

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: August 5, 2016

MINUTES – (Informational)

The Wright County Board of Adjustment met on August 5, 2016 at 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 all Board members present. Barry Rhineberger, Planner, represented the Planning & Zoning Office.

1. **LESLIE A. MELLIES** – Cont. from 7/8/16

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: Applicant not present

- A. Rhineberger stated the applicant has asked for dismissal. Has dropped the 10' expansion to the lakeside and the rest can be allowed administratively.
- B. Mol moved to dismiss the petition without prejudice. Jones seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **ROBERT V. MANGEN** – Cont. from 7/8/16

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. Also requests a variance of impervious surface coverage that would increase from 28.3% to 31.6%.

Present: Applicant not present

- A. Rhineberger stated the applicant has dropped the request.
- B. Mol moved to dismiss the request without prejudice. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **DREW W. HOLLAND** – New Item

LOCATION: 8476 – County Road 37 NE – E ½ of NW ¼, Section 33, Township 121, Range 24, Wright County, Minnesota. (Monticello Twp.) Tax #213-000-332400 & 213-000-332100 Owners: Applicant & Holland Living Trust

Requests a variance of Section 155.026 & 155.048(G)(4)(c) of the Wright County Zoning Ordinance to add nine acres (exceeds 2.5 acres of prime farm soils) from the Russell & Norma Holland property to the applicant's one-acre residential lot.

Present: Drew & Carly Holland

- A. Rhineberger located the one-acre lot that is in need of a new sewer system. The proposed replacement will go beyond existing property line. The request is to obtain nine acres from the adjacent land owned by family and expand it to a full ten acres. The reason this is before the Board is the land to be added is under the prime soils class, however, the land is in a “set-aside” program. Town Board approves.
- B. Aarestad asked if there is a drainage area going through this area. D. Holland noted the area that was dug. Aarestad felt because it is in a CRP program, he would assume it is not the best farmland. He asked how long since it has had a crop. D. Holland indicated about eighteen years. Rhineberger stated the air photos available go back to 2005 and he is not seeing that it has been under till. Aarestad agreed to the variance, noting this is an odd parcel and has not been under plow for a number of years.
- C. D. Holland stated the farm only has 30 acres out of the 80 acres that has been farmed. Rhineberger pointed out some low spots.
- D. Quiggle – summarized the soils may be tillable, but the contours do not make it best to farm. She did not think in this case it would make a difference who owns it.
- E. Mol agreed, considering the low land included. Schermann concurred with their reasons, but was concerned with the precedent it sets. If approved, they need to establish what the reasons are in this case.
- F. Quiggle moved to approve a variance of Section 155.026 & 155.048(G)(4)(c) of the Wright County Zoning Ordinance to add nine acres (exceeds 2.5 acres of prime farm soils) from the Russell & Norma Holland property to the applicant's one-acre residential lot. Reason: Although the property is classified prime, the topography does not lend itself for tilling and enrolled in a CRP program. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **DALE P. WESTHOFF** – New Item

LOCATION: 13488 – 77th 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 155.026, 155.008(B)(1), 155.057(E)(1)(b)(1) and allow construction of an 8' x 4' entry addition to the backside of dwelling expansion allowed in action taken on 1-18-16 by the Board.

Present: Dale Westhoff

- A. Rhineberger summarized the recent request and January action by the Board, noting the Board is familiar with the property. This hearing is for an amendment to that action that allowed a 16' x 20' by adding an enclosed entry on the back side rather than just a covered doorway.
- B. Westhoff explained after considering the original plans, they have changed the proposal to just a frost footing for the entry addition, rather than a basement under it. Rhineberger clarified the request would be for a one-level addition. Town Board approval was received.
- C. Westhoff reported the progress being made on the rain garden and improvements to the slope that the Board had requested.
- D. Quiggle stated although she does not like to modify requests just heard, the change would not have caused a concern if it were before them the first time. Westhoff – indicated he understood, but this was just an after-thought.
- E. Schermann polled the Board and the consensus was favorable.
- F. Aarestad moved to grant a variance of Section 155.026, 155.008(B)(1), 155.057(E)(1)(b)(1) and allow construction of an 8' x 4' entry addition to the backside of dwelling expansion allowed in action taken on 1-18-16 by the Board. Board notes all conditions attached to the January 2016 action still apply. Quiggle seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **TROY D. BREMER** – New Item

LOCATION: 7809– County Road 8 NW –Part of N ½ of NW ¼, Section 30, Township 121, Range 26, Wright County, Minnesota. (Maple Lake Twp.) Tax #210-100-302100

Requests a variance of Section 155.026, 155.008(B)(1) & 155.048 (F)(2)(a) to allow construction of a 2,322 sq. ft. two-story addition on an existing 704 sq. ft. 2-story dwelling that is 79 ft. from the centerline of County Road 8. Also request a variance of Section 155.103 to operate a home extended business in 3,169 sq. ft. of an existing building, which is 100 ft. from the nearest neighbor.

