

## WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: March 1, 2019

### MINUTES – (Informational)

The Wright County Board of Adjustment met March 1, 2019 in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, John Jones, called the meeting to order with the following Board members present: Jones, Dan Mol, Paul Aarstad and Dan Vick. Absent was Charlotte Quiggle. Barry Rhineberger, Assistant Planner, called the meeting to order at 8:30 a.m. Greg Kryzer, Assistant County Attorney, was legal counsel present.

### MINUTES

On a motion by Aarstad, seconded by Mol, all voted to approve the January 4, 2019 minutes as printed.

1. **BRADLEY A. JOHNSON** – Cont. from 12/7/18 & cancelled meeting of 2/1/19

LOCATION: 14349 Custer Avenue NW – Part of Gov't Lot 1, Section 22, Township 122, Range 26, Wright County, Minnesota. (Locke Lake - Silver Creek Twp.)  
Tax #216-100-223202

Requests a variance as regulated in Section 155.026, 155.049((2)(a)(3) & (4) & 155.057 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to replace existing 874 sq. ft. one-level dwelling with a partial basement that is 40' from the Ordinary Highwater Mark (OHM) of lake and 18.4 ft. from the south side property line with a new 1,272 sq. ft. two-story dwelling with a partial basement and 12' x 14' three-season porch, 40' from the OHW and 12.4' from the south side property line. Also proposed is a new 16' x 24' detached garage 8' from the rear property line, 29' from the centerline of a private road.

Present: Brad & Karen Johnson

- A. Rhineberger reminded the Board this was before them in December. The proposal was to replace an existing cabin with a two-story. Board suggestion was to revise the plans and remove the second-story and look at expanding to back. A 276-sq. ft. basement addition with a rebuilt main level at 1680 sq. ft. and 168 sq. ft. porch. This expands about 12' to the back. The reduced garage size does give space for parking without being in the easement. The lot coverage is not exceeded although the new plan increases the footprint from the first proposal. He estimated impervious with sidewalks could be 20-22%.
- B. B. Johnson – reviewed additional modifications to the plan presented. The existing main floor includes a front porch stoop and may want to go out 4' and go straight out and across (where the plan says unexcavated) for a front stoop. If they would do that it would be 4' x 6', but is not on this plan and asked if that is acceptable to the Board. Another consideration is for a stairway off the new screen porch (not shown). Discussion on a landing and which direction it could go which Rhineberger explained if it meets the Ordinance is permitted encroachment. B. Johnson stated this is a suggestion their designer had and his inclination would be to go to the east. He also asked if they change the interior walls and design, would that be an issue. Board and Kryzer were not concerned – as long as it is not designed as a duplex. B. Johnson indicated the garage construction may be a year later. Rhineberger stated the variance is good for three years. B. Johnson – the garage proposed is 22 – 26' from the back line, sits at an angle.

