

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: January 10, 2025

MINUTES

The Wright County Board of Adjustment met on Friday, January 10, 2024, at 8:30 a.m. County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Board members present: Paul Aarestad, Dan Mol, Russ Greninger, Dan Vick, & Bob Neumann. Representing the Planning & Zoning Office was Aaron Ogle, Planner. Scott Deckert as Environmental Health Officer and Greg Kryzer, Assistant County Attorney, legal counsel arrived late.

First meeting of the year, Ogle, acting as Chairman, pro-tem, called the meeting to order at 8:30 a.m. and called for nominations for a Chair. Neuman nominated Aarestad as Chair. Ogle called three times for further nominations, hearing none, a roll call was called, and unanimous ballot cast for Aarestad.

Aarestad assumed the Chair and called for nominations for a Vice-Chair. Mol nominated Neumann as Vice-Chair, with a second by Vick and hearing no further nominations a roll call vote was called with a unanimous ballot cast for Neumann.

Aarestad called for action to adopt the Meeting Calendar for 2025. On a motion by Neumann, seconded by Greninger, all voted to adopt the meeting dates at 8:30 a.m. on suggested calendar.

ACTION ON MINUTES FOR THE DECEMBER 6, 2024 MEETING

On a motion by Vick, seconded by Mol, all voted to approve the minutes for the December 6, 2024 meeting as printed.

1. WILLIAM MILLER – Continued from 12/6/2024

LOCATION: 6910 QUINN AVE NW – SYLVAN SHORES ON LAKE SYLVIA LOT-035, Section 33, Township 121, Range 28, Wright County, Minnesota. (W. Lake Sylvia – Southside Twp.) Tax #217-058- 000350 Property owners: WILLIAM L MILLER TR

REQUEST: Variance as regulated in Section 155.026, 155.006, and 155.057(E)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a livable space addition and deck addition to the existing home that is within the shoreland building setback. The impervious surface coverage would exceed the maximum allowed.

Present: Bill (William) Miller, Bernie Miller with MSTs and Brandon Scheuble with KC Custom Home Design

- A. Ogle displayed the updated site plan while reviewing the request. The item had been continued from the December 6th, 2024, meeting to allow for a site inspection on December 13th, 2024. The updated request is for the construction of a 28 ft. by 38.5 ft. livable space addition to the existing home/deck, which would be located 71.6 ft. from the ordinary high-water mark of the lake. The existing impervious surface covers 37.1%, and the proposed impervious surface coverage would be 30.8%. A variance is still required because the existing home/deck does not meet the 75 ft. lake setback, and the impervious surface exceeds the 25% maximum. The Township approved the request as noted. They also recommended including the addition of a septic system on the parcel across the street, PID 217-000-321116, with the condition that it be restored to its original condition upon completion. No written public comments were received.
- B. Miller (Bernie) explained that the updated plan shows a side setback of 15 ft. This change is due to the measurement now being taken from the actual foundation. The deck is the only portion of the home that is nonconforming, as it is roughly 51 sq. ft. within the 75 ft. setback. No additions are

planned for the deck; the only proposed change is a second story over the garage. If the request is not approved, the applicant could adjust the deck to comply with the entire setback, eliminating the need for a variance, although the impervious coverage would not be reduced. The proposed impervious coverage represents a substantial reduction. Since the property was purchased as-is, no additional impervious surfaces have been added by the current owner.

- C. No comment from the public.
- D. Mol stated that if the deck were removed or brought back the home would be in compliance and there would be no need to appear before the Board or address impervious coverage. He questioned the practical difficulty in reducing impervious coverage to 25%. The request seeks to add two bedrooms, a workout room, and a storage room, which would increase the number of people and activities on the lot with impervious about 6% over what is allowed. While the setbacks may be met, his concern is that the impervious surface would still exceed the limit and with the addition he believes there will be more traffic and usage of the lot. His thoughts are that the property was originally purchased as a two-bedroom cabin and not as a four-bedroom with extra rooms and expanding the home for greater use on a nonconforming lot raises concerns. If the coverage were at 25% without the addition, this conversation would not be necessary. The lot already exceeds the 25% threshold, and he noted that the Board typically adheres to this limit. The applicant is seeking a variance so this Board has the ability to address coverage overage.
- E. Vick expressed difficulty in finding a hardship in this case. He suggested that the driveway could be adjusted to bring the coverage closer to 25%. He feels the current proposal is more of a desire than a demonstrated hardship.
- F. Greninger shared similar concerns and also felt that the impervious coverage should be limited to 25%.
- G. Neumann, not having visited the site, questioned whether there was a hardship or unique circumstance. He noted that neighbors had been told they are required to comply with the 25% coverage limit. He struggled to identify a hardship that justifies not meeting the 25% standard, especially since the property has functioned as it is for 14 years. The report mentions that the home is a weekend retreat for grown children to gather, and he wondered whether a different solution, such as using a camper for extra sleeping space, might be possible. He questioned how he would justify to neighbors why this property could exceed the 25% limit while others are required to comply.
- H. Aarestad explained that when evaluating a variance request on lakeshore properties, he considers several factors, including the impact on the lake, the increase in roof coverage, stormwater runoff, topography, and the potential effects on neighbors. He emphasized the importance of staying within the 25% impervious coverage limit and feels this addition would not change the view, stormwater flow, or the direction of water flow. Given these factors, he believes this is a unique circumstance where the request can be justified. He also noted that removing the retaining walls to reduce coverage would likely not be effective. Miller (Bernie) clarified that the retaining walls cover only 186 sq. ft. and removing them would reduce coverage by only about 1%. Aarestad does not believe the addition would contradict the intent behind the 25% coverage limit.
- I. Ogle reminded the Board that each request be considered on its own merits, and approval or denial of one request should not set a precedent.

