

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: April 5, 2019

MINUTES – (Informational)

The Wright County Board of Adjustment met April 5, 2019 in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, John Jones, called the meeting to order at 8:30 a.m. with all Board members present. Barry Rhineberger, Planner, represented the Planning & Zoning office. Greg Kryzer, Assistant County Attorney, was legal counsel present.

ACTION ON MINUTES

On a motion by Mol, seconded by Vick, all voted to approve the March 1, 2019 meeting as printed.

1. **JOHN WALTER** - Cont. from 3/1/19

LOCATION: 6641 County Road 3 Part of Gov't Lot 3 & the SE ¼ of NE ¼, Section 34, Township 121, Range 28, Wright County, Minnesota. (E. Sylvia - Southside Twp.) Tax #217-000-341405

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 – summarized the discussion from the last meeting and displayed the previous site plans and pictures. Due to the angle of both the shoreline and building, the Board asked that any expansion not extend closer to the existing lake setback of 30'. Proposal was 28'. The applicant has since provided a revised plan to show the new basement would be 2' back from the upper story and will remain 30' from the lake.
- B. Walter stated the size of the addition has been reduced to 14' x 16' because of the well location.
- C. Mol – thanked the applicant for taking the Board's suggestion and indicated he could support the new plan.
- D. Quiggle – agreed the applicant did a good job of coming up with a plan to maintain the existing 30' from the ordinary high-water mark of the lake, although it is still in the shore impact zone. Because of that fact, she would like to see all the water runoff from the roof go into a native shoreline buffer before reaching the lake. She would agree they could have an area of about 25' near the lake to store boats, etc. She asked if they are sure this project is under 25% impervious lot coverage? Walter confirmed it is just a little under and asked Quiggle if she was looking for native grasses? Quiggle stated yes. Walter – using the picture pointed out trees and buffer area on that side of the lot, some are off the photo. He is willing to add more.
- E. Vick – he would agree with the changes made if the applicant includes storm-water management as suggested. Pleased that the applicant could move it back.

- F. Rhineberger – clarified Quiggle’s question on the rip rap. A photo showing the rock rip rap was viewed. Quiggle asked if the rip rap is steeper than permitted. Rhineberger recalled a 3:1 slope is allowed. Quiggle suggested working with what is existing, but pull back some of the rocks at the top and put in deep root plantings at the top to provide infiltration.

- G. Mol asked about installing gutters around the front of the house. Walter explained the existing tree cover. Vick – suggested gutters, felt altering what is there might cause more problems. Gutters were discussed and Walter said his wife currently uses rain barrels to catch the water coming off the roof. Quiggle suggested he work with Staff on a plan.

- H. Quiggle moved to grant 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 a 14’ x 16’ living-room addition with storage space below to the southeast side of dwelling according to plans labeled Exhibit “A” on file that exists 13.8’ from the northwest side lot line. Addition to meet 30’ from the ordinary high-water mark of lake. Reason: The revised plan is reasonable and will keep the addition at the same distance as the existing dwelling from the lake. Subject to a storm-water management plan to include gutters and rain barrels to catch water and the applicant must establish long rooted grasses or flowers lakeside. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **KEITH SCHAUNAMAN** – New Item

LOCATION: 7293 Quinn Avenue NW – That part of Gov. Lot 2, Section 29, Township 121, Range 28, Wright County, Minnesota. (W. Lake Sylvia - Southside Township)
Tax #217-000-291404

Requests a variance as regulated in Section 152.025, 155.03(B)(1), 155.026, & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a 36 x 50 pole building within a bluff. Proposed structure would exceed the maximum size of accessory structures allowed. Also proposed is an after-the-fact variance to allow a chicken coop less than 50 ft. from a property line.

