

WRIGHT COUNTY BOARD OF ADJUSTMENT
Meeting of: March 1, 2024
MINUTES

The Wright County Board of Adjustment meet on Friday, March 1, 2024, at 8:30 a.m. County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Vice Chairman, Bob Neumann, called the meeting to order at 8:30 a.m. with Board members present: Dan Mol, Russ Greninger, Dan Vick & Bob Neumann. Absent was Paul Aarestad. Representing the Planning & Zoning Office was Aaron Ogle, Planner. Present was Greg Kryzer, Assistant County Attorney, legal counsel.

ACTION ON MINUTES FOR THE FEBRUARY 2, 2024 MEETING

On a motion by Mol, seconded by Greninger, all voted to approve the minutes for the February 2nd, meeting as printed.

1. **EDWARD WALKER (WALKER TRUST)** – continued from 2/2 (with updated PID's)

LOCATION: 434, 440 & 518 25th St SE – E 1/2 of the NW 1/4 in Section 18, Township 119, Range 25, Wright County, MN (Ag. Trib. – Rockford Twp.) Tax # 215-100-182400, 215-100-182401, 215-100-182100, 215-100-182402. Property Owners: Walker Revtr, Edward & Kathleen Walker, Corey Walker

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 alter a previous Board of Adjustment "1 per 40" entitlement division approval and to create a new entitlement division.

Present: Corey Walker, Edward Walker, and Kathleen Walker

- A. Ogle displayed the revised proposal and reviewed the request. The request from the February 2nd meeting was continued as the applicants proposal included additional parcels and altering of the original request, which required re-notification. The updated request is to alter a previous Board's approval of a "1 per 40" division from 1998 and to create a new entitlement division. A variance is needed to alter the previous Board's approval of PID 215-100-182100 and 215-100-182402. The properties involved are zoned General Agriculture and some are located on an unnamed Agricultural Tributary which is a public stream. The Township approved the updated request as presented.
- B. K. Walker – the driveway was moved to allow for the 300 ft. of road frontage for each parcel.
- C. No comment from the public.
- D. Mol stated that he appreciated the applicants did as the Board had asked. Based on the presented survey he does not have a problem with the plan.

- E. Vick – confirmed existing sheds were removed. Questioned if the setback of 11.6 ft. works for the remaining pole barn. Ogle confirmed in this situation an accessory building has a required setback of 10 ft.
- F. Greninger stated he does not see a problem with the revised proposal.
- G. Kryzer stated the survey notes a “Proposed Ingress & Egress Easement” and the County does not allow access strips on an easement basis. This means the driveway will need to be dedicated and deeded. E. Walker stated that is the intent and understanding.
- H. Neumann – agrees with comments from other members.
- I. Mol moved to approve the request as presented on the survey noted: "Exhibit A". The approval was CONDITIONED on survey with legal descriptions for the divisions and remainder, subject to Deed Restriction and Administrative Order, entitlement division on PID 215-100-182400 restricted to 0.5 animal units (AU) per acre, and remaining restricted portion of PID 215-100-182400 limited to 9.90 animal units (AU). Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

2. **JEFFERY LOUDEN** – New

LOCATION: 12413 Estes Ave NW – Part of Gov't Lot 2 in Section 32, Township 122, Range 26, Wright County, MN (Limestone – Silver Creek Twp.) Tax # 216-100-323201. Property Owners: Jeffry Todd Louden & Cinda Jane Louden

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 an addition to the existing home that is located within the shoreland building setback.

