

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: September 13, 2024

MINUTES

The Wright County Board of Adjustment met on Friday, September 13, 2024, at 8:30 a.m. County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Vice- Chairman, Bob Neumann, called the meeting to order at 8:30 a.m. with Board members present: Dan Mol, Russ Greninger, Dan Vick & Bob Neumann. Absent was Chairman Paul Aarestad. Representing the Planning &Zoning Office was Aaron Ogle, Planner. Greg Kryzer, Assistant County Attorney, legal counsel.

ACTION ON MINUTES FOR THE AUGUST 23, 2024 MEETING

Ogle noted correction to the document number indicated in the conditions of Item #5, Matthew Blount. The document number as part of the motion should be #825305.

On a motion by Mol, seconded by Greninger, all voted to approve the minutes for August 23rd meeting, with the update to Item 5 conditions as noted.

1. UNFOLD ARCHITECTURE (Michael Gray) – Continued from 8/23/2024

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

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

Present: Michael Gray

- A. Ogle displayed the proposed site plan as he reviewed the request. The request was continued from the last meeting so that a stormwater management plan could be drafted. The Board initially had concerns about the proposed home being closer to the channel area than existing and ended the discussion with the proposed home's location being acceptable but the stormwater management would need to be addressed. Per the Board's directive, they wanted to see a plan that showed all stormwater runoff from a 2-inch rain event would stay on-site, which was received. The Township approves of the request as the water capacity will be the same or better and no written public response was received.
- B. Gray feels the request is straightforward. The plan presented shows the 2-inch rainfall event being caught in the rain garden.
- C. No comment from the public.
- D. Mol stated that at the last meeting he wanted to see a 2-inch rainfall plan and that has been addressed. It should be noted that at the last meeting there was also discussion regarding the location of the septic system and the reason for the location was provided at that time. With the ability to maintain the 2-inch rainfall on the property he is okay with the presented plan.
- E. Vick – agrees with member Mol and with the 2-inch rainfall being addressed feels that the plan is good.
- F. Greninger – has no further questions.

- G. Neumann stated he was not at the last meeting and assumes the building and impervious coverage is being met. Ogle confirmed.
- H. Ogle – if a motion for approval is going to be made he would suggest the Board condition that a stormwater management plan showing runoff from a 2-inch rain event be submitted at the time of building permit application instead of approving a specific plan. This would allow for adjustments to the plan that still meet the same end goal, allow for future flexibility, and not require coming back to the BOA for approval.
- I. Mol moved to approve the plans presented to construct a home with a 1,636 sq. ft. footprint and garage with a 627 sq. ft. footprint that would be 29.8 ft. from the ordinary high-water of the lake and 63 ft. from the centerline of the road CONDITIONED that a stormwater management plan showing runoff from a two (2) inch rain event would stay on-site be submitted at the time of building permit application. The site plan is noted Exhibit A and building plans noted Exhibit B. Seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

2. **TRAVIS TOLLETTE** – Continued from 8/23/2024

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 Owners – Gage Maas & Mariah Beaudry

REQUEST: 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 displayed the proposed plan and reviewed the request. The request was continued from the last meeting so the applicant could re-assess the proposal due to concerns with the distance the addition would be to the septic and the location of the storage building to the lake. The updated request is to construct a little larger addition than first presented as well as move the building away from the septic absorption area about 4 ft. and bumping the addition closer to the road. The updated request is to also to construct a 384 sq. ft. storage building 66.5 ft. from the ordinary high-water of the lake. No additional comments received from the Township or public.
- B. Tollette – would like to look at what can be done with the shed before winter comes. His wife works remote and being a nurse needs a private area to work from home. They would like to move forward with the shed but also make this their forever home.
- C. No comment from the public.
- D. Vick questioned the distance to septic system. Tollette – 7 ft. Vick stated the current septic system is for a 2-bedroom home and will end up with 4-bedrooms. Tollette stated he spoke with Scott and Troy (County Environment Health) and for a 4-bedroom home there will need to be a timer installed. Vick questioned required septic setback distance to a building. Ogle – 20 ft. is required. Vick asked if there was a way to get to at least 10 ft. with Tollette stating he could but a big concern is access coming from the left because the right driveway will be removed. Vick would like to see enough room in that area to allow for vehicles to access the shed. Tollette explained that they will not drive vehicles back to shed.
- E. Greninger stated at the last meeting the septic system was the major concern and if the County is okay with the system then he sees no problem.
- F. Mol – with the shed, there was discussion about being in front of the home and heated. He does not recall a similar situation being before this Board and wonders if it would be in compliance. Ogle confirmed with member Mol if he was referring to rules related to a water-ordinated accessory structure. Ogle explained that in this case the building is being presented as a storage building within the lake setback, not a water-orientated accessory structure, and therefore could have heat and be over the 250 sq. ft. but would then need to meet lake, road, and side yard setbacks. The proposed building is not meeting the required 100 ft. lake setback. Tollette stated they would love to put the shed by the road but there would be no area for parking. Mol stated he is challenged with the proposed shed being used as an office on the lakeside of the home. With his years sitting on this

