

WRIGHT COUNTY BOARD OF ADJUSTMENT
Meeting of: November 7, 2025
MINUTES

The Wright County Board of Adjustment met on Friday, November 7, 2025 at 8:30 a.m. in the 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 Dan Mol, Bob Neumann & Dan Vick. Absent was Sandy Greninger. Representing the Planning & Zoning Office was Aaron Ogle, Planner. Brian Wold, Assistant County Attorney, legal counsel, was also present.

ACTION ON MINUTES FOR THE OCTOBER 10, 2025 MEETING

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

1. **ALLEN & CARLA SUNDBLAD** – Continued from 9/19/2025 & 10/10/2025

LOCATION: 3665 PLEASON AVE NW – PARTS OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 16 AND OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, Section 16 & 17, Township 120, Range 28, Wright County, Minnesota. (French Lake Twp.) Tax #209-000-162300, 209-000-171100. Property Owner: ALLEN L & CARLA L SUNDBLAD

REQUEST: Variance as regulated in Section 155.026 & 155.048(G) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a "1 per 40" entitlement division that exceeds 2.5 acres of prime soils and exceeds the total size maximum of 10.0 acres.

Present: No representative present

A. Ogle noted that the applicant, who is also the property owner, was unable to attend the 9/19/2025 meeting so they had a representative briefly speak about the request. The representative had asked the Board for continuation to the 10/10/2025 meeting. When no property owner or representative showed for the 10/10/2025 meeting, the Board closed the hearing to further written and oral comment, directed staff to prepare findings consistent with the discussion for denial and continue the request the 11/7/2025 meeting. The Findings were provided in the staff report for the Board to review.

B. A motion was made by Neumann to adopt the Notice and Order for Denial with Findings. The motion was seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

Note with no applicant or representative present, the Notice was mailed to the applicant after the meeting ended.

2. **JOAN KOTILA** – New

LOCATION: COUNTY ROAD 3 NW & COUNTY ROAD 35 W – the majority of the entire SW 1/4 along with part of the SW1/4 OF SE1/4, Section 34, Township 120, Range 28, Wright County, MN (French Lake Twp.) Tax # 209-000-343200 & 209-000-343401. Property Owners: JOAN K KOTILA

REQUEST: Variance as regulated in Section 155.026 & 155.048(G) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow for an entitlement division that does not meet the minimum road frontage requirements.

Present: Joan Kotila & Nathan Lake

- A. Ogle displayed the proposed plan and reviewed the request. There are two parcels directly involved in the request: PID 209-000-343200, which is an approximately 21.54-acre lot of record, and PID 209-000-343401, which is approximately 163.54 acres. Both parcels are zoned General Agriculture. PID 209-000-343200 is a lot of record that has one (1) building eligibility and is not considered part of the “farm” for entitlement calculation purposes, as it was purchased in 2024 by Joan Kotila. PID 209-000-343401 is part of the “farm,” which also includes PID 209-000-344200, PID 209-000-344400, and PID 209-000-353200. A 2024 Deed Restriction stated there are four (4) remaining entitlements on the “farm,” one (1) of which is being used by the existing home on PID 209-000-344400. The request is to allow a 10.0-acre entitlement division that includes approximately 2.5 acres of prime soils and uses a 66-foot access strip to provide public road frontage. A variance is required because a 66-foot access strip is only allowed administratively if accessing a wooded site or otherwise preserving active agricultural land practices. Other instances such as this would require 300 feet of road frontage for entitlement divisions of 5.0 acres or larger. The Township approved the request to minimize land disturbance by the driveway and allow easier use of farmland on the parcels. Ogle used the site plan and Beacon to show the driveway location in relation to wetlands and noted that the Wright County Soil and Water Conservation District (SWCD) reviewed the proposal as well. No written public responses were received.
- B. No comments from Lake, Kotila or the public.
- C. Mol stated that, for him, there are several challenges and asked the reason for wanting a homesite in the middle of a large agricultural area. The Township stated it would be easier to farm, given the wetlands but he sees farming on angles as being difficult. Mol noted he knows the property and has observed tile being installed to the north and trees recently being cleared to make better agricultural land. He commented that now there is a request for a 66-foot strip, angled property lines, and a home in the middle of an agricultural area. Wetlands, he noted, are still considered agricultural under the ordinances. He wanted to know the reason and practical difficulty behind the request. Mol also observed that west of County Road 3, there are three building sites with homes along the road. Ogle stated his understanding is that the reason for the angled lines is to stay at 2.5 acres of prime soils or less. He noted that a large portion of the 10 acres is considered wetland and straightening the lines would make it difficult to stay under 2.5 acres of prime soils. Mol said he understands but that a variance is being requested for the 66-foot strip and he must evaluate according to ordinances which are meant to protect agricultural land. He stated there must be justification. Going around wetlands for the driveway caused the angles, but there are buildable areas along the road that would not use prime soils or require a 66-foot access point. He said he struggles to see justification for building in the middle of a field.
- D. Lake stated that the 20-acre piece along the road starts to drop into low ground to the north. Mol felt that would make a beautiful walkout site. Lake responded that more prime soils would be taken out to go south on the 20 acres than what is proposed, which is why the small access strip was suggested to reach the high ground. Mol felt there was room to redesign the property lines. Lake stated that even with 300 feet of

