

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: June 21, 2024

MINUTES

The Wright County Board of Adjustment met on Friday, June 21, 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 31, 2024 MEETING

Vick noted under item #4, Kayla Jones, his comment was missed regarding working with staff to get the impervious surface coverage at or under 25%.

On a motion by Vick, seconded by Mol, all voted to approve the minutes for May 31st, with the update to 4(G) regarding the statement from Vick.

1. KAYLA JONES – Continued from 5/31/2024

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 original and revised site plan as he reviewed the request. The property is 0.44 acres, in Marysville Township, zoned Urban/Rural Transition, and located on Little Waverly Lake which is classified as Recreational Development. The original request was to construct a 12 ft. x 24 ft. deck onto the existing home that would be 65.3 ft. from the ordinary high-water (OHW) of the lake with a total of 30.1% impervious surface coverage. The item was continued from the May 31st meeting so that the applicant could re-assess the plans and try to reduce the impervious surface coverage to 25%. The updated request is to construct a 12 ft. x 24 ft. deck onto the existing home that would be 65.3 ft. from the OHW of the lake with a total of 26.7% impervious surface coverage. 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 on the plans submitted or the meeting minutes. 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 and mentioned there are patio doors and no deck which doesn't make sense. Another neighbor commented that they approve the request.
- B. Jones stated that 661 sq. ft. was removed and they are down to 26% impervious coverage.
- C. No public comment.
- D. Mol questioned what changes had been made since the last meeting. Jones – they were originally at 30% with the first proposal and are now down to 26% impervious. Mol – the proposed deck will be over the existing patio and according to the survey there is not a lot that can be removed without taking away from the house. He does not see that a lot more can be removed, with the deck over the

existing patio more water runoff will not be created, and 65 ft. from the lake is being maintained. The 26% coverage is still a challenge.

- E. Vick – the 26% is tough but it does appear the applicant tried to get that number down and it is better than the alternative of leaving at 30%.
- F. Greninger – feels the applicant did the best that could be done.
- G. Neumann – hoped for a 5% reduction versus the 3.3%. Questioned the paver patio area near the chimney. Jones – slightly elevated with exterior door. There isn't a way to reduce so full removal would be an option but with the door there isn't ideal. Neumann – historically this board has approved 65 ft. from the lake but very few approved above the 25% impervious. In looking at the site he doesn't see where another 2% can come from, even removing the shed wouldn't get the coverage down to 25% so he does see a hardship.
- H. Aarestad – others expressed his same thoughts and he feels the applicant did the best they could to get as close as they could to the 25% coverage. Even though this Board tends to stick with the 25% he feels that in this situation he can go along with the variance.
- I. Vick moved to approve the request as presented 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 26.7% impervious surface coverage. Subject to an as-built survey submitted prior to building permit final indicating impervious surface does not exceed 26.7% with site plan noted Exhibit A and Building plans noted Exhibit B. Seconded by Mol.

DISCUSSION: Vick stated that in the past there have been requests that started with closer to 30% and significantly reduced impervious coverage.

VOTE: Greninger, Mol, Aarestad & Vick NAY: Neumann

MOTION CARRIED

2. **RYAN ERICKSON** – Continued from 5/31/2024

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

- A. Ogle displayed the proposed site plan 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. The request to construct a new home within the bluff was continued from the May 31st meeting so that a site inspection could be conducted. The proposed request did not change from the one presented at the last meeting. A variance is required to construct a home within the bluff, bluff impact zone, and within 30 ft. of the top of the bluff with the proposed home to be located inside all three of those areas. The Planning Commission approved the subdivision this lot is a part of in 1987 and the bluff standards were introduced into the ordinance in 1992. The Township had recommended a site inspection and noted they would provide an additional recommendation once the site inspection was complete. Two of the Township supervisors attended the site inspection. The City of Cokato has no issues with the request.
- B. Erickson had no additional comment.
- C. Public Comment
- Dan Bravinder – Cokato Township Chairman – this is a difficult area but with a good design it will be a lot that better serves Cokato Lake. He personally is a proponent of landowner rights but also a proponent of saving the lake. He wants to ensure the lake is preserved or improved. Where the proposed mound system will go there is quite a deep depression on the bank and pulling away from the road. If nothing is done eventually that area of the road will need to be addressed. Feels with this site plan the property will be well served. Concern with tree removal and will want to see trees preserved and kept in place. Cokato Township is willing to help the County by keeping an eye on the project.
- D. Vick questioned if the home could be moved closer to the road and shrink the garage so that the home isn't on the edge of the steep cliff. Feels the garage and home might too be big for the lot and right now is proposed too close to the edge.
- E. Greninger stated he did not make the site visit but in looking at the elevations and slope he feels this is a tough lot and maybe the home needs to be completely redesigned. He does not feel this house is right for the lot.
- F. Neumann – was on the site inspection and could easily see the top of the bluff goes right up to the road where the requirement for a home is 30 ft. from the top of the bluff, which would put the house across the road. Practically thinks a house can be built but when looking at why there are rules and how the rules apply this isn't asking to be within the bluff setback this proposal is for a home to be

located in the bluff. If allowed then why are there bluff rules? The septic system will also be in the bluff zone. He feels this is a lot meant for a camper, not a house. The house next door has a flat area where the house was built but with this lot, the bluff comes right to the road and he can't approve.