Present: Keith Schaunaman

- A. Rhineberger – outlined the 2.3-acre parcel that includes a small finger that touches the lake, majority is west of the road. The request is for a 36' x 50' pole barn within the bluff on the back side of the house and other structures. The removal and size of new structure will have 484 sq. ft. over what is allowed for total accessory structures. In addition, an existing chicken coop brought in prior to the change to Ordinances, would not have been allowed. Now, there is a number of fowl allowed, but the building is supposed to be 50' from the property line. The survey shows the proposed location of pole barn and a previous survey shows the calculations for the bluff. The building will be 10' further back into the bluff from what is shown. Town Board approves, a neighbor response is that the rules are in place for a reason. They don't care the chicken coop is there but felt it should meet the setback.
- B. Schaunaman – there is a foundation from an old bunkhouse with 6' high walls on three sides and is the reason they used that location. The chicken coop within the existing footings keeps predators out of the run area for the chickens.
- C. Quiggle stated because this is a new Ordinance that even allows the chickens in the first place, she felt it should be made compliant. She does not want to see the combination of accessory structures breached and would not support a pole building in the bluff. This request does not meet the criteria for granting variances and conflicts with the Comp Plan. She read the first criteria which states all development should take place without altering land to suit the development but done in harmony with the Land Use Plan. Wright County Board of Adjustment policies states that they will not grant variances that would disturb the bluff line with construction or land alteration. The Board has held to that for a long time. Understand there are other areas to build on the lot without impacting the bluff. Rhineberger – noted a relatively flat area near the chicken coop that would not require digging into the bluff. But the issue is there access to it. Quiggle – it may not be appropriate to have a pole shed on this property at all. Vick asked what is the setback on a pole barn? Rhineberger stated 10' from a side yard. Quiggle did not want to see anything built in the bluff.
- D. Aarestad shared Quiggle's concern about building in the bluff. If they need access that is open for discussion. He would not object to the chicken coop in this case because it

- already exists, is on a permanent foundation and there are no close neighbors. The removal and excavation for the pole shed is a problem and would consider an alternate plan.
- E. Vick – if the chicken coop and carport were removed, could the pole building fit into the flat area. Rhineberger – the chicken coop would be removed regardless. Review of the contours and site plan followed. Rhineberger a 30' x 60' would be in the toe of the bluff about 10'. According to the bluff definition, that is the tail end of the 18% over 50' span of that portion of the bluff. A little less slope, but are still looking at the whole and is within. Vick – asked if there is room to work in that area. Rhineberger agreed that area is large and a different design such as a 36' x 40' might work. Vick - he could agree with the suggested revisions.
- F. Schaunaman – they chose this location because of the previous excavation done years ago. He would be willing to look at moving forward. That would require more tree removal.
- G. Mol – has voted many times against building into bluffs or excavation both on this Board and the Planning Commission to prevent this from happening all over. Ordinances are there for a reason. People are moving out here because of the beauty of the areas around the lakes. He prefers the chicken coop be moved, there is room to do that. He suggested the applicant be given more time to redesign the shed because he would not support this as drawn.
- H. Schaunaman asked if they put the back wall where the of chicken coop is it would be in the bluff zone but not require further excavation. Rhineberger pointed to that line on the site plan and stated they could look at what could fit in there. Clarified the Board is saying no to any excavation into the bluff and the building must be downsized or the 400+ sq. ft. must come off somewhere. Mol – asked if there is a variance needed than and should continue to allow revisions. Rhineberger agreed the hearing could be held open in case a variance is needed, otherwise, it can be dismissed.
- I. Vick moved to continue the hearing to April 26, 2019 for consideration of revisions as discussed. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **KAY N. WILSON** – New Item

LOCATION: 7214 Quinn Avenue NW – Lot 1, Wulleiinda Addition, according to plat of record, Section 29, Township 121, Range 28, Wright County, Minnesota. (W. Lake Sylvia – Southside Twp.) Tax #217-063-000010

Requests a variance of Section 155.026, 155.049 & 155.057(E)(1)(b)(1), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a new 112 sq. ft. deck to be 69.9 ft. from the Ordinary Highwater Mark of lake. Property currently exceeds 25% impervious surface coverage.

