

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: January 5, 2018

MINUTES – (Informational)

The Wright County Board of Adjustment met January 5, 2018 at 8:30 a.m. in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota.

Barry Rhineberger, Planner, acting as Chairman pro-tem, called the meeting to order with the following Board members present: Dan Vick, John Jones, Dan Mol, Charlotte Quiggle and Paul Aarestad. Greg Kryzer, Assistant County Attorney, was legal counsel present. First order of business was election of a Chair for 2018.

ORGANIZATIONAL ITEMS:

One nomination was made by Aarestad to nominate John Jones as Chair, hearing no further nominations, a unanimous ballot was cast for Jones.

Jones assumed the Chair and opened nominations for a Vice-Chair.

Mol nominated Quiggle, seconded by Aarestad, hearing no further nominations a unanimous ballot was cast for Quiggle as Vice-Chair.

2018 Meeting Calendar Dates and Time. Quiggle moved to adopt the calendar as presented to the Board, Vick seconded the motion which carried unanimously.

Minutes

On a motion by Aarestad, seconded by Mol, the minutes for the December 1, 2017 meeting were approved as printed.

1. LOIS A. JENSEN – Cont. from 12/1/17

LOCATION: 15964 - 71ST St. NW – Part of Lot 12, Wulleiinda Addition, Section 28, Township 121, Range 28, Wright County, Minnesota. (W. Sylvia – Southside Twp.) Tax #217-063-000120

Requests a variance of Section 155.026, 155.049(F)(3), 155.057 & 155.090(C) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the replacement of the existing 747 sq. ft. one-level dwelling that is 48' from the ordinary high-water mark of lake and 7' from the side line with a new two-story three-bedroom dwelling over a walkout basement, 1216 sq. ft. in main level with a 40 sq. ft. open entry porch roadside. Structure proposed at 11.1' from the north side property line, 66.7' from the ordinary high-water mark of lake. Proposed pressure bed sewer system to be 18.6' from the closest corner of proposed dwelling.

Present: Lois Jensen, Bernie Miller with MSTs

A. Rhineberger displayed the revised site plan and proposed structure drawing. On the revised plans the structure has been moved back about 1 ft. from the lake. The structure will now sit at 67.7 ft. from the lake and 17.7 ft. from the septic system. The location change allows for

better use of the grade near the cabin. Instead of a full walk-out there will be half of the building with lookout windows, so partially underground, and the other half will be completely exposed as a full walkout. This adjustment changes the structure from a 3-story to a 2-story. The site plan also shows storm water management features, native vegetation areas and rain gardens that will help collect the water. Rhineberger questioned the applicant if the structure would be guttered.

- B. Miller stated that it has not yet been determined if gutters will be installed, but he doesn't feel that it would be beneficial and they would actually end up channelizing the water more. With the roof pitch, the only section that might need gutters is the lakeside dormer. Rhineberger – in this situation the pitch runs perpendicular to the slope. The layout is different than what is normally seen with the standard lakeshore lot, where the pitch runs parallel with the property lines and perpendicular with the lake, so the water shed goes sideways. In this case the pitch runs perpendicular with the property lines and parallel with the lake so that the water shed runs front and back. The channelization around the structure is less and the flow won't create pits and holes around the structure and then run downhill.
- C. Quiggle questioned if gutters directing water off the house and into the rain gardens would be a better option. Miller – there is minimal grading on this property. With the grading and how the house sits there is only about .3 of a foot higher at the top of the hill, using gutters to channel the water into the rain garden would be difficult. Quiggle wanted to know why a shallow pipe going into the rain garden wouldn't be a solution and wanted to know how the water will be directed to the rain garden. Miller – described the topography and explained a little bit of a swale around the house will direct water to the rain garden. There will be added pitches to the grading which will direct the water towards the gardens. If this lot had a steeper slope there could be potential for a lot of erosion, but because this lot is almost flat a little swale can be used to direct the water. The rain garden will infiltrate what it can; and what can't be absorbed will go into the native area.
- D. Vick – is happy with the modifications and that the applicant listened to the Boards concerns and addressed them.
- E. Aarestad stated he is satisfied with the changes that were made to the plans. He did question what the impervious surface coverage would be and reminded the Board that during the last meeting there was expressed concern that the lot is at the impervious coverage limit and there would not be room for additional storage or patios. Miller – most of impervious area that is there will remain and what is shown on the plans is existing or proposed. The building coverage is 13.9%, so there is approximately 100 sq. ft. of coverage that could be added but in the end there really isn't a good location on the lot for another building. Some of the discussion was then centered on the need for general storage and what the applicants' family stated is that the boat house has been used for storage and will remain a storage area, since the boat is rarely in there. A place for additional general storage should not be needed.
- F. Quiggle indicated she was glad to see the architect changed the lower level so that it is now a

