

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: July 8, 2016

MINUTES – (Informational)

The Wright County Board of Adjustment met July 8, 2016 in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Bob Schermann, called the meeting to order at 8:30 a.m. with Board members Schermann, Jones, Quiggle and Aarestad present. Absent was Mol. Barry Rhineberger, Planner, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney was legal counsel present.

1. JOEL A. VON ENDE – Cont. from 5/6/16

LOCATION: 13371 102nd St. NW - Lot 4, Augusta Peninsula Shores, Section 11, Township 121, Range 28, Wright County, MN. (Lake Augusta – Southside Twp.) Tax #217-015-000040

Petitions for a variance of Section 302.1, 404, 502.2 605.5 (2) & (3), 612 & 716.3 of the Wright County Zoning Ordinance to allow construction of a 22' x 26' two-story detached garage on the road-side of dwelling; with a 12/12 roof pitch and 8 ft. of headroom in an upper level, to be 76 ft. from the ordinary high-water mark (OHW) of a Recreational Development lake, 5.4 ft. from the property line and 11.4 ft. from the road right-of-way (28.3 ft. from the traveled centerline). Also proposed is a new septic system to be 2 ft. from the property line and 2' from the road right-of-way. Lot is undersized.

Present: Kim & Joel Von Ende

- A. Rhineberger - reviewed the first site plan before the Board. Board members had wanted to see improvements to the setbacks proposed. The applicant's new plan was presented. The garage was downsized from 22' x 26' to 18' x 24', the side line is at 8.6' and the road will be 13.7' from the road right-of-way. The sewer was adjusted some, the upper level removed and the roof pitch is now 6:12. The garage is now an over-sized one-stall garage. The Office just received a response from the Town Board that they approve the new plans.
- B. J. Von Ende – this is a private road and they met with the Town Board on this. Because the township does not maintain it, they have no problem with the setback from the road. Residents pay to maintain the road. They had originally asked for a large garage and have now downsized it considerably. Also moved it off the line. The sewer system was downsized, but only two live here and it meets the requirement. The sewer went from 2' to 2.5' and his adjacent neighbor agrees to the setback. His neighbor's sewer is adjacent to where this system will be. The neighbor's sewer extends into the right-of-way almost 10'. The Board's concern about water is not a problem here because the water runs down the road way and not off his property. He plans to gutter the garage and bring the water back to divert it into tanks. This structure will not add water because of the lay of the land. He would make certain any water coming off the garage would stay on his own property. They limit water usage because currently have to use holding tanks which they are pumping all the time. The written statement from the neighbor was submitted.
- C. Aarestad – the garage was a problem, with major reduction and reducing the pitch it has improved. Questioned the setback from the road. J. VonEnde stated it is still at 13.7'. With these improvements in the plan, Aarestad stated he could support the revisions.

- D. Quiggle – concerned about the amount forced on the lot, but to have a garage this seems the best he can do. She would prefer more setback from the road, however, there is quite a distance from the travelled road. J. Von Ende – stated there is 20' from the travelled to the proposed sewer. Quiggle – understands the holding tank is a hardship for the owners, but that is not a statutory hardship. With the problems, she felt this is a good solution.
- E. Jones asked the size of the existing tank? J. Von Ende – 800-1,000 gal. the tank fills up fast and he was unable to get the pumper out this week; so they limit water usage. Rhineberger stated the current system is a cesspool. Jones agreed – this is not what the Board would like to see, but it appears it is the best considering the situation.
- F. Schermann concurred with the Board members comments.
- G. Aarestad moved to grant construction of a detached 18' x 24' one-story garage, with a roof pitch not to exceed 6:12, 76' from the Ordinary High-water Mark of Lake, 8.6' from the side property line and 13.7' from the edge of the platted road right-of-way. The new sewer system is to be installed 2.5' from the side property line and 2.5' from the edge of the platted road right-of-way. Lot is undersized. Condition: Gutters be installed on the garage and a structural barrier be installed to prevent anyone from driving or parking on the new sewer system. Quiggle seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **NEIL K. SCHLAGEL** – Cont. from 5/6/16

LOCATION: 10673 Grover Avenue SW – Lots 31 & 32, Terra Teresa, according to plat of record, Section 25, Township 118, Range 27, Wright County, MN. (Victor Twp.) Tax #219-016-000310/000320

Requests a variance of Section 403, 502.2, 605.5(3) & 612 of the Wright County Zoning Ordinance to construct an 18.5' x 29.5' two-story addition 58 ft. from the Ordinary High-water Mark (OHW) of a Recreational Development lake. Also construct a 28' x 28.5' attached garage with an 18' x 28.5' upper-level and 5' x 14' porch roadside of the proposed dwelling addition, 10.7 ft. from the north side property line. Existing structure is 60 ft. and the deck 54 ft. from the OHW and 11 ft. from the south property line. Proposed addition will increase impervious coverage to 25.56%.