- J. Miller (Berine) explained that three tests must be met for a variance to be granted. The first test is whether the request is reasonable and whether the property owner proposes to use the property in a reasonable manner. The second test is uniqueness and whether the problem arises from circumstances unique to the property, not created by the property owner. In this case, the property was purchased with the existing arrangement, which was approved by the County and intended to meet all setbacks. The third test is whether granting the variance would alter the character of the locality. Looking at the surrounding area, he believes the request would not change the appearance of the neighborhood. In his opinion, the request meets all three tests, but the Board is not required to grant the variance, only allowed to do so. He noted that if a new home were built, it would adhere to the 25% limit, but since this property was already developed, it is difficult to reduce the impervious coverage further without creating new problems. There are still some very small areas that could be removed but there is no way, with what is existing, to get down to 25%. The uniqueness is that it was not created by this owner and they are really trying to work with what is existing.
- K. Aarstad asked whether the applicant would prefer to continue with revisions, withdraw the request, or allow for a vote.
- L. Miller (Bernie) stated that while it is possible to reduce impervious coverage slightly, getting down to 25% is not realistic. The applicant could choose to withdraw the request, adjust the deck to be in compliance, and proceed with the addition, or choose not to proceed at all.
- M. Miller (Bill) remarked that removing the 51 sq. ft. from the deck would resolve the issue of noncompliance, but the impervious coverage would not need to be addressed or reduced. He believes the requested reduction from 39% to 30% is an improvement, even though it does not fully meet the 25% goal. He feels that removing additional coverage, such as from the retaining walls, would defeat the purpose. Ogle calculated that roughly 2,562 sq. ft. of impervious surface based on their existing impervious calculation or a further reduction of 1,228 sq. ft. of impervious surface from their proposed plan would need to be removed to reach 25% coverage. Miller (Bill) asked for a vote.
- N. Vick to close the public hearing to all oral and written comment, direct counsel to prepare findings based on the record and discussion consistent with the denial of the request and continue the matter to the February 7th, 2025 Board of Adjustment hearing.

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

MOTION CARRIED

2. **CHAD STENSON** – New

LOCATION: 16434 109th St NW – ROLLING HILLS LK SHORE 2ND ADD LOT-012 in Section 08, Township 121, Range 28, Wright County, Minnesota. (Lake Marie - Southside Twp.) Tax #: 217-043 000120 Property owners: CHAD ALLAN STENSON & MELISSA ANN MARIE STENSON

Requests a variance as regulated in Section 155.026, 155.049 and 155.057 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a new dwelling on a holding tank within the shoreland and side yard building setbacks, and within a bluff.

Present: Chad Stenson, Bernie Miller with MSTs & Rory Norgren with Norgren Builders

- A. Ogle displayed proposed site plan and reviewed details of the project. Property is located at 16434 109th St. NW in Southside Township. The property is 0.43 acres, zoned Urban/Rural Transition, and located on Lake Marie which is classified as Recreational Development. The request is to construct a 28 ft. x 60 ft. 2-bedroom 1 ½ story dwelling with a loft that would be 67.4 ft from the OHW of Lake Marie, 6.9 feet from the property line, within the toe of the bluff and serviced by a holding tank. A variance is required to construct a dwelling within 100' of Lake Marie, within 15' from a side property line and within a bluff. The house is proposed to be placed within the toe of the bluff. New dwellings are not allowed on holding tanks without Board of Adjustment approval. The Township approves of the request because the new structure would be the same distance from the lake as the existing and would be a little further from side lot line. No written comment was received by the public.
- B. Stenson clarified that the size of the building is actually 28 ft. x 48 ft. The existing structure is 5.1 ft. from the property line, with the new cabin being 6.9 ft. away. Due to the bluff and setbacks, it is difficult to move the structure further. The goal was to fit the home as best as possible within the guidelines.
- C. Miller explained that he was initially involved with the septic design to address a nonconforming system. The lot is very limited, with the main flat area between the garage and house being very low and not suitable for a septic system. The hill is so steep that it is impossible to install a system there, as the soils are also unsuitable. There is limited space for a full septic system on the property. With the site plan displayed, the bluff area was reviewed. Since it is impossible to avoid the bluff setback, the goal was to position the house as far from the lake and bluff as possible. In the end it will not be possible to build a house fully get out of the bluff setback.
- D. No public comment.
- E. Vick expressed concerns about the size of the house and the lot is being proposed with 24.4% impervious coverage and on a holding tank. He believes the house should be reduced in size. He also sees a future need for walkways to the garage and lake, which would increase impervious coverage. Stenson clarified that this is considered a cabin. They could use permeable pavers, and he does not see any issues with coverage, as he is a landscaper by trade. Vick noted that the distance to the lake has been allowed in the past but still has concerns about the additional walkway coverage.
- F. Ogle mentioned that there is a 50% allowance for permeable paver walkways and patios, but there is not a 50% allowance for the driveway or parking surface. Norgren pointed out that the driveway is existing. Miller noted that the site plan includes an allowance for 450 sq. ft. of future coverage.