roadside frontage, SWCD indicates there are still wetlands, which required delineation for access. Ogle reviewed the Beacon map, showing the SWCD-determined wetlands and the areas where a homesite would not be approved.

- E. Vick stated he shared some of Mol's concerns and did not see a hardship for the 66-foot access strip. He felt the width could be 300–400 feet near the road to avoid the wetland and that the property lines should be straightened. While viewing the prime soils map, Neumann stated he did not have as much concern with the 66-foot access strip but would prefer to see a square lot extending toward the east property line. He proposed exploring the option of purchasing wetland credits to achieve the goal. He felt the access strip avoids as much farmland as possible while encompassing 10 acres.
- F. Aarestad asked Ogle to draw out what 10 acres would look like if placed along the road. Ogle asked for clarification, and Aarestad confirmed he wanted to see if 10 acres near the road could be drawn without a variance. Ogle drew a 10-acre layout with 300 feet of road frontage, noting uncertainty about whether it stayed under 2.5 acres of prime soils. Lake stated that the configuration would be harder to farm but could likely be approved administratively. Ogle drew another option with road frontage but noted it would exceed 2.5 acres of prime soils. Aarestad stated he would prefer square lines, understanding that more prime soils might be lost, as that would be more consistent with surrounding properties. Discussion continued about squaring the property lines, prime soils, lot size, wetlands, and road frontage.
- G. Aarestad stated he believed the request, if voted on now, might not be approved as presented. There was an opportunity to continue the matter and come back with a revised plan or withdraw and submit an administratively approvable plan. Lake asked if the Board wanted to see a 300 ft. x 300 ft. box near the road for the administrative route. He felt the proposed layout caused less harm than one near the road. Mol stated that whether it involves 2.5 or 3.5 acres of prime soils, he would prefer new property lines that align with existing boundaries and are straight. He felt that creating a small wedge between parcels could cause future issues. Aarestad agreed and outlined the options to vote, withdraw, or continue for revisions. Lake asked what the options would be if not going administratively. Mol confirmed the administrative requirements with Ogle. If continued, it was recommended having the SWCD review the revised plan to confirm access and wetland compliance.
- H. Vick stated that a 300 ft. x 300 ft. box would exceed 10 acres. Mol said he would be fine with that configuration. Lake stated they could pull the east line back to stay at 10 acres. Ogle confirmed that the lines would be reconfigured to keep 10 acres and 2.5 acres of prime soils, but straight lines could create issues with wetlands or parcel size.
- I. Neumann commented that, in consultation with the SWCD, they should ask about buying wetland credits. He felt there were options to change the property lines, stay within 10 acres, and purchase wetland credits for the driveway. Lake stated they had already discussed going farther into the swamp, which was not ideal. Neumann noted that SWCD's preferences and property owners' rights might not always align. Using the Beacon aerial, he identified a small marsh area in the southern portion and noted that wetland credits should be available for such areas. Ogle expressed concern that moving the lines as suggested could increase the area of prime soils taken up.
- J. Mol stated that a 20-acre parcel could be sold with a building entitlement in the future, and having a 100-foot strip connecting to the 66-foot strip would be poor planning. He emphasized the need for the Board to plan appropriately to avoid future issues. Ogle used Beacon to show the referenced 100-foot area. Mol explained that straight lines are easier to farm and are cleaner. He said that while some prime soils might be lost, they could still use 300 feet of frontage to create a 10-acre lot. He feels a variance granted for a 66-foot access with a square box and about 3.5 acres of prime soils would be more justifiable. Neumann suggested that moving the east line westward could reduce prime soils. Mol suggested they continue the matter to allow the applicant to review what was discussed and redesign to best make it work based on discussed.

