

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: May 3, 2024

MINUTES

The Wright County Board of Adjustment met on Friday, May 3, 2024, at 8:30 a.m. County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Paul Aarestad, called the meeting to order at 8:32 a.m. with Board members present: Dan Mol, Russ Greninger, Dan Vick & Bob Neumann. Representing the Planning & Zoning Office was Aaron Ogle, Planner. Greg Kryzer, Assistant County Attorney, legal counsel was present only for the first item.

ACTION ON MINUTES FOR THE April 12, 2024 MEETING

On a motion by Mol, seconded by Neumann, all voted to approve the minutes for the April 12th, meeting as printed.

1. **PATRICK LIEBSCH** – Continued from 4/12/2024

LOCATION: 13488 77th St NW – Lot 17, Bay View First Addition, Section 26, Township 121, Range 28, Wright County, MN (John - Southside Twp.) Tax # 217-017-000170. Property Owners: PATRICK & LEANNE LIEBSCH

REQUEST: Variance as regulated in Section 155.026, 155.003(B)(1), and 155.049(F)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a storage building that would exceed the total detached building area allowed and be located within the road building setback.

No representative present.

A. Ogle reminded the Board the item was closed to the public at the last meeting so no further oral or written comment will be accepted. Per the Board's directive, staff drafted findings which have been distributed for review. Staff feels that the order drafted and presented accurately reflects the opinions and statements of this Board and correctly identifies the thoughts on this matter.

B. Mol moved to adopt the Findings and Order for Denial as presented. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

C. Ogle stated the signed Findings and Order will be mailed to the applicant.

2. **TOM LUNDEEN** – Continued from 4/12/2024

LOCATION: 14187 68th St NW – Lot 3, Sylvia Cedars Resort, Section 34, Township 121, Range 28, Wright County, MN (E. Sylvia - Southside Twp.) Tax # 217-059-000033. Property Owners: Trevor Olean

REQUEST: Variance as regulated in Section 155.026, 155.003, 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 remove the existing home and construct a new home/deck within the side yard and shoreland building setback. The home's footprint is under the 800 sq. ft. minimum required.

Present: Tom Lundeen

- A. Ogle displayed the original site plan and reviewed the request. The request is located at 14187 68th St. NW in Southside Township. The property is 0.13 acres, zoned Urban Rural Transition, and located on East Lake Sylvia which is classified as General Development. The request is to construct a two-story 768 sq. ft. home/deck that is 5.4 ft. from the north side yard, 10 ft. from the south side yard, 46.2 ft. from the shoreland building setback, and serviced by the existing holding tank was continued from the April 12th meeting so the applicant could re-assess the proposed plans. The discussion revolved around the side yard setback, lake setback, size and width of the home, and the distance to the existing holding tank. There have not been any updated plans submitted at this time. A variance is required for a new home/deck that would be within 15 ft. of the side yard, 75 ft. of the ordinary high-water (OHW) of the lake, 10 ft. of the holding tank, less than 24 ft. wide, and less than 800 sq. ft. area on one of the levels. The Township noted the 5.4 ft. setback to the side property line is too close and would like to see the home narrower and longer to get at least 10 ft. from the side yard. A neighbor is not in favor of the request and would like the rules enforced with the property held to all setback restrictions on the old building footprint. Another commented that due to the constraints of the small lot, they feel the request is a reasonable solution.
- B. Lundeen displayed an updated plan and reviewed. The proposed home is now at 9.6 ft. and 10 ft. from the sidelines. The house size is proposed at 20 ft. x 40 ft. and moved back from the lake to 75 ft., which landed the home over the existing holding tank. The survey does show a building site line with the neighboring homes taken into consideration, which is roughly 60 ft. from the lake. Ideally, he would like to see the home approved 60 ft. from the lake and that would put the home 15 ft. off the holding tank.
- C. Public comment opened.
 - Bill Johnson – neighbor to the north. When Phyllis Latour built his home, she was required to build 75 ft. from the lake, it is not 50 ft. There is a jog in the deck to meet the setback requirements. Personally spoke with three Township supervisors who indicated they'd like to see a home setback 14 ft. from the north property line. Understands this Board can adjust the rules but is not sure it is fair to allow the community to suffer for someone who flips houses. Feels the original footprint is okay or allow with the required setbacks being maintained.
- D. Mol – at 75 ft. back from the lake the home is right on the holding tank. Questioned the lake setback for the existing home. Lundeen estimated 45 ft. Mol – moving home back to the 75 ft. is a problem created with the distance to the holding tank. Moving to the building site line would put the home at 60 ft. and for the most part, this Board has held a 65 ft. standard. At the prior meeting, discussion