Present: Jeff & Cinda Louden

- A. Ogle displayed the proposed plan and reviewed the request details. The 0.94-acre property in Silver Creek Township is zoned Urban/Rural Transition and located on Limestone Lake which is classified as Recreational Development. The existing impervious surface is 23.1% and the proposed impervious surface is 24.5%. The request is to construct a 1,026 sq. ft. addition to the roadside of the existing home that is 96.7 ft. from the ordinary high-water line of the lake. A variance is required for the addition as the existing home is 96.7 ft. from the ordinary high-water of a Recreational Development lake whereas 100 ft. is required. The Township approves of the request.
- B. No additional comment from the applicant or the public.
- C. Vick stated he has no real concerns as all other setbacks are inline and the impervious is below the maximum allowed.
- D. Greninger – no concerns.
- E. Mol – is somewhat concerned with the impervious coverage being pushed. This means no water structures by the lake. C. Louden – they have been keeping an eye on this and have already taken out some sidewalks and would be willing to adjust the shed driveway. They would be willing to do landscaping and drains as coverage is something they are very aware of and want to stay below the 25%. Mol questioned how much water would go towards the lake or road. This is an addition with more roof and pushing the impervious. He is okay with setbacks but concern is pushing the impervious limit. C. Louden feels there is some area with the driveway that could be removed and they have already pulled up some other areas of sidewalk. Mol asked if the County inspects impervious coverage. Ogle – not unless there is a requirement from this Board. The Board could require an as-built survey, which would be done after construction. Mol – he is okay with not requiring an as-built but wanted to at least touch on the concern of the impervious limit being reached.
- F. Neumann – looking at the contour lines it appears fairly flat where the addition would go. Questioned if a storm water management plan should added to the proposal or would the Board feel okay without it. This is very likely the last building project on the property.
- G. Mol questioned if there were stormwater plans that could be submitted. C. Louden stated no but that is something they could address, not sure of the process. Ogle explained that depending on what is being asked of by the Board, we could accept plans from the property owner, landscaper, engineer, or someone who has experience with slopes and how to maintain stormwater. It is dependent on what the Board would like to see and could be as simple as gutter placement to direct water. If a

stormwater management plan is not required, stormwater management is still highly recommended. Typically, a stormwater management plan is submitted at the time of building permit application.

- H. Mol moved to approve as presented (construct a 1,026 sq. ft. addition to the roadside of the existing home that is 96.7 ft. from the ordinary high-water line of the lake) CONDITIONED that a stormwater management plan be submitted at the time of building permit application. Site plan noted "Exhibit A" and building plans noted "Exhibit B". Motion seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

3. **ERICK GROCHOW** – New

LOCATION: 2747 Nevens Ave SW – Part of Gov't Lot 2 in Section 14, Township 119, Range 28, Wright County, MN (Cokato – Cokato Twp.) Tax # 205-000-144414. Property Owners: Erick M & Carrie S Grochow

REQUEST: Variance as regulated in Section 155.026, 155.049(F), and 155.003(B)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a storage building exceeding the roof pitch and rafter storage area headroom maximum within the side yard and road building setback.

Present: Erick & Carrie Grochow

- A. Ogle displayed the proposed plan and reviewed the request. The 0.37-acre property in Cokato Township is zoned Urban/Rural Transition and located on Cokato Lake which is classified as Recreational Development. Looking at the property as a whole including both sides of the road, the existing building coverage is 6.3% and the existing impervious surface is 17.9%. The proposed building coverage is 11.3% and the proposed impervious surface is 24.4%. The request is to construct a 26 ft. x 30 ft. (780 sq. ft.) detached garage with an 8/12 roof pitch and 6 ft. 6 in. of headroom in the rafter storage area that is 5.0 ft. from the north side yard and 15.0 ft. from the centerline of the road. A variance is required for the storage building as the proposed roof pitch is 8/12 whereas 6/12 is the maximum on lots less than one acre, the proposed headroom in the rafter storage area is 6 ft. 6 in. whereas 6 ft. 0 in. is the maximum on lots less than one acre, the building proposed is 5.0 ft. from the north side yard whereas 10 ft. is required and proposed 15.0 ft. from the centerline of the road whereas 65 ft. required. On February 29th spoke with the Cokato Township supervisor, Dan Bravinder, and he stated that the request could not be heard by the Township before this Board of Adjustment meeting and went on to comment that there is no intention for the road to become public. At this time no written response has been received from the Township. The City of Cokato has no objections.
- B. E. Grochow – the plan is to add a garage for cars and maintain a site for a future drain field. The backlot and road create a challenge. To the south, there are two neighboring buildings located 5 ft. and 8 ft. off of the center line of the traveled road. With the distance to the road and lake, this is the only optimal site.
- C. No public comment.
- D. Greninger questioned the size of the building and the reason for the roof pitch. E. Grochow – would like to have room for storage. The existing building is just over 7/12 roof pitch so 8/12 was default on the plans submitted.
- E. Mol – does see a hardship with the layout of the lot and where everything is located. Challenged with the roof pitch. Getting over the 6 ft. on lake property tends to turn into sleeping areas and bunk rooms. In the past, this Board has stayed at the 6 ft. requirement and the rule is there for a reason. Would like to stay at the 6 ft. of headroom and get to the proper pitch. The size, location, and maintaining the drainfield area is appreciated. E. Grochow – he is tall and it is much easier to move around with more headroom. Mol – understands, and is tall himself, but this Board needs to look at the future possibility of new owners and not setting a precedence for the hundreds of lakes in the county. There needs to be a strong reason to go against the ordinance and approve a variance.
- F. Vick is concerned with the depth of the driveway. The concern is if vehicles park there the car will be parked on the roadway. E. Grochow stated he does not believe there is enough room to park a car in front of the garage. Vick – is there a possibility to turn the garage? E. Grochow – road is not busy with just two houses to the north. Vick – feels that a 6/12, with raised heel height, could work, and allow for 6 ft.

