

# WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: January 8, 2016

## MINUTES – (Informational)

The Wright County Board of Adjustment met January 8, 2016 in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota.

Acting as Chairman pro-tem, Barry Rhineberger, Planner, called the meeting to order at 8:30 a.m. with Board members Bob Schermann, Dan Mol, Charlotte Quiggle, Paul Aarestad and John Jones present. Assistant County Attorney, Greg Kryzer was present as legal counsel.

### Organizational items:

A nomination to elect Schermann as Chair for 2016 was made by Mol, seconded by Quiggle. Hearing no further nominations, a unanimous ballot was cast for Schermann, who assumed the Chair.

Schermann calling for nominations for a Vice-Chair, nominated Mol, which was seconded by Quiggle. Hearing no further nominations, Mol was elected Vice-Chair for 2016.

Meeting dates, times and location were acted on at the end of the agenda.

On a motion by Schermann, seconded by Jones, all voted in favor of adopting the meeting dates provided by Staff. Meetings to begin at 8:30 a.m. and be held in the County Commissioner's Board Room. As in the past, a meeting may be cancelled due to weather or other circumstances after Staff consults with the Chair.

### 1. DALE P. WESTHOFF Cont. from 11/9/15

LOCATION: 13488 77<sup>TH</sup> St. NW – Lot 17, Bay View First Addition, Section 26, Township 121, Range 28, Wright County, Minnesota. (Lake John – Southside Twp.) Tax #217-017-000170

Requests a variance of Section 405.2, 502.2 & 605.5(3) & 612 of the Wright County Zoning Ordinance to construct a 16' x 28' addition that is one-level with a walkout basement to the north side of dwelling 37.5 ft. from the Ordinary High-water Mark of Lake (OHM) and also a new deck lakeside of the addition, 29 ft. from the OHW. Existing dwelling is 37.1 ft. from the ordinary high-water mark of lake.

Present: Dale & Diane Westhoff

- A. Rhineberger summarized the previous discussions. The Board continued the matter to allow the applicant to look into a design for rain gardens. A plan submitted by the applicant was received and this was developed with the direction of SWCD. Rhineberger stated he would defer to Quiggle to comment on the design because she has more experienced with these.
- B. Quiggle had several questions about the topography, tiling and details on the existing terracing. D. Westhoff and Rhineberger answered her questions, noting the water from the

down spouts would go into the rain garden. Westhoff stated there is more room for the rain garden than the sketch shows, it will not need to be within 10' of the garage. None of the water would go directly to the lake, there is a fairly flat area before the steep drop to the lake. Quiggle hearing the explanation was satisfied, but cautioned the applicant on keeping the rain garden shallow. Her experience with one on Sugar Lake was not positive because it was built too deep and became a pond. Her suggestion was to keep it 4-8" deep so it drains out within a 24-hour period. Noting the plants would not survive if it is deeper. She questioned why they were suggesting a soil amendment with existing soils that are quite porous. Rhineberger explained the excavation down 2' is to get the tile in between and assumed they refer to engineered soils to be certain what goes back in are the appropriate soils. D. Westhoff – stated it is their desire to design this as a rain garden and he was willing to go back to SWCD for clarification and address her concerns. Schermann asked if a permit is not needed. Rhineberger stated his office would not be permitting the rain garden.

- C. Aarestad was pleased the applicant was working with Staff and SWCD on this. He asked if the addition would require a large amount of excavation. Rhineberger stated no, only what is needed for the basement walls, the site is already terraced in front. Aarestad stated that was his concern within the shoreland impact zone. He feels this is reasonable, now that the applicant has addressed drainage concerns and worked with SWCD and the DNR.
- D. Mol – agreed the applicant has done what the Board has asked and is trying to protect the lake. He noted this project is very close to the lake.
- E. Jones concurred with the comments made and felt the rain garden is key to allowing this. D. Westhoff – indicated they are excited about the rain garden project.
- F. Schermann suggested the applicant continue working with SWCD. Quiggle added, the applicant should confirm the design so they can check the depth to avoid a redesign later.
- G. Aarestad moved to grant construction of a 16' x 20' addition that is one-level with a walkout basement, according to Exhibit "A", held on file, to the north side of dwelling 37.5 ft. from the ordinary high-water mark of lake. Existing dwelling is 37.1 ft. from the ordinary high-water mark of lake. Condition: A rain garden to be installed, according to the general concept and plan, referred to as Exhibit "B", on file. Jones seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **AgSTAR FINANCIAL SERVICES, FLCA** – New Item