was had on 10 ft. from the sidelines. Personally spoke with a town board member who indicated the Township wanted to see 10 ft., which is what is presented. Reservations with rebuilding and the size of the home being less than the ordinance allows. The lot size creates a challenge to get at a 24 ft. wide building. He would like to see a minimum of 65 ft. setback, including the deck and anything else.

- E. Vick – agrees with member Mol. Hard for him to go less than 65 ft. He would like to see at least 10 ft. for the side setback as that is also what the Township has indicated.
- F. Greninger – shares the same concerns mentioned and would like to see the home at 65 ft.
- G. Neumann questioned if the home would meet the 4 ft. from OHW separation requirement with Lundeen confirming. The slope to the east was questioned. Ogle – displayed survey is 1 ft. contours. The lowest floor of the home needs to be 1,055.35 ft. to meet the 4 ft. above the highest known water level requirement. In looking at the updated proposal there is roughly 120 ft. from the OHW to the end of the outhouse. By subtracting 65 ft. from the OHW and 40 ft. for the length of the home there is roughly 15 ft. left, which would meet the required septic system setback. Neumann – concerned with the slope and proximity to the neighbors. Wonders if a stormwater management plan should be a requirement. This is a small lot but this is also a small home. Acceptable with nothing closer than 65 ft. to the OHW.
- H. Aarestad – agrees with a stormwater management plan. Does not want to see landscape altered in such a way that will deviate water to either neighbor.
- I. Ogle asked Mr. Lundeen to use the document camera to display the updated proposed building plans for the Board to see. Lundeen displayed the plans and stated the home is 22-25 ft. in height with 8 ft. walls and upper level vaulted.
- J. Motion made by Vick to approve a 20 ft. x 40 ft. (800 sq. ft.) two-level home with site plan noted Exhibit A and building plans Exhibit B. CONDITIONED on a stormwater management plan, at the time of permit application. Site plan noted Exhibit A and building plans Exhibit B. Seconded by Mol.

DISCUSSION: Mol would like to amend the motion to include that the home is not allowed closer than 65 ft. from the lake, no more than 9.6 ft. from the north side yard, and 10.0 ft. from the south side yard. Appears to be 15 ft. from the septic, so that should be okay.

Vick and Mol agreed to amend the motion to include the home with a deck to be located 65 ft. from the lake, no more than 9.6 ft. from the north side yard, and 10.0 ft. from the south side yard.

VOTE: CARRIED UNANIMOUSLY

3. **BONNIE KILIAN** – Continued from 4/12/2024

LOCATION: 3951- 59TH St. NW – Lot 7, Maple Grove Beach, according to plat of record, Section 4, Township 120, Range 26, Wright County, MN. (Maple Lake – Maple Lake Twp.) Tax #210-015-000070 Property Owner: STEPHEN P & BONNIE S KILIAN

REQUEST: Variance as regulated in Section 155.026, 155.006, and 155.049(F) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a storage building that would be within the side yard and road building setbacks. Also, the proposed building and impervious lot coverage would exceed the maximum allowed.

