

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: May 31, 2024

MINUTES

The Wright County Board of Adjustment met on Friday, May 31, 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 8:30 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.

ACTION ON MINUTES FOR THE MAY 3, 2024 MEETING

On a motion by Vick, seconded by Mol, all voted to approve the minutes for the May 3rd, meeting as printed.

1. **BONNIE KILIAN** – Continued from 4/12/2024 & 5/3/2024

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.

No representative was present.

- A. Ogle explained the applicant has requested to withdraw their application to construct a storage building within the road and side yard setbacks exceeding lot coverages without prejudice.
- B. Mol moved to dismiss the matter without prejudice, at the applicant's request. Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

2. **TYLER PURTILO** – New

LOCATION: 3894 59TH St NW – Maple Grove Beach 1st Addition Lots 010 & 011, Section 04, Township 120, Range 26, Wright County, MN. (Maple Lake – Maple Lake Twp.) Tax #210-016-000110 & -000100 Property Owner: Tyler S Purtilo

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 replace the existing home within the side yard setback.

Present: Tyler Purtilo

- A. Ogle displayed property details as he reviewed the proposal. The 0.31 acre property is in Maple Lake Township, zoned Urban/Rural Transition, and located across the road from Maple Lake which is classified as General Development. The existing impervious surface coverage is 32.8% and the proposed impervious surface coverage is 24.6%. The request is to replace the existing home that is located 5.7 ft. from the east side yard and construct a new home with added livable area 5.7 ft. from the east side yard property line. A variance is required to construct a new home 5.7 ft. from the east side yard property line because 15 ft. is required. The Township approves of the request.
- B. Purtilo stated they are looking to improve what is existing.
- C. No comment from the public.
- D. Mol – if both lots are owned is there a way to move a new home off of the property line and reconfigure the site? Purtilo – plan is to use the existing foundation and if anything cut a little off what is there. Mol questioned if in the same footprint why a variance is needed. Ogle explained the addition of a 2nd level requires a variance. Mol – no closer than what is existing and coming in under the 25% impervious. Purtilo confirmed existing sheds would be removed.
- E. Vick stated he had some of the same thoughts mentioned by member Mol. Questioned if the foundation will change. Purtilo – addition of block so a slight raise in height.
- F. Greninger – concerns were addressed and can go along with the request if only going up and eliminating the existing sheds.
- G. Neumann questioned the age of the home. Ogle – Assessors note as 1956. Purtilo – needs repairs as the floors are sagging. Neumann questioned the location of the drainfield and note of easement on the site plan. Purtilo – explained the existing system location and the easement area has been provided by his grandfather as an alternate site. Neumann – with the use of the existing foundation, he feels this is more of a replacement. Questioned if the foundation has been inspected. Purtilo – yes, with the project will meet all building codes.
- H. Aarestad – thoughts shared by member Neumann.
- I. Mol moved to approve the construction of a new home 5.7 ft. from the east side yard property line. Site plan noted Exhibit A and the building plans noted Exhibit B. Seconded by Vick.

Discussion: Vick – with the 2 parcels will there need to be a requirement they are to stay owned together. Ogle explained that by state standards they are not allowed to be sold separately.

VOTE: CARRIED UNANIMOUSLY

3. **RYAN ERICKSON** – New

LOCATION: xxxx Newcomb Ave SW – Lot 5, Block 1, Lakewood Addition, Section 23, Township 119, Range 28, Wright County, MN. (Cokato Lake – Cokato Twp.) Tax #205-015-001050 Property Owner: Gregory M Peterson & Amber Peterson

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 home within the bluff.

Present: Ryan Erickson with Erickson Home Design.