Present: Neil Schlagel

- A. Rhineberger – revised plans were provided. He displayed the property location and summarized the plans originally submitted and the changes made since the first hearing. At first, the plans looked like the porch was parallel and two-story, however, after talking with the draftsman, there have been some changes. The addition has been pulled back, instead of 2' closer it is a foot further back than the existing structure, was made wider and is now even with the garage wall, filling in a nook. The addition is one-story, no basement and an attached garage. The construction plan was explained which brings the profile down from 28' to only 3-4' higher than what exists. The porch was downsized and re-arranged to fit into the configuration of the addition. In talking with the applicant, they have decided to enclose a roadside porch 6' x 8' rather than leave it open.
- B. N. Schlagel –the second-level was taken off the garage to reduce height. Family has grown and need more room. Rhineberger stated the plans show the height was reduced about 9'.
- C. Quiggle – the back entry enclosure is not a concern, since it is toward the road as long as coverage is met. Rhineberger – that can be worked with. Quiggle – she would draw the line at a maximum of 25% which will require a reduction of 192 sq. ft.
- D. Jones stated he would agree to limit impervious to the maximum. He supports the other improvements to the plan.
- E. Aarestad – stated the applicant did a good job addressing the concerns. He would concur the impervious has to be addressed. N. Schlagel stated the driveway could be reduced by 220 sq. ft. by narrowing it down.
- F. Schermann summarized the Board consensus. Rhineberger stated Staff would verify that the driveway is reduced to make sure the 25% is not exceeded at the final inspection. The building permit application would have to include a plan to show how it will be done.

- G. Quiggle moved to approve a variance of Section 403, 502.2, 605.5(3) & 612 of the Wright County Zoning Ordinance to construct a new addition and attached garage with the dimensions as shown on “Exhibit A”, held on file 61 ft. from the Ordinary High-water Mark (OHW) of an Recreational Development lake, 10.7 ft. from the north side property line to garage. Condition: The final impervious coverage be reduced to 25%, decrease of 192 sq. ft. as shown on survey, to be verified at final inspection or a certificate of occupancy will not be given until completed. The driveway reduction is proposed to meet the impervious coverage and the ground beneath will have to be tilled so no longer compacted. Schermann seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **WILLIAM JOHANSSON** – Cont. from 5/6/16

LOCATION: 4963 128th Street NW – Part of Gov't Lot 3, Section 32, Township 122, Range 26, Wright County, MN. (Limestone Lake - Silver Creek Twp.) Tax #216-100-322302
Requests a variance of Section 404.2, 502.2 612 of the Wright County Zoning Ordinance to allow replacement of the existing one-level walkout dwelling with breezeway and single attached garage with a new 35' x 39' one-level over a walkout dwelling (same as existing) with an 18.5' x 18.5' one-level addition (replacing the breezeway) and 22.5' x 25' double attached garage. The proposed dwelling includes a 3.5 ft. overhang lakeside. Existing and proposed dwelling to be 39.1 ft. from the Ordinary High-water mark of a Recreational Development lake. Proposal includes replacement of the existing 16' x 20' deck that is 34.7 ft. from the Ordinary High-water mark of lake.

