

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: June 27, 2025

MINUTES

The Wright County Board of Adjustment met on Friday, June 27, 2025, at 8:30 a.m. County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. The meeting was called to order by Chairman Paul Aarestad. With members present being Bob Neumann, Dan Mol, Sandy Greninger, & Dan Vick. Representing the Planning & Zoning Office was Aaron Ogle, Planner. Brian Wold, Assistant County Attorney, legal counsel.

ACTION ON MINUTES FOR THE JUNE 6, 2025 MEETING

Dan Vick motioned to approve the minutes with no corrections. Motion seconded by Dan Mol.

VOTE: CARRIED UNANIMOUSLY

1. CAP CUSTOM HOMES – Continued from 6/6/2025

LOCATION: 15095 64TH ST NW – COATES P BULL ADDN LOT-011 & LOT-012 , Section 33, Township 121, Range 28, Wright County, Minnesota. (E. Sylvia - Southside Twp.) Tax #: 217-022-000120, 217-022-000121. Property owners: LAKE EFFECT TR

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 217-022-000120 and 217-022-000121 as presented which would allow for the parcels to be sold separately pending all required conditions are met. Updated plan received by Ogle on 6/26/2025.

Present: Al Evavold with Cap Custom Homes, Bernie Miller with MSTs, Wes Ostlund and Charles Ostlund with Lake Effect Trust

- A. Ogle displayed the property using an aerial photo and proposed site plan. The request is located off 64th St. NW in Southside Township. There are two properties involved; PID 217-022-000121 which is 0.58 acres and PID 217-022-000120 which is 0.44 acres. Both properties are zoned Urban/Rural Transition and located on East Lake Sylvia which is classified as General Development. The request to add land from PID 217-022-00120 to PID 217-022-000121 so they could both be considered separately saleable properties was continued from the June 6th meeting so one of the property owners could speak with the other property owner who was not at the meeting regarding what had been discussed. An updated lot line boundary was submitted showing all criteria could be met to allow the parcels to be sold separately. The Township did not have a problem with the lot line adjustment, but they said it's up to the Board of Adjustment to decide. A written comment from the public said they are in favor of the request. This lot line adjustment request would need to be approved so that the following variance request for a new home and septic could be addressed by the Board. As of now, the properties need to remain owned in common. The purpose of this lot line adjustment request is so both referenced parcels could be sold separately based on State Statute.
- B. W. Ostlund provided a brief historical overview of the family's ownership of the property, noting that it has been owned and inhabited by five generations of his family. Their goal is to continue this legacy with the property. The need for a lot line adjustment partly arises from the location of an existing garage. Approval of the adjustment would allow his brother, Charles, to build a year-round

residence with an attached garage on the proposed Tract A. Both brothers wish to have year-round residences, one on each tract of land. If the Board denies the request, the parcel will remain as-is.

- C. C. Ostlund reiterated that he would like to build a home on Tract A that meets his needs as he ages, including an attached garage.
- D. Miller provided updates on the plans after addressing concerns and comments from the June 6th meeting. He reminded the Board about the size of proposed Tract A and explained several ways it could be adjusted. The initial challenge was bringing Tract B, which contains the existing home and garage over the line, into compliance with impervious coverage limits. They worked to balance reducing impervious coverage while ensuring proposed Tract A would be buildable. In the end they developed a plan that brings Tract B impervious coverage into compliance and the only variance needed on Tract A would be for the attached garage to the road. Miller referenced proposed Tract A site plan and the specific triangular area of buildable land. Miller noted that he previously discussed with Staff the definition of cul-de-sacs and the 25-foot end-of-road setback requirement from the road right-of-way. It was noted that the applicants spoke with the Assessor's office and came away with that if the Board approves the lot line adjustment but denies approval for building the second home on proposed Tract A, both lots would be taxed as buildable. They do not want to be taxed on the property as buildable if they are not going to build. Miller questioned if there was a way to table this item and discuss Item #2 so they could have a clearer understanding if what they are wanting on Tract A would be approved. He reiterated that the applicant will not want to move forward with the lot line adjustment if they can't build a suitable home.
- E. Aarestad clarified by asking if the applicants wanted to move Item #1 until after Item #2 was decided. Ogle offered a few suggestions about where to reschedule Item #1 within the meeting agenda. The Board discussed the matter, emphasizing that no vote could take place on Item #2 prior to a decision being made on Item #1. The Board ultimately decided to table Item #1 and proceed with discussion on Item #2 first, so both items could be covered before any voting. Aarestad opened the floor for any further comments from the applicants, there were none. He then invited comments from the public, again, none were offered. The Board went on to discuss Item #1 with understanding they'd not motion until tabled and Item #2 was discussed.
- F. Mol expressed that he is struggling with this request due to the ordinance and how it applies to splitting the parcel into two. Historically, these parcels should not be split and should be owned in common, as noted in the minutes from the previous meeting. He emphasized that there must be a valid reason to grant a variance. Mol asked Ogle whether removing or moving the existing garage back 20 feet would eliminate the need for a variance to split the lots. Ogle responded that if they moved or removed a few feet of the garage so that none of the garage or overhang encroached over the lot line, and reduced impervious coverage to 25%, then a variance/lot line adjustment might not be necessary. Technically, they do not have to meet setbacks since the building and lot lines already exist. Miller has also demonstrated that there is sufficient space for a Type I septic system. Mol stated that he cannot see a practical difficulty that would justify granting a variance and worries it might lead to requests for additional variances in the future. He feels that one larger home, rather than two separate homes, would have less impact on the area and the lake. Miller clarified that there were originally two separate lots before they were joined, and now they are trying to demonstrate that the lots can be split again and built upon. Part of the problem is the original garage was

constructed over the lot line. Mol added that the lots were originally owned in common by the applicants' parents and developed as such, which explains why the garage probably extends over the lot line, when you own both lots paying attention to exact lot lines isn't as important. W. Ostlund contributed that when the garage was built, measurements were taken from the location of a power pole, which was moved sometime during the construction process and is what caused the garage to be built where it was.