- A. Ogle displayed property details and proposed site plans as he reviewed the request. The request is located off Newcomb Ave SW in Cokato Township. The property is 1.1 acres, zoned Urban/Rural Transition, and located on Cokato Lake which is classified as Recreational Development. Planning Commission approved the subdivision in 1987 and bluff standards were introduced into the ordinance in 1992. The request is to construct a new home within the bluff. A variance is required to construct a home within the bluff, bluff impact zone, and within 30 ft. of the top of the bluff. The proposed home would be inside all three of those areas. The Township recommended a site inspection and would provide an additional recommendation once the site inspection was complete. The City of Cokato has no issues with the request.
- B. Erickson – no comment.
- C. Dean Mahlstedt – Cokato Township Supervisor – stated this is the last lot on that side of the lake that was subdivided prior to the new standards. When viewed in person the lot is not much different than the other lots around it. Mr. Erickson has experience in securing the property and building the house so this request isn't a concern. He knows the family building the house and feels they have the means to take care of the property and install proper controls.
- D. Vick stated he would like to do a site inspection. Questioned if the Township would be present with Mahlstedt confirming.
- E. Greninger – would like a site inspection. What he sees on paper is the entire lot is basically a bluff. Erickson – right on the threshold of being defined as a bluff where the home is proposed to be built. Greninger – won't comment until after the site inspection.
- F. Neumann questioned the age of neighboring homes. Erickson – late 90's to early 2000's. Neumann – usually when a development occurs along a lake most of the homes are of the same age and why this lot was never built raises questions. Is this an unbuildable lot? Erickson – to the north of this lot has a brand new home going up. There was another lot also just built on within the last year. He has been a builder in the area for over 20 years and it has been a slow area to develop. Neumann questioned if there is a septic design. Erickson – has a septic design, it was the first hurdle they addressed. Neumann – how far back from the top of the bluff is the home? Erickson – at least 50-70 ft. from the 40% grade area. Will be well beyond the steepest portion of the bluff line. Neumann – is there room to meet road setback? Erickson yes, the only setback not being met is the bluff. Neumann asked if there is an existing or prior structure on the lot with Erickson stating no.

- G. Mol – concerned with building in the bluff. When you look at the proposed site plan it shows the garage at 1,031 ft. with the end of the deck at 1,007 ft., that is roughly 30 ft. of fall. He cannot recall this Board approving a request like this that is in the bluff. Proposed is 30 ft. of fall and that is a lot to allow within the bluff. He has questions and concerns but would like a site visit. The design of the house could fit in the bluff but the ordinance states that we should not build in a bluff and the environment should be protected.
- H. Ogle – displayed an aerial drawing showing a small area of the lot that is outside of the defined bluff area. Erickson feels the design of the house has the least amount of impact on the bluff. They plan to keep with the natural drainage of the lot.
- I. Mol asked when this was divided, was the ordinance in place or was the division done prior to the ordinance. Ogle – approved in 1987 with bluff standards in the ordinance in 1992. Ogle went on to review a displayed map showing neighboring development and whether the property went through a bluff variance or not. The parcel in question is the most impacted by the bluff.
- J. Aarestad questioned if the DNR sets the bluff standards that are adopted. Ogle – yes, but they can be varied. Aarestad – would like to see the home staked at the time of the site visit.
- K. Mol moved to continue the item to the June 21st meeting so that a site inspection could be conducted. Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

4. **KAYLA JONES** – New

LOCATION: 5147 53RD St SW – Lot 14, Poplar Heights Lots 15 & 16, Section 31, Township 119, Range 26, Wright County, MN. (Little Waverly – Marysville Twp.) Tax #211-017-000160 & -000150
Property Owner: Kyle R Jones & Kayla M Jones

REQUEST: Variance as regulated in Section 155.026, 155.006, and 155.057(E)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a deck onto the existing home that is within the shoreland building setback and exceed the impervious surface maximum.