in the attic. E. Grochow – the current parking is on top of the drainfield and they plan to do some rearranging with no reason to park in front of the proposed garage. The goal is to ease the burden on the existing drain field. Vick stated he would like to hear from the township. Ogle – rear area of the lot holds an easement so from the county perspective it would be highly recommended nothing be placed across an easement. E. Grochow went on to explain easement and it is one of the only properties in the area still containing that easement.

- G. C. Grochow asked for clarification on the Township not providing approval. Ogle – statement from the Supervisor, Dan Bravinder, was the request was not heard by the Township. E. Grochow – the request was heard and they did meet with the Township. Ogle – no notice response was received from Cokato Township. Bravinder did state no intention of the road becoming public, but that was his personal comment. E. Grochow – was not on the agenda but did speak before the board. Vick questioned if the road is public or private with Ogle explaining that the road is private but there is still a setback if there are 1 or more residences beyond the referenced property that use the same road for access.
- H. Neumann – shares concerns about the driveway but with 2 homes past this location he does not see there being much traffic or build-up of speed. Ogle – roughly figured 10 ft. to the edge of the road. Neumann went on to ask the applicant why the building size is necessary. E. Grochow – 26 ft. deep, he has a 4-door long bed truck that doesn't go in a 24 ft. deep garage. Width of 30 ft. allows plenty of room to park and also have storage and a hobby area. Neumann when looking at a hardship on a property owned for several years, he asks why now and what hardship recently developed. E. Grochow – homesteaded and moved in full-time just over a year ago.
- I. Mol stated he has not heard a lot of comments on the roof, he would like to know if the Board has thoughts. Vick – is concerned with the roof but the driveway is most worrisome. Being that there are only two driveways past this location he would be okay with something but his concern is the depth of the driveway. Mol – in this circumstance, the way he is looking at the site is the road is a dead-end, not a township road and the Township is saying it will not be taken over. If this was a township road and through road, he would be more concerned. Vick – can see the reasoning with just the 2 homes. Would like to see a written response from the Township that they don't have concerns with the driveway. Neumann – if visibility is a concern the applicant could back into the garage, with the applicant confirming that would be his operational standard. Neumann – regarding the roof, he would like to see the height at 6 ft. With the 6/12 pitch, he does not see the reason to have a higher pitch for that size of building. Vick questioned the applicant on the pitch of the home. E. Grochow – currently is over 7.5/12. The 8/12 pitch was the default when drawings were created but he would be willing to come down and match the existing pitch. Vick – would like to see the item postponed until the Township responds. Mol – nothing official was received from the Township. Ogle – no formal response received and only a verbal statement from the Supervisor. Vick stated policy has been to wait for the Township's response with Mol agreeing.
- J. Greninger feels a formal response should be received from the Township. Questioned if the private road could eventually be extended. E. Grochow stated he does not believe so as a portion is MN DNR owned and watershed. Ogle used Beacon to review ownership.
- K. Vick moved to continue to the March 22, 2024, meeting to allow time for the Township to send a formal response. Noted concerns of the Board are the 6 ft. height and 6/12 roof. Motion seconded by Mol.