Present: William, Lisa & David Johansson

- A. Rhineberger stated since the last meeting new plans were submitted for a tear down, rebuild of existing structure. They are moving the structure back to 62' from lake. He reviewed the existing structure dimensions. The new dwelling plans are for a one-story, walkout, breezeway and attached garage that has a 12:12 roof pitch. Elevation drawings were presented. Roof pitch has been altered, but structure moved back 23'. The patio and deck out front were noted. The sewer will meet setbacks and the dwelling will meet the side setbacks. The view of the profile addresses the first criteria and the difference moving it back makes as viewed from the lake. The increased roof pitch will not have much affect because of the distance from the lake.
- B. Jones – appreciated the applicant took their comments seriously and worked on addressing the issues. He did not find anything about the plans that would be unacceptable as far as impact to the lake.
- C. Aarestad agreed and noted the applicant addressed the height.
- D. Quiggle – the 62' from lake is still a 40% deviation of what is required; however, would agree provided plans for lakeshore buffer and water infiltration are followed. If given the variances she would like to see those native plantings and mitigation plans a condition.
- E. Jones moved to grant a variance of Section 404.2, 502.2 612 of the Wright County Zoning Ordinance to allow replacement of the existing dwelling with one-level over a walkout dwelling, breezeway and attached garage, according to plans marked, Exhibit "A", held on file, 62' from the Ordinary High-water mark of a Recreational Development lake. Aarestad seconded the motion.

DISCUSSION: Quiggle offered an amendment for consideration that was accepted as follows:

Jones amended his motion, Aarestad his second: Infiltration areas and the native shoreland buffer will be completed according to Exhibit "B"; and those areas will be maintained in perpetuity and new owners of the property will also be responsible for maintaining that for storm-water mitigation. VOTE: CARRIED UNANIMOUSLY

4. **DAVID A. NEWKIRK** - New Item

LOCATION: 2246 & 2390 – 95TH St. NW - E 278.08 feet of the S 719.18 feet of the W ½ of NE ¼; and Part of E ½ of NE ¼, all Section 15, Township 121, Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax #216-000-151201, -151200, -151300 & -151401 Owners: Newkirk & Swendsen

Requests a lot line adjustment of 155.026, 155.048 of the Wright County Zoning Ordinance to add approximately 3 acres from the Newkirk property to the Swendsen 22 acre parcel.

Present: David & Lorraine Newkirk

- A. Rhineberger summarized the three parcels owned by the applicant. The narrow strip of land on the east side is a “Torrens” property and the balance is abstract property. The applicant is looking at increasing the parcel that includes the house which can be done administratively as proposed, however, cannot be combined for tax purposes because of the two types of title. The applicant is planning to get a registered land survey for the whole parcel to get this under one tax parcel. In talking with the neighbor to the west, they would like to purchase the wooded area to protect the trees. That adjustment has to be completed prior to the registered land survey. The hearing is to address the three-acres to be added to Swendsen. This is not a variance, but a lot line adjustment. Silver Creek Town Board has given written approval.
- B. D. Newkirk – the original wooded area measures 100’ wide by 1300’ deep. They plan to sell their agricultural land and want to prevent someone from bulldozing those trees out. L. Newkirk –the entire parcel will be surveyed.
- C. Schermann asked if they need a survey before a decision. Rhineberger – stated in this case not necessary. The applicant is planning to keep the expanded homesite 10 acres or less with 300’ wide. The farmland parcel and remainder parcel will meet the standards. The Board only has to address the lot line adjustment.
- D. Aarestad – indicated he has no problem with the adjustment. Questioned the three parcels, what the far east lot came out of. D. Newkirk – stated that was a historical road that used to go through that area. There was some action by a Court to give it to a previous owner.
- E. Quiggle, Jones and Schermann expressed no objections.
- F. Quiggle moved to grant a lot line adjustment of 155.026, 155.048 of the Wright County Zoning Ordinance to add approximately 3 acres from the Newkirk property to the Swendsen 22 acre parcel as described on Exhibit “A”, held on file and subject to an Administrative Order if the County Auditor cannot incorporate that strip into his existing tax parcel. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **ROBERT V. MANGEN**- New Item

LOCATION: 7855 Braddock Avenue NE – Lot 19 and W 10 feet of Lot 20, Section 30, Township 121, Range 25, Wright County, Minnesota. (Cedar Lake - Monticello Twp.) Tax #213-115-000190

Requests a variance of Section 403, 502, 605.5(3) & 612 of the Wright County Zoning Ordinance to allow a new 388 sq. ft. deck, 11.6 ft. from the side property line. Proposed deck would reduce the side yard setback from 17.6 ft. to 11.6 ft. and lake setback from 64.9 ft. to 56.1 ft. Requests a variance of impervious surface coverage that would increase from 28.3% to 31.6%