Present – Bonnie Kilian and Paul Kilian

- A. Ogle displayed the proposed plan and reviewed the request. The request is located at 3951 59th St. NW in Maple Lake Township. The property is 0.17 acres, zoned Urban Rural Transition, and located on Maple Lake which is classified as General Development. The request to construct an 18 ft. x 20 ft. storage building 1.0 ft. from the east side yard and 17.5 ft. from the centerline of the road as traveled which is 2.5 ft. from the right-of-way was continued from the April 12th meeting so the applicant could speak with the Township regarding proposed distance to property lines, include a driveway on the plans, re-assess proposed distance to side yard, and reduce proposed lot coverages. The updated request is to construct a 16 ft. x 20 ft. storage building 5.0 ft. from the east side yard and 23 ft. from the centerline of the road as traveled which is 7.0 ft. from the right-of-way. The building coverage would be 18.4% and impervious surface coverage would be 25.7%. A variance is required to construct a 16 ft. x 20 ft. storage building as the proposed location is 5.0 ft. from the east side yard whereas 10 ft. is required and 23 ft. from the centerline of the road which is 7 ft. from the right-of-way whereas 65 ft. from centerline is required. The building coverage would be 18.4% whereas 15% is the maximum and impervious surface coverage would be 25.7% whereas 25% is the maximum. The Township re-visited the request at their April 16th meeting and approved of the request if the garage is 5 ft. minimum from the side property line and 7 ft. minimum from the road property line. The Soil and Water Conservation District requested the applicant not be allowed to increase building or impervious coverage since it would put them over the allowed amount. They also noted that if the variance were to be allowed they are made to decrease both coverages elsewhere on the property and stay under the maximum allowed with the potential storage building.
- B. P. Kilian – Township indicated 7.5 ft. off of the road would be acceptable. The revised plan shows the building 5 ft. from the property line and 2.5 ft. from the edge of the road. They looked at the neighboring garage distances and there are several as close or closer. B. Kilian – prefer 2 ft. closer to the road as there is not a lot of area towards the house. P. Kilian – updated site plan was displayed and reviewed. The original size of the building was 18 ft. x 20 ft., with the new plan lowered to 16 ft. x 20 ft. and impervious coverage is proposed at 25.7%.
- C. No public comment.
- D. Vick – Township wants to see 7 ft. from the road and 5 ft. from the side yard. Questioned if moving 2.5 ft. would impervious coverage change. Ogle – there is no driveway so slight modifications to the location won't change impervious coverage unless covering up existing. Vick – would like to see impervious at 25% or under, as that has been standard with this Board. Questioned building coverage. Ogle – proposed at 18.4 % with existing at 18.6%. Existing impervious coverage is 29.7% and proposed at 25.7%

- E. Greninger stated he is fine with the updated proposed plan.
- F. Neumann – this request is for a garage that has no function with the house or enjoyment of the lake and is a self-created hardship. This is a new building so why can't the setbacks be met? Can see that the road setback most likely can't be met but certainly could meet the side setbacks. There are additional buildings that could be removed which would lower building and impervious coverage. A garage is not a necessity and new buildings should meet the setbacks.
- G. Ogle – even with the existing garage, which they can replace, plus they are over the 15% building coverage. It works out to be about 15.7% building coverage just with the home and existing garage near road. It would be very difficult to get at or below 15%.
- H. Mol – concern is the access to the garage. P. Kilian – garage door will face north, as it does now. Mol – reducing impervious but if garage doors are to be installed the building could be used daily. B. Kilian – strictly used for storage of lawnmowers, gas, and such things with no vehicle use. Mol – if a vehicle were to be parked in the building hard surface would be created with repetitive use. There could be a condition where grass must be maintained in front of the building. The 5 ft. from the side property line is not a lot of room and less than what this Board tends to approve. The size of the lot does create a hardship but there appears to be enough room to meet a 10 ft. setback. B. Kilian – more distance away from the line goes closer to the well. Mol – many of these lots were designed in the 50s and 60s for weekend use and now people want a full-time residency and want more on small lots. This Board has to try to stay within the ordinances for the entire county. Ogle – moving 10 ft. off the side property line could put the building on or within the 3 ft. well setback. Mol – the shed is also being enlarged from what is existing. If the shed is kept the same size, it could be easier to meet setbacks. Additional discussion continued on location, size, and setbacks. Mol stated he would like to see a 10 ft. setback to the side yard and the Township did state they approved the road setback.
- I. Aarestad – would like to see the building rotated so the side yard setback is 10 ft. Ogle – appears roughly 14 ft. available for building width if 3 ft. from the well and 10 ft. from the side yard.
- J. Mol stated this Board is not here to design the building, here to decide if they can be 5 ft. from the property line and 7 ft. from the road. It does not sound like a vote will be positive so the applicant has the opportunity to allow for a vote, redesign, or rebuild what is existing.
- K. Neumann pointed out the home is 6.4 ft. from the side yard so there might be a compromise in allowing the garage to match the house setback. He would like to see building coverage and impervious coverage met and the applicant can decide how to make that happen.
- L. Vick – if they rebuild what is existing then they can keep all the other buildings. Ogle explained exact replacement allowance. The existing garage and home are already over the building coverage limit. Vick stated he would much rather see improvements to the building and other sheds removed than build where it is existing.
- M. Neumann – the garage at 7 ft. from the sideline would be more in line with the home and be an improvement from the proposed 5 ft. Aarestad questioned the applicant if they would be able to meet the 7 ft. distance from the sideline and 5 ft. from the road. Neumann – if the Township, who is the road authority, is okay with the request that is their authority and he does not want to step on their