basement and the home is no longer a 3-story. Ideally she would like to see the roof pitch decreased but doesn't have construction knowledge to know if that is a possibility or reasonable. Miller – the architect did review the house plans to see if the roof pitch could be reduced and determined that if designed differently, the rooms would shrink so much that they would become unusable. The home was designed with the lowest possible pitch that could be used and still create habitable and usable rooms in the upper level. Quiggle – since the architect did look at reducing the roof pitch and it isn't a viable options, she is okay with the plans. She would like to see the storm water management plan implemented as presented on the site plan, Exhibit "A", with rain gardens and native areas. In lieu of gutters directing water to the rain gardens, there will grading with swales to allow for natural drainage directing water to the rain gardens. Quiggle asked the applicant if there is a building schedule and when the landscape work could be completed. Jensen – there is no set date. She wanted to pursue the variances first before finalizing the blueprints and review contractor bids. Quiggle voiced concern that implementation of storm water management plans might not get completed in a timely manner; therefore, she would like to set a completion date for the staff to review. Rhineberger suggested adding a condition that work will be completed within 9 months of the permit being issued. The variance is good for 3 years, so they have 3 years to even apply for the permit.

- G. Aarestad moved to grant a variance of Section 155.026, 155.049(F)(3), 155.057 & 155.090(C) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the replacement of the existing 747 sq. ft. one-level dwelling per house plan Exhibit "A", along with a storm water management plan per Exhibit "B", with final plans to be submitted at the time of application for a building permit. The grading to be completed as discussed and finished within 9 months of permit issuance. Storm water management should be maintained in perpetuity. Motion was seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

2. **LARRY & DIANE BRASTAD** – Cont. from 12/1/17

LOCATION: 224 - 80TH St. NW –Gov't Lot 1; & SE ¼ of NE ¼; also Gov't Lot 2 & SE ¼ of SE ¼ except ..., & W ½ of SE ¼ all in Section 24, Township 121, Range 26, Wright County, Minnesota. (W. Twin Lake - Maple Lake Twp.) Tax #210-100-244200, -241100, -241400, -244100, -241200 Property owners: Applicant & Veit

Requests a lot line adjustment as regulated in Section 155.026 & 155.048 as regulated Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to adjust an existing property line approximately 50' to the west to give additional room around outbuildings and a portion of the farm to be combined and owned in common with the adjacent land owned by Veit (NW ¼ of SE ¼ does not have public road frontage).

