

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: February 7, 2025

MINUTES

The Wright County Board of Adjustment met on Friday, February 7, 2025, at 8:30 a.m. County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Paul Aarestad, called the meeting to order at 8:30 a.m. with Board members present: Dan Mol, Russ Greninger, Dan Vick & Bob Neumann. Representing the Planning & Zoning Office was Aaron Ogle, Planner. Rachel Pence, Assistant County Attorney, legal counsel was present.

ACTION ON MINUTES FOR THE JANUARY 10, 2025 MEETING

On a motion by Mol, seconded by Neumann, all voted to approve the minutes for the January 10th meeting as printed.

1. **WILLIAM MILLER** – Cont. 12/6/2024 & 1/10/2025

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.

No representative present

- A. Ogle stated that, per the Board's directive, staff drafted findings for denial. Staff believes that the order drafted and presented accurately reflects the opinions and statements of this Board and correctly identifies the thoughts on this matter. The matter was closed to the public at the January meeting, so no further oral or written comments will be accepted.
- B. A motion was made by Vick to adopt the Notice and Order for Denial with Findings. The motion was seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

It should be noted that no representative was present at the meeting, so the signed findings were mailed directly to the applicant after the meeting.

2. **TROY & CARLA SCHOENBERG** – Continued from 12/6/2024

LOCATION: 6191 Osland Ave NW – Part of Gov't Lot 5 in Section 34, Township 121, Range 28, Wright County, Minnesota. (E. Lake Sylvia – Southside Twp.) Tax #217-000-343403 Property owners: TROY G & CARLA D SCHOENBERG

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

Present: Carla & Troy Schoenberg, Bernie Miller with MSTs

- A. Ogle displayed details of the request as he reviewed. The item was continued from the December 6th, 2024, meeting to the February 7th, 2025 meeting so that a site inspection could be conducted. An updated plan was received after the Staff report was printed so the hope is the applicant is able to review the revisions. A variance is required to construct the livable space and deck addition to the existing home because it would be located within the 75 ft. setback from the OHW of a general development lake and located within the bluff which would have a 30 ft. setback from the top. The Township approved of the original request based on the location of the existing home already within the bluff and the new addition will be further from the water and a good distance from the top of bluff. No written comment from the public was received.
- B. C. Schoenberg stated that they purchased the home in 2013. The house was built in 1969 and has had no updates. The intent is to update the home, keep the same number of bedrooms, and remodel the main level to make it wheelchair accessible. They plan to continue being good stewards of the lake. Even with an acre lot, there are constraints. They have made many concessions to try and stay within limitations, but remodeling the main level is pushing into the bluff. Previously, there was a lakeside deck on the home, which was removed and at the time they misunderstood there would be time-limit to replace. They would like to rebuild the deck so they can use the upper level patio door. The deck will be at the same distance from the lake as the original but will be smaller in length. Since the last meeting they revised the plans and moved the corner addition back to the recommended 65 feet.
- C. Miller acknowledged the comments from the previous meeting and the concerns observed during the site visit. They tried to stay at least 65 feet from the lake, out of the bluff, and within the limitations. The house now meets the 65-foot lake setback and a stormwater management concept plan was created. During the site visit, it was observed that below the hill, the slope is very gradual with not much water runoff in the area. The stormwater management plan was displayed on the document camera and explained. Miller went on to explain that currently, there is no erosion issue to the north and although they anticipate more water on the north side, they don't foresee it becoming an issue. On the south side of the house, there may be a need for tile, or perhaps a swale or riprap at the end of the tile to help diffuse water, along with a no-mow buffer toward the lake. Water also currently flows across the driveway and there is an opportunity to capture and address sediment. Miller displayed an exhibit showing the area of the home not meeting the lake setback and reviewed. Since the home is non-conforming, any addition requires a variance. According to the exhibit there is a 266 square foot addition that does not meet the 75-foot setback. The building coverage is 9.6% and impervious coverage is 20.9%, both of which are below the limits. The impervious coverage includes a large area of roadway, which, if excluded, would bring the impervious coverage closer to 16%.

- D. No comment from the public.
- E. Mol expressed appreciation for the changes made to bring the setback back to 65 feet. The deck is not an issue for him. At the site visit, it was clearly visible that a deck had been there previously. He understands the situation and the time constraint confusion. He is not opposed to the deck. As for the house proposal, he has concerns about the encroachment into the bluff area, but this is a house built in the 1960s, and any addition would likely need a variance. The building and lot coverage amounts are well below the allowed limits, which is significant. He wants to ensure the water management is completed and maintained. He can support the proposed plan, but he does not want to see further encroachment into the bluff area. He acknowledges that any work on the house will result in some encroachment. With the plan to manage water and address erosion concerns he is comfortable with what is proposed given the existing situation.
- F. Vick stated that he is okay with the deck but is concerned about the south side of the house. He has heard there is a plan to address the water in that area, but he still feels any addition to the south side should not be allowed. He would like to see more details on what can be done in that area to address water flow. His main concern with the plan is the south side of the home and how water flow and erosion will be addressed. He would like to hear what others think.
- G. Greninger stated that the plans look good, and he is happy with the changes. He questioned who designed the water management plan. Miller explained that native no-mow buffers are often the best way to address issues. The DNR also likes to see these areas if a rain garden isn't suitable. Before obtaining a permit, it is usually a condition to submit a stormwater and erosion control plan. This can be reviewed by the SWCD or Planning & Zoning staff. There aren't many requirements unless specified by the Board, but in most cases, it's a condition that a plan is in place. The presented plan shows that the applicant is willing to take action, and there are several options available. Ogle explained that there is not a requirement for a stormwater management plan, and it's up to the Board's discretion on what they want to see accomplished. Staff feels it is more appropriate for the condition to be a stormwater management plan rather than specifying the specific type of stormwater management type that should be used. If specific methods are required, any changes would then need to go back to the Board to be approved. Greninger stated he is okay with the plan.
- H. Neumann confirmed the number of bedrooms will remain the same and asked about the size of the addition. Miller stated the addition footprint is proposed at 1,351 square feet of livable space. Neumann noted that the proposed deck would be 22 feet from the ordinary high water (OHW), which is very close to the water. He wanted to confirm if member Mol is comfortable with the proposed deck. Mol responded that during the site visit, he stood on the patio and noted that while the deck will be close, it would be very different if it were new construction. The house was built in the 1960s and previously had a deck in the same location. They are replacing it with a smaller deck that will be no closer than what was there, so he is okay with the proposed deck. Neumann agreed that a stormwater management plan is appropriate and important.
- I. Aarestad agreed that many of his concerns had already been addressed. However, he is concerned about the south side of the house. The area is steep, and there is a lot of shade, which he feels will make it difficult for vegetation to become established. He is also concerned about the increased roof size and the amount of water being directed to this area. He is not in favor of an addition to the southwest side of the home but is okay with the rest of the proposals. He appreciates the presented stormwater plan but would like to know more about what will be done in that area. T. Schoenberg