Present: Kay Wilson

- A. Rhineberger displayed maps to show the 15,000-sq. ft. property location on W. Lake Sylvia. Request was summarized for an 8' x 14' deck toward the lake side of house. At the time the house was built in 2014 the property met all setback standards and impervious coverage. The original house plan shows a deck was coming off the southeast side of house. During the construction the door came out the other direction and a deck is now at 69.9' from the lake. In this case he does not have an actual survey of coverage and if the applicant accepts his figures, they can avoid a full survey. The coverage he came up with is 26.5% and is another variance to be addressed. Between 2011 and 2015 a small shed was brought in and does not meet a 10' setback. Township and a neighbor sent in favorable responses.
- B. Aarestad – moving closer to lake is a big concern. Understands how it happens as changes are made during construction. He asked if the impervious coverage can be reduced, such as removing the shed.
- C. Wilson – explained the door and future deck location was changed during construction. Pointed out the previous cabin was quite a bit closer to the lake, they tried to improve the setback and moved it back and building within setbacks. They built the structure themselves and placed it in line with the neighbors. Realized a door placement was in front of the living room and would have been a much bigger deck, so moved the door location and put a window in its place. Had thought when they measured they would be alright, now come to find out it is too close. They measured from a neighbor's line, but noted how the lake curves in. They purchased the property from her parents but before their purchase; a structure was removed, they built a shed for her parents to store the lawn movers, etc. in a location that was in line with some other small sheds and avoided the septic system. She indicated to reduce impervious coverage she could look at taking out a fire pit, but that was placed to contain water and stop erosion. Three truckloads of rock were brought in to reduce erosion and plantings were established alongside the house. A picture of area where the deck will be built was displayed. She noted sidewalks were taken out and added rocks to stabilize an area, put in landscaping blocks, have gutters around the building and has rain barrels to catch the water to better handle the water runoff. In addition, she put in plastic tubing along both sides of the driveway that takes some water to a rock area. They would not have a problem with impervious if they had not put in the driveway; but had a lot of erosion and this has solved that.

- D. Aarestad was impressed with the efforts made to control storm water. If the impervious surface can be reduced he would consider the deck.
- E. Vick indicated he would agree with Aarestad. Felt the owner has tried to do the right thing with preventing erosion. He would like to see the shed moved off the property line as far as possible. Wilson explained the problem with relocating it is the driveway. She indicated she is willing to remove pavers and the deck off the front of the shed and put in a step. Vick did not want to see the structure encroaching on the neighbor. No objection to deck.
- F. Mol – does not like to see moving closer to the lake and cannot find a hardship; although it is unique and appears to line up with other properties with decks on the front. Struggles with this as the Board likes to stay in line. Felt if they can reduce impervious coverage he would consider the deck. Wilson – did not want the deck on the southeast side as it would have been larger. She would reduce the deck down to 6' if that would help. Mol – in that case, they are within 3' of meeting the lake setback. This would be an improvement, but the impervious must be brought into compliance.
- G. Vick asked the shed distance off the property line? Rhineberger –without a survey to show that, he estimated 3'. The setback required is 10'.
- H. Mol stated he would want a final survey to show the impervious complies.
- I. Quiggle –at the time the dwelling was built the property was in compliance and now they are looking at three variances. There is no practical difficulty; it was created by the applicant who moved the door to the other side. She noted the door can be replaced with a window. Don't have to have a deck. There are statutory questions to answer and even if they cannot be met, not supposed to be granting a variance. She has a problem taking a conforming situation and make it non-conforming because there are other ways to avoid it.
- J. Jones asked for public input, hearing no response returned to the Board for questions.
- K. Vick – asked if the deck would be back behind the shrubbery. Wilson noted where the rock and plantings are in front and the water is running into a holding area. Vick those are things that exist closer. He would also want the impervious reduced. Wilson –is willing to remove a small deck on front of shed and pavers next to that, shown on page 6. Also, the pavers near the fire pit. Rhineberger – need about 252 sq. ft. removed. Mol – would want another survey to show it has been met. Wilson – they did have the surveyor back out. Rhineberger – that was to show the front edge of the house and setback. The Board is looking at a full survey. Mol – with the fact they have over coverage issues, they need to know what is coming out and agrees with Quiggle's concerns.
- L. Vick – would like to see another exit out of the house for safety purposes. Quiggle – suggested the deck on the other side. Vick noted that would add more to impervious coverage. Rhineberger – explained a landing not to exceed a 4' x 8' area with steps is a