Board, he does not recall allowing an office near the lake. The house related to the septic system is tight and with possible surging of the septic being an issue because the system is designed for 2 bedrooms and 2 additional bedrooms are being added. His feeling is that this request is putting more pressure on a small lot that is located on a small lake. What is being asked for is to turn a 2-bedroom lot and sewer into a 4-bedroom home with an office near the lake. He is challenged with the request and what is being asked for on a small lot and small lake that is located on the Clearwater River Chain.

- G. Neumann questioned why the shed and office cannot be part of the home. Tollette – financially the addition will be a grand undertaking and the shed is feasible to get done before winter. He is willing to change building size and get 70 ft. from the lake. Neumann explained that when he sees a shed used for something that is not a normal shed it starts to look like a guest cabin and then plumbing shows up because the building is heated. The purpose of the building changes after today and that is where his concerns come from. Tollette – in the current footprint of the house there is not a storage room or office. The reason for the variance is to have climate-controlled storage and office space for his wife to work and store items requiring climate control. Neumann stated that this request is for 4 variances on a single lot and when he sees that many variances he wonders if the lot fits the purpose. Tollette – vision is for this to be their forever home and make sure they stay within the impervious coverage limit. Their home is the furthest house from the lake setback and they aren't even able to see the lake from their home.
- H. Ogle stated this is a 2 part variance request with the ability to look at the proposal together or separately.
- I. Neumann has seen other garages this close to the road but wants to ensure at 28 ft. there is adequate space for turning around, parking, and snow removal. Vick feels a full vehicle can fit into the garage and still not be on the road. Neumann questioned if there would be room to turn around without going onto the road. Tollette stated the area is a speed slot where coming around the corner the road drops and people tend to go around the corner fast. That is a concern and the reason they don't want to build too close to the road. If they go with a larger structure and include the storage area as part of the home they will lose the turnaround area. They would be fine with creating a larger addition but the problem would be the road. Neumann questioned walking the 30 ft. to the office during the winter. Tollette stated the distance is 10 ft. and they would look at a design that almost ties in with the home.
- J. Vick asked if there would be a way to move the well and then add an addition to that corner of the home. A good point was brought up with a heated shed and concern with the building being used for sleeping quarters. He wonders if there is an ability to add the office to the home.
- K. Mol – the ordinance requires a practical difficulty or challenge. What is the practical difficulty here? The house fits, the septic fits and now the Board is being asked to add more. Where is the practical difficulty that was caused and is out of the owner's hands? This is 3-4 variances being requested on a small lot, he feels what he has heard has all been wants. His concern is if in 10 years this owner moves and now there is a heated shed that becomes a guest house; that is something he feels the Board needs to consider.
- L. Neumann questioned the Board on where they would like to go from this point. Vick feels the request needs to be looked at one more time as it doesn't sound like the proposed shed will work. Tollette questioned if any size of the shed would work. Vick and Mol stated it is the heating of the

shed that is a big concern. Vick stated his concern is the use changing and someone staying in the building when it wasn't built for that and now it would be a safety issue. Mol brought up the concern he has with adding plumbing and connecting to a (septic) system that could be too small. This Board needs to look at more than what is for today as the building will be there well into the future. Tollette questioned if there could be approval with an added condition of no heat. Vick stated concern is the heated shed being used for sleeping and livable space. Tollette stated that their home is the furthest setback from the channel with all other homes butted up against the channel so he feels having the smaller structure behind the house will still be significantly setback from other neighboring homes. Vick – rules have been set for new buildings to adhere to and what he would suggest would be adding office space into the home and the shed be strictly cold storage. Neumann feels priorities need to be picked with the addition. Do you want extra bedrooms or an office? A cold storage shed would then be a different conversation. Neumann addressed the applicant with the options of having the Board vote, continue so that revised plans can be presented, or withdraw the request. Tollette – the shed being climate-controlled sounds like a no-go so the option is if they want an office they would need to look at the design of the home. Tollette questioned if it would be better to propose a larger addition to the front of the home with Mol responding that it is not the job of the Board to design the home. Tollette questioned how the Board feels about the addition as presented. Vick stated he would like to see at least 8 ft. between the home and septic system. Tollette stated that would work for them. Vick questioned setbacks to the road. Ogle – currently proposed at 28.5 ft. from center line and if shifted to be 8 ft. from the septic it could drop a ½ foot or foot to the road. Vick – Township approved the current location and he would be okay with shifting some to get the 8 ft. Neumann – what he has heard be said is that addition is okay from centerline of the road and lake but the Board would like to see the home 8 ft. from the septic system and the shed as presented is a concern. Tollette questioned if the addition portion could be voted on and continue for the shed. Vick and Mol stated they would like to address both at once. Neumann – if reconfiguring the addition or attaching more to the home it wouldn't be wise to address separately. Tollette asked for a continuation.

