

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: February 2, 2024

MINUTES

The Wright County Board of Adjustment met February 2, 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.

ACTION ON MINUTES FOR THE JANUARY 5, 2024 MEETING

On a motion by Mol, seconded by Neumann, all voted to approve the minutes for the January 5, 2024 meeting as printed.

1. JOHN GRABER – continued from 11/3/23 & 12/08/24

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, Bernie Miller of Miller's Sewage Treatment Solutions (MSTS), Lee Jorgenson of Holst Architecture, Inc.

- A. Ogle reviewed the background for the request to remove the existing dwelling and construct a new single-family dwelling that is located within a bluff, continued from the November 3rd, 2023 meeting so that a site inspection could be conducted on December 1. The Board also continued the request from the December 8, 2023 meeting for the applicant to have sufficient time to review plans and make potential changes based on prior discussion. An updated site plan was submitted on January 31, 2024. 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 existing building coverage is 3% and the proposed is 4%. The existing impervious surface coverage is 15% and the proposed has been updated to 16.7% on the revised plans. 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 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. Elizabeth Bentley - returned to Southside Township in January with productive activity, despite their denial against the initial request. She reviewed past suggestions, at the previous meeting, to resituate the home further to the north and install piers. The applicant states they are keeping the proposed 700 sq. ft. of added living space and have made minor changes to "square off" the home, as it was originally built at an angle on the parcel. Bentley believes the house will be best resituated being moved north to preserve the bluff and save trees to the south. The basement footage was halved from original proposal and overall reduced size to accommodate and be mindful of the land, the bluff, the trees, and the lake. All other recommendations were considered and incorporated into the revision, including stormwater runoff, permeable driveway, saving trees, and putting in a septic drainfield. Another way to preserve is to minimize the moving of new soils on the property by using about 500 sq. ft. of the existing foundation, removing less trees. Another note, aside from the bluff variance before them, no other variances would be applicable, in keeping beyond 75 ft. back from the lake, as shown on the revised plans. They're also within conformity from neighboring property lot lines and in calculating 11.4% total building coverage whereas up to 25% is allowed. Bentley suggested the Board members might recall at the site inspection that the bluff was at less than 18% grade for the build location, not at the most abrupt portion of the bluff, but back in a space within the slope. Bentley went on to describe the drainage plans, including landscaping and how the area will not be excavated and therefore not causing any changes to the natural stormwater flow. A permeable driveway will be installed, old outhouse will be removed from the property, drainfield in front of the house will be abandoned and new septic system installed and well replaced. They do not have plans to build a garage or any other accessory buildings on the lot. Miller stated that he did not have much else to include. He was not available to meet at the Township but read the minutes and is aware of their stance. The original survey did not indicate a bluff, so when the applicant came forward with building permit applications to build, they were unaware of the need for a variance. His belief is

this is the best design for the situation with minimal disturbance using the existing footprint. Excavation is essential in getting down to the basement level and the piers will cause little impact. Bentley read minutes from the Township board meeting, for the record, "...the Board has recommended building into existing... Township Board would set a precedence ...cannot approve of site of existing home" and interpreted it to mean that anything outside of the footprint would be reviewed by this Board.

- C. No one spoke for public comment.
- D. Mol – from the original proposal, moving the house was originally at 17 ft. from property line to now 20 ft. and squaring it to the parcel. Mol stated he agrees with comments from Miller that moving the home could potentially cause large amounts of excavating. With the piers, as presented, not placed in the bluff or hill by means of preservation and other improvements to the sewer and home design. The applicant has listened to the suggestions made by the Board, but the house is still sitting within an existing bluff. It will take disturbance to the property to build no matter what. Placing pillars does not set a precedence but applies to the uniqueness of the property. Still has concerns for expansion into a bluff. With new sewer drainfield and the other improvements to the property, there will be minimal disturbance within the bluff. With moving home over he had concerns because of the old oak trees being removed, but trees also die and can be replaced. All other criteria are met. He understands reasonings behind moving, preserving the state of the lake and appearance but still has concerns with expanding into the bluff.
- E. Vick – much was answered to what Mol had said. He understands that this is a bluff but from his perspective at the site seemed to look flat. The deck was factored into the total square footage, and he liked the posts (pillars) as designed. Like that the drainfield and stormwater management will be considered. Questioned if perhaps a rock bed could be incorporated to avoid runoff. Bentley stated a rock bed is planned within the landscape plan as presented.
- F. Greninger – has not been to the property to see the slope but agrees with other members regarding improvements made to the plans as presented. He doesn't have questions without knowing much about the property and thinks the design was done well.
- G. Neumann stated he did not like the original set of plans and is not fond of the new ones as presented. He still wants the house moved out of the bluff line. Feels at nearly $\frac{3}{4}$ of an acre there is room to move the home back. The applicant emphasizes "minimum disturbance", but as far as he can see, there are many disturbances per plans presented. Holes are slated to be dug between house and lake for septic tanks. The entire area between the front of the house and at the steepest part of the slope is also slated to be torn up in addition to the trenching all the way up the slope to the top of the hill and a new pressure bed installed. He sees multiple disturbances all over the plans and wants home moved back. Neumann suggested moving the septic in place of where the old home currently sits. As proposed, he is voting an affirmative no.
- H. Aarestad – slight difference from Neumann's views but agrees that he made valid points. Even if building inside the existing footprint, there will be disturbances due to changes with the septic system. He believes a lot of thought was put into the design of the building. Minimal amount of disruption of new soils should be exercised, for sake of septic, to preserve what is there. Regarding impervious service coverage only increasing slightly and the addition very minimal from original design. The placement seems to line up and fit well with the others along the shoreline and doesn't see it to be an extreme design and fits well with the neighborhood. Suggestion would be that during excavation precautions are taken to avoid disturbances. Based on the mentioned, he can go along with the approval as presented.
- I. Mol asked Ogle, where the system is now, does that meet conformity? Ogle stated the proposed drainfield and tanks meet the required 10 ft. setback minimum. Miller added that his crew has installed many drain fields and tanks in bluffs. Excavating makes holes but they are always filled in and put back with little disruption and if only on a temporary basis. Well and septic placement should not compromise neighboring properties and careful consideration was placed in the design for location. Any other area of the property would need for deeper digging. By design, they will dig only as far down as the foundation level into the slope, a shallow excavation versus a