toes. Vick – Township wants to see the garage 7 ft. from the road property line. Aarestad – asking for the garage to be more in line with the house.

- N. B. Kilian – felt there are some options that they could work through. She would rather improve the building.
- O. Vick questioned if the other members are comfortable with a motion approving the 7 ft. setback from the side yard and 7 ft. from the road property line. Aarestad stated there are enough possible changes that he would like to see a revised plan. Ogle – if the building is shifted the lot coverages could change.
- P. Mol moved to continue the request until the May 31st meeting so the applicant could re-assess the proposed plans. Seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

4. **BARBARA BOLANDER** – New

LOCATION: 5377 Quimby Ave SW – part of the SE 1/4 of the NE 1/4, Section 32, Township 119, Range 28, Wright County, MN. (Cokato Twp.) Tax #205-000-321400 Property Owner: Carolyn Bolander

REQUEST: Variance as regulated in Section 155.026 and 155.103(P) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to exceed the maximum building area allowed for a home extended business.

Present: Barbara Bolander

- A. Ogle displayed the proposed site plan and photos of buildings. The request is located at 5377 Quimby Ave SW in Cokato Township. The property is 5 acres, zoned General Agriculture, and listed as Agriculture in the Land Use Plan. The Planning Commission approved an Interim Use Permit on the property for commercial outdoor recreation at the April 25th, 2024, meeting. This request is to use 4,246 sq. ft. of existing building area for a home extended business which includes crafting and wellness events. A variance is required to use 4,246 sq. ft. of existing building area for a home extended business as 2,000 sq. ft. is the maximum. The Township approved the 2,048 sq. ft. building under the home extended business and the 1,873 sq. ft. building to be used for business storage and not retail space for a total of 3,921 sq. ft. of building area. The Township did not approve the use of the existing chicken coop. Lisa S. commented that they have no issues with the small business.
- B. Bolander – at the Township she was asked if the option was to only use two of the buildings which one would she be willing to give up and feels there was some miscommunication with the Township regarding the chicken coop. She started the business in 2016 and do a lot of work with group homes, those that are disabled, and veteran homes. The chicken coop will be converted as a place to paint and will be a less overwhelming space than the larger barn. The barn will be retail of ceramics that are than painted and also offer wood crafting. The Quonset shed is used for the storage of ceramic molds.
- C. No public comment.
- D. Greninger questioned the building sizes. Ogle – currently the business is not approved to operate inside the existing buildings. This request is asking for three buildings that total over the Home Extended Business (HBE) allowed 2,000 sq. ft. Total square footage of 4,246 sq. ft. for the three buildings. Bolander – needs this board approval before she can go for the Home Extended Business permit.
- E. Neumann – in business since 2016, is that at this location? Bolander – in 2016 spoke with the City of Cokato and they stated her business was no problem and she could go ahead with opening her business in the barn, she was not aware she needed to contact the County. In 2019 she rented a location in Dassel and operated there until January when her landlord packed up her stuff and she was forced to move back home. Neumann – has always been a supporter of Ag business and Ag tourism. These buildings are existing with the building and impervious coverages compliant. Questioned the use of a porta-potty for a restroom and handicap access. Feels this would be the time to address indoor restrooms and ensure handicap accessibility. Aarestad – that would be addressed by the Planning Commission at the time of the HEB discussion. Mol – does not feel it is out of line

