

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: April 6, 2018

MINUTES – (Informational)

The Wright County Board of Adjustment met April 6, 2018 in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Board members present were John Jones, Dan Mol, Paul Aarestad and Dan Vick. Absent was Charlotte Quiggle. Barry Rhineberger, Planner, represented the Planning & Zoning Office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

MINUTES

On a motion by Aarestad, seconded by Mol, all voted to approve the minutes for the March 2, 2018 meeting as printed.

1. **JOHN A. STICH** – Cont. from 3.2.18

LOCATION: 7499 Nevens Circle NW – Unit #4, Condominium Number 12, Lake John Condominiums, Section 26, Township 121, Range 28, Wright County, Minnesota. (Lake John–Southside Twp.) Tax #217-072-000040 Property owner: Aeshliman

Requests a variance of Section 155.026, 155.049, 155.057 & 155.059 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow construction of a 6' x 7.25' roadside bathroom addition to existing cabin to be 4.4 ft. from the north property line and 11 ft. from the edge of a private road. Also allow conversion of an existing 12' x 16' open deck on the lakeside into a hard roofed screen porch 19.4 ft. from the Ordinary High-water mark of lake and 11 ft. from the side property line. Also proposed is to convert an existing 8' x 12.5' open deck lakeside of an existing shed/bunkhouse into a hard roofed screen porch that is 20.5 ft. from the Ordinary High-water mark and on the property line; and convert an existing 8' x 12.5' covered patio into a living space addition that is on the property line and 11 ft. from a private road. Proposed lot coverage by buildings on that portion of the lot lakeside of the road surface to increase from 20% to 30%; and proposed impervious coverage to increase from 35% to 36.4%.

Present: John Stich

- A. Rhineberger displayed the site plan and reviewed the property details. The item was continued, from the March 2nd meeting, to allow the applicant and owners time to review and discuss possible changes to the plan. The applicant has discussed a few options but had not presented a final revised plan prior to today's meeting. Rhineberger asked the applicant to present and review the revised plans to the Board.
- B. Stich stated that he listened to the suggestions and concerns the Board mentioned and brought that information to the owners. It was discussed that instead of an addition and remodel that a better option could be to take the structures down and start over. The owners

are on the fence in which way they want to go but were willing to look at the option of a new structure. One issue with the property is that the icehouse/bunkhouse is on the property line as well as currently being used illegally as a habitable space. Another issue with the renovation of the cabin would be installing new footings to make sure the building is structurally sound. Option one is to add the bathroom onto the cabin and leave the bunkhouse where it is. Impervious coverage would be decreased by removing the back-roof area of the bunkhouse as well as bring the deck back to the 10 ft., noting that the bunkhouse could not be used as habitable space. The second option is taking down both structures and building a new cabin at roughly the same setback as the current cabin. Currently lot coverage is roughly 1,224 sq. ft., with all the structures and decks. Proposed would be a 20' x 30' main cabin with a crawlspace and a 10' x 30' screen deck. The condominium clause states there is a 400 sq. ft. maximum ground coverage condition; this property is unique in that it has multiple structures. Impervious coverage would be roughly 900 sq. ft., going from 35.1% to 26.7% of coverage. With a single structure it would be easier to control water runoff as well as removing the need to police the bunkhouse being used as habitable space.