LOCATION: Part of the E ½ of NW 1/4, Section 1, Township 121, Range 26, Wright County, Minnesota. (Silver Creek - Twp.) Tax #216-000-012103

Request an appeal of zoning administrator's decision of Section 502.2 & 604.6(4) of the Wright County Zoning Ordinance determining a 70 +- parcel is not conforming and will not have an entitlement because of an unapproved five-acre division previously made from the parcel.

Present: David Meyers attorney representing AgSTAR; Brad Barthel and Rick Kjolsing of AgSTAR

- A. Rhineberger explained the appeal. He displayed maps to show the original 80 acre farm and history of a first mortgage dated 2003 for five acres around the house. This mortgage did not create a separate tax parcel at that time. There was a foreclosure on a separate mortgage for the 75 acres and buildings across the line were noted. The Bank could not foreclose on the five acres with the house that has a separate mortgage. The applicant wanted to market the 75 acres with an entitlement. The intent of the original house mortgage was to put it back together with the 75 acres, however, that did not happen. The Zoning Administrator denied the request for 70 acres with an entitlement, leaving the five acres without buildings to eventually go back to the house and five acres. One neighbor responded that he did not want any access through his property.
- B. Meyers – explained the history on how they got to this point. In 1982 Grimlee bought the 80 acres with the home. In 1986 a mortgage was taken out on five acres and the house. It was common practice that banks did not want to finance an entire farm. These two parcels are mortgaged separately and still are today, five acres by Wells Fargo. In 2002, AgSTAR came along and made a loan on 75 acres, for farmland and livestock. Grimlee filed bankruptcy in 2004 and has not made any payments to AgSTAR other than selling off some livestock through bankruptcy court. Grimlee had come to the County to see if he could develop his land. AgSTAR went to Court and foreclosed on everything but the five acres in 2013. There was a redemption period where Grimlee could have bought the land back. After the foreclosure they realized the problem with the zoning, there was a total of two entitlements and talked with the Zoning Administrator about how to resolve this. AgSTAR offered to cut off five acres so the outbuildings could be put back with the house and make it conforming. They were willing to give it to Grimlee but he refused the five acres. They had to take Grimlee to Court four times to try and get his things and animals off the property owned by the Bank. He noted the outbuildings were built over the line after mortgages were filed. They have made several attempts to give Grimlee the five acres back and had asked for funds to cover some costs related to court costs, including new surveys each time and the real estate taxes they were paying. Met with the Town Board this week and responded to their question on what would become of the five acres. Although they noted this would be up to the County, they would like the five acres tied up with the Grimlee residential building site; recognizing the 70 acres separate. A packet he prepared was given to the Board, he noted the applicant would not take this document earlier today. They are willing to give Grimlee the five acres for free to resolve this so the

Bank can get approval for the 70 acres with an entitlement. If the Bank can get the entitlement, and Grimlee will not accept this land, they are willing to put a covenant on the additional five acres that it can only transfer to Grimlee or future owner of the five-acre homesite. They are trying their best to respect the Ordinance; and, eventually the two five acres would be put together.