Present: Troy Bremer

- A. Rhineberger state for discussion purposes, he would split the two requests. Described the large addition to an existing older 704 sq. ft. home at 79' from centerline of a County Road. Addition is for 2,322 sq. ft. and would also be within the 130' setback. Board looks at values of expansion of a non-conforming structure and value of this addition is about a 1000 percent improvement. The Town Board has approved all aspects of the request. Existing farmstead is on 8 acres.
- B. Bremer stated this is an old farmhouse and want to put a nice addition on it. Mol stated he is familiar with the property. This project will be like a new dwelling when done, and in that case should be moved back to meet the setback. This is right on the road and if the road has to be widened it will put the road in his front yard. Bremer agreed he would prefer to put the house in a better place, however, he has issues with his mortgage. Rhineberger stated he has talked with the applicant about building new. Old farmstead divisions can include all the structures, even though it exceeds the amount allowed. However, those structures cannot be replaced until they get down to the maximum. If the house is converted to accessory they will increase the coverage on the accessory buildings.
- C. Quiggle is the house sound? Bremer indicated it is structurally sound. Quiggle asked if they cannot pick it up and move it. Bremer stated that might be possible, but he has been saving for the addition and would not have enough to move it.
- D. Mol –felt it should be moved to meet the setback. Jones – the addition is huge and asked if he could downsize the addition to make moving it affordable. Bremer – would be better to find a different place to build and pull the plumbing and everything out of the existing house. Jones – noted as Mol points out, if the County Road is redone it could be close to the porch. Bremer stated he is willing to put the house where it has to be.
- E. Quiggle – asked for further explanation of the old farmstead buildings. Would they be able to vary the total outbuildings? Rhineberger indicated they could, or do an exchange and remove 740 sq. ft. somewhere else. Bremer – noted a guesthouse is coming down. Rhineberger – pointed out many structures and noted structures that might come out for an exchange. Suggested conditions on either the existing dwelling or removal of other

accessory structures. Staff would want the plumbing removed from the house so there is no chance it could be occupied or contamination coming from it.

- F. Bremer agreed, indicating he would prefer to build new in a new location where there could be a walkout. Further discussion on what would have to be done to convert the existing house to storage so not to impact the current mortgage. Bremer indicated the guest house is coming down. Corn bin was taken out.
- G. Aarestad would agree. This is a big addition and moving it would be suggested. Quiggle concurred, he can build the house where he would prefer to have it and do what is needed to the existing house to conform.
- H. Rhineberger reviewed the second part of the request is for the jet ski business that would be going before the Planning Commission. This is taking place in an old dairy barn and an existing wall divides the barn with a portion that is 3100 – 3200 sq. ft. He wants to use that portion for a Home Extended Business but the building area exceeds 2000 sq. ft. allowed for the business. This building is also 100' from the neighbor to the north. Town Board has approved this portion also.
- I. Bremer explained these are his boats and ski jets that people rent for use from him. He delivers to the lake where the customer will use them. The public does not come here, so little activity on site. Rhineberger stated the space includes a small office. A picture to show the view from the County Road was displayed. The structure meets the road setback.
- J. Aarestad indicated the variances requested seem acceptable to him.
- K. Mol asked if the applicant stores other people's pontoons? Bremer stated these are his own, although couple are his friends' boats. Quiggle noted 4-5 in the picture. Bremer stated he has four boats and two pontoons.
- L. Schermann summarized the action needed.
- M. Quiggle moved to deny the request for a variance to allow construction of a 2,322 sq. ft. two-story addition on an existing 704 sq. ft. 2-story dwelling that is 79 ft. from the centerline of County Road 8 because the applicant has decided to build a new dwelling meeting all setbacks on the condition he work with Staff to maintain the same number of accessory structures in area that were "grandfathered". Board further moves to approve a variance of Section 155.103 to operate a home extended business in 3,169 sq. ft. of an existing building, which is 100 ft. from the nearest neighbor. Board notes this is a portion of an old dairy barn already partitioned off, as described on Exhibit "A", on file; is not new construction; neighbor closest to the building has given approval and the type of business will not generate a lot of traffic in and out because the applicant trailers the item to the customer. Condition: A conditional use permit is granted within a reasonable amount of time and prior to starting the business. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **COLLEEN M. ELLINGSON** – New Item

LOCATION: 1531 - 40th Street SW –Part of NE ¼ of NW ¼, Section 26, Township 119, Range 26, Wright County, Minnesota. (Marysville Twp.) Tax #211-000-262100

Requests a review of the 2010 Board action and condition as regulated in Section 155.026 and allow construction of a 40' x 70' agricultural building and “after-the-fact” review of five structures already on the property since the 2010 Board action. (Two – 17' x 72” greenhouses and three smaller structures.)