- K. Ogle noted that if the applicant revises the plan, a new notice should be sent because the original notice only mentioned the 66-foot access strip variance, not exceeding prime soil limits. Neumann asked whether Township reapproval would be required, and Aarestad confirmed that it should be reviewed by the Township.
- L. Lake summarized that the Board would prefer straight lines and would be more comfortable with approximately 3.5 acres of prime soils, while not exceeding 10 acres. Kotila asked for clarification, noting the proposed plan was already 10 acres and that a rectangular design might exceed that. Aarestad stated the Board's concern was primarily about the configuration of property lines and future consistency. Even with slightly more prime soil used, straight lines would help avoid future issues. Kotila confirmed understanding the straight lines, 10 acres, but okay with slightly more prime soils.
- M. Vick asked if angling the far east line at 45 degrees could help stay under 10 acres. Mol replied that while some adjustment is possible, at this time he does not feel angling is a good option.
- N. Vick moved to continue the item to the December 5th meeting. Motion seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

3. **JACOB SWANSON** – Continued from 10/10/2025

LOCATION: 5880 & 5922 ELDER AVE NW – MAPLE GROVE BEACH 1ST ADDN LOT-001 LT 1 and PRT of GOVT LOT 1, Section 04, Township 120, Range 26, Wright County, Minnesota. (Maple Lake Twp.) Tax #210-016-000010, 210-000-042201. Property Owner: JACOB R SWANSON & LENGYEL LIVTR

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 alter the property lines between PID 210-016-000010 and 210-000-04220.

Present: Jacob Swanson

- A. With the proposed site plan displayed, Ogle reviewed the request. The property is located off Elder Ave NW in Maple Lake Township. The proposal is to adjust a shared property line between two nonconforming lots of record: PID 210-016-000010, which is part of the Maple Grove Beach First Addition plat from 1954, and PID 210-000-042201, which is unplatted but was created prior to August 1, 1978—the date identified in the Wright County Ordinance for lots of record. The request is to add approximately 0.04 acres from PID 210-000-042201 to PID 210-016-000010. The proposed adjustment would leave PID 210-000-042201 with approximately 0.51 acres and 170 feet of public road frontage, and PID 210-016-000010 with approximately 0.37 acres and 220 feet of public road frontage. The request involves no transfer of building eligibility. The Township approved the request as presented. No written public responses were received.
- B. Swanson stated that his goal is to use the acquired property for a row of shrubs and brush as a windbreak.
- C. No comments from the public.
- D. Vick stated that the Township approved the request and he had nothing additional to add. He felt the adjustment would clean up the property lines, make it easier to meet setbacks, and overall be an improvement.
- E. Neumann questioned whether road frontage would increase along Elder Ave NW. Swanson stated there is an easement along Elder Ave, with Ogle explaining it is part of the right-of-way and therefore considered public road frontage. Neumann noted that this change would bring the parcel closer to conformance, which he viewed as a positive, and stated he was in favor.
- F. Mol agreed with the comments made by other members and had no issues. Aarestad agreed and also had no issues.
- G. Motion made by Mol to approve the addition of approximately 0.04 acres from PID 210-000-044201 to PID 210-016-000010. CONDITIONED on survey and Administrative Order. Concept plan noted Exhibit A. Motion seconded by Neumann.

