

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: April 26, 2019

MINUTES – (Informational)

The Wright County Board of Adjustment met April 26, 2019 in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Vice-Chair, Charlotte Quiggle, called the meeting to order at 8:30 a.m. with Board members present: Quiggle, Paul Aarestad and Dan Vick. Absent were John Jones and Dan Mol. 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 Vick, all voted to approve the minutes for the April 5, 2019 meeting as printed.

1. KEITH SCHAUNAMAN – Cont. from 4/5/19

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 & Stef Schaunaman

- A. Request was reviewed and Rhineberger summarized the reason for the continuance was to allow the applicant time to consider reduction of the building to meet the size maximum allowed and move the chicken coop to meet the 50' setback. The building length has been reduced by 4'; but still exceeds the maximum building size. There is no change to the proximity to the bluff and no change to the chicken coop location. The adjacent neighbor to the chicken coop submitted written approval for the current location.
- B. K. Schaunaman stated they looked at removing the plastic over the chicken coop run to reduce overall building size, move it some forward. He used the pictures displayed to explain they had talked at the last meeting about moving it forward, which would not give as much opportunity to manage runoff with drain tile. Schaunaman noted if the garage were attached, they would not need a variance to exceed limit of outbuildings. K. Schaunaman - explained the five trees would interfere with putting footings down there and are trying to avoid problems in the future. What is proposed backs up to the bluff, noting it was excavated many years ago and was the reason the location was chosen. S. Schaunaman - pointed out on the topo map that this is flat and makes a good site for the building. Noted the tree clump area and the flat building area. K. Schaunaman they do not want to take out a lot of dirt and any material coming out of the footings would be used to restore the slope. Quiggle asked where the water would drain? K. Schaunaman they would have drain tile around the building and drain to the front landing area where the gravel driveway exists. Quiggle felt that would be a lot of water coming off the roof into one area. K. Schaunaman – would drain to the sides of the hill.

- C. Quiggle opened the hearing to the public, no response. Quiggle – felt the Board was clear at the last hearing that they do not allow buildings into the bluff and exceeding the size allowed is unlikely. Also, the chicken coop was a concern. Very little adheres to the Ordinance. S. Schaunaman – as far as the chicken coop location – they have talked to the adjoining neighbor about the location that is 120' from her house and she prefers it in the current location. Moving it would put the coop in the front and closer to her house. Quiggle – this is a new Ordinance and should be followed. The Board cannot only be concerned with what the neighbor thinks, property changes hands and the next neighbor may not want it there. The property is not suited for a pole barn, there is a bluff and the size of the pole barn is unreasonable. It is not advisable to pull out the stumps, roots should remain to hold the soil.
- D. Vick had thought they had talked about pulling the chicken coop out and putting it back on the pad. S. Schaunaman - after talking to neighbor there are not a lot of good options and neighbor prefers it in the backyard. Vick – recalled discussing putting the coop on the other side of the building and out of the bluff.
- E. Aarestad – agrees that the bluff is a serious matter. Had wanted to see further reduction of the building. He would like to see the site after hearing some of the applicant's comments. This is a bluff and photos were helpful. Because the land was altered thirty years ago, he would like to see how much soil must be disturbed. Quiggle noted the root removal is a concern and potential runoff. Aarestad – agrees these are concerns and seeing the site might help him make a decision. Quiggle – the Board has denied putting a house into a bluff and this is an accessory structure. The applicant has an existing garage.
- F. Discussion on the definition of a bluff. K. Schaunaman – noted their surveyor had said this was not a bluff and depending on the County interpretations are different. Rhineberger – reviewed the area that is within the bluff definition and there is language that if there is an area that is 18% or less over 50' it would not be considered. Noted an area that is not as steep; and from a Staff perspective, it could be looked at a little different. Quiggle noted that the Ordinance states they are to protect steep slopes. Rhineberger – stated by adding more in one spot could make erosion control more difficult.
- G. Vick – suggests they move the building forward, behind the shed and get it out of the bluff. Rhineberger – displayed the site plan. S. Schaunaman - noted the asphalt area is where they were trying to move it. Are willing to make whatever changes to handle the water; but are looking to utilize the flat area. Vick and Quiggle agreed to visit the site. Quiggle stated the Board would like stakes in to see where it is being proposed. Rhineberger –stated the chicken coop must be 300' from lake. An area suggested for that is behind and in the dugout, where it is the deepest to the west and meets the 50' setback. On top, where the retaining wall is located the land is flatter, only rises 2', is west of the retaining wall behind the existing garage.
- H. Aarestad moved to continue the hearing to May 24, 2019 for a site inspection on May 13. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