- C. Jones asked for public input, hearing no response returned to the Board.
- D. Vick – stated he has an issue with the expansion. This about doubles the size, he would prefer to see them go up. If this is the direction they are going, he would like to visit the site.
- E. Aarestad – feels because the expansion is going away from the lake, his is not as concerned. The Township has approved and if they are fine with the garage location and parking situation he would agree. Rhineberger – because this is a private road and likely to remain one, it is likely the Town Board would not object. Vick – asked if the Town Board approved the revised plan. B. Johnson – no the Township has not seen the revisions.
- F. Mol – agreed with the revisions since they are not getting closer to the lake and took their suggestion on and shortened the garage. Felt the applicant took the Board’s direction and have improved things. Kryzer suggested in a motion it is stated they can fill in the unexcavated part of the plans and put stairs off the screen porch.
- G. Vick asked if there is expansion on the lakeside with the basement. Rhineberger explained this expansion is under the existing deck and over the existing covered deck area. This will enclose a portion of what is covered on the lower level and entire area on the upper. He noted it is a change in use that requires Board review, but what is proposed is not expansion of footprint. Vick – noted there will have to be full footings for what is being proposed. Rhineberger – yes, but there should be footings supporting the deck now. Discussion on removing a portion and what would become crawl space and is a slight alteration of the plan presented but is no problem with coverage.
- H. B. Johnson asked if they could go deeper than a crawl space that would be another 480-sq. ft. of basement. Rhineberger stated a crawl space can be up to 6’, but cannot be habitable space. This is a decision for the Board. Applicants asked if it is something they could do as they had originally thought they would build on a slab, but it was at the advice of the contractor to excavate down 8’. Rhineberger confirmed what is being described would be living space. Mol prefers they limit it to crawl space, that still gives storage but not adding living space. Rhineberger – the utilities can be moved down there and free up area, this gains space in the upper level. There can be a cement floor, but cannot be used for living space. Vick asked if the additional 6’ was on the plan with the two-story plan? Rhineberger indicated it was. Vick asked if Rhineberger felt the Township would accept the new plan. Rhineberger – felt there would not be an objection, unlikely this road would be taken over by them.
- I. Aarestad moved to grant a variance as regulated in Section 155.026, 155.049((2)(a)(3) & (4) & 155.057 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to replace existing 874 sq. ft. one-level dwelling with a partial basement that is 40’ from the Ordinary Highwater Mark of lake and 18.4 ft. from the south side property line with a new dwelling plan as shown on Exhibit “A”, with exceptions to

include steps coming off the porch and covered stoop on the back. Also granted is a 14' x 20' garage per plans submitted and accord with revised survey marked Exhibit "B". Condition: Does not exceed lot coverage limitations. Mol seconded the motion.

VOTE: CARRIED, Vick voted nay

2. **JOHN P. WALTER** - New Item

LOCATION: 10661 Grover Avenue SW – Lot 28 & 29, Terra Teresa, according to plat of record, Section 18, Township 118, Range 27, Wright County, Minnesota. (Lake Mary - Victor Twp.) Tax #219-016-000280 & -000290

Requests a variance of Section 155.008(B), 155.026, 155.049 & 155.057(E) ((1)2. Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow construction of a 15' x 16' living-room addition with storage space below to the southeast side of dwelling that exists 13.8' from the northwest side lot line, 30' from the ordinary high-water mark of lake. Proposed addition is in line with the dwelling, but 28' from the ordinary highwater mark at the closest point.

Present: John Walter

- A. Rhineberger reviewed the property location and plans. The applicant was unable to meet with the Town Board and he understands this is an opportunity to see if the Board asks for changes and then those changes can be made and presented to the Town Board. The addition is a living room addition with an open room below. The pictures taken from Assessor's records were displayed to show the location of the proposed addition. The wall of the addition would be in line with an existing wall, but moves closer because of the shoreline. Impervious coverage is at 25%.
- B. Jones stated 2' closer to the lake is a problem. Vick – concurred encroaching closer to the lake is his concern. Asked if they could push it back a couple feet. Walter noted where a well head is and Rhineberger reviewed the minimum setbacks. Vick had not noticed it on the site plan. Would like to hear from the Township. Noted a 100' lake setback is required.
- C. Rhineberger questioned where the septic tanks are located. Walter pointed out the location.
- D. Aarestad – addition and size are reasonable; however, 30' from the lake is very close. He would not support moving 2' closer. He would consider a modified plan that does not go closer.
- E. Mol – would concur that it should not get closer to the lake. The other concern is the proposal leaves no room for future change in impervious coverage. He would like to see some coverage reduced, whether it is driveway or something else. Rhineberger – in this stretch of homes with the distance from the garages to the houses, the driveways are very long. This uses much impervious coverage allowed.
- F. Jones concurred with the statements other members made. Vick – asked about a 2' cantilever. Rhineberger the setback is not looked at any different.
- G. Walter asked if he could jog back 2' from existing wall, that would be 30'? Board answered yes. Rhineberger if the width is reduced it may not have to go back as far. There are a couple options, but it is for the applicant to design. It is the angle of the shore and

angle of the structure. Further south it moves, the closer it will get to the lake. Walter – the access to the well has made it difficult. Board members suggested the applicant go back and redesign

