

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: November 1, 2024

MINUTES

The Wright County Board of Adjustment met on Friday, November 1, 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 was absent.

ACTION ON MINUTES FOR THE OCTOBER 04, 2024 MEETING

On a motion by Mol, seconded by Vick, all voted to approve the printed minutes for the October 4th, 2024 meeting.

1. ABBY ROBECK (CAP CUSTOM HOMES) – Continued from 9/13/2024

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 Pahlberg Pope, and Bernie Miller with MSTs

- A. Ogle displayed the proposed site plan and reviewed the request. The property is located on 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, is located 65 ft. from the ordinary high-water of the lake, located within the bluff, and serviced by a septic system 5 ft. from the property line. A site inspection was conducted on October 11th at the applicants' request which is why the request was not heard at the October 4th meeting. A variance is required to construct a 933 sq. ft. footprint home that does not meet minimum width requirements of 24 ft., is proposed 65 ft. from the ordinary high-water of a General Development lake whereas 75 ft. is required, and to be located within the bluff when there is a 30 ft. top of the bluff setback requirement. The proposed septic would be 5 ft. from the property line whereas 10 ft. is required. The Township approves 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. There have been no additional public comments. The existing building coverage is 4.8% with a total of 5.5% impervious surface coverage. The proposed building coverage is 5.5% and the proposed impervious surface is 18%.
- B. Miller – the plan overall improves the setbacks. There is not much room outside of the bluff area on this property and the bluff also has been considerably altered prior to this owner.
- C. No public comment.
- D. Mol felt that the site visit was helpful. Personally, he wouldn't advise an exact replacement and sees that option as a hardship due to the location related to the property lines, bluff, and existing retaining wall. He likes that the side yard setback would improve with this plan. The proposed home is still in the bluff area but that bluff has been altered over the years. In his eyes an exact replacement would

be too close to the existing retaining wall, doesn't meet side yard setbacks and the bluff appears to have already been altered over the years. The existing home is at the edge of the bluff and the proposed house location is improving that setback along with the septic system being improved. His one concern is water management so he would like to see the motion include a stormwater management plan requirement. He can see not meeting the county requirements for building size because the house plan instead meets side yard setbacks. This lot is not a very wide lot, has an existing home that predates the ordinance and can be replaced in the same location. He doesn't recommend the home being replaced in the current location but with the proposed home and location he can go along with the request if there is a stormwater management plan.

- E. Vick agrees, there are some hardships. One concern would be the potential for an increase in drainage to the southern neighbor. He would like to see the water coming off of the home controlled. Everything mentioned by member Mol he agrees with. This is a narrow lot and what is proposed is an improvement.
- F. Greninger agrees that the water runoff needs to be contained. He feels it would be a good idea to tie back the bluff to prevent sluffing.
- G. Neumann – what prevents moving the home back another 10 ft. so no lake variance is needed?
Miller – several home plans were reviewed and a lot of discussion went into where to locate the home and how to address setbacks. The location of the neighboring well eliminated quite a bit of area for the new septic system. If the house is moved back 10 ft. there would be a variance needed for the septic system and the tank as they would have a zero setback from the home. There are also some benefits for drainage to have the home at 65 ft. He could reduce the drain field size to what the state requires, currently designed for county regulations, but at that point by making the system smaller some of the life would be removed. He feels that there is some uniqueness to this property in that almost all of the water on the lot currently runs to the lake and through the southern neighbors lot. In this case a lot that can be done to manage the water but it would be almost possible to manage all of the water and get it to stay on the property. Also, the more the home is pushed back the water would drain more directly to the southern property. He is not sure that moving the home back is enough of a benefit but instead creates issues with the septic tanks, drain field, and existing natural drainage. There is a possibility to move back a few feet but every little bit will mean taking out more trees, altering what is existing, and in the end, he feels isn't worth it. Currently the water drains from the east side of the existing home towards the south and to the lake. Neumann – what prevents moving the septic system closer to the road? Miller stated the drain field has to follow the contours. Part of the issue with the location of the system is the neighboring well, soils and topography. The hill is already too steep for a Type I and with over a 6% slope will need a Type III system. A Type III system needs to follow the contours and there isn't much room for movement or adjustment. Soils also played a role in what can be done and location. The only option would be reducing the size but as mentioned that takes life out of the system. Neumann asked Miller to explain the different types of septic systems to the Board. Miller went on to explain each system in detail along with basic standards and provided some examples. Ogle stated that a Wright County Environmental Health Officer did review the proposal and had no concerns. Neumann questioned if dosing with a Type I would work. Miller – yes, there is nothing that says you couldn't have time dosing. The controls that run the pump are more expensive so most people wouldn't want to do that but in some cases it would be a good idea. Miller went on to explain how time dosing works along with pros and cons with the biggest pro being the systems with dosing lasting longer as they are not overloaded. Neumann asked if a Type IV would reduce the size of the drain field. Miller – yes, the size would be cut down. The state allows for reduced sizing and there are situations where size has to be reduced to get a system