- G. Mol stated he has strong challenges. Township is asking to preserve and clean up the lake but trees and vegetation will need to be removed. Currently, the trees and vegetation are protecting the lake. Looked for a raingarden location and he isn't sure with the steepness of the property how one can be built. He thought back to what this board has allowed in a bluff, in the toe of the bluff, and on top of the bluff, and with many of those it has been a struggle to allow within 20 ft. of those areas. Knows a home can be built but there is an ordinance to follow and need to find a practical difficulty. When the lot was created the ordinance was not in place but now the rules have changed and it is his opinion this lot should have been split between the two neighboring lots. With the current ordinance in place, he cannot go along with the request.
- H. Aarestad stated he had a different take. In looking at the intent of the DNR bluff rule it is to keep native plant material and soil stable to ensure it doesn't break down and go into the lake. At the site, he saw a disaster. The area has been excavated, soil disturbed and the plants present are weeds. There really isn't much there holding and is a recipe for disaster. Looking at the intent to preserve he feels the best way is to put measures into the variance request that will give protection and stabilize the lot. If nothing is done there is no incentive for anyone to fix the lot. The layout is far back from the lake, which gives a buffer and the topography has a swale that allows for a robust stormwater management plan. He would like to see the 3rd garage stall removed and the building pushed back, and have an engineer design a 1" rainfall system. A water management system will also benefit the neighbor, improve the water quality, and stabilize the soil. He would like to also see a planting plan with plants that will stabilize the embankment. This Board has not approved something like this and so he would like to see a full plan based on what he mentioned. His feeling is that there is enough uniqueness in this situation to allow a building in the bluff because of the benefits being gained. If he can see the full plan then there is a chance he would be in favor of the variance.
- I. Erickson – agrees the runoff from the road is deteriorating the ditch area. He believes this build can be done responsibly. He has spoken with Otto Associates to begin the process of a smart erosion water management plan. He does not feel this would set precedence as it is unique with development before the statute was put in place. Now you wouldn't see a developed lot fully in a bluff area. Wright County does not have a lot of lake shore lots left and his belief is that this is a unique situation. His client understood there would be a need to go through the variance process when the lot was purchased. The neighbors don't want an overgrown lot; they would like to see the lot nicely developed and this is an executive lot with a nice home proposed. The lot owners want to protect and preserve the lake and this will be their forever home. He feels an erosion and watershed plan can be created that will improve the lot and lake quality.
- J. Vick – the part of the home that is north and west he would like to see pulled away. Questioned if the home can be shifted towards the road and get out of such a steep area, it's almost a 12 ft. of fall. The proposed garage would also put a lot of water onto the neighboring lot. Those are two items he would like to see redesigned and addressed. Erickson stated he understood the concept.
- K. Mol – still struggling with the request. He has been on this Board for several years and he can think of two recently that withdrew themselves because they didn't feel the build would work. Believes anything can be built anywhere but there is an ordinance that says we are not to build in a bluff to protect the lake. Understands where member Aarstad is coming from but water will still go downhill.

The Township is saying they want to protect the lake but at the site, he did not see a culvert that came across the road at this lot. Any water that comes across the road is the water that lands on the road. Down the road is a culvert that takes water from the ditch under the road. There is an ordinance that states to not build in the bluff so unless the ordinance is changed, we are going to see applicants for homes in a bluff. Recently there were two requests for homes on Lake Sylvia that were withdrawn because the applicant could see the build wouldn't work and one of those had an area outside the bluff. This particular request is the entire lot meeting bluff criteria. If the home is redesigned how does this Board get through the ordinance? Aarestad – the purpose of the ordinance is to protect the water. The difference from the other two requests is that this is disturbed soil and not an ordinary bluff. The other two were protected bluffs and the purpose of the ordinance is to protect the bluff. He feels this is an unstable bluff that has been disturbed and if the intent of the rule is to protect the water, then what is the best way to do that? In his opinion, there are two choices. Either turn down the variance and nothing will happen with the lot continuing to deteriorate or put in place measures and a plan to restore and protect the bluff. Next month he wouldn't have a problem addressing another bluff request because each situation is looked at individually. This is a unique situation and he is comfortable with the request.

- L. Neumann moved to close the public hearing and direct counsel to prepare findings based on the record and discussion, consistent with the denial of the request, and continue the matter to the July 12th hearing. Seconded by Mol.

DISCUSSION: Vick questioned if a redesign would be an option. Aarestad – what he is hearing is there isn't room for a redesign. Greg Peterson – property owner – stated they love their community and town and they want to build their forever home. Understands there are rules in place for a reason but as mentioned this is a unique situation. He truly believes they would be preserving the lake and land as well as better the community and what was intended for this lot. The neighbors do not want this to be a camper lot or an overgrown lot. Aarestad questioned if a redesign was an option. Peterson stated he would like to redesign and satisfy what he has heard the board ask.

