

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: August 23, 2024

MINUTES

The Wright County Board of Adjustment met on Friday, August 23, 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, and Dan Mol. Absent was Bob Neumann. Representing the Planning & Zoning Office was Aaron Ogle, Planner; Scott Deckert, Assistant Zoning Administrator, and Barry Rhineberger, Zoning Administrator. Greg Kryzer, Assistant County Attorney, legal counsel was absent.

ACTION ON MINUTES FOR THE AUGUST 2, 2024 MEETING

On a motion by Vick, seconded by Mol, all voted to approve the minutes for the August 2nd, 2024 meeting as printed.

1. MARK O'BRIEN – New

LOCATION: 14490 & 14498 Devitt Ave NW – Locke Lake Height's Lot 20 and part of Lot 21 of Section 21, Township 122, Range 26, Wright County, MN. (Locke Lake – Silver Creek Twp.) Tax #216-120-000200, 216-120-000201. Property Owner: MARK A & MARY E O'BRIEN LIV TR

Requests a variance as regulated in Section 155.026, 155.006, 155.049(F)(3), and 155.090(Table 3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a single-family dwelling within the side yard setback that exceeds the building coverage maximum. The septic absorption area would be within the side yard setback and setback from the home.

Present: Mark O'Brien

- A. Ogle provided background information from when the property consisted of two lots which each had their own home. One of the two homes was removed, and the properties are now to be owned in common as one buildable property. In 1985, the Board granted a variance to allow one of the homes an 18 ft. x 26 ft. garage and utility room onto the existing cabin stating it could be no closer than 5 ft. from the property line. In 1988 the Board granted a 12 ft. x 24 ft. deck on the lakeside of the cabin which did not meet the side yard setback. In 1998 the Board granted a 14 ft. x 18 ft. garage addition 5.8 ft. from the side property line and allowed a portion of the existing attached garage to be used as living space. The request at hand is to construct a single-family dwelling that is 10 ft. from the side yard with a total of 15.2% building coverage and allow the septic absorption area 5 ft. from the property line and 15 ft. from the home. A variance is required to construct a single-family dwelling 10 ft. from the side yard because 15 ft. is required and to have 15.2% building coverage because 15% is the maximum. The septic absorption area would be 5 ft. from the property line whereas 10 ft. is required and 15 ft. from the home whereas 20 ft. is required. The Township approves of the request as written. The Planning and Zoning Office did not receive any response from neighbors. Staff has since received revised plans that meet the 15% building coverage requirement but would still require variances for the setbacks as noted.
- B. O'Brien stated how he and staff met to discuss the complexity of the lot and also visited with MN Department of Health staff on site and approved the location of the septic in relation to the location of the neighbor's shallow well.
- C. Mol was pleased to see the revised plans, reducing the sizing of the building coverage down to meet the 15% which was previously a sticking point for him. Had questions about the shallow well and lighter soils, concerns of enough distance. O'Brien – The MN Department of Health (MDH) have visited the site three times to work through the complexity of the narrow lot and was their recommendation for the location from the shallow well. In the process, he attempted to work with

the neighbor and proposed to drill a shared well at his own expense and was declined the offer. He then offered to drill a new well for his neighbor in conjunction with the installation of his system, at his expense, and was rejected again. After MDH verified for themselves and based on the neighbor's disinterest to participate, they came up with an approved 82 ft. setback. Mol – with the circumstances, he understands the practical difficulties at hand. His concern is the 5 ft. setback and asked of a water drainage plan. O'Brien – will have drain tile in place around the house to avoid basement flooding and have conversed with staff on the landscaping and retaining wall design and the discussed 37.5 ft. lake setback for the house as to not disrupt the soils but has not specifically addressed the stormwater mitigation.