Present: Robert Mangen and Sue

- A. Rhineberger reviewed the 13,815 sq. ft. lot on Cedar Lake. The applicant is looking for a 388 sq. ft. deck with 65 sq. ft. stairs lakeside. The deck would be 8' closer to the lake and 6' closer to a property line. The current impervious coverage is at 28.32% and deck and stairs would increase that to 31.6%. The structure is now 64.9' from the lake and 17.6' from the property line and moving closer, 11.6' from the side and 56.1' from the lake. Town Board recommendation is that they would like to be included in a site inspection to review the deck and impervious coverage issues.
- B. Quiggle stated she has several concerns, one is the deck will be going closer to the lake than what exists. Applicant stated the deck would not be closer than a deck that was there when they purchased the property. Quiggle stated she would not support going closer than what exists. The setback required is 100' from lake and this is about half that. Even more concern is the impervious coverage, taking it up to 32% and she would like reduction to 25%. Removing sheds, etc. was suggested. The site exceeds the limit already and a deck will add. Mangen stated the sheds are not sitting on the ground with air underneath. Quiggle noted they have a roof.
- C. Jones stated moving toward the lake is not acceptable as well as the amount of impervious coverage. Mangen asked what the Board would suggest, trying to preplan for accessibility/mobility issues to get from front to back doors. There was a deck and want to make this wheelchair accessible. Jones – this may need a site inspection as suggested by the Town Board, but agree with Quiggle he cannot approve this.
- D. Schermann – stated the Board cannot design this. The Board has held to existing lake setback and the coverage limits.
- E. Aarestad stated he would consider a wider deck if it does not go closer, but the proposed lake setback and impervious coverage is a problem. One option is removing the sheds to get the number down. Manger asked if they could follow the previous deck line on the lakeside. Aarestad stated a deck to the side might be an option, but not closer to lake. He would consider a side line setback.
- F. Quiggle – understands mobility concerns, but that is not a statutory hardship and cannot factor that in for a variance. The purchase was this past January and something they should

have anticipated. The over coverage was there and they should have known no additional construction would be allowed.

- G. Rhineberger –the driveway makes up much of the impervious coverage. A reduction in the deck stairs would leave about 500 sq. ft. in drives to remove. Quiggle felt that should have been part of the proposal. Schermann – would not want to make a site inspection until something comes in they can look at. Rhineberger – agreed he could work with the applicant on reducing the impervious, but in the meantime the Board could visit the site. Schermann – he is not willing to consider this until they present a plan that is no more than 25%. Aarestad asked the width of the deck. Rhineberger it is 11'. There are some permitted encroachments for stairways or landings down to a lake. Also, permitted encroachments such as 4' wide for stairs. Examples were given.
- H. Schermann moved to continue the hearing to August 5, 2016 for revised plans to reduce impervious coverage. Quiggle seconded the motion.

DISCUSSION: Rhineberger informed the applicant that plans should be into Staff a week before that meeting.

VOTE: CARRIED UNANIMOUSLY

6. **LESLIE A. MELLIES**- New Item

LOCATION: 12304 Greer Avenue NW – Lot 10, Robinson’s Terrace, according to plat of record, Section 36, Township 122, Range 27, Wright County, Minnesota. (Sugar Lake – Clearwater Twp.) Tax #204-126-000100

Requests a variance of 155.026, 155.008 & 155.057(E)(1)(b) of the Wright County Zoning Ordinance to allow a new 10’ x 20’ roofed area over existing deck, 44.5’ from the Ordinary High-water Mark (OHW) of lake. Existing dwelling is 56’ from the OHW.

Present: Les & Carol Mellies

- A. Rhineberger reviewed the lot on Sugar Lake and pictures of the existing structure. The flat roof is “T” shaped. The proposal is to replace it with a 6:12 pitch and extend the roof over the deck to provide shade for the patio doors. This is further encroachment of the roof lakeside. Applicant has not met with the Town Board yet. Rhineberger suggested discussion in the event the Board wants revisions.
- B. C. Mellies – suggestion for footings. Rhineberger explained he suggested they get a good frost footing under the current deck. That work does not need a variance.
- C. Jones – concerns have been expressed all morning about not allowing further encroachments on the lake. What is new here is an extension over a deck making a 10’ difference. He could not support that. L. Mellies – they are trying to get some shade. They have a “Sunsetter” now, but when the wind comes up they cannot use it.
- D. Aarestad agrees with Jones, could not approve anything closer or approve a covered deck.
- E. Quiggle agree, there are other solutions. Her concern is in the future someone will want to screen in a covered deck, later it becomes enclosed and part of the house.
- F. Schermann summarized the Board’s consensus was not to allow the roof closer to the lake and asked what the action should be. Rhineberger – the deck and roof are replacement matters, the extension is what requires the variance because it moves closer to the lake. If the Board is not willing to grant that variance, regardless of the Town Board action; the options are a continuation, withdrawal of the petition or decision. Schermann further clarified for the applicant what the options are. Rhineberger – explained if the applicant wants to appeal the Board’s decision they should ask for a denial that would allow an appeal to District Court.
- G. Mellies asked if a continuation could be given so they can consider the options.
- H. Schermann moved to continue the request to August 8, 2016 for Township review and to allow the applicant to consider the options. Quiggle seconded the motion.