VOTE: Greninger, Mol and Neumann NAY: Aarestad & Vick

MOTION CARRIED

3. **BILLIE KNUTSON** – Continued from 5/31/2024

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 proposed site plan and reviewed the request. The request is located off Pleason Ave NW in Southside Township, is 0.23 acres, zoned Urban/Rural Transition, and located across the road from Lake Marie which is classified as Recreational Development. The request to allow a travel trailer 41.4 ft. from the centerline of the road as traveled was continued from the May 31st meeting so the Township could submit the response form. There has been no update in the proposed request and 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 and a neighbor approve of the request.
- B. No comment from Knutson or the public.
- C. Greninger questioned when the trailer was purchased. Knutson stated he purchased it with the trailer and would guess 2015. Greninger – the Township at first stated they didn't approve and then they approved with a statement that the trailer has been there for a few years and has not been a problem. He does not see an issue with the location and he is okay with the request.
- D. Neumann – sees the only area to get back to the setback is where the deck and pool are located, which was poor planning in the past. He can go along with the request.
- E. Mol – looking at the last meeting discussion, Township approved and it has been there for a while. At the last meeting, he clarified that if the trailer is placed where the deck and pool exist there would be other variances needed. Due to the size of the lot and the wet area on the lot, it has been there for a period of time and the Township approves are reasons he can go along with the request.
- F. Vick – with the Township approving he can as well.
- G. Aarstad stated he had no problem with the request.
- H. Mol moved to allow a travel trailer 41.4 ft. from the centerline of the road as traveled with the site plan noted in Exhibit A. Seconded by Neumann

VOTE: CARRIED UNANIMOUSLY

4. **BRETT BULLOCK** – New

LOCATION: West Lake Sylvia Island – Lot 7 and also described as Lot E of Gov't Lot 5, Section 33, Township 121, Range 28, Wright County, MN. (W. Lake Sylvia – Southside Twp.) Tax #217-000-333100 Property Owner: Brett M Bullock & Sandra M Bullock

REQUEST: Variance as regulated in Section 155.026 of Chapter 155 and Section 155.031(C)(2) of Chapter 152, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to pasture goats up to the water's edge.

Present: Brett Bullock

- A. Ogle displayed an aerial map of the property as he reviewed the request. The request is located on an island within West Lake Sylvia which is a General Development Lake in Southside Township. The property is 2.64 acres and zoned General Agriculture. The request is to pasture 14 goats up to the water's edge for five years. A variance is required to pasture up to the water's edge as 50 ft. is required. The Township approved 12-14 goats to be pastured annually for up to 90 days for up to 3 years unless the Township received complaints from adjacent property owners. A neighbor asked how goats would control or minimize erosion with fewer plants on the ground and how would goats eating desired native species stabilize the shore. They also noted that goat urine and manure washing into the lake is "yuck". Another neighbor opposed the request because they could fence 50 ft. from the water's edge. Another neighbor opposed the request because this is one of the only remaining "natural" parcels and goats eat all the undergrowth and then "what's next."
- B. Bullock stated there is a lot of buckthorn and poison ivy and why he wants to use the goats. They would like to plant grass so that they can use the island.
- C. Public comment.
- Lisa Peery – has a home north of the island. Personally, has no problems with the goats. Another neighbor has used them and they cleaned up the undergrowth but didn't get rid of everything. They have never had a problem with the goats and she does not see a problem with goats on the island. It might be a problem that people will want to use the island more but that is a problem for Mr. Bullock. She feels the goats will clean up the island and get rid of the buckthorn.
- D. Neumann questioned what the lake association had to say. Bullock stated he didn't ask but he spoke with the Township and they approved. Neumann – there is an active lake association and he would have thought they'd see some comment, pro or con, and there is no comment. Neumann questioned the applicant if he had done this before with Bullock stating he had not. Bullock – these are rental goats and he is working with a company that does this professionally so he is going by their recommendations. Neumann questioned the number of days or what period of time. Bullock – thinking 60 days but the company would like a 90-day window. They monitor the process with cameras and periodic checks. Neumann questioned if there is other feed or only what is foraged with Bullock stating only what is foraged. Neumann – do other people use the island for camping? Bullock – just purchased the island and right now it is very overgrown. Neumann questioned if the shoreline is steep, rocky, or sandy. Bullock – mostly rocky. Neumann – wants to make sure the animals won't be eroding slopes near the water. Bullock – going by what is recommended, these goats are used all over the state. Neumann asked how much vegetation is expected to be removed.

Bullock – does not know. He wants the poison ivy and buckthorn gone but the company will determine when it is time to remove the goats. Neumann – seeding after? Bullock stated the plan is to plant natural grasses. Neumann – mature trees? Bullock – lots of them. Neumann – asked for 5 years but Township asked for 3 years, is that okay? Bullock – yes.