- D. Vick recognized the work done by the applicant and staff based on the design of the proposal. He asked if the lot becomes wider as approaching the lake. O'Brien – goes from 74 ft. wide up to about 90 ft. Vick – proposed at 101 ft. from the lake? O'Brien confirmed 75 ft., as discussed with Planning & Zoning staff. Vick inquired about the setbacks to the lake. Ogle stated that building setback from Locke Lake is 75 ft. and 50 ft. for septic. A variance is not needed for the lake, but for the septic. The Board can review the septic side yard setback and distance from the house. The portion relating to the shallow well has been approved by MDH. Nothing is needed on a county level for that. Vick asked about pushing the septic closer to the lake. O'Brien stated they are unable to do that because of the hill. Vick – wondered if setback could be pushed from 5 ft. to 10 ft. O'Brien said that would push the system closer to the other neighbor's deep well and would not help the situation. Vick – original concerns were the 15.2% building coverage and the septic setback. Now that both are addressed, he'll wait to see how others will proceed.
- E. Greninger asked how the applicant will be keeping water away from the septic tanks. O'Brien – tanks will be in the front; the retaining wall in the back will direct water away from the drain field in the back of the property.
- F. Aarestad agrees to the hardship at hand and commends the applicant in working with the neighbors and MDH. Because of the neighbor's and MDH response, he can go along with the proposed variance request.
- G. Mol moved to approve the request to construct a new single-family dwelling 10 ft. from the side yard and the septic absorption area 5 ft. from the property line and 15 ft. from the home
CONDITIONED the building coverage does not exceed 15% and all conditions of the Minnesota Department of Health variance approval must be followed. Site plan noted Exhibit A, building plans noted Exhibit B, and septic plan noted Exhibit C. Motion seconded by Greninger.

Discussion: Vick asked of impervious surface coverage. Ogle - 22.85%.

VOTE: CARRIED UNANIMOUSLY

2. STEINBRECHER COMPANIES – New

LOCATION: 9169 Arnold Ave NW – P1 A TR OF LND LYG IN&BNG PRT OF GOV LT4 in Section 13, Township 121, Range 26, Wright County, MN. (Eagle Lake – Silver Creek Twp.) Tax #216-000-133309. Property Owner: FREDERICK W FERNELIUS

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 and building setbacks.

Item number 2 was not yet present, so the board opted to hear the third item on the agenda.

- A. The applicant was not present so the board continued this item to later in the agenda.

3. **UNFOLD ARCHITECTURE (Michael Gray)** – New

LOCATION: 1386 Arnold Ave NW – Lot 6, Block 1, except the NW 20 ft. of Mill Creek Park, Section 25, Township 120, Range 26, Wright County, MN. (Buffalo Lake - Chatham Twp.) Tax #203-017-001070, 203-017-001060. Property Owner: JOLAYNE FISHER

Requests a 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 construct a home and garage within the road and shoreland building setback.

Present: Michael Gray

- A. Ogle stated this request is to construct a home with a 1,636 sq. ft. footprint and garage with a 627 sq. ft. footprint that is 29.8 ft. from the ordinary high-water of the lake and 63 ft. from the centerline of the road. A variance is required to construct a new home and garage 29.8 ft. from the ordinary high-water of a general development lake whereas 75 ft. is required and 63 ft. from the centerline of a local road whereas 65 ft. is required. The Township approves of the request as the water capacity will be the same or better. No written response from neighbors. The main area in question related to this request is the “channel” that spurs from main lake body. The applicant’s surveyor first determined that based on the ordinary high-water elevation which is used for setback purposes, the “channel” area was disconnected from the main body of the lake by land above the OHW elevation. The Minnesota Department of Natural Resources did have concerns with the survey, so they conducted a site inspection and while the area was above the OHW based on another survey conducted, they noted the area is still considered hydraulically connected to the lake and would have an OHW and associated setback. The MNDNR did note that a variance could be applied for.
- B. Gray – when the survey took place at the property in February, the channel water level measured 2 ft. higher than the lake. Based on this, County staff determined this to be a separate issue from Buffalo Lake. Further research brought the MNDNR into the discussion who met at the site with County staff and the applicant in July when water levels were 2-3 ft. above the ordinary high-water level. At that time, the channel was deemed to be hydrologically connected to the lake by the MNDNR. Prior to this, designs were based on a 15 ft. setback without variances. Had the channel not been considered part of Buffalo Lake when planning started months ago, he wouldn’t be present today. Now knowing the determination of the channel, plans have shifted and they are working to pull the house away from the channel. The Township is in favor after a site visit was conducted and the proposed location of the garage was pushed slightly into the front setback to better balance encroachment to street over lake. Noting the survey on the overhead, Gray pointed out the paved driveway connects to the road on Township property and extends over the property line. Gray believes this encroachment is reasonable based on this complexity and the location of the driveway on Township land on the northern portion of the property. Regarding the eastern setback from the OHW, the design made more sense to push more westerly to preserve the hydraulics and the view of the lake. As it sits, no one is using the channel; it’s a green marsh nearly completely cut off by overgrowth at certain times of the year.
- C. No one spoke from the public.
- D. Vick asked of total square footage of the building. Ogle presented calculations printed on the survey: 1404 sq. ft. for the building, 201 sq. ft. for the porch, approximately 1600 sq. ft. Vick – is the house moving closer to the lake? Gray – the house will be 10 ft. closer to the channel and will be 90 ft.

