

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: October 7, 2016

MINUTES – (Informational)

The Wright County Board of Adjustment met October 7, 2016 at 8:30 a.m. 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 present: Schermann, John Jones, Dan Mol and Charlotte Quiggle. Absent was Paul Aarestad. Barry Rhineberger, Planner, represented the Planning & Zoning Office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

1. **JAMES M. GELLERMAN** – New Item

LOCATION: 8824 51st St. NW – Lots 19 & 20, Block 1, Swartout Beach Addition, according to plat of record, and part of road, Section 3, Township 120, Range 27, Wright County, Minnesota. (Swartout Lake - Albion Twp.) Tax #201-023-001190

Requests a variance of Section 155.026 & 155.049 of the Wright County Code of Ordinances 3' x 22' addition to detached garage that will be 4 ft. from the Township road right-of-way, 20.5 ft. from the centerline of road and 5.5 ft. from the side property line.

Present: Jim Gellerman

- A. Rhineberger – reviewed the survey and location of the lot that is approximately 41,400 sq. ft. The detached garage near the road is to be expanded by 3' on the side, parallel with the road right-of-way. The setbacks of the existing structure were reviewed, with 5.4' from the west side lot line, 4' from the platted road right-of-way which is 20.5' from the centerline of the platted road. The addition will be in line and not extend closer. Pictures taken of the existing garage was viewed. Town Board written response was favorable and a neighbor wrote they were concerned the addition could block their view.
- B. Quiggle summarized the project, noting it would not further impact property lines. If the Township is not concerned with the setback of existing structure, she does not have a problem allowing this expansion. Rhineberger clarified this is a public road, but the township does not maintain it.
- C. Mol would concur with Quiggle's statement and would approve the request because it does not encroach closer to the road. Jones indicated that is also his position.
- D. Quiggle moved to grant a variance of Section 155.026 & 155.049 of the Wright County Code of Ordinances to allow a 3' x 22' addition to detached garage that will be 4 ft. from the public road right-of-way, 20.5 ft. from the centerline of road and 5.5 ft. from the side property line. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **NEAL S. KURTZ** – New Item

LOCATION: 685 14th Street NW – Lot 4, Block 1, Buffalo Highview First Addition, according to plat of record, Section 25, Township 120, Range 26, Wright County, Minnesota. (Buffalo Lake-Chatham Twp.) Tax # 203-027-001040

Requests a variance as regulated in Section 155.026 of Section 155.090 to allow construction of a Type IV septic system 5 ft. from the property line.

Present: Neal Kurtz

- A. Rhineberger displayed a map to show the location of the 27,870 sq. ft. lot along with a site plan to show the structures and proposed sewer treatment area. The current system did not pass a compliance inspection. The proposed Type IV design was reviewed. Rhineberger noted this is a pre-treatment system and is located between the house and 5' from a property line. This is the only location available. Although the lot is good size, it is the configuration with the widest portion on the lake that makes meeting setbacks difficult.
- B. Kurtz stated he met with the Town Board and reviewed the sewer design. Township did not seem to have any concerns and approved it. Rhineberger noted he attempted to reach the Clerk, but did not get verbal or written confirmation.
- C. Mol asked about the sewer that exists. Kurtz stated it is working. Rhineberger explained it is a vertical separation requirement that cannot be met; although this lot has better elevation than others along here. The only other option if the new system fails is a holding tank or hooking up to city sewer.
- D. Schermann polled the Board and no concerns were raised. No public comments.
- E. Mol moved to grant a variance as regulated in Section 155.026 of Section 155.090 to allow construction of a Type IV septic system 5 ft. from the property line. Jones seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **DENNIS E. SWANSON** – New Item

LOCATION: 8068 27TH St. SE – Lots 2 & 3, Block 1, River Hill First Addition, according to plat of record, Section 16, Township 119, Range 24, Wright County, MN. (Rockford Twp.) Tax #215-041-001030 & 215-041-001020

Requests a lot line adjustment as regulated in Section 155.026 & 155.049 of the Wright County Code of Ordinances to allow an adjustment of platted lot line to add a portion of lot 2 to lot 3 (both owned by applicant) to include existing retaining wall.