Present: Larry Brastad

- A. Rhineberger displayed the site plan and reviewed the property details. The applicant currently owns approximately 156 acres between four parcels in Maple Lake Township. A total of three entitlements exist, two of which are being used by existing homes. There are several pieces to this request. One part of the request is a lot line adjustment to the northern parcel. Currently the lot line runs very close to existing agricultural buildings and with the adjustment of that lot line, the buildings will meet the appropriate setbacks. There is a very small portion of land on the north end of the lake that is technically part of the lot with the applicants' home, which will also be incorporated into the land going to the buyer. The second part of this request is that the applicant is proposing to sell a land locked parcel. The prospective buyer has been instructed that the landlocked parcel ownership will need to remain the same as the adjoining parcel that is currently owned. The prospective buyer owns property to the north and west under two different names, one as an individual and one under the name of a foundation. If the request is approved, the Board must ensure that the landlocked parcel, when sold, is under the same ownership through a condition. The remaining entitlement will be kept by the applicant on the property he will retain, along with the two existing dwellings that are in use. Maple Lake Township did approve the request.
- B. Aarestad – concern is ensuring that the landlocked parcel is in the proper ownership of either the individual or foundation. Rhineberger – a statement addressing the landlocked parcel can easily be added as part of motion as a condition.
- C. Quiggle – agrees with the statement that Aarestad made.
- D. Mol – no issue with the request, as long as parcel is not landlocked and documents are processed correctly.
- E. Vick – has no concerns with the request.

- F. Quiggle moved to approve a lot line adjustment as regulated in Section 155.026 & 155.048 as regulated Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to adjust an existing property line approximately 50' to the north to give additional room around outbuildings and a portion of the farm to be combined and owned in common with the adjacent land owned by Veit and titled in a way that shall not create a separate landlocked parcel. The remaining entitlement will remain with the property owned by the seller. Condition: Subject to Deed Restriction. Motion seconded by Vick.

Discussion: Rhineberger made mention that the lot line adjustment and sale shall be subject to a Deed Restriction.

VOTE: CARRIED UNANIMOUSLY

3. **LAWRENCE R. SMITH** – New Item

LOCATION: 3548 Dempsey Avenue NW – SW ¼ of NW ¼ and NE ¼ of NW ¼ south and west of railroad, all in Section 15, Township 120, Range 26, Wright County, Minnesota. (Maple Lake Twp.) Tax #210-000-152300

Requests variance as regulated in Section 155.026 (C) & (E)(2) & 155.048 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinance to allow a division of approximately 12.5 acre as a restricted parcel, with less than 300 ft. of public road frontage.

Present: Lawrence Smith

- A. Rhineberger displayed the maps to show the location of the 53 acres that is under one tax parcel. The request before the Board is separate the “pie” shaped 13 acres connected to the forty acre at the corner. The road right-of-way dead-ends at the quarter-quarter section line. The applicant wants to break off the 13 acres as a “restricted” parcel; and, eventually the existing home which is the “entitlement”, on a ten-acre lot. The result would be three parcels, two being restricted parcels. Looking for an interpretation on whether the 13 acres can be split off as a separate restricted parcel. He noted the Board had a request like this ten years ago. He noted usually these parcels are being attached to something nearby. Staff are looking for input from the Board. He is expecting other requests and direction is needed on how to handle these requests. Town Board approval was received.
- B. Quiggle stated the problem is not what the applicant wants to do, but how the Ordinance is written. The subdivision rules do not allow this and it seems like a major deviation to open this up. Subdivisions are usually handled through the conditional use process. She tends to interpret the statutes and Ordinance literally. Kryzer declined to give an opinion when asked.
- C. Rhineberger explained Staff have had a broad conversation of the Ordinance and how every 40 acre that is restricted because the “entitlement” was used or moved could be opened up to 5-10 acre restricted lots if allowed to be subdivided off without an “entitlement”. Quiggle asked about the subdivision ordinance. Rhineberger that only addresses “buildable” lots or restricted parcels that are part of a Planned Unit Development. Kryzer – the Subdivision Ordinance addresses parcels that have to be rezoned. Quiggle felt although this might seem like a reasonable request, a variance cannot be granted for something that is prohibited. Rhineberger read the language for subdivision for Ag purposes in an AG zone. Quiggle noted they could vary road frontage and size. Rhineberger – noted they would have to find justification and a decision will set the framework for what Staff will take in. He summarized the Board action to uphold an Administrator’s decision to deny a ten-acre parcel out of the middle of a field that an owner wanted to sell for a garden. Staff get these type of inquiries all the time for parcels without an “entitlement”. Quiggle asked about the division of the quarter-quarter section. Rhineberger –administratively they can make the “entitlement” division and the remainder could be sold together (including the 13 acres).
- D. Mol asked if the 13 acres could be sold to a neighbor. Discussion followed on whether it is appropriate to separate off 13 acres. Rhineberger – indicated that is a fairly common request the Board has heard. He noted the problem these isolated parcels create later when the