potential 12 ft. hole dug. In his experience, the MN DNR's concern for bluffs is the hydraulic lift and saturation of the soil. Quality and structure of soil is factored; the flattest part of the lot is where the tanks are now. As far as going within the bluff, the location by design is the most level on the slope. He has had experiences on Lake Sylvia and Lake John with many homes built within the bluffs. In this case he does not have concerns of runoff or sliding into the lake, but if a sticking point with the Board he could find another solution. Mol - if an exact replacement of the home were presented would the new or replacement system requirements still be planned to be situated in the same location? If like-for-like, the applicant wouldn't be here asking for a variance for the house nor the sewer system. Miller agreed and said anywhere else has obstacles like trees. As presented is an optimal location, meets all setbacks, and has no concerns with the bluff. If replacing the house in the same placement as it exists, Miller states this is the best location to place the tanks. Mol agrees with Neumann; get the house back further from the lake to get out of the bluff and meet setbacks. The sewer will still be placed in front of the house, noted the slope back down to the road, per his site visit, what will be affected in placing the drainfield per new design? He commends the design as presented, to place the well in the center of the property as to not affect neighbors but is still trying to understand the practical difficulty.

- J. Vick – prefers that the house be moved closer to the road, fill in the two holes left by the foundation and septic for the sake of disturbing more soils. Pushing it further back into the site line could create a potential hardship. Neumann added that further back is further up the hill with less potential for runoff and remarked about a potential garage requested to be built in the future. Vick – does not think there is intent for attached or detached garage. Bentley confirmed no plan for garage and no intent to sell to another who may want to have one built. It's a seasonal place, not a home; a place for family to grow and parents to age into. Bentley added she feels this is a circumstance when a variance is appropriate. Modest requirements have been met and much work has been done with minimal disturbance on a temporary basis to make the house and property for long-term improvements and her hope is that this matter is to set a precedence for others, while others are trying to build larger.
- K. Vick moved to approve the request to construct a new home within the bluff CONDITIONED a stormwater management plan be submitted at time of building permit application. Site plan noted Exhibit "A", building plans noted Exhibit "B", and septic plan noted Exhibit "C". Motion seconded by Mol.

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

2. **BELINDA BERGREN** – continued from 1/5/24

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, Bernie Miller with MSTs

- A. Ogle opened with aerial of property displayed for audience on overhead. The request is to construct an addition to the existing home that will not further encroach any setback as the existing home is 2.3 ft. from the north side yard and 5.5 ft. from the south side yard. Board moved to continue the request from the 1/5/2023 meeting to the 2/2/2024 meeting because the property owner and builder asked the Board if they could change their original plans. An updated proposal was presented to construct an addition, which will not further encroach any setback. The new footprint area of the addition will be 7 ft. from the north side yard and 2.6 ft. from the south side yard. A variance is needed because the existing home and addition would be located within the side yard setbacks. The existing impervious surface coverage is 27.3% with the newly updated proposal to reduce impervious surface down to 24.9%. It should be noted there is an unpermitted storage building that was constructed sometime between 2021 and 2023 within the north side yard setback that also exceeded the 25% impervious surface maximum. If the request were not approved, the referenced shed would still be in violation. The Township approved of the original plan as the addition would be an improvement over the existing house side setbacks and impervious coverage would be at 23.1%. Two neighbors commented on the project and did not have issues with the proposal.
- B. Bergen added that she is looking at the safety aspect with the ability to gain access to her house without having to do so by going outside, as she does now. The major change from the last meeting was to shift the layout over, seeking to keep within the allowed 25% impervious surface by removing the shed, and working to stay in line with the Board's previous suggestions. Evavold – last conversation was about the construction of the building; he's been working with Littfin Truss on a truss system to better angle the layout of the house and better straighten to the property lines. Miller and Evavold spent time anticipating how to square-up the house to best suit the garage addition related to the property line, as it was likely not surveyed at original construction. Miller explained the existing impervious coverage can be brought down to under 25%, building coverage from 15% down to 13.2% building coverage, part of which is storage shed to be removed changing the driveway to reduce the impervious surface coverage.
- C. No comment from public.
- D. Vick asked if the footprint square footage increased with the new design. Evavold – very minimal, from 20 to 24 ft. out and noted the LP tank will be moved. Vick wishes the new design was kept smaller, under the impervious and building coverages, but is okay with the revisions.
- E. Greninger had nothing to add to the discussion.
- F. Neumann stated the variance is needed because the house is 2.6 ft. at closest to property line. It is closer than what he would like, however, the other part of the house is already there and the Township is in favor for

