

## **WRIGHT COUNTY BOARD OF ADJUSTMENT**

**Meeting of: January 4, 2019**

### **MINUTES – (Informational)**

The Wright County Board of Adjustment met on January 4, 2019 at 8:30 a.m. in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Present were: John Jones, Dan Mol, Charlotte Quiggle, Dan Vick and Paul Aarestad. Barry Rhineberger, Planner, representing the Planning & Zoning office. Greg Kryzer, Assistant County Attorney, was legal counsel present.

#### **ORGANIZATIONAL ITEMS:**

Rhineberger, acting as Chairman pro-tem, called the meeting to order and opened nominations for a Chair.

Aarestad nominated Jones as Chairman for 2019. After the third call for nominations, hearing no further nominations, a unanimous ballot was cast for Jones to serve as Chair.

Jones opened nominations for a Vice-Chair:

Mol nominated Quiggle to serve as Vice-Chair for 2019. Hearing no further nominations, a unanimous ballot was cast for Quiggle.

Meeting calendar.

On a motion by Mol, seconded by Quiggle the Board voted unanimously to adopt the meeting dates for 2019 as presented.

#### **MINUTES**

Vick –clarified he had commented the applicant had agreed to remove the second story and not that he wanted that. With a modification of his statement in para. K, Page 6, Vick moved to adopt the minutes for the December 7, 2018 meeting. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

1. **JANET E. SAWATZKE** – Cont. from 12/7/18

LOCATION: Part of Gov't Lot 5, Section 32, Township 119, Range 26, Wright County, Minnesota. (Marysville Twp.) Tax #211-000-322200 & 211-000-322100  
Property owners: Applicant & DM & RS LP

Requests a variance as regulated in Section 155.026, 155.048(G)(4)(c) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to add 11.55 acres from Tax # 211-000-322100 to the applicant's 10-acre "entitlement" division.

Present: Janet Sawatzke, Tammy Sawatzke-Anderson & John Peterson, their attorney

- A. Rhineberger explained the Board had held the hearing over for a Town Board response. This has been provided and the Town Board approves.
- B. Quiggle stated she reviewed the minutes from the last meeting, considered the Marysville Comprehensive Plan and the Transition designation. The property borders were reviewed and she did not see where this adjustment should cause a problem.
- C. Mol – stated he reviewed the discussion and looked further at the location. His concern last time was the Transition and the Town Board's reaction.
- D. Quiggle confirmed that the City had not responded to the Notice.
- E. Vick – concurred with the statements made by the other Board members. Because the Town Board agrees he has no objection.
- F. Aarestad and Jones agreed with the previous statements.
- G. Aarestad moved to grant a variance to add 11.55 acres from Tax # 211-000-322100 to the applicant's 10-acre "entitlement" division. Vick seconded the motion.

DISCUSSION: *Rhineberger – suggested action be subject to a survey and if the additional land cannot be combined under one tax parcel ID, then the owner must file an Administrative Order in addition to a revised Deed Restriction.*

Aarestad amended his motion, Vick his second to include the following Condition: Action is subject to a survey and if the additional land cannot be combined under one tax parcel ID, the owner must file an Administrative Order in addition to a revised Deed Restriction.

VOTE: CARRIED UNANIMOUSLY

2. **JERRY LEE BISTODEAU** – New Item

LOCATION: 698 101<sup>st</sup> Street NE – Lots 21, 22 & 23 and part of Lot 20, Nordhaven, according to plat of record, Section 12, Township 121, Range 26, Wright County, Minnesota. (Lake Ida – Silver Creek Twp.) Tax #216-023-000230

Requests a variance of Section 155.026, 155.049((2)(a), 155.057 & 155.90 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow replacement of an existing 921 sq. ft. dwelling that is 40' from the Ordinary High-water Mark of lake (OHW) and 6.3' from the side property line and remove existing 576 sq. ft. detached garage that is 27' from the centerline of road with a new 1,768 sq. ft. one-story walkout dwelling, 988 sq. ft. main level attached garage and 988 sq. ft. lower level garage, a 48 sq. ft. covered stoop at 75' from the OHW and 43 ft. from the centerline of a township road. Also proposed is a new Type III septic system, undersized treatment area, to be 15' from the dwelling.

Present: Jerry Bistodeau

- A. Rhineberger displayed the location map to show the property on Lake Ida that was previously before the Board for a lot line adjustment. Two neighbors either side purchased half of three lots between them and removed a cabin. The applicant is back with a request to build a new dwelling. The cabin and garage are to be removed and replaced. The house exists at 40' from the lake. Proposed new dwelling will meet the 75' lake setback, will be two-levels and have a 988-sq. ft. attached garage for a total of 2804 sq. ft. The variance requested is to build the dwelling 43' from the centerline of a road and 15' from the new sewer system. The survey provided shows the sewer system is 12-13.5' from the treatment area. The slope of the mound will be right at the property line and would require something to keep water on the applicant's property. Schematic was displayed to show the house, walkout from the west side, noting this is the septic side. He does not have specifics on how that will get sloped. Quiggle – would that be a problem with the egress window (lower level)? Rhineberger – if that should be covered they would have to shift the location of the bedroom. Town Board approves. This is a Type III system, is not standard, undersized and even if the road setback were met, it would have to come to the Board for this type of sewer.
- B. Mol – felt meeting the lake setback is a big improvement of what is there, along with 15' from side. The 45' setback from the centerline of the road is the best they can do. He understands the mound and sloping, the two tanks and felt it is a good layout.
- C. Vick questioned hard cover and would there be room for a shed or a problem with the driveway. Rhineberger the proposal is 19.3% and is allowed up to 25%. Vick is in agreement with the plan.
- D. Aarestad – would hate to see the undersized sewer become a problem for a future owner. Rhineberger – he had the Environmental Health evaluate the sewer plan and his statement was that it is undersized. Bistodeau – had a family of five living in the two-bedroom old structure with two tanks and never had a problem. Rhineberger – this house has three bedrooms.

- E. Vick agreed getting this further back from the lake is an improvement. Bistodeau when the road was built and rebuilt they should have pushed it further back where it should have been.
- F. Rhineberger looked at the sizing requirements for the sewer, it appears about half the size and his assumption under State requirements. Quiggle – yet has approval? Rhineberger – he has not been given a permit yet. Although undersized, it could be approved with a pretreatment and monitoring. Noted a mound can be designed in a box. Further discussion on the system and it was noted it would have to be certified when it sells. Aarestad he is willing to go along with it if there is a check when it comes time to sell it.
- G. Quiggle indicated she can go along with the plan.
- H. Mol moved to grant a variance of Section 155.026, 155.049((2)(a), 155.057 & 155.90 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow replacement of an existing 921 sq. ft. dwelling that is 40' from the Ordinary High-water Mark of lake (OHW) and 6.3' from the side property line, see Exhibit “A” on file that is the survey and site plan; and remove existing 576 sq. ft. detached garage that is 27' from the centerline of road with a new 1,768 sq. ft. one-story walkout dwelling, 988 sq. ft. main level attached garage and 988 sq. ft. lower level garage, a 48 sq. ft. covered stoop according to Exhibit “B” at 75' from the OHW and 43 ft. from the centerline of a township road. Also approved is a new Type III septic system, undersized treatment area, to be 15' from the dwelling. Town Board approves. Quiggle seconded the motion.

VOTE: CARRIED UNANIMOUSLY

**DISCUSSION:**

No topic was raised.

Meeting adjourned at 8:50 a.m.

Respectfully submitted,

Barry J. Rhineberger  
Planner

BJR:tp

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