away from the main “useable” portion of Buffalo Lake. Vick struggles with moving closer to the channel than what the home is currently at; keeping the garage in line with what’s existing seems reasonable. Also recognizes hardship from original interpretation of the channel and the need to redesign. Gray – if kept as close to or further from the channel, this affects the encroachment at the front, a fine balance to consider. Plans for on-site water management are in place with catch-basins for rain gardens and depressions without manipulating the topography of the site. Vick is not opposed but would like to see the design altered. Noting the Township’s opinion in that they don’t care about the road because they do not maintain that portion, the house could be pushed closer to the road. Currently at 39.9 ft. from the road, Vick is okay with keeping the distance at current and wants to see how others will vote. Ogle added that the property already has a compliant septic system. All flood plain requirements will also be met. Gray added the design can be morphed, but nearly a third of the proposed is within the footprint of the existing. Anything that is done at this property is non-conforming. In order to meet the 3 bed/2 bath/2 car garage design, they will need to be closer to the channel than the existing. The neighboring homes are at the same size-scale or larger than the proposed. Vick suggested another layout of the garage, as to angle it, and expressed keeping as close to the current footprint without getting closer to the lake if possible.

- E. Greninger – can the Township road be extended in the future? Gray – it could and the Township would need to pave to the point where it hits the driveway. The applicant met with the Township and based on their approval of the proposal, seemed comfortable with the way the road is set now. If in the future would mean the owner to repave the drive or Township would need to pave up to the driveway. Greninger asked if this would be within the near future - Gray does not believe so. Greninger – plans in mind for a rain garden? Grey - correct. Greninger – new footprint for the proposed than what was? Gray – house has grown by one bedroom, but feels the proposal is reasonable. The current occupants use the dwelling as a seasonal cabin and wish to convert it into year-round residence. Greninger asked of the high points of the canal or channel happened in the spring months. Gray – yes, but certain times of the year is near impossible to navigate due to overgrowth of algae. The MNDNR does not allow for dredging of the channel, as inland harbors are no longer approved water bodies. The last time this location was dredged was in the 1960s which was common practice at the time.
- F. Mol – has concerns regarding the increased distance to the channel. Recognizes the practices as they were back when lakes were dredged and was likely a time when there was access to the lake. Now, as houses are built closer to the lakes with variances, pollutants and run-offs become issues. The channel is connected to the lake only once or twice a year, but those once or twice a year connections deposit said pollutants and run-off into the lake at greater force with heavier downfall. Respect for the lake is considered. If the channel was disconnected to the lake, a 15 ft. setback would be considered without pollutants and run-off factoring. With this channel’s connection to Buffalo Lake, consideration needs to be taken into the contents that will spill over into the lake. The channel created pond is a sediment filtration water body for the homes that surround it. Gray added that all the lots along the channel would require variances with not enough depth to the lake to build. The proposed design will capture and contain rooftop rainwater to filter then flow to rain gardens and will be a better stormwater management plan than what is currently in place. Ogle added the existing house and deck is approximately 35-40 ft. from the channel; the proposed would be 10 ft. closer. He cannot speak on the MNDNR’s determination of the hydrology of the connection, but was present at the site visit and confirmed that dredging is not an option whatsoever.
- G. Aarestad has similar concerns regarding the channel and rainwater, and is also quite familiar with the site because his uncle once owned this property. He recalls flooding not being an issue and that most

of the year the channel is closed. This might help with the stormwater issues at hand, with settling and flushing of phosphate decomposition. The concern isn't the channel as much as it is for lake contaminants. If presented with a design of the raingarden for storm water retention within the channel area, he would be in favor of approving the request. Gray noted the plans at the back side of the garage that flow to the raingarden between the channel and house.