VOTE: CARRIED UNANIMOUSLY

4. **GARY DAHLHEIMER** – New

LOCATION: 4706 FILLMORE AVE NW – Lots 66 and Lot 65 of Ramsey Lake Heights, Section 07, Township 120, Range 26, Wright County, MN (Maple Lake Twp.) Tax # 210-024-000660 Property Owners: GARY J DAHLHEIMER

REQUEST: Variance as regulated in Section 155.026 & 155.057(E)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a storage building within the shoreland building setback that does not meet elevation requirements.

Present: Gary Dahlheimer & Janice Saenger

- A. Ogle displayed property details and went over the request. The 0.73 acre property is located at 4706 Fillmore Ave NW in Maple Lake Township and located on Ramsey Lake which is classified as Recreational Development. The request is to construct a 30 ft. x 40 ft. storage building 43.8 ft. from the ordinary high-water (OHW) with a lowest floor elevation no lower than 997.81 ft. (NGVD 29). A variance is required to construct a 30 ft. x 40 ft. storage building 43.8 ft. from the OHW of Ramsey Lake because 100 ft. is required and because the lowest floor elevation at 997.81 ft. NGVD 29 is less than the 1000.16 ft. NGVD 29 required. The Township approves of the request as presented. No written responses from the public have been received.
- B. Saenger explained there is no other location for them to build a new garage. She displayed and reviewed a diagram showing what they plan to store within the building. She noted there is a canister they are currently using for storage that they understand needs to be removed, and those items will go into the garage.
- C. Public Comment
 - Chiemi Eley – Lives across the lake and has no objection but would like additional information. Her primary concern is the view of a 30 ft. x 40 ft. building from her property. She asked where the building will be located and whether it is near the shoreline or farther back. Ogle used the site plan to review the location and its relationship to the existing building that will be removed. Eley stated her other question is whether there will be any detrimental impact on the lake with the proposed location and elevation. She wants to ensure the lake is protected and that the project does not adversely affect the quality of Ramsey Lake.
- D. Saenger stated the existing building is dilapidated, and they are not taking up more space than the existing structure, and she does not believe there will be any impact on the lake. She went on to note that the ravine beside the home is actually causing them to lose shoreline. They cannot relocate the building elsewhere on the property because of water runoff. Ogle displayed photos of the property from the County Assessor's page.
- E. Neumann stated that at first, with $\frac{3}{4}$ of an acre, he expected there would be another place to locate the building, but due to the septic system location he can understand the difficulty. He noted that the proposed building is larger than the existing structure, but not by a significant amount. Because the area is fairly low, he would want to see the building raised to meet the County's minimum floor-elevation requirements. With that change, he feels he can support the request.
- F. Mol stated he had some of the same thoughts as member Neumann. Saenger stepped in and stated their intent is to substantially raise the building. She currently does not use the garage for her vehicle because, when it rains, the mud floor becomes unusable. Mol asked Ogle to display the assessor's photo taken from

the lake. He noted the property will be raised about 4 ft. to meet requirements and the building will be slightly enlarged which will impact runoff and absorption. He agrees there is a practical difficulty due to the septic system location and limited alternative sites. He pointed out that the lot coverage will be at the maximum allowed 25% according to the survey. This Board aims to protect the lake, and the request involves increasing the building size to house four vehicles, which raises concerns about compliance with ordinances. At 43 ft. from the lake, where 100 ft. is normally required, perhaps a variance was previously granted or the structure predates the ordinance, but now the request is to enlarge it. He noted that adding roughly 6 ft. of building area is one matter, but he wanted to hear the Board's thoughts about raising the elevation by 4 ft.

