

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: March 7, 2025

MINUTES

The Wright County Board of Adjustment met on Friday, March 7, 2025, 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. Rachel Pence, Assistant County Attorney, legal counsel arrived during item #2.

ACTION ON MINUTES FOR THE FEBRUARY 7, 2025 MEETING

On a motion by Mol, seconded by Neumann, all voted to approve the minutes for the March 7th meeting as printed.

1. **ROBERT & BRENDA OBERLANDER** – Continued from 2/7/2025

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.

- A. Ogle reminded the Board that this item was closed to the public at the last meeting so no further oral or written comment will be accepted and continued was continued from the February 7th, 2025, meeting so that staff could prepare findings consistent with the Boards discussion. Per the Boards directive, staff drafted findings which have been distributed to the Board for review. Staff feels that the order drafted and presented accurately reflects the opinions and statements of this Board and correctly identifies the thoughts on this matter.
- B. A motion was made by Mol to adopt the Notice and Order for Denial with Findings. The motion was seconded by Neumann.

VOTE: CARRIED UNANIMOUSLY

The applicant was present at the meeting and the signed Notice and Order for Denial was handed directly to the applicant.

2. **ZOIE RANDALL** – New

LOCATION: 10982 FERMAN AVE SW – THE WEST 639.03 FEET OF THE SOUTH 681.62 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, Section 29, Township 118, Range 26 Wright County, Minnesota. (Woodland Twp.) Tax #: 220-000-293300 Property owners: SHANE CHRISTIAN & ZOIE RANDALL

REQUEST: Variance as regulated in Section 155.026 of Chapter 155 and Section 152.025(A) of Chapter 152, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to exceed the maximum allowed number of animal units (AU).

Present: Zoie Randall and Shane Christian

- A. Ogle displayed the proposed site plan while he reviewed the request details. The property is 10.0 acres and zoned General Agriculture (AG). The referenced parcel was administratively divided out via an entitlement division in 2018 with a maximum of 5 animal units (AU) allowed. This request is to allow 15.0 AUs on a 10.0 acre property. A variance is required to allow 15.0 AU's on a 10.0 acre property because 5.0 AUs is the maximum allowed. The Township approves of the increase from 5 to 15 animal units. The Township also noted that if the variance were approved by the County, they would like to add some stipulations to the variance. Ogle reached out to the Township on February 21st, 2025; to let them know they would be unable to add conditions after-the-fact if the request were approved but had not heard back from them. A comment from an adjacent property owner, that allows the applicant to haul manure onto their land, sees no problem with the request. Ogle mentioned the Feedlot Administrator is in the audience if the Board has questions they could ask her to step forward.
- B. No comment from Randall or Christian.
- C. Public Comment
 - Cindy and Alan Johnson own the property surrounding the land in question, which originally belonged to Cindy's parents. In 2018, they requested a 10-acre division with the intention of using the property as a hobby farm and were aware of the animal restrictions. They lease the surrounding property as cropland and plan to pass it on to their children. The applicant approached them about purchasing additional acreage, but they intend to keep the parcel at 10 acres and do not plan to sell more land. The property is currently rented, with the lease agreement set to expire in 2025. The potential new renter understands the situation; however, they believe he has his own manure pit and may want to use the land for manure spreading. This means manure management on the property may change. Zoie (Randall) and Shane (Christian) are excellent caretakers of the property and do a great job managing the land and animals. However, Cindy and Alan are unsure how a variance works. They want to know if, once approved, the increase in allowed animals would apply to the property itself or just the current owner. Their concern is that a future owner may not manage the manure and animals as responsibly as Zoie and Shane.
- D. Randall stated that they have manure management Plans B and C in place, with details included in their application. They have also spoken with the potential new renter and feel comfortable with the situation.

