not seeing a practical difficulty. Reviewed Beacon and the neighboring homes are closer to the shoreline but they are not asking for a new home.
- G. Greninger – no comment.
- H. Aarestad – struggling with a hardship. Questioned Ogle on what rules there might be related to excavation of a hill. Ogle – land alteration has rules when it comes to the amount of material being altered. When a new home is built it is known there will be some associated filling and grading within that core area. It is when land alteration occurs outside that core area that there is a possibility of a permit being required, which could be administrative or through the Planning Commission. He would need to see plans for filling and grading outside the core area of the home to give a more accurate answer on whether a land alteration permit is required. Aarestad – sounds like there is a possibility to move 3 ft. back and use fill. Struggling with practical

difficulty. Questioned how much water collects in the low area. Berning – owned the property for only a few years and in the spring last year, during a drought, there was some water in the spring months. Aarestad stated that discussion he is hearing from the other members is that the request will not pass as presented; option to continue and bring back revised plans, move forward with a vote, or withdraw.

- I. Ogle pointed out that the lowland area being discussed is not an inventoried wetland (National Wetlands Inventory). If it was an inventoried wetland than the land alteration process would be a more in-depth conversation.
- J. Vick questioned the existing neighboring home setback distances to the lake. Ogle used Beacon and roughly figured the home to the north is 90-100 ft. and the property to the south roughly 40-50 ft. from the OHW. Mol – property to the south is a small home with a very open lot. If this request is approved at 75 ft. that property owner could ask for the same setback on a wide open parcel. The property in question does not have a wetland but there is a lowland with a request for new construction on a lake.
- K. Aarestad questioned the applicant on how they would like to proceed. Berning stated he would like to continue and revise plans.
- L. Vick moved to continue the meeting to February 2nd, to allow time for plans to be revised. Motion seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

4. **ANNE ANDERSON** – New

LOCATION: 3551 Edmonson Ave SE – Wildlife Run Lot 3 Block 3 in Section 23, Township 119, Range 25, Wright County, MN (Mud - Rockford Twp.) Tax # 215-151-003010. Property Owners: Anne Anderson

REQUEST: Variance as regulated in Section 155.026, 155.003(B)(1), and 155.047(F)(4) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to get approval on two after-the-fact buildings. One of the buildings is located within the rear yard setback and both after-the-fact buildings together exceed the total detached building area maximum for a parcel 2.5-4.99 acres.

Present: Anne Anderson

- A. Ogle displayed the Beacon aerial photo and reviewed the request. The 4.66 acre property in Rockford Township is a non-riparian property that is zoned Agriculture/Residential. The request is for approval on two after-the-fact buildings. One is a 12 ft. x 16 ft. 3-season room 23.7 ft. from the rear yard and the other is a 12 ft. x 20 ft. freestanding covered patio. A variance is required as the 3-season room is located 23.7 ft. from the rear yard whereas 30 ft. is required. A variance is also required as both of the after-the-fact buildings bring the total detached building coverage on the property to 3,492 sq. ft. whereas 3,200 sq. ft. is the maximum for parcels 2.5-4.99 acres. The Township approves of the request. Neighboring comments are in support of the request.
- B. A. Anderson – 3-season was built and kept under the 200 sq. ft. as they knew the rule of buildings under 200 sq. ft. do not need a building permit.
- C. Public comment.
- Maren Anderson – daughter – parents purchased the home 4 years ago and not much was provided at the time of sale due to it being a foreclosure situation. When looking at the property it felt reasonable to assume that based on the existing landscaping the property line was further back than it actually is. Mother is looking to sell the home and in conversation with the relator setbacks came up and the issues were brought to light.
- D. Neumann – note stated there is a Homeowners Association (HOA). A. Anderson – originally the HOA was setup when the homes were being built and now only used to collect funds from 6 property owners to pay taxes for the mutually owned open space parcel. Neumann – to build you would not require the HOA approval? A. Anderson – no. Neumann questioned when the 3-season room was built. A. Anderson – 2020. Existing deck was there and they added a few footings and built over the deck area. Neumann questioned when covered patio was built and if contractor was used. A. Anderson – built in fall of 2019 and they did hire a contractor but some work was done by her late husband. Neumann – total overage is 292 sq. ft., which is roughly 9% over and really close to what is allowed. Bothersome that a contractor built without proper permits.
- E. Mol – member Neumann addressed some of his questions. Struggle is when home and garage were built so close to a property line there is no room for expansion and this could have been easily avoided if the buildings were pushed back from the property lines when built. Easy to see how the property line assumption was made. Challenged with an after-the-fact build but does not feel the applicant intentionally went behind the backs of Planning & Zoning. Even though no permits were pulled it was not done in bad faith as they tried to keep under the 200 sq. ft. In the past this Board has allowed a small amount over what is allowed and sees here that there is a hardship.
- F. Vick stated he drove by the property and can see how the property line was misleading. Okay with the porch, if required to pull a building permit and inspections are completed. Ogle – the covered porch was looked at by a Building Inspector and determined to be detached from the building. Vick – personally does not see a reason