- G. Vick suggested that if the garage were moved back a few feet or if a corner was removed, it might eliminate the need for a lot line adjustment. He believed this would also help with the impervious coverage issue. Vick asked Miller about the current impervious coverage. Miller explained that the proposed plan for Tract B, which includes the existing house, shows they can reduce impervious coverage to 25% by removing some driveways and other elements. For proposed Tract A, with the new house, the building footprint would account for 9.9% impervious coverage, with a total of 19.4% including certain allowances. Vick reiterated his suggestion to remove a corner of the existing garage to improve setbacks and coverage. Miller noted that while the proposed house on Tract A would have more room to work with, the triangular shape of the buildable area presents a practical difficulty. Vick felt that if the applicants removed the portion of the garage that extends over the existing lot line, they likely wouldn't need the Board's approval for a variance or lot line adjustment. Ogle added that if the applicants voluntarily removed the lower shed, it would resolve a possible side yard setback concern with that structure.
- H. Neumann noted that there are other lots and houses in the area of similar size, with buildings close to the road. He somewhat disagreed with Mol, expressing that adding another house like the one proposed for Tract A would not make a significant difference. He also pointed out that some lots in the area are smaller than the proposed tracts. Vick stated he has no issue with the proposed lot line adjustment concerning the existing garage, indicated by the purple lot line on the site plan. He inquired about how close the lower shed is to the property line and whether it could be moved back or removed. The Ostlund brothers confirmed that the shed could be easily relocated. Vick added that this would make him more inclined to support the proposed lot line adjustment.
- I. Greninger asked how significant it would be to cut part of the garage off. The applicant's contractor, Evavold, explained that it would be a fairly involved and complex process because the garage is finished with stucco. Based on this information, Greninger stated that she would prefer to approve the proposed purple lot line adjustment for the existing garage and have the lower shed moved back from the property line.
- J. Aarestad commented that moving one of the sheds back or removing it, along with meeting setback requirements, would improve impervious coverage and benefit the lake. He believes that approving the proposed "purple" lot line adjustment, with a setback of 9.1 feet, would ultimately result in a better overall property for the lake.
- K. Mol acknowledged Neumann's opinion that the area is not built up and stated that he doesn't disagree. However, he continued to struggle with identifying a clear practical difficulty justifying the

granting of a variance. In his view, if the lot line were to remain as it exists, then practical difficulties would arise in building a new home. He questioned whether the practical difficulty for the proposed lot line adjustment is based on anything other than financial reasons.

- L. Vick then inquired about the type of foundation under the garage. Evavold stated that it was hard to determine due to the slope, but he believes there is block on the one side. Vick stated that he does not see a hardship, as the garage can be moved or portion removed. Ogle reviewed a 1997 variance and permit but found no information on the foundation.
- M. Aarestad asked for clarification on if the request were to be withdrawn, would there be an issue with the garage being in the road right-of-way? Ogle confirmed the portion of right-of-way where the garage is located had been vacated so the garage is entirely within the property. Mol clarified that the actual issue is the lot line adjustment, so that the garage is no longer over the property line. Vick feels that there are actions that could be taken which would not require a variance. Aarestad asked for any other thoughts or comments from the Board and then asked the applicants if they would like to proceed to the next discussion item for the proposed house on Tract A. Miller added that the first item concerns a lot line adjustment and explained that the practical difficulty stems from a prior owner obtaining a permit from the County without being required to produce a survey, which led to the building being constructed over the property line. With regards to the lot line adjustment a 10-foot setback could have been provided instead of 9.1 feet, but doing so would have forced a variance for Tract A related to the drainfield and the property line. Aarestad noted that the Board appears to be split and asked for a vote on tabling the item and moving onto Item #2.
- N. Neumann motioned for Board to table Item #1 and to move on to discuss Item #2 of the agenda. Greninger seconded the motion. There was no more discussion.

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

2. **CAP CUSTOM HOMES** – Continued from 6/6/2025

LOCATION: 15095 64TH ST NW – COATES P BULL ADDN LOT-011 & LOT-012, Section 33, Township 121, Range 28, Wright County, Minnesota. (E. Sylvia - Southside Twp.) Tax: 217-022-000120, 217-022-000121. Property owners: LAKE EFFECT TR

REQUEST: Variance as regulated in Section 155.026, 155.049(F)(2), 155.057(E)(1), and 155.090(Table 3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a new home and Type IV septic system. The home would be within the lake and road setback and the septic would be within the setback from the property line and house.

Present: Al Evold with Cap Custom Homes, Bernie Miller with MSTs, Charles Ostlund and Wes Ostlund with Lake Effect Trust.