- E. Mol asked the Feedlot Administrator to step forward and inquired whether 10 acres could sustain 15 Animal Units (AUs). Feedlot Administrator Tracy Janikula responded that it would be tight, as ideally, she prefers to see one acre of land per AU for manure application. Janikula recommended having manure agreements in place for 15 AUs. Mol asked if there are other areas in the county where 10-acre properties have more than 5 AUs with a manure management plan. Janikula confirmed that there are larger farms over on their AU's that have similar transfer agreements in place. She explained that each situation is unique, and she considers factors such as crop rotation, proximity to residential lots, and nearby water or wetlands. In this case, the property is not near water sources or residential lots. She expressed approval of the applicants' plan, noting that they have a backup plan (Plan C) for spreading manure in alternative locations.
- F. Vick asked whether the Board could set a timeline for review. Janikula explained that manure management reviews vary, with timelines of 3, 5, or even 10 years. Vick supported requiring a review, stating that if manure is not properly managed, the variance could be revoked. Janikula agreed that an internal staff review would be appropriate and did not see a need for the applicant to return to the Board unless a violation occurred. Vick agreed, as long as a routine check was in place.
- G. Aarestad asked if AUs and manure management are reviewed together. Janikula confirmed that they go hand in hand.
- H. Greninger inquired about the type of animals currently on the property and those planned for the future. Janikula deferred this question to the applicant but stated that, to her knowledge, it is a hobby farm with a mix of horses, sheep, beef cattle, and poultry. Greninger then asked where the animals are currently housed. Using a displayed Beacon photo, Janikula pointed out the dirt lot area and buildings.
- I. Mol asked about the Land Use Plan for the area. With Beacon displayed, Ogle reviewed the current zoning and Land Use Plan. Most surrounding properties are zoned for agriculture (AG) and are planned to remain so. Mol noted that this property was originally a farm and that the owners intend to continue using it as such. The surrounding area is designated as agricultural land with no developments or in the Plan for development. He emphasized the importance of the existing manure agreement and stated that the requested animals are not the same as having 15 cattle in a pasture. Since there are no direct neighbors, he found the request reasonable.
- J. Vick agreed with Mol but acknowledged that times change. He preferred to maintain a variety of animals on the property. Randall explained that ducks and chickens are managed seasonally in years when they do not have hogs, allowing them to stock their freezer with a variety of meat. The request for 15 AUs is intended to provide flexibility, particularly in cases where multiple births (triplets or twins) could result in temporary non-compliance. There is no plan to consistently max out the 15 AUs, but having a buffer would be beneficial. Vick was uncertain whether the type of animals could be specifically conditioned in the variance. Ogle clarified that typically, the number of AUs is considered rather than the specific animal types, as long as the total AU count remains within the approved limit.

Rachel Pence, Assistant County Attorney, legal counsel arrived

- K. Neumann stated that when 10-acre parcels are created, restrictions are typically added due to the presence of many nearby residential lots. However, this property is surrounded by agricultural land. He questioned whether there was a genuine hardship in this case. Since the surrounding area is

agricultural and urban expansion does not appear imminent, this property may be unique. He acknowledged that consistently 10-acre parcels approved in the past have adhered to the 0.5 AU per acre limit. While the manure agreement is solid, the Board must determine what makes this property an exception. Mol stated that after reviewing the request multiple times, he reached the conclusion that there is no hardship—except for the county’s imposition of the 5 AU limit in an area that is clearly agricultural. He pointed out that the property is in the southern portion of the county, which is primarily agricultural, with no rezoning, development, or planned growth. The Township is committed to maintaining agricultural zoning. Mol concluded that the 5 AU limit is itself the hardship in this case. He emphasized that the property is surrounded by agricultural land, most farmers would accept the manure, and proper disposal would not be an issue. He stated that if the property were surrounded by residential homes, he would have a different perspective. However, since similar situations exist in other parts of the county, he believes this request aligns with the county’s goal of preserving agriculture.

- L. Aarestad initially shared the same concerns regarding hardship. However, he noted that not every ordinance can anticipate all land-use scenarios, which is why the Board evaluates cases individually. He agreed that the request aligns with the spirit of the ordinance. The applicants’ plan and reasoning reassured him that manure would be properly managed. Based on the explanations provided, he felt comfortable approving an increase in AUs.
- M. Mol moved to approve the request to allow 15.0 animal units (AU) on a 10.0 acre property with the following conditions: 1) Property not to exceed 15.0 animal units; 2) Manure application agreement submitted by March 1 of each year to the Wright County Feedlot Officer; 3) Approval expires once property is transferred with the exception of transfers to immediate family; 4) Overall review every 5 years by the Feedlot Administrator. Seconded by Vick.