- G. Vick stated that if the shipping container and shed were removed, the proposed garage could be angled so more of the gravel driveway is used, which could move the garage 10–15 ft. farther from the lake. Saenger used Beacon aerial imagery to explain they plan to move the new garage 5 ft. closer to the house and that the garage will not affect drainage to the lake. Their main challenge is the corner of the building, which brings the building closer to the water line. They are trying to build up the area to enter the garage, move it closer for easier parking, and clean up what currently exists. Vick stated her explanation aligned with his thoughts, and he feels more adjustments could be made to move the building farther from the lake. He would like to see it at 55–60 ft. Ogle explained that the ditch is not classified as a stream and that the OHW line on the survey must be used for setbacks, not the present shoreline. Saenger stated they have lost shoreline since the survey was completed. Ogle questioned whether the building could be moved back as Vick suggested and asked whether he was referring to distance from the OHW or present shoreline. Vick said he was not requesting a specific distance but believes adjustments are possible to reduce lake impact and impervious coverage. He dislikes coverage being at the maximum. Saenger stated their impervious coverage is lower than measured, as there are now more areas that are grass rather than hard surface. Vick reiterated that adjustments could move the building farther from the lake and reduce impervious coverage. Ogle displayed a Beacon aerial diagram with his interpretation of Vick's comments but noted the property lines are not accurate.
- H. Aarestad asked about the height of the existing garage walls. Saenger estimated 10 ft., with the new building roughly the same height but not exceeding the allowed 14 ft. The existing structure is crumbling, making exact measurement difficult. Ogle stated the proposed building plans show 10 ft. and estimated the existing sidewall height at 8 ft. Aarestad stated that at 43 ft. from the lake, he considers the visual impact from across the lake. He feels this is a modest expansion, but the height increase and elevation change are concerns due to visual impact. Expanding the footprint slightly is minimal, but raising the elevation by 4 ft., plus additional wall height, is significant. Saenger stated neighboring homes are taller than theirs, and the new garage will not exceed those heights, so the visual impact will be minimal. Aarestad reminded the applicant that each request is reviewed on its own merits.
- I. Ogle addressed elevation and noted variances can be granted. The initial plan showed about 997.0 ft., and he would not recommend anything lower than 998.16 ft. NGVD29, using DNR guidelines for the 1% annual chance flood. Wright County's requirement is 1000.16 ft., and Ramsey Lake is not a designated floodplain lake, but the DNR estimates the 1% annual chance flood elevation at 998.16 ft. Which is about 4 ft. higher than existing. He again mentioned that he would not recommend going lower than 998.16 ft. Vick stated that with that elevation, the change would be roughly 2 ft., which Ogle confirmed.
- J. Aarestad stated he would be comfortable with a 2 ft. increase in elevation and could support the expansion, but he wants the wall height to remain at the existing height. Saenger stated they need an 8 ft. garage door so they can park vehicles inside.
- K. Neumann motioned to approve the request is to construct a 30 ft. x 40 ft. storage building 50 ft. from the ordinary high-water of Ramsey Lake with the lowest floor elevation no less than 1000.16 ft. (NGVD 29).

CONDITIONED that a stormwater management plan be submitted at time of building permit application. Site plan noted Exhibit A and building plans noted Exhibit B. Motion seconded by Mol.

DISCUSSION: Ogle noted only four members were present, so a split vote would cause the motion to fail. He clarified the proposal shows 43.8 ft. from the OHW, while the motion specifies 50 ft. The elevation in the motion is the County requirement of 1000.16 ft., with no sidewall height restriction beyond ordinance standards. Neumann confirmed.