Present: Colleen Ellingson

- A. Rhineberger displayed an air photo to show the lot adjustment to exactly ten acres to allow more greenhouse structures. Under 10 acres the Ordinance limits them to a total of 4,000 sq. ft. accessory structure. The Board had extended Temporary Use Permits for the greenhouses until the applicant came up with the land adjustment as a solution. As part of that lot line adjustment, the Board wanted to review any future buildings because of the topography and drainage. Five structures have been added since that time and the applicant is looking at a new pole structure to replace three of the five structures. The after-the-fact review was added in case the pole building does not happen and what is there can stay. The Board is reviewing what has happened over the last five years. The existing structures were reviewed along with the buildings added since the 2010 hearing. The pole building measuring 40' x 70' and two new greenhouses that measure 30' x 100' are the future buildings. In the upper left of the photo shows those structure that are ground cover.
- B. Ellingson – explained these are not permanent structures, sitting on top of the ground, those are cold frame, nothing holding them down. Schermann noted that is not the issue, anything added was supposed to come before the Board. Rhineberger these are ag structures over 200 sq. ft. that require a building permit, although they do not require building plans or building code inspections. These require a simple building permit. Ellingson explained the nature of these five buildings are sitting on top of the ground, inefficient and can be picked up. If she is required to get a building permit for those, then she wants to put in a real structure (40' x 70'). In talking with Rhineberger about long range plans, they added what she might want to put up an additional 30' x 100' building in the future. Rhineberger stated this hearing is a review of the conditions and she is not required to do this within 3 years as limited by a variance. Trying to address what she might want to do in the future. Ellingson stated she plans to take out the first two ground level structures and put in the 40' x 70' this year. Next year they might build the 30'x100'.
- C. Schermann referred to 2010 action and discussion where they stated there would be no future buildings without Board reviewed as noted in discussion on the temporary permit. Rhineberger noted the compliance was met in December of 2010 (later meeting) when acreage was added. Jones it became legal in December and that action overrode the July 2010 action. Rhineberger – stated it was 7 acres; and when it reached 10 acres they are only limited by 15% lot coverage. It was explained to Schermann there were two hearings in 2010. Rhineberger stated the added structures are still in compliance of coverage.

- D. Jones asked if it would make more sense to get rid of all the ground cover structures and put up permanent structures. Ellingson – the ones that are there are very inefficient and by putting up a pole building the soils and pots and items sitting outside will get inside the pole shed. This building will clean up the site. Jones – after hearing the explanation, could not understand why the applicant did not come back for the five buildings. The permanent structures make more sense.
- E. Aarestad – would have been concerned if these five buildings were traditional greenhouses. The 30' x 100' structure looks close to the pond and is concerned about runoff. Fertilizers that could get into the water. Don't have a problem with the building but the close proximity to the water. Rhineberger estimated 100' from the pond. Ellingson – the picture does not show, but her pond does not get higher, although it drains into another pond and continues to the south. She does not have to worry about flooding. Aarestad is also concerned about getting into the ground table. Ellingson they also grow red twig and those act as a buffer.
- F. Quiggle - also has concern about the pond with conjunction with the lot coverage by buildings, but Rhineberger has indicated this is not a public body of water and acreage is not taken out of the coverage limits. Regardless, with large rainfalls, this pond eventually drains into other water sources. She would not like to see a lot of fertilizer going into the pond, however, apparently nothing in the Ordinance prevents it.
- G. Aarestad asked why she chose two separate houses rather than connecting them to what she has and questions on the building setup. Ellingson – so she can grow better crops in this climate. On the west side she is at the setback. To the east the land slopes to the east. Separate greenhouses will allow her to grow different crops in the different buildings. Venting is north and south on the existing buildings. She explained the second building is not a sure thing. Rhineberger – displayed a slide to show the slope Ellingson refers to. Ellingson – noted the location she chose is flatter.
- H. Mol – this is a review hearing and she is trying to come into compliance. Allowing a permanent building will get items inside and remove some. There are a number of other greenhouses in the same area and have dirt floors. Adding a couple more is only 50' closer than what is there. If she can get the proper permitting and get things inside is a positive thing. This is ten acres zoned AG.
- I. Quiggle – questioned the purpose of reviewing future plans. The owner should understand she needs to get building permits and stay in compliance. Could they lift the requirement for future review? Rhineberger – that is up to the Board. Quiggle did not see the point, if she brings this into compliance.
- J. Commissioner Charlie Borrell in the audience spoke that in his experience with this type of building there is not going to be a runoff issue. This is a better environmental option because you don't get the runoff the way they are made.
- K. Rhineberger – addressed the concerns with the pond. He explained this is not a designated