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

MOTION CARRIED

3. **GORDON KOTILA** – New

LOCATION: 741 & 485 County Road 3 SW – part of the E 1/2 of the NE 1/4 and E 1/2 of the SE 1/4 & S 15 A of E 1/2 of NE ¼, Section 04, Township 119, Range 28, Wright County, Minnesota. (Cokato Twp.) Tax #: 205-000-041100, 205-000-044100, 205-000-041400. Property owners: GORDON C KOTILA TR and ERICK & ROSALYN KOTILA

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 adjust the property lines of PID 205-000-041100, 205-000-044100, and 205-000-041400 so they better align with the existing ditch.

Present: Gordon Kotila

- A. Ogle displayed proposed site plan and reviewed the request. The properties involved consist of PID 205-000-041100 which is 62.7 acres, PID 205-000-044100 which is 95.8 acres, and PID 205-000-041400 which is 5.0 acres, all of which are zoned General Agriculture (AG). The request is to add 0.9 acres north of the ditch from PID -041400 to PID -041100 and then take 0.9 acres from PID -044100 and add it to PID -041400 so PID -041400 would remain at 5.0 acres. The northern side of the ditch would be the property boundary between PID -041100 which would be 97.1 acres and -044100 which would be 61.4 acres. The reason this could not all be done administratively is because PID -041100 would not have one full quarter-quarter section and considered a lot line adjustment. The Township approves of the request as presented. No written responses from the public were received.
- B. Kotila is a lifelong farmer whose land has been in his family for over 100 years. He is going through this process now so that his son won't have to deal with it after he is gone. The current property line could create issues if ownership changes, and making this adjustment would help clean up the boundaries, allowing the ditch to serve as the natural property line.
- C. Public Comment
- Dan Bravidner – Cokato Township Supervisor – The Township considers this a no-brainer. The ditch is very deep, and this adjustment would clarify the property lines, making more sense and allowing farming operations to continue smoothly. This request would ensure that the 5-acre parcel is maintained, with all property south of the ditch remaining together and all property north of the field staying together. Again, the Township sees this as a straightforward decision.
- D. Vick agrees and does not see any issues with the request. He supports using the natural boundary, and the request makes sense.
- E. Greninger agrees that the ditch should be used as the property line.
- F. Neumann understands the intent but inquired whether a culvert could be added to improve access. Without adjusting the property lines, some areas of the field may be difficult to farm. Normally, he prefers property lines to follow quarter-quarter section lines but acknowledges that if the land is sold, farming this area could be challenging. He also notes that culverts have the potential to fail. Kotila referenced Beacon to point out the existing culvert. He added that a large-scale farmer acquiring the property would have difficulty maneuvering machinery around the current boundaries, and this

adjustment would be an improvement. Neumann also asked if there were any animals on the 5-acre parcel, to which Kotila confirmed there were none.

- G. Mol has frequently driven by the property over the past 20+ years, agrees that this request makes sense. He acknowledged that the ditch is very deep. While he generally prefers following quarter-section lines and avoiding angled property divisions, he recognized that splitting the property at the ditch is logical in this case. The ditch creates a significant challenge and hardship.
- H. Aarestad agreed with comments shared by other members.
- I. Vick moved to approve the request is to add 0.9 acres north of the ditch from PID 205-000-041400 to PID 205-000-041100 and then take 0.9 acres from PID 205-000-044100 and add it to PID 205-000-041400 so PID 205-000-041400 remains 5.0 acres. The northern side of the ditch would be the property boundary between PID 205-000-041100 which would be 97.1 acres and 205-000-044100 which would be 61.4 acres. Conditions: 1) Subject to survey; 2) Subject to Administrative Order; 3) Concept plan noted Exhibit A. Seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

4. **ALAN KIRSCHT** – New

LOCATION: 11060 & 11018 County Road 8 NW – Parts of the SW 1/4 of the SW 1/4 along with part of the SE 1/4 of the SW 1/4 and portion of Gov't Lot 2, all in Section 5, Township 121, Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax #: 216-000-053303, 216-000-053302, 216-000-053301, 216-000-053400. Property owners: ALAN F KIRSCHT & IAN PORTER

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 adjust the property between PID 216-000-053303, 216-000-053301, and 216-000-053400.