Vick said he was comfortable with the 50 ft. but preferred less fill and suggested an elevation of 999.16 ft. Aarestad also supported reducing the elevation by 1 ft. Neumann stated that minimizing variances is preferred and that, with a stormwater plan, the lake would be protected even with the additional 1 ft. of elevation. Vick stated he is concerned that raising the driveway and building area by 3 ft. could cause new drainage problems. He feels the State limit of 999.16 ft. is acceptable.

Ogle noted that “stormwater management plan” is a broad term and asked for clarification. In his view, neighbors are unlikely to be affected, and water that runs north into a stream will flow to the lake. Neumann stated the goal is to reduce runoff directly to the stream or lake, allowing for filtration and infiltration.

Vick moved to amend the motion to require a minimum floor elevation of 999.16 ft. Seconded by Aarestad.

DISCUSSION: Mol asked what difference the extra foot would practically make. Even at a 3 ft. raise, a retaining wall will likely be needed. The applicant has not indicated the house floods, so the existing elevation seems adequate. With a stormwater management, water can be directed appropriately. He felt the original motion is solid and reduces variances. Vick expressed concern that raising the building might cause water issues near the house. He feels the Board has limited elevation information.

Aarestad asked to see an aerial of the full lake and estimated it at roughly 1,000 ft. across. Given that distance, he felt the visual impact of an extra foot would be minimal and changed his position, supporting the 1000.16 ft. elevation. Vick reiterated his concern that the extra foot could cause problems. Mol noted that, if the vote ties, he would suggest the applicant continue to the next meeting with more information, including justification for the lower elevation. He felt the original motion is strong and still allows the applicant to return if needed.

Vick reminded the applicant that drain tile could help manage water flow.

Vick moved to rescind his amendment, and Aarestad agreed.

Ogle confirmed the motion before the Board is to allow the construct a 30 ft. x 40 ft. storage building 50 ft. from the ordinary high-water of Ramsey Lake with the lowest floor elevation no lower than 1000.16 ft. (NGVD 29). Condition that a stormwater management plan be submitted at time of building permit application, which directs water away from the stream and slows its travels toward the lake. Site plan noted Exhibit A and building plans noted Exhibit B.

Mol called the question.

VOTE: CARRIED UNANIMOUSLY

5. **COLTON HENTGES** – New

LOCATION: 2078 Cameron Ave SE - Part Gov't Lot 4, Section 16, Township 119, Range 25, Wright County, MN (Rockford Twp.) Tax # 215-100-162116 Property Owners: Alyssa Hentges

REQUEST: Variance as regulated in Section 155.026, 155.049(F), & 155.057(E)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a single-family dwelling inside the shoreland, road, and side yard setback.

Present: Colton Hentges

- A. Ogle displayed proposed site plan and building plans as he reviewed the request. The property is located at 2078 Cameron Ave SE in Rockford Township. In 1996 a variance was granted to build the 24 ft. x 24 ft. garage 58 ft. from the centerline of the road and replace the existing home foundation which is 98 ft. from the lake. The site plan used in the 1996 Board of Adjustment request was done by Schoborg Land Surveying and says 98 ft. (plus or minus) to the lake but there is no indication as to what they used for the measurement such as ordinary high-water (OHW), shoreline, etc. The survey submitted with this request done by Meyer Rohlin Land Services indicated the home is 81 ft. (plus or minus) to the OHW. Using the updated survey and Beacon aerial photography, the existing garage is estimated at 48 ft. from the centerline of the road. In 2023 a variance was granted to build a new home that would be 81 ft. from the OHW of Dean Lake and attach it to the existing detached garage which is 10.7 ft. from the east side yard. This request is to construct a new single-family dwelling which would be located 81 ft. from the OHW of the lake, 48 ft. from the centerline of the road, and 10.7 ft. from the east side yard. A variance is required to construct a new single-family dwelling 81 ft. from the OHW of a recreational development lake because 100 ft. is required, 48 ft. from the centerline of a local road because 65 ft. is required, and 10.7 ft. from the east side yard because 15 ft. is required. The township indicated approval of the request because there were major modifications since the last request. No written responses from the public have been received.
- B. Hentges stated that the modification adds approximately 325 sq. ft. to the existing variance. The adjustment will allow the home to align with neighborhood standards and property values while maintaining the character of the area. The full septic system will also be able to be maintained.
- C. No comments from the public.
- D. Mol stated he reviewed the previous meeting minutes and the current proposal. He noted that the variances were all approved in the past at 81 ft., and the side yard setback remains the same. The only change is an increase of roughly 300 sq. ft. in home size. He feels this is a modest increase and, as long as the setbacks do not change, he is comfortable with the request as presented.
- E. Vick stated he does not see any concerns. He confirmed that the garage is being rebuilt. Hentges confirmed, stating the new garage will connect to the existing structure, ensuring construction adequacy.
- F. Neumann and Aarestad stated they agree with the previous comments and have no concerns.
- G. Mol moved to approve the request to construct a new single-family dwelling which would be located 81 ft. from the ordinary high-water of the lake, 48 ft. from the centerline of the road, and 10.7 ft. from the east side yard. Site plan noted Exhibit A and building plans noted Exhibit B. Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