- E. Mol stated he has no big issues. If a few deer are out there they could go right up to the water's edge. He has looked into goats being used to clean up buckthorn, which is an invasive species, and goats have been able to help significantly back off buckthorn. He grew up on the lake and the cattle used to go into the lake and drink that lake is still there and a clean lake. He does not have a problem with 12-14 goats around the edge of the lake.
- F. Vick – the topography shows about 32 ft. from highest to lowest. Are we worried about erosion? Do they eat right to the dirt? Bullock – honestly does not know. The goats can be removed at any point and the Township said that if a concern comes up, they need to be removed. He is told the State of MN and DNR use goats all over and he is going by what has been recommended. Vick questioned the island's width. Bullock – not sure as he has not even been on the island because of how thick the vegetation is. He needs to do something with either the goats or chemicals, he prefers goats. Vick can go along with the request as long as closely watched and if erosion starts the process is stopped.
- G. Greninger – has seen the work goats have done and they are fantastic. He is okay with goats going to the water, they are cleaner than a goose. He can go along with the request.
- H. Aarstad – has had goats and the alternate way to address the issue is far worse. There is no native habitat as buckthorn is an invasive species that takes down everything. A suggestion is when rebuilding use smart native material. Aarstad stated he has no issue with the goats.
- I. Motion made by Mol to approve the pasturing of 14 goats up to the water's edge for three (3) years AND up to five (5) years if the Township were to approve up to the water's edge. Seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

5. **KATHLEEN BOORSE** – New

LOCATION: 2320 44TH St SE – W 25 acres of the N ½ of S ½ of NW 1/4, Section 28, Township 119, Range 26, Wright County, MN. (Rockford Twp.) Tax #215-100-282300 Property Owner: Kathleen M Boorse

REQUEST: Variance as regulated in Section 155.026 and 155.048(F)(3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an unpermitted (after-the-fact) storage building within the side yard setback.

Present: Kathleen Boorse

- A. Ogle displayed the site plan and building photos while he reviewed the request. The request is located at 2320 44th St. SE in Rockford Township with the 25.1 acre property zoned General Agriculture, and the unpermitted building is located outside of shoreland and floodplain. In 2014 the Board approved a new home on the property that did not meet the minimum access elevation requirement and conditioned that in the event of a flood warning, the property must be vacated, property owner must have a weather radio for warning of flood events, must sign a waiver at time of permit issuance noting they are aware of the risk and the County is not liable for damage or injury. This request is to allow a 24 ft. x 30 ft. storage building that is 0.5 ft. from the east side property line that was constructed without a permit. A variance is required for a storage building 0.5 ft. from the side property line as 30 ft. is required. The Township approves of the request based on the neighbor to the east being in agreement and a proposed fence on the property line to keep people off the neighbor to the east's property.
- B. Boorse – purchased the property from her parents and they continue to live in the home. Her dad wanted a shed built to protect his boat and other small items. She believes that her father had the shed built to be in good appearance and that he had it built with respect to a property line to the east and meant no ill harm. Yes, he didn't pull a permit and now she is shouldering the responsibility. She has no intention to break laws and it is what it is so she will do what is suggested.

C. Public Comment

- Mark Workcuff – adjacent property owner to the east. He would disagree with the comment from the Township that he is in agreement. The building is right up against his property and there was a gap in-between the two properties, that had to be resolved before being allowed to come to this board. He was kind enough to sign the quit claim deed so they could have the 7 ft. gap area but not that they could keep the building. What he believes they can have is the nonconforming garage and driveway, because now they own that land. Workcuff questioned rules on nonconforming buildings. Ogle – explained the other two existing sheds along the property line are nonconforming and not part of the request. Those sheds can be replaced but the issue today is strictly related to the newer building. The newer garage was built without a permit and had they pulled a permit the setback requirements would have been addressed. Workcuff – nonconforming buildings can be rebuilt forever? Ogle – they do need to meet other requirements and there is a lot that goes into the situation. Workcuff stated his point is that if approved, in this location, the building could basically be allowed in this location forever. Ogle – if approved, as is, a building could potentially be in this location forever. Workcuff – the Township didn't seem to care that it was just another building. He feels the thinking is the township and county will just let things go and there needs to come a point

where the rules are followed. He does have an issue with what the Township presented as it is not what he stated, he is not in agreement. He is opposed to the building being in the location and it can be moved to meet setbacks.

- Russell Anderson – lives across the swamp and sees no problem with the shed and location.
- D. Mol – challenged with the building being too close. Not sure what the fence will do and what the Township is getting at with this suggestion. At 0.5 ft. from the property line how is a fence even built without being over the property line? At this location, the building and fence can't even be maintained without trespassing and that is a concern. Moving is a challenge and not desirable but there is enough room on the property to meet setbacks. The other two are existing and were either permitted or slipped through the cracks. He doesn't know if putting a 3rd shed so close to the property line is correct.
- E. Vick – in the past others have requested a new building that would be in line with existing buildings and those did not pass. Questioned if there is a chance to get an easement from the neighbor to put up a fence and allow for maintaining. Moving is a hardship. Boorse – believes the Township was suggesting a fence on the property line. Vick stated that would be tough but in-between the buildings could be done, with an agreement.
- F. Greninger – not sure how to solve the problem. Maybe an easement would work or move the building.
- G. Neumann questioned when the building was built. Boorse – November 2023. Neumann asked how the building was built, is there floor? Boorse stated no electricity and crushed gravel floor. Neumann stated his opinion is this building can easily be moved. Feels that nowadays a permit is pretty much needed for anything and if a contractor built, they should have checked the permit status before starting the project. In the end he believes the building should be moved.
- H. Aarestad disclosed that the applicant is his neighbor. He firmly believes that the applicant did not know about the building being constructed without permits. It was her father that initiated the construction and it is his belief she did not act in bad faith and has since done what has been needed to get to this point. Both the neighbor and Mrs. Boorse should be commended for working together on getting the property line issue addressed. A few months ago, this Board heard from a widow dealing with a similar situation where her husband had constructed a deck too close to the property line and lean-to without a permit. The widow was stuck with the problem of getting the situation fixed and this situation is very similar. The building could be moved but if you look at what is existing with two buildings already on the property line moving this building would leave those still where they are and so close to the property line. Feels that if the person had known ahead of time it would have been a different story. He would be in favor of the variance request.
- I. Vick stated he would like to hear from Mr. Workcuff, who had raised his hand in the audience.
- Workcuff stepped back to the podium. Multiple stories have been told on how this building came to be. At the Township meeting they said that they told him not to put up the building but he did it anyway. He doesn't feel there is complete innocence based on the stories he has heard. Vick questioned if he would sell a portion of land. Workcuff – that was asked right