- G. Greninger questioned if there is room for a full septic system and whether there is a plan for stormwater management. Miller responded that stormwater management had not been fully reviewed, but it could be addressed. For the most part, the lower portion of the property, from the road to the cabin, is flat. The house sits in an area with little elevation change. Water will be maintained on the property, with drainage flowing towards the lake. What is proposed is minimal change to the total impervious coverage.
- H. Neumann expressed support for the proposal, noting that a nice compromise was made given the steep hill and other setback lines. The hill is existing, and the plan works with the topography. He acknowledged the practical difficulty of building within the toe of the bluff and the distance to the lake. Neighboring homes will be closer to the lake than the proposed structure. Due to the type of lake, the setback is 100 ft. instead of 75 ft., and Neumann can support the proposed distance to the lake. As explained, there is no suitable location on the site for a septic system, which forces the use of a holding tank. Although holding tanks are not preferred, they are functional. If the home were moved 15 ft. from the side property line, it would be pushed into the hill, so he can support the proposal as shown.
- I. Mol asked if there is a retaining wall along the back of the home and how far away the home is from this wall. Miller replied that the distance is roughly 6 ft., with enough space to walk through. Mol expressed concern that, upon construction, additional impervious coverage could be added, especially since there is no deck, patio, or pavers in front of the home. Ogle clarified that the house plan includes a patio, and this is where the size mix-up of 28 ft. x 60 ft. came from in Ogle's initial overview. The plan also includes 450 sq. ft. of impervious coverage allowance. Mol asked if the home could be moved out of the toe of the bluff further. He noted that while the new home is larger than the existing one, the entire plan is an improvement over the previous structures that were more within the toe of the bluff. Mol asked if there was space behind the garage for a drainfield. Miller responded that the soils on the property are poor. While there could be a possibility of a full system, the soils do not support it, and any system would be high-risk.
- J. Aarestad expressed concern about the size of the proposed home, given the small lot. He also expressed concern about access to the lake from the road. The location of the home limits space to access the lake, which is a concern for him. Additionally, since the length of the building is changing, he wonders how water will drain. Stenson explained that water drains toward the south, as shown on the site plan. Aarestad reiterated his concern about the size of the home and the limited access to the lake. He believes a larger access than 6.9 ft. is needed. Neumann mentioned that there is a well in front of the home, and if it needs repair, it would be necessary to have adequate space for a well truck to access it from the lakeside. Aarestad asked if the retaining wall could be rebuilt, but Ogle stated that this could be tricky, as land alterations in the bluff can be problematic. Miller noted that a potential well site is indicated on the plan, and the well could be relocated. Moving the building 1 or 2 feet closer to the lake could provide more space around the home, but Aarestad does not want the house moved closer to the lake.
- K. Vick asked about the elevation of the home. Stenson clarified that it will be a patio home. Vick was concerned about elevation changes related to the home's layout and whether there will be a future deck or patio. Stenson confirmed it would be a patio. Miller explained that there is roughly a 3-ft. elevation change, and a person could step down from the house to a patio. If the patio is only 2 ft. high, no railing would be required, and it would not be considered a deck.

- L. Neumann moved to approve the request to construct a 1,384 sq. ft. 2-bedroom 1 ½ story dwelling with a loft that would be 67.4 ft from the Ordinary High Water Level of Lake Marie, 6.9 feet from the property line, within the toe of the bluff and serviced by a holding tank. CONDITIONED that a stormwater management plan be submitted at time of building permit application and as as-built survey be submitted. Site plan noted Exhibit A and building plans noted Exhibit B. Seconded by Mol

Greg Kryzer, Assistant County Attorney, legal counsel arrived at 9:20 am

DISCUSSION: Vick questioned whether there was concern about access around the house, noting that the Board typically visits the site when a bluff is involved. To him, the elevations don't appear to work. Aarestad stated that he doesn't feel a site visit is necessary, as the issue with the bluff and access around the house has been identified. It is up to the applicant to address the concern if they choose.

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

MOTION CARRIED

3. **ALLEN R DUBBELDEE** – New

LOCATION: 11066 Pittman Ave NW – PRT OF SE1/4 & GOV LT1 LY S OF LK CAROLINE in Sections 04 and PRT OF NW1/4 NE1/4 in Sections 09 all in Township 121, Range 28, Wright County, Minnesota. (Caroline - Southside Twp.) Tax #: 217-000-044400, -091202, -091201, -091205 Property owners: ALLEN R DUBBELDEE & DEBS JM DUBBELDEE REVTR

Requests a lot line adjustment as regulated in Section 155.026 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to alter the property lines between PIDs 217-000-091202, -091201, & -091205.

Present: Allen & Debs Dubbeldee

- A. Ogle displayed site plan and reviewed the request. The parcels involved are PID 217-000-044400, 217-000-091202, 217-000-091201, and 217-000-091205. The total combined acreage is 67.87 acres. A previous action allowed 6.5 acres from PID 217-000-044400 to be rezoned to R2a and subdivided out in 2004. Two lots were rezoned to R2 and subdivided out of PID 217-000-091205 west of Co Rd 2. and PID 217-000-091205 kept its entitlement. This request is to modify 4 parcels to better follow natural boundaries and existing roads. Portions of PID 217-000-091202, -044400 and -091205 north of Co Rd 3 will be one parcel, while -091205, -091201 and part of -091202 south of Co Rd 3 will be 2 parcels. There are currently 3 buildable lots within the 4 parcels. This request is to clean up property lines to follow roads and to give -091205 more buildable area. This request would not increase the total number of building eligibilities. The Township approves of the request because it “makes sense to re-align + clean up lot lines.” One neighbor indicated disapproval because they didn’t understand the request.
- B. No comment from applicant or public.
- C. Greninger stated that his understanding of the request is to clean up the lot lines without changing entitlements. A. Dubbeldee confirmed this. Greninger noted that he feels the request is self-explanatory.
- D. Neumann commented that the proposal makes sense, as the lines now follow the roads more naturally. He noted that having a property divided by a road is a hardship, and this change will fix the road frontage and provide a better boundary with full access to the road. The parcel sizes are also adequate for future use. He expressed his support for the request.
- E. Mol asked if the proposed line for parcel “2” on the plan was due to a required shared driveway approach onto County Road 3. A. Dubbeldee confirmed that was the intention. Mol stated that while he would prefer the two lots be equal in size, the shared driveway creates challenges. He concluded that cleaning up the lot lines as proposed makes sense. Kryzer suggested that if the request is approved, the Board should add a condition that a reciprocal easement be recorded for the shared access of proposed parcels “2” and “3” before the properties are sold.
- F. Vick indicated that everything looks good to him. He asked if parcel “3” would have 200 ft. of road frontage. Ogle measured roughly 350 ft. of frontage, which is over the required 300 ft.
- G. Aarestad stated that he supports the proposal, as it makes sense.