- A. Ogle displayed the proposed site plan, and the request was reviewed. The property is located off 64th St. NW in Southside Township and involves two parcels: PID 217-022-000121 and PID 217-022-000120. Both properties are zoned Urban/Rural Transition and are located on East Lake Sylvia, which is classified as a General Development lake. The original request was to construct a new 1,883 sq. ft. home with a 355 sq. ft. deck, set 68.4 feet from the ordinary high-water mark of the lake, 34.6 feet from the centerline of the road, and to install a Type IV septic system 15.3 feet from the house, 5 feet from the south property line, and 6 feet from the west property line. This item was continued from the June 6th meeting, as the lot line adjustment request needed to be addressed first. Since that meeting, the applicants have submitted an updated plan. A variance would still be required for the garage due to its proximity to the centerline of the road. The Township had approved of the request. No written public comments specific to this request were received. However, before any variance can be acted upon, the Board must return to Item #1, lot line adjustment, for a ruling.
- B. Miller stated that they had taken some of the feedback from the previous meeting into account. He expressed uncertainty about how it would be possible to build a new home with a drainfield on the property without a variance. The proposed house design has been shifted into the designated triangle area shown in yellow on the proposed Tract A site plan, except for the garage. While a specific house plan has not yet been finalized, it has been determined that a home can be constructed within the triangle area. Miller emphasized that it would be helpful for the applicants and home designers to have some flexibility to modify the plans, provided they remain within the Board's guidelines, such as maintaining the 75-foot setback from the lake and meeting other established criteria. The house design is expected to be roughly the same as the previously proposed plan. One concern raised was that approving the updated proposed site plan might result in being locked into a specific house footprint. Evavold noted that the updated home would be a walkout rambler, with the same height as the earlier proposal. Aarestad stated that he would be comfortable with the suggested guidelines.
- C. No public comment.
- D. Vick stated that he liked the fact that the house design fits within the yellow triangle and that he could accept the proposed garage setback. He asked about the location of the septic tank and the

applicable setbacks. Miller responded that all required setbacks for the septic system would be met. Vick added that he would be supportive of this request as a stand-alone item, provided the garage from Item #1 is moved back to meet the setback requirement. He acknowledged the hardship related to placing a garage on the site and expressed that he is comfortable with what has been presented.

- E. Neumann expressed concern that if the proposed house later required even minor adjustments or the addition of a deck, the property owners would need to return to the Board to request another variance. Miller responded that they had discussed that issue extensively and acknowledged that the only buildable area is within the proposed triangle shown on the site plan. He added that while they understand the limitations, he cannot control what future property owners may wish to do. Neumann noted that the Board has visited other properties on the lake where, due to topography, variances were granted. Regarding the garage variance, he pointed out that there are other garages along the road that are located closer to the road than current regulations would allow. He also believes there is sufficient room for vehicles to turn around without entering the traffic zone and emphasized that, since this is the end of the road, there is minimal through traffic. He concluded by stating that the garage is not oversized, and since all other required setbacks are being met, this is a proposal he could support.
- F. Mol stated that if there is no variance for Item #1 and this is a stand-alone lot with the house located inside the buildable triangle box, considering the size of the lot and no variances or lot line adjustments from Item #1, he agrees with member Neumann that similar requests have been approved in the past. He views the lot by itself as presenting a practical difficulty for a variance because that is how the lot was originally created back in the 1950s or 1960s. He acknowledges that the applicant is trying to comply with all the setbacks from the lake and keep impervious coverage within limits. Road variances at this distance have been approved previously. Mol also stated that he did not approve tabling Item #1 because the decision there affects his decision on Item #2. For him, if the applicant decides and states that they will remove part of the garage and come into compliance so that a lot line adjustment is not needed, it changes how he views Item #2. To say the garage was there and that someone else built it is no different from existing impervious coverage being problematic and subsequently removed. The garage contributes to the impervious coverage and is part of the challenge in creating two lots. He cannot decide on this item without knowing the outcome of Item #1.
- G. Greninger does not have an issue with Item #2, as she prefers meeting the lake setback over the road setback. She agrees that the applicants should build and work within their designated space, which is indicated as the yellow triangle box on the proposal.
- H. Aarestad does not have any issues with this proposal and feels that the concerns raised at the prior meeting have been addressed, with the setbacks being met. He asked for a motion on this item so that the discussion could return to Item #1. Ogle noted that the applicant and Mr. Miller are seeking approval of the concept of the home meeting all required setbacks, except for the garage, which is at 38.6 ft from the centerline of the road, thereby allowing some flexibility with the home plans. It

needs to be clearly stated on the record what is being approved, as there is no specific plan to reference. Aarestad feels that Greninger, member Vick, and himself have made it clear that they are comfortable with the proposal as long as the required setbacks are met, as noted in the discussion.

- I. Greninger motioned to table Item #2 in order to go back to Item #1. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Revisited from earlier in current meeting

1. **CAP CUSTOM HOMES** – Continued from 6/6/2025

LOCATION: 15095 64TH ST NW – COATES P BULL ADDN LOT-011 & LOT-012 , Section 33, Township 121, Range 28, Wright County, Minnesota. (E. Sylvia - Southside Twp.) Tax #: 217-022-000120, 217-022-000121. Property owners: LAKE EFFECT TR

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 217-022-000120 and 217-022-000121 as presented which would allow for the parcels to be sold separately pending all required conditions are met. Updated plan received by Ogle on 6/26/2025.

Present: Al Evavold with Cap Custom Homes, Bernie Miller with MSTs, Wes Ostlund and Charles Ostlund with Lake Effect Trust

- A. Aarestad opened up Item #1 for discussion.
- B. Miller asked Ogle for clarification on the difference between lot line adjustments and variances. He stated that he believes a lot line adjustment does not require a showing of practical difficulty. Ogle explained that while they do not have the exact same criteria, there are still standards that must be reviewed. Any newly created R-1 zoned property should be at least 1 acre, and the State provides guidelines for lots that were created before those standards were established. Ogle noted that the Board has discretion and can apply judgment as needed, but technically, lot line adjustments do not follow the same criteria as variances, which require establishing a practical difficulty and meeting six specific criteria. Miller added that the lots conform to DNR requirements, or even exceed them, so the only issue is the garage in relation to the lot line. He expressed that the original plan was better suited for fitting everything in, but he understands the Board's concern about creating further issues. He suggested that if there were already an existing home and they were requesting a lot line adjustment for a garage, it likely would not be a problem. Had the lots already been split, it would be a different discussion and typically a single variance for a garage from the road wouldn't be considered a major issue, even if practical difficulty were required. He emphasized again that practical difficulty is not required for a lot line adjustment and that the lots meet DNR requirements and conform where necessary, except for the garage extending over the line. Ogle clarified that the proposed lots do meet the 66% rule for multiple contiguous nonconforming lots under common ownership. That requires 13,200 sq. ft. and 66 ft. of lot width at the road and lake. However, both lots do not meet the DNR minimum standards for new riparian lots on a general development lake without sewer which requires 20,000 sq. ft. and 100 ft. of lot width at the road and lake. Wright County is also more restrictive and requires all new riparian lots that are zoned R-1 and are not on sewer to be one acre (43,560 sq. ft.) with 150 ft. of width at the road and the lake.
- C. No comment from the public.
- D. Mol stated that the conversation seems to be going back and forth with differing opinions. He noted that since the lots were held in common ownership, the applicant can build and proceed as desired. However, if the garage had been built just 2 feet off the lot line, it would be a different situation. The applicant has complied with requests to place a new home on the second lot, but the issue of altering the lot line remains. He does not see a reason to allow the adjustment when the garage could simply