approval of the variance. The owners have been living there for some time and are fully aware of how tight it already is.

- G. Mol asked Evavold of the timeline to remove the shed. Evavold - considering the timing of the Certificate of Occupancy (CO), he anticipates September 1, 2024, to be a realistic date to complete the building addition, cleanup, and grading restoration. Mol agreed to Neumann's statement that the house is not getting closer, just extending out 9 ft., and aligning better to the property lines. He is okay with proceeding, mentioning the shed's removal in addition to his decision. Ogle asked the applicant to display the revised building plans for the Board to review as the current garage is only one level and the addition would extend out 9 ft. and add a level.
- H. Motion made by Neumann to approve the request to construct an addition to the existing home. The addition will not further encroach any setback. The new footprint area of the addition will be 7 ft. from the north side yard and 2.6 ft. from the south side yard. It was CONDITIONED the unpermitted detached building be removed prior to 9/1/2024 and as-built survey submitted prior to building permit final showing impervious surface is at or below 25%. Site plan noted Exhibit "A" and building plans noted Exhibit "B". Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

3. **LYNN C. BERNING** – continued from 1/5/24

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 & Sherri Berning, Dylan Howard of Howard Homes, Inc.

- A. Ogle displayed original and revised proposals as he reviewed the request to construct a new home 72.5 ft. from the ordinary high-water line of the lake. The matter was continued from the January 5th meeting to allow the applicant sufficient time to review their plans and possibly make changes based on the discussion. An updated plan was submitted on February 1st showing the home would be 80 ft. from the ordinary high-water of the lake. A variance is still required for the updated plan as the proposed new home would be 80 ft. from the ordinary high-water of a Recreational Development lake whereas 100 ft. is required. 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. 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. Lynn Berning – the goal with their house-building project is for slab-on-grade to retire into and the topography is working against them. Graph was presented that depicted the rise and fall of the grade. The revision moved the drainfield back and added a retaining wall that will help maintain drainage. Moving the house back to 100 ft. impedes view with the existing neighboring cabins and to moving to 80 ft. is an improvement. Howard – conducted his own site visit to get a layout of the property and did see some concerns with drainage and standing water. Practical difficulties cause the slope to flow the wrong way and feels that moving back to 80 ft. rather than 100 ft. would alleviate this issue. He wished not to set a precedence; the viewpoint will also not impede on the neighbors Sherri Berning added the need for the slope and home layout will accommodate aging family members.
- C. No public comment.
- D. Neumann stated his main opposition of approving a setback of 80-ft. is that any proposed additions on the house will require variances and with a 100 ft. setback will allow expansion on the house. Feels that with proper planning and landscaping the mentioned practical difficulties can be alleviated. Neumann stressed the trouble he has with approving this as new construction with potential variances to come. Quarter acre lots and smaller parcels on lakes simply do not have the same room. This parcel has the room to meet the required setback.
- E. Mol stated variances for new construction are hard for him to approve, based on the fact that anything added by the applicant or any future property owner would involve a variance. Mol questioned the 4 ft. rise and what it might take to possibly excavate the hill to help keep the house level into the lower portion of the slope. He asked if the applicant is open to the possibility of moving the house setback to 100 ft. or finding other means to not encounter variances. Howard stated that excavation is possible and willing to work with Ogle on potential land alterations. He regarded placement at 100 ft. and had concern for water runoff from the northern property with potential winter melt into the southern neighbor. Ogle remarked that land alteration requests are not handled by him specifically, but by another staff in Planning & Zoning that could review the situation. Mol asked if any other variances for lake setbacks for new homes in the area and on Limestone Lake.