for the porch to be removed, as long as building code is met. Ogle – if removed, accessory building coverage would drop to roughly 3,252 sq. ft. A. Anderson – buyer is aware of this process occurring today. Vick – feels a permit needs to be pulled or the porch come down.

- G. Greninger – no comment.
- H. Aarestad – feels the applicant did not try to circumvent Planning & Zoning and both issues are relatively small in size. Likelihood of affecting neighbors is nonexistent.
- I. Ogle – should be noted that a building over 200 sq. ft. requires a permit. With the 3-season it might be under 200 sq. ft. but because attached to the deck which is attached to the home according to a building inspector a permit would be required. No matter the situation with setbacks, both buildings needed a permit. Aarestad stated he is in favor of the request. A. Anderson – noted that during this process a survey was found on file that indicated the home would be setback from the property line further than built.
- J. Motion made by Vick to approve both after-the-fact buildings. One is a 12 ft. x 16 ft. 3-season room that is 23.7 ft. from the rear yard and the other is a 12 ft. x 20 ft. freestanding covered patio. It was **CONDITIONED** all building permits are applied for within 30 days. The survey is noted exhibit “A”. Motion seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

5. **LEIGH NELSON** – New

LOCATION: 15327 76TH St NW – Bisanideewin Shores 1st Addition Lot 8 Block 1 in Section 28, Township 121, Range 28, Wright County, MN (W. Sylvia - Southside Twp.) Tax # 217-019-001080. Property Owners: Bradleigh A Nelson

REQUEST: 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 construct additions to the existing home which is within the side yard and shoreland building setback.