explained that the area slopes from the neighbors and becomes steep near the water. There is not much water flowing along the south side of the home, and the majority of the water comes around the north side. He stated that they have been in the home for years and have not had any erosion on the south side. He is open to taking any necessary steps to control water and address concerns. Vick noted that erosion occurs in areas without sunlight, and an addition would worsen the lack of light. T. Schoenberg responded that he had already started creating a swale and feels he can easily modify it to redirect the water. Miller added if the concern is water running off the roof, this could be addressed with drain tile or a pipe to prevent water from flowing along the ground. There are other options such as rip-rap, erosion blankets, or even hydroseeding that can also be used. The applicant is willing to address erosion and water flow concerns.

- J. Mol understands the concerns but wants to minimize disruption to the bluff area. The addition meets the required 15-foot setback. The neighboring home is higher than this house, with an embankment coming down, and it is clear that water is flowing around the right side of the home. During the site visit, he didn't see any large ravines or washouts. He also noted that water from the neighbors will need to be controlled. He feels that a stormwater management plan submitted at the time of the building permit will address concerns.
- K. Mol moved to approve the request to construct a livable space and deck addition to the existing home that would be 22.4 ft. from the ordinary high-water of a general development lake and located within the bluff **CONDITIONED** that a stormwater management plan be submitted at time of building permit application. Site plan noted Exhibit A, building plans noted Exhibit B, and septic plan noted Exhibit C. Seconded by Greninger.

DISCUSSION: Vick questioned if there could be a requirement for rip-rap to cover non-vegetative soils between the two homes. Mol felt that this would fall under the stormwater management plan and preferred not to specify the methods or materials used. Aarestad stated that the applicants have demonstrated their willingness to control and manage water, and this indicates they will follow through. Mr. Miller is also involved in the process and will ensure that recommendations are followed.

VOTE: CARRIED UNANIMOUSLY

3. **JONATHAN & KRISTY BIGALK** – New

LOCATION: 6508 NEVENS AVE NW – PRT OF N1/2OF NW1/4OF SW1/4&SW1/4OF NW ¼ of SECT-36 TWP-121 RANGE-028, Wright County, Minnesota. (Southside Twp.) Tax #: 217-000 363203 Property owners: JK BIGALK PROPERTIES LLC

REQUEST: Variance as regulated in Section 155.026 and 155.103(N) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to use a building for a home-extended business within 500 ft. of a neighboring residence.

Present: Jonathan & Kristy Bigalk

- A. Ogle displayed site plan and reviewed the request details as well as displayed a Beacon aerial photo showing area of the property that would meet the required 500 ft. setback to neighbors. The request is located at 6508 Nevens Ave NW in Southside Township, is 10.02 acres and zoned General Agriculture. The request is to allow a building to be used for a home-extended business 310 ft. from the nearest neighboring residence. A variance is required to allow a building for a home-extended business 310 ft. from the nearest neighboring residence because 500 ft. is required. The Township approves of the request because the neighbor is ok with the business operation. The neighbor to the south does not object to the granting of a variance. Their home is the one within the 500 ft. setback. It will also be noted that while the proposed variance request relates to the property owner wanting a home-extended business on the referenced property, the Board of Adjustment does not have the authority to grant the use but does have the authority to allow the building to be less than the 500 ft. setback required if the Planning Commission were to approve of the use. The building was recently constructed and is not shown on the aerial photos.
- B. J. Bigalk met with the Planning & Zoning staff regarding the Conditional Use Permit and became aware of the required 500 ft. setback.
- C. No public comment.
- D. Vick stated he does not have any concerns.
- E. Greninger questioned the use of the building. J. Bigalk stated that the building is already up, and its initial intended use was storage. They are seeking a CUP for a small business as the lease on their current location has expired. Greninger stated that using the building for a catering kitchen is not a concern for him, and he does not have a problem with the request.
- F. Ogle clarified the size of the building and mentioned that the limitation on a Home Extended Business is 2,000 sq. ft. The building will still have partial personal storage use, with a portion intended for business use. Greninger questioned the kitchen size, with J. Bigalk replying that it is 720 sq. ft.
- G. Neumann questioned if size would be adequate for their needs. J. Bigalk stated that is the size they have been using and it will work for their needs. Kitchen spaces are small to begin with, and they don't need a lot of space. Neumann stated that he spoke with the City of Annandale Administrator and Planner, and they do not have any issues with this proposal or a Home Extended Business at the location. If the building is existing and suits their needs, it is something he is willing to support.

- H. Mol stated that the building is existing prior to this proposal. The neighbors and townships do not have a problem with the request, and there is not heavy development within the 500 ft. He doesn't have a problem with the request.
- I. Aarestad stated other members had expressed his thoughts.
- J. Vick moved to approve a building to be used for a home-extended business 310 ft. from the nearest neighboring residence. Considerations: Site sketch noted Exhibit A. Seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

4. **JEFFREY & TAMARA JAHNKE** – New

LOCATION: 13095 79TH ST NW– KIEHN'S NORTH SHORE ADDN LOT-006 of SECT-26 TWP-121 RANGE-028, Wright County, Minnesota. (Lake John - Southside Twp.)
Tax #: 217-030-000060 Property owners: JEFFREY & TAMARA JAHNKE REVTR

REQUEST: Variance as regulated in Section 155.026, 155.006, 155.049(F)(3), and 155.057(E)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct an addition to the existing home that is within the shoreland and side yard building setback. The building coverage would exceed the maximum allowed and lowest floor elevation would be less than required.