6. **MICHAEL FITZGERALD** – New

LOCATION: 6997 PILGER AVE NW - SHADY NOOK REPLAT & ADDN LOT B, Section 28, Township 121, Range 28, Wright County, MN (Southside Twp.) Tax # 217-068-000020 Property Owners: CHERYL A KREOFKY

REQUEST: Variance as regulated in Section 155.026, 155.049(F) & 155.057(E) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to convert the existing homes crawl space into a full basement which is located within the shoreland and side yard setbacks.

Present: Mike Fitzgerald

- A. Ogle displayed building plans and reviewed the request. The property is located at 6997 Pilger Ave NW and located on West Lake Sylvia which is classified as General Development. The request is to convert the existing homes crawl space into a full basement which is located within the shoreland and side yard setbacks. A variance is required to convert the existing homes crawl space into a full basement because the existing home is located within the shoreland and side yard setbacks. The Township approves of the request because it makes sense and there is no change to footprint of existing home and allows for better use of space. A written response was submitted that recommends the variance be approved.
- B. Fitzgerald stated that the reason for the request is that they would like the additional space.
- C. There were no public comments.
- D. Vick confirmed that the home was built in 2017 as an exact replacement on the same footprint. He questioned why a variance was not requested at that time. Fitzgerald stated they did not want to move farther back from the lake, and since it was their first experience building a cabin, they followed their builder's recommendation to keep the home on the same footprint. The intent was to have 7-ft ceilings in the basement, but when it was discovered that 6 ft was required for compliance, the cabin was nearly complete. Working with Planning & Zoning staff, the solution was to install beams in the ceiling to achieve the 6-ft height with a recommendation at that time to consider returning later for a variance. No additional construction would be required at this time, only the removal of the beams. Vick questioned the lowest floor elevation and whether it meets the livable-area requirements. Ogle stated that both livable space and crawl space must meet the required elevation. He reviewed flood plain standards with Beacon displayed and said he was unsure of the exact elevation, reiterating that both crawl space and livable space must meet the same standard and that the building permit was issued in 2017. Vick expressed concern that allowing this change would go against his standards and appear to "ask for forgiveness later."
- E. Neumann asked whether the entire house would be raised in elevation. Fitzgerald explained that the home was originally built with 7-ft ceilings in the basement, and the beams were added to reduce the height to 6 ft. He is now requesting permission to remove those beams to restore the 7-ft ceiling height. Fitzgerald acknowledged that he understands how it may appear they are "going around the rules" and said he wishes they had understood the variance process better before construction. Neumann assumed there were engineered plans and that the floor level must meet the minimum elevation standard. He asked the applicant if there was any evidence that the basement meets those standards. Ogle stated the house obtained a permit so that is typically when the proposed lowest floor elevation is reviewed. The current request is to legally

remove the beams and restore the 7-ft height while allowing it to be considered livable space. He noted the Board could require the applicant prove the lowest-floor elevation.