- F. Vick is not in favor of the proximity to the shoreline but is in favor of how it aligns with other existing dwellings along said side of the Limestone Lake. Looking at the aerial view, home will be the furthest back and therefor he is okay with the 80 ft. setback, noting past Board approvals at 65 ft., to his recollection, when certain land requires it.
- G. After quick research within the permit database, Ogle was able to locate a property to the south where in 2018 the Board approved a variance to replace an existing 1,284 sq. ft. 1-level cabin that was 30.5' from the OHW with a new 1-level dwelling with attached garage and open porch 75' from the OHW. Ogle reminded the Board that each request should be looked at individually based on the specific request and specific property.
- H. Greninger feels the setback should stay at 100 ft. to avoid future variances.
- I. Aarestad – advised the applicant to think twice about stormwater and where it will be disbursed, he does not want to see water going into the neighbors' properties or onto the road. He believes an 80 ft. setback is reasonable, factoring the wetland. Ogle mentioned that while that area referenced may be wet, it is not an inventoried wetland.
- J. Vick inquired on excavation being brought onto the land regarding depth for footings. Ogle reminded Vick that it's a state building code question for building inspector's to answer.
- K. Mol asked the applicant what they thought of the Board's discussion and suggestions about soil disturbance.
 - L. Berning – was surprised by the suggesting of excavation, considering the crest of the hill. They would rather not disrupt the soils and haven't considered it until now. The problem with cutting to level would lose trees. Howard – landed on 80 ft. setback to factor cutting and filling to create least disturbance. By moving back substantially by nearly double from the original setback.
- L. Motion made by Vick to approve the request to construct a new home 80 ft. from the ordinary high-water line of the lake. Site plan noted Exhibit "A" and building plans Exhibit "B". Motion seconded by Mol, including mention of Township approval.

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

4. **JAMES STUBBE** – New

LOCATION: 10753 Grover Ave SW – Terra Teresa Lot 47 of Section 25, Township 118, Range 27, Wright County, MN (Mary - Victor Twp.) Tax # 219-016-000470. Property Owners: STUBBE JREVTR

REQUEST: Requests a variance as regulated in Section 155.026 & 155.006 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to exceed the impervious surface maximum.

Present: Jim Stubbe

- A. Ogle displayed property map and proposed plans while reviewing the request. The 0.13 acre property in Victor Township is zoned Urban/Rural Transition and located on Lake Mary which is classified as Recreational Development. The allowed impervious surface coverage is 29.3% based on the home which is grandfathered in. The current impervious surface coverage is 39%. The request is to keep a 10 ft. x 12 ft. (120 sq. ft.) patio that would bring the impervious surface coverage down to 32.4% but is still above the 29.3% allowed. A variance is required as the request would be to further exceed the 25% impervious surface maximum. The Township approves of the request to reduce the existing patio size as the current property owner purchased the property after the patio was already constructed and was not aware of the violation. If the Board does not approve of the request, the patio will need to be removed.
- B. Stubbe bought the house unaware of the impervious surface coverage overage and violation for the patio that is on the lakeshore side of the house. He wants to alleviate the non-conformity and is willing to shrink down the patio. Township understood the situation, approved, and suggested placing a rain garden of native plants.
- C. No public comment.
- D. Mol – looking at challenges and coverage at 29%, he questions how it happened. He asked of the access to the patio. Stubbe stated he has three patio doors that stretch across the entire back side of the house facing lakeshore. To answer how it happened, he closed on the property on October 26, 2023 and to his understanding, the County was not made aware, as to when the patio was placed, until a later time. Ogle showed the aerial photos taken – there was an old home that was replaced using State Statute for exact replacement which was 29.3% coverage. Plans at the time of permit application did not include a patio. The house itself is not in violation and Wright County does not do permits for patios. The matter at hand is the impervious coverage violation. Stubbe stated he captures all rainwater from impervious surface runoff in place throughout the property, has crushed rock in place for the small driveway with flow to the road, and has natural grasses on the lakeside of the house. He views his neighbors' properties having impervious surface on their lakeside opposite to his. He is aware of the 25% rule and sees others with nearly all impervious on theirs. The only change to water would be the change to a 10 ft. x 12 ft. patio. Mol asked of Ogle if, for example, a 4 ft. x 4 ft. pad might suffice for a patio. Ogle stated that no matter the size, it counts toward impervious surface coverage. Mol – they should have a pad or patio there, although it goes against what is allowed at 25%, whether it be 4 ft. x 4 ft. or 10 ft. x 12 ft. (or take it down to 10 ft. x 10 ft.), the applicant should be able to step outside of their house. He is not in favor of the 29% coverage and that it was purchased this way and is not sure how to handle this, as it was a previous owner's violation. If directed to remove it completely, then they are only left with grass and is unsure of how to proceed.
- E. Vick asked if the board made past decisions regarding permeable patio stones. Ogle – it would be up to the board to directly specify how it be conditioned, no matter the level of permeability. Driveways and parking areas are not subject to the 50% permeable material credit, even if deemed a permeable surface. The allowance is 25% and the applicant is already at an overage at 29% not factoring the patio. An approval cannot be done administratively at this point as it is already non-conforming. If leaning towards approval, the board would need to act on how they want to approve this matter above 29.3%. Vick mentioned how some pavers can be factored at 50% permeable. Ogle – had a similar discussion with the applicant discussing requirements. Vick mentioned the potential for a walkway and to consider that in factoring the total square footage. Stubbe - researched patios but wasn't sure what is considered as impervious. His hardship is purchase of non-conformity after the fact and is willing to forgo the third set of patio doors.