- C. Grimlee – appeared before the Board and distributed a packet of information to show the history of the property. Chairman Schermann handed his copy to Meyers. Grimlee noted the five acres was not subdivided. Rhineberger – stated the foreclosure is when the subdivision happened. Up until that time it was an 80-acre parcel. At this time, when a mortgage gets recorded on a portion of a parcel, a new tax parcel number is created. Because it was irrelevant to this proceedings, he did not research this in its entirety. The line did not come into question until the foreclosure was filed in 2013. Grimlee – referred to the booklet he prepared. Tab 1, is a 2010 letter from the County Attorney that he read a portion that states the mortgage company takes the risk if they finance a portion of the property. The Bankruptcy Court has to go by what is recorded. His attorney had presented the wrong legal description on the foreclosure which was corrected later. They went into remediation was told in bankruptcy court that he had to give up 40 acres or go to jail and he signed it over. They did not go to the County for approval before it was recorded and they went back later and got the 80 acres back. He tried to get the acreage classified as agricultural, however, he cannot get enough income off it to qualify. After the foreclosure, he received a letter, see tab 4, dated January 7, 2015 that says AgSTAR was successful with Wright County in getting the tax splits, they were willing to negotiate even though the County had told him it was not a proper division. He explained the misinformation AgSTAR was giving him. The first conversation on entitlements was when he received this notice of hearing. Tab 5 shows he has paid \$92,000 on a \$120,000 loan. He feels they are trying to use the Board of Adjustment to allow five-acre subdivisions. If this is allowed, he has no leverage to try and negotiate for repurchase of the 75 acres back. If they can get 70 acres split off, they can come back and ask for seven 10-acre lots under the Rural-Residential Land Use designation. He noted the value the Bank is looking at if they can re-subdivide. The first offer to him shown on page 3, was \$180,000 to buy the land back. That is the only written offer he has gotten from them. The statement made that he has not paid anything is false. There is no approval of the division, the five acres off the 75, left a line running through his large barn. He did not think the County should get involved in creating five-acre parcels.
- D. Kryzer – stated he met with the representatives of the Bank and Riley and the Bank has worked through every option they have, Grimlee won't meet with them and this is what they came back with. Don't know if they have any other option. Schermann asked if the Board should be in the middle of this. Kryzer – agreed they are here only to decide if the decision the Administrator made is right and not whether the bankruptcy court treated Mr. Grimlee fairly.
- E. Aarestad asked when the buildings over the line were built. Rhineberger explained the barn was constructed prior to that line being in place. Although there was a separate

mortgage, an imaginary line (mortgage) but the property lines were still showing an 80 acre parcel and the line did not come in place until the foreclosure was filed.

- F. Schermann reminded the Board their job is to address the decision made by the Administrator. Quiggle it is confusing – the facts show the decision was correct, in that case, why are they not applying for a variance. Would that not be a remedy? Rhineberger – it is complicated by the fact that the foreclosure created the problem. Staff could not hold up the foreclosure. This is not just as simple as wanting to break off a restricted five acres. The other issue is the five acre residential site. Quiggle asked if the Bank is willing to add the odd shaped restricted parcel to Grimlee and if Grimlee accepts the gift of five acres then there is a ten-acre homestead parcel and the 70 acre parcel. Rhineberger – if that is acceptable they can all go home. Grimlee was asked if he would accept that gift of five acres, and he responded no, because he has \$95,000 he paid the Bank and he is not getting any credit for that. Kryzer – this is the difficulty the Bank is in. Grimlee stated the wrongful foreclosure has to be resolved. The Bank is not exempt from State Statute and that has to be resolved. Meyers there was almost \$300,000 due on the loan and the bankruptcy wiped out huge amounts of what was owing and the Bank took much loss. Quiggle –she is flummoxed; to clean up the five acres around seems to be a reasonable solution, but without giving a variance to allow a five-acre parcel to come into existence, how can that happen.
- G. Riley – both parties mentioned a ten acre minimum, it is a 10-acre maximum and a legal five acre lot can be approved. He cannot go back and cannot decide on all the decisions and actions that happened over the years. What they have is a five-acre residential lot, left over from a foreclosure, a building with a line that goes through it with a remainder parcel of 75 acres. Under normal circumstances the 75 acres would have an entitlement. A meeting with AgSTAR was for an offer to make a 10-acre residential lot meeting all the zoning standards, he cannot force that and suggested they work with the owner. The Bank stated they tried to resolve this and could not come to an agreement with the owner. The five-acre lot was not approved by the County. One of three things that can happen: sit like it is with a five acre residential lot, a five acre illegal parcel with the outbuilding across the line and a parcel that cannot be sold with an entitlement; the illegal five acres with the building is put back into the 70 acres, noting the problem with a line going through the buildings will still exist; or the appeal is approved with the condition the five acres gets attached to the homestead at some point and the 70 acres parcel can be legally sold with the entitlement. This action is not to create a separate five-acre restricted parcel with a line going through a building, but keeping it until someday that additional five acres can be put back into the existing homestead for a total of ten acres. If this situation is not figured out now, the Bank is suggesting a five acre parcel with a covenant until it can be put together as a ten acre lot. They are not requesting a variance, the Bank does not want to sit on a five acre piece and own it, but to get it with the five-acre homestead. Quiggle – would not a variance be needed to retain that free-standing five acre parcel until it gets with the homestead? Riley – without the condition of a covenant, held by the Bank until it goes to the homestead, yes. This is an illegal division, and only solution is to fold it into the homestead. They are asking for consideration to hold onto it until it can go to that homestead parcel. Don't want to give a variance that will not exist in the end and the