be shortened. The Board has previously required others to remove or reduce structures that crossed lot lines. Regardless of how the garage was constructed or measured, it currently exists where it does. Ogle displayed the 1997 permit site plan, which indicated a 12 ft setback from the road and a 10 ft setback from the property line. While mistakes happen, based on the approved plans, the garage should have been entirely on one lot.

- E. Vick reiterated that he sees no reason why the garage cannot simply be shortened and moved off the property line.
- F. Neumann stated that after hearing the full explanation, he believes that structures can be modified. He recommended that the lower shed be moved to meet the required setback. While he is still comfortable with the 9.1 ft distance, he suggested that if the applicant believes the Board will deny the request, it may be time to consider modifying the garage.
- G. Greninger agreed with member Neumann that the shed should be moved off the lot line. She is also supportive of altering the garage to avoid needing a lot line adjustment. Ogle added that if the applicant chooses to remove part of the garage and go that route, there is nothing that would require the shed to be moved.
- H. Aarestad added that he believes the existing garage is the main issue and that it should be modified. He asked the applicants if they would be willing to do so. Miller then asked for clarification on if they withdraw the lot line adjustment application, would they still need Board approval to separate the lots? Ogle confirmed that the Board's approval would not be needed, but they must work with Planning & Zoning to ensure that no part of the garage or shed, including any overhang, extends over the existing property line, and that the total impervious coverage is reduced to 25%. Based on this information, the applicant decided to withdraw the lot line adjustment request.
- I. Mol made the motion to approve the withdrawal, with no prejudice, of the lot line adjustment request. Greninger seconded the motion.

DISCUSSION: Neumann asked for clarification on whether the applicant intended to proceed with the original red line shown on the site plan. Miller confirmed that the red line represents the existing property line and that no changes are being proposed. Neumann also asked whether the applicant intended to include the 381 square feet area with Miller responding that they did not and the shed would remain at the property line.

VOTE: CARRIED UNANIMOUSLY

Revisited from earlier in current meeting

2. **CAP CUSTOM HOMES** – Continued from 6/6/2025

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REQUEST: Variance as regulated in Section 155.026, 155.049(F)(2), 155.057(E)(1), and 155.090(Table 3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a new home and Type IV septic system. The home would be within the lake and road setback and the septic would be within the setback from the property line and house.

Present: Al Evavold with Cap Custom Homes, Bernie Miller with MSTs, Charles Ostlund and Wes Ostlund with Lake Effect Trust.

- A. Aarestad reopened Item #2.
- B. Ogle pointed out that some of the numbers shown on the proposed site plans may differ slightly as the calculations used reflected the proposed lot line adjustment boundaries. The applicant had also indicated they wanted some flexibility on the house/attached garage design. If the Board allows this flexibility, the final footprint may not match what is shown on the proposed site plan; however, all setbacks must still be met, except for the 38.6 ft. setback from the road for the garage. Ogle noted that if the Board plans on approving, they could allow some flexibility using existing plans or request a full set of finalized building plans if desired.
- C. Vick stated that the lot lines will remain as they are, and based on the discussion, he supports the drawing as proposed, including the triangular buildable area and the proposed garage setback from the road.
- D. Neumann stated that he is comfortable with the proposed 38.6 ft. garage setback from the road, but he wants to see finalized house plans. He emphasized the importance of knowing the building height to ensure neighboring views are not obstructed.
- E. Mol asked Ogle whether the proposed setback included anything related to a patio. Ogle clarified that an at-grade patio would not be subject to the setbacks but could result in a land alteration. Mol stated that given the lot lines will remain unchanged, he sees a practical difficulty and that except for the garage to the road all setbacks are being met. Ideally, he would like to see building plans, but as long as the structure stays within the 38.6 ft. road setback, the garage remains at the size shown on the plan, and the house stays within the yellow triangle box, he is supportive.
- F. Greninger stated that she is comfortable with the proposal as long as the garage dimensions remain consistent with those shown on the Tract A site plan. However, if there are any changes, especially an increase in the garage size, she would want to review updated drawings or plans.
- G. Aarestad stated that due to the complexity of the situation, felt the item should be continued until a more complete set of plans is submitted. Miller responded that the previously submitted plan would remain essentially the same in style, with the only change being a slight rotation of the garage and some minor design adjustments. Neumann was then asked to clarify his concerns about the

possibility of a two-story structure. He responded that although there are trees in the area, the Board still considers neighboring sightlines. Mol clarified that the County ordinance sets a maximum building height, and as long as that height is not exceeded, the Board would have no say in limiting it. He emphasized the importance of the Board setting clear criteria: that the structure must remain within the triangle, the garage must maintain the proposed setback from the road, and its size cannot exceed what is proposed. These criteria would define what could be built. Neumann acknowledged the existence of a height ordinance but noted that in the absence of detailed plans, the Board must make some assumptions. Aarestad added that since no neighbors have objected to the proposal, that could serve as some reassurance that the plan is appropriate.