- F. Neumann – the hardship is the lot size. If the parcel were a half-acre, the Board wouldn't be looking at this. Feels that the proposal is practical and modest.
- G. Greninger agrees with the hardship with past property decisions.
- H. Aarestad – agrees with other members and believes this to be a reasonable request to rectify the situation. He asked of the potential for a 15 ft. barrier of native grasses at shoreline and sodding up to/around patio. Vick is okay with size and is also okay to stretch a strip of patio to all three doors – 2-3 feet. Aarestad remarked that the patio was likely the selling point and that 29% impervious surface coverage has never been approved in the past, to his recollection.
- I. Ogle stated that, if approved, a completion date will need to be discussed by the Board and consider addressing a requirement for an as-built survey.
- J. Motion made by Vick to allow for a 10 ft. x 12 ft. patio with option to change to permeable pavers, motion seconded by Aarestad.

DISCUSSION: Mol stated the matter is the 120 sq. ft. additional hardcover surface being allowed; how it is configured could be the applicants choice. Discussion continued among the members on what a set dimension requirement would look like versus allowing a specified maximum square footage and allowing the application to determine how that looks.

- K. Vick withdrew his motion - further discussion continued.

DISCUSSION: Mol – if done with permeable pavers, the County can decide what they recognize as 50%. Ogle – clarified 120 sq. ft. of impervious which could be up to 240 sq. ft. if using permeable material. Neumann – the request should be approved on as presented, not design the patio layout for applicant. Mol stated suggested motion is approving what is being asked at 120 sq. ft. of hard surface and if he can come back with another material that is 50%, so there isn't a need to come back for another variance. The potential motion being discussed won't allow over 120 sq. ft. of recognized hard cover.

- L. Motion made by Mol to approve 120 sq. ft. of total additional hard cover, above the 29.3% existing
CONDITIONED the concrete that is removed must be replanted to grass and an as-built survey done by 8/1/2024 verifying the reduction in impervious surface. Site plan noted Exhibit "A". Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

5. **JOHN & LAURA WEBER** – New

LOCATION: 2981 62nd St NW – Lot 2, Block 1, Maple Shores of Section 34, Township 121, Range 26, Wright County, MN (Maple – Maple Lake Twp.) Tax # 210-117-001020. Property Owners: John M & Laura S Weber

Requests a variance as regulated in Section 155.026 & 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 the side yard setback.

Present: Laura & John Weber

- A. Ogle displayed proposed site plan and reviewed the request for 0.38 acre property in Maple Lake Township is zoned Urban/Rural Transition and located on Maple Lake which is classified as General Development. The request is to construct a 568 sq. ft. livable area addition, 146 sq. ft. deck addition, and a 253 sq. ft. front porch addition to the existing home that is 7.7 ft. from the west side yard. A variance is required for the proposed additions onto the existing home because the home is 7.7 ft. from the west side yard whereas 15 ft. is required. The Township approves of the request as presented.
- B. Laura Weber noted the small yellow portion on the presentation as the only section requiring a variance. Their desire is to convert their one bedroom cabin into year-round use home. The modest updates and improvements to the 1940s-built cabin to make it more livable, as it is not to code for needed lower-level bedroom space.
- C. Comment opened to the public:
 - Darren Morrow – resides across road and is aware of another variance to the west of his property but wanted to know more about this one. The proposed sits between his house and the lake. L. Weber pointed at area depicted in yellow and explained the addition would be out of Mr. Morrow's site line.
- D. Vick – confirmed the removal of the deck and by currently sitting under the allowable impervious surface coverage by only 1.2% and only 0.2% under building allowed coverage, only taking on 7.7 more ft. He wants to see how other Board members feel and how the numbers add up.
- E. Greninger – nothing to add.
- F. Neumann – request seems reasonable, it meets all impervious surface and building coverage requirements. Neighbors' considerations were kept in mind. The original house was built too close to property line and is the reason for being here; he feels okay with the plans as presented.
- G. Aarestad – thoughts were shared by other members and is prepared to proceed.
- H. Motion made by Neumann to approve the request to construct a 568 sq. ft. livable area addition, 146 sq. ft. deck addition, and a 253 sq. ft. front porch addition to the existing home that is 7.7 ft. from the west side yard. Site plan noted as Exhibit "A" and building plans noted Exhibit "B". Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

6. ADAM PAINSCHAB – New

LOCATION: 676 Cty Road 8 SW – part of the W 1/2 of the SW 1/4 of Section 5, Township 119, Range 26, Wright County, MN (Marysville Twp.) Tax # 211-000-053201. Property Owners: Adam Painschab

REQUEST: Requests a variance as regulated in Section 155.026 & 155.103(N) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a home extended business within 500 ft. of the neighboring residence.