Present: Brandon Scheuble with KC Custom Home Design

- A. Ogle displayed proposed site plan along with building plans for the request and gave review. The 0.29 acre property in Southside Township is zoned Urban/Rural Transition and located on West Lake Sylvia which is classified as General Development. Existing building coverage is 7.2% and existing impervious surface coverage is 11.4%. The request is to construct a 40 sq. ft. covered porch, 128 sq. ft. screen porch, and a 276 sq. ft. deck onto the existing home. The footprint of the existing home/deck would be 5.6 ft. from the west side yard and 61.7 ft. from the ordinary high-water (OHW) of the lake. A variance is required for the proposed additions onto the existing home because the proposed footprint of the home and deck would be 5.6 ft. from the west side yard whereas 15 ft. is required and 61.7 ft. from the ordinary high-water of the lake whereas 75 ft. is required. The Township approves of the request.
- B. Scheuble – applicant has owned properties on the lake for the last 45 years. Partnered with Bernie Miller (MSTS) and reviewed multiple options, which included tearing down and building new but it was decided that would also require variances. Applicant doesn't want a large cabin; she wants to work with what is existing and with additions make the home more usable. Existing cabin is 768 sq. ft. with small attached screen porch. Proposal is for a 40 sq. ft. covered entry, streetside, which would replace a 40 sq. ft. ramp and the screen porch addition is expanding the existing screen porch. Both streetside additions meet lake and side yard setbacks. The current deck, stairway and lower concrete patio is roughly 336 sq. ft. with the proposal at 337 sq. ft. The existing cesspool and shallow well will be abandoned and replaced with a new holding tank and deep well. Proposed building coverage of 13.8% and includes a future detached garage and boat house. Total proposed impervious of 24.2% and includes the allowance for driveway, walkways, and patios.
- C. No public comment.
- D. Mol questioned if full septic or holding tank would be installed. Scheuble – drainfield was reviewed but the neighboring well would have to be moved. Without increasing of living space, the holding tank is allowed. Mol questioned if this would be a full time summer residence with Scheuble explaining a few weekends in the summer but mostly unused. Mol – appears deck would be roughly 2 ft. closer to the lake. Scheuble – closest is 61.7 ft. and the existing stairs and grade level concrete on the survey show the corner of the home is 67.5 ft. There is also another area of deck at the 63.5 ft. Mol – deck appears 2 ft. closer and he does not like to infringe on the lake more than what is existing. This is a concern of his and he would like to see plans at the existing setback. Noted the side yard isn't getting any closer with the addition.
- E. Vick – shared same thought as member Mol. This Board doesn't tend to go along with getting closer to the lake. He would like to see lake setback at existing point.
- F. Greninger – no comment.
- G. Neumann – looks at a request like this for current owner but also down the road several owners. Agrees with statements from members Mol and Vick. He is okay with proposed porch and covered entry but feels the deck is a no go as presented.

- H. Aarestad questioned that the concrete pad area is the area that is defining the 2 ft. closer. Is the structure or pad area closer to the lake? Scheuble explained the corner of the house setback and adding 6 ft. of depth for the house cause the lake setback to be roughly 66.7 ft. from the OHW. There is another corner of the deck that is existing at 63.5 ft. and is proposed to stay at that distance. Ogle displayed site plan and reviewed current and proposed setbacks while explaining steps, stairways, landings, and patios don't have the same setback requirements to the OHW as the deck or home. The shoreline is also not a straight line so distances could fluctuate. Aarestad stated he would like to ensure the screen porch cannot be easily converted to a 4-season area, which could be a noted condition. This Board doesn't tend to allow closer to a lake but feels this situation is unique. Appreciates the anticipation of additional surface areas and planning for the future. Personally, does not have a problem with the proposed plan.
- I. Mol clarified the existing concrete pad is located at 61.7 ft. with proposal of roof to be built over. Ogle – currently considered at grade patio. Scheuble – concrete pad where stairs come down, that is 31 sq. ft. and the proposal is for a deck, no roof line. Ogle – used the proposed building plan to review the area in question. Request is for an upper level usable deck area and a new landing in more of a central location. Vick – questioned if there could be a 3 ft. walkway the entire distance. Scheuble explained the goal is to create a usable space for seating and he would be willing to look at what can be done to meet that 63.5 ft. OHW setback.
- J. Vick moved to approve the request to construct a 40 sq. ft. covered porch, 128 sq. ft. screen porch, and a 276 sq. ft. deck onto the existing home. The footprint of the existing home/deck would be 5.6 ft. from the west side yard and no closer than 63.5 ft. from the ordinary high-water of the lake. Noted site plan Exhibit “A” and building plans Exhibit “B”. Motion seconded by Mol.

DISCUSSION: Mol – it was mentioned the porch to not be allowed to be converted into a 4-season porch.

Vick moved to amended the motion and include a condition that the porch cannot be converted to 4-season use. Mol seconded.

DISCUSSION: Scheuble questioned the 2 ft. of deck square footage being removed lakeside could be allocated to the side and screen porch area. Vick stated he would need to hear what others have to say.

Vick moved to rescind his motion with Mol seconding.