M. Vick moved to continue the item until the October 4th meeting to allow time for the applicant to re-assess the proposal based on the conversation. Seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

3. **ABBY ROBECK (CAP CUSTOM HOMES)** – New

LOCATION: 7006 Quinn Ave NW – Ellingwood & Powell Addition Lot 7, Block 1, Section 28, Township 121, Range 28, Wright County, MN. (W. Lake Sylvia - Southside Twp.) Tax #217-026-000070. Property Owner: Heidi M Pahlberg Pope

REQUEST: Variance as regulated in Section 155.026, 155.057(E)(1), 155.090(Table 3), and 155.102(B) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a new home that does not meet minimum width standards that is located within the bluff and lake setback. The septic would be within property line setbacks.

Present: Abby Robeck & Al Evavold with CAP Custom Homes, Heidi Pope, and Bernie Miller with MSTs

- A. Ogle displayed the proposed site plan and reviewed the request. The property is located in Southside Township, 0.4 acres, zoned Urban/Rural Residential, and located on West Lake Sylvia which is classified as General Development. The request is to construct a 933 sq. ft. footprint home that does not meet minimum width requirements and is located 65 ft. from the ordinary high water of the lake and located within the bluff. The septic would be 5 ft. from the property line. A variance is required to construct a 933 sq. ft. footprint home that does not meet minimum width requirements of 24 ft., 65 ft. from the ordinary high-water of a General Development lake whereas 75 ft. is required, and located within the bluff whereas there is a 30 ft. top of bluff setback. The septic would be 5 ft. from the property line whereas 10 ft. is required. The Township approves of the request because the new home will have a better setback from the water, the cesspool will be eliminated and replaced with a new septic system. One neighbor commented that too many variances are being requested and another commented about the proposed septic location not wanting it near the south property line, not wanting them to move closer to the lake, and wanting the property cleaned up. They did note that if the home was replaced in the same footprint or "behind it", that would be appropriate. The existing building coverage is 4.8% with a total of 5.5% impervious surface coverage. The proposed building coverage is 5.5% and proposed impervious surface is 18%.
- B. Pope – the property is not new to her as her family has owned the land for decades and she would now like to build a family home so they can use the property and lake. Eventually, she would like to make the home her permanent home.
- C. Miller – intentions were to fit a home with no variance but the well to the south limits the drainfield location and in turn home site. The biggest challenge is the angle of the lake and ordination of neighboring homes. It would be almost impossible to design a home that would meet the lake setback and have a drainfield. They also did not anticipate a bluff; there is very little elevation change and not like a typical bluff. He does not feel this area is a typical bluff and prior to this meeting there was quite a bit of discussion around the bluff and how this area has already been altered and graded. They looked at how to move forward with the least amount of variances and impact; they could have moved the home to 60 ft. from the lake and not needed a variance for the drainfield but they felt it would be better at the 65 ft. and ask for the drainfield variance. The proposed house is not much bigger than what is existing with a modest 120 sq. ft. increase and the location of the home is a significant improvement. They did look at a variance from the house to the drainfield instead of a variance for the drainfield to the property line and in this case they need to get tanks into the site so moving closer to the house limits room and is why they choose to keep the 20 ft. distance. Using the document camera Miller displayed exhibits of the site as he explained what

was drawn. Exhibit A showed the building area that is currently not meeting the lake setback at 290 sq. ft. and the proposed area being 58 sq. ft. that not meeting the 75 ft. requirement. Exhibit B showed areas not meeting the setback requirements which included the side yard. It was noted that he did not include the bluff in an exhibit because of the confusion around the bluff. Miller went on to point out that there is nothing to prevent rebuilding the cabin in the same footprint. What is being asked for is a little more square feet for the house and a deck. The existing house is basically in the bluff or bluff setback and in either situation he would say the new house would be in the bluff and bluff setback.