H. Motion made by Neumann to approve the request is to modify four (4) parcels to better follow natural boundaries and existing roads. Portions of 217-000-091202, 217-000-044400, and 217-000-091205 north of County Road 3 will be one property, while 217-000-091205, 217-000-091201, and part of 217-000-091202 south of County Road 3 will be two properties CONDITIONED a survey of the area be provided to Planning & Zoning prior to transfer, Administrative Order be signed prior to transfer, and reciprocal easements for the shared driveway access for the properties south of County Road 3 be recorded. Concept plan noted Exhibit A. Seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

4. **ZIEGLER CUSTOM HOMES INC.** – New

LOCATION: 14389 Custer Ave NW – SHADY SHORES LOT-003 LT 3 & S1/2 OF LT 4 in Section 22, Township 122, Range 26, Wright County, Minnesota. (Locke Lake – Silver Creek Twp.) Tax #: 216-125-000030
Property owners: ANDRE PEREZ & REBECCA PEREZ

Requests a variance as regulated in Section 155.026, 155.049 and 155.057 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a new dwelling with a 14x40' deck that is within the building setback from Locke Lake.

Present: Andre Perez and Dan Berning with Ziegler Custom Homes

- A. Ogle displayed the proposed site plan and review the request. The property is 0.44 acres, zoned Urban/Rural Transition, and located on Locke Lake which is classified as General Development. The request is to construct a new 1764 sq. ft. dwelling 75.5' from the OHW of Locke Lake, with a 14 ft. x 40 ft. deck that is 61.5 feet to the OHW of Locke Lake. The house would meet all setbacks, but the deck needs a variance because the setback from the lake is 75 ft. The Township approved of the request as moving plans towards the road would interfere with the septic system. One neighbor commented that they are in favor of having a house built in-line with their home at the 75 ft. setback and the deck to encroach upon the lake setback. They do not believe it would impede sight lines. Another neighbor commented stating they would be in favor of the request as it would not impede their sight lines. They believe the proposal could also resolve some drainage issues.
- B. Berning stated that the current house meets the drainfield at 23 feet, and if the home is pulled ahead by 15 feet, it would be too close to the drainfield. They are trying to preserve the existing drainfield because the lot is limited in where a new system could go.
- C. No comment from the public.
- D. Neumann stated that if the house meets the setback, seeking a variance for the deck seems more like a want than a necessity. A house doesn't need a deck. Moving the house back 14 feet would still provide a 10-foot distance to the septic system, so there would be no compliance issues with the house itself. The goal should be to avoid a variance. He asked what the hardship is with the deck. Perez responded that if the house is moved back, the neighbor to the south, who already has drainage issues, could experience worsened problems. Neumann acknowledged that if the house is moved back, the water would run toward the neighbors. Perez agreed, noting that keeping the house in line with the neighbors would allow water to flow more evenly toward the road or lake. Berning, looking at the elevations, pointed out that the properties on either side are 4 to 6 feet lower. The proposed grade will be lowered to match the elevation of the neighboring houses, which will help address drainage issues. Perez added that the neighbors on either side have stated their approval, although the neighbor to the south voiced concerns about water runoff due to existing issues. The plan is to improve the situation and avoid worsening drainage problems. However, moving the home back could create additional drainage issues. Neumann raised the concern that the property is close to the impervious surface limit and asked if the existing driveway is included in the calculations. Berning confirmed that the calculations include the deck, sidewalk, front porch, and driveway.
- E. Mol had some of the same questions. When discussing water runoff, this is a new construction project. That being said, the Board has asked applicants to manage water on their own property. There are various ways to handle water runoff. Variances for a 10-foot setback from the septic system have been granted, which would allow the house with a deck to meet the 75-foot setback requirement. There are ways to contour the lot, add drain tiles, and address water flow to keep it on the property. Berning – proposal ensures all drainage stays on the lot. Mol – so moving the house back should not affect the neighbors if the water is already being maintained. The home may require a variance

for a 10-foot setback from the drainfield, but that would bring the lake setback into compliance. Berning expressed concern that moving the home might also result in a steeper driveway near the road and would require more fill near the garage and drainfield. Mol stated that they would like to hear what others have to say.