to fit. When available having a full-size system is the best option. In this situation, he feels that the proposed system and location are the best option and there is no need for pretreatment. Neumann – in the past, this Board has approved 65 ft. (from the OHW) and the proposed home only has a small corner not meeting the 75 ft. setback. He can agree with the rest of the Board on the reasons for approval of the request. At the site inspection, he looked at the neighboring homes and tried to imagine where the bluff existed before alterations, which was difficult.

- H. Ogle – prior to a motion, if the Board is thinking of approving with a stormwater management plan condition he would like the Board to clarify what they would like to see. Vick – while at the site recalls a discussion regarding a berm or drain tile. Ogle – there are quite a few variables that can be in a stormwater management plan. Vick – topography is flat so drain tile could be difficult. He would be okay seeing a berm to deter water running onto the neighbors. Miller – after the site visit he visited another property in the area. What they had along the property line was 10-12 inch boulders. It wasn't a berm but a line of boulders between the trees that ended up being a way of keeping water going towards the lake without tearing out a large amount of trees and would be a good solution for part of this site. He is leery about adjusting drainage near the road as the water wants to naturally flow towards the lake and he doesn't want to impact others. Looking at the square footage of the home plan it is not a major increase and they don't want to make what is happening now worse and realize that preventing all water from leaving the property is near impossible. It is almost as if the property line near the lake should have been drawn differently. He does not feel there is a drainage problem currently and they do not want to make it worse but they also don't want to take down a ton of trees and obliterate a bluff to keep all water on the property. Vick – is looking at the house itself and would like to see the water coming off the roof is controlled not the entire property. Miller stated that would be possible as well as critical areas between the two homes and along the lake that could be addressed and water encouraged to move in front of the house as it goes towards the lake and even add a rain garden and rip-rap. Vick stated that type of plan sounds good.
- I. Mol stated that he has some of the same thoughts. Agrees that if the water was directed to the flat area it would want to run towards the lake and could create more of a problem. Looking at the contours and while at the site it is clear that currently water naturally flows across the neighbor's property and if one would try to keep all water on the property in question it would mean removal of trees, restructuring of the bluff, which is what they do not want to do. He feels that it is a matter of coming up with a way to control the water coming off of the new home and with that he doesn't want to see a lot of alteration or removal of what is naturally existing. There is a hardship in this case and it will be a very delicate balance. Vick feels that staff and Mr. Miller can come up with a plan that addresses the concerns. Miller stated that there have been times, even recently, when he has spoken with an excavator or landscaper and they state that they had not been given a stormwater management plan. In some cases, issues were created or not addressed that the Plan referenced. He would prefer the landscaper that is working on the site coordinate with him as the designer. It is almost as if the stormwater plans need to be permitted, staff trained and installers certified to do the work. It seems that there are situations where stormwater plans are not regulated. Ogle stated he can't speak to what happened prior to him in this position or what the applicant or contractor does after the plan is approved. He personally is not an engineer or landscaper but can read over the basics of a stormwater plan. If a stormwater plan is required, it will be tied to the building permit. He will not close out on his portion of a building permit until it has been that the stormwater plan was implemented. Vick – in this case, he doesn't want to cause a problem for the neighbor.
- J. Neumann – would assume surface water should run towards the well, is that a concern?. Miller – because it is not an older well it is not as big of a concern and can be addressed by being raised a few