VOTE: CARRIED UNANIMOUSLY

7. **DAVID T. SCHAUST**- New Item

LOCATION: 7704 Brighton Avenue SE – Part of the NW ¼ of SE ¼, Section 8, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-200-084203

Requests a variance of 155.026, 155.047(F)(4) of the Wright County Zoning Ordinance to construct a 14' x 16' three-season porch over existing deck and add a 6' x 14' deck approximately 20' from rear property line.

Present: David Schaust

- A. Rhineberger reviewed the 4.4 acre lot that was approved by the Board in 1987. The structure was built in 1996 and the house was built closer to the rear line than was allowed. The ag fields behind were noted and felt with large parcels it can be hard to figure out where lines are. The request before the Board is a structure that does not meet the setback, wants to replace the deck with a 14' x 16' three-season porch and a 6' x 14' deck that will be parallel with it. This will be 20' from the back line. Town Board approves.
- B. Schaust indicated he owns the farmland around this with his brothers. When the house was built, at the time did not think about what they might want to do in the future. Been working on this for three years.
- C. Kryzer – as long as the applicant owns the land around this, had they considered a lot line adjustment? Schaust – stated he would appreciate not taking land out of agricultural production and also the cost of changing all the deeds and survey expense.
- D. Aarestad stated the clarification on how it was built helps, but he does have concerns about a structure that close. Concerned a future owner would have to put up with the dust, smell of spreading manure, etc. Schaust – stated that would not be going on here. He would have to disclose this in the future. The structure would be there and will be aware of the lines.
- E. Quiggle – the purpose of the setback is to avoid problems between a residential parcel next to agricultural land. Understands it is not a problem because he owns both. On the other hand, the buyer would have to make a judgment on whether they want to accept that setback. A buyer may ask for an adjustment. She would agree to the setback.
- F. Schermann – asked the setback required. An adjustment would remove farmland.
- G. Jones – understands the applicant's explanation and would trust the applicant would inform the buyers. He does not have a problem with the variance.
- H. Quiggle moved to grant a variance a variance of 155.026, 155.047(F)(4) of the Wright County Zoning Ordinance to construct a 14' x 16' three-season porch over existing deck and add a 6' x 14' deck approximately 20' from rear property line, according to Exhibit "A", held on file. Schermann seconded the motion.

VOTE: CARRIED, Aarestad voted nay

8. **ARLOENE L. LaVINE**- New Item

LOCATION: 7030 – Elder Avenue NW – S ½ of SW ¼, Section 28, and also NE ¼ of NW ¼, Section 33, all in Township 121, Range 26, Wright County, Minnesota. (Maple Lake Twp.) Tax #210-100-283300 & -332100

Requests a variance of 155.026 & 155.048 of the Wright County Zoning Ordinance to allow the existing 120- acre farm to be subdivided into three parcels of approximately 40 acres each. Also, an entitlement division out one of the proposed parcels which would leave the remaining acreage with 33’ of road frontage.