- H. Mol moved to continue to April 5, 2019 for the Town Board review and to look at revisions. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **THOMAS H. YOUNG** - New Item

LOCATION: N ½ of NE ¼ except tract described in Book 238 of Deeds, page 358, Section 7, Township 118, Range 26, Wright County, Minnesota. (Woodland Twp.) Tax #220-000-071100 Property owners: Linda A. Engelke & Sally M. Engen; Life Estate Theodore Yager & David Yager

Requests a variance of Section 155.026 & 155.048(B)(10) Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the division of existing 80.5-acre parcel into a 23.47 acre parcel and 57.02 parcels, each with a building “entitlement”.

Present: Tom Young

- A. Rhineberger provided location maps to show the 84.9-acre parcel in Woodland Township. The proposal is a division that will allow two parties to purchase acreage. A lot of record out of the parcel was pointed to. The acreage has two “entitlements”. The applicant owns adjacent land to the west. The sale includes the two “entitlements”. The nature of the land was described. The land division is using a tree line and drainage area and includes 8 acres of prime tillable. Putting an entitlement with the 23 acres, the remaining 57.02 acres includes the majority of the tillable and the remaining entitlement. Town Board approval was received.
- B. Young – no plans to build or use the “entitlements” just part of the purchase. He owns land all around this and is near the home farm. He plans to buy the 57 acres and his uncle is buying the other parcel for pasture.
- C. Aarestad – the prime land is usually a concern, but is more concerned with going three times larger than a division is allowed. Hearing the explanation, he would agree.
- D. Mol – looking at the original building site and considering a recent situation the Board has gotten into issues with he sees problems. Felt they could easily subdivide by extending the division to the east and up to the ten acres. Understands the financial situation. Young asked what is the concern about buildings? Those are within the one acre. He is buying the buildings outside of it. Rhineberger – displayed the air photo. Mol – the buildings look like they might need variances for setbacks. There have been issues in separating buildings in the past. Rhineberger – the smaller shed next to the grain bin could not be used for animals; but the other two are or have recently been used for animals and those are pre-existing non-conforming structures. Kryzer – asked if a survey showing the buildings was available? Rhineberger responded yes. The distances are shown on the two southern buildings. The new line on the south meets the setbacks. The southwestern shed does not meet a 100’ setback and the line would have to be moved to meet a livestock building setback requirement; or the Board would have to address that. Young provided an original survey and Rhineberger noted the scale shows that one building is only 50’ from proposed line. Young – his cousin is the person living in that homesite. Mol – is concerned about future zoning issues although he understands what they are attempting to do and are trying to keep it Ag. Rhineberger – regardless of how they adjust the back line, it will impact the tillable land. Rhineberger – the Board can say the 23 acres has an

entitlement which cannot be split off unless approved by the Board. Mol relayed a proposal before the Planning Commission the night before. He is looking at the future where there could be two homes sitting in the middle of a farm operation and conflicting uses. Further discussion on a restriction on whether it could be subdivided. Rhineberger suggested addressing the two setbacks from the two agricultural buildings. One is sitting at 40' and 49.1' setback for the other.

- E. Vick – felt his questions have been answered.
- F. Mol moved to approve variance of Section 155.026 & 155.048(B) (10) Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the division of existing 80.5-acre parcel into a 57.02-acre parcel with one entitlement as Tract A, and a 23.47-acre parcel identified as Tract B, each with a building “entitlement”. The dividing line will create a situation where one existing shed will be 40.2' from the rear line and a second animal structure 50.9' from the property line. Conditions: The 23.47-acre parcel cannot be further subdivided without Board approval. Subject to a Deed Restriction to be signed and recorded. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 9:25 a.m.

Respectfully submitted,

Barry J. Rhineberger  
Planner

Cc: Board of Adjustment  
Twp. Clerks  
Applicant/owners