BOA would unlikely grant a variance for a restricted 5 acre parcels to stand by itself. Kryzer- explained the difficulty here is that a variance makes it a legal conforming parcel. Going this route the parcel remains restricted, goes with either parcel, but the Bank does not want it with a building with a line going through it. Riley – this course of action allows it to be added to the homestead someday. Quiggle – agreed it makes sense to go forward with the 70 acres, leaving the five acres that can only be sold to the homestead owner in the future.

- H. Commissioner Borrell – questioned if they allow this who would pay the taxes? Board answered the Bank would. Borrell if the owner will not accept the five acres what happens, who has access to the property and how would he get around the building. Meyers – stated whatever the Board wants they will do.
- I. Mol – he agrees with the Zoning Administrator’s decision, but does not know what the remedy is. It is unfortunate there was a bankruptcy, but that is not what the Board is supposed to consider. What would resolve this is if he would accept the five acres and the attorney fees and problems go away.
- J. Jones – he was on the Town Board for ten years and knows some of the background. Grimlee is asking where all his payment went. There has been a period of time with interest paid and if this could be put in black and white to show Grimlee. He would like to see the two parties sit down and try to resolve this. Assuming this five acres would go to Grimlee free, and the Bank can layout the documents and figures to Grimlee who claims he does not have that information. He would suggest continuing the meeting and the two parties sit down and discuss this. If it is Grimlee’s intention to buy back this property, he should be given a value of what that would take. Understands there was a lot of money paid with interest over that amount of time that does not pay toward the principal. If they cannot come to some agreement, it will be back to the Board. He does not want to see the five-acre parcel sitting on its own. Meyers indicated they would agree with an extension.
- K. Jones moved to continue the hearing to February 5, 2016 to allow the parties to meet and try to arrive at an agreement. Quiggle seconded the motion.

*DISCUSSION: Schermann – agreed with the Zoning Administrator. The Courts have had this and he feels the two parties have to come up with an agreement. He would uphold the Zoning Administrator’s decision. Jones agreed. Schermann if the parties can resolve the illegal five-acre division the Board is out of it.*

VOTE: CARRIED UNANIMOUSLY

3. **SHERLYN M. BLOCK** – New Item

LOCATION: 10309 Amery Avenue NW – Lot 11, Block 2, Shady Rest, according to plat of record, Section 12, Township 121, Range 26, Wright County, Minnesota. (Lake Ida-Silver Creek Twp.) Tax #216-000-124320 OWNERS: S. Ye, L. Ye & Skreen

Requests a review of 2006 Board condition and allow the sale of the property with continued use of holding tank as regulated in Section 502.2 Of the Wright County Zoning Ordinance.

Present: Sherlyn Block and Barb Olson, neighbor

- A. Rhineberger displayed a map to show the site on Lake Ida. He summarized past actions in 1997 and 2006 by the Board. Originally, a tornado destroyed a day structure and they were allowed to tear it down and replace it. This existing structure is not something they sleep in and has no plumbing. There was an outhouse which served the use, a holding tank was required to be installed under it to make it legal on the condition that has to be removed before the sale of the property. The hearing in 2006 was to ask the Board to consider the sale of the property to a nephew, again under this conditions the Board agreed because it was still held in the family, but upon transfer would have to be removed. The property was recently listed and the applicant wants to purchase the property, but asking the outhouse/holding tank restriction be lifted. The applicant owns a home on this side of the lake and wants this property for better lake access and a recreation area, because where they live it is not easy to access the lake. Town Board approval was received.
- B. Block – has a formal statement that shows the current owners understand her request. She explained her permanent home is down the street and plan to continue using the property as it has been. A picture to show the outhouse with a storage area attached. She wants this structure to continue using this for sanitary facilities when they are using the property. This lot will give their family a place to access and recreate on the lake. She has talked with neighbors on both sides.
- C. Mol – with the understanding the use would remain the same he has no concerns with it. He asked if there have been any complaints and if the holding tank is adequate. Rhineberger – stated because the use of the holding tank is very limited, there should be no problem with overflowing. The office is not aware of any complaints. Mol – stated he could agree as long as the use stays the same.
- D. Jones – is familiar with this property. The owner to the west was considering putting a culvert under the private road and asked if that was ever installed. Block – stated no, but it is an issue amongst the owners. Jones – there was standing water a few years ago, and asked if the outhouse with the holding tank is near that. Block – that structure is on the highest part of the lot and if there was any pooling of water it is not near it. They have plans to better manage water if they take possession of the property. She has just stepped down as president of the Lake Association and is very concerned about lake quality and protecting that. Now that she is a property owner down here she is willing to advocate for a solution to this water problem.