Present: Jason Stoez

- A. Rhineberger displayed an air photo and outlined the 120 acre farm. Three large divisions are proposed each having one “entitlement”. The one would simply require a lot line adjustment. Each parcel would require the 300’ on the road. Currently, only two 40’s have the road frontage. An “entitlement” division out of Parcel 2, lot is identified as “4” is also proposed. The frontage left for the “restricted” piece would only be a 33’ wide strip. A variance is needed for that division, an access strip is only allowed to save tillable ground. The land is tillable, but is not classified as “prime”.
- B. Stoez – stated he has been working with Rhineberger and his family to try and divide the property and provide road frontage to each parcel.
- C. Jones asked for clarification on the entitlements. Rhineberger noted one division identified as #4 is the entitlement for #3. The limited frontage creates the need for a variance.
- D. Quiggle noted it makes sense since #2 is actively being farmed. Stoez stated there is property in the CRP program also. Quiggle did not have any problem with the divisions. Jones, Aarestad and Schermann agreed.
- E. Jones moved to approve a variance of 155.026 & 155.048 of the Wright County Zoning Ordinance to allow the existing 120-acre farm to be subdivided into three parcels of approximately 40 acres each, according to Exhibit “A”, on file. Also, an entitlement division out one of the proposed parcels which would leave the remaining acreage with 33’ of road frontage. Condition: Survey to be submitted and property owners to sign the proper Deed Restriction. Aarestad seconded the motion.

DISCUSSION: Rhineberger warned the applicant that any future divisions of the parcels may require separate variances due to lack of road frontage.

VOTE: CARRIED UNANIMOUSLY

9. **NELS M. KOTILA** – New Item

LOCATION: 202 County Road 3 NW –SW ¼ of SE ¼, and part of SW ¼ all in Section 34, Township 120, Range 28, Wright County, Minnesota. (French Lake Twp.) Tax #209-000-343400 & - 343401

Requests a variance of 155.026 & 155.048(G)(4)(c) of the Wright County Zoning Ordinance to allow the existing 2.5 acre residential lot to be expanded to 10 acres. Proposed additional land will exceed 2.5 acres of prime tillable soils.

Present: Nels & Mary Kotila

- A. Rhineberger reviewed the maps to show the 180 farm parcel. The existing 2.5 acre “entitlement” division was noted. The applicant is asking to add 7.5 acres from the surrounding farmland to the residential lot. The reason it is before the Board is this acreage includes more than 2.5 acres of prime farmland. Rhineberger estimates there is 3-3.5 acres. Towns Board approval was given. The reason the applicant wants the additional acreage is to qualify for an outbuilding in excess of 4,000 sq. ft. Town Board approval was received.
- B. N. Kotila stated he has had his surveyor look at this and tried to keep it under 2.5 acres. This is coming out of his mother’s property and estimates 2.7 is in prime soils. Rhineberger – the classification of soils the surveyor used is different than what the County uses. N. Kotila – these lines keep it away from large overhead power lines.
- C. Jones – the prime soils is the concern, but can understand what he is trying to do. Aarestad would agree, looks reasonable. Quiggle, the deviation on prime soils is small.
- D. Aarestad moved to grant a variance of 155.026 & 155.048(G)(4)(c) of the Wright County Zoning Ordinance to allow the existing 2.5 acre residential lot to be expanded to approximately 10 acres. Proposed additional land will exceed 2.5 acres of prime tillable soils. Jones seconded the motion.

DISCUSSION: Rhineberger clarified that the Board is allowing a small fraction over with this site plan. Board members agreed. Rhineberger – noted a Conditional Use Permit for the home extended business he plans to move here, is required. Survey to be submitted to the Office for a lot line adjustment if the Auditor cannot combine tax parcels.

Aarestad moved to add the following conditions, Jones amended his second: The applicant to provide the Office with a certificate of survey and sign an Administrative Order combining the parcels if the Auditor cannot combine them.

VOTE: CARRIED UNANIMOUSLY

10. **PETER G. FORARE**- New Item

LOCATION: 2943 Mitchell Avenue NW– Part of the NE ¼ of NE ¼, and NW ¼ of NE ¼, Section 24, Township 120, Range 28, Wright County, Minnesota. (French Lake Twp.) Tax #209-000-241100 & -241200 Owners: Forare & Weese

Requests a lot line adjustment of 155.026, 155.048 of the Wright County Zoning Ordinance to add approximately 4/10 of an acre of the Weese property to the Forare property.