Present: Alan Kirscht

- A. Ogle displayed the site plan and reviewed the request. The properties involved are PID 216-000-053302/-053303 which are to be owned in common and total 6.25 acres. PID 216-000-053301 which is 6.25 acres, and PID 216-000-053400 which is 43.99 acres, all being zoned General Agriculture. In 2000 a lot line adjustment was granted to allow the reconfiguration of two lots of record which now make up PID 216-000-053302, 216-000-053303, and 216-000-053301. The outcome was two buildable 6.25 acre properties. This request is to add 2 acres from PID 216-000-053303 and 1.75 acres from PID 216-000-053400 to PID 216-000-053301 so it would total 10.0 acres. The Board of Adjustment had previously adjusted the property boundaries of PID 216-000-053301, 216-000-053302, and 216-000-053303 so the Board would need to review this proposal. The Township approves of the request with no concerns and no written comments from the public were received.
- B. Kirscht stated that he is looking to clean up property lines and improve access to usable areas for both himself and his neighbor. He wants his property to total 10 acres and incorporate existing buildings into a single parcel. The proposed plan ensures that the existing sheds meet all size and setback requirements.
- C. No public comment.
- D. Greninger sees this as a straightforward opportunity to clean up property lines. He has no concerns or further questions.
- E. Neumann questioned whether a restriction on Animal Units (AU) should be placed on the 10-acre parcel. Given the potential for growth from the Silver Creek area, he suggested that setting a limitation might be necessary. He also raised a concern about the property line's current jog around the building, suggesting that it might be better to extend the line straight to create a "T"-shaped parcel. While he acknowledged that the setbacks are met and the property would be more functional, he reiterated concerns about the need for AU restrictions due to the proximity to Silver Creek. He also asked whether the Board would prefer a straight north property line.
- F. Mol agreed with Neumann's points and expressed a preference for a straight north property line. Ogle used Beacon to explain the existing building sizes and the required setbacks. He clarified that the reason for the 10-acre "T"-shaped design was to ensure compliance with setback and building size regulations while maintaining a 10-acre total. Ogle also noted that the Board of Adjustment has the authority to modify property lines and parcel sizes. Kirscht confirmed that he had reviewed a straight-line option with staff but ultimately chose this layout to keep the parcel at 10 acres. Mol stated that he prefers straight property lines and would like to see the adjustment made. He asked

whether a variance would be needed if the parcel exceeded 10 acres. Ogle clarified that a lot line adjustment would be required to create a parcel larger than 10 acres. Mol indicated that he is open to the property being slightly over 10 acres but would also like to see a maximum of five Animal Units allowed. Given Silver Creek's proximity and the potential for future development, he believes an AU limitation is warranted.

- G. Vick acknowledged the intent to correct the issue involving the transfer of two acres. Like other members, he would prefer the property to be squared off.
- H. Aarestad feels his thoughts have been stated by other members.
- I. Mol moved to approve the request to add 2 acres from PID 216-000-053303 and 1.75 acres from PID 216-000-053400 to PID 216-000-053301 with the acreage allowed over 10 acres so that the property line can be straight. Conditioned: 1) Property not to exceed 0.5 Animal Units per acre or exceed 5 maximum Animals Units; 2) Subject to survey; 3) Subject to Administrative Order; 4) Unpermitted addition to detached building on PID 216-000-053301 must obtain all required permits within 60 days; 5) Concept plan noted Exhibit A, which will included adjustment to north property line as discussed. Motion seconded by Vick.

DISCUSSION: Neumann asked whether the Board would like to continue the discussion to ensure the property lines are properly drawn and the acreage is updated. Ogle then displayed a revised proposed sketch with the north line extended, as previously discussed. Several members agreed that this revision aligned with their intended concept and the estimated acreage showed approximately 11 acres. Ogle suggested the motion be adjusted to state 2 acres from -053303 and total acreage not to exceed roughly 11 acres.

Mol amended his motion with Vick agreeing to read that he approves of the request to add 2 acres from PID 216-000-053303 and 2.75 acres from PID 216-000-053400 to PID 216-000-053301 with acreage to be approximately 11 total acres. All conditions are as original motioned.

VOTE: CARRIED UNANIMOUSLY

5. **SKIES LIMIT LLC** – New

LOCATION: XXXX & 10346/10360/13084 Baker Ave NW – GOV'T LOTS 1 and 2 along with BUCK'S 1ST ADDN LOT's-001, 002 & 003, all in Section 12, Township 121, Range 26, Wright County, Minnesota. (Lake Ida - Silver Creek Twp.) Tax #: 216-000-114100, 216-112-000020, 216-112-000030 & 216-112-000010. Property owners: SKIES LIMIT LLC and PETER D SHELQUIST & KELLY L SHELQUIST

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 adjust the property boundaries between PID 216-000-114100, 216-112-000010, 216-112-000020, and 216-112-000030.