- away and he is not interested in selling. He was already kind enough to sign over the 7ft. of property for nothing. He doesn't care about the two older buildings, as they have been there since the 30's. The new building is the problem. Several years ago, the 7ft. gap came up and it isn't like the applicants' father didn't know there was an issue when he had this building built. At that time this building went up it was put over a property line and that is his issue. There are ordinances and rules of law but people usually do what they shouldn't do and don't consider their neighbors. Yes, she inherited the problem but that isn't his fault and if a permit was pulled or a conversation had prior to building we wouldn't be in this situation. He spoke with Ward Carlson and was quoted the building could be moved for \$5,000.
- J. Neumann – his position is that if this request came before the Board asking for 0.5 ft. from the property line it would most likely be a no.
- K. Aarestad – the fact is that a permit wasn't pulled and conversation wasn't had prior to building but the applicant is here trying to fix a problem someone else created. Mol – if we condone this being done people are going to continue to not get permits and ask for forgiveness, and that is a hard part about sitting on this Board. A permit wasn't pulled but there was a house built with a variance so they knew the property had issues and knew the county existed. If this was 7-8 ft., he wouldn't have such a problem but 0.5 ft. is a concern. What stops someone from putting a building on the property line and coming to this board asking for forgiveness and paying a few double fees. He is looking at what is right and wrong for the entire county. Aarestad – there are unique circumstances with preventing anyone just coming in asking for forgiveness. This applicant is looking to do the right thing where others deliberately put up a building knowing they needed a permit and that is not the case with this request. He feels the commonsense solution would not be to take the building down. In looking at the location the area is in the floodplain and could create other issues with location on the property.
- L. Vick – he has a problem with the neighbor not being happy.
- M. Neumann moved to relocate the building to meet required setbacks. Seconded by Greninger.
- DISCUSSION: Kryzer stated with the Board directing to meet setbacks standards a motion for denial would be in order with direction in the conditions to bring property into compliance by a specific date.*
- N. Neumann revised his previous motion and moved to close the public hearing and direct staff to prepare findings based on the record and discussion, consistent with the denial of the request, and continue the matter to the July 12th hearing. Seconded by Greninger.

DISCUSSION: Ogle questioned if there was a set number of days. Neumann stated 60 days with Kryzer stating staff can discuss with the Building Official and come up with a reasonable timeline.

VOTE: Mol, Vick and Neumann NAY: Aarestad, Greninger

MOTION CARRIED

6. **TIM MCGUIRE** – New

LOCATION: xxxx 20th St SE & 8612 20th St SE – PRT OF N 1/2 OF SE ¼ and PRT OF SW1/4OF SE1/4, Section 09, Township 119, Range 24, Wright County, MN. (Rockford Twp.) Tax #215-000-094200 & - 094300 Property Owner: Dennis Clifford Schwecke, Diane Marie Meskan Schwecke & Paradigm Management Service LLC

REQUEST: Lot line adjustment as regulated in Section 155.026 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to exchange land between PID 215-000-094200 and PID 215-000-094300.

Present: Tim McGuire

- A. Ogle displayed site plan and reviewed the request. The request involves two parcels zoned General Agriculture (AG). PID 215-000-094200 is 45.2 acres and PID 215-000-094300 is 3.5 acres. PID 215-000-094300 was created in 1987 and in 2020, what are now PID 215-000-094200 & 215-000-094400 were the same parcel and zoned Suburban Residential R-2a. They were rezoned from R-2a back to AG so that the east side of the road could be divided off from the area west of the road and were separated by the road via the Board of Adjustment. This proposal would be to move approximately 0.5 acres from PID 215-000-094200 to 215-000-094300 and move approximately 0.4 acres from PID 215-000-094300 to PID 215-000-094200. If the lot line adjustment were approved, PID 215-000-094200 would have 300+ ft. of public road frontage and this request would not create any new building eligibilities. If a home were proposed on PID 215-000-094200 a rezone would need to be approved. The Township approves of the request.
- B. No comment from McGuire or the public.
- C. Vick questioned ownership. McGuire stated he owns the 45 acre parcel. Currently there are 3 access points but none are 300 ft. in width. Vick – plan makes sense.
- D. Greninger asked the applicant to use the site proposal and review the existing and proposed lines. McGuire used the displayed site plan to review the plan to swap land and gain roughly 420 ft. of road frontage. They don't have a home currently on the property and understand that the next step in the process if approved, would be to rezone to Agriculture Residential (AR).
- E. Neumann – while no hardship he does feel this is a request he can support.
- F. Mol questioned buildings shown on the aerial photo. McGuire stated the area in question could have a chicken coop and beehives with the bare area that is not a building. Mol – this is a lot line adjustment that is basically a land swap. Dennis Schwecke – stepped forward as the landowner and part of the land swamp. The buildings in question are beehives and a chicken coop, there are no other structures.
- G. Aarestad stated he has no issues with the request.
- H. Motion made by Neumann to approve the request is to add 0.4 acres from PID 215-000-094300 to PID 215-000-094200 and add 0.5 acres from PID 215-000-094200 to PID 215-000-094300. Subject to Survey, Administrative Order, and a Records Combine Form. Site sketch noted Exhibit A. Seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