DISCUSSION: Vick wanted to ensure the Township would be made aware of the concerns mentioned. E. Grochow stated the township saw the same plans presented today.

VOTE: CARRIED UNANIMOUSLY

4. **KEVIN SCHMITZ**– New

LOCATION: 17749 & 17767 54th St NW – Lot 16 & Lot 17 of Rustic Ridge in Section 06, Township 120, Range 28, Wright County, MN (Francis – French Lake Twp.) Tax # 209-025-000160 & -000170.
Property Owners: Kevin & Laurie Schmitz, Ruth Miller

REQUEST: Variance as regulated in Section 155.026 and 155.090(Table 3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to install a septic system absorption area within the property line setback.

Present: Mark Hayes with Minnesota Geotechnical Services

- A. Ogle displayed the site plan and reviewed the details. This request references PID 209-025-000160 and PID 209-025-000170 which are both around 0.5 acres in French Lake Township. Both are zoned Urban/Rural Transition and located on Lake Francis which is classified as General Development. The request is to install septic system absorption areas across the shared property line within the property line setback. A variance is required as the proposed septic system absorption areas will be on and across the property line and within the property line setback of 10 ft. The Township approves the joint septic area dependent on the current owners drafting a legal contract indicating the ownership and use.
- B. Hayes stated both properties will receive mound systems, as independent rock beds, but both systems are going across the property lines. They are not going to share a rock bed and they will have their own tanks. Property owners are in agreement with legal documents to be completed and recorded.
- C. No comment from the public.
- D. Mol – site plan indicates a new home, what is the status of the home? Hays stated Kevin (Schmitz) is going to build a new home. Ogle – 2023 new home applied for that was denied because the proposal was to be on a holding tank, which is not allowed. That home would have been approved in the presented location. Hayes – Ruth Millers' home is on a holding tank; she is desperate for a full system. Mol questioned the use of existing outbuildings. Hayes – Schmitz purchased the property under the impression they could live in the northern building, which doubles as a garage because that is what the former owner was doing. The south outbuilding is a sewing and crafts building. Ogle – both outbuildings were permitted as storage and the county is under the impression one might be being used as a habitable space. Last year's house proposal showed they would convert the buildings back to proper use as storage. Hayes – new home is a 2-bedroom home but he has not seen house plans. Mol – concerned with outbuildings and impervious surface coverage. What is being designed and presented is a septic system that is a necessity and there is a hardship with these small lots. He feels what is being proposed will work better than putting 2 systems side-by-side.
- E. Vick – shares concerns regarding the hardcover but that is not part of the request. Questioned legal contracts addressing maintenance. Hayes – there is a pumper path shown on the site plan. Vick – as long as there is a legal contract, he would be okay with the proposal. Ogle – 2023 denied home application did show under the 25% impervious and under 15% building coverage with building setbacks being met. Hayes – on the Schmitz lot there is a NE corner of impervious that will be removed. There is a bathhouse with a toilet, that will come out, and no plumbing in the outbuildings.

Mol questioned if the parking area would be removed with Hayes stating he is not sure how much will be removed.

- F. Greninger stated he is okay with the plans.
- G. Neumann questioned what happens when one owner sells. Kryzer – with an easement if the property goes into foreclosure the agreement is extinguished. This would be a risk. Hayes – this is the 7th similar situation he has designed and not once has he heard of a problem. Ogle – the county Environmental Health Officer has seen these in the past and requires an easement. Just last year the Board approved a septic system on Union Lake where the system was allowed on the farm property across the road, with separate ownership. Neumann questioned topography. Hayes used the displayed excavation map to review the site and explained there will be some soil corrections done with the addition of sand. Neumann questioned if this is a Type III or IV system. Hayes – Type III.
- H. Vick questioned counsel if recommending against allowing. Kryzer – stating there are some concerns that could come up that would be civil issues. Hayes feels that this is the lowest-risk solution. Vick – would feel comfortable with a legal agreement. Mol – a septic easement is a legal document. Feels there is a solid hardship and this proposal would be a solution to get the homes off of holdings tanks and outbuilding use cleaned-up. He can't see a different location for a septic system and installing two systems won't meet setbacks, so there would be variances. There could be legal problems down the road but at this time he feels this is a solution. Ogle – spoke with staff and their recommendation is a condition requiring a septic easement recorded before a septic permit is issued.
- I. Vick moved to approve the request as presented CONDITIONED a septic easement recorded prior to the septic permit being issued, any bedrooms and kitchen area in the storage building must be converted back to storage via a conversion permit by the time the new home obtains its certificate of occupancy. The septic plan noted "Exhibit A". Seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