Present: Jeff & Tamara Jahnke and Rory Norgren with Norgren Builders

- A. Ogle displayed the site plan and reviewed the details. The property is 0.30 acres, zoned Urban/Rural Transition, and located on Lake John which is classified as Recreational Development. The existing building coverage is 12.5% and existing impervious coverage is 24%. There was a previous variance request in 2013 which approved a 10 ft. x 16 ft. entry/porch addition to the side of the cabin. This request is to construct a 7 ft. x 16 ft. (112 sq. ft.) and a 13 ft. x 26 ft. (338 sq. ft.) livable space addition to the existing home that is 38.8 ft. from the ordinary high-water (OHW) of Lake John and 14.5 ft. from the east side yard. The building coverage would be 15.9%, imperious surface would be 24.3%, and lowest floor elevation of additions would be at or above 1057.25 ft. (NGVD 29 Datum). A variance is required to construct livable space additions to the existing home that is 38.8 ft. from the ordinary high-water of Lake John because a 100 ft. setback is required. It would also require a variance because the existing home is 14.5 ft. from the east side yard whereas 15 ft. is required. The proposed building coverage would be 15.9% whereas 15% is the maximum. The lowest floor elevation of the additions would be at or above 1057.25 ft. in NGVD 29 Datum whereas 1058.25 ft. is required. The Township approves of the request because the sidewalls and floor elevation to match existing structure. The additions would also be on the back side of home away from the lake. No written comment from the public has been received.
- B. J. Jahnke stated that the cabin was built in 1961, and they purchased it in August 2023 as their retirement home, which they believe is perfect. They are looking to make the home livable for any style of living and year-round use. They plan to add a utility room, bring everything onto the main level, expand the space, insulate it, and make it more accessible. The hallways are narrow, and they would like to open them up to improve maneuverability.
- C. No comment from the public.
- D. Greninger stated that the lot doesn't fit the house, and there is a lot going on. He questioned whether the home could be moved further from the lake. Norgren responded that the proposal includes a small porch, a roadside addition, and an expansion of the livable area, with no encroachment toward the lake. The plan also involves removing pavers to bring the impervious surface into compliance. Greninger expressed that he would like to hear others' opinions.
- E. Neumann questioned the existing and proposed floor elevations. Norgren explained that the existing elevation is 1057.25 ft., and the proposed elevation is the same. The 1057 ft. elevation is 3 ft. above the Ordinary High Water (OHW) mark. If the home were to be torn down, they would need to raise the elevation to 1058 ft., but they prefer to keep the existing height to avoid a step-up with the addition. Neumann noted that if the rooms are stand-alone, the step-up wouldn't be an issue, but

Norgren clarified that they are not stand-alone rooms and that accessibility concerns are a factor. Neumann indicated he does not have concerns about the distance to the east line or lake but expressed concerns about the building coverage, which is at 15.9%. He stated that he would not approve the proposal at that coverage. He acknowledged that the accessibility issue should be considered, but he likes that the impervious surface will be reduced to 24.3%, just under the required 25%. Norgren stated that approximately 85 sq. ft. exceeds the 15% building coverage. Neumann noted that this issue will need to be addressed.

- F. Mol stated that he understands the request to keep the lowest floor elevation matching the existing one, as adding a step to the addition wouldn't be practical. He noted that the applicant mentioned purchasing the house as the "perfect" home, but now they are here discussing changes, which presents a challenge. As Neumann mentioned, the lot size is limited, and Mol wants to see the building coverage reduced to 15%. While he appreciates the reduction in impervious surface, the building coverage exceeding 15% remains a concern for him.
- G. Vick agreed with members Neumann and Mol, emphasizing that he wants the building coverage at 15%. He also questioned whether the home has a crawl space and whether the area has been inspected for rot. His concern is that if the addition is allowed, the existing area could be rotted and need replacement. J. Jahnke confirmed that the area has been inspected and is in good condition. Vick suggested that perhaps the entire building could be moved further back. However, he reiterated that he wants the building coverage to stay at 15%.
- H. Ogle addressed the building plans in response to the discussion about the crawl space. Based on state standards, a new crawl space cannot be part of the addition unless it meets current standards. They can maintain the existing crawl space, but the addition cannot include a new one unless it complies with the current regulations. Vick asked if 1057.25 ft. was the state requirement, and Ogle confirmed that it is, as it is 3 ft. above the highest-known water level. The county requires 4 ft. If the entire home were rebuilt, even as an exact replacement, it would need to meet current elevation standards.
- I. Aarestad stated that he shares the same concerns as the other members and wants the building coverage to meet the 15% limit. J. Jahnke responded that in order to make the house uniform, they would like to keep the proposed addition but are willing to remove a shed to reduce the coverage. Aarestad clarified that the Board is not concerned with how the coverage is reduced, as long as it is no more than the allowed 15%. Norgren confirmed that removing the shed would bring the coverage within the required limit.
- J. Mol moved to approve the request to construct a 7 ft. x 16 ft. (112 sq. ft.) and a 13 ft. x 26 ft. (338 sq. ft.) livable space addition to the existing home that is 38.8 ft. from the ordinary high-water of Lake John and 14.5 ft. from the east side yard. The lowest floor elevation of the additions would be at or above 1057.25 ft. (NGVD 29 Datum) CONDITIONED that the building coverage does not exceed 15%. Considerations: Site plan noted Exhibit A and Building plans noted Exhibit B. Seconded by Neumann.