Present: Adam Painschab

- A. Ogle displayed an aerial view of the 2-acre property in Marysville Township is zoned General Agriculture. The request is to allow a home extended business (HEB) for auto repair 405 ft. from the neighboring residence. A variance is required for a HEB 405 ft. from the neighboring residence as 500 ft. is the minimum required distance. The Township approves of the request to open a HEB for auto repair business closer than 500 ft. from a neighboring residence. The neighboring residence within 500 ft. from the proposed home is in support of the request. Another neighbor has no problem with the request. Even if the Board approves of a HEB within the 500 ft. setback from neighboring residences, approval of the specific HEB conditional use permit (CUP) from the Planning Commission would still be required.
- B. The applicant did not have anything else to add to the overview.
- C. No comment from the public.
- D. Neumann – is familiar with this area and recalls this board approached with a similar matter some years ago. He asked of the neighborhood. Painschab – area is residential houses surrounded by fields and natural grasses. The neighbors support his request. Neumann referenced a past similarity in his own township, but for the sake of the business side of the use. If the neighbors are fine with the distance, he could go along with the request. His concerns are of vehicle storage and the potential noise from tools and equipment. Ogle displayed Beacon aerial map with buffer zones to indicate the 500 ft. bubbles created around each home and the areas where variances would be required. The wetland to the north reduces the area for use, leaving only a small area outside required setbacks.
- E. Mol questioned the size of the building. Painschab – 30 ft. x 30 ft. He would eventually like expand an additional 20 ft., bringing the building closer to his neighbor, but is only looking at 900 sq. ft. to start small. Mol serves on the Planning Commission and remarked that he has looked at past situations like this. The applicant has an area on his property that he does not need a variance. Mol explained a similar type of situation where the Township received complaint calls regarding the use of noise from air tools. He also raised the issue of the storage of vehicles outside in the yard, which is another issue the Planning Commission considers when reviewing a CUP application. He is unsure if this is the right thing to do or not.
- F. Vick stated that Mol asked questions he'd thought of and suggested perhaps installing a 6-ft. fence. He noted the tree coverage and thought the noise wouldn't be bad. Extra cars could become an issue. In addition to a fence, he suggested keeping peace with neighbors by working on the vehicles inside a building for minimal noise.
- G. Greninger agreed with fence or to limit cars that can be parked outside. Painschab stated that his spouse has also asked for him to keep cars at minimum. Ogle added that the HEB CUP operation would also be addressed by the Planning Commission so they would take into consideration applicable conditions. Mol added that the need for a variance is for being 100 ft. too close; Planning Commission will likely set conditions mentioned by Vick and Greninger. Greninger – if it's only 100 ft. and the neighbors are okay with it, he's okay with it too.
- H. Aarestad agrees that the matter at hand is a variance request. The Planning Commission may recommend screening or other noise-dampening means; he is in favor of the variance request.
- I. Vick asked of the reoccurrence of review once a CUP is issued. Ogle - direction is per the Planning Commission for review timeframe; he is not involved with this process.
- J. Vick moved to approve the request, as presented, for a home extended business for auto repair approximately 405 ft. from the neighboring residence. Site sketch noted Exhibit A". Motion seconded by Greninger.

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

7. **EDWARD WALKER (WALKER TRUST)** – New

LOCATION: 5128 25th St SE – part of the E 1/2 of the NW 1/4 and W 10 rods of the South 40 rods of SW 1/4 of NE 1/4 of Section 18, Township 119, Range 25, Wright County, MN (Ag. Trib. – Rockford Twp.) Tax # 215-100-182400. Property Owners: Walker Revtr

REQUEST: Requests a variance as regulated in Section 155.026 and 155.048(G)(4) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to create a “1 per 40” entitlement division which leaves the remaining restricted parcel with less than the required road frontage.

Present: Corey Walker, Ed & Cathy Walker, Matt Walker

- A. Ogle presented an aerial overview. The 49.14 acre property in Rockford Township, zoned General Agriculture and located on an unnamed Agricultural Tributary that is a public stream. In 1998 the Board approved a request which said that what are now PID 215-100-182401 and PID 215-100-182100 must be owned in common, with one building eligibility. It also created PID 215-100-182402 as an entitlement division over 10.0 acres. This request is to create a 4.8 acre entitlement division whereas the remaining 44.3 acre restricted parcel would have about 100 ft. of road frontage. A variance is required as the proposed remaining restricted parcel would have about 100 ft. of road frontage where 300 ft. is required. The Township approves of the request as presented.
- B. Ed Walker – his parents passed away, leaving behind land to split. Their request is to take approximately 5 acres from the 49 acres. The 5 acres will be sold to a potential buyer outside of the family and the remainder 44 acres will be sold to his son Corey. The depicted lime green area displayed on the site plan is his driveway and reason they are falling short of the required 300 ft. road frontage. Due to road frontage, they only have about 104 ft. to work with as presented. Matt Walker – Corey also owns the entire strip that runs along the County Road and toward the north, hindering on the shared driveway that splits it. E. Walker – wants Corey to own this property as to not have a potential junkyard directly neighboring his property. Cathy Walker added that most of the land is natural swamp land without advantage of anything other than to look at it. They would it rather not be attached to the homesite due to added expenses by the buyer.
- C. Comment opened to the public:
- BJ (Bobby Jo) Buettner – looked at a portion of the Walker property with her realtor as 10 acres of available land for sale. She is present to inquire if she may be able to purchase land for her animals. Considering the referenced portion of the property is not road frontage accessible, this parcel would be ideal for her animals to be tucked back and emphasized only needing approximately 10 acres. Ogle – based on road frontage, as proposed, there is no way to avoid a variance. No matter what size of the division were to be approved, a variance would be required with justification for Board of Adjustment approval, whether 1 acre or up to 10 acres. Ogle -conversed with feedlot staff regarding wetlands and the stream located on the property. Currently, there is only one access over the stream. Ogle indicated the remainder would be restricted and suggested the applicant contact the MN DNR to determine possible access across the stream for the back portion. Buettner added that she needs a house to live in and if it can be enlarged would be ideal. But if they're set with as presented, she will back away.
- D. Mol had several concerns - asked if the shared driveway is commonly owned. Applicants confirmed that is correct. Mol referenced the displayed Beacon map - If the applicants can move the driveway by keeping the water crossing as-is, could it be moved after the creek to the road to then make the 300 ft. frontage requirement? M. Walker – had thoughts about this too. Corey owns the entirety of that portion, so if the driveway were to come across the creek and be angled toward the township road, the 300 ft. road frontage could be met on each side of the driveway. Presuming the driveway remains shared, not much would change by means of the lay of the land. Mol stated from his standpoint serving on a Planning Commission, he understands there are no intentions to sell; family will continue to live there, but life and things can change.

