

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: July 12, 2024

MINUTES

The Wright County Board of Adjustment met on Friday, July 12, 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: Russ Greninger, Dan Vick & Bob Neumann with Dan Mol absent. Representing the Planning & Zoning Office was Aaron Ogle, Planner. Greg Kryzer, Assistant County Attorney, legal counsel.

ACTION ON MINUTES FOR THE JUNE 21 , 2024 MEETING

On a motion by Neumann, seconded by Greninger, all voted to approve the minutes for the June 21st meeting as printed.

1. RYAN ERICKSON – Continued from 5/31/2024 & 6/21/2024

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: No representative present

- A. Ogle reminded the Board this request is to construct a new home within the bluff and was continued from the June 21st meeting so that staff could prepare findings consistent with the Boards discussion. Per the Boards directive, staff drafted findings which have been distributed to the Board for review. The matter was closed to the public at the last meeting so no further oral or written comment will be accepted. If the Board motions to adopt the findings as presented, the request is denied.
- B. Aarestad questioned if there is time to continue the matter so that a full Board would be present for the vote. Kryzer stated the MN 15.99 timeline would allow for a continuation, if that is the direction the Board so chooses. Aarestad feels that in fairness to the applicant the item should be continued for a full Board vote.
- C. Neumann moved to continue to the August 2, 2024, meeting to allow for a full Board vote. Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

Kryzer - reminder that the matter was closed to the public at the last meeting so no further oral or written comment will be accepted.

2. **KATHLEEN BOORSE** – Continued from 6/21/2024

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: No representative present

- A. Ogle stated this request is to allow for an after-the-fact 24 ft. x 30 ft. storage building 0.5 ft. from the east side property line and was continued from the June 21st meeting so that staff could prepare findings consistent with the Boards discussion. Per the Boards directive, staff drafted findings which have been distributed to the Board for review. The matter was closed to the public at the last meeting so no further oral or written comment will be accepted. If the Board motions to adopt the findings as presented, the request is denied.
- B. Aarestad stated that as with the previous item, he would like to see a full Board present for a vote.
- C. Greninger moved to continue to the August 2, 2024, meeting to allow for a full Board vote. Motion seconded by Neumann.

VOTE: CARRIED UNANIMOUSLY

Kryzer - reminder that the matter was closed to the public at the last meeting so no further oral or written comment will be accepted.

3. **PLATINUM BUILDERS LLC** – Continued from 6/21/2024

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 with Platinum Builders

- A. Ogle displayed the proposed site plan as he reviewed the request. The request is to construct an addition which connects the existing home and detached garage and construct 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. There was discussion of possibly removing the detached building in the northeast corner of the property which would drop total detached building coverage down to 2,400 sq. ft. The item was continued from the June 21st meeting so the applicant or property owner could meet with the Township. 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 total detached building area on the property would be 2,688 sq. ft. whereas 2,400 sq. ft. is the maximum. The Township response for the June 21st meeting was that they disapprove because there was no representation for the request at their meeting. There has been no updated Township response, but he does believe the applicant did meet with the Township and could speak to that conversation.
- B. Carlsen stated that he did meet with the Township on Monday evening. They expressed more concern that the garage is closer to the road than approved with a pervious variance. Because this addition is not going any closer, they are okay with the request. They did not see a problem with attaching two buildings as it doesn't make sense to leave a small space between the buildings and a single building will look better. Carlsen did confirm the plan is to remove the smaller shed.
- C. No public comment.
- D. Vick questioned if the removal of the smaller shed would get buildings down to the 2,400 sq. ft. Carlsen stated that if needed they could lower the size of the new shed to get under that required limit. Vick – would like to see the buildings limited to a total of 2,400 sq. ft. Ogle explained that on this lot the requirement is a single structure no larger than 1,400 sq. ft. and total overall sq. ft. not to exceed 2,400 sq. ft. Vick stated if can get to the 2,400 sq. ft. he would be okay with the request and the Township is okay with a larger single building.
- E. Greninger stated he does not see an issue with the proposal.