7. **BRIAN MICKELSON** – New

LOCATION: 2195 Cameron Ave SE – Part of Gov't Lot 4 & DEAN LAKE HEIGHTS LOTs-004 & 005 of BLOCK-001 all in Section 16, Township 119, Range 25, Wright County, MN. (Dean Lake - Rockford Twp.) Tax #215-100-162200, 215-118-001040 & 215-118-001050. Property Owner: Brian Mickelson

REQUEST: Variance as regulated in Section 155.026, 155.003(B)(1), and 155.051(F) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an existing building to exceed the total detached building area allowed and encroach upon the rear yard setback of the property were approved for a rezone and subdivision.

Present: Brian Mickelson

- A. Ogle displayed the proposed site plan and explained the request. The request is located at 2195 Cameron Ave SE in Rockford Township. The property is 12.2 acres, zoned Agriculture/Residential, and located across the road from Dean Lake which is classified as Recreational Development. In 1992 the property requested a rezone from General Agriculture (AG) to Suburban Residential (R-2a) but was denied and instead approved to be rezoned to Agriculture/Residential (A/R). In 1995 two riparian properties PID 215-118-001040 and PID 215-118-001050 were declared unbuildable by the Board of Adjustment due to soils and elevation. They were required to be owned in common with the referenced PID 215-100-162200. Because of the current State Statute, which supersedes the Board of Adjustment, the parcel across the road from the riparian properties are not required to be owned in common. This request would be to allow an existing 4,320 sq. ft. detached building to remain 19 ft. from a newly established rear yard if the property were approved for rezoning and a subdivision. A variance is needed because properties 5.0-9.99 acres cannot exceed 4,000 sq. ft. of detached building area. If this property were rezoned and subdivided, a variance would be required for the existing 4,320 sq. ft. building to exceed the total detached building area allowed. If rezoned and subdivided the property line classifications would also change creating a rear yard setback issue. The existing 4,320 sq. ft. building is 19 ft. from what would become a rear yard setback whereas 30 ft. would be required. The Township approves of the request to allow the existing building. A neighbor does not have a problem with the request. The Board should also keep in mind that the proposed boundary and road frontage presented is subject to change depending on what zoning district the applicant would request to be rezoned to if he decides to go that route.
- B. Mickelson stated that Dean Lake Association doesn't have a problem with the request nor do the neighbors. What is currently a side yard will change to a rear line if he divides the property. Hardship is 5-10 acres he can only have 4,000 sq. ft. of building. He should have built the building as 60 ft. x 66 ft. instead of 60 ft. x 72 ft. and that is the hardship. His plan is to sell part of the property, whether it is part of his house or proposed 7 acres to simplify things in his life. The property does coincide with the Land Use Plan. Any division he does he would be fitting in with the neighborhood.
- C. Ogle explained the side yard to rear yard, with aerial image displayed. Currently, the building was permitted as Ag storage and based on the driveway location for the home the side yard would be west of the shed. If a new property line is added south of the shed the access to the building would dictate rear yard line would be west of the building. Rear yard property lines have to do with access points and could have a different setback than a side yard line.
- D. No comment from public.
- E. Neumann – proposed overage is 320 sq. ft. with the only item making the building over the allowed size is if the parcel is divided or rezoned, as it currently sits the building is compliant. Unsure how he feels about that except that this was a permitted building that was built correctly but now because of a change

the building would be over in size. This Board just approved a deck over in impervious. The 19 ft. might be because of the applicants desire to split the lot and this Board has approved setbacks less than 30 ft., so he can go along with the request. There are buildings on neighboring lots as close or closer.