permitted encroachment under lifts and landings and solves the egress problem. Aarestad agreed he would want to see a final survey. Rhineberger it is up to the Board on the survey, he tries to get the best estimate without the cost of the survey to verify a small amount. Mol – do you want a deck or is it more for access. Wilson – would be agreeable to 4' deck, however, her husband would like room for a grill right off the kitchen and then come down onto the patio. She would go along with the 4' if it solves the problem. Mol asked Rhineberger if that needs a variance? Rhineberger – stated the maximum is 4' x 8' is the largest to be classified a landing. The stairs can come off that. Quiggle asked on the original house permit was there a deck shown? Wilson stated yes. Rhineberger – the landscaping and driveway were done after that has added to the impervious coverage.

- M. Jones his concern in getting it back to a compliant situation is whether she can discuss the option with her husband and get a survey. Mol suggested before a motion is made they could lay it over for a survey and to look at moving the shed and decide what is to be removed. Wilson – she would agree to reduce the deck to 4' and is willing to remove pavers and take off the deck from the front. Moving the shed is a problem because of the driveway location and fact it is next to her garden. Rhineberger – confirmed from the survey would indicate the shed is 6.5' from line, the air photo is off and would need a variance. Consensus was to allow the shed to remain in its current location. The impervious would have to be addressed. Mol – noted the landing steps is a permitted encroachment they would not have to address. Rhineberger – they could change the location of the deck to the original location by removing and replacing window/doors. Wilson explained the way they did the driveway was to mitigate water. West of the shed everything slopes to the house and garage and was creating much erosion. Pointed out the sewer location and kept the driveway narrow after the original plan of pavers was dropped.
- N. Aarestad moved to grant a variance to allow of Section 155.026, 155.049 & 155.057(E)(1)(b)(1), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a 6.5' side yard setback for the shed and impervious coverage reduced to 25% or less. Vick seconded the motion.

DISCUSSION: The impervious coverage was questioned by Wilson. Rhineberger noted only the deck that is over the patio would not be counted in that calculation. Building permit is next and Staff would work with them through the impervious through that process.

VOTE: CARRIED UNANIMOUSLY

4. **KELLY SHELQUIST** – New Item

LOCATION: 10384 Baker Ave. NW – Lot 3, Buck's 1st Addition, according to the plat of record, Section 12, Township 121, Range 26, Wright County, Minnesota. (Lake Ida - Silver Creek Township) Tax #216-112-000030
Owner: William H. Caldwell

Requests a variance of Section 155.090(C) Table 3, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to install a new Type III septic system, with the tank being less than 50 ft. from the lake, the lift station being at the property line, and the treatment area being less than 20 ft. from the house and less than 10 ft. from the road right-of-way.

Present: Pete Shelquist

- A. Rhineberger – the lot is 15,000 sq. ft. lot on Lake Sylvia and they are dealing with a variance for the septic system. He reviewed a boathouse exact replacement and a part of that it was discovered the septic would not pass. The property is very limited and looking at a tank setback variance less than 50' from the lake and the lift station at the closest on the line and Treatment area is less than 10' from the road right-of-way, less than 20' from house and less than 10' from the garage. Garage has no basement, is one level and a 10' is required. There is no other option and the owners have been through different designers since last year. This is the worst-case scenario. Town Board visited the site and had concerns because the road is extremely narrow and how it impacts maintenance. In the future, they may have some changes to the road and going in the other direction. Rhineberger – suggested a condition for a retaining wall, fence or boulders to prevent a plow from nicking a treatment system. Town Board sent in approval. No other compromise other than a holding tank.
- B. Quiggle asked if EHO have approved? Rhineberger, this design, but not a previous one. Quiggle if Environmental Health has signed off, it is better than a holding tank. Mol – would agree. It is likely purchasing land on the other side of the road has been discussed, and if this is what they came up with he could go along. Vick – asked if they looked into purchasing a back lot? Shelquist stated yes. Hearing that Aarestad and Jones concurred with the proposal.
- C. Mol moved to grant a variance of Section 155.090(C) Table 3, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to install a new Type III septic system, with the tank being less than 50 ft. from the lake, the lift station being at the property line, and the treatment area being less than 20 ft. from the house and less than 10 ft. from the road right-of-way. Condition: A barrier be installed roadside to prevent parking or any impact to the sewer system. Vick seconded the motion.