D. Ogle displayed the County Assessor photos for the Board to see what the existing home looks like.

E. Public Comment

- Bob Bruce – lives just to the south. After seeing details most of his concerns and comments have been addressed. His concern is the location of his well and with the lot running downhill he wants to ensure his well is protected if there was a septic issue. Another concern was if the house was moved forward it would be in the line of sight for both homes on either side. The plans show home moving back so that concern is addressed.
- F. Greninger questioned if the home could be moved back from the lake more. Miller – possibly but that would add a variance. Greninger questioned the variances. Ogle – there is a requirement that the home has a 24 ft. x 24 ft. livable area “box”, and the proposed plan does not have that. The lake setback is not being met, the proposed home is within the bluff area and the septic does not meet the property line setback. If the home is shifted back from the lake, it might not be eliminate the lake setback and could add a variance for the distance the absorption area is to the home. Greninger would like to hear what others have to say.
- G. Mol stated he would like to look at the site. There is a bluff with new construction so he would like to see the property. Applauds and appreciates the presented improvements but he would like to see the site.
- H. Vick questioned the proposed impervious coverage. Miller – 18%. Vick asked if there were plans for a garage. Miller – first wanted to note that the survey did not include an existing driveway as there isn’t an obvious driveway so the jump in existing of 5.5% is that a driveway was not included. There is an area to the north of the driveway that would fit a separate garage. Vick questioned existing distance of the house from the lake. Miller – roughly 50 ft. Vick – at 5 ft. from the lot line for the septic what would prevent a neighbor from planting a tree near the system. Ogle explained from a zoning perspective there is nothing to prevent or dictate where neighbors plant trees on their property. Miller went into detail of his experience with trees and septic systems and in the end stated that he feels trees in a lot of ways help the system. Vick stated he would like to visit the site.
- I. Neumann feels a site inspection for this site will be good. He wants to be careful with approving homes within a bluff and recalled the recent request in Cokato Township. He is okay with 65 ft. from the lake as they have approved others on the lake at that distance. Neumann questioned Miller on being 5 ft. from the side yard and if the absorption area could be banana-shaped and 10 ft. from the line. Miller – would need to get deep into the septic design and requirements but really the issue on this property is the soils. The soils on the lot were not like typical soils they find around Lake Sylvia and every boring on this lot was different so the flexibility they might have had with typical and consistent soils is not there. A design could be smaller and there might not be a requirement for a

variance but he felt that because of the elevation and soils the proposed plan is a better choice. The 10 ft. in code is to ensure that without a survey appropriate distances are being met and with a survey you can see the exact well and septic locations so closer than 10 ft. could be acceptable. Ogle stated an Environmental Health Officer in the Planning & Zoning Office did review the request and have no concerns. Neumann questioned the 24 ft. x 24 ft. home requirement. Ogle used the proposed building plan to explain the requirement of having a 24 ft. x 24 ft. “box” inside the principal structure walls. The jog in the home is does not allow for the 24 ft. x 24 ft. “box” to fit inside the principal structure walls. Evavold stated they had several designs of the home and when looking at the setbacks and bluff they decided to add a jog in the building to better meet setbacks. Miller explained that if there wasn’t that jog the house would have to be turned more parallel with the north line and change the view to look directly at the neighbor’s home. he feels that a site visit will allow the Board to see the uniqueness of the lot and what the bluff truly looks like. Neumann questioned if the existing home has a basement. Evavold stated just a foundation crawl space in the existing and new home will have a basement.

- J. Mol moved to continue the item to the October 4th meeting to allow time for a site inspection. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

**** See end of meeting discussion regarding ABBY ROBECK (CAP CUSTOM HOMES)****

4. **JEDD KANGAS** – New

LOCATION: 5604 County Road 30 SE – part of the SW 1/4 of the SE 1/4, Section 01, Township 118, Range 25, Wright County, MN (Franklin Twp.) Tax # 208-200-014312 Property Owners: Jedd & Laura Kangas

REQUEST: Variance as regulated in section 155.026 & 155.048(F)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct an addition to an existing detached building that is located within the road setback.