- F. Mol questioned if there is a building entitlement. Ogle – A/R zoning so only one home is allowed. As it sits the property is allowed to have over 4,000 sq. ft. of accessory building. A rezone and subdivision could give an additional home eligibility. Mol – currently in compliance and what is being asked is for a variance so he can split and obtain another building site. Right now, the property is in compliance and everything has been done correctly but if allowed at 19 ft. and 300 sq. ft. extra building on a smaller lot will put the property into noncompliance. Struggling with taking a compliant item and making it nonconforming. Sitting on the Planning Commission he would assume a rezone and division would be allowed if this Board allows the variance request. Question is does this Board knowingly want to create a nonconforming lot. The owner wants to rezone, split, and capitalize monetarily.
- G. Vick stated he would abstain as he is related.
- H. Greninger questioned what could be done. Ogle – currently there are no problems with the building on the property. Issue with rezoning and subdivision would be allowable detached building area and meeting proper setbacks. The rear yard setback for the R2-a and R2 zoning district is 30 ft. He is not sure there is a feasible way to divide and not have a variance.
- I. Mol – just discussed on another item the building could be disassembled and moved to the 30 ft. setback. The issue is the size of the building and setback with the desire of what the applicant wants to do and is willing to do. He is challenged taking a property that is totally in compliance and being asked to allow it to be out of compliance. Greninger questioned if the building can be moved. Mickelson – no, it has footings. If not approved he won't move forward with anything else. He is still unsure how the property lines are defined and even the Township feels a different line is the rear setback line. Agrees that he is over on the barn but it will cost too much to remove 6 ft.
- J. Aarestad stated he understands the concern with going from conforming to nonconforming but feels this is a reasonable request. He sees 19 ft. as an adequate setback and not an issue. Dividing up the property will create a more conforming 5 acre lot for the area. Not advocating reducing the building size.
- K. Aarestad moved to approve the request as regulated in Section 155.026, 155.003(B)(1), and 155.051(F) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an existing building to exceed the total detached building area allowed and encroach upon the rear yard setback if the property were approved for a rezone and subdivision. Seconded by Greninger.

VOTE: Aarestad, Neumann & Greninger NAY: Mol ABSTAINED: Vick

MOTION CARRIED

8. **PLATINUM BUILDERS LLC (PAUL CARLSEN)** – New

LOCATION: 3200 Gabler Ave NE – SONSTEBY AND CASTLE ADDN LOT-011 BLOCK-001, Section 13, Township 120, Range 25, Wright County, MN. (Buffalo Twp.) Tax #202-021-001110.
Property Owner: Shane Howell

REQUEST: Variance as regulated in Section 155.026, 155.049, and 155.003(B)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct an addition that connects the home and detached garage located within the road setback. The request also includes an addition to the existing shed which would exceed the maximum single detached building area size and exceed the total detached building area for the property.

Present: Paul Carlsen

- A. Ogle displayed proposed plan and reviewed the request. The request is located at 3200 Gabler Ave NE in Buffalo Township. The property is 1.03 acres, zoned Urban/Rural Transition, and located outside of shoreland jurisdiction. The existing detached building area is 960 sq. ft. This request is to construct an addition that connects the existing home and detached garage. The existing detached garage is 55 ft. from the centerline of the road. The request also includes a 36 ft. x 48 ft. addition to the existing shed for a total building size of 2,400 sq. ft. and total detached building area on the property of 2,688 sq. ft. A variance is required to construct an addition which connects the existing home and detached garage 55 ft. from the centerline of the road whereas 65 ft. is required. A variance is also needed for a 36 ft. x 48 ft. addition to the existing shed for a total building size of 2,400 sq. ft. whereas 1,400 sq. ft. is the single detached building area maximum and the total detached building area on the property would be 2,688 sq. ft. whereas 2,400 sq. ft. is the maximum. The Township disapproves of the request as there was no representation for the request at the meeting. A neighbor commented that they just want to make sure the trees along the property line are not taken out and the building is the proper distance from the property line, other than that they have no objections to the request.
- B. Carlsen – hardship would be a dome home with no storage. The small shed in the back will be removed. The new shed addition could be built as a separate building but that would just be two buildings right next to each other. The owners race cars and they are trying to keep the items seen in the aerial photo in the shed.
- C. No public comment.
- D. Mol – main concern is no Township response. Carlsen stated he would meet with them.
- E. Motion made by Mol to continue the item to the July 12th meeting to allow time for the applicant to meet with the Township. Seconded by Neumann.

VOTE: CARRIED UNANIMOUSLY

9. **MICHAEL WHEELER** – New

LOCATION: 5220 159th St NW – LIEDER HEIGHTS LOT-001 BLOCK-001, Section 18, Township 122, Range 26, Wright County, MN. (Rice Lake - Clearwater Twp.) Tax #204-034-001010. Property Owner: MICHAEL K & LINNEA L WHEELER

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 deck addition onto the existing home within the shoreland setback.

Present: Michael Wheeler

- A. Ogle displayed the proposed site plan and photos of the home as he reviewed the request. The property is 6.98 acres, zoned General Agriculture, and located on Rice Lake which is classified as a Natural Environment and in Clearwater Township. The request is to construct a 14 ft. x 16 ft. deck on the existing home 90.2 ft. from the ordinary high-water of Rice Lake. A variance is required to construct a deck onto the existing home 90.2 ft. from the ordinary high-water of a Natural Environment lake because 200 ft. is required. The Township approves of the request as it seems minor.
- B. No comment from Wheeler or the public.
- C. Vick questioned if there would be steps. Wheeler stated there would be no steps. Vick – less than 200 ft. has been approved in the past. Thinking the home fits a deck.
- D. Greninger – the 200 ft. is hard to meet. He would be okay with the request. Wheeler – his in-laws moved the home onto the property in the 80's and he believes at that time the setback requirement was 100 ft. Ogle – unsure if reclassification of lake occurred. As the property currently sits the requirement is 200 ft. The home was built in the 50's, which predated the zoning ordinances. Wheeler – the house was built in the 50's but moved onto the property in the 80's. Ogle confirmed through a building permit that the home was permitted on the property in 1978.
- E. Neumann – The home looks like it is made for a deck in that location. If a general development lake the home would be past the required 75 ft. and no variance would be needed. The house has been there for a long time and he can approve the deck request.
- F. Mol stated he is okay with the request.
- G. Aarestad stated he feels the request is reasonable.
- H. Mol moved to approve the request to construct a 14 ft. x 16 ft. (224 sq. ft.) deck on the existing home 90.2 ft. from the ordinary high-water of Rice Lake which is a Natural Environment Lake. The site plan noted Exhibit A and the building plans noted Exhibit B. Seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