- F. Mol stated that, in his view, this is an after-the-fact variance since the home was rebuilt as an exact replacement. He believes someone missed the height issue or that the contractor knowingly tried to bypass regulations by building a normal-height basement. When the County discovered the issue, a solution was devised to finalize the building permit by classifying the area as a crawl space. The applicant was told at that time to return for a variance, making this a retroactive request. Mol expressed concern that approving such a request could set a precedent, allowing others to build with removable ceilings and later seek variances. Although he understands the situation, he does not want to establish a precedent. Fitzgerald acknowledged this as a retroactive request and said that in past discussions with staff, it was mentioned they could remove an existing nonconforming bunkhouse or reduce impervious coverage as mitigation. He reiterated that they wish they had better understood the process earlier. Mol emphasized that the Board must consider how to handle after-the-fact variances to avoid setting precedent. Ogle clarified that Board decisions do not set precedent, as each request is evaluated on its own merits.
- G. Aarestad stated that he does not believe there was any malicious intent. Previous discussions with the Zoning Administrator identified unique factors that distinguish this case from future ones. Aarestad believes the applicant is doing the right thing by coming to the Board for a variance, as he could have simply removed the beams without anyone knowing. Based on that reasoning, he has no issue with the request.
- H. Neumann moved to grant the request to convert the existing homes crawl space into a full basement which is located within the shoreland and side yard setbacks. Conditions: Must meet all required septic standards and must obtain all required building permits. Building plans noted as Exhibit A. Motion was seconded by Aarestad.

DISCUSSION: Vick pointed out that the applicant mentioned removing a building to improve conformance and asked which building that was. Fitzgerald used Beacon aerial imagery to identify the building in question. Vick asked about the current impervious coverage. Fitzgerald reviewed the property information on Beacon and noted that there is approximately 1,200 sq. ft. of unnecessary concrete. Ogle reminded the Board that since the house was rebuilt as an exact replacement, the impervious coverage would have been grandfathered in at that time. Fitzgerald stated he believes the property is under the impervious limit but could further reduce it. Vick said he would like to see additional impervious coverage removed and that the motion should include a condition making approval void if the home does not meet the lowest-floor elevation requirement. Aarestad confirmed that such an amendment would mean if the home does not meet the requirement, it must retain the 6-ft ceiling height or be raised. Ogle stated that a variance could be granted based on the current floor elevation, assuming it was correctly constructed. Vick reiterated his concern about approving the request without confirming elevation accuracy, particularly if the area becomes livable space. Fitzgerald agreed to obtain the survey for the Board to obtain the existing elevation. Ogle suggested continuing the item to allow time for survey review.

Mol called the question.

VOTE: Aarestad & Neumann
NAY: Mol & Vick

MOTION FAILED

- I. Mol stated that the next step would be to determine whether the Board wanted to approve a motion to continue the item for a survey showing the lowest floor elevation, or to include in the motion that if the requirement is not met, the change in ceiling height would not be allowed. Neumann stated that, with the failed motion, he believes the applicant is currently bound by the existing conditions unless they reapply. Vick felt that a new motion could still be presented. Neumann asked counsel whether the failed motion concluded the request. Ogle responded that a new motion could be presented. Mol stated that it would be up to the applicant to decide whether to withdraw, continue, and present the lowest floor elevation at the next meeting, noting there may be a full Board present at that time. Fitzgerald agreed that continuing would be a good option, and Mol reiterated the importance of providing the Board with a survey showing the lowest floor elevation. Ogle confirmed that the survey must show a floor elevation at or above 1055.35 ft. (NGVD 29). Vick requested that impervious coverage also be included on the survey, and Fitzgerald agreed.
- J. Vick moved to continue the item to the December 5th meeting. Seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 10:30 am.

Respectfully submitted,



Aaron Ogle
Planning & Zoning Planner

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