inches. He feels that how Ogle explained addressing the stormwater plan has worked well for most cases and has had customers mentioned that Planning & Zoning staff was at the site reviewing work is done. In this case, it would be almost impossible to keep all water on the property and if required the landscape needed to control the existing natural water flow would do more damage to the bluff. Their plan isn't to allow more water than is already naturally traveling onto the neighboring property.

- K. Mol moved to approve the request to construct a 933 sq. ft. footprint home that does not meet minimum width requirements that is located 65 ft. from the ordinary high-water of the lake and located within the bluff. The septic was approved 5 ft. from the property line. It was CONDITIONED that a stormwater management plan be submitted at time of building permit application that shows water runoff from the new home is directed/diverted so it would not impact the neighboring home to the south. Site plan noted Exhibit A, building plans noted Exhibit B, and septic plan noted Exhibit C. Seconded by Vick.

DISCUSSION: Vick reiterated they are trying to avoid water damaging the property to the south of this property and whatever it takes the applicant needs to make sure water from the new home doesn't go to the southern neighbor. Mol feels his motion includes wording that will address controlling rainwater from the house and will also allow for the existing natural flow and bluff to remain untouched.

VOTE: CARRIED UNANIMOUSLY

2. **AARON WEIS** – New

LOCATION: 10912 Oliver Ave NW – Part of the E 1/2 of NE 1/4 Section 9, Township 121, Range 28, Wright County, Minnesota. (Southside Twp.) Tax #217-000-091100 Property owner: Aaron Weis & Tina Weis

REQUEST: Variance as regulated in Section 155.026 and 155.048(F)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a covered porch addition to the existing dwelling within the setback from the centerline of the County Road.

Present: Aaron Weis

- A. Ogle displayed the site map and proposed plan. The request is located in Southside Township, is 12.54 acres and zoned General Agriculture. In 2020 the Board of Adjustment approved an 8 ft. x 38 ft. covered porch that would be 118 ft. from the centerline of a County Road but that variance was not acted upon and has since expired. In 2024 the Planning Commission approved an interim use permit to operate a non-commercial contractor's yard. This request is to construct an 8 ft. x 38 ft. covered porch addition to the existing dwelling that would be 118 ft. from the centerline of the County Road and the exact same request as approved in 2020. A variance is required to construct the 8 ft. x 38 ft. covered porch addition to the existing home 118 ft. from the centerline of the County Road because the County Road setback is 130 ft. No written response has been received by the public and the Township has not sent a response.
- B. Weis stated he reached out to the Township Clerk regarding the request and asked what was needed. The Clerk replied with an email that stated there was no reason for the Township to review, as nothing had changed with the request. Currently he doesn't have specifics on how the addition will attach to the home but a rough plan was provided with his application. Weis explained they are looking to have space to use and visually improve the roadside of the home. Beacon photo of home was displayed.
- C. No public Comment.
- D. Vick questioned if there would be windows or screening. Weis – no, plan is an open porch. Vick asked if the Highway Department had a comment. Ogle – they were noticed but did not comment this time or with the 2020 request. Vick stated that he approved the last request and with no changes is okay with this request as well.
- E. Greninger had no additional questions. If approved in 2020 and this request has no changes from that plan then he is okay with the request. Weis confirmed no changes.
- F. Mol – previously approved but noted in the minutes he did not want the porch enclosed. He is okay with an open porch that cannot be enclosed.
- G. Neumann stated he is in agreement with what has been said by other members.
- H. Vick moved to approve the construction of an 8 ft. x 38 ft. covered porch addition to the existing dwelling that would be 118 ft. from the centerline of the County Road CONDITIONED that it cannot be enclosed. The site plan noted Exhibit A and the building plans noted Exhibit B. Seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

3. **GREGORY RAISANEN** – New

LOCATION: 15286 20TH St. SW – Part of the E ½ of SW ¼ except Lot A; W ½ of the SE ¼ Section 9, Township 119, Range 28, Wright County, Minnesota. (Cokato Twp.) Tax #205-000-094201 & -094200
Property owner: Gregory & Courtney Raisanen and Gordon & Ruth Raisanen

REQUEST: Variance as regulated in Section 155.026 and 155.048(G) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to expand an existing 1 per 40 entitlement division that further exceeds the 10-acre maximum.