Present: Jedd Kangas

- A. Ogle displayed the proposed site plan and reviewed the request. The property is located at 5604 County Road 30 SE in Franklin Township, is 1.07 acres, and zoned General Agriculture. The request is to construct a 12 ft. x 40 ft. addition onto an existing 30 ft. x 40 ft. detached building that is 80 ft. from the centerline of the County Road. A variance is required to construct the addition onto an existing detached building that is 80 ft. from the centerline of the County Road as 130 ft. is required. In 2022 the referenced building was approved by the Board to be 80 ft. from the centerline of the road and the Planning Commission approved a non-commercial contractor's yard on the property. The Township approved the request, the highway department requested the addition does not get any closer to the County Road than existing building, and no written neighbor responses were received.
- B. No comment from Kangas or the public.
- C. Mol stated he was involved in the variance and CUP for this property and went on to question if the addition will house more equipment instead of being stored outside. What is the need for the lean-to? Kangas stated more material storage and what is outside on the north side of the building will be inside the building. Ogle – confirmed with the Zoning Administrator regarding the existing CUP. If the proposed addition area was used to store material indoors in area that was approved for outdoor storage by the CUP and no additional outdoor storage area is created, there would not be an issue with existing CUP. Essentially approved outdoor storage area will become indoor storage. Mol – here for adding additional area from what was originally approved so is there an increase in business or just maintaining what was already approved? Kangas – building variance was not for the size of the building but distance to the highway. The building size is within the allowable size for his property. Mol – only 2 years ago this was approved and he wonders if 2 years ago a building request this size would have been approved. He does not want to be a part of people asking for things today at the minimum and then they come back over and over asking for a little more each time. The addition is on other side of the building, away from the road, and as long as it does not conflict with the existing CUP he can go along with the request but he does not want to see a continuation of requests asking to add onto a variance.
- D. Vick questioned if building square footage on the property meets requirements. Ogle – variance is for the County Road setback, which is the same as the original request when the building was built. Vick states he can see wanting the additional indoor storage after the building goes up but also understands where member Mol is coming from with his concern. On a shed this far from the road and with the Highway Department approval he is also okay with the proposal.
- E. Greninger stated that he agrees with other member comments and with the addition behind the existing building plus the County Highway not having concerns he can go along with the request.

- F. Neumann asked if the walls between the building and the lean-to would be removed. Kangas – the lean-to will be enclosed with an opening between two of the posts to access the lean-to addition from the existing building. Neumann – he was also on the Board in 2022 so he asked himself if he would have approved a 42 ft. x 40 ft. building to be less than 130 ft. from the road and he probably would have so he is good with the proposed request.
- G. Mol moved to approve the construction of a 12 ft. x 40 ft. addition onto an existing 30 ft. x 40 ft. detached building that is 80 ft. from the centerline of the County Road, on the backside of the shed and further from the County Road. Site plan noted Exhibit A and building plans noted Exhibit B. Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

5. **ERIC ROBECK** – New

LOCATION: 138 & 144 Gillard Ave SE – Charlotte Acres Lot 10, Lot 11, and Registered Land Survey No 27 2.66 AC Tract B of Section 06, Township 119, Range 24, Wright County, MN. (Lake Charlotte – Rockford Twp.) Tax #215-012-000100, 215-012-000110, 215-056-000020. Property Owner: ERIC D & LINDA G ROBECK

REQUEST: Variance as regulated in Section 155.026, 155.003(B)(1), 155.006, 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 an existing detached building with a larger one that exceeds the roof pitch maximum and is within the road and lake setback. The property would also exceed lot coverages.

Present: Eric Robeck

- A. Ogle displayed the site plan and reviewed the request. The property is located on Gillard Ave SE in Rockford Township, is 0.31 acres, zoned Urban/Rural Transition, and located on Lake Charlotte which is classified as General Development. In 2006 a variance request was withdrawn seeking a 10 ft. x 25 ft. two-story screen porch addition to the dwelling that is 18 ft. from the ordinary high-water of the lake and 8.7 ft. from the west side lot. The request was for 17.6% building coverage. In 2008 a variance request was withdrawn seeking to convert 130 sq. ft. of existing deck into a three-season porch. The existing deck was 10 ft. from the ordinary high water of the lake, dwelling 8.4 ft. from the side property line, and 46.5 ft. from the centerline of the town road. Currently, the building coverage is 16.6% and existing impervious coverage is 33.9%. The request is to construct a 22.5 ft. x 27 ft. detached storage building with an 8/12 roof pitch that would be 46 ft. from the lake and 32 ft. from the road. Proposed building coverage is 17.9% and proposed impervious coverage is 33.9%. A variance is required to construct a 22.5 ft. x 27 ft. detached storage building with an 8/12 roof pitch because the maximum for lots under 1 acre is 6/12, it would be 46 ft. from the lake whereas 75 ft. is required, and 32 ft. from the road whereas 65 ft. is required. Building coverage is allowed at 15% and impervious coverage at 25%. The Township approved the request by unanimous vote. Quite a few neighbors did comment in favor. One neighbor commented stating they would like for the applicant to have a useful working garage as the building they have now cannot be used as a garage. They said that a new usable garage would benefit the neighborhood. Another neighbor supports the request to rebuild and enlarge the existing garage that is in despair. They believe the request is reasonable based on the size of their lot and location for the replacement. They believe it will improve the property. Another neighbor supports the request as it would add visual improvement to the applicant and their property and another neighbor commented the proposed request would be a visual improvement not only to their property but also for the neighborhood where they all live. Ogle displayed an overview of Lake Charlotte and the different zoning authorities. The City of Saint Michael jurisdiction is just up the road, on the same lake, and they don't have a building coverage limit but do have a 25 % impervious coverage limit. The proposed plan is to fill in the existing patio area with building. Robeck – also wants to pivot the building slightly.
- B. Robeck – years ago the Township raised the road and since that time the grading has been off. He plans to fix his grading and as well as his neighbors. The building will be used for a vehicle and lake storage.
- C. No public comment.