Present: Paul Otto with Otto Associates

- A. Ogle displayed proposed plan and reviewed the request. The request is located off Baker Ave NW in Silver Creek Township. The properties involved are PID 216-000-114100 which is 78.22 acres, PID 216-112-000010 which is 0.5 acres, -000020 which is 0.24 acres, and -000030 which is 0.34 acres. The request is to create a 0.06 acre backlot out of PID 216-000-114100 that would remain owned in common with PID 216-112-000030; create a 0.18 acre backlot out of PID 216-000-114100 that would remain owned in common with PID 216-112-000020; and add 0.46 acres from PID 216-000-114100 to PID 216-112-000010. They are looking to add land from PID 216-000-114100 to the three lakeshore parcels with the goal that they would eventually rezone PID 216-000-114100 and subdivide it for residential lots. To subdivide, they would likely need to build a road and have the Township take it over as dedicated public right-of-way. If a portion of Baker Ave NW were vacated in the future, the referenced lakeshore properties would have public road frontage along the proposed new road as part of the proposed development. The Board of Adjustment can add land from PID 216-000-114100 to the three referenced lakeshore parcels BUT does not have the ability to approve of a rezone and subdivision. The Township approves of the request with no concerns and no written comments from the public have been received.
- B. Otto noted on the site plan what is shown as Parcel "D" would go back into the 78 acre parent parcel, as a land swap. Using the site plan Ogle reviewed and confirmed that could be noted as part of the conditions, if approved.
- C. Public comment.
- Tom Moores – resident of Lake Ida. Understanding is the developer would someday develop the 78 acres and create future lots and over 300 ft. of lakeshore with lake access. He is against additional lake access as this is a small lake and he does not want to see a lot more residential development on the lake. He was not able to make the Township meeting and his hope is the developer can explain intentions. Another concern is he heard the Township would vacate a 30 ft. easement in the area that he thought was a private driveway. The concern is if this development doesn't occur and the lot lines are changed. The Township maintenance worker stated they have trouble turning around on this road so if the developer doesn't develop will there be a cul-de-sac installed. Who would pay for that as he doesn't believe tax payors should be responsible for something that will only benefit the property owners in the area. There are other property owners on the lake that have large parcels and if this is accepted what will others do with their parcels. Concern is added traffic to the lake.

- Aarestad stated that this is only one step in the process. There will be opportunity to learn more about the project and voice concerns further down the process. Moores asked if this is approved today would any recommendations be made for a cul-de-sac. Aarestad stated the focus today is only on the backlot with a lot more steps before they get to the development point and there will be more opportunity to hear what is happening and voice opinions, this is not the final step or approval of the development.
- D. Neumann questioned if the cul-de-sac concern is valid. Would Baker Ave connect to an existing road? Otto – no there is a large wetland to the south. Not here today to talk rezoning or the proposed plat. The applicant has been in talks with the Township in public meetings where the road has been discussed and the intent is to subdivide the property, not sure what that will exactly look like. They intend to realign Baker Ave, build township road and install a proper cul-de-sac. If that goes through the existing road area would be vacated and increase the size of the parcels in questions. This is a multistep process with various Boards and if this Board doesn't approve the backlots it will change the subdivision concept. Yes, they will be gaining lake frontage but also they are improving the cul-de-sac and improving these substandard lots. Neumann has always been in favor of backlots as they give a secondary septic site and place to store stuff. This proposal makes sense and if the future improves Baker Ave. for the Township is an added bonus. He is in favor of the concept plan.
- E. Mol – the larger property to be developed is not in front of this Board today. Today is the review of backlots being developed on a lake and the lots to benefit are very tight/small lots and they will be improved with an alternate septic site. The Township has authority of the road, that isn't something this Board reviews. The backlots for these small lots is something he can go along with.
- F. Vick questioned if the 3 existing homes have septic systems or holding tanks. Ottos understanding is the two northern parcels have new systems about 5 years old and the southern parcel is on a holding tank. Vick feels the backlots would be a good benefit.
- G. Greninger feels the back lots and road movement would be an improvement for the area. The proposal is a good plan.
- H. Aarestad thoughts are that the plan benefits owners and addresses future septic locations.
- I. Neumann moved to approve the request to create a 0.06 acre backlot out of PID 216-000-114100 that would remain owned in common with PID 216-112-000030; create a 0.18 acre backlot out of PID 216-000-114100 that would remain owned in common with PID 216-112-000020; and add 0.46 acres from PID 216-000-114100 to PID 216-112-000010. Conditions: 1) Subject to survey; 2) Subject to Administrative Order; 3) Concept plan noted Exhibit A; 4) Parcel "D" on the proposed site plan will be added into parent parcel #216-000-114100. Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