- F. Neumann stated it is frustrating to see a variance granted in 1983 for 60 ft. from the road but the garage ended up at 55 ft. Following the rules in the beginning makes the process easier for others later. Agrees with member Vick and would like to see no more than a total of 2,400 sq. ft. and could go along with a single building versus the two separated by a few feet.
- G. Aarestad – his concerns were expressed by others and he would also like to see no more than 2,400 sq. ft.
- H. Vick moved to approve the request for an addition that connects the existing home and detached garage 55 ft. from the centerline of the road and an addition to the existing detached shed for a total detached building size of 2,400 sq. ft. with a CONDITION that the existing detached building in the northeast corner of the property be removed. Site plan noted Exhibit A and building plans noted Exhibit B. Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

4. **BRIAN JACOBS** – New

LOCATION: 2577 10th St SW – part of the NE 1/4 of the NW 1/4, Section 10, Township 119, Range 26, Wright County, MN. (Lake Fadden - Marysville Twp.) Tax #211-000-102101 & -102105. Property Owner: BRIAN P JACOBS

REQUEST: Variance as regulated in Section 155.026, 155.048(F)(2), 155.057(E)(1), and 155.090(Table 3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct an addition to the existing home located within the road and shoreland building setbacks. The septic tank would also be within the shoreland setback.

Present: Brian and Carrie Jacobs

- A. Ogle displayed the proposed plan and reviewed the request. The 2.5 acre property is located in Marysville Township, zoned General Agriculture, and located on Fadden Lake which is classified as Natural Environment (NE). This request is to construct an addition to the existing home that would be 77.5 ft. from the centerline of a County Road and 117 ft. from the ordinary high-water (OHW) of an NE lake, which requires a variance as 130 ft. is required for the road setback and 200 ft. from the OHW. The new septic tank would be 110 ft. from the OHW, where 150 ft. is required. The Township approves of the request because the pole shed is closer to the lake, neighbors are closer to the lake even with the addition, and replacing the breezeway would be aesthetically an improvement to the property. A neighbor has concerns that the proximity of the septic tank to the lake could contribute to pollution, contamination, or fouling of the lake water. The neighbor questioned if the planned construction could be modified to relocate the septic tank to be the required 150 ft. from the highwater mark. They are not concerned with the building, only the septic. As for the septic, an Environmental Health Officer from the Planning & Zoning Department stated that though the new location for the septic tank is going closer to the lake, it's only roughly 10 ft. closer than existing. General or Recreational Development lakes have setbacks of 50 ft. and 75 ft. respectively, and therefore the reduction to 110 ft. isn't a concern. The proposed tank location also allows the installer to get the preferred depth for the tanks to reduce the risk of leakage from groundwater and risk of freezing. If the tanks were to catastrophically fail, a reduction in the setback from 120 ft. to 110 ft. would make no difference anyway.
- B. B. Jacobs stated that he did speak with the septic designer regarding the closer distance and what he was told is the new tanks are bigger, a different shape, there needs to be 10 ft. from the house and a required separation between tank and drainage way. The existing garage is a poured concrete slab so there is no way to add over that area and reason for the lake side addition area where proposed. Neighbors home is roughly 96 ft. from the lake.
- C. No public comment.
- D. Greninger – concerned with the septic system location. We are supposed to be pulling away from the OHW not moving closer to the lake and that is his concern. Could the tank go elsewhere? B. Jacobs stated they were out there for two days testing possible locations and were unable to find an alternate spot. Greninger – his biggest concern is everything in the request is getting closer to the lake.
- E. Neumann – when there is a Natural Environment Lake it amazes him that the setbacks are further than if on a pristine lake, it feels as though the rules are backwards. He does not have a problem with either addition. On another type of lake, the tanks could be a lot closer. The new tanks should be less

likely to leak or leach. Not next to neighbors with absorption area and those setbacks are being met. Feels the plan is acceptable.