- H. Ogle provided guidance for the Board's final motion and key considerations for approval. He stated that before a building permit application is submitted, all requirements for selling the lots separately must be satisfied and documented with the Planning & Zoning Office. This includes an as-built survey confirming impervious coverage is reduced to 25% or less on both lots. Mr. Miller has already submitted Type I septic plans, but those will still need to be verified. Ogle also advised that if the Board chooses to allow some flexibility in the home's design, it must be clearly stated that the structure cannot be built any closer than 38.6 ft. to the centerline of the road and must meet all other county standards. Additionally, the garage is not permitted to be any larger than 24 ft. by 24 ft.
- I. Vick moved to approve the request for a new single-family dwelling and attached garage, based on the updated plans submitted on June 27, 2025, with some flexibility in the design and serviced by a Type IV septic system on PID 217-022-000120 subject to the following conditions: 1.) All requirements noted in State Statute allowing both parcels (PID 217-022-000120 & PID 217-022-000121) to be sold separately must be submitted to Planning & Zoning prior to the building permit application; 2.) House portion must stay within the building setbacks; 3.) Attached garage cannot be closer than 38.6 ft. to the centerline of the road as traveled; 4.) Attached garage cannot exceed 24 ft. x 24 ft.; 5.) No septic setback variances; 6.) All other applicable ordinance standards apply. Concept plan noted Exhibit A to be used as a rough guideline. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Aarestad called for a 5-minute break at 9:51 a.m.

3. **BENJAMIN ARNOLD** – Continued from 6/6/2025

LOCATION: 2318 62nd St NW – SHERWOOD FOREST LOT-003 BLOCK-007 in Section 34, Township 121, Range 26, Wright County, Minnesota. (Maple Lake – Maple Lake Twp.) Tax #: 210-129-007030. Property owners: BENJAMIN D ARNOLD

REQUEST: Variance as regulated in Section 155.026 and 155.049(F) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct additions to the existing home that include a new deck, breezeway, and attached garage. The proposed deck would be inside the side yard and road setbacks while the breezeway and attached garage would be within the road setback.

Present: No representative present.

A. Aarestad called for a representative three times with no one stepping forward.

B. Greninger moved to continue the item to the end of the agenda with Mol seconding the motion.

VOTE: CARRIED UNANIMOUSLY

4. **WILLIAM HANNUS** – New

LOCATION: 370 BROADWAY AVE N – PT OF NW1/4 OF SW1/4 in Section 27, Township 119, Range 28, Wright County, Minnesota. (Cokato Twp.) Tax #: 205-000-273209. Property owners: MICHAEL FORSTIE & WILLIAM A HANNUS

REQUEST: Variance as regulated in Section 155.026 and 155.049(F)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an addition to the existing home that is located within the setback from a County Road.

Present: Williman Hannus

- A. Ogle displayed property details, proposed site and building plans as he reviewed the request. The request is located at 370 Broadway Ave N in Cokato Township. The property is 0.96 acres and zoned Urban/Rural Transition. The request is to replace the existing 8 ft. x 18 ft. enclosed front porch with an 8 ft. x 24 ft. four-season area that would be 75 ft. from the centerline of County Road 3 with 4 ft. 8 in. x 6 ft. 6 in. deck/stairs on the roadside of the proposed four-season area. It also includes an 8 ft. x 9 ft. laundry room and 28 ft. x 36 ft. attached garage addition on the opposite side of the home from the road. A variance is required to add onto the existing home as it is within the 130 ft. setback from a County Road. The Township approves of the request as proposed. The Wright County Highway Department does not have any concerns with the setbacks for the proposed addition.
- B. Hannus stated that the area facing the road is currently a three-season porch, which will be removed and replaced with livable space. The new construction will not be any closer to the road than the existing structure.
- C. No comments from public.
- D. Neumann asked whether the front addition would be the same size or wider. Hannus explained that while the width will remain the same, the addition will be extended to align with the rest of the home. Neumann noted that the property is approximately one acre in size and that all setbacks, except for the road setback, are being met. He added that the road setback issue originated when the home was originally built, prior to the current regulations.
- E. Mol stated that the home was constructed before current ordinances were in place and noted that the County Highway Department is comfortable with the setback and the overall proposal. He expressed no objection to the request, citing that the home is not being moved closer to the road, the Highway Department has approved the plan, and all other setbacks are in compliance.
- F. Vick asked whether the deck portion of the proposal would be closer to the road. Ogle explained that the deck and stairway would be approximately 70 ft. from the road and function more as a landing and access point. Vick indicated that he is comfortable with the plans as proposed.
- G. Greninger stated that Vick had addressed her question. She expressed support for the plans, noting that the Highway Department has approved them and all other setbacks are being met.
- H. Aarestad stated that, given the Township and County Highway Department's approval, he also supports the proposed plans.

- I. Mol moved to approve the replacement of the existing 8 ft. x 18 ft. enclosed front porch with an 8 ft. x 24 ft. four-season area that would be 75 ft. from the centerline of County Road 3 with 4 ft. 8 in. x 6 ft. 6 in. deck/stairs on the roadside of the proposed four-season area. It also includes an 8 ft. x 9 ft. laundry room and 28 ft. x 36 ft. attached garage addition on the opposite side of the home from the road. Site plan noted Exhibit A and Building Plans noted Exhibit B. Motion seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

5. **GERALD BRINKMAN** – New

LOCATION: 12257 & 12296 Hart Ave NW – PRT OF GOV LOT 4 and PRT OF NE1/4 OF SE1/4 in Sections 35 & 36, Township 122, Range 27, Wright County, Minnesota. (Sugar Lake - Clearwater Twp.) Tax #: 204-100-363208 & 204-100-354100. Property owners: DORIS K BRINKMAN TRUST & GERALD J BRINKMAN TR

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 create a “backlot” division out of PID 204-100-354100 to be owned in common with the lakeshore parcel PID 204-100-363208.