5. **BRUCE SCHUT** – New

LOCATION: 7414 Baker Ave NW – part of the SW1/4 OF NW1/4& N1/2 OF SW1/4 and N 1-2 SE & SW SE in Sections 25 & 26, Township 121, Range 26, Wright County, MN (Maple Lake Twp.) Tax # 210-100-264200 & 210-100-253200. Property Owners: Bruce L Schut

REQUEST: Lot line adjustment and variance as regulated in Section 155.026 and 155.048(F) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to adjust existing lot lines. The result would create a property with less than the required road frontage and two others split by the existing road.

Present: Dan Frie on behalf of the applicant.

- A. Ogle displayed the proposed plan and reviewed the details of the request. This request references PID 210-100-264200 which is 123 acres and PID 210-253200 which is 103.5 acres. The parcels are in Maple Lake Township and zoned General Agriculture. A Deed Restriction from 2002 left the restricted parcels which are 210-100-253200 & 210-100-264200 with five residential building entitlements which includes the existing farmstead. The request is to split off approximately 85 acres with 66 ft. of public road frontage and split the remainder of parcels 210-100-264200 and 210-100-253200 using the existing public road. The Board of Adjustment can address lot line adjustments and variances where less than the required road frontage is being requested. This request would also alter existing lot lines and the result would leave one "property" with 66 ft. of road frontage whereas 300 ft. is required. The Township did approve of the request.
- B. Frie – Bruce (Schut) is 3rd generation owner and his goal is to preserve the western Ag land. A concept plan was created by Bogart Peterson where a portion of the farm would be rezoned to Agricultural/Residential (A/R), as part of the Land Use Plan. Bruce's (Schut) desire is to preserve and continue farming the Ag land to the west and move forward with the rezoning of portions in the Land Use Plan set for A/R. With the concept plan displayed Frie noted there could be some adjustments due to existing drain tile that may need to be preserved. There are 5 entitlements and therefore quite a few variables. Ogle reminded the public and Board that rezoning and subdivisions are not decided on by this Board. Frie went on to explain the lot line adjustment related to the road. The road most likely deviated from the section line due to do a deep ravine.
- C. Public Comment.
- Tom & Pam Baker – abut the Schut property in the Northwest corner of the proposed Ag land. Questioned if the variance would be so that farm equipment could access the farmland. Ogle – request is for a lot line adjustment and asking for 66 ft. of road frontage where 300 ft. is required. Typically, the 66 ft. width is chosen because they need enough space for equipment but the applicant could discuss why the 66 ft. was specifically chosen. Frie – options were discussed, even an easement, and he believes the 66 ft. was decided with input from Bogart and Peterson with regards to farm equipment access. Ogle – easement access would not have been allowed, owned public road frontage is needed. T. Baker questioned if other areas would be divided as a subdivision. Ogle – reiterated this Board can not decide on the subdivision. Using the proposed plan Ogle went on to review the possible entitlement assignment. Frie stated the subdivision has yet to be decided. Part of the request is an area that is currently west of the road, but attached to the farm site, that would be adjusted to stay with the tract of land to the west of the road. Ogle confirmed line would follow the road

versus the section line. There will be multiple parcels that would be required to be owned in common with an Administrative Order. This lot line adjustment will address road frontage. T. Baker – the area to the west, which is currently Ag land, would be a large parcel with a single possibility of a home? Ogle – The Board of Adjustment can only review what is part of the request. Mr. Schut did indicate where he would like building entitlements to be assigned, property in question would hold a single entitlement.