- F. Vick voiced concern with the impervious coverage. His suggestion would be moving the home back at least 4 ft. to get the deck at 65 ft. from the lake. He also doesn't see any notes regarding a shed or future shed. Berning stated there is consideration in the impervious calculation for a shed near the lake. He added that the need for the variance is due to the driveway's current configuration, which, combined with the drainfield, creates a tight space to access the garage. Vick stated he would like to see the house and deck at 65 ft.
- G. Greninger agreed with member Vick. He pointed out that a significant amount of water will flow through the property, and this needs to be carefully planned and addressed during the application process. Berning explained that as proposed, the grade will be lowered to match the neighboring houses, which will resolve about 90% of the issue. Currently, the lot is raised about 4 feet, causing water to naturally flow toward the neighbors. Greninger asked if that means 10% of the runoff will still be shared with the neighbors. Berning clarified that all the water will remain on the parcel. Perez expressed concern that if the home is moved back, it will be more difficult to use the current natural slopes of the land to manage water runoff. Moving the house back would require additional changes to the property's layout to redirect water in ways it wouldn't naturally flow.
- H. Aarestad expressed concerns similar to those of fellow members. He noted that this is new construction, so there are different criteria and expectations to consider. He would like to see the home moved to 70 feet from the lake. He suggested several options to achieve this: building a smaller house, moving the house back 4 feet and obtaining a variance for the septic, or reducing the size of the deck from 14 feet to 10 feet. Any of these changes could bring the distance to 70 feet, which he would be comfortable with. Aarestad appreciated the proactive approach to managing drainage. However, he doesn't believe that moving the home back 4 feet will significantly increase drainage issues unless it can be shown otherwise. He mentioned that guttering and drain tile can be used to help mitigate drainage.
- I. Ogle asked Environmental Health Officer Scott Deckert if the setback to the drainfield could be 10 feet, noting that the area in question is only for the garage and not a full basement or livable space. Deckert confirmed that, in cases like this, they have administratively allowed a 10-foot setback for a garage and drainfield.
- J. Vick moved to approve moving the house, lakeside, to 80 feet from the lake.
- K. Mol questioned whether the Board would prefer to see a revised proposal before taking a vote. Vick agreed and withdrew his motion.
- L. Mol motioned to continue the item to the February 7th meeting, allowing time for the applicant to consider moving the home/deck 75 feet from the lake and to provide a new plan reflecting those considerations. Neumann seconded.

Discussion: Vick clarified that the deck would be at 75 feet. Mol suggested moving the house back to 10 feet from the septic system, and if that's not feasible, the applicant needs to explain why. He encouraged taking a closer look at the situation to see if the home could be moved back or even downsized to meet the 75-foot requirement. Neumann added that there is an opportunity to make adjustments so that no variances would be needed.

VOTE: CARRIED UNANIMOUSLY

5. **DARRYLE ANDERSON** – New

LOCATION: 13551 Baker Ave NW & xxx 135th St NW – East 1/2 of the SE 1/4 as well as a portion of the E 1/2 of the South 1/2 of the NE 1/4 in Section 26 and west portion of the SW 1/4 of the NW 1/4 along with part of W 1/2 of SW 1/4 of Section 25 and all within Township 122, Range 26, Wright County, Minnesota. (Melrose Lake – Silver Creek Twp.) Tax #: 216-100-261403, 216-100-261401, 216-100-264100, 216-100-252300, 216-100-253201 Property owners: ELIZABETH A ANDERSON REVTR & DARRYLE C ANDERSON REVTR

REQUEST: Lot line adjustment and 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 adjust an existing lot of record and to create a “1 per 40” entitlement division. The division and remainder would lack the required road frontage.

Present: Darryle Anderson

- A. Ogle reviewed the request with site plan displayed. The properties involved are PID 216-100-261403, 216-100-264100, and 216-100-261401 which total 90.5 acres; PID 216-100-252300 which is 11.66 acres; and PID 216-100-253201 which is 78.03 acres. All parcels involved are zoned General Agriculture. A Lot line adjustment from 1984 attached what are now PID 216-100-261403, 216-100-261401, and 216-100-264100. This request is to add the land South and West of Baker Ave NW/135th St. NW to the adjacent parcels also owned by the Darryle & Elizabeth Anderson Trust so there would be more road frontage for those parcels. The request would then be to create an 8-acre entitlement division with 195 ft. of road frontage leaving the remainder with 185 ft. of road frontage. A lot line adjustment which can be heard by the Board to add the land South and West of Baker Ave NW/135th St. NW to the adjacent parcels also owned by the Darryle & Elizabeth Anderson Trust would be necessary so there would be enough road frontage to request a variance for an 8-acre entitlement division with 195 ft. of road frontage and leaving the remainder with 185 ft. of road frontage whereas 300 ft. is required. The Township approves of the request and no written responses from the public were received.
- B. Anderson stated that there is a small 100-foot wide strip between his property and the road, which the Township has agreed to vacate.
- C. There were no public comments.
- D. Mol questioned whether the parcel ending in -1403 is part of a section line. Ogle reviewed the section line boundaries using Beacon aerial and confirmed that section lines do create separate parcels. The goal is to ensure road frontage for all parcels. Mol, after understanding the plan to align the lines along the road, noted that it is not possible to have both parcels with 300 feet of frontage. He agreed that this appears to be a good plan for cleaning up the lines and utilizing the available space.
- E. Vick stated that he sees a hardship and believes the plan works out the best it can with the available road frontage.
- F. Greninger stated he had no questions.