- F. Vick – agrees with member Neumann. Was concerned with the septic location but with the county being fine with the plan he is as well.
- G. Aarestad – normally would be concerned with the septic system location, as member Greninger mentioned. Hearing from the Environmental Health Officer and recognizing Bernie Miller does a good job with designs, he can confidently go along with the location and it could even be seen as a hardship with no other location.
- H. Neumann moved to approve the construction of an addition to the existing home that would be 77.5 ft. from the centerline of a County Road and 117 ft. from the ordinary high-water of a Natural Environment lake. The septic tank would be 110 ft. from the ordinary high-water of the lake. Site plan noted Exhibit A, building plans noted Exhibit B, and septic plan noted Exhibit C. Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

5. **VICTORIA HAGEN** – New

LOCATION: 5918 26th St NW – part of the NW, Section 19, Township 120, Range 26, Wright County, MN. (Lake Mary – Chatham Twp.) Tax #203-000-192100. Property Owner: DANIEL SHAW & VICTORIA HAGEN

REQUEST: Variance as regulated in Section 155.026 and 155.057(E)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct an addition to the existing home located within the shoreland building setback of a Natural Environment Lake.

Present: Daniel Shaw and Adam Novacek with Wright Lumber

- A. Ogle displayed the proposed plans and reviewed the request. The property is located in Chatham Township, is 86.4 acres with approximately 46 acres above water, zoned General Agriculture, and located on Lake Mary which is classified as Natural Environment (NE). The request is to construct a 16 ft. x 50 ft. addition to the existing home that would be 178 ft. from the ordinary high-water (OHW) of the lake. A variance is required to construct an addition to the existing home that would be 178 ft. from the OHW of a NE lake because 200 ft. is required. The Township approves of the request because they believe the variance makes sense and would have minimal effect on the lake.
- B. Novacek – addition would be ½ deck and ½ home addition. Under the home addition would be a 3-season area and under the deck would be a concrete patio.
- C. No public comment.
- D. Neumann questioned distance of existing home to the lake. Novacek estimated 194-196 ft. There is no official survey and no DNR designated high-water level. Ogle – home permit was issued with intent of meeting the 200 ft. setback and the lake does not have a determined ordinary high-water line. Staff conservatively used Beacon and figured 178 ft. for the addition to the lake. Shaw stated they purchased the home last August and the home was built with the components to add a deck. They expressed their intention to do so but were not informed of any variance issues at time of purchase. Neumann – ½ of addition would be deck and patio? Shaw – correct. Neumann questioned if the house portion will be livable space. Novacek – house addition of their living space as dining room and living room. The unfinished basement will be finished as well. Neumann – elevation is well above the lake and no bluff area. Shaw confirmed and stated there is a gradual slope to the lake. Neumann feels the plans are good.
- E. Vick – in the past this Board has allowed additions closer than this and he sees no reason to not go with this plan. Without a determined OHW it is hard to figure the exact location but 178 ft. is enough off of the lake.
- F. Greninger – agreed with what others stated and is okay with the plan.
- G. Aarestad – no issue with request. Looking at drainage there are existing built in natural buffers to protect the lake. He does not see any adverse effects with building closer to the lake and the request is reasonable.

- H. Vick moved to approve a 16 ft. x 50 ft. addition to the existing home that would be 178.6 ft. from the ordinary high-water of the lake. Site plan noted Exhibit A and building plans noted Exhibit B.
Seconded by Neumann.