- H. Aarestad asked of specifications on the design, rain fall volume and flow the system will handle. Gray – not yet worked out the details. Aarestad – has the roof size increased and how will the drainage look at the house? Gray – all water will be directed into the rain garden. Aarestad – does see improvements to be made with the proposed and is fine with proceeding.
- I. Mol – is there any way to get the setback to 35 ft. and how might this be done? Gray – encroachment on septic, side yard, and front yard setbacks would then become the issue. The design is as centralized on the property as possible to avoid encroachment on the water body as their main priority. The second main point is the street, which is occupied by the driveway currently, and third is the septic location in place.
- J. Vick – asked to view the aerial to decipher neighboring properties' setbacks. Asked of redesign and if possible to move the house back 5 ft. to increase to a 15 ft. sideyard setback instead of the proposed 10 ft. Gray – might be possible. There is also a line of trees along the property line to provide screening. Vick – a slight rotation can make a big difference. Gray – true, but then would need three variances. Vick – the water is his main concern. Gray – and reason for keeping all rainwater on site before being pushed to the channel.
- K. Mol would like to see the proposed plans closer to what is currently existing for setbacks and can see the challenges of placing a house on the property. His concern is assurance of the storm water management being contained on-site before reaching the channel. When it does overflow, it could become an impairment to Buffalo Lake. If it can be kept in a rain garden instead of flowing down to the channel, a stormwater management plan should be considered. Mol would like to see stormwater management to address a 1-2" rainfall. Gray – can work with civil engineer to draw up concept plan for stormwater management.
- L. Vick – asked the additional garage stall. Gray – going from one to two-car garage. Owners would like to go from seasonal cabin to year-round residence. Vick - would like to see the current footprint maintained if possible. Mol – going from 19% impervious surface coverage increased to 23% is changing the lot. Gray – agrees but having rain gardens designed and stamped by civil engineering will be a vast improvement. Right now, water is flowing directly into the channel from downspouts on the cabin, so any design would be an improvement. Vick expressed the need to have a stormwater management plan and made other suggestions in repositioning the house as to maintain setbacks 10 ft. from property line and 15 ft. from septic, to better squeeze the house away from the lake as possible.
- M. Vick moved to continue the request to the 9/13/2024 meeting so that a stormwater management plan could be drafted that shows all stormwater runoff from a 2" rain event would stay on-site. The Board initially had some concerns regarding the home closer to the channel than existing, but the ending discussion was the home location was acceptable, but the stormwater management would need to be addressed. Motion seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

4. **TRAVIS TOLLETTE** – New

LOCATION: 13943 102nd St NW – Spring Park Lot 3, Block 2, Section 11, Township 121, Range 28, Wright County, MN. (Lake Augusta - Southside Twp.) Tax #217-054-002030. Property Owner: Cfd Owner – Daniel Meyer, Fee Ownesr – Gage Maas & Mariah Beaudry

Requests a variance as regulated in Section 155.026, 155.049(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 that is located within the shoreland, road, and septic building setbacks. The request would also be to construct a detached storage building within the shoreland building setback.

Present: Travis Tollette

- A. Ogle presented a drawing of the 0.33-acre property, zoned R-1, located on Lake Augusta, and classified as Recreational Development. In 1979 a variance was granted to allow a new home that was not to exceed 820 sq. ft., have no basement (a crawl space was acceptable), and the mound sewer system approved by County Sanitarian. The proposal is to construct a 771 sq. ft. addition to the existing home that is located within the shoreland building setback, 33 ft. from the centerline of a local road, and 3 ft. from the septic absorption area. The request is to also construct a 512 sq. ft. storage building 58.3 ft. from the ordinary high-water of the lake. A variance is required to construct a 771 sq. ft. addition to the existing home that is located within the shoreland building setback because 100 ft. is required, 3 ft. from the septic absorption area because 20 ft. is required, and 33 ft. from the centerline of a local road because 65 ft. is required. The request is to also construct a 512 sq. ft. storage building 58.3 ft. from the ordinary high-water of a recreational development lake whereas 100 ft. is required. The Township approves of the request as the requested distances are similar to other properties. They also noted the coverage area was acceptable to the Board. A neighbor commented they are against the request because the “mound system is coming to the surface” and coverage “lot is too small.” A Wright County Environmental Health Officer did comment saying the proposed addition that close to a septic system may risk system viability, especially during construction of the structure.
- B. Tollette – provided a brief background in selecting this property to settle roots within his wife’s multi-generational community, and that it met several “check boxes” for their needs. His desire is to expand onto the house to make it into their forever home and had primarily approached Planning & Zoning with intent to build a shed to suffice storage and office space. To avoid future variances, he stated that staff proposed combining the future dwelling addition to the variance request for the shed, which is his immediate need due to wife’s occupation in the medical field regarding privacy and HIPPA regulations.
- C. Greninger – refrained from comment with intent to see how others will move forward.
- D. Mol – sees challenges and does not see a hardship, rather a want. By purchasing a property that immediately needed variances doesn’t seem to “check the boxes” in his opinion. The proposed building is too large for lakefront and shouldn’t go in front of the house, especially without a site inspection and not knowing what is currently at neighboring properties. Tollette – there are other structures that are closer to the water but are not storage buildings. To put an addition onto the house does not leave much room at absorption area of the septic system.