- G. Neumann stated that he likes the lines as they exist, but with the proposal, he understands the purpose. He added that the property line jogs make the parcel look awkward. He understands the intent but is unsure if there is a better solution to achieve the same goal.
- H. Aarestad expressed similar comments and concerns as Neumann but ultimately stated that he could go along with the request.
- I. Vick asked whether a driveway easement would be needed. Kryzer responded that he sees the easement being purposefully avoided. He also noted that this is a township road and he is unsure how they would respond. Mol and Neumann both stated that they believe the Township would allow an additional driveway.
- J. Mol moved to approve the request to add the land South and West of Baker Ave NW/135th St. NW to the adjacent parcels also owned by the Darryle & Elizabeth Anderson Trust so there would be more road frontage for those parcels. The request would then be to create an 8-acre entitlement division with 195 ft. of road frontage leaving the remainder with 185 ft. of road frontage
CONDITIONED a survey of the area to be transferred is submitted to Planning & Zoning prior to transfer, Administrative Order be signed prior to Deed Restriction and transfer, and a Deed Restriction be signed prior to transfer. Site sketch noted Exhibit A. Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

6. **ANDREW BENGSTON** – New

LOCATION: 3662 Cty Rd 33 SE & xxx Cty Rd 33 SE – The W 1/2 of the NE 1/4 in Section 03, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #: 215-100-031300 and 215-100-032400 Property owners: ANDREW BENGSTON & ELISE BENGSTON and RICHARD N LABUTE & YOKO N LABUTE

Requests a variance as regulated in Section 155.026 and 155.048 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to add 4.5 acres to an existing 4.56-acre entitlement division. The enlarged parcel would contain more than the allowed 2.5 acres of prime soils.

Present: Elise & Andrew Bengston

- A. Ogle displayed a concept plan and reviewed the request. The properties involved are PID 215-100-031300 which is 4.56 acres and PID 215-100-032400 which is 61.9 acres. Both parcels are zoned General Agriculture. PID 215-100-031300 was created in 2017 with a Deed restriction. This request would add 4.5 acres to an existing 4.56-acre entitlement division to create a 9.06-acre entitlement division with approximately 6.5 acres of prime soils whereas 2.5 acres of prime soils is the maximum. The Township disapproves of the request because the applicant did not come in to explain their intent for the variance. No written responses from the public were received.
- B. A. Bengston explained that he and his wife attended the Township meeting, where their request was approved. He later received a phone call indicating that the approval would be based on the meeting notes since the original meeting had taken place about a year ago. Ogle stated that, according to the Township's response, the request was denied until the applicant attended a meeting to explain the intent of the request. This response is all the Board has to go by. Discussion continued regarding the confusion with the Township meeting, and the consensus was that the Bengstons would contact the Township for clarification. Aarestad asked if the applicant had any details they would like to address. A. Bengston noted they have an updated survey showing the property size as 4.51 acres. Ogle explained that until the Board makes a decision, a concept plan is sufficient. A. Bengston presented photos of the property, explaining that it has many wet areas and springs. E. Bengston clarified that the additional 4.5 acres is a field, and their plan is to grow grasses while addressing some water issues. They are proposing additional land for agricultural use, with the intention to continue using it for agriculture. A. Bengston hopes to eventually purchase the remainder of the property. E. Bengston explained that the land is categorized as prime farmland, but the Labutes are willing to sell it due to water issues that have affected crop growth. Ogle displayed a map as A. Bengston highlighted the wet areas. The Bengstons plan to keep most of the area planted, have a small number of animals, and begin small-scale fiber production.
- C. No comments from the public.
- D. Vick stated that he wants to wait for the Township's response. He inquired about animal units and the type of animals. A. Bengston mentioned that, working with the Feedlot Office, they estimated approximately 9 animal units. Ogle explained that typically, ½ animal unit per acre is allowed for up to 10 acres. Vick asked about the building size allowed on 9 acres. Ogle explained that for properties with 2.5 to 4.99 acres, the size limit is 3,200 sq. ft., while for 5.00 to 9.99 acres, the limit is 4,000 sq. ft. Currently, with 4.56 acres, even an additional ½ acre would increase the limit to 4,000 sq. ft. Ogle asked if they currently have any detached buildings. A. Bengston replied that they have a lean-to and

a small shed. He expressed uncertainty about whether a 4,000 sq. ft. barn would be feasible due to the land's slope and wet areas. Vick mentioned he would like to see more information on the wetland areas. Ogle noted there are several aerial photos available for the Board to review, though some do not show boundary areas.

- E. Greninger asked if the land, being prime farm ground, could still produce if seeded. Ogle explained that the Land Use Plan designates certain classifications of soils as prime, some of those classifications are prime soils if drained. The ordinance states that with an entitlement division, the property does not have to be used agriculturally, as it is a residential division, which is why there is a 2.5-acre cap. Regardless of current or future use, the land is still considered prime tillable farmland, and anything over 2.5 acres requires a variance. Greninger inquired if the additional land would be grazed. A. Bengston responded that it might be used for grazing up to an acre, and hay would also be cut.
- F. Neumann expressed concern that, although the current intent may be agricultural, the future owner's intent could differ. He mentioned that the properties are too small to farm but too large to mow. He feels uneasy about adding this amount of land to an already small parcel. It was also mentioned that the Labutes are older, and he suggested that renting or purchasing the entire parcel might better suit their needs. Neumann is not in favor of adding to the existing property. He stated that with the ½ animal unit limit, there would be no significant change to what is already allowed. He would support a continuation to allow time for the Township's response. A. Bengston acknowledged Neumann's concern but expressed that the 2.5-acre limit on small parcels restricts those interested in farming. Renting the entire property is not an option.
- G. Mol shared similar concerns. He noted that no farmer would want to work on an angled plot. The proposed division creates a pie-shaped parcel, which is difficult to farm. The Board generally prefers square, straight lines for agricultural land. Mol emphasized his concern that this division could result in an additional lot. Ogle clarified that the proposal involves increasing the entitlement division size, meaning there will remain only one building eligibility and any land must be owned together with the existing parcel. When reviewing a request, the Board should focus on the request itself and the property, regardless of the current owner. Even if the property is sold tomorrow, it remains prime farmland that may or may not be farmed by the new owner. Mol asked whether, if approved, the property would have the same PID number. Ogle recommended maintaining a single PID number, though they cannot force the properties to be combined. A document would be required, which necessitates that the properties be owned in common. Mol stated he would like to hear the Township's input. He reiterated concerns about the property split and the amount of prime farmland involved, and he is in favor of continuing the discussion.
- H. Aarestad agreed that the Township's opinion is important, and there may be changes needed to the property layout. A. Bengston explained that the layout was requested by Mr. Labute, as there is a large hill, and he wanted to be able to turn at the apex. E. Bengston added that the shape was chosen because Mr. Labute preferred a turn on the outside, and the inner tip of the additional land is wetland that will not be planted.