DISCUSSION: Aarestad stated he would like the lower level to stay as screened in 3-season and a condition added to the motion that states that. Vick – if the upper portion is lived in area, they may want to window off the lower level to control the temperature. Neumann – once windows go in it will be insulated and used as livable space. Is it the Boards intent to go that route or is the intent to go with what is proposed? Vick – he would not want to limit the applicant and feels after a year or two of winters they will want to close off that lower area. Aarestad stated he wants on record the intent is to keep as 3-season or fine with 4-season. Vick stated he is fine with either and if wanted could amend his motion to mention a 4-season area. Ogle clarified the motion could read approval is for a 16 ft. x 50 ft. addition to the existing home that would be 178.6 ft. from the ordinary high-water of the lake and condition that the lower level of the addition could be converted to 4-season without needing to come back to the Board. Ogle noted that approval for the Board of Adjustment is only good for 3 years so if not converted to 4-season within the 3 years another variance would be required to do so.

Vick moved to amend his motion to include the added condition that the lower level of the addition could be converted to 4-season without needing to come back to the Board, if completed within the next 3 years.

Neumann withdrew his second and stated that he wants to see a 3-season area or less.

Greninger seconded the revised motion.

VOTE: MOTION CARRIED

Approved: Vick, Aarestad, Greninger Nay: Neumann

6. **THOMAS FEEHAN** – New

LOCATION: 10293 Amery Ave NW – SHADY REST LOT-008 BLOCK-002 LOTS 8 & 9 BLK 2 SHADY REST along with Tract J of Registered Land Survey No. 35, Section 12, Township 121, Range 26, Wright County, MN. (Ida – Silver Creek Twp.) Tax #216-024-002080, 216-000-124315, 216-038-000100. Property Owner: DIRK A POSTHUMUS REVTR & JEAN A POSTHUMUS REVTR

REQUEST: Variance as regulated in Section 155.026, 155.049(F)(2), and 155.057(E)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to replace the existing home within the road and shoreland building setbacks and having the lowest floor elevation under the minimum required.

Present: Tom Feehan and Dirk Posthumus

- A. Ogle displayed the proposed site plan and reviewed the request. The property is located on Amery Ave NW in Silver Creek Township with the lake side parcel 0.31 acres, zoned Urban/Rural Transition, and located on Lake Ida which is classified as General Development. Existing building coverage on the lakeside property is 9.1% and proposed building coverage is 14.9%. Existing impervious surface coverage is 21.6% and proposed impervious surface coverage is 23.1%. In 2003 backlots were added to the platted lots and conditioned that the sewer placement would take priority over any building on those lots. This request is to replace the existing home that is 46.1 ft. from the ordinary high-water (OHW) of a General Development (GD) lake and 33 ft. from the centerline of the road with the proposed lowest floor elevation to be 972.3 ft. A variance is required to replace the existing home 46.1 ft. from the OHW because 75 ft. is required and 33 ft. from the centerline of the road because 65 ft. is required. A variance is also required for the lowest floor elevation of 972.3 ft. because 973.08 ft. is required. The Township approves of the request at 972.08 ft. along with the OHW setback. The Township did not comment on the road as they said it is not a township road. While the township may not consider it a township road, this portion of Amery Ave NW is platted right-of-way under the jurisdiction of Silver Creek Township.
- B. Vick questioned the lowest elevation numbers with Ogle reviewing and explaining the MN DNR requirement is 3ft. and the County requirement is 4 ft. above the highest-known water level.
- C. Feehan – the depths of the lots in the area make it difficult to meet the required lake and road setback. Their proposal meets side yard, septic and lot coverage requirements. Posthumus – goal is to stay as low as they can so that they don't sit higher than neighbors and then water runoff affects other lots. Aarestad questioned if there is a water mitigation plan with Feehan confirming.
- D. Public comment.
 - Jeff Wirtz – lives a few lots to the north. When he built in 2004, he was required to stay at the same floor level as the adjacent property with both homes at 3 ft. over the OHW. There is another home recently built that was placed at 4 ft. and it does put a burden on the existing cabin, as mentioned, and it makes sense to try and avoid any more runoff burden to other cabins. There are other properties down the road where two adjacent homes are at 4 ft. above the OHW and the existing cabin is lower and that has created some issues for the lower property. This is the reason why he is in favor of the 3 ft. above the OHW.