- D. Vick questioned if there is a way to decrease the 33.9% impervious. Robeck stated he could reduce the main home driveway as they will no longer park in that area. Everything else is a hardscape patio that has been in existence for forever. Vick asked if the driveway in front of the home could be removed and if there is a garage. Robeck – prior to him the garage space was converted into living space and they do not have an attached garage. The shed being replaced was not a garage. Vick – the pitch is tough for him. Robeck asked for that as he wants a roof with dormers, he isn't exactly sure on the pitch. Using the document camera Robeck displayed a brochure showing what he envisioned the building to look like and stated that the building would have a tall ceiling in the middle but no upper floor system. Vick questioned how far off the edge of the road the building is as he is concerned with a vehicle sticking out into the road. Robeck – already do park in that driveway, mostly for events and not daily. Vick asked for the required setback from the lake for a garage. Ogle – currently inside lake setback. For an exact replacement they would need to be in the exact same location, if moved further from the lake they would make the road setback more nonconforming. Robeck – if no variance there will be a new structure of the same size. Vick – sounds like the plan to use for lake storage and garage with replacing what is there but also the patio will now be building. He is not in favor of the impervious coverage that high. Ogle estimated existing garage 24 – 25 ft. from the edge of the road. Vick questioned distance from the lake with Ogle responding 46 ft.
- E. Greninger had no comment.
- F. Mol understands that exact replacement can occur. Ogle confirmed and went on to explain that if the building was voluntarily removed it must be replaced within 12 months. If removed and not replaced within 12-months, the building could not be replaced administratively and would need a variance. Mol – coverage for building and impervious are several percentages over what is allowed and this Board has always tried to get applicants to reduce those coverages. He understands exact replacement can occur but he is not in favor of being so far over without trying to improve and get down to 15% building and closer to 25% impervious coverage. The entire County needs to be thought of and he has personally tried to keep at the ordinance requirements of 15% and 25%. He is not in favor of the request.
- G. Neumann – the 8/12 pitch is a want. Robeck – yes, a dream if he can afford it. Neumann questioned the size of the building that was there. Robeck – believes 22 ½ ft. x 19 ft. Neumann asked if replacing exactly would there be garage doors and used as a garage. Robeck confirmed. Neumann – as long as he has been on the Board he does not recall approving a request this far over the coverage limits. He has seen this Board argue at 16% building coverage and even 26-27% impervious coverage. There does not seem to be a lot that can be done to decrease coverage. Ogle – with building coverage there is really nothing that could be done. Impervious is usually a little easier to address. Neumann – the options are to vote today or withdraw and exact replace. Robeck asked if the 2.5-acre lot he owns across the road plays into the equation. Neumann – the 0.31 acres on the lake is the parcel that is in question. Ogle explained that because of the roadway, the lots are looked at separately when it comes to lot coverage and that is a BOA policy.
- H. Vick asked if all of the driveway going to the existing home were removed what the impervious coverage be. If a substantial improvement can be made he would probably be more in favor.
- I. Mol questioned if there is room for a garage on the lot across the road. Robeck stated he has a building on that lot. Mol – would need to cross the road to get to the garage, which is not convenient, but the lot coverage would be reduced, lake setbacks improved and therefore lake quality improved. Where are the hardships and practical difficulties? The Board is supposed to be protecting water

quality in Wright County but this is adding more roof coverage, not improving absorption rates and there is no stormwater plan. These are all things asked of every applicant. There is also a property on the other side of the road with room for a building. Vick doesn't see a reason to remove this building, other than to build back in the same spot. Mol – that is allowed but not what is being asked for.