Present: Kayla Jones

- A. Ogle displayed the site plan and reviewed the request. The 0.44 acre property is in Marysville Township, zoned Urban/Rural Transition, and located on Little Waverly Lake which is classified as Recreational Development. Existing impervious surface coverage is 30% and proposed impervious surface coverage is 30.1%. A variance was granted in 1988 that allowed a new home no closer than 75 ft. from the lake. There was no indication of a deck at that time on the plans submitted or the meeting minutes. This request is to construct a 12 ft. x 24 ft. deck onto the existing home that would be 65.3 ft. from the ordinary high water of the lake with a total of 30.1% impervious surface coverage. A variance is required to construct a deck onto the existing home 65.3 ft. from the ordinary high water of a Recreational Development lake because 100 ft. is required. A variance is also required for 30.1% impervious surface coverage as 25% is the maximum. The Township approves of the request because the deck would not be any closer to the lake than the current footprint of the existing patio, neighbors on the lake have other variances, the addition of the deck would not obstruct anyone's view of the lake, and it would have no changes in water runoff for the lake. A neighbor did not see a problem with the request. They mentioned there are patio doors and no deck which doesn't make sense.
- B. Jones – proposed deck over an existing patio and will not encroach any closer to the lake.
- C. No public comment.
- D. Greninger is concerned with the impervious surface coverage. Jones – all the surface area was present when they purchased. There is a bolder retaining wall that she would question if this Board considers at 50%, as that is what she found on a document from Corinna Township. Ogle explained Corinna Township's document was dated 2013 and he is unsure whether Corinna Township still applies that to boulder retaining walls. Wright County Planning & Zoning looks at all types of retaining walls as 100% impervious coverage. Greninger feels more coverage can be given up to get the deck variance.
- E. Neumann questioned if there is anything that can be removed to get coverage down to 25%. Jones – probably. Neumann – in the past, this board, has approved a deck at 65 ft. from the lake and is something he can support. Feels there are options to get impervious down to 25%. He would suggest the applicant review options to get that impervious coverage down.
- F. Mol – does not want to see a retaining wall removed as they are usually installed for a reason and removal could cause greater issues and he is not in favor of walls coming down. Where is the hardship in this request? The deck would enhance the home and property but this is a request for a

variance. Sitting at 30% impervious coverage is an issue when this Board has consistently stayed with 25% coverage. Jones – has no plans to take down retaining walls. The deck is proposed over half of the patio and they would be willing to keep what is under the deck and remove the other half. Mol – suggested item is continued so revision to reduce coverage can be reviewed. Ogle – 996 sq. ft. would need to be removed to get down to 25% coverage. Suggestion would be review with the surveyor.

- G. Vick – there is an opportunity to work with staff on impervious as he would like to see at 25%.
- H. Aarestad feels it would be helpful for a new plan to come back before the board to review.
- I. Mol moved to continue the item to the June 21st meeting so the applicant could re-assess the plans and try to reduce the impervious surface to 25%. Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

5. **BILLIE KNUTSON** – New

LOCATION: xxxx Pleason Ave NW – Lot 1, Block 4, Scenic Shores, Section 9, Township 121, Range 28, Wright County, MN. (Marie – Southside Twp.) Tax #217-044-004010 Property Owner: MN Glamping LLC

REQUEST: Variance as regulated in Section 155.026 and 155.049(F)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a travel trailer within the road setback.