10. **SPENCER DORAN** – New

LOCATION: 3660 156th St NW & xxxx 156th St NW – Part of Gov't Lots 3 and 4, Section 16, Township 122, Range 26, Wright County, MN. (Mississippi River - Silver Creek Twp.) Tax #216-100-162404, 216-100-162101, 216-100-162100 Property Owner: Steven D Betzler & Nancy A Betzler and Spencer Squared LLC

REQUEST: Lot line adjustment as regulated in Section 155.026 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to add land from PID 216-100-162100 and PID 216-100-162101 to PID 216-100-162404.

Present: Jim Doran

- A. Ogle displayed the proposed site plan and reviewed the request. The request is located off 156th St. NW in Silver Creek Township. The request involves PID 216-100-192404 which is 2.1 acres, PID 216-100-162100 which is 21.4 acres, and PID 216-100-162101 which is 17.3 acres. All properties are zoned Wild & Scenic and located on or near the Mississippi River. In 1992 PID 216-100-192404 was created via an entitlement transfer and division through the Board of Adjustment. At that time, the referenced property was looked at as having an entitlement, which is only in the General Agriculture (AG) district but the property was and is zoned Wild & Scenic (WS). Divisions of the WS district should follow the subdivision standards set specifically for that zoning district. Because PID 216-100-192404 was approved by the Board in 1992, the current Zoning Administrator would classify this request as a lot line adjustment, which is the reason for this request. This proposal is to add 8.2 acres to PID 216-100-192404 which would come from PID 216-100-162100 and PID 216-100-162101. The proposed new size of PID 216-100-162404 would be approximately 10.26 acres. If the lot line adjustment were approved, there would be no creation, transfer, or loss of building eligibilities. The Township approved as presented.
- B. No comment from the applicant or the public.
- C. Greninger stated at this time he would pass on commenting.
- D. Neumann questioned why the request. Doran stated to simply add acreage to existing property. Neumann asked if the lot size could be kept at 10 acres. Ogle – 10.26 acres is an approximate but, in this case, the 10 acre maximum is not relevant with this zoning district. There is no variance for over 10 acres. Believes all of the same family members own the land being referenced and the grandson is looking to expand his property. Neumann questioned if there is tillable land. Doran – his in-law farms the lower field. Ogle – not zoned AG so there is nothing stating requirements related to prime soils. Neumann asked if there is an animal unit limit if over 10 acres. Ogle – zoned WS, the Feedlot Administrator is in the audience and could step forward to discuss. Doran stated they don't intend to have animals. Ogle stated the majority of the area is classified as prime.
- E. Mol – currently the lot size limits building size and at 10 acres in WS would the building size be limited. Ogle – currently limited to 2,400 sq. ft. and at 10 acres would be the 15% building coverage which would be hard to reach because of the flood area. Mol – enlarging the parcel size takes away the restriction on buildings. With livestock, he would like to see 0.5 Animal Units per acre. Doran stated that would not be a problem.

- F. Vick stated in the past he has been strict on prime tillable. Ogle – there is a fair amount but this parcel is not zoned AG and is zoned WS so technically prime soils are not a factor. Vick questioned all of the entrances into the property and area, there are 3 into the property and is that a concern for the Board. Mol feels that would be the Township to decide. Vick – would 300 ft. be maintained on the other property? Ogle – in WS the requirement is 200 ft. at the building setback line, The reason before the Board is that in the past the property was incorrectly divided as an entitlement division and should have gone through a WS subdivision process. The request is very similar to what an AG division looks like but not exactly the same. Vick questioned if the division affects much of the tillable. Ogle displayed the site plan for review. Vick asked if farming would continue with Doran confirming.
- G. Aarestad – the area of floodplain will prevent buildings and preserve the tilled land. Questioned the width of the easement to the south. Ogle – roughly 33-36 ft.
- H. Mol moved to approve the request to add 8.2 acres in total from PID 216-100-162100 & 216-100-162101 to PID 216-100-162404 for a total parcel size of 10.26 acres CONDITIONED on survey, administrative order, and limited to 0.5 Animal Units per acre. Site sketch noted Exhibit A. Noted that the Township approved. Seconded by Greninger.

DISCUSSION: Ogle noted that when getting the survey PID 216-100-162100 needs to maintain 200 ft. of road frontage at the building setback line.

VOTE: CARRIED UNANIMOUSLY

Respectfully submitted,

Aaron D. Ogle
Planning & Zoning Planner

The meeting adjourned at 10:48 a.m.

Respectfully submitted,



Aaron Ogle
Planner

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