- C. Jones clarified that what Stich is proposing is to remove everything on the property and replace with a single structure. Stich confirmed the idea is that both buildings would come down with a single 600 sq. ft. cabin and 300 sq. ft. of porch and deck. Stich presented the plans to the Board to review as he described the new structure, which looks very similar to the original cabin. It was noted that the screen porch area would be decreased to 14' x 10' or 16' x 10', leaving the rest as open deck. The property owners indicated they were on board with a new cabin but just yesterday stated they might sell the property. Stich would possibly purchase the property and would like to move forward with the new cabin proposal. Stich feels that taking down both buildings and replacing with a new cabin would not only clean up the property but it would also alleviate the issue with using the bunkhouse as habitable space.
- D. Vick asked if the new cabin would match the buildings in the area. Stich reviewed the photos of the original building and how the proposed building would look in comparison. The proposed building will look very similar to the neighboring cabins and the elevation will be in line with what was there as well. Rhineberger – The plat approval from 1994 specified that the height of the structures has to remain somewhat similar. Vick asked if the new structure will meet the setbacks better. Rhineberger – Better maybe, but there aren't any specific plans to review so it is hard to exactly know the numbers. The lake setback won't change. The 2 feet improvement coming off the deck was originally supposed to be done 30 years ago and was never done. Stich – the problem is with where the road and septic sit there is virtually no room to move the structure back. If septic is moved issues with the setback of the septic and the road will come up.
- E. Rhineberger – With the new proposal how will the lake be accessed? Stich – Through the cabin with a 3'x3' patio pad at the entrance door on the east side and coming out lake side onto the deck. From the deck there are stairs to the lake that are rotten and will be replaced. Rhineberger – The entrance and stairs to the lake need to be added back into the impervious number, which is about 100 sq. ft. Stich – Is looking to get the impervious closer to the 25%, which would be down from the current 35.1%.

- F. Mol – Would like to see a more finalized proposal and as close to that 25% coverage as can be done. He likes the idea of the plan of a new cabin, and sees it as an improvement, but does not feel comfortable with making a decision with what is being presented. He would like to see a more concrete plan but has concerns with the timeline. No matter what is done on this property there will be a need for a variance. Feels he needs to see what is exactly going to be happen and allow time for staff to figure out proper calculations before he can make a final decision.
- G. Rhineberger– Regarding the timeline. If the Board were to look for denial, or any type of findings, that decision would have to be made today. The timeframe expires May 29th and there is only one meeting between now and that date. If this item is continued to May 4th and the Board doesn't like the final proposal that is presented at the meeting then there would not be time before May 29th to continue for findings. Kryzer – An extension is needed. Rhineberger – A waiver of timeframe can be done, that is up to the applicant and Board if they want to go that route. Rhineberger did state that with the proposed drawings, in front of him, he would be able to quick calculate the numbers for the Board to review.
- H. Stich – Asked for side yard setback clarification. Rhineberger – 15 feet for a primary structure. Stich – The proposed new structure would be more centered on the property and improve the side yard setbacks. Rhineberger – If the new structure is centered, there is roughly 60 ft. of width on the roadside and 57.5 ft. of width on the lakeside to work with, which would mean side yard setbacks of roughly 12' and 15'.
- I. Rhineberger - With lakes the Board usually looks at the amount of expansion being done. From a Staff perspective this new cabin would be a 200 sq. ft. expansion. The existing bunkhouse is not a legally habitable structure and therefore not included in the original habitable square footage. The proposed cabin is roughly a 50% expansion and no improvement on the lake setback. With the location of the road, this lot can't sustain a 100' lake setback but this proposal is a significant expansion and no improvement to the setback. Impervious coverage would be dropping by approximately 5%, which is about a 210 sq. ft. reduction. The existing roof surface is roughly 670 sq. ft. and the new cabin proposal would be 750 sq. ft. of coverage. Vick – Asked if the bathroom addition is figured into any of this. Rhineberger – The bathroom isn't part of the current structure and would not be included in the figures.
- J. Jones – Would like to know where the water runoff will go. Stich – Runoff would be controlled with gutters and swells guiding the water into a semi retention rock pond. This will give water more time to soak in before hitting the lake. Rhineberger – Directing water into some type of rock area is probably no better than what is there now. Something more in-depth should be done and allow more infiltration higher up on the hill. Stich – Part of the reason for the steel roof is to prevent the leaching from an asphalt roof. The 2-12 roof pitch will help with the water run off as well. Jones – Because of the added roof coverage he would like to see a rain garden. Stich – The decrease in size of the screened porch will drop the roof coverage by roughly 150 sq. ft. He agrees that a good plan for water runoff is important and is not opposed to a storm water garden.