Present: Gerald and Doris Brinkman

- A. Ogle displayed aerial photos of the properties in question along with the concept plan as he reviewed the request. The request is located off Hart Ave NW in Clearwater Township. The properties involved are PID 204-100-363208 which is 0.69 acres and PID 204-100-354100 which is 17.4 acres. PID 204-100-363208 is zoned Urban/Rural Transition and PID 204-100-354100 is zoned General Agriculture. Backlots that service lakeshore lots are allowed to be created out of General Agriculture zoned parcels. The request is to create a 0.34 acre “backlot” out of PID 204-100-354100 that would be owned in common with the lakeshore parcel PID 204-100-363208. The Township approves of the backlot to be tied with the lake lot. No written comments from the public were received. If the backlot were created, it would not change any of the home allowances on the parcels. One home is allowed on the riparian parcel and our half-section maps indicate that PID 204-100-354100 is a lot of record so it would have one non-transferable building eligibility.
- B. No comments were made by the applicant or the public.
- C. Mol asked the applicant about the reason for the request. G. Brinkman explained that including the garage with the lakeshore lot would be beneficial and that the backlot could serve as a location for a future septic system. Soil borings were recently conducted, and two viable septic sites were identified. Mol asked about the location of the current septic system, to which Brinkman responded that it is located between the lake and the home. Ogle reviewed the concept plan and detailed the setback distances from each building to the proposed new lot line, noting that the lot line could be shifted slightly northward while still meeting all requirements. Mol expressed support for the request, citing the benefit of a future septic site and compliance with setback requirements. His only condition was that the lakeshore and backlot parcels must be owned in common.
- D. Vick expressed support for the concept, particularly the benefit of securing a future septic location. He stated the overall request makes sense.
- E. Greninger agreed with other members’ comments, noting that all buildings meet required setbacks and the backlot provides a location for a future septic system. She emphasized that the lots should be owned in common.
- F. Neumann noted that the existing structure exceeds the allowable building coverage by approximately 16 square feet. However, he considered the overage minor in the context of the overall proposal and stated he could support the request.

G. Aarestad agreed with the comments made by the other board members.

- H. Motion made by Mol to approve the request to create a 0.34 acre “backlot” out of PID 204-100-354100 that would be owned in common with the lakeshore parcel PID 204-100-363208. Conditions: 1.) Subject to survey; 2.) Subject to Administrative Order; 3.) Backlot must remain owned in common with specified lakeshore property and are not separately saleable; 4.) No single-family dwelling or guest house allowed on the backlot; 5.) The primary purpose of the backlot is for septic with secondary purpose for accessory structures. Proof that an acceptable septic area is protected prior to construction of any new accessory buildings on the backlot. Concept plan noted Exhibit A. Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

6. **CHRISTINE WILDES** – New

LOCATION: 314 77th St SE & xxxx 77th St SE – MELQUIST’S FOUNTAIN LK PENINS LOTs-013 & 014 BLOCK-001 in Section 07, Township 118, Range 25, Wright County, Minnesota. (Fountain Lake – Franklin Twp.) Tax #: 208-217-001140 & 208-217-001130. Property owners: CHRISTINE A WILDES & STEVEN A BENSON

REQUEST: Variance as regulated in Section 155.026 and 155.090(Table 3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to install a septic system within the lake setback.

Present: Christine Wildes

- A. Ogle displayed the proposed site plan and aerial photo of the property as he reviewed the request. The request is located at 314 77th St. SE in Franklin Township. The property which consists of two parcels total 1.01 acres, they are zoned Urban/Rural Transition, and are located on Fountain Lake which is classified as Natural Environment. A variance was granted in 1975 that allowed a septic system to be 120 ft. from the lake, which is now failing. This request is to install a septic system 91 ft. from Fountain Lake. A variance is required to install a septic system within the 150 ft. septic setback from a Natural Environment lake. The Township feels this is a Wright County decision. They noted if it meets the Wright County Board of Adjustment criteria for a variance, the Town Board does not oppose. No written comments from the public were received. A septic inspector with the Wright County Planning & Zoning Office believes the proposed location is likely the best spot on the property based on the circumstances.
- B. No comments from applicant or public.
- C. Vick questioned why the proposed location for the septic system was selected and whether topography played a role in the decision. Wildes responded that she was unsure why the designer chose that specific location but stated that the designer indicated it was the only feasible option. Vick asked if a 150 ft. lake setback is required, to which Ogle confirmed, adding that in 1975, a variance was approved allowing a 120 ft. setback. Vick expressed that he is not opposed to the request, noting that he would prefer not to see a failing system discharging into the lake.
- D. Greninger stated she would prefer to see the required lake setback distance being met.
- E. Neumann acknowledged that other properties with septic system not meeting the lake setback requirement. He expressed no concerns with the proposed tank location and inquired whether a Type I system was being proposed, which Wildes confirmed. Neumann expressed support for the request.
- F. Mol noted that with modern septic tank systems, leakage is not typically a concern. He emphasized that when a system is failing, action must be taken. Considering the location of the road and driveway, he felt there were limited placement options for a new system. He also noted that the lot across the road is not suitable for use as a backlot. Overall, he concluded that the proposed location appears to be the most viable option for the property. Ogle used Beacon aerial imagery to show the only area where a system could feasibly be located, pointing out that the presence of the road and driveway in those areas makes installation challenging.
- G. Aarestad agreed with the comments made by the other members.
- H. Mol moved to approve the request to install a septic system 91 ft. from Fountain Lake. Septic plan noted Exhibit A. Motion seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

7. **SALLY ENGEN** – New

LOCATION: 5591 70TH ST SW – N1/2 OF NW1/4 & LOT 1 EX TR DES DOC 1494892 (072101) in Section 07, Township 118, Range 26, Wright County, Minnesota. (Yaeger Lake - Woodland Twp.) Tax: 220-000-072100. Property owners: Lfe Owners THEODORE C & DAVID N YAGER and LINDA A ENGELKE and SALLY M ENGEN

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 split a property along an existing private ditch.