- K. Mol questioned if the item should be continued to allow time for Mr. Scheuble to discuss with the applicant as well as provided revised plans. The Board seems to be in agreement that they are okay with the 63.5 ft. setback to the OHW but would like to see plans if the square footage is moved and possibly encroaching a side yard setback. Scheuble stated the south side could be closer but until drawn out not certain. Mol – wants to see a plan. Scheuble questioned if the Board approved only the 63.5 ft. setback and deck area is not moved to another area could they move forward with a vote. Aarestad – confirmed they either continue to the next meeting and see revised plans or vote today with no deck reallocation and a distance of 63.5 ft. Scheuble stated he understood and asked for the Board to move forward with a vote.
- L. Vick moved to approve a 40 sq. ft. covered porch, 128 sq. ft. screen porch, and a 276 sq. ft. deck onto the existing home. The footprint of the existing home/deck would be 5.6 ft. from the west side yard and 63.5 ft. from the ordinary high-water line. **CONDITIONED** the porch cannot be converted to 4-season use. The site plan noted Exhibit A and building plans noted Exhibit B. Motion seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

6. **BELINDA BERGREN** – New

LOCATION: 7327 Quinn Ave NW – Olson’s Bay Lot 4 in Section 29, Township 121, Range 28, Wright County, MN (W. Sylvia - Southside Twp.) Tax # 217-036-000040. Property Owners: Eric E. Bergren & Belinda M Bergren

REQUEST: Variance as regulated in Section 155.026 and 155.049(F)(3) 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 within side yard setbacks.

Present: Belinda Bergren & Al Evavold with CAP Custom Homes

- A. Ogle displayed property details and proposed plan. The 0.44 acre property in Southside Township is zoned Urban/Rural Transition and located on West Lake Sylvia which is classified as General Development. Existing building coverage is 9.0% and existing impervious surface coverage is 27.3%. The proposal would drop impervious surface coverage down to 23.1%. There is an unpermitted storage building that was constructed between 2021 & 2023 within the north side yard setback that also exceeded the 25% impervious surface maximum, the shed will need to be removed no matter the outcome of this request. The request is to construct an addition to the existing home that will not further encroach any setback. The existing home is 2.3 ft. from the north side yard and 5.5 ft. from the south side yard. A variance is required for the proposed addition onto the existing home because the existing home is does not meet the 15 ft. required side yard setbacks. The Township approves of the request as the addition would be an improvement over the existing house side setbacks and the impervious coverage will be at 23.1%.
- B. Bergren – purchased 4 years ago and is now looking to improve the safety of the home and ability to access home directly from garage. Currently only able to access living area via outside.
- C. No comment from public.
- D. Vick questioned how the rear of the home is accessed and if holding tanks are accessible, without crossing onto the neighboring lot and if the LP tank could be moved to allow more room. Bergren – feels the tank could be moved elsewhere. Vick questioned what is proposed for the addition. Evavold – reviewing building plan noted distance, on LP tank side, to addition will be 5.7 ft. and existing home is 2.3 ft. Photos of home displayed while addition area and property lines discussed. Goal is to create an interior entry point at the driveway level, right now entry into home requires going up the exterior upstairs. Vick questioned how the holding tank is currently drained. Evavold – this is a full septic system and tanks are currently pumped from driveway side, with a long hose. With the proposed addition, at roughly 6 ft. from the line, there will now be more walkway along the home. Vick questioned if runoff is an issue or concern. Evavold – fairly flat as well as some driveway being removed to get that impervious coverage down.
- E. Neumann – difficult when home is existing and so close to the property line. No problem with the proposed request. Would like to see a stormwater management plan be considered so water isn’t affecting neighbors.
- F. Mol – most questions and concerns were addressed. Noted that addition is not encroaching further onto the side yard lines and this is a difficult situation with the existing home and size of the lot. Concern with the ability to get around the side of a home but this home is existing and the addition is not causing more of an issue. Feels the request is going down the right track.