Present: Greg Raisanen

- A. Ogle – with Beacon aerial displayed and proposed plan the request was reviewed. The property is located in Cokato Township. Two properties involved are PID 205-000-094201 which is 32.75 acres and PID 205-000-094200 which is 121.56 acres. In 2019 the Board of Adjustment approved an access strip and an additional 15 acres to be added to an existing 14.63 acre homesite. This request is to add 34.25 acres from PID -094200 to PID -094201. A variance is required because the maximum size for an entitlement division is 10 acres and this request is for 34.25 acres. The Township approves the transfer of approximately 34 acres as its own parcel to be owned with PID -094201 and any restriction put on landlocked parcels would remain restricted while the land is landlocked. There were no additional written responses from the public submitted.
- B. Raisanen – has not been surveyed so the 34 is not exact but will be close.
- C. Public
- Dan Bravinder – Cokato Township Supervisor – the request was reviewed and does seem to be a good idea between family members. They would like to know how entitlements will be effected and where they will be located as they do not want to see entitlements lost. This is a family situation and they feel there is a hardship related to taking care of a family member, which is a reason for the sale. The Township approved and they feel the request is a good plan. Ogle – the applicant's request did not include any movement of entitlements. There isn't enough road frontage for a second home at this point, so it isn't really necessary to add another entitlement. The southern parcel would keep the same number of entitlements it currently has. Raisanen – thought is possibly down the road when he has the opportunity to buy more of the southern land he would discuss the entitlement situation. Agrees that there are 3-4 entitlements on the property of his parents and they do not want to lose those. At this time, they do not intend to touch the entitlements.
 - Dean Mahlstedt – Cokato Township Supervisor – reserves that if there is a question he would rise to speak.
- D. Greninger – understanding is the acreage will be added to expand for farming and keep in agriculture. Raisanen – correct, no intention of changing anything. Property has been farmed his entire life and what he currently owns is around 10 acres so by adding this property he can have a little farm and plant his own crops. Greninger – this would be a start to a small farm. Raisanen confirmed.

- E. Mol – one criteria to review is practical difficulty. Mol asked the applicant if purchasing from family is to help them with retirement. Raisanen stated that is part of the reason but also it makes sense for him to purchase this property and leave the land near the road with entitlements. Mol – in his experience if there are no entitlements and the property is restricted what happens in the future near the road, with entitlements, might not guarantee an opportunity to purchase an entitlement. That road property could be sold with the entitlements, one just doesn't know. Raisanen stated he understood. He has 9 siblings and, realistically, he might not end up with an entitlement. Raisanen asked the Board if they had an opinion on whether he should place an entitlement on this parcel. Right now, he has no plans for another home. Mol stated that he wants to ensure the applicant is clear that the entitlements might not go to him. Raisanen asked if he buys 40 acres near the road, with an entitlement, how is it decided where a home could go. Ogle – if 40 acres are purchased, with an entitlement, on quarter-quarter lines, an entitlement assignment document will be needed from Planning & Zoning. With this specific request an entitlement is not usable on the proposed property as there is not adequate road frontage and not a full quarter-quarter.
- F. Vick stated entitlements were a question for him and the explanation satisfied what he was wondering. Vick questioned access to the 34.25 acres with Raisanen explaining there is a hole in the tree line that does allow for large equipment to move between the fields. Vick felt having the Township present was helpful and can go along with what has been requested.
- G. Neumann asked if there is currently an animal restriction as adding the 34 acres would change the number of animals allowed. This property is in a fairly rural area and in other areas of the County he feels the Board would look at restricting animal units. Ogle verified that there was no restriction as part of the initial approval on animal units. Neumann asked if the 34 acres is to be combined with existing tax ID. Raisanen – that is his understanding. There was some conversation had with regards to a mortgage on the home property and he isn't sure how that plays a role. Ogle – Planning & Zoning will require an Administrative Order and would like to see the properties combined into a single tax ID if possible. There are times when the recorder's office will not allow a combination of tax IDs but the Administrative Order will still tie the properties together. Discussion continued regarding the requirement of an Administrative Order versus how a combine form works and that this Board is not able to force a combine of tax IDs but a request can be conditioned to require an administrative order, and recorders combine form, if possible. Either way, an Administrative Order is required.
- H. Mol moved to approve the request to add 34.25 acres from PID 205-000-094200 to PID 205-000-094201 which is an existing 32.75 acre entitlement division. CONDITIONED that a survey of the area to be transferred is provided to the Planning & Zoning Department prior to transfer along with an Administrative Order be signed prior to transfer. Concept plan noted Exhibit A. Seconded by Neumann.