- E. Vick – read through the minutes from the 1979 variance approval and a foundation was not included in the conditions and asked the applicant if the soils were “boggy.” Tollette – assumed so. Vick – when adding to and moving a structure involving excavating, soil quality may become an issue to consider. Agrees with Mol, the storage building is too big and too close with 3 ft. from the septic area. Asked of total number of bedrooms allowed on the system and if the existing septic system in place will suffice the addition. Deckert – could not recall how many bedrooms the system was designed for, but time dosing could be added to the lift station to prevent excess hydraulic flows from overloading the system. A limit could be imposed conditioning the number of bedrooms. He conducted a site visit and took measurements, noting the building placement abuts the berm of the mound, the area is narrow, and soils are sandy. Hydraulics concern is not as great as the proximity to the absorption area in his perspective. Buildings are generally not allowed to be placed as close to the septic as the proposed 3 ft. setback. Vick – asked the applicant if patients will visit his wife at the property. Tollette – as a triage nurse, visits are only virtually via telehealth. HIPPA laws require an enclosed meeting area for privacy at a required set distance from others. Within the house behind a closed door is not enough clearance for what is required. Vick – like the others, he has concerns with it being too close and too large and is not in favor as presented.
- F. Greninger – asked about a new timer on the septic. Tollette – yes. Being new to the process, he is learning a lot. He wants to maintain the integrity of the mound system and the lot itself, it’s their home. His proposal is not to tear up the property to rebuild everything, but to add to it as they raise their growing family. It’s a 2-bed/2-bath house now and will need additional with potential future children. The proposed storage building is their priority as to build as soon as possible this year for his wife to work remotely.
- G. Aarestad – stated the proposed storage building is too close to the lake and too big for the parcel. By creating an addition to the dwelling, modifications should be made. The area is rural and the Township is in favor of the expansion next to the road. They maintain the road and are okay with the proximity. The addition would be next to the septic mound and would like to see modifications, perhaps shifting the addition portion to not impact the septic. The terrain looks flat and additional rooftop drainage would be an issue. He would like to see a revised plan of the dwelling addition, perhaps shrink it down, and include a stormwater management plan to keep the water runoff away from the lake. As presented, the board is not in favor of the storage building – the applicant is welcome to continue the matter with revisions to the dwelling as suggested if they so choose.
- H. Vick – stated the 2-bedroom house proposed to become a 4-bedroom will change the septic system.
- I. Ogle – asked the applicant was intending to add heat to the shed. By ordinance, they could apply with 250 ft. allowed for a water-oriented structure. The purpose of the building would be solely for storage and that is it, no heat, no human habitation otherwise. If adding office space and needed heat, the variance is required in that this is no longer a water-oriented structure but now a non-conforming storage building with heat. Tollette – looking to maintain imperious coverage and the aesthetic of appearance. He does not want a small shed and wants for his wife to have working space. They’re not looking to fill the 15% impervious coverage or any other buildings that permits would be needed. The desire is to have the house and shed as proposed to function as one unit, despite being detached, and evolve with their “50-year house.” Ogle – for clarification, the intent is to add heating to the shed, staff cannot administratively approve the permit, even if applied as a water-oriented structure.