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

MOTION CARRIED

5. **ANDREW BENGSTON** – Continued from 1/10/2025

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: Andrew and Elise Bengston

- A. Ogle displayed site plan and reviewed. 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. The request was continued from the January 10, 2025, meeting so that the applicant could speak with the Township so a Township response could be provided to the Board. 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 did approve of the request and no written responses from the public were received.
- B. A. Bengston stated they plan to continue using the land for agriculture, with the hope of purchasing additional land out of the 61 acres. Not all of the prime soils are truly prime, which is why the sellers decided on the proposed triangle shape. The topography in the area features a fairly steep hill, creating a turn-around pain point, and the seller is glad to have an opportunity to be done with it. At the last meeting, animals were mentioned. They are not looking to add cattle unless they acquire a larger amount of land. Currently, they are at 0.69 Animal Units (AU) and confirmed they are allowed 0.5 AU per acre. If approved, they could have up to 4.53 AU with all the animals they currently have weighing under 150 lbs.
- C. E. Bengston reiterated that they are invested in the community and the land. It is currently used for agriculture and will remain in agricultural use. The water issue is a hardship, but planting grasses and alfalfa is helping to utilize the land and reduce erosion better than when it was used for corn. The use is shifting, but it is not a drastic change.
- D. No public comment.
- E. Neumann questioned the water issue and how purchasing the property would fix the problem. A. Bengston explained that it wouldn't fix it but would allow for more land use with the larger acreage. Areas they wanted to pasture and plant a garden were too wet to be usable. Neumann mentioned that the intent was to keep the agricultural use, so he asked if there had been a conversation with the property owner about purchasing 20-40 acres. A. Bengston confirmed that yes, at some point, they hope to purchase the land, but Mr. Labute has no desire to sell at this time. Neumann stated that when discussing agricultural land, the goal is to preserve as much as possible. If the entire property were purchased, there wouldn't be a need for discussion. Looking at the surrounding area, most parcels are 40-80 acres, and it is important to preserve and maintain the character of the locality. Just because the land is not used as prime soils doesn't mean prime soils don't exist and there are rules that say we should try to maintain and preserve farmland. No one knows what the future holds, so the Board needs to consider what the next owner might do. He is still deciding which direction to go and would like to hear from other members.

- F. Mol asked for the topographical map to be displayed so they could discuss the steep hill that was mentioned. The applicant stated the farmer wanted the line as proposed due to the hill, and he wanted to look into that area. Mol noted that a steep side hill could still contain prime soils, but it would be more challenging to farm. He is struggling with making this a larger lot without knowing the future. This is a big growth area with potential for rezoning and development. With the topo map displayed, A. Bengston pointed out an area with roughly a 20-foot drop. Mol stated that he can see the area with the hill. He is trying to come up with a practical difficulty that justifies allowing a portion of the field to be split. A 20-foot incline over that area, planted with grasses and out of production, is probably a positive, but at the same time, it is coming out of production. He is struggling with the request because the only practical difficulty he can find is the topography of the land and hill.
- G. Vick questioned how much of the additional acreage consists of prime soils. A. Bengston stated that roughly 2.5 acres are prime, and 2.06 acres are wet areas. Vick noted that altogether, this would amount to roughly 4 acres of prime soils. With both parties agreeing, and the Township's approval, he doesn't have a problem with the request. However, if approved, he would like to see an AU restriction.
- H. Greninger stated that he has a problem with the triangle shape of the parcel. He feels the parcel line should remain straight and extend all the way to the back of the parcel. A. Bengston asked for clarification, and Greninger explained that he would prefer to see a rectangular property that works out to be about 20 acres. He doesn't like seeing prime ground cut up. A. Bengston stated they have a 99-year lease with the property owner for the triangle portion. Greninger still has a problem with what is being requested.
- I. Mol stated that if they go with the 20-acre division, they would still need to get Board approval. The Board must be cautious about what they are allowing and what future development could come from a larger parcel. Personally, he is still focused on the lowland areas, which are small pieces that aren't necessarily considered prime soils. Along with the 20-foot drop in the field taken out of prime leads him to question whether they would be over the allowed 2.5 acres of prime and negate a need for a variance. His thought is that a 20-foot hill is not ideal or easy to farm, so it could be considered nonprime soil. If it is removed, they may not exceed the prime acreage limit.
- J. Aarestad stated that he sees the Township has approved the request, and it is a modest one. Although he is not a fan of the angled property line, it does solve a problem and helps preserve more farmland. This is a request he can agree with.
- K. Vick motioned to approve the addition of 4.5 acres to an existing 4.56 acre entitlement division to create a 9.06 acre entitlement division with 6.5 acres of prime soils. **CONDITIONED** on a survey and either revised Deed Restriction OR Administrative Order signed prior to transfer and a Records Combine form signed, if possible. Concept plan noted Exhibit A. Seconded by Mol.

DISCUSSION: Greninger questioned if later wanted to expand to 20 acres it would need to come back to this Board for approval. Ogle confirmed.

VOTE: CARRIED UNANIMOUSLY

6. ROBERT & BRENDA OBERLANDER – New

LOCATION: 2297 HAMLIN AVE SE – SECT-17 TWP-119 RANGE-024 HARMONY HAVEN LOT 012 BLOCK-001, Wright County, Minnesota. (Rockford Twp.) Tax #: 215-024-001120 Property owners: ROBERT J & BRENDA OBERLANDER

REQUEST: After-the-fact variance as regulated in Section 155.026 and 155.050(F)(3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an unpermitted addition within the side yard setback onto an existing permitted building.

Present: Robert & Brenda Oberlander

Ogle displayed the site plan and reviewed details of the request. The property is 1.86 acres and zoned Suburban Residential (R2). The request is to allow an after-the-fact unpermitted 8 ft. x 39.5 ft. (316 sq. ft.) addition onto an existing permitted building. The unpermitted addition is currently over the property line and they are looking to decrease the building so that it would be on the property line and not over. A variance is required to allow an after-the-fact unpermitted 8 ft. x 39.5 ft. (316 sq. ft.) addition which includes the overhang onto an existing permitted building 0 ft. from the south side yard because 10 ft. is required. The Township disapproves of the request and discussed how they had not approved of prior similar requests. A neighbor commented they do not support the request as they are concerned with water drainage, use, setbacks, etc. Another neighbor commented they want the rules to be followed and that not knowing the law is not an excuse to allow people to break it. They also noted if they couldn't ask for a variance beforehand, they have no right to receive a variance in the "after thought". Another neighbor said the side yard setback needs to be enforced.