- J. Ogle if driveway removed it would be roughly a 5.6% decrease in impervious surface. That would drop from 33.9% to 28.3%, but not the required 25%. Vick – he feels that at 28.3% and the same footprint as existing would be favorable to the watershed. Neumann – sees it at still 3% over building coverage. Vick feels that gaining 5.6% impervious coverage is a bonus for the county.
- K. Neumann addressed the applicant and asked if he would like to continue to come up with a new plan, allow for a vote, or withdraw and go with an exact replacement. Robeck – could continue and talk with his wife about removing the driveway. Robeck asked if he can ask to have the pivot and 9 ft. sidewalls voted on or do all three items needs to be addressed at one time. Ogle – the BOA can approve all of the variances, none of them or portions. Filling in the small patio area is where the new variance comes in. Pivoting the building but not further encroaching a setback would be fine as part of an exact replacement as well as 9 ft. sidewalls.
- L. Vick asked if the shed north of the garage on the site plan is still there. Robeck stated that the shed has been gone for years.
- M. Neumann asked the applicant how he would like to proceed with Robeck asking for the item to be continued.
- N. Vick moved to continue the item to the October 4th meeting to allow time for the applicant to revisit plans. Seconded by Mol.

VOTE: Greninger, Mol and Vick NAY: Neumann

MOTION CARRIED

6. **KELSEA MCCORMACK** – New

LOCATION: 9571 & 9611 Endicott Ave NW –Section 17, Township 121, Range 26, Wright County, MN. (Millstone Lake – Silver Creek Twp.) Tax #216-000-172400, 216-000-171201, 216-000-172401. Property Owner: Dustin McCormack and Rodney W Hebrink & Carol J Hebrink JREVTR.

REQUEST: Requests a variance as regulated in Section 155.026 and 155.048(B) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to alter two existing divisions, one of the divisions would exceed the prime soils maximum and be under the minimum required lake frontage.

Present: Kelsea McCormack

- A. Ogle displayed the proposed site plan and various maps as he reviewed the request. The property is located on Endicott Ave NW in Silver Creek Township with three parcels involved that are all zoned General Agriculture and located on or within the shoreland jurisdiction of Millstone Lake, which is classified as Natural Environment. What is now PID 216-000-172400 was created with one building eligibility through a Deed Restriction in 2012 and left the remainder, which is now PID 216-000-172401, with no building entitlements. What is now PID 216-000-171201 was initially approved with one building eligibility and one home then later expanded to its current size in 2015 administratively to include the “old house” that was supposed to be removed and converted to a non-living structure which would allow PID 216-000-172400 to retain one building entitlement. Today’s request is to add 6.8 acres from PID 216-000-172401 to PID 216-000-171201 and take 0.7 acres from PID 216-000-171201 to PID 216-000-172400. The proposed expansion of PID 216-000-171201 would be a total size of 7.9 acres and contain 5.7 acres of prime soils with 285 ft. of frontage along the lake. A variance is required to alter PID 216-000-171201 because the parcel would contain 5.7 acres of prime soils whereas 2.5 acres is the maximum. The new 7.9 acre parcel is proposed to have 285 ft. of frontage along the lake whereas 300 ft. is required for properties over 5 acres. The Township approves of the variance request and no written responses were received by neighbors.
- B. McCormack stated they have no intention to change the purpose of the land. They want to see the land remain in production and just create more of a buffer between properties.
- C. Public Comment.
 - a. Rod Hebrink – neighbor to the north. This property was created in 2012 as part of an estate and it makes sense to adjust the lines as presented. This appears to be the same type of variance that was approved on a parcel on the Northwest side of the lake earlier this spring. Ogle used Beacon aerial to explain the area Mr. Hebrink owns and how the proposal is to attach a portion of his property, 6.8 acres, to the McCormack parcel. Hebrink stated it makes sense to put the parcels together instead of having them separated by the existing homesite.
- D. Greninger – as he understands it this split will take Ag land out of production. McCormack stated intention is to leave in production. McCormack went on to explain the plan is to split the portion to the south of their parcel from -172401 and combine that with their parcel -171201. Greninger stated he would like to hear what others have to say.
- E. Mol questioned if -172401 has an entitlement. Ogle explained -172401 is restricted and the 2 building eligibilities being used between -172400 & -171201. Technically the two homes are sitting on -171201. A previous entitlement division approved one home on -171201 and one home on -172400. Even if this request is not approved this issue does need to be addressed. The reason for the variance is due to over 2.5 acres of prime tillable soils and the lake frontage less than the required 300 ft. The request is for 285 ft. of frontage along the lake because that is all that is available. Mol – the -172401 lake boundary lines are existing. Ogle used Beacon to draw out the boundary lines and review. Mol – only way to get 300 ft. lake shore would be to change the lot line between the existing buildings on -172400. Ogle – correct. Mol – knows this property and that is one of his concerns. Last month they talked about old farm sites and now needing to deal with

variances. How does this Board do what is right? There isn't 300 ft. and at some point in time, even with 2.5 acres prime soils, the house could be torn down and a large nice estate built on the property. This is a riparian lot and he has concerns about not meeting 300 ft. and it could possibly be met, even at 15 ft. short the request is still for a variance. Also, the 2.5 acres over prime is good Ag land odds are in the future there will be a home built with lawns and trees. The request is taking out prime land and that is a concern.