- K. Mol – Asked the applicant if he is willing to sign an extension waiver so that the process can be continued. Personally, he likes the direction the plan is going and feels the property is being improved. Denying the request at this meeting isn't the way to go with the improvements that are intended to be done on the property.
- L. Aarestad – Has questions but without seeing a concrete plan he can't ask them so he feels an extension would be ideal. Plans are going in the right direction but not quite there yet. Rhineberger – If there are items the Board wants to see then they should mention them now and allow the applicant to work them out before the next meeting. Aarestad – An item of concern is that by the Board allowing the transferring of square footage, from the non-compliant bunkhouse to the new cabin, it feels like rewarding an illegal item. Feels okay with a little expansion but not the full 206 sq. ft. and would like to see that number reduced by at least by half.
- M. Vick – Happy with the improvements but wants to see the floor plans.
- N. Mol – Would like to see impervious coverage lowered to 25%. Rhineberger – Not sure that in this situation it would be possible to get to 25% coverage. The coverage numbers will need to include steps to the lake, deck, and entry area, as well as the structure. At 15% the square footage would be 504 and 25% would be 840 sq. ft. It might be possible to get to 25%, but it will be very difficult.
- O. Jones – Asked the Board and applicant if the plan was to move forward with an extension. Stich – The owners might sell the property and not move forward. Kryzer – They can either sign extension or ask for a dismissal. He would like to have the applicant and owners sign the extension form. Rhineberger – Another option would be for a re-notification with a new application. Where this item is going is far different than what was originally requested. This request could be dismissed and instruct the applicant to get a new application and plans into the office by Friday, April 13th, for the May 4th meeting, and pay the \$50 reapplication fee.
- P. Rhineberger – Just so it is clear, the Board is looking for a reduction in square footage. Board members confirmed.
- Q. Aarestad moved to continue the hearing to May 4, 2018 to allow the applicant time to develop revised plans. Condition: Pending applicant and owners signature on the 120 day waiver form. Vick seconded the motion.

Discussion – Rhineberger mentioned the need of the signatures on the waiver form by applicant as well as the owners will be needed prior to the May 4th meeting.

VOTE: CARRIED UNANIMOUSLY

2. **CARRIE STAKER** – New Item

LOCATION: 363 – Halsey Avenue SE – Lot 12, Oak Ridge View, according to plat of record, Section 5, Township 119, Range 24, Wright County, Minnesota. (Lake Charlotte - Rockford Twp.) Tax #215-035-000120

Requests a variance as regulated in Section 155.007, 155.008(B)(1), 155.026, 155.049, 155.057(E)(1) to convert 15.5 x 21.5 attached garage, allowed by the Board in 1980, and 6' x 24' covered porch into main-level living space. Also convert 7.5' x 15.5' lower level covered porch into living space. Existing dwelling is 26 ft. from the Ordinary High-water Mark (OHW) of lake (deck 16 ft. from OHW), 7.7 and 13.4 ft. from the side property lines. Existing impervious coverage is at 47.2% and lot coverage by buildings is at 19.66%.

Present: Carrie Staker, Tom Larson

- A. Rhineberger displayed the property located on Lake Charlotte in Rockford Township. Note that the lower level cantilevered area will not be part of this request and plan. The only items to review are the garage and covered porch being converted to living place. The lot is about 12,032 Sq. Ft. with the existing structure 26' from the OHW and 6' to the existing deck from the OHW. The side yard setbacks are 7.7' and 13.4' to the existing dwelling. The impervious surface coverage is 47.2%, with lot coverage at 19.66%. The aerial view was displayed with Rhineberger pointing out the extensive amount of asphalt, pavers, decking and driveway that elevates the surface coverage. The property had previously been through two variances. In 1980 a 16' x 40' addition was approved, part of which was the garage. The 1993 variance allowed a 10' x 10' road side addition. Approval was received from the Township as well neighbor Mr. Olson. The current property photos, impervious coverage as well as proposed plans were displayed and reviewed.
- B. Staker – The plan is to convert garage and covered walkway into living space. All the area that is going to be converted to living space is under the existing roofline and included in the impervious coverage. There will be no increase to the impervious coverage. The structure footprint will not be enlarged and therefore not going any closer to any of the property lines, road or lake.
- C. Larson – Identified himself as the applicants' father as well as on the Board of the Lake Charlotte Improvement District and a longtime resident of Lake Charlotte. As a member of the lake improvement board he would have discouraged Staker from moving forward with her plans if she was going to be increasing the impervious coverage or going closer to the lake. He does not feel this plan will negatively impact the lake.
- D. Vick – Originally was okay with the plans but would like to know if the driveway would be removed and converted into more of a walkway. Staker – Yes, they have looked at the yard and that they are not going to need the driveway up to the house. Vick stated that he would like to see this area downsized to help with the impervious coverage. Rhineberger – If the driveway is removed, from the edge of garage at the top of the hill down to the current