B. Oberlander requested that the shed photos be displayed and explained the addition area in question. The original building was constructed for entertainment, with the expectation that there would be enough room for storage as well. However, once it was built, it wasn't as large as anticipated. As a result, they opted to add an addition. They worked with their neighbors to clear the brush along the property line, removed bad soil, and replaced it with Class 5 soil. This process was not kept a secret. She reviewed the County website and was under the impression that structures under 200 sq. ft. did not require a permit. Initially, they planned to extend 6 ft. from the existing building, but due to the overhead door, they had to use a custom door and extend it to 8 ft. The reason they built the shed on this side of the home was because of the septic location and limited space on the other side and with intending to use as a gathering space, they didn't want to build too far into the backyard. A photo was displayed showing the location of the drain tile on their property. They have been at this location for over 30 years and have experienced water issues during heavy rain and snow events. The drain tiles were installed to help mitigate this issue but they still have standing water in areas. The person who removed the bad soil and added the Class 5 soil did not think drain tile would be needed behind the shed, but they now realize that it is necessary. Before realizing they had built over the property line, they planned to add tile behind the shed. However, they do not intend to build behind the shed now, as the neighbor does not want that. Instead, they plan to add basins and tile to direct water toward the road ditch. When they moved in, no survey was done, and they were told where the property lines were based on fence posts and utility poles. This addition was not done in bad faith, and she understands the neighbor's desire not to have their building on their property. The shed is located between trees, and the small space is not usable. They would like to bring the wall in and keep the enclosed storage. Their goal is to protect items from the elements and keep the property clean by preventing clutter. Their goal is to comply with building regulations on their property and to obtain a variance for no setback. There is no easement along the south line of the property, and they have worked diligently to manage water runoff and plan to continue doing so. They have removed trees in the area, opening it up, and will do what they can to manage the water issues. However, due to the heaviness of the soil and possibly the topography, some areas still experience standing water. When the issue was first discovered, Clint (the neighbor) said he was okay with

the addition as long as it was only used for storage. In early September, she spoke with Clint about the plans for tree removal and addressing the water issues. Ogle referenced a photo of the shed showing a wooden stake and a pink flag. B. Oberlander clarified that it was a survey marker.

Comment opened to public.

Clinton Forsythe – Property owner to the south and the main affected neighbor. He is not in favor of the variance as proposed. Water runoff has been a significant issue with the shed's location. The square footage of the roof captures a lot of snow and rain, and when it comes off the building there is a slight rise along the property line that pushes water back onto the property. Another neighbor has standing water. His concern is the water runoff could harm the trees, as they don't want to sit in standing water and more erosion will be a problem. The drop-off between the concrete pad and the soil has already dropped about 1.5 inches. The reasonable use of the shed is a concern. When the shed was built, it was stated to be for storage. However, for much of the time since 2020, it had been used as a residence for their adult son. The layout of the buildings impacts their use of their own backyard. In his opinion, the situation should be future-proofed. While he doesn't plan on moving, ownership may change at some point, and having a shed in this location could deter potential buyers who don't want to inherit this problem. He is concerned about what the shed will do to the trees and potentially cost him more to remove dead or dying trees. Also, if someone buys their property and sees residential space in a building it isn't allowed and use the same way. He wants a 10-foot setback, as others have in the county, and this should have been the case from the beginning.

Mol is perplexed that a permit wasn't obtained. Leaving the property as it is needs to be addressed. Even if the shed is moved back to the property line, it cannot be maintained without trespassing. This Board has heard about water control all day, and this shed roof extends to the property line and onto the neighbor's land. In his past experience with this Board, water and its direction have been a concern. He wants to see at least the setback implemented. Mol questioned the width of the addition. B. Oberlander – 8 feet. Mol – It's already too close to the original building. B. Oberlander – Correct, but they would be willing to cut back 2 ft., and guttering the building wouldn't be an issue. Mol asked how they would install the gutters without trespassing. B. Oberlander stated that with 2 ft., there isn't much room, but they could use a ladder. Mol wants to hear from the rest of the Board members, but for him, he wants to see an area that can be used to maintain the building, fit a lawnmower, and control water, which is not possible with this proposal.

Vick agreed with member Mol. He has heard the neighbors' concerns, and the Township also disapproves. He does not believe the addition was done in bad faith, but he feels it should be removed. There is no access to the back of the yard with the current proposal. He feels a small shed could be built without a permit. Ogle stated that there are many standards to consider, but technically, a standalone storage shed under 200 sq. ft. may be allowed without a permit, provided it meets all setbacks. Reviewing the site plan, Ogle explained that the original shed was permitted and inspected and though at only 8 ft. from the property line the issue before the Board is only the small addition, which was unpermitted and extends over the property line. Vick questioned whether the concrete was part of this discussion. Ogle clarified that there are no setback rules for a concrete pad unless it's used for parking or driving, in which case it must be 5 ft. from the side property line. The Ordinance notes water runoff should if at all possible be kept on your own property, but this issue may become more of a civil matter. Vick – Considering the water issues, he would like to see the concrete moved back to 5 ft., and the building should be completely removed.

Greninger – feels the building should be moved and some of the concrete removed. The Township disapproves, and he would also vote no.

Neumann agrees with the other members. Many property owners think the fence line is the property line, but when surveyed, they find out otherwise. What seems like a property line probably isn't, and that is now known. The neighbors' concerns and issues need to be considered. He doubts that if the lean-to had been

brought to this Board before being built, it would have been allowed up to the property line. He feels that the lean-to needs to be removed.

Aarestad stated that this is a building that doesn't belong, and the practical solution would be to take down the addition. The existing building would still be at 8 ft., not the required 10 ft., but at least at 8 ft., there would be room to maintain it. This Board has granted variances at 8 ft. The common-sense solution is to remove the addition and the concrete pad under it. Tearing down the entire building is unnecessary, as other buildings have been approved at 8-foot setbacks. Ogle clarified that there is no issue with the existing shed, which was permitted in 2017 and inspected. The issue before the Board is with the unpermitted addition built after the shed and over the property line.

Mol moved 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 March 7th, 2025. Seconded by Neumann.

DISCUSSION: Vick questioned whether the removal of the concrete was being addressed in the motion. B. Oberlander stated that if allowed, they could put the concrete up to the property line to walk around the building. Class 5 was added to help with drainage, and they still plan to add drain tile. Vick – Given the water issues, he believes removing the concrete would help drainage. Mol stated that his motion is for staff to draft findings for denial of the request to allow an after-the-fact unpermitted 8 ft. x 39.5 ft. (316 sq. ft.) addition to the existing permitted building. That is what was requested, and that is what he motioned to deny.