- F. Vick – questioned which home on the property was the one that was to be removed with Ogle explaining the north home. Ogle – not to be removed but converted. He is not sure if that was prior to the current owner and it is something that does need to be addressed. Either addressed as part of the variance or taken care directly through Planning & Zoning. Vick questioned the location of the new proposed driveway. McCormack – plan to use current driveway. They did talk about possibly purchasing the southern portion and keeping it as a standalone parcel but during discussions with Planning & Zoning it was recommended the parcel be attached to their current parcel. There will be no new driveway. Ogle – they could have requested the southern portion of -172401 be a standalone Ag parcel without an entitlement but it was recommended by Planning & Zoning to attach to an existing homesite. Vick – is a split allowed with no access to the road? Kryzer – the requirement is that they have adequate road frontage, which they do. Access is not a concern and could be a private easement if they so choose. Vick stated he does not like to see that much prime soil involved.
- G. Neumann stated he is familiar with the property. If approved there will be 2 parcels with proposed -172400 & -171201. McCormack confirmed. Neumann – 15 ft. lake frontage due to the uniqueness of what is existing and more variances potentially could be needed if the line changed to get the 300 ft., he is okay with the 285 ft. of lake frontage. There have been other properties with the 5 acres of tillable land and the Board has struggled. If 10 acres were created he doesn't feel it would be such a concern because of ability to be more of a hobby farm. He is okay with the proposed division but feels an Animal Unit (AU) restriction would be appropriate. Mol questioned if proposing -171201 & -172401 as a single parcel so that there will not be two tax ID's. McCormack confirmed the intention is a single parcel. Neumann – that was his understanding. The old home would then be part of -172400. McCormack confirmed.
- H. Ogle – being there is the 2 home violation it would be his recommendation that if approved the two situations are addressed at the same time by having the two transfers of acreage occurring at the same time. McCormack agreed.
- I. Greninger – AU was mentioned and average is conducive to a hobby farm. McCormack stated they only have a single chicken. Greninger – concerned with animals on this amount of acreage.
- J. Neumann questioned if the homes share a well. McCormack stated the well is shared and the septic system is separate. Neumann questioned the location of the well and if a shared well could be an issue with a lender. McCormack stated -172400 is location of the well with Hebrink stepping forward and stating with his career experience lenders do allow shared wells. Ogle – there is no zoning ordinance against having a shared well but that doesn't mean there couldn't be issues.
- K. Vick moved to approve the request to add 6.8 acres from PID 216-000-172401 to PID 216-000-171201 and take 0.7 acres from PID 216-000-171201 to PID 216-000-172400. The proposed expansion of PID 216-000-171201 would be a total size of 7.9 acres and contain 5.7 acres of prime soils with 285 ft. of frontage along the lake. The approval CONDITIONS: 1) Subject to survey; 2) Subject to Deed Restriction/Administrative Order/Recorders Combine Form; 3) All deeds and restrictions must be done at the same time; 4) Properties are limited to 0.5 Animal Units per Acre. Seconded by Greninger.

VOTE: Greninger, Neumann and Vick NAY: Mol
MOTION CARRIED

DISCUSSION ITEM:

Ogle stated Bernie Miller (MSTS) came forward and wanted to address the continuation of the ABBY ROBECK (CAP CUSTOM HOMES) item. Miller stated that in looking at their schedule they would not be available for the October 4th meeting and would like to have their item continued instead to the November 1st meeting. Ogle – with the 120-day requirement he feels continuing to the November 1st meeting shouldn't be a problem but also the waiver could be signed and allow for some timing flexibility. Mol questioned if the item should be added to October 4th agenda to set the site inspection Miller feels the November meeting should work and the site inspection could be done sometime before November.

Mol and Vick moved to amend their motion to continue the item to the November 1st meeting for a site inspection.

VOTE: CARRIED UNANIMOUSLY

Site Inspection: Site inspection set for Friday, October 11th with members to meet at the Government Center at 8:30 am. *This would be for the ABBY ROBECK (CAP CUSTOM HOMES) item.*

The meeting adjourned at 10:36 a.m.

Respectfully submitted,



Aaron Ogle
Planner

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