Present: Peter Forare

- A. Rhineberger – reviewed the location of the property and existing Forare residential lot that is .57 of an acre. A parcel of 4/10th of an acre was reviewed on the air photo that is proposed to be added on the back side of the lot. The Town Board response was that they would leave the decision up to the County.
- B. Forare – stated he has been working with Weese and she did not want to sell a smaller parcel than what is shown on the site plan. A purchase agreement has been arrived at to include the cost of transferring title. He has been trying to buy the trees and maintain the buffer. Before those trees grew up in 1965 there would be huge snow drifts caused by the winter winds. His folks had tried purchasing this land over the years from different owners who were not interested in selling, now he finally has an opportunity to purchase.
- C. Greg Goltz – 2963 Mitchell Avenue - neighbor directly north – explained he and Forare have had an ongoing water problem that comes off the farm field, the drain tiles and the overflow comes through and affects his property. He pointed to the location. Forare has done considerable work on his property (pictures were taken) to take and change the water flow and direct it towards the Goltz home. An access road for the farm field between their lots was removed, and subsequently his patio had to be removed, had to install a road to service the entrance to the basement and new sewer that was destroyed. He has talked with SWCD about this problem. SWCD had suggested to take this strip of land should be used to divert the water down to the Mengelkoch property and allow the water to leave the area. However, Forare, has not cooperated. He noted where he maintains and keeps the grass down. Forare took out a bunch of trees to put in a new sewer. Forare put a wood dam system along the property line stating Goltz had corrupted it. Goltz feels his sewer is in jeopardy because Forare put the dam in there that diverts water flow. At the time they were trying to put in the Forare sewer, there was heavy rains. Had asked Elfman to put in plenty of drainage between the two because of the overflow because the water behind. He would not like the adjustment to happen, if it does, he would like to work out a drain system through this property to leave this area and not impact their properties. He has had a topo done to show the changes Forare has made to his property that has caused water problems.
- D. Schermann – stated this hearing is not able to address the drainage issues. If there is action Goltz thinks was not legal there may be civil action he could take. Perhaps, SWCD could help with the drainage issues. Goltz has worked with SWCD and talked with his attorney, who suggested he come down and voice his concerns.

- E. Kryzer – stated this is a lot line adjustment request and not the kind of request where they could attach those type of conditions.
- F. Quiggle asked about language on diverting water. Kryzer the conditions would have to be reasonably proportionate to the type of request.
- G. Goltz had hoped the Board could address the drainage. Schermann noted the water would be coming off the farm field regardless of who owns it. If the applicant does something to change or alter it there might be some recourse. Goltz stated he does not have thousands of dollars to invest in legal action. Schermann – the concerns are on the record.
- H. Aarestad – as far as the adjustment he has no issues with that; although, would like something done to address the drainage concern. Quiggle agreed it would be nice if neighbors could work together on solving water issues, but the adjustment is not a problem. Jones concurred with the Board members statements.
- I. Quiggle moved to grant lot line adjustment of 155.026, 155.048 of the Wright County Zoning Ordinance to add approximately 4/10 of an acre of the Weese property to the Forare property. Condition: Survey be submitted and an Administrative Order be signed, if the Auditor cannot combine the parcels under one tax parcel. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

11. **BRUCE C. IRVIN**- New Item

LOCATION: 3275 Newcomb Avenue NW– Lot 8, Block 1, Lakewood Addition, according to plat of record; and Part of Gov't Lot 1 & part of Gov't Lot 2, all in Section 23, Township 119, Range 28, Wright County, Minnesota. (Cokato Twp.) Tax #205-000-231100 & 205-015-001080

Requests a lot line adjustment of 155.026, 155.048 of the Wright County Zoning Ordinance to add approximately 2.5 acre restricted backlot across the road from the applicant's lakeshore property.