B Oberlander mentioned they have an alternate plan for adding onto the existing shed if this request is denied. Ogle directed the applicant to use the document camera and display the proposal. B. Oberlander explained the alternate plan with Ogle stating that if the original building was properly permitted, an addition meeting all requirements could be completed with a building permit administratively. However, in this case, the proposal would need to be reviewed with the Zoning Administrator. Mol stated that the Board has not had time to review the new proposal, and staff has not had an opportunity to provide input. He will stand by his motion.

Neumann called the question.

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

MOTION CARRIED

Chairman Aarestad called for a 5 minute break with meeting reconvening at 10:30 am.

7. **ZIEGLER CUSTOM HOMES INC.** – Continued from 1/10/2025

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: Dan Berning with Ziegler Custom Homes

- A. Ogle reviewed the request. The item was continued from the January 10, 2025, meeting to see if the applicant could alter the home/home location to avoid variances. Updated plans were received late last night and were included with documents provided to the Board this morning. A variance is needed because there is a 75 ft. setback from the OHW of a General Development lake. 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 displayed the updated site plan and reviewed the revisions. Initially, they tried moving the house back far enough from the lake to avoid a variance, but due to the driveway and septic system location, they needed to leave space on the roadside. The closest points of the home to the lake are now proposed at 65.8 ft. and 70.6 ft. The kept home away from the drain field and at a distance to allow access into the garage they also lowered home by 6 inches which allowed them to address the drainage, and with these changes, they are now able to keep all water on the property. The new elevation will blend well with the neighboring lots. Ogle clarified that the house plans did not change, only the location of the home. Berning confirmed this.
- C. No comment from the public
- D. Vick stated that at the last meeting, he was one of the members who wanted the house to be at least 65 ft. from the lake, so he is pleased to see this is the case. He then questioned the impervious coverage. Berning explained that the proposed coverage is 24.53%. Vick expressed concern about the small garage and lack of storage. Berning clarified that the shed near the lake is included in the calculations, and there is still 90 sq. ft. of coverage available. He also mentioned that the homeowner owns property across the street, where there is space for a shed, if needed. Vick stated that he was satisfied with the explanation and the updated proposal.
- E. Greninger questioned the location of the septic system. Berning used the site plan to explain its location and explained that if the home were moved further ahead, it would interfere with the drainfield. The system is existing and has been certified. Greninger confirmed that there is property across the street and questioned whether the septic system could be relocated there. Berning stated that the existing system is compliant, so there is no need to move it. Greninger acknowledged that but suggested that moving the system across the street might help bring the new home into

compliance. Berning explained that they would need to verify the lot would be suitable for a system, but his concern is that there may not be an undisturbed area of soil.

- F. Neumann stated that he is glad the home was moved back. The septic system is already approved in its location, and it appears the home was moved as far back as practical. He is still concerned that new construction should meet all setbacks, but other homes have been approved at 65 ft. from the OHW, and in this case, it is only the deck portion. He is inclined to approve the proposal.
- G. Mol shared the same sentiments as Neumann. This is new construction requesting a variance, but what is being asked is something the Board has approved in similar cases. With the septic system being certified and still functioning without the need for a new system, and preserving the existing system, he sees this as a practical difficulty. He is comfortable supporting the request.
- H. Aarestad agreed with the comments of the other members. He added that the new home aligns with neighboring properties, and the neighbors are supportive of the request. Additionally, the township has given their approval.
- I. Neumann moved to approve the request to construct a new 1,764 sq. ft. dwelling 79.7 ft. from the ordinary high-water of Locke Lake with a 14 ft. deck that is 65.8 ft. from the ordinary high-water of Locke Lake. Impervious surface coverage would be 24.53%. CONDITIONED a stormwater management plan submitted at time of building permit application. Site plan noted Exhibit A and building plans noted Exhibit B. Seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

8. **BRIAN SLOAN** – Continued from 1/10/2025

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.

Present: Brian Sloan

- A. Ogle displayed proposed site plan and reviewed the request. The request is located off County Road 7 NW in Clearwater Township. The request involves PID 204-100-111201 which is 0.77 acres and PID 204-100-111202 which is 70 acres. Both parcels are zoned General Agriculture. The request to add 1.8 acres from PID 204-100-111202 to PID 204-100-111201 was continued from the January 10, 2025, meeting at the applicant request so he could finalize a purchase agreement with the property owners. A variance is required to add 1.8 acres from PID 204-100-111202 to PID 204-100-111201 for a total of 2.5 acres because it would not have the 200 ft. minimum road frontage requirement as PID 214-100-111201 currently has 144 ft. of road frontage. The Township approves of the request. A neighbor commented that due to the increased activity and noise at the junkyard, they cannot blame the applicant for wanting to protect his privacy and property value for the buffer. The applicant does own the property to the north but the parcels in question would not be attached and would remain as separate salable properties.
- B. Sloan stated that he wants to maintain a buffer between his home and the salvage yard. A new owner is now operating the salvage yard, and Sloan can see it more clearly. He intends to clean up the property, plant trees, and use them as a buffer.
- C. No comments from the public.
- D. Greninger stated that he understands the reasoning behind the request and is okay with it.
- E. Neumann stated that he understands the purpose of the request. He questioned whether the junkyard owns parcel -111202. Sloan clarified that it is owned by a different party, and a purchase agreement is already in place. Neumann, noting that with a willing buyer and seller, it makes sense to have a buffer, also emphasized the importance of ensuring that the parcels in question remain together or are combined into a single PID number.
- F. Mol questioned whether any issues could arise in the future if a home were to be built on the property. Ogle explained that there is a home allowance on that Lot of Record. By adding the additional 1.88 acres, no new building eligibilities are being created, and the larger parcel will not lose any eligibility. This will not enable the construction of more than what is already allowed. Sloan added that most of the 1.88 acres is sloped and not buildable. Mol stated that he is very familiar with the property and that what is being asked makes sense. As no new building eligibility is being created and there is a willing seller, he is in favor of the request.