Present: Sally Engen

- A. Ogle displayed the property details with a concept plan and reviewed the request. The request is located at 5591 70th St. SW in Woodland Township. The property is 109 acres, zoned General Agriculture, and located on Yaeger Lake which is classified as Natural Environment. A Deed Restriction from 2019 left PID 220-000-072100 with three (3) entitlements, one of which is an existing dwelling. A Deed Restriction from 2021 left PID 220-000-072100 with two (2) residential building entitlements, one of which is an existing dwelling. This request is to split PID 220-000-072100 into two parcels following an existing private ditch. Proposed Tract A would be 71 acres with zero (0) entitlements and proposed Remnant Tract which would include the existing home, and one (1) additional entitlement would be 37.76 acres. The Township approves of the request but noted they would want to see the proposed property line go through the middle of the private drainage ditch which would allow each landowner to make decisions about the ditch. No written comments from the public have been received.
- B. Engen stated that the Township did not provide specific guidance regarding the ditch but simply made a general comment.
- C. No comments from the public.
- D. Neumann asked why the division was being requested. Engen explained that her uncles, who currently own the parcel, are planning to retire from farming and wish to sell the proposed west parcel to another family member who will continue to farm it. Neumann expressed disappointment that a Township representative was not present to clarify the comment regarding the ditch. He recalled a previous request where a division followed a ditch line rather than the quarter-quarter lines. In this case, he acknowledged that access would be impacted if quarter-quarter lines were followed but still found the proposed boundary somewhat unusual.
- E. Mol shared Neumann's concerns. He stated a preference for divisions to follow the quarter-quarter lines and expressed skepticism about following a field road instead. He noted that adhering to the quarter-quarter lines would still allow access to areas east of the creek. He expressed that the request, as proposed, is problematic and may not represent good planning. He would like to see quarter-quarter lines used.
- F. Vick also preferred the quarter-quarter lines to be used, unless the ditch line were to be followed in its entirety. Engen explained that the motivation behind following the creek was to ensure the field behind the homesite, located east of the creek, would remain with the main tract. By using the quarter-quarter lines it would result in that area being split. Ogle used Beacon aerial imagery to

review the quarter-quarter lines and explained that such a division could be done administratively, as long as a related entitlement assignment document is completed. He believed the intent behind the proposed line was to better define ownership on either side of the creek. Vick confirmed with Ogle that the second building entitlement would remain with the homesite.

- G. Greninger stated that while she understood the reasoning behind the proposed boundary, she felt that using quarter-quarter lines would result in a cleaner division in the long term.
- H. Aarestad expressed concern about the proposed line but noted that the broader goal of the long-range plan is to preserve farmland. He felt the proposed plan achieves that better than a quarter-quarter division might and, since the Township approved it, he could support the request.
- I. Neumann added that even with different owners, the fields could still be rented and actively farmed. He pointed out that using the quarter-quarter lines wouldn't prohibit that, and the thin slivers of land created could still be used as farmland, "there isn't a wall going up," he noted. Vick agreed, stating that following the quarter-quarter lines could help preserve farmland near the township road and could be beneficial if the property were ever divided further in the future.
- J. Mol asked whether a division along the quarter-quarter lines would require formal Board approval. Ogle responded that if the quarter-quarter lines are followed and a related entitlement assignment document is completed, the division could be handled administratively based on current ordinance. Ogle added that the general sentiment from the Board seemed to be opposition to the field road alignment, although there had been little to no discussion about following the ditch line entirely. Mol concluded that the Board appeared to be leaning toward a quarter-quarter line division, which could be done administratively. He suggested the applicant could withdraw the request with no formal motion. Alternatively, the Board could vote on the current proposal and see the outcome. Aarestad addressed Engen to ensure she understood the process and explained that the current request could be denied, but that she had the option to withdraw and pursue a division along the quarter-quarter lines, which would not require a public hearing. Engen stated she would like to withdraw the request. Vick asked whether the entitlement issue would still need to be addressed. Ogle confirmed that a document would be required to handle entitlement assignment, but a cleaner approach could be for the Board to approve a lot line adjustment along the quarter-quarter lines and include entitlement clarification as part of the hearing documentation.
- K. Mol moved to approve the request to split PID 220-000-072100 into two parcels following quarter-quarter lines. There would be zero (0) entitlements on the western tract and two (2) building entitlements on the eastern tract, one of which is being used by the existing home. Subject to Survey and Deed Restriction. Concept plan noted Exhibit A. Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

Held over from earlier in the meeting.

3. **BENJAMIN ARNOLD** – Continued from 6/6/2025

LOCATION: 2318 62nd St NW – SHERWOOD FOREST LOT-003 BLOCK-007 in Section 34, Township 121, Range 26, Wright County, Minnesota. (Maple Lake – Maple Lake Twp.) Tax #: 210-129-007030. Property owners: BENJAMIN D ARNOLD

REQUEST: Variance as regulated in Section 155.026 and 155.049(F) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct additions to the existing home that include a new deck, breezeway, and attached garage. The proposed deck would be inside the side yard and road setbacks while the breezeway and attached garage would be within the road setback.