- Adam Woytcke stated he lives south of the Ag land. Here to understand some of what T. Baker asked addressed his questions.
 - Jim Woytcke – lives in Silver Creek Twp. – questioned if 66 ft. is the amount of space needed for a proper road and if in the future rezoning occurs, on that back acreage, the 66 ft. would be enough for a public road. If that is true then who would maintain and build? Ogle stated the question is getting ahead of the process. This Board should not be addressing roads specifically for subdivisions. Theoretically, 66 ft. could be a township right-of-way but there is much more that goes into the process. An agriculture access strip with a single building entitlement on that area of land is what this Board is reviewing. J. Woytcke asked for Ogle to explain the building entitlements. Ogle explained the proposed plan where entitlements could be assigned and that the subdivision concept plan would need to be heard by another board. Frie stated when rezoned the entitlements go away. Ogle explained the process of entitlements and what occurs when a property is rezoned.
- D. Vick questioned the access strip and why it was not moved more south. Frie – in the future, the deep ravine might limit what is done on the west side of the road. Vick stated he would like to hear from other members.
- E. Greninger questioned if the ravine could be filled to straighten the line. Frie – the ravine is deep and would require quite a bit of material brought in. Believes the drain tile from the farm runs to the ravine. Greninger – drain tile can be moved and feels the ravine could be filled.
- F. Mol – with the proposed plan the lots would run right through the ravine, so the ravine will need to eventually be addressed. Looking at the request before the Board, it makes sense. This Board has approved 66 ft. access before. One thought is that with a large farm field, the 300 ft. of public road frontage could be met without a variance. With the proposed 66 ft. access it appears trees will need to be trimmed to even access with farm equipment. There is enough area for 300 ft. of public road frontage.
- G. Neumann stated he had the same thoughts. An earlier item on the agenda was required to have 300 ft. of road frontage and in this situation, there is no hardship in why they can't make the 300 ft. work. The other lot line adjustments make sense, the lines should follow the road versus trying to fill a ravine or straighten a road. Wonders why if there is room for 300 ft. the applicant is asking for a variance. Looking at the surrounding area, maybe not in the immediate future, this area will probably look different than today. Frie stated he is not sure why the 66 ft. as the 300 ft. was looked at. Knows that the intention is to maintain the western property as agriculture so possibly thinking with a 66 ft. access would deter someone from building on that large parcel. Ogle – whether 66 ft., 300 ft., or even 1,200 ft. of public road frontage, a building entitlement would allow for a house to be built. Neumann – the lot line adjustment, not following the section line, and going to the road makes sense.

The entitlement assignment, as proposed, is reasonable. The 66 ft. of road frontage is still a question for him. If road frontage changed to 300 ft. he would be in favor of the request.

- T. Baker stepped forward. Questioned the more western portion being purchased by a developer wanting to subdivide. Ogle – as mentioned, that would have to go through a different process and be heard by another board. T. Baker – is afraid of overdevelopment. Ogle – the Planning Commission would address those concerns. A conversation could be had at the Planning & Zoning Office to discuss your questions.
- H. Vick stated he would like to see road frontage at 300 ft. Neumann – the chances are the property will continue to be farmed until developed. Ogle displayed a Beacon aerial showing 300 ft. of road frontage on the property in question. Mol – would like to see a minimum of 300 ft., they could come back with more but at a minimum of 300 ft. Ogle stated he would recommend both parcels be required to have a minimum of at least 300 ft. Discussion continued regarding the minimum 300 ft. requirement with Frie stating he does not have authority to decide for the applicant and would therefore like to continue the item to the next meeting.
- I. Vick moved to continue the item to the March 22nd meeting to allow Mr. Frie time to discuss the concerns of the Board regarding the requirement of 300 ft. public road frontage with property owner. Motion seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

The meeting adjourned at 10:02 a.m.

Respectfully submitted,



Aaron Ogle
Planner

AO: sld

CC: Board of Adjustment
Applicants/Owners
Twp. Clerks