- J. Mol – considering the layout of the property and what the applicant is anticipating, he proposed a reevaluation of the plans for a “50-year house” or make it work while they’re there. Listening to the suggestions made by Ogle, the shed should perhaps be placed closer to the road, if looking for it to be separate and used for means of a detached garage. By reviewing this as a variance, rather than a design, the applicant may need to reassess what they want to do.
- K. Aarestad asked if the applicant wished to continue to the next meeting with redesigned plans. Tollette – does not want to close and be done with the matter and is willing to work with presented suggestions. Regarding the shed and the need for it to be finished and heated, what and where should the designs be addressed? Aarestad – the board does not design and has been clear on the location of the shed on the water side not being allowed. There may be room at the front of the property to place the shed with the lake and the septic being a concern, so the distance and the size should be considered. The board has not said much about the size of the shed, so leaves room for leeway. Tollette – asked if the shed should be brought down to 250 sq. ft. if kept within lakeshore. Aarestad – can’t speak on behalf of the board but would consider a larger shed proposal if at front, if setbacks are met as close as possible, and addressing the septic system and distance to the field, if proposing as suggested. Tollette – from his standpoint, if the dwelling addition is approved today, it would fall within their 3-year period. His priority is for the shed to be built as soon as possible to allow his wife to work from home. What can he do regarding the shed? Vick – wants to see it setback from the lake as close to 100 ft. as possible. Tollette – the house is at 100 ft. setback. Mol – suggested to continue the matter for further discussion with staff on design.
- L. Mol moved to continue the request to the 9/13/2024 meeting so the applicant could re-assess the proposal as there were concerns with the distance the addition would be to the septic and the location of the storage building to the lake. Seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

5. **MATTHEW BLOUNT** – New

LOCATION: 5476 & 5412 Brighton Ave SE – West ½ of NE ¼, south of river except tract described on Doc #510187, Section 32, Township 119, Range 25, Wright County, MN. (N. Fork Crow - Franklin Twp.) Tax #208-300-321300, 208-300-321301. Property Owner: Catherine Rose, Matthew Blount & Katie Renner

Requests a variance as regulated in Section 155.026 and 155.048(G)(4) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to alter an existing “1 per 40” entitlement division that would exceed the maximum size.

Present: Matthew Blount

- A. Ogle presented a drawing of the proposed request located off Brighton Ave SE in Franklin Township. The request involves two properties, PID 208-300-321300 which is ±20.4 acres including the river and PID 208-300-321301 which is ±25 acres including the river. Both properties are zoned General Agriculture and located along the North Fork of the Crow River which is classified as a Transition River. In 2003 an entitlement division was administratively approved that split the existing home on approximately 5 acres. In 2018 a variance was granted to expand that entitlement division to 25 acres. This request is to allow the expansion an existing entitlement division which is PID 208-300-321301 to 34.5 acres leaving the restricted parcel which is PID 208-300-321300 with 10.9 acres. A variance is required to allow the expansion of an existing entitlement division to 34.5 acres because 10 acres is the maximum. The Township has no issue with the request and they feel it “makes good sense.” No written comments from neighbors.
- B. Blount stated that his intent is to move an imaginary line and to protect the section in front of the house.
- C. No one spoke from the public.
- D. Vick – does not have any concerns and asked if this will alleviate the access strip. Blount – confirmed yes.
- E. Greninger – understands the proposal and has no issues.
- F. Mol – asked if PID 208-300-321300 has any building entitlements remaining. Ogle – a 2003 deed restriction left that portion restricted without an entitlement. Mol asked about the land use plan and Ogle confirmed it was Ag. The parcel is approximately 10.9 acres above the river. A surveyor may view this as 10 acres and natural resource land of 300 ft. along the road and 300 ft. along the shoreline. Mol asked if rezoning is possible. Ogle – technically not possible. Mol – adding the front portion to PID 208-300-321301 would create one parcel and eliminate the driveway easement and be absorbed into the property. Ogle – the access strip of 33-66 ft. would be expanded to approximately 900 ft. as one parcel. After conversing with another planner on staff, they determined that the cleanest would be with a corrective deed restriction. If approved, would be reviewed as a 34 or 35-acre parcel division with respectable road frontages versus one 5-acre parcel with expansions added.
- G. Aarestad is familiar with the area – agrees with Township in that this makes sense.
- H. Vick moved to approve the request to allow the expansion of an existing entitlement division (PID 208-300-321301) to 34.5 acres leaving the restricted parcel (PID 208-300-321300) with approximately 10.9 acres CONDITIONED on survey and corrective Deed Restriction that would replace document #825305. Site sketch noted Exhibit A. Seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

6. **STEINBRECHER COMPANIES** – Continued from previously on the agenda

LOCATION: 9169 Arnold Ave NW – P1 A TR OF LND LYG IN&BNG PRT OF GOV LT4 in Section 13, Township 121, Range 26, Wright County, MN. (Eagle Lake – Silver Creek Twp.) Tax #216-000-133309. Property Owner: FREDERICK W FERNELIUS

Requests a 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 and building setbacks.