6. **JENNIFER DOHERTY** – New

LOCATION: Up The Creek Bar and Grill - 4246 112th Street NW – Lot P & Lot K of Gov. Lot 1, Section 05, Township 121, Range 26, Wright County, MN (Silver - Silver Creek Twp.) Tax # 216-000-054110, -054112, -054105, -054106. Property Owners: Moores & Maas Properties, LLC.

REQUEST: Variance as regulated in section 155.026 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the expansion of an existing nonconforming use to include live outdoor amplified music.

Present: Jennifer Doherty & Christina Maas

- A. Ogle reviewed the request as he displayed historic exhibits as reference. The request is located at Up the Creek Grill and Bar in Silver Creek Township. The Board approved the expansion of an existing nonconforming use in 2023 with conditions that allowed live outdoor non-amplified music. In 2024 the Board approved some amendments with one of the amendments allowing live outdoor amplified music but conditioned that the request be heard again if they wished to pursue live outdoor amplified music in the future. This request is to seek “re-approval” of live-outdoor amplified music. If approved, hope to avoid having review done by the Board of Adjustment, unless conditions were violated, and would prefer review being at the Township level. The applicants are proposing to keep all applicable existing conditions/amendments in place. The Township approves of the request and is willing to do a yearly township review. A written comment said they would like to leave it the way it is and noted “no drums, no bass, and annual review.” Another commented that the improvement of the fence is a nice addition while pointing out it took more than a few months to get the volume of the music to be at a reasonable level. They believe now it only seems to happen sporadically depending on the band. They believe the Board should continue a yearly approval of amplified music to make sure that Up the Creek does not abuse the privilege.
- B. Doherty stated that their request is the same as 2024. The fence is up and looks great.
- C. Public comment.
- Tom Moores stated that the bar owners have done a great job with the establishment, and the music is a nice addition that is well managed. Things are well run and kept under control.
- D. Mol agreed that the fence looks nice and that the property is well maintained. He noted that the room, which in the past would have been filled with the public, is now empty—indicating that a good job has been done with both the property and the music. He lives in the area and has not heard any concerns or complaints from the community. At this time, he has no concerns.
- E. Vick stated that he has no issues with the request and agrees that the Township can conduct a review as needed, with the option to elevate the matter to this Board for further consideration.

- F. Greninger agreed with Member Vick's comment and stated that unless a problem arises, there is no need to bring the matter back to this Board.
- G. Neumann stated that if an annual review by the Township is conducted, he feels that would be sufficient.
- H. Aarestad stated that he has no issues with the request.
- I. Vick moved to allow the expansion of an existing nonconforming use to include live outdoor amplified music. Conditions: 1) Live outdoor amplified music allowed Thursdays from 6:00pm to 9:00pm central time from May 1st through September 30th in a calendar year; 2) Live outdoor amplified music allowed Sundays from 2:00pm to 5:00pm central time from May 1st through September 30th in a calendar year; 3) Live outdoor amplified music must only be conducted on the stage designated on the survey noted "Exhibit A" as part of a prior Board of Adjustment approval (PR20230000222); 4) Fencing must follow approved fence plan noted "Exhibit A" as part of a prior Board of Adjustment approval (PR20240000523) and be maintained so that there is 2 inches or less between the bottom of the fence to adjacent grade, no gaps in the fence, fence cannot be located within 2 feet of a property line, and the finished side of the fence must face towards neighboring residential properties; 5) No campfires are allowed; 6) Annual review by the Township; 7) If the Township Board finds violations have occurred, they can request review by Planning & Zoning staff. Motion seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 9:56 am.

Respectfully submitted,



Aaron Ogle
Planning & Zoning Planner

AO: sld

CC: Board of Adjustment
Applicants/Owners
Twp. Clerks