- E. Vick questioned the existing home square footage. Ogle – survey notes 848 sq. ft. with proposed at 1,917 sq. ft., which includes a garage. Posthumus – original cabin from 1935 was 18 ft. x 24 ft. with 18 ft. x 30 ft. lake side addition, completed in 2000. Vick questioned how far from the lake the proposed home moved. Feehan – hope is to keep at the same distance as the existing cabin. The shoreline bows so in some areas the new home is back roughly 3 ft. from the original cabin location. Vick stated he doesn't want to see the home getting any closer than what was there. Ogle used the site plan to explain the majority of the home would be further back but the closest point of the new home is 46.1 ft. Vick stated he still questions the double in size on this small of property. Posthumus stated they are in line with the neighboring cabins. Feehan – maximum building coverage and impervious limits are being met.
- F. Greninger – concerned with how the water will be handled. Feehan – there is drainage that goes to the street and the water currently runs away from the lake. The surveyor and septic designer did look at that and didn't have concerns. Posthumus – there is an ice ridge in front of the cabin and the water runs to the back of the property, towards the road, behind the properties to culvert that flows into Little Ida.
- G. Neumann – the 15 ft. side setback is being met but wonders why the home is not centered. Feehan – the original design and wish was to try and maintain open space on the property. Posthumus – wants to keep area open to move items to and from the lake, like a dock or boatlift, and at 15 ft. it is a little harder to access. Feehan – the single car garage location is easier to access with this proposed layout. Neumann questioned the 'maintain existing deck' noted on the plans. Feehan – at ground level and not attached to the home. Neumann asked if the Township maintains the road with Posthumus stating they do not and more so pretend it does not exist. Ogle – explained that the Township doesn't consider it to be a road but it is a platted right-of-way. Neumann questioned if the lake fluctuates. Posthumus explained the lake has varied roughly a few inches. There is an outflow but no natural watershed coming into Ida. Neumann stated he can support the request but does want to see a stormwater management plan and no variance for the elevation. Feehan – his understanding is with the difference in the new grade elevation that they would be looking at more of 6-8 inch change and not 1.5 ft. Ogle – DNR adjusted the highest-known water level so 4 ft. above that is 973.08 ft. and proposed is 972.3 ft. The Township said they are okay with as low as 972.08 ft., which is the 3 ft. state minimum. Feehan explained the attached garage floor level is 4 inches lower than the main level of the cabin and will be held to the minimum for the garage floor. He can't imagine they would get water to that point and if they did it is nothing but concrete.
- H. Aarestad stated that member Neumann addressed many of his concerns and the plan is reasonable. The building is doubling in size but that includes the garage. One concern is the drainage and he would like to see a stormwater management plan to ensure neighbors are not affected.
- I. Neumann moved to approve the request to replace the existing home 46.1 ft. from the ordinary high-water of Lake Ida and 33 ft. from the centerline of the road. It was **CONDITIONED** that a stormwater management plan be submitted at time of building permit application and that the lowest floor elevation is at or above 973.08 ft. Site plan noted Exhibit A and building plans noted Exhibit B.

DISCUSSION: Ogle – at 973.08 ft. there would be no variance granted for elevation. Vick – 968 ft. is OHW so county would be 974 ft. Ogle – county goes with 4 ft. above highest recorded elevation. Posthumus – DNR recently changed the figure, went with a 2013 highest level figure. Ogle stated that the state requirement would be 972.08 ft. and the county requirement is 973.08 ft., which is 4 ft. above the highest known water level.

Motion was seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

Respectfully submitted,

Aaron D. Ogle
Planning & Zoning Planner

The meeting adjourned at 9:30 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