Present: Dennis Swanson

- A. Rhineberger displayed a photo of the subdivision platted in the 1970's and outlined the two lots owned by the applicant. A picture to show how the existing retaining wall crosses the property line between the two lots was viewed. The applicant wants to jog the line parallel with the south property line to encompass said wall. These are "lots of record" and each can be marketed separately. Swanson would like to adjust the lines at this time to avoid any future issues. Written response from the Town Board and one neighbor was favorable.
- B. Jones felt this would avoid conflicts in the future; he would support the adjustment. Quiggle indicated her agreement; as well as Mol and Schermann.
- C. Jones moved to allow a lot line adjustment as regulated in Section 155.026 & 155.049 of the Wright County Code of Ordinances to allow an adjustment of platted lot line to add a portion of lot 2 to lot 3 (both owned by applicant) to include existing retaining wall as described on Exhibit "A", held on file. Applicant to take the necessary steps to combine area being added into an existing tax parcel. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **DAN & BARB ROSTEN** – New Item

LOCATION: 5284 County Road 3 NW & 14311 55th St. NW – Two parcels lying in NW ¼ of SE 1/4, Section 3, Township 120, Range 28, Wright County, Minnesota. (French Lake Twp.) Tax #209-000-034201/209-000-034202 & 209-000-034200
Property owners: Rosten & Werner

Requests a variance of Section 155.026 & 155.048 of the Wright County Code of Ordinances to allow the division of tax #209-000-034200 roughly in half to be attached to lots on either side. The west half to be attached to tax #209-000-034201 owned by Rosten and the east half attached to 209-000-034202 owned by Werner.

Present: Barb Rosten and Rollie Werner

- A. Rhineberger – displayed an air photo to show the two residential lots, one has 1.56 acres with a long access strip and the other is 1.84 acre. The remainder of the acreage surrounding the lots is restricted land that is approximately 44 acres. The family members want to add half of the large parcel to each of their home sites. A proposed division line was reviewed. Town Board and a neighbor responded favorably. Rhineberger indicated notes from a previous Zoning Administrator indicate the State, who owns land to the west (old landfill), had inquired about purchasing the strip that is west of the road. The indication was that the State could pick that up. Rhineberger suggested the Board could address that adjustment so the owner would not have to come back and request the adjustment if the State ever purchased it. The State was interested because this would better secure a closed landfill on the adjacent property.
- B. Quiggle asked if the State could take that under “imminent domain” statutes. Rhineberger noted that might only apply for road right-of-way purposes. Quiggle felt for a variety of reasons the request to have separate ownership seems logical. She questioned if there is any reason the owners would have to combine the parcels, or just allow them under common ownership. This is an Ag area and she would not want to restrict an agricultural structure or animals.
- C. Rhineberger stated it is more difficult when the parcels are up over 10 acres. These parcels would be over 20 acres, if approved.
- D. Quiggle asked if the Board could make a decision on restricted parcels of land and leave it up to the owners whether they combine the additional acreage with the homestead. She noted either way, there are no entitlements. She would suggest allowing the division without the requirement of combining parcels and would not object to allowing that part isolated by the road to go to the State.
- E. Mol stated he would agree with statements Quiggle made, but would want it made clear there are no further “entitlements”.
- F. Jones and Schermann indicated their agreement. Schermann would like to see the strip go to the State.

- G. Quiggle moved to approve the a variance of Section 155.026 & 155.048 of the Wright County Code of Ordinances to allow the division of tax #209-000-034200 roughly in half. The west half to go with tax #209-000-034201 owned by Rosten and the east half to be transferred to 209-000-034202, owned by Werner. Rosten and Werner have the option of combining the additional acreage with their homestead parcels. Also, that part lying west of the road may be transferred and combined with tax #209-000-033100 in the future without the need for further Board action. This action does not create any additional “entitlements”. Jones seconded the motion.

VOTE: CARRIED UNANIMOUSLY

MINUTES

On a motion by Mol, seconded by Quiggle, all voted to approve the minutes for the September 7, 2016 meeting as printed.

Meeting adjourned at 8:55 a.m.

Respectfully submitted,

Barry J. Rhineberger
Planner

BJR:tp

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