DISCUSSION: The design has a retaining wall and applicant asked if that is satisfactory? Mol yes. Rhineberger – suggested rock may be a better option.

VOTE: CARRIED UNANIMOUSLY

5. **DANIEL MANTHIE** – New Item

LOCATION: 4906 Dempsey Ave. NW – Part of NW ¼, except. that part lying South of highway and exc. E ½ of NW ¼, Section 10, Township 120, Range 26, Wright County, Minnesota. (Lake Sullivan - Maple Lake Township) Tax #210-000-102200 Owners: T & P Pribyl Investments, LLP

Requests a variance of Section 155.026 & 155.048(G) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an entitlement division of 21 acres (16 acres above the lake), which includes more than 2.5 acres of prime tillable farmland.

Present: Dan Manthie & Tim Pribyl

- A. Rhineberger – reviewed the location of the 73 acres on the west side of Sullivan Lake. Request to break off the existing house with 21 acres as described, about 16 acres is above the lake. Proposed division would include more than 2.5 acres of prime tillable, at one point in set-aside, but actively farmed. Although he did not include the woods and just considered what is now farmed; noted if taken out of the farm program, could be farmed again. Estimated there is about 5 acres of prime farmland. The Town Board did not respond.
- B. Manthie – stated it was represented by a builder at the March meeting. Rhineberger – the Town Clerk indicated the applicant was not there, but there was a Bronder that attended.
- C. Jones asked for public input, hearing no response returned to the Board.
- D. Mol -asked if it is there plans to leave it in CRP and reason for the size parcel. Pribyl – they are building a house and want to keep the rest that is in CRP. Manthie – just a building, leaving the rest in CRP. He does not plan to farm it in the future.
- E. Rhineberger – read the Township minutes that indicate they discussed this with Bronder, but did not take action. It is typical of this Township to leave the decision up to the County.
- F. Mol – agreed they were neutral on it. There is prime tillable land, however, the location is along the lake. Farmers are taking a hit for those properties. A good portion is in the lake, there is a shore land impact zone and may be better protected not farming right up to the lake. Considering this, where the road runs through, although he has reservations he could go along with it.
- G. Vick – hearing what Mol has said he would agree.
- H. Aarestad – questioned why the boundary was drawn where it was and reason for going over the limit. Manthie trying to keep a 30’ setback from a shed. Rhineberger – even with a limit at the 10 acres maximum to get to the lake they would need to come before the Board. Aarestad – if that building were to house animals would that require a

variance. Manthie – that structure would be used for cold storage and not animals. Rhineberger – this property could have horses, but a shelter must meet a 300’ setback from the shore for horses (cattle or hogs are prohibited); and therefore, the Feedlot Officer would like a limit of one-half animal unit per acre. Kryzer – suggested a condition so future owners are put on notice that they cannot have more than 8 horses on this property and a shelter for them must meet setbacks. The existing building to the south side of lot is not allowed animals.

- I. Quiggle – had reservations when first reviewing the proposal, but would defer to Mol on this type of request.