- G. Greninger had no comment. Aarestad – questions he had were mentioned.
- H. Neumann asked the size of the addition. Evavold – roughly 680 sq. ft., mainly garage on driveway side and living space above garage.
- I. Bergren – with survey displayed, questioned if it would make sense to try and straighten the home and shift the garage from what is shown in the proposal. Evavold – thought is to use trusses and adjust the angle of where the garage attaches to the existing home. Questioned if Board would approve the tie-in point to the existing home would stay the same but come out straight with the property lines. Aarestad – not sure the Board would mind the change but feels it would be best to have drawn plans to review. Suggestion would be to continue the item and come back to the Board with revised plans. Ogle questioned the ideal situation. Evavold – if able to structurally apply for a building permit, with the garage straight, would it get approved? Vick questioned if one side would be shortened. Evavold – one side would be 8 ft. and the other roughly 6 ft. from side yard. Would like to know if they simply change tie-in location and do not adjust the size would the Board approve. Aarestad – feels the Board will need to see plans before voting.
- J. Vick moved to continue the hearing at the applicant's request, to revise proposed plans, to February 2, 2024, meeting. Mol seconded the motion.

VOTE: CARREID UNANIMOUSLY

7. **KYLE ASHWILL** – New

LOCATION: xxxx 25th St SW & xxxx 17th St SW – part of Gov’t Lot 4 of Section 14, Township 119, Range 28 & SE 1/4 of the SE 1/4 in Section 11, Township 119, Range 28, Wright County, MN (Cokato Lake - Cokato Twp.) Tax # 205-000-141301 & 205-000-114400. Property Owners: Kyle Ashwill & Beth Ashwill

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 10.0 acres and 2.5-acres of prime farmland.

Present: Kyle Ashwill

- A. Ogle displayed proposed site plan. The 105 and 40 acre parcels are located in Cokato Township and zoned General Agriculture. A Deed Restriction was done in 2023 that split off a 4-acre homesite which is now parcel 205-000-141300 and left 3 entitlements remaining on what are now parcels 205-000-114400 & 205-000-141301. The request is to create a 21.6 acre entitlement division which includes 4.8 acres of prime farmland. A variance is required as the proposed entitlement division exceeds the 10.0 acre maximum and includes 4.8 acres of prime farmland whereas 2.5-acres is the maximum allowed. The Township approves of the request because the entitlement location is the highest and best use for that corner of the property and the property will be made usable. The City of Cokato does not see any issues with the request.
- B. Ashwill – no comment
- C. Comment opened to the public.
- Dean Mahlstedt – Cokato Township Supervisor – Township has quite a bit of knowledge on this property and feels this is a way to get the highest and best use out of the property. This is not good farmland.
 - Dan Bravinder – Cokato Township Chairman – property is unique. Next to the road is lower ground and building site is in upper right corner and will not take much Ag land away. Understand the feeling of taking Ag land away is not good but, this situation is unique and will not inhibit the use of the Ag Land.
 - Tiffany Waterman – 13235 25th St SW – curious to what the change will be and what the land would be used for. Aarestad – overview was provided and request is to create a building site.
- D. Neumann questioned the shape and why not 10 acres. Ashwill stated at 10 acres there would be no building site near the road as that is lowland and washout. Neumann questioned why not move building site more to the west. Ashwill – from the tree line to the west is all lowland and swamp, unbuildable. Neumann confirmed access would be along the east property line and went on to question if there is a way to get 10 acres in that area that is buildable and not in the field. Ashwill stated it would be tight with wetland setbacks, road, and neighboring property. The west area and towards the road is field but stays wet the majority of the year. Neumann questioned where access for the other 3 entitlements would be located. Ashwill – would only have 2 entitlements remaining.

Ogle used the displayed Beacon aerial to explain Mr. Ashwill owns another adjoining property, to the north, that does have public road frontage. Road frontage should not be a concern for the remaining 2 entitlements.