- G. Vick questioned whether the existing home site could be combined with these parcels. Ogle explained that they are in different zoning districts, so combining them is not allowed. The existing Lot of Record is a separate, sellable lot as it currently stands. This request is to expand that Lot of Record. Staff recommends that if the request is approved, the Lot of Record parcel and the newly created 1.88-acre parcel be combined using an Administrative Order or Recorder's Combine Form. Vick stated that he is okay with the request.
- H. Aarestad stated that he is okay with the request.
- I. Mol moved to approve the request to add 1.8 acres from PID 204-100-111202 to PID 204-100-111201. CONDITIONED on survey and Administrative Order with a Recorders Combine Form, if possible. Concept plan noted Exhibit A. Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

9. **SCOTT BARTH** – New

LOCATION: 340 JOHNSON AVE N – N6RDS OF S29RDS OF NE1/4 OF SE1/4 EX TR DES BEG 841.5FT S OF NE COR OF NE1/4 OF SE1/4 TH S60FT TH W534.25FT TH AGL R 40D 93.4FT of SECT-28 TWP-119 RANGE-028, Wright County, Minnesota. (Brooks Lake - Cokato Twp.) Tax #: 205-000-284101 Property owners: SCOTT D & CINDY E BARTH

REQUEST: 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 deck 71 ft. from the Ordinary High-Water Level of Brooks Lake.

Present: Scott Barth

- A. Ogle displayed proposed plan and reviewed the request. The property is 1.78 acres above the ordinary high-water, zoned General Agriculture, and located on Brooks Lake which is classified as Recreational Development. The request is to replace an existing 8 ft. x 21 ft. deck with a 12 ft. x 21 ft. deck that would be 71 ft. from the Ordinary High-Water of Brooks Lake. A variance is required to construct a 12 ft. x 21 ft. deck 71 ft. from the Ordinary High-Water of Brooks Lake because 100 ft. is required. The Township approves of the request, a neighbor supports the new deck, and the City of Cokato has no concerns with the request.
- B. Barth explained that the deck will cover the same footprint as the existing one. The main change is the location of the stairs, and the deck will be 4 ft. larger. The original deck was removed after being damaged by a storm.
- C. Public comment:
 - Dan Bravinder, representing Cokato Township, stated that they reviewed the proposal in detail and he feels the township minutes do not fully reflect the discussion. He believes the existing garage is already closer to the lake than the proposed deck will be. He mentioned that the lake will see very little future development and that the property is bordered by a golf course and city park. Bravinder emphasized that the (Township) Board recognized the minimal impact of the proposed changes compared to what is already there, which is why it was approved.
- D. Neumann confirmed that the proposed deck will be 4 ft. larger on the lakeside. The deck will be 71 ft. from the OHW, and this Board has previously approved decks as close as 65 ft. He feels the request is reasonable, as it is not much different from what was there before, so he is in favor of the request.
- E. Mol stated that with the reconfiguration, the steps will now be on the side, and the additional 4 ft. does not encroach any further than what existed previously. The Board has approved decks at 65 ft. in the past, and this proposal is 71 ft. He is comfortable supporting the request.
- F. Vick stated that he feels the adjustment is minor and is okay with the request.
- G. Greninger stated he is fine with the proposal.
- H. Aarestad confirmed that he has no issues or concerns with the request.
- I. Mol moved to approve the request to replace an existing 8 ft. x 21 ft. deck with a 12 ft. x 21 ft. deck that would be 71 ft. from the ordinary high-water of Brooks Lake. Site plan noted Exhibit A and building plans noted Exhibit B. Seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

10. **DLJ MANAGEMENT SERVICES** – New

LOCATION: 3717 DEMPSEY AVE SW – PRT OF S1/2OF NE1/4OF SE1/4 of SECT-21 TWP-119 RANGE 026, Wright County, Minnesota. (Marysville Twp.) Tax #: 211-000-214106, 211-000-214103
Property owners: BARTHOLOMEW D DURAND & NICHOLAS R MAUK

REQUEST: 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 allow PID 211-000-214106 to be owned in common with PID 211-000-214103.

Present: Don Larson representing DLJ Mgt. Services and Nick Mauk

- A. Ogle displayed the proposed plan and reviewed the request. The request is located in Marysville Township. The two parcels involved are 211-000-214106 which is 11.43 acres and 211-000-214103 which is 5.98 acres. Both of which are zoned General Agriculture and set as Agriculture in the land use plan. A previous Board hearing from 2003 required PID 211-000-214106 to be owned in common with PID 211-000-214304 (restricted – no entitlements) but those two parcels have since been illegally sold off and are now under separate ownership. This request would be to allow PID 211-000-214106 to be owned in common with PID 211-000-214103. The Township approved of the request and no written comment from the public has been received.
- B. Larson stated there is an agreement with the current landowner and Mr. Mauk to purchase the property. The property in question is landlocked and must be sold to a neighbor with road frontage, which Mr. Mauk does have. There will be no transfer of entitlements, and the property will remain under agricultural use.
- C. Public Comment:
 - Don Durand stated he was the original owner of the property and sold it to his son, the current owner. He would like the opportunity to speak with his son before a decision is made.
- D. Mol questioned whether there are intentions of having livestock. Mauk stated he has no intentions of having livestock. The land is currently leased farmland, and his goal is to use the property for farming, hunting, and allowing kids to ride ATVs. Mol feels that the request cleans up a landlocked parcel situation, and he would like to see the parcels combined into a single parcel. Mauk would like a single PID as well.
- E. Vick questioned whether, as a larger parcel, the 0.5 Animal Units per acre rule applies. Tracy Janikula, Feedlot Administrator, stepped forward. The property is currently zoned General Agriculture and is in the land use plan to remain General Agriculture. This means that, for parcels over 10 acres, there are no animal restrictions. However, given the proximity to the river and the neighboring residential area, it would be her recommendation to set a limit of 0.5 Animal Units per acre with no more than 10 Animal Units total.
- F. Greninger feels the suggested Animal Unit (AU) restriction is good, and the request itself cleans up an issue. He is in favor of the request with the AU restriction.
- G. Neumann questioned if the farmland will be accessible. Larson explained the property is rented and currently accessed through a southern parcel, with Mauk speaking up and stating that access will

also be allowed from his roadside property. The request has a willing buyer and seller, and the Township approves, so he also approves.

H. Public Comment:

- Colleen Peterson stated she is the owner of the property to the west and there will not be access to the parcel from her property or the road she owns.