owner starts getting their tax bill and wants to change the restriction. Mol – agreed the Board does not want to create problems. If a neighbor would agree to purchase the 13 acres and incorporate it into their parcel, he would agree. As proposed, this would be a 13 acre parcel, restricted without the proper road frontage. Mol felt he could not support the way it is proposed.

- E. Vick indicated he was looking for some history on these types of request. If the Board members are not comfortable he would not be.
- F. Aarestad if the Board starts dividing off restricted parcels, it could create uses not allowed, hunting shacks, businesses in storage buildings, etc. If they separate off the home site it would not create any conflicts with the Ordinance. He cannot agree to the proposal.
- G. Smith explained he is downsizing and his daughter and son-in-law wanted this parcel for hunting, which is how they have been using it. There is no agricultural land, other than about 5 acres of hay ground that a neighbor cuts. There is no “entitlement” with it and as far as he knows there would never be one. He was told he needed a variance.
- H. Mol – splitting it off this way with the home on another division, they would end up with two restricted parcels. He suggested they could keep all the restricted land together if they want it. Asked about the ag land. Smith–of the 40, there are 30 acres of tillable land and the neighbors interested in buying that land down the road are organic farmers. Smith asked about the limit on animals with a ten-acre home site. Rhineberger and Mol explained the limit.
- I. Jones – summarized the Board consensus is not favorable and asked what the options are. Rhineberger indicated the decision is to approve or deny. The “entitlement” division can be done administratively. Could leave the 40 as a whole which is the entitlement; but no further division, the problems that can arise is that mortgage companies don’t want to finance a full forty acres. There is a likelihood a future owner would be back for a division. There are not a lot of options. Vick – asked if Staff would offer a partial refund if he withdraws. Rhineberger – he wanted to present this for discussion rather than come in with an appeal and then have to come back for a variance.
- J. Quiggle – suggested a neighbor could purchase the “pie-shaped” 13 acres and this owner keep hunting rights. She asked if that would take a variance. Rhineberger – that would take a lot line adjustment. The Board has heard those situations because it does not create a stand-alone parcel. Smith – explained the “pie-shaped” parcel was created when the railroad came through and split the original forty. There is a possibility of a division of that forty. Mol suggested the Board can continue if he wants time to work this out, it does not appear the Board will approve the way it is presented. There are options, such as a neighbor purchasing this and giving his children hunting rights. Rhineberger confirmed the Board is saying they will not create a separate 13 acre restricted parcel and Board members responded that was correct. Smith asked if the 13 acres would have the required road

frontage if that would make a difference. Mol – did not think it would make a difference because it is restricted. Smith indicated he would withdraw the request.

- K. Mol – moved to accept the applicant’s request to withdraw the request.
Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **JEFF BEYER** – New Item

LOCATION: 5490 Fairhill Dr. SE - E ½ of NW ¼, Section 12, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-122400/-122401
Owners: Applicant & Patricia Beyer

Requests a variance of Section 155.026 & 155.048(G)(4)(c) to allow the existing “entitlement” division (applicant’s homestead) to be incorporated back into farm and allow a new division of the original farmstead dwelling on 19 acres. Both division and remainder of farm to be on 33’ access strips to the public road.