Present: Bruce Irvin and Dale Swan

- A. Rhineberger displayed a map to show the location of the lakeshore lot and the 2.5 acres division proposed as a backlot. If approved, it would encompass a 36' x 46' outbuilding on the property. The lot does not exceed the tillable allowed and the lines do take that into consideration. The Town Board response was favorable.
- B. B. Irvin stated he would like to purchase the land and building to store his recreational vehicles.
- C. Quiggle asked if the applicant has a mowing business. B. Irvin stated he does, they mow lawns for the residents along the shore. Quiggle advised the applicant he may need a Conditional Use Permit. Rhineberger explained if they are mowing the neighborhood he can park the trailer on this property, but if he is storing the equipment here and leaving every day that is not allowed. The applicant cannot have a Home Extended Business on either the proposed division or the lake lot. Quiggle stated a condition that this backlot be tied to the residential lot on the lake if approved, so there is always a primary use tied with it. This would require both parcels to be sold together and not separate. Quiggle asked if there is a potential to sell all the land around it. Rhineberger – explained the Land Use Plan designation allows for a potential to rezone to R-2 district. The requirement is a minimum 2 acres, but the proposed division would not meet the depth requirements. This parcel could be included and lines adjusted, or left out of the rezoning if Swan rezones.
- D. Aarestad stated he has some concerns considering the Land Use Plan for this area. A lot of work goes into developing those Plans. This division would not work into that plan. What is the depth of the proposed lot and requirement? Rhineberger stated it is 300' and this lot would take another 80'. Irvin stated they were trying to keep it out of the tillable land. Aarestad – asked if there is some question on the sewer and has the soil been tested for sewer. Rhineberger – stated these are more recent larger lake lots. The lot was not tested for septic and felt it is probable there is area. Aarestad stated if this meets the standards for the land use plan he would be more inclined to approve of this. Rhineberger – agreed it may have to be adjusted if it were included in a rezoning. The applicant may not want to do that and keep it. The balance can be rezoned and developed around it.
- E. Schermann stated the Board is going to attach a condition it is tied with the lake lot. Rhineberger stated with that condition it would take future Board action to separate.

- F. Aarestad moved to approve a lot line adjustment of 155.026, 155.048 of the Wright County Zoning Ordinance to add approximately 2.5 acre restricted backlot across the road from the applicant's lakeshore property, according to Exhibit "A" on file. Subject to a certificate of survey to be submitted to the Planning & Zoning Office and Administrative Order to be signed and recorded. Jones seconded the motion.

VOTE: CARRIED UNANIMOUSLY

- G. Quiggle noted problems with buyers knowing these conditions. She would like this recorded in such a way that it is clear. Kryzer stated the legal descriptions are on the document and indexed. Rhineberger noted buyers have a responsibility of "due diligence".

12. **JUSTIN J. HASSA**- New Item

LOCATION: 4506 Morrison Avenue SW– Part of the W ½ of NE ¼ - Section 25, Township 119, Range 28, Wright County, Minnesota. (Cokato Twp.) Tax #205-000-251300
Property owners: Hassa & Vandermillen

Requests a lot line adjustment and variance as regulated in Section 502.2 & 604.6(4) of the Wright County Zoning Ordinance to attach .015 acre from the Vandermillen property to the Hassa property to include the existing driveway encroachment. The result of the additional land area will put the Hassa lot over 10 acres.

Present: Justin & Chrissy Hassa

- A. The ten acre lot was approved in 1995 by the Board. A portion of the driveway crosses a neighbors' property. The adjustment proposed is to acquire the .015 of an acre to include the driveway. This puts the division over ten acres, the limit approved. A neighbor suggested an adjustment be made on the other side to keep the lot at ten acres.
- B. J. Hassa – stated moving the driveway would be costly and involve a power pole. Quiggle asked about an easement. J. Hassa noted with this owner that would not be an option.
- C. Rhineberger noted a survey shows a small triangular parcel between the road and his property is owned by another neighbor. There could be mistake on where the town road right-of-way exists. The air photo was also viewed. The Board could say if that is an issue the applicant could pick that up and incorporate that small piece into his ten-acre lot.
- D. J. Hassa – stated he did not feel there would be a problem with that neighbor. Rhineberger asked if the Board is willing to allow it. The neighbor would have to be willing, otherwise, they would not have to do anything about it. J. Hassa – the driveway they are talking about has been there since the late 1970's and they purchased the lot about two years ago.
- E. Quiggle suggested the Board could set a maximum adjustment that could cover that additional land between the road and this lot. Schermann asked if they could address this as part of this hearing. Quiggle suggested setting a maximum. Kryzer suggested the Board state the combined parcels cannot exceed 10.5 acres to be on the safe side.
- F. Schermann moved to allow expansion of the existing 10 acres lot to include the driveway and area between road and lot, not to exceed 10.5 acres. Subject to a survey and an Administrative Order if the County Auditor cannot combine for tax purposes. Quiggle seconded the motion.

VOTE: CARRIED UNANIMOUSLY

MINUTES

On a motion by Aarestad, seconded by Jones, the minutes for the June 5, 2016 meeting were approved as printed.

Meeting adjourned at 10:40 a.m.

Respectfully submitted,

Barry J. Rhineberger
Planner

Cc: Board of Adjustment
County Board
Kryzer
Twp. Clerks
Applicant/owners