Present: Bill Knutson

- A. Ogle displayed the aerial site photo and reviewed the request. The request is located on Pleason Ave NW in Southside Township. The property is 0.23 acres, zoned Urban/Rural Transition (R1), and located across the road from Lake Marie which is classified as Recreational Development. The request is to allow a travel trailer 41.4 ft. from the centerline of the road as traveled. A variance is required to allow the travel trailer 41.4 ft. from the centerline of the road as traveled because 65 ft. is required. The Township has yet to respond.
- B. Knutson stated he spoke with Township and they have no problems.
- C. No comment from the public.
- D. Neumann – with a 0.25 acre lot he is not sure why the setback can't be met. Knutson – most of the lot is a hill and a low area. The camper area is really the only flat spot. Neumann – struggling to find a hardship when there is space to relocate the trailer and meet setbacks. Questioned the area in the middle and what is showing on the aerial photo. Knutson – pool with a deck that was permitted last year. Neumann – trailer could be moved to meet setbacks. This Board has allowed garages at this same distance to the road but usually because there isn't another option.
- E. Mol – if the pool and deck were outside of the setback area would they need a variance? Ogle – yes, the pool and deck must meet the same road setback distance. There is an average road setback standard in the R-1 zoning district, but it would not help out this situation so 65 ft. is what is applied. Mol – this is a Township road that is maintained by the Township. If the travel trailer is located in an area that doesn't need a variance, it would be in a low wet area, which can't be done. If the pool and deck were absent the trailer would meet requirements but anything else would most likely need a variance. This Board has given permits closer to the road for garages and other items. Questioned if the trailer will sit at the site permanently. Knutson – confirmed trailer will be parked permanently. Mol – struggles because there is an area for the trailer but there are existing structures within the setback that would also need a variance. Feels that there is a practical difficulty and challenge.
- F. Vick questioned how long the trailer has been on the site. Knutson – owned the lot for 3 years and believes the trailer is a 2016 and was parked in 2016. In talking with neighbors there has been a trailer there in the past. Ogle – displayed Beacon aerial photos from 2005 to the present which show 2011 smaller trailer appeared and over the years became bigger. Vick stated he would like input from the Township. There is some hardship with the deck existing and personally, he would rather see the trailer closer to the road so that if needed it could be moved so the Township can work on the road.

- G. Aarestad – would like to get a reply from the Township. Greninger agreed.
- H. Mol questioned if allowing the travel trailer variance would affect or play a role in the location of new a home. Ogle explained this variance would strictly be related to a travel trailer where a new home or other structure, if not meeting setbacks, would need its own variance.
- I. Vick questioned if any response was received by the Township. Ogle explained notice was sent roughly two weeks ago and he did follow up earlier in the week inquiring if they had a response but nothing has yet been received. There is a violation related to the travel trailer within the road setback but with this process playing out enforcement is at a pause.
- J. Mol moved to continue the request until the June 21st meeting so the Township would have the chance to submit a response. Seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

6. **LANCE LAUER** – New

LOCATION: 7877 Braddock Ave NE – Lot 14, Cedar Lake Shores, Section 30, Township 121, Range 25, Wright County, MN. (Cedar Lake – Monticello Twp.) Tax #213-115-000140 Property Owner: LANCE & BETTY LAUER

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 within the property line setbacks.

Present: Lance Lauer

- A. Ogle displayed the proposed site plan and details of the property while he reviewed the request. The property is 0.38 acres, zoned Urban/Rural Transition, and located on Cedar Lake which is classified as Recreational Development. A variance was granted in 2001 that allowed a 19 ft. x 24 ft. addition to the back side of the cabin that is 34 ft. from the ordinary high water of the lake. This request is to install a septic absorption area 2 ft. from the east property line and 1 ft. from the south property line. The request would also be to install the septic tank 5 ft. from the south property line. A variance is required to install a septic absorption area and tank within 10 ft. of property lines. The Township approves of the request because "there is not much choice for placement of septic system upgrades."
- B. No comment from the applicant or the public.
- C. Mol questioned if there is any way to get further off the property line. Lauer stated he had several designers out and this is what they designed. Mol – the provided site plan is difficult to read and determine if there could be other location options. Questioned if the system is a mound. Lauer – pressure bed. Mol – the system will be at grade but with only 1 ft. from the property line if the system leaches it will go onto the neighboring property. Concerned with allowing so close to the property line where in the past 5 ft. has been enough. How will the system be installed with only 1 ft. of clearance to the neighbors?
- D. Vick – has reservations with the 1 ft. setback. Questioned the location of neighboring wells. Lauer – used the site plan and explained the locations of the existing wells. Vick asked if the driveway could be moved north so more room is available for a new system. Ogle – staff Environmental Health Officer did review the proposed plan and did not make a recommendation. Vick – the 1 ft. is worrisome.
- E. Greninger feels the lot isn't big enough. Understands a system is needed but he would like to hear what the rest of the Board has to say.
- F. Neumann – room to move the driveway and trees can come down. In his opinion, there is no reason not to be 5 ft. off the property line for the absorption area. Questioned why the tanks can't be 10 ft. off the line with Lauer stating the driveway. Neumann – moving the driveway will allow the tanks to meet the required 10 ft. Ogle – if moving the driveway, the compacted soils could affect the proposed septic design. Neumann – pressure beds need less space and feels the driveway could easily be moved. At 1 ft. the system can't be maintained or fixed without imposing on the neighbor. His vote would be to have the system moved over.