- I. Vick made a motion to continue the item to the February 7th meeting to allow time for the applicant to meet with the Township. The motion was seconded by Mol.

DISCUSSION: Neumann asked if the Feedlot Administrator could clarify the number of animal units that could be allowed. Aarestad agreed with A. Bengston's request for clarification.

VOTE: CARRIED UNANIMOUSLY

Aarestad called for a 5 minute break at 10:22 am.

7. **TONY BAKEBERG** – New

LOCATION: 7239 70TH St SW & roughly 40 acres to south – E3/4 OF NE1/4 and NE1/4 OF SE1/4 of Section 11, Township 118, Range 27, Wright County, Minnesota. (Victor Twp.) Tax #: 219-000-111100, 219-000-114100 Property owners: MICHAEL O DIERS & HILAIRE M DIERS

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 divide the tillable land off from the remainder. The proposed division would not meet the standards for an agricultural or entitlement division.

Present: Tony Bakeberg

- A. Ogle displayed a proposed concept plan and reviewed the request. The two properties involved are zoned General Agriculture and must be owned in common due to the road frontage. PID 219-000-111100 is 118.17 acres and PID 219-000-114100 is 39.52 acres. The property has one (1) home and three (3) additional entitlements. The request is to divide 90 acres of tillable land with zero (0) building entitlements leaving the remaining 68 acres with the existing home and three (3) additional building entitlements. A variance is required because the proposed division to split 90 acres of tillable land with zero (0) building entitlements and leaving the remaining 68 acres with the existing home and three (3) building entitlements would not qualify as an administrative agricultural or entitlement division. Entitlement divisions cannot exceed 10.0 acres and divisions purely for agricultural purposes require all lots being created having at least one complete quarter-quarter section which this proposal does not. The Township approves of the request as there is no good way to split the tillable and keep access to the recreational land. One neighbor commented they are against four (4) entitlements on 68 acres. One neighbor commented that they prefer not to see the possibility of that many homes next to their property line. One neighbor is opposed because they believe a housing development does not belong in a rural area. Another neighbor commented they don't need more traffic out here in the country. It should be made clear that this specific request is to split the existing land and is not a request creating home allowances that did not currently exist.
- B. According to Bakeberg the primary purpose of the split is to maintain tillable acreage. The owner is aware of the building eligibilities but does not want to go through the process of determining where eligibilities could be used with soil borings. The access strip along the east line is intended to preserve recreational land for the owner's family.
- C. Public comment.
- Tim Matter, who owns land to the south, expressed concern about the back 40 acres, which is mostly swamp land. If the area is not maintained, it could affect his property due to high water levels. His main concern is the lot line adjustment with the east-owned access and its width. Bakeberg's plan indicates a width of 33–50 ft. Matter was concerned because when he divided his parcel, width was a significant issue. He does not want to create a future problem for access to areas that could potentially be built on and possibly landlock the 40 acres of wetland. He is okay with the division, but just wants to ensure no future issues arise. Bakeberg stated that area is still hayed when water levels are low and that remains the plan.
- D. Greninger raised concerns about the easement access. Ogle explained that there would need to be owned access not easement access up to the public road. Greninger asked whether the road frontage and access to the southern parcel will be owned as one parcel. Ogle confirmed that the southern 40 acres must touch public road frontage; the recreational land cannot be landlocked as a separate parcel.