- E. Mol – where the home will be built is 4 acres of prime tillable land and appears to be the only place to build a home. Area west is wet and he can understand why presented as it is. A straight line, coming off the road, wouldn't allow for a buildable location. Feels there is a solid hardship to be able to utilize a building entitlement. Not asking for access strip and by including the wetlands is over the 20 acres. Looking at the property and what is proposed makes sense.
- F. Vick – stickler for the 2.5 acres. In looking at proposed drawing there appears to be a small sliver of land that seems out of place. Ogle explained that at the time of application an administrative division had yet to be completed and the proposed dimensions were an estimate. Beacon has since been updated with the new division and the reason for a small sliver. Ashwill confirmed he was instructed to not get an official survey until the Board made a decision, so what is shown is a rough proposal for the meeting and the idea is to not have that small sliver. The proposed property will probably be closer to 22 acres when done. Vick questioned the holdup in going with the 2.5 acres or prime tillable. Ashwill – setbacks to neighboring property. Vick stated he would like to stick with the 2.5 acres of prime soils.
- G. Greninger – no comment.
- H. Aarestad – appreciates the Township acknowledging the prime tillable land. Based on comments from the Township and approval of the City, he does not have a problem with the proposed request.
- I. Neumann – heard comment from member Vick and feels there are proposals that come before the Board on a 1/4 acre of property. Not sure 4 acres of tillable ground is needed to build a home. Aarestad – agree, to a certain extent. There is value with what the Township says and feels they were very clear as to the reason why this request would work. The City is also in agreement. Feels this variance request is reasonable. Vick – does not feel there is a reason the lines can't be adjusted to be more straight and shrink the tillable acreage. Ashwill – if a future owner or he himself wants a shed with a horse, where would that go?
- J. Ogle – based on discussion Ogle displayed a rough drawing on Beacon of a revised plan. Ashwill stated the revision is reasonable. Ogle – approximately 18 acres with roughly 2.5 acres of prime soils, still need variance as acreage is over 10 acres. Vick questioned if that was acceptable for the applicant.
 - Mahlstedt – from the Township standpoint and his personal view, this large piece of property was mined for US Hwy 12 and it was not a good piece of land at that time and still is not. The property is not a high crop producer. Another local farm made the same comment at the Township meeting. This piece is nowhere near prime farmland and is not productive or usable. Feels this is an opportunity to make the property usable and a nice long term use property and why he considered this request as the highest and best use. Vick – the County does state land as prime tillable and this Board has held other requests to the 2.5 acres. Ashwill questioned when the land was last classified, before or after it was mined in 1997. Vick – not sure. Going along with what he has been presented.

- Bravinder – back to the 4 acres that was discussed. The main reason is as a 21 acre parcel there would be the ability to develop as Ag property. Will be allowed Ag buildings and so having that corner is most likely needed room for Ag type of development. Does not feel it is a good idea to narrow down to 2.5 acres of buildable area. This is not a residential lot; it is an AG lot and why looked at it in a way it was. Vick – doesn't feel there is room for Ag use and tillable use. Bravinder – there are many types of Ag use, like an orchard, not just tillable.

K. Mol moved to approve the request to create a 21.6 acre entitlement division with 4.8 acres of prime soils subject to survey with legal description of division and remainder of parcel, Deed Restriction, and site sketch noted exhibit A. Noting Township approves of the split and a large portion of property is wetland. Seconded by Greninger.

DISCUSSION: Vick questioned limitation on animal units. Kryzer - given the wetlands and lake there is not a possibility for animals but would suggest an added condition of no animal units allowed.

Mol amended his motion to include a condition that zero ("0") animal units be allowed on the division. Seconded by Greninger.

MOTION CARRIED Approved: Mol, Aarestad, Greninger Nay: Vick & Neumann

8. **JOSEPH HOLTHAUS** – New

LOCATION: xxxx 75th St NE – part of NE1/4 OF SW1/4, NW1/4 OF SE1/4 EX N 329.22 FT OF E 31.49 FT OF NW1/4 OF SE1/4 in Section 29, Township 121, Range 25, Wright County, MN (Monticello Twp.) Tax # 213-100-294101. Property Owners: Joseph F Holthaus & Janice E Holthaus

REQUEST: Variance as regulated in Section 155.026, 155.048(F), 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 10.0 acres and 2.5-acres of prime farmland. The remainder of the parcel would have less than the required road frontage.