to discuss with the variance request but it could be discussed again with the HEB. Neumann – Quonset as storage would be used for storage with Ag. tourism or not. In this situation, he is in favor of the request.

- F. Mol – chicken coop was indicated by the Township as not being allowed to use. If allowed, does the County require any inspections for lighting and safety? Ogle – believes the Building Official would review due to public use. Bolander – addressing the porta-potty, the business is only open warm weather to warm weather. She already has a handicap-accessible porta-potty rented for the season. Has an electrical permit for all buildings to replace existing with commercial-grade wiring. Spoke with Micheal Woodford, Building Official, regarding buildings up to code and fire marshal requirements. They plan to do what they can to make the buildings commercial and meet requirements. A structural engineer did inspect the buildings with a packet provided to the Board. Mol – with growth of the business will the barn loft be used or is that part of this request. Bolander – without stairs, she will never use the loft for the public. Mol – serving on this Board he has learned to not use the word never. If in the future she wants the hayloft to be used would the request need to come back to this Board? To him, the loft isn't a problem but he wants to ensure this is thought out to prevent noncompliance or having to come back to this Board. Quonset would be used for storage, this ask isn't for any outside storage, and this is an existing farm site with no new buildings. Ogle – HEB states a building shall be no larger than 2,000 sq. ft. Being this is a variance request there is an opportunity to place reasonable conditions on the use of the loft.
- G. Vick – mentioned two buildings reviewed by the engineer but asked for three. Bolander stated she did not have the Quonset building evaluated as it would be only used for storage with no public access. Vick – if the request is passed, he would like to see a fire marshal ensure access is adequate. Does not see an issue with the request and the Township did approve. As long as all buildings meet the code, he is okay with the request. Ogle – a catch-all condition could be that all required permits and inspections are obtained.
- H. Aarestad – member Neumann did a good job of sharing his own thoughts. Feels that in the motion the loft should be stipulated and address future use. If they wanted to use the loft the request would need to come back to this Board and would be off-limits for business and the public. Mol – within a motion, if asking for all the inspections to be met the loft could be included and not require coming back to this board. Feels as long as all codes, inspections, and requirements are permitted and completed he doesn't feel coming back to this board for use of the loft would be necessary. Aarestad – did agree that makes sense. Vick – if doesn't want to spend money upfront could that upper area be approved by staff? Mol – that would be the intention. As long as permits are obtained and code requirements met the opportunity is there to open the loft to the public.
- I. Mol moved to approve the request for three buildings which totaled 4,246 sq. ft. of footprint (barn, Quonset hut, & chicken coop). The upper level of the barn is allowed as part of the proposed home-extended business as long as all codes and permits are pulled and established. CONDITION that all required permits and inspections are obtained. Seconded by Vick.

DISCUSSION: Ogle questioned if there was discussion on specific areas not to be allowed access by the public. Mol stated they did not and he was okay with adding that as a condition to the motion. The intent of the motion is that the barn and chicken coop need to be safe and meet the required codes and rules so that the public can use them.

Mol amended the motion to include conditions that no public is allowed within the Quonset hut and a handicap-accessible port-a-potty is available. Vick seconded the amendment.

VOTE: CARRIED UNANIMOUSLY

The meeting adjourned at 9:47 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Aaron Ogle', with a stylized flourish at the end.

Aaron Ogle
Planner

AO: sld

CC: Board of Adjustment
Applicants/Owners
Twp. Clerks