body of water; does not fall into the 50' buffer requirement. That does not preclude the Board to require that or to check any runoff from the greenhouses. There is some buffer there now, but if there is concerns it can be addressed through conditions. Aarestad asked when they start plants. Ellingson stated in February, explained they grow bedding crops.

- L. Mol moved to in Section 155.026 and allow construction of a 40' x 70' agricultural building and "after-the-fact" review of five structures already on the property since the 2010 Board action. Two – 17' x 72" greenhouses and three smaller structures. The Board allows removing the ones there and replace with two 30' x 100' structures and establishing a 50' buffer strip from the current structures and new structures from the water. Applicant to obtain all necessary building permits for structures. Aarestad seconded the motion.

DISCUSSION: The Board discussed the need for future review. Ellingson noted on the acreage she has there could be 64,000 sq. ft. of accessory buildings.

Mol amended his motion to include: Board lifts the condition from the December 2010 action that Board has to review any new construction unless a future building comes within 50' of the water. Aarestad amended his second.

VOTE: CARRIED UNANIMOUSLY

M. **KEITH G. WAGNER** – New Item

LOCATION: 15528 – 60TH Street SW – E ½ of SW ¼ & S 22 rods of W 30 rods of W ½ of SE ¼, Section 33, Township 119, Range 28, Wright County, Minnesota. (Cokato Twp.) Tax #205-000-334301

Requests a variance of Section 155.026 & 155.003(B)(1) of the Wright County Zoning Ordinance to build a 40' x 80' storage building with a 16' sidewall height.

Present: Keith Wagner

- A. Rhineberger – displayed maps and a map correction that were needed by the County Surveyor's office to accurately reflect the division previously approved. The request is for a storage building with a 16' sidewall. The Ordinance limits the building to a 14' because of the size of the lot. The Board and applicant was informed there could not be any other accessory structures, including a garden shed, because the size is the maximum allowed.
- B. Schermann called for public comment.
- C. Dan Bravinder – Cokato Town Board Supervisor – reviewed the surrounding property ownerships. He noted these are large farm operations and does not expect any development in the near future. The additional height would not be intrusive to neighbors and the reason it was approved at the Township level.
- D. Charlie Borrell – County Commissioner – spoke in favor of the 16' side wall. The applicant has a large camper and needs the height. For ag buildings the 14' is not recommended.
- E. Jones concurred. Aarestad – stated considering where this property is located he would agree.
- F. Quiggle – took exception noting the Board has to find a practical difficulty to vary the Ordinance. There are other properties to keep in mind. However, this is in an ag area with over 70% of the size lot that would allow for a 16' sidewall and at this location it would not be out of character of others in the area. The Board cannot just say because the applicant wants it. If this were in a residential area, it would not be reasonable.
- G. Mol – would agree with it. The Board also grants other variances for personal reasons.
- H. Quiggle moved to grant a variance of Section 155.026 & 155.003(B)(1) of the Wright County Zoning Ordinance to build a 40' x 80' storage building with a 16' sidewall height. This is 2' higher than allowed, however, find the location of the 7 acre parcel is 80% of the size lot where it would be allowed in an Ag area and is in keeping with the type of structures in the immediate area. Condition: At 3200 sq. ft. there would be no further accessory structures allowed, without a variance. Jones seconded the motion.

VOTE: CARRIED UNANIMOUSLY

MINUTES

On a motion by Jones, seconded by Aarestad, the minutes for the July 8, 2016 meeting were approved as printed. Mol abstained since he was not present at that meeting.

Meeting adjourned at 9:45 a.m.

Respectfully submitted,

Barry J. Rhineberger
Planner

BJR:tp

Cc: Board of Adjustment
County Board
Kryzer
Twp. Clerks