Present: Amanda Fernelius, Shane Steinbrecher

- I. Ogle presented a drawing of the 0.31 acre property, zoned Urban/Rural Residential, and located on Eagle lake which is classified as General Development. In 1987 the Board approved a 24 ft. x 36 ft. building no closer than 8 ft. from road easement, back property line, or side property line. At that time the applicant was aware the sewer system needed to be repaired which it was later in 1987 which means the existing septic is approaching 40 years. The request is to install a septic system 6 ft. from the garage and 4 ft. from the north property line. A variance is required to install a septic system 6 ft. from the garage as 10 ft. is required and 4 ft. from the north property line as 10 ft. is also required. The Township approves of the request as Arnold Ave is not a Township road and the Township does not have a concern. No written response from neighbors. A Wright County Environmental Health Officer did comment on the request regarding the nearby shallow wells which would typically have a 100 ft. setback from the septic. They said, “FYI to whom it may concern, I met on site with designer from Steinbrecher and the Minnesota Department of Health representative Kiel to discuss this replacement septic. The proposed system is acceptable as stated, with the tight fit they needed a couple variances as noted to make things fit. We also confirmed >10’ clay soil to determine the wells are not “sensitive” and the drainfield only needs to be >50’ from the 2 wells.”
- J. Steinbrecher – proposal is for the replacement of a failing system. He explained the background and reason for proposing a pre-treatment system. The applicant is simply making required improvements to the wastewater system only, using the dwelling as-is.
- K. Greninger – asked how long the proposed type of system has been around. Steinbrecher – has Advantex units dating back to 1995-96. A system like this was installed just last week; his crew averages about 3-5 Advantex system installations annually and estimate 100-130 functioning and maintaining within Wright County today. The system is efficient because it breaks down the materials like a normal mound would, but then discharges essentially clean water back into the soil. A standard system takes about three times as long to complete versus one pre-treated cycle.
- L. Mol – considering the road constraints, the garage, and the well locations, and by not adding to the house, and is maintaining the existing system in place, he does have concerns with the 4 ft. proximity to the property line and accessibility for system and lawn maintenance. He wondered about the ability to install the system without crossing the property line. Steinbrecher – has good-standing with neighbors and the entire system is designed to stay on parcel in question, and they should be able to install it without being on the neighboring property.
- M. Vick – how often is the system checked? Steinbrecher – has an operating permit to maintain annually and explained the checklist of items addressed at service. Vick – what if a customer does not fulfil their contractual agreement? Steinbrecher – the final authority would be placed with a code

enforcement process through the County. Vick – at this point, there are no other options. Steinbrecher – correct, no other options for design and placement. This situation is at a “level 9” with a lot of constraints to be addressed going on close to a year in working with the MDH and the shallow well.

- N. Aarestad – all concerns have been addressed; he is on board with the proposal.
- O. Mol moved to approve the request to allow for a septic system 6 ft. from the garage and 4 ft. from the north property line. Septic plan noted Exhibit A. Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

7. **JANET SMITH** – New

LOCATION: 10969 Us Hwy 12 SW – West 1/2 of NW 1/4, Section 05, Township 118, Range 27, Wright County, MN. (Spring Lake - Victor Twp.) Tax #219-000-052200. Property Owner: Janet E. Smith, Carol M. Lehr & Richard J. Smith

Requests an appeal as regulated in section 155.026 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances of the Zoning Administrators determination for the number of homes allowed on a newly proposed division.