Present: Jason Olson representing Benjamin Arnold

- A. Ogle displayed property details, which included building plans, as he reviewed the request. The request is located at 2318 62nd St. NW in Maple Lake Township. The property is 0.65 acres, zoned Urban/Rural Transition, and located across the road from Maple Lake which is classified as General Development. The request to construct a 12 ft. x 47 ft. deck, 7 ft. x 17 ft. breezeway, and a 24 ft. x 30 ft. attached garage to the existing home that would not further encroach the side yard than the existing home and would not be closer than 40 ft. to the centerline of the road was continued from the June 6th meeting as there was no one there to represent the request and the Board felt in this situation, based on what was being proposed, it was worth a continuation. A variance is required to construct a 12 ft. x 47 ft. deck, 7 ft. x 17 ft. breezeway, and a 24 ft. x 30 ft. attached garage to the existing home because the existing home/proposed additions would be within the 15 ft. side yard setback and 65 ft. road setback. Maple Lake Township approves of the variance request as presented. No written responses from the public have been received.
- B. Olson explained that the existing deck had rotted and was removed, which is why they are requesting to build a new one. The garage had a tree growing through it and was bulldozed. The breezeway between the house and the proposed new garage is intended for accessibility. Ogle confirmed that the original deck was removed sometime before 2023, meaning it exceeds the 12-month limit for exact replacement under state statute. Based on available data, the previous deck was estimated to be 6–8 feet wide, while the new request is for 12 feet. The former garage has also been gone for over 12 months, thus losing its grandfathered status. The proposal is for a two-level garage, with a breezeway connecting the upper level to the existing home.
- C. No comment from the public.
- D. Vick asked whether the proposed deck would be 4 feet wider than the original, and Olson confirmed. The Township expressed no concerns. Regarding the garage, Vick asked why the 12-month rule was missed. Olson said the property owner was dealing with the recent passing of his mother and likely forgot. Vick asked whether the second level of the garage would contain bedrooms or plumbing, or if it would be used for storage. Olson stated the space would be a recreation room with no plumbing. Vick said he had no issues with the deck, as the Township approved it, and he was interested in hearing others' thoughts on the second level.

- E. Greninger asked whether the second story would block any views. Ogle reviewed the Beacon aerial imagery and noted the area includes a large hill. He added that nearby neighbors would not likely be impacted. Greninger expressed no concerns with the request.
- F. Neumann asked for the age of the home, with Olson estimating about 60 years. Neumann inquired about the size of the existing home; Olson guessed 28 ft. x 47.5 ft. Ogle confirmed the dimensions using Assessor's records as 24 ft. x 46 ft. but the survey shows 24 ft. x 47 ft. Neumann stated that the garage and breezeway seemed large relative to the home and expressed concern that the second floor could be used as a second home, guest house, or rental unit. He questioned whether the size of the garage and deck were necessary for the function of the home. However, he acknowledged the garage is in the only feasible location and the Township approved the proposed 28 ft. setback. Ogle noted the survey shows 28 ft. from the right-of-way, which ends up being roughly 40 ft. to the centerline of the road for both the garage and deck. Neumann said this additional information shifted his opinion somewhat.
- G. Mol felt the additional 4 ft. on the deck was acceptable since a previous deck existed. His concern focused on the second level of the garage, stating that a similar past request involved a second story where the owner committed to 6 ft. wall height to prevent it from becoming living space. He emphasized the potential for it to be used as a separate dwelling and asked how that could be prevented. Ogle presented the floor plan and explained that there were no stairs from the lower garage to the upper level; access is only via the breezeway connected to the main home. A potential condition could be added to limit access to the bonus room through the breezeway only. Another possible condition could be to prohibit bedrooms. Greninger questioned whether removing doors could create fire safety concerns. Ogle acknowledged that concern but noted he could not speak to the State Building Code. Vick clarified that the lower garage level does not provide direct access to the home, one has to go outside to enter the home. Discussion continued about access and the potential for livable space. Ogle added that no variance is needed for internal layout and there's nothing in the ordinance that prohibits having two kitchens in a home, only that it cannot become a duplex with completely separate access. He likened it to a past case involving a long hallway connection. Olson confirmed there is heat but no plumbing planned, and believes the intent is to use the space as a weight room. Ogle noted the plans show no exterior stairway but do show a balcony.
- H. Vick asked if the Board could require 6 ft. walls to prevent livable space. Ogle confirmed that 6 ft. wall height is a zoning limit used in certain circumstances when determining livable space.
- I. Mol stated that based on the current design and the discussion, the Board could treat this as an addition to the home, with the garage as a tuck-under and access only through the breezeway. If there is no internal access from the garage below, as shown in the plans, then this could be viewed as part of the primary residence. He emphasized that the deck is a replacement and that the breezeway does not add separate access to the upper level. He asked for confirmation on the original deck size. Ogle said that based on available data, he is confident it was smaller than 12 ft. but cannot be 100% certain. The request, then, is for a larger replacement deck and a tuck-under garage, with no direct access from the garage to the second level.
- J. Aarestad stated that he has a similar setup at his own home, with a breezeway and a tuck-under garage topped by a bedroom. He views this request as a simple extension of the home and expressed no concerns. He supported the deck and the overall proposal, especially since the Township approved the 4 ft. addition.

K. Mol moved to approve the construction of a 12 ft. x 47 ft. deck, 7 ft. x 17 ft. breezeway, and a 24 ft. x 30 ft. attached garage to the existing home. The proposed additions would not further encroach the side yard than the existing home which is 9.7 ft. from the west side yard. The proposed deck, breezeway, and attached garage would not be closer than 40 ft. to the centerline of the road. Site plan noted Exhibit A and Building plans noted Exhibit B. Noting that the Township has approved. Motion seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 11:0 am.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Aaron Ogle', written in a cursive style.

Aaron Ogle
Planning & Zoning Planner

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