Present: Joe Holthaus

- A. Ogle displayed the proposed site plan and reviewed the request details. The 80.1 acre property in Monticello Township is zoned General Agriculture (AG). The request is to create a 38.8 acre entitlement division and the remainder of the parcel would have 200 ft. of road frontage. A variance is required as the proposed 38.8 acre entitlement division exceeds the 10.0 acre maximum and 2.5 acre prime soils maximum. The remainder of the parcel (41.3 acres) will have 200 ft. of road frontage whereas 300 ft. is required.
- B. Holthaus – plan is for pastureland to be purchased by neighboring property owner and be used as pastureland for cattle.
- C. Public Comment
 - Randy Olson – owns the property directly east. Questioned the need for 300 ft. of road frontage for an entitlement and if adjoining property owner is buying the land why would a variance be necessary. Ogle – anytime parcel is over 5.0 acres and you are creating a new division or split there needs to be proper road frontage, which is 300 ft. for over 5 acres. Easement access is not acceptable. Both are close to 40 acres but, by ordinance, there is no way to get a full quarter-quarter due to the odd shape of the tillable and pasture portions. Olson – understanding is a single entitlement will go with the 38 acres. Ogle confirmed entitlement is intended to go with the tillable acreage.
- D. Mol – questioned the Land Use Plan. Ogle – set to stay AG and verified not in the transition area. Mol – there is a body of water roughly the length of an 80 acre parcel and the Planning Commission is continually seeing divisions on duck ponds and sloughs. In looking at the proposed lines, understands wanting to preserve pasture and tillable land but where the line is proposed is a large injustice to future planning and when 10 acre division request comes forward. Understands the intent but is challenged by not following the quarter-quarter line and impact on future planning. Even with a 40 acre split the majority of pastureland would stay together as would the portion of water staying roughly the same. Trying to look ahead at when these splits are done and what could be possible in the future. Does not see a hardship in not following the quarter-quarter lines or splitting as 40 acres.
- E. Ogle – Beacon aerial displayed with comment that roughly 2-2.5 miles before city limits of Buffalo or Monticello. The Land Use Plan shows majority of the surrounding area AG and likely to stay that way.
- F. Vick – feels a division along the quarter- quarter line is more reasonable.
- G. Neumann – some properties should just be left whole. Just because they want it split doesn’t mean they should be split. This does not follow the quarter-quarter plan and seems only hardship is related to a buyer not wanting entire parcel. Financial aspect does not pertain to this Board. As proposed, he would not support.

- H. Aarestad – feels this might create a problem in the future. Appears the proposed version will not pass so there is option to withdraw, revise plans, or allow a vote. Holthaus – quarter-quarter does not require Board approval. Aarestad confirmed. Holthaus stated he would like to withdraw.
- I. Motion made by Vick to dismiss the matter without prejudice, at the applicant's request. Seconded by Neumann.

VOTE: CARRIED UNANIMOUSLY

ADMINISTRATIVE DISCUSSIONS

Aarestad questioned the new member appointment process and heads-up being provided to the Board members. Kryzer explained that the process is an ordinance issue. With the term ending at the end of the year and timing with the County Board meeting, where appointment is made, it can be difficult.

Mol asked for clarification regarding the change in site inspection reimbursement. The per diem form provided states Planning & Zoning Site Inspections is now \$70. The form does not specify Board of Adjustment so he wanted to confirm change was for both boards. Ogle – his understanding is that Planning Commission and Board of Adjustment fall under the Planning & Zoning Site Inspections.

Meeting adjourned at 10:30 a.m.

Respectfully submitted,



Aaron D. Ogle
Planning & Zoning Planner

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