- E. Aarestad – he is in favor of keeping this holding tank in place.
- F. Quiggle – if this holding tank meets code, questioned the reason for the condition. Rhineberger - was part of the decision in 1997 to replace the existing structure. The replacement statute did not come into place until later. Quiggle questioned if the outhouse with the holding tank below it is compliant. Rhineberger – if the Board is looking at approving this, he would suggest lifting the restriction. He questioned the difference of having that or bringing in a satellite.
- G. Schermann – noted he originally voted on the first action with the condition, but has changed his mind. Rhineberger – stated the Statute in place was different. Schermann – agreed this makes sense.
- H. Quiggle moved to approve the request and remove the 2006 sale restriction. Aarestad seconded the motion.

*DISCUSSION: Kryzer informed the applicant that Fyle's letter is not a completed compliance inspection and they would need to go back to him and get that prior to their purchase.*

VOTE: CARRIED UNANIMOUSLY

4. **PHILIP B. MUNSON** – New Item

LOCATION: Part of the NE ¼ of NW ¼ of Section 5, Township 118, Range 27, Wright County, Minnesota. (Victor Twp.) Tax #219-000-051205 Owner: Munson Turkey Company LLC

Requests a variance of Section 604.6(4) of the Wright County Zoning Ordinance to divide of the turkey barn on a restricted (no residential entitlement) 17-18 acres leaving an “entitlement” on the remaining 23-24 acres that includes woods and field.

Present: Philip Munson

- A. Rhineberger reviewed the property, a portion lies south of US 12 and includes a 60’ x 200’ turkey barn. The applicant is requesting to sell off the turkey operation and land on that side of the road. The applicant would retain the building entitlement with the 23-24 acres. The division needs a variance because it exceeds 10 acres and 2.5 acres of tillable ground. The maps and soils information were viewed. The Town Board has approved.
- B. Munson explained they own two turkey farms, his children are not planning to take over the business and these are difficult to sell. He wants to keep a portion of the property noting the improvements he has made to it.
- C. Schermann indicated he is familiar with the property and sees no issue with letting the applicant sell off the business.
- D. Jones asked if the dark area on the map is lakeshore. Munson – stated no, and explained there is some cattails and low ground and the cropland on the east and west side.
- E. Aarestad questioned why the need for 17 acres and if the proposed boundary could be moved closer to the turkey barn in order to preserve the tillable land. Munson – stated his buyer did not want more than what was needed for the building, but he suggested it might be best to keep some land around the building that is high ground. If the Board is not in agreement, he could go back to the buyer and make another offer. Aarestad understands there should be some high ground included with the building.
- F. Mol – stated he has no problem with the division, but seeing the Feedlot Officer in the audience questioned if there were any concerns. Tracy Janikula, Feedlot Administrator, indicated she has no additional information. Mol – noted if they make the division with the building, meeting 300’ in width and include the driveway what would be left that is useable? He supports keeping property lines straight.
- G. Schermann moved to grant a division of the turkey barn on a restricted (no residential entitlement) 17-18 acre parcel leaving an “entitlement” on the remaining 23-24 acres that includes woods and field. Subject to a Deed Restriction being signed by the property owner and recorded. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **FREDERICK E. HALONEN** – New Item

LOCATION: E ½ of SE ¼, Section 35; and Part of NW ¼ of SW ¼, Section 36, all in Township 120, Range 28, Wright County, Minnesota. (French Lake Twp.) Tax #209-000-354100

Requests a variance as regulated in Section 502.2 & 604.6(4) of the Wright County Zoning Ordinance to allow an “entitlement” division of approximately 22 acres, being that portion of an 80-acre parcel south of County Road 35.