I. Aarstad feels his thoughts were shared and questions addressed.

J. Motion made by Neumann to approve the request to allow PID 211-000-214106 to be owned in common with PID 211-000-214103 CONDITIONED on survey, Administrative Order and Records Combine Form if possible. Concept plan noted Exhibit A. Seconded by Mol.

DISCUSSION: Ogle questioned if there were going to be any animal unit restrictions. Mol feels that, with the size of the property and its proximity to the river, he would suggest going with what the Feedlot Administrator recommended, which is 0.5 Animal Units per acre with no more than 10 Animal Units total.

Neumann amended his motion to include a condition that the property be limited to 0.5 animal units per acre. Mol agreed with the amendment.

VOTE: CARRIED UNANIMOUSLY

11. **SEAN GROOS** – New

LOCATION: 8082 COUNTY ROAD 6 SW – PRT OF NE1/4 OF NW1/4 and LT 1 W OF ROAD & N1/2 OF NW1/4 of SECT-15 TWP-118 RANGE-027, Wright County, Minnesota. (Victor Twp.) Tax #: 219-000-152102, 219-000-152105 Property owners: SEAN & LINDA S GROOS

REQUEST: Variance as regulated in Section 155.026 & 155.048 of Chapter 155 and Section 152.032 of Chapter 152, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to increase an existing entitlement division over the 10.0 acre maximum and encroach further into the 0.5 mile setback from a municipality with an existing feedlot over 10 animal units.

Present: Sean and Linda Groos

- A. Ogle displayed plans and reviewed the request. The properties involved are PID 219-000-152105 which is 9.9 acres and PID 219-000-152102 which is 70.6 acres. Both parcels are zoned General Agriculture and are under the same ownership. The old farmstead which is now PID 219-000-152105 was separated from the farm in 2000. This request is to add 9.2 acres from PID 219-000-152102 to PID 219-000-152105. The total size of PID 219-000-152105 would be 19.1 acres. The request would also be to allow further encroachment by an existing feedlot over 10 animal units with a new livestock building 1,690 ft. from the City of Howard Lake jurisdiction. A variance is required to add 9.2 acres from PID 219-000-152102 to PID 219-000-152105 as the total size would be 19.1 acres whereas 10.0 acres is the maximum. The request would also be to allow further encroachment by an existing feedlot over 10 animal units with a new livestock building 1,690 ft. from the City of Howard Lake jurisdiction whereas 2,640 ft. is required. The current feedlot operation is 1,960 ft. from the City of Howard Lake jurisdiction. The Township approves of the request because it makes sense to include the existing manure pit and buildings together. The proposed request also creates a square site and property line setbacks would be met. No written responses from the public have been received.
- B. S. Groos stated that this is a five-generation farm, and they are at the point of needing to expand. They would like to correct the property setbacks. The school is located to the south, but due to distance and topography, the school is barely visible. They have a relationship with the school and work well together. They currently work with the FFA program and activities involving students visiting the farm for various learning opportunities. What they are trying to do is correct the setbacks and allow potential future expansion to the east.
- C. Tracy Janikula, County Feedlot Administrator, clarified that the school was built after many of the buildings were constructed on the farm. The farm existed when the school was built and already doesn't meet the required setback. The Groos family also owns the property to the south, which is between the farm site and the school and the area is not slated for development. According to the ordinance written in 1998, the ½-mile setback for the city was established because the intention was to prevent residential pressure that conflicts with an operating farm site. This is not the case here, and the ordinance doesn't differentiate based on how the property is used. Currently, they have 220 heifers, which is far below the maximum Animal Units (AU) allowed, which is 315 AU's. Being able to use a shed that is already constructed would allow for an increase in AU's. The proposed line to the east is 200 feet from the manure basin, which is what is required, and this is why the line is proposed as it is. Mol questioned if the reason the southern line is drawn is for the setback for a building. Janikula confirmed that the setback for the southern shed needs to be 100 feet from the line if livestock are in the building; currently, it is only used for storage.

D. Public Comment:

- Troy Lang, Victor Township Supervisor, stated that he is here on behalf of the Township Board to provide support for the request. The farm has been around for years, and this request will clean up the property lines. In addition, the school addressed some of the concerns by building the bus garage where it is and providing a buffer. In the Township's view, this is the right thing to do.
- E. Vick stated that the land will continue to be used as it has been, with the changes simply making the property conforming. He does not have any concerns.
- F. Greninger verified that the farm will continue to function as it has been, and that the proposed changes will clean up setback issues. He is okay with the request.
- G. Neumann asked who originally drew the lines. L. Groos stated that she believes the bank directed her father to have a homesite separate from the farm site, and she is not sure who actually drew the lines or whether her father even realizes it was, and still is, an issue. Neumann pointed out the house to the south and wondered what could happen in the future with new owners. In an ideal situation, the house would be owned by the farm site owner, so there wouldn't be an issue. It makes sense to get the setbacks back to where they should be. He feels this is a good plan and one he can support.
- H. Mol questioned Janikula on the current AU limitation with the current acreage. Janikula responded that they are currently permitted for a maximum of 315 AU's. Mol asked if the lot line adjustment is approved, what the maximum would be. Janikula stated that the maximum would be 499 AU's due to the proximity to the school, as the ordinance has a cap. Mol clarified that with what is being asked they could increase by about 180 AU's. He wanted to make sure the farmer can expand and his concern was addressed. He is okay with the proposal.
- I. Aarestad stated he is in support of the request.
- J. Vick moved to approve the addition of 9.2 acres from PID 219-000-152102 to PID 219-000-152105. The total size of PID 219-000-152105 would be 19.1 acres. The request would also be to allow further encroachment by an existing feedlot over 10 animal units with a new livestock building 1,690 ft. from the City of Howard Lake jurisdiction. The approvals were CONDITIONED on survey, revised Deed Restriction OR Administrative Order be signed prior to transfer, and a permit be obtained for the 50 ft. x 180 ft. hoop building and feedlot permit must be issued prior to placing livestock in that hoop building. Concept plan noted Exhibit A. Seconded by Mol.

DISCUSSION: Greninger wanted confirmation the 499 AU's will not be taken away. Janikula confirmed.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 11:30 am.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Aaron Ogle', with a stylized, flowing script.

Aaron Ogle
Planning & Zoning Planner

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