- J. Aarestad moved to grant a variance of Section 155.026 & 155.048(G) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an entitlement division of 21 acres (16 acres above the lake), which includes more than 2.5 acres of prime tillable farmland. Condition: An existing building near the south line is not allowed animals and the division is limited to 8 animal units. Also, a survey be submitted to Planning & Zoning and a Deed Restriction be signed and recorded. Quiggle seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **LANCE C. MOY** – New Item

LOCATION: 2882 15th St. SW – Part of the W ½ of the SW ¼, Section 10, Township 119, Range 26, Wright County, Minnesota. (Marysville Twp.) Tax #211-000-102200 & 102301 Owners: Moy & Bodin

Requests a variance of Section 155.026 & 155.048(G), Chapter 155, Title XV, Land Usage, Wright County Code of Ordinances to add approximately 8.5 acres from the Bodin property to the applicant's 2.5-acre entitlement division. Proposed expansion exceeds 10 acres and will include more than 2.5 acres of prime tillable farmland.

Present: Lance Moy

- A. Rhineberger – reviewed the 2.5 acre “entitlement” division that includes the applicants home and pole shed. The proposal is to add 8.5 acres to this parcel and square off the north line of the 2.5-acre lot out to 15th Street. The entire acreage is tillable land and the Ordinance allows up to 2.5 acres of tillable land. His calculations show that 7.5 acres of the 11 acres proposed is prime farmland. The property would front two roads, but would not have 300’ wide on County Road 9. Rhineberger noted access is off the town road. It is the size of the lot that requires 300’. Town Board approves.
- B. Vick stated he is in favor of keeping lines straight, if this is only an acre over the 10-acre maximum for a residential lot he would be ok with it. Town Board approves.
- C. Aarestad – felt this request pushes the limits with 7.5 acre of prime farmland. He felt that is important and would not be in favor of expanding into the field to the east. He would not support that much, unless there is some reason. He could support expansion to the west.
- D. Quiggle agreed with Aarestad and noted if the purpose of the additional land is to get a home extended business for a body shop, there is room to do that on the west side. A 2,000-sq. ft. building is the maximum for the business and would be allowed on 2.5 acres. A 3,400-sq. ft. shed would require a variance for a home extended business. Moy clarified he would use the existing shed that is 2,000 sq. ft. for the business and plans to build a new storage building. Quiggle questioned the existing building size? Moy- answered 2,000 sq. ft. and the new one would be 3,000-4,000 sq. ft. Rhineberger noted lots less than 10 acres have limits on the shed size. Quiggle emphasized the goals of the Land Use Plan are to preserve farmland, rather than allow for huge accessory sheds.
- E. Rhineberger calculated if the land west of the building site out to CR 9 were added, that would be six acres to the lot. He included the existing building site in the prime farmland and estimated that area would include 3.6 acres.
- F. Mol – would still be impacting the farmland and questioned the division shown out in the corner. Rhineberger stated it is a cemetery. Moy stated he would keep the new shed close to the other building so the land can continue to be farmed. Mol asked if he has a Home Extended Business here? Mol – no, is downsizing and moving it here from town. Mol –

looking at the neighborhood, he would agree with the additional land to the west. Explained the problems they could be creating with these large lots that do not conform to the Ordinance. They should consider what future development might be for this area. He would like the farmland on the east side left with the farm.

- G. Rhineberger - just the area to the west would make a 5.6-acre lot with 4,000 sq. ft. would be a maximum in total outbuildings. Moy asked if they would consider a little to the east as that is where he would put the other building. Aarestad – indicated he would not agree because they should preserve the best farmland. Quiggle – if one building is storage and the other is the building, they would not have to be adjacent to each other. Rhineberger – noted there is an option of putting the business over to the west with a new access off the County road if other entities would allow it. Moy – has had some plans already. Moy asked if he could get a 200’ in that direction. Rhineberger noted that does not give much room to turn around. Mol – agreed that is not very useable, would like the land preserved as part of the tillable.
- H. Mol moved to approve expansion of the existing residential lot by adding that portion west to the County road and no further north than the back line of existing lot, noting the adjustment does not include 300’ wide of frontage on CR 39, is approximately 3.1 acres to be added that includes more than 2.5 acres of prime farmland. Subject to survey and an amended Deed Restriction filed. Quiggle seconded the motion.