As presented, the house will be split-off when theoretically there is enough room to build another home. With rezoning and changes happening within Rockford Township, his intent is to not put the applicant in a bad position. He would like to see the 300 ft. frontage requirement met so there is not a need for a variance. In years to come, if potentially approved, the applicant will likely be standing in-front of the board again. His responsibility is to assist and plan for the county in the future; what the land will look like and how can the county protect and preserve. Mol is looking to avoid a variance and to accommodate the road frontage according to the ordinance. M. Walker – if driveway were to shift to the west, then no variance would be needed? How would Ed quit claim the private road to Corey? There is an interested buyer lined-up, has had the mound septic system upgraded at the homesite, and is ready to use the existing shed on the property. Due to this matter before them, the applicants have been resistant to proceed forward with the sale. If they could get the surveyor out next week to work with shifting the driveway location to obtain 300 ft. road frontage on each side, would this suffice for approval today? Ogle explained that it would require the Boards approval to alter the original variance request approved in 1998 meaning a variance would still be required. Potentially, the driveway and property lines could be moved over but the verbiage would need to be figured in to factor all parcels involved. If this is the route the Board wishes to pursue, his recommendation would be to continue the matter for further discussion with staff. Ogle feels a revised proposal should be drawn-up and presented at the following Board meeting, Board action is required either way. Cathy Walker – if the private road were moved to the west, that would allow for the needed 300 ft. required for each road frontage? Ogle stated it appears to be a possibility, referencing drawings on Beacon presented overhead and reminding the applicant and Board that the lines are not survey grade accurate. Mol asked of proposed plan with the buildings depicted with Xs; they are to be moved, correct? E. Walker – correct, they're old junk buildings and will be removed or are gone. Mol – asked of the setback to the larger shed. Ogle stated that it depends on the proposed division acreage. Cathy Walker – we are okay in keeping within the setbacks. Mol – wants to ensure the existing buildings meet the required setbacks and size requirements.

- E. Vick asked about the configuration of the property lines running through the existing pole building. Ogle said, spatially speaking, all that is needed is a 300 ft. by 300 ft. box, however the referenced building is configured into meeting setbacks. The land is owned by family and the lot lines can be designed to work around the building as to avoid a setback variance. The Board should not approve lot lines going through existing buildings and is another reason a revised plan should be worked on outside of this meeting. Vick stated that he is not ready to make a decision and wanted clarity on the complication presented, thanked Ogle for the explanation.
- F. Aarestad asked if the applicant is considering coming back on a continuation with a new proposal. E. Walker didn't want to. They have a buyer for the house and is also present in the audience today. The sale is in limbo due to the matter at hand. Aarestad – we will proceed forward with the matter at hand.
- G. Neumann agrees with Mol in that he doesn't care for the drawing depicting the 104 ft. frontage as presented when there are other possibilities of making it within conformity at 300 ft. and 300 ft. for the two affected parcels.
- H. Greninger is also not for the presented drawing and agrees with 300 ft. frontage setback on each side.
- I. Aarestad agreed that Mol had a good idea with coming back with revised plans. The location is at a dead-end road and other safety concerns are not applied in this case. He understands their timing predicament to sell and is in favor if they visit the long-term approach. He is prepared to go along with the variance as presented and asked for a motion. He then paused, asked if the applicants are prepared to move forward today or take the Boards suggestions into consideration and come back with a new proposal, option three is to withdraw the request. E. Walker – Planning & Zoning staff has said to not hire a surveyor until we go through the approval process. Ogle stated that the suggestion, in previous discussion, was to not hire a surveyor until decision or recommendation has been made by the Board. If the applicant had hired a surveyor and the Board denied what was proposed, the applicant would be at a loss. If request gets approved or continued, the suggestion is to proceed with hiring a surveyor. At this point, the Board is indicating what they would like to see with the