Present: Janet Smith, Carol and Richard Lehr

- A. Ogle opened with an aerial depiction of the property zoned General Agriculture and consisting of 78.5 acres. There are adjacent properties under the same ownership as well. In 2022, a Deed Restriction split off 10 acres from PID 219-000-061200 which left the remainder of PID 219-000-061200, 219-000-161400, 219-000-052200, and 219-000-061100 with a total of six (6) residential building entitlements, two of which are being used by both homes referenced in this request. The request involves two homes that predate the zoning ordinance which currently exist on the same parcel. The applicant seeks to split both homes off onto the same newly created parcel through an entitlement division. The Planning & Zoning office is unable to approve of the request administratively because the interpretation of the zoning ordinance only allows for one home per parcel. The interpretation is based on the specific language which says “if a landowner chooses to use an entitlement on an eligible lot of record or quarter-quarter section...”. The Zoning Administrator notes that the language is singular in nature meaning that two entitlements cannot be used on a single parcel. The Zoning Administrator also notes that Section 155.048(G)(1)(d) states “an eligible quarter-quarter section may be permitted one single family dwelling on the parcel as a whole, or one division...”, therefore only allowing one dwelling per parcel. The applicant is requesting an appeal of the Zoning Administrator’s determination which was based on Section 155.048(G)(4) of the Wright County Code of Ordinances that if the homes are to be divided from the existing parcel, each dwelling would need to be divided onto its own parcel as an entitlement division. The Township approves of the request because the two homes have existed on the same building site for over 70 years and there is not a great solution to splitting the properties into two separate ones as it’s a shared driveway access and garage for the two houses. A neighbor commented they support and encourage the proposal.
- B. Smith – provided history of the family property and reasons for passing it down to younger Smith generations for farming. The property has had two residences for over 70 years and in keeping the existing conditions, they feel this does not violate the land use plan, does not change the character of the area, nor pose any adverse environmental effects. People today who are interested in farmland are not looking for houses and those who are looking for houses don’t want nor can afford farmland, from her perspective. She expressed the benefit to the community and reasons for multigenerational residence. The Zoning Administrator stated Section 155.048(G)(1)(d) is reason for denial and subsection (G)(2) regarding residences applies better to their condition in their goal of family history preservation. The proposed subdivision would meet Section 155.048(G)(4) as required. The concerns with two separate parcels are the single roadway access at Highway 12 and shared driveway with loss of garage to the original house.

C. Public Comment

- Troy Lange – is Supervisor for and representing Victor Township, stated that the Township is in support of the division of the property as presented. Property has been family-owned for over 70 years and the township does not see any changes to a division to make two separate parcels.
- D. Mol – reminded the board to address the issue at hand. The division makes sense in what the applicant is looking to accomplish, but the appeal is to what the ordinance says. He has been a Wright County resident his entire life and understands multigenerational farming on shared property. Most farms are on larger land, like his family with 160 acres and is configured similarly to the parcel at hand. This case does not have enough land nor entitlements left and is a challenge in how it is configured. The ordinance is still taken into review, one house per quarter/quarter section or one house per 40 acres. As far as the determination by the county, the Zoning Administrator's interpretation is correct.
- E. Vick – asked Mol if he feels each home should have a separate PID. Mol – if splitting it. The matter is with AG zoning, one building entitlement or one residence per 40 acres. The intent is to work with what's allowed on AG land, rather than rezoning to residential use. Farm sites like these are still common throughout the county; Planning & Zoning was approached with a similar matter recently. This is an 80-acre AG land with 2 houses next to each other. With two building entitlements it can be split and meets ordinance, but the proposal to split off with one PID does not. Vick – does the proposed example show what could be done? Do they have two building entitlements at the property? Ogle – the example shown is simply that they have the correct amount of entitlements and could potentially maintain the outside boundary of the parcel, and depicts how to potentially get the houses to align on their own parcel and in line with the ordinance as written. Each home would use their own building entitlement and would be split, owned by one or two parties, and could be approved administratively; this is only an example for conversation. Vick asked how the applicant feels about the design of the example. Smith – has concerns with the garage would become part of the easterly-created lot with access to the driveway left on the other parcel with an easement. Vick – asked of access to garage doors. Smith – 3 doors on each side – 6 doors/stalls total – with a dividing wall in the middle. Vick – solve the problem now before time comes to sell the other property. Thinks it's a good idea what they're suggesting, perhaps design the divide somehow for access to both properties and needs to have their own PIDs assigned and can go along with some sort of division.
- F. Greninger – has concerns with splitting properties within close proximity, causing compounding situations with future home building, as he's seen in Otsego, for example.
- G. Mol – reminded the board of the appeal at hand, the determination by administration. Discussion has been on how it can be split but should be shifted back to the issue of the upholding the Zoning Administrator's interpretation of one house on a quarter/quarter.
- H. Aarestad – Planning & Zoning rules are written and, in some cases, might not apply clearly or fairly, as is the case in front of the board. With confusion in some cases as to how an ordinance was originally written, a definition would then come from the Board in unique cases. For this case in reviewing the ordinance as it was written, he believes the Zoning Administrator made the correct decision in his interpretation – the verbiage is clear.

- I. Mol moved to deny the appeal as presented and upheld the Zoning Administrator's determination that the two existing homes could not be split onto the same newly created parcel. Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

The meeting adjourned at 10:00 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: arm

CC: Board of Adjustment
Applicants/Owners
Twp. Clerks