Present: Greg Halonen and Frederick Halonen

- A. Rhineberger reviewed the location of the farm that has a portion of the 77 acres divided by CR 35. The applicant is proposing to use the county road as the division line and separate 22 acres south of the road. The North 55 acres would be a restricted ag parcel that has been in CRP and tree programs. G. Halonen indicated the property is no longer in the program. Rhineberger stated 9 acres in the proposed division are classified as prime tillable soils. Town Board response was favorable, noting the reason is the road separates the land.
- B. F. Halonen – explained he is in the process of selling the remainder of the property and was informed he has to have it officially split to do this. This is one portion of the farm, there is another 55 acres on the other side. When he sells he wants to be sure the “entitlement” stays with the land south of the road. He noted the location of power lines.
- C. G. Halonen indicated he has talked with the surveyor who prepared a survey years ago. He indicated a legal description could be provided without additional survey costs.
- D. Jones asked if this land is in a CRP program. F. Halonen stated that ends this October. They have farmed the land in the past, but there are steep slopes. Jones asked if they could not split off ten-acres considering the Ag land classification. Rhineberger – indicated that is possible. The likely building site locations would probably exceed 2.5 acres tillable. Kryzer asked if two entitlements could be used south of the road. Rhineberger stated there are not two left. This parcel is unique with the county road running through it. Staff are not suggesting the proposed division, it is what the applicant wants.
- E. G. Halonen – explained they have a buyer of the land lying on the north side who is an adjacent land owner. Another potential buyer to the south might be interested in the remainder. He could not say if that sale will materialize. The need for soil borings was explained to make certain there is suitable sewer locations on the south side prior to sale of any part of the property.
- F. Aarestad felt leaving two small pieces to farm across the road may not be the best. It could be argued those areas might be suitable for sewer systems because the rest is marginal. F. Halonen noted there are some low areas that cannot be farmed. Rhineberger

reviewed the soils map, noting the location and areas that are classified prime, but can only be farmed in a dry year. Leaving the isolated fields may become unusable anyway.

- G. Mol addressed Aarestad's question on farming these small parcels. He did note other tracts in the surrounding area are of similar size and with an entitlement a future owner could have the option of having some horses or cattle.
- H. Tracy Janikula – Feedlot Administrator in the audience asked Rhineberger to show where the shoreland district falls on the property. Rhineberger estimated this comes into the property and restricts the acreage by half to three-quarters. Janikula stated there might be a possibility on the east half of the property to have animals. This would take further research.
- I. Jones moved to grant a variance as regulated in Section 502.2 & 604.6(4) of the Wright County Zoning Ordinance to allow an "entitlement" division of approximately 22 acres, being that portion of an 80-acre parcel south of County Road 35. Condition: Owner to provide soil borings to show the site can support two sewer systems, and then a Deed Restriction be signed and recorded prior to sale of either parcel. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **DEBRA A. McCORMICK – New Item**

LOCATION: 4565 State Highway 55 – W ½ of SE 1/4, except part to highway, Section 14, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-144201

Requests a variance of Section 502.2 & 604.6(4) of the Wright County Zoning Ordinance to divide off the existing homestead on a 20 acre-lot.