attached garage, roughly 1,900 sq. ft. would be taken away and coverage would drop by about 15%. If there will be a walkway along what is currently the garage/porch than that number needs to be figured back in. Staker – There will be a walkway that could be impervious. Rhineberger – An engineered permeable system counts at 50%.

- E. Staker – As far as driveway is concerned, they can work with removing as much as possible to bring down the impervious coverage. She presented plans to the Board and went over what she could possibly change with the driveway. Rhineberger asked her to have plans officially drawn up for review with the exact numbers of coverage. Staker - Rough numbers she figured was about 700 sq. ft. of the 1,500 sq. ft. of the driveway would be removed.
- F. Vick – Roughly a 3 ft. walkway to the house would have to be left and included in the coverage. Rhineberger stated that with a quick calculation, from the survey, that roughly 1,360 sq. ft. could be removed and that would leave a parking area as well as a walkway. About 1,000 sq. ft. net removal once you figure out what is being removed and added to the area so that it is usable. It is tough to calculate with the plans presented and he would suggest the Board continued for a more concrete plan with impervious figures.
- G. Aarestad – With the Townships approval and past variances he is okay with the plans, with that being said, he will want to see improvement to the impervious and needs to see a more complete plan before he can make a final decision.
- H. Larson asked the Board if there was a chance to approve with specific conditions related to the impervious coverage. Aarestad stated that personally he would feel uncomfortable approving without seeing concrete plans. Rhineberger – Another avenue would be the Board setting a percentage that they want to see as a condition. Kryzer – Because of the removal of coverage and the addition of a walkway the Board is looking for actual plans. The surveyor can easily create new plans with these details. Aarestad – Setting a percentage really limits what can be done. Mol – Along those lines make sure to take into consideration parking by the garage so that cars won't be parking on the road. Staker asked if pavers for parking could be used. Rhineberger – Pavers are only counted at 50% for walking paths. All driveway and parking surfaces are considered impervious.
- I. Staker stated that she understands what the Board is looking for and will have her surveyor revise the plans for the May 4th meeting. Kryzer – Boat and trailer parking should be taken into consideration. Staker – They currently don't store or park extras on the property but will review the parking with the surveyor. She wanted the Board to know that some decking has already been removed and they have plans to remove more in the future.
- J. Mol moved to continue the hearing to May 4, 2018 to allow the applicant time to develop revised plans. Condition: Revised plans into Staff by April 24, 2018. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **REBECCA J. WERNER** – New Item

LOCATION: 409 County Road 30 SW – East 330.60 feet of the West 660.60 feet of the NW ¼ of NE ¼ Section 24, Township 118, Range 26, Wright County, Minnesota. (Woodland Twp.)Tax #220-000-241201

Requests a variance of Section 155.029 & 155.048(F)(1)(3) as regulated Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to build a 10' x 18' addition 13' 11" from the side property line.