- E. Neumann initially had reservations about the request, but after reviewing the proposal with an explanation, he now understands that even with an access strip, it would be difficult to access the 40 acres in any other way. Bakeberg confirmed this. Neumann inquired whether the Township has plans to extend Hart Ave. Bakeberg clarified that this has never been discussed, and to his knowledge, the Township has no plans to add roads. Neumann questioned whether there is enough road frontage along 70th St. for three (3) entitlements. Bakeberg replied that there is enough for two (2) entitlements. Ogle explained that the property had been extensively reviewed, and it was clear that the river complicates options. It was made clear that there is no guarantee that the three (3) available entitlements could be used. The goal is to separate the agricultural land from the recreational land. Bakeberg confirmed the goal is to sell the agricultural land while keeping it in production. Neumann suggested that, due to the heavily wooded east line, a 66 ft. owned access strip might be more appropriate.
- F. Mol asked whether the access could even accommodate a pickup. Bakeberg confirmed it could. Ogle pointed out that the proposed plan shows a 33 ft. access, but the grass drive extends beyond that line. Ogle suggested widening the access to more than 33 ft. Mol expressed concern about the three (3) entitlements, suggesting that one entitlement should be allocated to the 68 acres. He questioned the logic of allowing three (3) entitlements for a parcel that may not support that many homes, particularly when the 90-acre parcel has none. He proposed one entitlement for the 68 acres and two (2) entitlements for the 90 acres, which would follow the "one per 40" rule. He noted that, with a variance or bridge, there is room for access and a homesite. Ogle clarified that the applicant had been notified about the possibility of doing soil borings. Ogle also pointed out that, using Beacon aerials, there are potential areas for 3–4 homes on the 68-acre parcel, but there is not enough information to confirm this. Mol stated that adding homes near existing livestock operations could create future problems, and he emphasized the importance of properly planning for agricultural land use. He is not trying to utilize dollars and cents but utilize the land and properly plan for the agricultural land.
- G. Vick, familiar with the area, asked how the creek would be traversed. Bakeberg explained that there is existing access in the northeast corner. Ogle used Beacon to point out the area in question. Vick then inquired why the west side of the larger parcel was not considered for access. Bakeberg stated that the area is prime farmland, and the owner wants to preserve as much farmland as possible. Additionally, parts of the area are under water during wet years. Vick expressed concern about the three (3) entitlements, to which Bakeberg responded that the primary goal is to divide the agricultural land, not to discuss entitlements. Ogle clarified that entitlements are part of the discussion. Mol emphasized that the county standard is "one per 40," and this request involves dividing 90 acres with no entitlements, while two (2) entitlements would be moved to the 68-acre parcel. He reiterated his concerns about the potential future use of the 68 acres. Bakeberg explained that they had attempted an administrative quarter-quarter division but lacked a full quarter-quarter section where needed. Vick asked if the owner would consider leaving a single entitlement with the 90 acres. Bakeberg stated he could ask the owner, but the owner had expressed reluctance to place the burden of an entitlement on the property. Mol reiterated that, if the entitlements on the 68 acres have no value, they should be placed on the 90 acres. Bakeberg emphasized that financial concerns should not factor into the discussion.
- H. Aarestad opposed adding building entitlements to the 90 acres, citing the county's long-range plan to preserve good agricultural land. He also expressed concern that the 68 acres, being mostly swamp, could create issues, especially regarding animal units.
- I. Vick moved to continue the item to the February 7th meeting to allow the applicant to discuss with the owner whether an entitlement can be left with the 90 acres.

Aarestad called for a vote three times. As no vote was made, the motion failed.

- J. Neumann moved to approve the request to divide 90 acres of tillable land with zero (0) building entitlements leaving the remaining 68 acres with the existing home and three (3) additional building entitlements CONDITIONED a survey of the area to be transferred is submitted to Planning & Zoning prior to transfer, Deed Restriction be signed prior to transfer, and site sketch noted as Exhibit A. Seconded by Greninger.

DISCUSSION: Aarestad asked Neumann if animal unit limitations would be considered. Ogle explained that the 68-acre parcel currently has animals, and if restrictions are added, it would be advisable for the Feedlot Administrator to review the situation to ensure that the restrictions do not interfere with existing operations. Mol inquired about how animal units are restricted on the 68 acres, given that there are three (3) entitlements that could potentially be split in the future. Aarestad asked whether the land could support a large number of cattle, given that it is swamp and wetland. Mol clarified that the lower 40 acres are suitable for pasturing with Bakeberg confirming as well as stating the current owner has sheep and feed calves. Neumann noted that if the Board aims to reduce the environmental impact, it would be up to the owner to address the number of animals. Mol - since this is agricultural land, doesn't the county already regulate animal units in wetland areas? That is the responsibility of the Feedlot Administrator. Ogle suggested that if animal unit restrictions are imposed, the Feedlot Administrator should provide input to ensure the current feedlot operation is not affected. Aarestad stated that he feels more comfortable knowing that the land can support pastured cattle.

Ogle – if approved, the Board would require that any future division be reviewed by the Board of Adjustment. However, he would like to see a condition stating that any future division or movement of entitlements on the 68-acre parcel must also go through Board of Adjustment review, to avoid any confusion.

Vick questioned existing animal unit limits. Ogle believes that the standards change at 10 acres and recommends continuing the discussion to allow the Feedlot Administrator to provide comment.

Vick asked whether the Board should add a condition regarding the width of the access strip, suggesting 50 ft. or 60 ft. Discussion continued among the Board, applicant and Ogle with consensus to go with a 66 ft. wide strip.

K. Neumann amended his motion to include any future division or movement of entitlements on the 68 acre parcel would require Board of Adjustment review, and the "access strip" part of the 68 acres be 66 ft. wide. Greninger seconded.

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

MOTION CARRIED

8. **BRIAN SLOAN** – New

LOCATION: 16779 Cty Road 7 NW and adjoining parcel – PRT OF NW1/4 OF NE1/4 and NW1/4 OF NE1/4 & NE1/4 OF NW1/4 of Section 11, Township 122, Range 27, Wright County, Minnesota. (Clearwater Twp.) Tax #: 204-100-111201, 204-100-111202 Property owners: Scott Miller and David Miller

Requests a 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 lot of record that would not meet the minimum road frontage requirement.

No representative present.

- A. Ogle explained the applicant is requesting a continuation until the next meeting so that a purchase agreement could be finalized.
- B. Mol moved to continue the item to the February 7th meeting at the request of the applicant. Seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 11:01 am.

Respectfully submitted,



Aaron Ogle
Planning & Zoning Planner

AO: sld

CC: Board of Adjustment
Applicants/Owners
Twp. Clerks