Present: Steve Swanson, representing the applicant

- A. Rhineberger displayed the location map to show the existing homestead on 81 acres. The proposal is to square off the proposed property lines to include the house, siting in the middle of the property and long driveway and include a division of approximately 20 acres. The property is in the Land Use Plan for Industrial and there is an industrial park on the west line. The 80 acres is currently zoned AG, but there is potential for development. Looking at the soil classification, the division includes approximately 11 acres of prime farm land. This property borders State Highway 55. Town Board approves.
- B. Jones confirmed the classification in the Land Use Plan. Rhineberger it is Industrial in plan as well as the parcel to the east. Quiggle questioned how this fits with the Land Use Plan. In theory, the proposal seems reasonable with the position of the house and access. She asked, is the future land use an issue with this division and someone else builds a house on the balance. Rhineberger indicated the Land Use Plan is part of the variance proceedings that can be used. Counsel has advised Board they have broad discretion. Kryzer quoted one of the criteria in Section 504.4 is granting a variance should be in harmony with the County's land use plan. Quiggle stated it is not in harmony, but seems a different situation. Rhineberger did not feel that granting the variance would preclude rezoning either parcel or divisions.
- C. Mol did not see a problem splitting the house off. The property is zoned AG now and is in harmony with the Plan. If they split the house off and the buyer wants to develop the balance Industrial, could this owner with the house hold that owner hostage. Could this create a conflict and how would they view this? Board needs to plan properly and if they chop up the farm and cause conflict, is that what should be done. Rhineberger – noted currently the owner can split off ten acres and not need a variance. Schermann – stated but that is not what they are doing. There is a road from the Industrial park that ends at the center of the west line of this 20 acre division. Rhineberger – it is platted road on the west side but it is not 300' wide which is a requirement. Schermann – noted the Board has varied that in the past. Kryzer – would get the access off the State Highway. Rhineberger – displayed a map to show the new right of way line that is planned under the State Highway 55 Coalition project. He noted the amount of land this future right-of-way takes up.

- D. Jones – asked if Swanson is related to the owner. Swanson stated he is a good friend and buyer of the house. He is making an offer of “first right of refusal” for the balance of the land. He would make the home his residence.
- E. Mol – stated although it is zoned AG now, the fact this is planned for I-1 is a concern. The purchaser’s intention to buy the rest does help.
- F. Jones he has the same concern as Mol with the Plan for commercial, but he would support this.
- G. Aarestad stated he has serious concerns because this is proposed for expansion of an industrial park; also have the change to State Highway 55 coming. As this sits he cannot vote in favor.
- H. Mol moved to grant a variance of Section 502.2 & 604.6(4) of the Wright County Zoning Ordinance to divide off the existing homestead on a 20-acre lot according to Exhibit “A”, held on file. Subject to a survey and a Deed Restriction signed and filed by the property owner. Jones seconded the motion.

VOTE: CARRIED, Aarestad & Schermann voting nay

7. **DARREN E. FISCHER** – New Item

LOCATION: 5504 30<sup>TH</sup> St. NE – Part of E ½ of SE ¼ & SW ¼ of SE 1/4, Section 13, Township 120, Range 25, Wright County, Minnesota. (Buffalo Twp.) Property owners: Fischer & Kowalke Trust Tax #202-000-134300 & 202-000-134100

Requests a lot line adjustment as regulated in Section 502.2 & 604.2 to allow the purchase of 35 acres from parcel that surrounds the applicant's 5-acre home site to gain ownership of the full quarter-quarter section. The adjustment will result in a remainder parcel that does not include a full quarter-quarter section, but a "long" 40.

Present: Darren Fischer

- A. Rhineberger reviewed the applicant's existing residential lot that was divided off with a Deed Restriction. The limited road frontage was noted at the end of dead-end-road. The entire 120 acres this came out of was outlined. The proposal is to expand the residential site to a full quarter-quarter section (40 acres), however, the Board review is needed because it leaves a long 40 acre parcel that does not include a quarter-quarter section. Only written response was from the Town Board who approve. A small parcel in the southwest corner would also be cleaned up as a part of this purchase.
- B. Mol explained he is familiar with the property because of a long history related to a home extended business that is on the property. The Planning Commission has made inspections of the property. Felt the expansion of the lot is a good idea.
- C. Jones, Aarestad, Schermann and Quiggle also support the division.
- D. Quiggle moved to a lot line adjustment as regulated in Section 502.2 & 604.2 to allow the purchase of 35 acres from parcel that surrounds the applicant's 5-acre home site to gain ownership of the full quarter-quarter section. The adjustment will result in a remainder parcel that does not include a full quarter-quarter section, but a "long" 40. Subject to the deed restriction being filed and addressing "entitlement" assignment. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

**MINUTES**

On a motion by Mol, seconded by Quiggle, all voted to accept the minutes for the December 4, 2015 meeting as printed.

Meeting adjourned at 10:35 a.m.

Respectfully submitted,

Barry J. Rhineberger  
Planner

BJR:tp