Present: Adam Werner; Applicants husband

- A. Rhineberger displayed the site plan and reviewed the property details. The applicant currently owns 10 acres in Woodland Township. The applicant is seeking a variance to add a 10' x 18' one level addition to the east side of the existing dwelling, 13' 11" from the side property line of an General Agricultural zoned property. Although the house was originally built close to the property line in 1993, the proposed addition would be less than half of the required setback distance from the east property line. On large lots in wooded areas it is very difficult to accurately look at two corner stakes and come up with a setback distance. The site plan, building plans, and photos of the existing structure were displayed. The Township did approve.
- B. Kryzer – How close is the home encroaching the east line? Rhineberger – The home is 24' with the request at 14' and a requirement of 30'. Mol – Is the area near the home wetland or woods? Rhineberger – It is a wooded lower wet area. Kryzer – Where is the closest house to the east? Rhineberger – There is roughly 300' – 400' between houses. The lots in the area are very similar larger lots.
- C. Werner – Spoke with the neighbors on either side and they are both okay with his addition.
- D. Aarestad – Because the land to the east is wet low land there probably is not a chance of others building in that area. The question as to why the building is already so close to the line was answered and it is really no fault of the owner. He stated that he doesn't see the proposed addition as a problem.
- E. Mol –Initial thought was that the request wouldn't be a problem. In general, he doesn't like the idea of moving closer to a line; because of the issues that could arise with the encroachment. In this case the land to the east is low and wet and he doesn't see the area as a buildable site. Rhineberger – In the future the property could always be rezoned by the Planning Commission with additional buildings sites created. There is an area to the east that is a high spot near the property line and could potentially be a buildable site. Mol – That is where his reservations come from. The house was built too close to property line to start

with and on a 10 acre lot the home could have been built so many other places that are not so close to the property line. It is a minor issue but the concern is that in the future the house location could be a large issue. Concern is that by allowing this the Board could be infringing on the neighbor and what could potentially be done with the property in the future. Werner – Spoke extensively with his neighbor to the east. That neighbor purchased an additional 40 acres behind their property and has no intentions of moving or making property changes anytime in the future. If we are talking “what ifs” than 20 years down the road someone could buy his property and rebuild the home on another location on the lot.

- F. Vick – What is the R2 zone setback? Rhineberger – 30 feet for the primary structure. Vick – No problem with the plan and understands the concerns Mol mentioned.
- G. Mol – Doesn’t like to create issues down the road, acknowledges that it doesn’t happen often but doesn’t like to set future Boards up with potential issues.
- H. Kryzer – In looking at the land use plan the long term plan is AG and not R2 or AR zoning. Mol stated that knowing that bit of information makes him feel better about the request.
- I. Aarestad – Noted what Mol said and because the land will remain AG for a quite some time he feels better about the request.
- J. Aarestad moved to approve the variance of Section 155.029 & 155.048(F)(1)(3) as regulated Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to build a 10’ x 18’ addition 13’ 11” from the side property line. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **AARON T. FOUQUETTE**

LOCATION: 1505 – 27TH St. NW – N ½ of SE ¼ of NW ¼; and SW ¼ of NE ¼; SE ¼ of NE, except ... all in Section 23, Township 120, Range 26, Wright County, Minnesota. (Chatham Twp.) Tax #203-000-232401; -231300 & -232400

Property owners: James Munsterteiger & Francis & Joan Munsterteiger

Requests a variance of Section 155.029, 155.048(G)(4)(c) as regulated Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow expansion of the existing 1.5 acre residential lot, approved by the Board of Adjustment in 1989, into a 13.6 acre lot. Also review of 1989 Board order requiring remainder parcel (tax #203-000-232400) to be owned in common with homestead to east (tax #203-000-231300).