Present: Jeff Beyer

- A. Rhineberger displayed the property map with air photos of the proposed parcels of the approximately 80.5 acres in Rockford Township. In 2006 the Board approved a 2.5 acre “entitlement” division where a new house that was built with the remainder 78 acres already having a home and therefore was left restricted. Another piece to the request was that in order to provide at least 33’ of road frontage to both parcels the applicant was instructed to purchase an additional portion of land from the neighbor so that the right-of-way would touch the applicants’ property. There is a two part process with this request. The current proposal is to re-incorporate the 2.5 acres back into the 80 acres and break off the existing farmstead with 20 acres and 33’ of road frontage, which would be purchased from the neighbor to the south. The remaining 60 acres with a house would also have 33’ of frontage. The applicant is essentially looking to reincorporate land and break out existing houses on different acreages. The request was approved by the Township.
- B. Beyer had no comment or additional information.
- C. Mol stated that he sees the request as a way to clean up the lot lines, do some reincorporating and nothing is really being changed. Rhineberger – the additional piece of the variance would be the “entitlement” division that exceeds the 10 acres. The road frontage was an issue with the original 2006 variance and should be cleared up.
- D. Beyer – the reason the road frontage was not purchased previously is because the past owners had mortgage issues that would not allow the sale. There are new owners that do not have mortgage issues and he believes that the necessary paperwork has even been completed.
- E. Mol asked the applicant if the paintball field is still on the back portion of property. Beyer confirmed that statement. Mol indicated he does not see an issue with the request.
- F. Vick - has no concerns with the request.
- G. Jones – with regards to the overage of the 10 acres he feels the cleaning up of the lines is a nice compromise and is okay with the request.

- H. Kryzer stated that the best course of action would be to rescind the 2006 variance and readopt. Rhineberger - revised corrective deed restrictions would be needed as part of the conditions.
- I. Mol motioned to rescind the 2006 Board of Adjustment variance, at the applicants' request. Motion was seconded by Aarestad.

VOTE: CARRIED UNANIMOUSLY

- J. Aarestad moved to approve a variance of Section 155.026 & 155.048(G)(4)(c) to allow the existing "entitlement" division (applicant's homestead) to be incorporated back into the farm and allow a new division of the original farmstead dwelling on approximately 19 acres. Both division and remainder of farm to include 33' wide access strips to the public road. Conditions: Subject to survey, a Deed Restriction be recorded and that the parcel along the road is purchased. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **RON J. KROHN** – New Item

LOCATION: 6596 – 100TH St. SW – N 32 rods of the E 40 rods of NW ¼ of NW ¼ and part of Gov't Lot 4, Section 25, Township 118, Range 27, Wright County, Minnesota. (Round Lake – Victor Twp.) Tax #219-000-252100

Requests an “after-the-fact” variance as regulated in Section 155.026 (& 155.048 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinance to allow a new 18’ x 30’ accessory structure, replacing a 14’ x 24’ structure that is 90’ from the ordinary high-water mark of a Natural Environment lake.