VOTE: CARRIED UNANIMOUSLY

7. **COKATO LAKE RV RESORT COOPERATIVE** – New Item

LOCATION: 2945 County Road 4 SW – Parcels lying in Section 13 & 14, described as the South 750 feet of the SW ¼, Section 13; and part of Gov't Lot 2, Section 14, all in Township 119, Range 28, Wright County, MN. Tax #205-000-133300/-144406/-144405/-144415/-144421 (Cokato Lake – Cokato Twp.)

Requests variances of Section 155.008, 155.026, 155.048; 155.51 and 155.057(E)(1)(b)1. Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow existing structures and units on 14 “lots” to remain as placed, as exceptions to and in accord with the Board’s Order of October 5th, 2018.

Present: Rachel Huls, Shane Suchy & Jim Miller

- A. Rhineberger noted the previous hearing last October when the Board set the setbacks, side and rear yard setbacks for the Cooperative. No individual variances were given and the Board specified if there were any individual variance requests would have to come back before June. There have been 14 lots that have requested individual consideration. This has not been reviewed by the Town Board so questioned how much the Board wants to get into these individual requests. Suggested a site inspection where they can review the individual requests and he will take pictures of each site. Staff could write a summary of each one after visiting the site. Additional information since the last hearing is the Department of Natural Resources (DNR) comments review and he sent Huls an email from the DNR about the draft flood plain revisions. This started in 2012 and has been on the FEMA desk for two years. As of now it is not a designated flood plain lake, but after the revisions are passed it would be. A map was displayed to show where the flood plain elevation would come based on the FEMA elevation. The individual lots that would be under the flood plain elevation by 5-6’ were shown. Bedell of the DNR provided comments dated March 28, 2019 on the draft rules were read. (see file). Rhineberger – stated he researched what the rules are and there are exceptions for travel trailers. The units must be on wheels, quick disconnects and be licensed. Park models are not exempt and the lowest floor of the unit would have to be 6’ above existing grade (based on current elevation data). He noted at some point when these rules are adopted, these units will have to meet the requirements. Kryzer – suggested the applicant contact an attorney about interpretation of these rules. Rhineberger – stated this Board cannot vary the flood plain rules.
- B. Suchy – explained 33 individual lots had problems and they have pared that down to 16 sites. Would like a site visit, however, there is still a lot of snow and frozen ground and suggested the week of May 13. By that time could have each individual site staked.
- C. Discussion on a date before the May meeting.
- D. Mol asked how future owners will know of the restrictions. Is there a title search and what is the average time frame ownership turns over? Huls – she is part of the sale, closing and Association and oversees these matters. There is documentation and file on

each lot. The Architectural Control Committee goes out and looks at the lot before it is sold to make sure it is in conformance. It is a propriety lease and agreement and he would estimate an average 5-10 years, Miller has been out here for 15 years, it varies. Rhineberger – stated in his real estate searches there are a dozen units on the market at this time. Huls – 200+ sites, it is about 10%. Vick – asked the average life of each unit. Suchy – they have a ten-year rule on these units and if it is older they must provide pictures. It must look good on the outside and they want health and safety hazards maintained and appearance. Rhineberger – much like a mobile home park, there are standards put on units. Vick – asked if they should have these units moved back now. Huls – one over the winter had to be torn down because it was at the end of life. Vick asked how the County assesses this. Suchy – an employee of the Assessor’s office comes out each year to check license tabs and checks each unit. Suchy – explained they have a document, like a permit, when one is brought in or taken out. Explained he upgraded to a park model because siding is maintenance free, 30-year shingles and will last much longer. Rhineberger – explained this location is the only place “park models” are permitted in the County.

- E. Mol moved to continue the hearing to May 24, 2019 for a site inspection and township review. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

DISCUSSION: *Suchy noted at the last meeting they were told changes had to be made by June and asked if there is any flexibility on that date. Rhineberger indicated yes, this hearing extends that.*

- F. Aarestad moved to set a site inspection for Monday, May 13, 2019. Board members to meet at the Government Center at 8 a.m. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 10:30 a.m.

Respectfully submitted,

Barry J. Rhineberger
Planner

BJR:tp

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