- G. Mol questioned the location of the current system. Lauer – currently 1 ft. but it is an old system that is failing. This new system would provide better absorption and with the current system not compliant he needs to do something but with the house up for sale he would rather not tear up the driveway. Currently, there is a 1,500 gal tank with the idea to add another 1,000 gal tank. Mol questioned if the tanks would go closer, be moved, or be completely replaced in the exact location. Lauer – will leave the existing 1,500 gal tank and add a new 1,000 gal tank. Plan is to work around the tree.
- H. Aarestad – if there is a possible failure what does the drainage and topography look like on the property? With Beacon aerial displayed Lauer explained drainage flow indicating if the system were to fail it is fairly flat in the area but would drain toward the neighbor.
- I. Scott Deckert – Environmental Health Officer with Planning & Zoning stepped forward and stated the existing system has failed and plan is to dig out what is there and replace with a new system. Recalls this being the only real location where a new system could be located. Vick questioned if the driveway were moved could the new system go in that location. Deckert – yes, would most likely need to over-excavate and fill with sand. Mol – with this type of system is there risk or concern with failure and moisture going onto the neighboring property. Deckert – no, not a concern. This will be below grade, seep into the soil, and be clean out before it would be hitting anything. If it was a mound system there would be more of a concern. Vick questioned installing 1 ft. from a neighbor without disturbing the neighbor's soil. Deckert – practical concern but in theory, it could be done. Suggestion would be a discussion with the neighbor. Constructability is another reason for the 10 ft. setback rule. Vick – with these comments, he is hesitant about the 1 ft. setback. He would like to see at least 5 ft. for the absorption area and 5 ft. for the tanks.
- J. Greninger questioned the number of bedrooms. Lauer – 2 bedrooms. Greninger – right now there is no mound system. Lauer – correct.
- K. Mol – hearing staff comments and the concern is still there with 1 ft. for excavation. Not going above grade and replacing existing. Lauer – drainfield is failing and needs to be replaced. Mol – on a lake, this would be an improvement and not going closer than what is there. Feels there is a practical difficulty. Being below grade once the system is installed no one should know it is there. Understands the 5 ft. setback as that is what this Board tends to go with.
- L. Neumann feels 5 ft. is the minimum he would support. A tree can be replaced and the driveway can be moved so he doesn't see a practical difficulty in allowing the 1 ft., there is room to move the system. Wants to see at least 5 ft. being met. Questioned if the existing tank is 5 ft. from the line with Lauer confirming. Can go along with 5 ft. for tanks and 5 ft. from the absorption area.
- M. Vick questioned if the Board wanted to move forward or see a revised plan. Mol feels if 5 ft. is what this Board agrees on it doesn't make sense to continue and stall for a month.
- N. Motion made by Neumann to approve the installation of a septic absorption area 5 ft. from the east property line and 5 ft. from the south property line. The request would also be to install the septic tank 5 ft. from the south property line. Seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTION

Commission scheduled a site inspection date for Friday, June 14th, with the Commission to meet at 8:30 a.m. at the Government Center.

The meeting adjourned at 9:40 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Aaron Ogle', with a stylized, sweeping underline.

Aaron Ogle
Planner

AO: sld

CC: Board of Adjustment
Applicants/Owners
Twp. Clerks