property lines to secure the 300 ft. frontage with definitive numbers to reference, on said survey. At this phase, Ogle recommends a surveyor to verify enough width can be attained. E. Walker – there is enough width for the driveway to be moved; it is all within Corey’s property and will stay in his family. Aarestad asked for recommendations by Ogle, sensitive to the time issue, if the Board is allowed to approve at 300 ft. frontage with survey presented at later time or is the Board asking the applicant to come back with an exhibit that shows revised plan? Ogle stated he could attempt to draw up a rendering on the Beacon mapping system based on width needed. Neumann – understands the matter messes with the applicants’ timeline; it would be easier for him to see the parcel line moved to the west to make the needed 300 ft. frontage in order to get the approval for the variance. Even if presented with 290 ft. would be more palatable to get a “yes” vote, rather than frontage approved at 104 ft. as presented. It would cost them another month of their time, but it would be done correctly. Mol – as a Board, we are now going against the ordinance. There is the ability here, the family owns the land, they can figure how to get to 300 ft. for frontage. Discussion continued amongst the members and applicants regarding possibilities of getting the required 300 ft. of road frontage, meet required setbacks, and create a proposed plan the Board could review. Ogle stated that he is unsure how the MN DNR would address the access across the stream to the back side of what would be the restricted parcel. E. Walker – explained they are not planning to move the culvert and will be using the same culvert, just diverting the angle of the driveway after the culvert. Ogle - understands but wanted it noted that easement accesses are not considered public road frontage for new properties. If a new driveway is needed over the creek, he is not aware of the MN DNR’s regulations. E. Walker asked for clarification as to why he would be landlocked if an easement exists for the driveway. Ogle explained where Corey’s road frontage is located and how the property lines changing could affect the access. For Ed and Cathy to keep the access within their property, they may be faced with a creek that doesn’t have a crossing, due to the driveway now potentially within the restricted 40 acres piece. This might not be the case, said Ogle, but these are things he would want to know if making a change as presented, assuring that the ability is possible. Aarestad – the only way to determine what is being discussed is an option is to have a survey done. M. Walker – had history with his own creek access on his property and spent a lot of time with a State Hydrologist to discuss the need for excavation. Going across the creek was not an issue because access did not change or affect the water flow. If conversation were to come up to address the culvert, he feels that there is probably a work-around for it. Ogle – in the best interest of the applicant, have a conversation with the State to clarify what is allowed and what procedures are involved with the culvert and access, if approaching the matter with 300 ft. frontages in mind. M. Walker – measurements wouldn’t be known until a survey is conducted and understands Ogle’s drawings leave margin for error. Asked the Board if they were comfortable with having the survey done, understands the frontage needs to be within 270-290 ft. range. He then questioned if the Board could move forward with tentative approval in order to move forward with the split and sale of the land.

- J. Aarestad – is comfortable with the discussed proposal and to continuing this matter to the next meeting.
- K. Greninger stated he agrees with continuing the matter.
- L. E. Walker questioned when the 300 ft. regulation for driveway access was placed. Mol – it has been for quite some time.
- M. Vick – is happy with giving them a 75 ft. access strip to the house, noted aside from the matter.

DISCUSSION: Ogle – if including the additional parcels also affected by reassignment of property lines, the requirement is to incorporate a \$50 re-notice fee to capture the additional properties. E. Walker – has talked to the neighbors and are fine with as presented. Kryzer – legal requirement is to comply with all notice regulations. In this case, a re-notice is required by State Statue. Cathy Walker – the neighbors around their property are us (family). Kryzer – understood, it is also for newspaper publication requirements. Aarestad – to be clear, the item will be continued to the next meeting and the Board will not be voting on the variance request presented today. M. Walker – are you asking that we get a survey for the 300 ft. frontage? Kryzer – recommendation would be obtaining a survey. Aarestad – Board seems to agree to come back with 300 ft. frontage on a survey. M. Walker – if there is enough space for it to be done, they can see that it will be done. He asked for recommendations on how

the lines should be placed according to the creek. Kryzer – right now, you are not getting five firm denials; the Board of Adjustment cannot guarantee or even come to a consensus until everything is presented. At this point, it would be best to invest in a survey to come up with a plan that can be stamped as Exhibit “A” with approval on the matter. He is aware of the potential buyer but a continuance in this case is not a bad thing and administratively-speaking, places the applicants in a good position.

N. Mol moved to continue the request to the March 1, 2024 meeting so that the matter could be renotified to include the affected parcels PIDs 215-100-182401 and 215-100-182100 and allow time for the applicant to make revisions of the proposed plan, based on discussion, in the form of a survey. Seconded by Neumann.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 11:33 a.m.

Respectfully submitted,



Aaron Ogle
Planner

AO: am

CC: Board of Adjustment
Applicants/Owners
Twp. Clerks