Present: Ron Krohn

- A. Rhineberger displayed the aerial photo as well as recently taken photos of the property and the structure specifically being discussed. The property is located in Victor Township on an 8.75 acre lot on Round Lake. The request is for an “after the fact” variance to replace the existing 14’ x 24’ accessory structure that was 90’ from the lake with a new 20’ x 30’ structure on an existing concrete slab. The previous structure did not occupy the entire slab just part of it. The proposed building is a 20’x 30’ canvas structure that is in the same location but is an expansion and any expansion of a non-conforming structure needs a variance. The Township did approve the request.
- B. George Bakeberg - is a neighbor with land across the road and feels that this structure is a good fit and he does not have a problem with the structure.
- C. Burton Horsch stated that he is a Township Supervisor. The land has been in the applicants’ family for years. The property is always neat, well taken care of and never with junk laying around. There are other locations in the Township that are not as well-kept and organized as this property.
- D. Krohn – he had hoped to be able to put up a metal shed. When he went to the Planning and Zoning office he was told that with the setbacks of a Natural Environment lake it would be difficult to get a variance approved. He was told by a few people that he could put up a non-permanent structure without a variance. He moved forward with that type of structure and is now realizing he should have gone to the variance board right away and put up the permanent structure that he originally wanted. This canvas structure isn’t what he wanted but it worked with the existing concrete slab. He feels he is not violating the lake in any shape or form and is actually doing more to better the lake than hurt the lake. Years ago he moved a culvert that was channeling water directly into the lake and is now directing the water into a berm first, so the flow to the lake is slowed. He doesn’t believe he has done anything to hurt the integrity of the lake. The run off is the same with the slab that was already there.
- E. Vick – looking at the photos it appears that the water is diverted away from the lake instead of straight down. He is impressed with the comments from the Township Supervisors and that they promoted and approve the structure. He indicated that he is okay with the structure.
- F. Aarestad would like to address two issues. First is whether the applicant acted in bad faith or

not. He is willing to give the applicant the benefit of the doubt as he was not there for the conversation of what could and could not be done on the lake. Years ago he used to think these temporary tent like structures were exempt, so he can see where the applicant might have gotten bad advice or misunderstood the rules. With that said, in looking at the actual location of the building and how future development could be affected by the structure, he feels the impact of the building would be very minimal. Reviewing the criteria that is usually considered, with a setback variance, doesn't really apply in this case. He would consider a proposal for putting up a permanent structure, but would like to see any expansion go inland and not any wider along the lakeshore. The exposure to the lake would need to be minimalized and take up land inland vs. towards the lake.

- G. Vick asked the applicant if he is okay leaving up the current structure. Krohn – is willing to leave the structure up until the weather decides to tear it down. If the Board told him it is okay to have a shed there and a storm comes through he would replace what is there with a metal shed. He works for Lester Builders and originally wanted a metal shed. He is not trying to pull the wool over someone's eyes; but he was told by two separate people, that a non-permanent structure is allowed. Quiggle asked if he was told this by someone from the County. Krohn – no not from the County and even when he reviewed the Planning & Zoning website there was mention of square footage but there wasn't any reference to non-permanent structures.
- H. Quiggle doesn't agree with what the other Board members have said and she feels like this building was put up in bad faith. Twice in five years the applicant was told he could not build a shed that was expanded in size without going through the variance process and in both cases the applicant declined pursuing a variance. The applicant did not consult the County regarding what could be done, aside from replacing the exact same size structure in the same location. Quiggle read the Ordinance definition of a structure. Because no building permits were obtained, the setbacks were not met and the structure is in the shore impact zone, she has a real problem with the structure and feels the applicant acted in bad faith.
- I. Mol asked the applicant what was previously on the slab. Krohn – the slab was constructed for hogs but the market went south and there were never any hogs there. Later an existing garage was moved onto the slab. Mol – over time buildings on the site have been reduced. Krohn – from the original farmstead there are six structures that have been removed. Mol – agrees with Quiggle, the applicant knew a permit was needed. The slab was already there so the lake isn't impacted any more than it was prior to this building. An item of concern is that in some of the photos there are quite a few 55 gallon drums located lakeside. Krohn –uses those drums to store scrap metal and there is a berm from an old chicken coop as well as old concrete that would hold runoff. If it would better his case he is willing to get rid of and clean up the drums. Mol – asked the Board if anyone felt like they should take a look at the property.
- J. Quiggle – if the Board allows this structure to stay and the weather destroys it in a few months, would the applicant be allowed to put up a permanent structure this size or would another variance be needed? Kryzer – if the Board approves this structure size a more permanent structure of this size is allowed. Quiggle - has a problem that twice in five years the applicant was given the option of a variance and he chose not to follow through. He

didn't even consult with someone from the County or look up the Ordinance.