Present: Aaron & Angela Fouquette

- A. Rhineberger displayed the site plan and reviewed the property details. There are 3 properties being discussed with a homestead on the 1.5 acre parcel, that was approved by the Board in 1989. At that time divisions were not allowed on lots of record. The Ordinance has since changed and divisions are now allowed from lots of record that are at least 10 acres in size but to not exceed 5 acres. The applicant is seeking to expand an existing 1.5 acre lot of record to 13.5 acres. When the original 1989 division was done the Board required the remaining 19 acres, to the west, be attached the Munsterteiger track to the east. The Board will need to determine what is to be done with the remainder acreage, as a review of the 1989 variance. The Board also will need to decide on the variance for the expansion of the 1.5 acres to 13.5 acres, which is 8.5 acres more than the 5 acres that the Ordinance allows. It should be noted that the surrounding land, as well as the 1.5 acres, are in the land use plan as Agricultural/Residential. This expansion could be accomplished with a rezoning/subdivision vs. the variance process. With the rezoning/subdivision process the 10 acre parcel to the west would be left as a residential building site. At this time, the owners and applicant don't want the building site so that is why they went the variance route vs. the rezoning/subdivision direction. The plan leaves enough road frontage and at least 10 acres so that in the future a residential lot could be established through rezoning on the west side. One route the Board could go is leave the 10 acres as restricted. The Board can also require the remainder 10 acre parcel be attached to the property to the north, which is also owned by the Munsterteigers. Tillable acreage doesn't reach the 2.5 acres and is therefore compliant. The Township did approve as did the neighbors at 1118 25th St NW and 2125 Barton Ave.
- B. Aaron Fouquette – The reason for the diagonal line, to the west, is to keep enough road frontage with the remainder 10 acre parcel to the west. There is an area of creek bottom, that isn't passable by vehicle, so property lines were drawn to make the land most usable for everyone.

- C. Rhineberger – The plan is to also adjust the line towards the east so that the applicant can have outbuildings with animals. There is a required 100 ft. setback for buildings that house animals and the additional acreage will allow for this setback. The Board might want to add a restriction on the number of animals allowed. A portion of the land is in the Shoreland District as a designated stream. A discussion was had with the applicants regarding the possible accessory buildings and there are no feedlot issues within the Shoreland setback. The Feedlot Officer does want to remind the Board that with 13 acres the number of animals allowed is almost unlimited. Aaron Fouquette stated that they are not looking for any type of large farming, just a few horses. Another reason to add that extra 200 ft. from the parcel to the east is because the area is flat and the best location for a shed.
- D. Mol – Question the applicants as to why they chose the variance vs. the rezoning. Aaron Fouquette – Asked for clarification on what the difference was. Rhineberger – Rezoning would allow for a division of properties 10 acres and up. The division applied for would be fully compliant vs. something that doesn't meet the standards. Aaron Fouquette - The question should really be directed to the farm owners, Munsterteigers. Francis Munsterteiger was in the audience and stated that there is no interest in developing the land at this point. Aaron Fouquette – The surrounding land is a working family farm and there are several parcels around the area that are in the family and the goal is to keep the land in the family. The request for the additional acreage is related to the shed restrictions that come with the smaller lots.
- E. Mol – Questioned the applicant if they would be okay with an animal restriction? Aaron Fouquette – Yes, a limit would be fine. Rhineberger - The Feedlot Officer suggests the Board restrict the number of animals based on animal units vs. using an exact number of animals.
- F. Vick - Indicated that he has no questions or comments.
- G. Aarestad - Stated he has a little hesitation with taking land out of production. The Board has always tried to have a long-range plan of preserving agricultural land. Does like that the field will be squared up and understands why there is an angled lot line. The overall intentions are acceptable and agrees that an animal restriction to ½ an animal unit is needed.
- H. Burchette, Thomas - Neighbor to the east would like to know if there are plans for additional houses. Aaron Fouquette – No plans for more houses. Burchette – He is fine with the plan.
- I. Motion made by Aarestad to approve a variance of Section 155.029, 155.048(G)(4)(c) as regulated Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow expansion of the existing 1.5 acre residential lot, approved by the Board of Adjustment in 1989, into a 13.6 acre lot. Also review of 1989 Board order requiring

remainder parcel (tax #203-000-232400) to be owned in common with homestead to north (tax #203-000-232100). With the restriction of ½ animal unit per acre. Seconded by Mol.

Discussion: Newly added land needs to be combined with the existing acreage under a single tax ID.

VOTE: CARRIED UNANIMOUSLY

Public portion of the meeting adjourned at 9:45 a.m. for a closed session.

CLOSED SESSION

Attorney Scott Anderson spoke to the Board regarding the pending litigation WOJO MOJO LLC vs. Wright County and the Board of Adjustment, Ct File No.: 86-CV-17-5428.

Meeting adjourned at 10:20 a.m.

Respectfully submitted,

Barry J. Rhineberger
Planner

BJR:SD/TP

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