DISCUSSION: Mol stated that he does not see a need to restrict animal units. The property is in the southern portion of the county which is primarily agriculture and there will be enough land for large buildings and pastures. Because he does not feel there is a need to restrict animal units he did not add the restriction to his motion.

VOTE: CARRIED UNANIMOUSLY

DISCUSSION

Mol wanted to discuss with the Board the comment made during the first item regarding stormwater management plans. It was news to him that a stormwater management plan is not permitted or regulated. Ogle – at the time of the building permit application, if conditioned by the Board, a stormwater plan is required and is then reviewed. Site visits are also conducted if necessary to verify it has been implemented. Mol – is hearing that there have been properties on the lake where a landscape drawing shows where the water is to be directed and the county tries to adhere to that plan but with a specific permit. Ogle – an example would be that he would not sign off on the first items (Abby Robeck – CAP Custom Homes) building permit application until they have provided a stormwater management plan that is addressing water flow from the new home as required by the Board. The plan itself could change so long as it still meets the intent of the Boards condition. Ogle stated that Planning & Zoning staff doesn't have the expertise to review/inspect the plans from say an engineer's perspective. If the Board wants an engineer or similar to design the stormwater management plan meeting certain criteria, that could be part of their condition. There are a lot of variables with stormwater management plans and each situation could be handled differently by the Board with various degrees of requirements. In some cases, the Board is clear with their discussions on what they want to see addressed. Today conversation and concern were specific to keeping water runoff from the new home off the neighbor to the souths home and it was recognized the water running off the property can't fully be maintained as it would impact the natural flow and existing landscape. Mol – there is some oversight that the county is looking at the stormwater management plan. Vick questioned what would be done if the applicant didn't follow through with what was required. Ogle explained it would be a violation of the Board order and handled as such. Ogle stated again the home permit is not issued until the water management plan is received and approved as part of the home permit application. Usually, stormwater management is the last item thought of or forgotten about altogether by the applicant even when they or their client was required by the Board which is why we set reminders to check back in with them.

Greninger stated that he is surprised that lakeshore lots don't require stormwater management plans when developed. Ogle explained properties are subject to lot coverage for buildings and impervious surface, but a lot of the issues come up with the older lake lots. If a new home doesn't need to go through the Board for approval, the Planning & Zoning office does look at the overall grading plan and addresses obvious issues but there is no requirement they have a stormwater management plan. The Board can address water management and can set specific requirements to improve the situation or ensure issues are not created. Other factors are present such as physical features of the landscape and water runoff from roads. It is difficult to control all aspects of water runoff. Planning & Zoning does the best they can with managing what they can.

The meeting adjourned at 10:00 am.

Respectfully submitted,



Aaron Ogle
Planning & Zoning Planner

AO: sld

CC: Board of Adjustment
Applicants/Owners
Twp. Clerks