- K. Mol – if the applicant had come to the Board for a variance before putting up this structure, would the variance have been approved? The whole property is within the 200 foot lake setback so in theory the lot is pretty much grandfathered in. The slab was existing and the property has been cleaned up with the removal of so many structures. Quiggle - if the applicant would have come for a variance before putting up the structure, she would have gone with putting up the size that was there before, not expanding. Rhineberger - the original structure was 14' x 24' and the concrete slab was bigger at the 20' x 30'. Mol – because of the existing slab the impervious coverage is the same with either size structure. Krohn – the only reason for the expansion of the structure was so that both the boat and tractor could fit.
- L. Vick stated that he drove by the site and it is very well kept.
- M. Aarestad reminded the applicant that if he would replace the existing structure it would need to come down first and foremost. The replacement structure could not exceed in width and would need to go away from the lake.
- N. Vick – this structure comes with a 20 year warranty. It should be there for quite a while and is pretty heavy duty.
- O. Krohn stated if weather causes the current structure to come down he would like to put up a metal structure. He honestly did not put up this structure in bad faith and he did speak with two people in McLeod County and trusted their words. Quiggle reminded the applicant that other Counties have different Ordinances.
- P. Vick – if this structure would come down would the Board need to hear another request for a variance? Quiggle - if the applicant gets this approval he would not need to come back before the Board.
- Q. Aarestad – asked for clarification that if the variance is approved this building can be kept as long as he wants and replaced same size. Kryzer – yes, by state law with a few stipulations regarding a time line. Quiggle – if approved as requested, the shed can be replaced at the larger size and closer to the lake, if wanted. Aarestad – is not against a new shed but thinks the current shed needs to come down and the Board require that the applicant come back with a plan for the structure that the applicant wants on the site. This way the variance is reviewed based on the building that the applicant really wants. Rhineberger – if that is the Boards desire the request should be continued for a new plan. Mol asked Aarestad if he would prefer seeing a permanent structure instead of what is there now. Aarestad feels the current structure has to go and the Board should be given the opportunity to review what the applicant would put up as a replacement.
- R. Vick – if the other members are leaning towards opposing the request he would encourage the Board to do a site visit. He feels that if the Board saw what is there they would be comfortable with the building.

- S. Aarestad – would go along with what Quiggle said, this structure is not something that would normally have been approved and the Board would have liked to see a more permanent structure. He would like to see new building plans with what the applicant wants that the current structure will be torn down. Krohn – his hopes are that as long as he lives the current shed stays standing and if a new owner wants a more permanent structure then they can go before the Board. The slab is already roughly 30 years old and won't last forever. Vick – in the building trades a 20 year warranty is considered a life time warranty and if the Board would visit the site they may be impressed with what is there.
- T. Mol stated he would be relatively okay with the request, if the site is cleaned up and some of the scrap metal is removed or put inside. He feels that if the applicant would have come to the Board with just the slab there that the Board would have potentially worked with him and allowed some type of permanent structure.
- U. Vick moved to approve the “after-the-fact” variance as regulated in Section 155.026 (& 155.048 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinance to allow a new 18' x 30' accessory structure, replacing a 14' x 24' structure that is 90' from the ordinary high-water mark of a Natural Environment lake. Condition: A building permit is required. Motion seconded by Mol.

V. VOTE: CARRIED, Opposed: Quiggle & Aarestad

Public portion of the meeting adjourned at 9:50 a.m. for a closed session.

6. **CLOSED SESSION**

Attorney Scott Anderson spoke to the Board regarding the pending litigation Grimlie vs. Wright County, Ct File No.: 86-CV-17-2728

Meeting adjourned at 10:45 a.m.

Respectfully submitted,

Barry J. Rhineberger
Planner

BJR:SD/TP

cc: Board of Adjustment
County Board of Commissioners
Kryzer
Twp. Clerks
Applicants/owner