At the request of applicant's agent, Lushine was heard after this agenda item

2. **ROBERT S. HURT** – New Item

LOCATION: 6074 Desoto Avenue NW – Lot 32, Salerno Bay Beach; and Lots 1 & 2, First Addition Salerno Bay Beach, according to plat of record, Section 33, Township 121, Range 26, Wright County, Minnesota. (Maple Lake - Maple Lake Twp.)

Tax #210-126-000010/210-125-000320 Property owner: Tara M. Globstad-Hurt

Requests a variance of Section 155.026, 155.049(F)(2) & 155.057 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to replace existing 912 sq. ft. one and half story dwelling with a walkout basement that is less than 15 ft. from the property line, with a new 2,716 sq. ft. one and half story dwelling with a walkout basement that will be 48.5 ft. from the platted centerline of town road and 54.3 ft. from the traveled centerline. A Type IV septic system is to be installed. (Lake and property line setbacks to be met.)

Present: Robert Hurt & Tara Hurt; Bernie Miller, of WRM Services

- A. Rhineberger reviewed the two platted lots that are being reviewed as one “lot of record”. Request is replacement of existing 912 sq. ft. one-story dwelling that is currently non-conforming from the side setback and has a detached garage. The new dwelling is 2,216 sq. ft., a one-and-half story with walkout basement. The setbacks were reviewed and noted a Type IV sewer system is proposed. He noted even if the road setback were met, State Statute requires a replacement on Type I system or a variance is required. The house plans, site conditions, sewer design were provided to the Board in their packet. Pictures of existing conditions were included. Town Board approves, but want to be sure the drainage system is not impacted. The plans show it would not be. Quiggle asked if a condition should not be included to protect that. A neighbor responded to the proposal.
- B. R. Hurt – bought the property recently with the intent on replacing the older home. Building a 26’ x 26’ attached garage and because they need 8’ footing walls around it, they would like consideration for a spancrete construction and building a room under for a shop under the garage that would not add to living space.
- C. Miller – there are three lots and the proposal would not be a large increase in coverage. The road setback proposed is like the nearby Jorgenson property who obtained a similar variance. They needed to move it back to get an attached garage. The existing house meets the lake setback, but not the side yard. Explained the reason they need a road variance; but noted the right of way is only 33’ wide and is as far back from the road as if this were a 66’ wide road right of way. Noted much water comes from across the township road, runs diagonally through the lot and does not leave much opportunity for the sewer. With the grades, soils, etc. this is the best location for sewer. Miller noted that although the building plans do not include it, they want the Board to consider the area under the garage in case they want to add that to their final building plans. Rhineberger –agreed the Board should address it because the total size and potential living space is part of what they consider. When they come back for a building permit, he cannot allow a plan that has something the Board has not seen or discussed. Quiggle was not concerned if they add that space.

- D. Quiggle opened the hearing for public comment – hearing no response returned to the Board.
- E. Vick – did not see any issues with the attached garage and setback off the road. He would not object to the spancrete and asked if access to that area would be off the basement? R. Hurt stated that was right.
- F. Aarestad asked if they had made a site inspection for the neighbor’s variance? Rhineberger stated yes, last year. Explained how the road east of that property cuts into the lots. This property does not have the same extreme situation as others. Aarestad – stated he has no objection with the proposal.
- G. Rhineberger – asked what happens with the Type IV systems if they should fail, this is a significantly larger structure. In a situation when there is no other option other than a holding tank, he asked Miller if a Type IV can be replaced in the same location? Miller – explained the only type of failure would be hydraulic. This type of drainfield with pretreatment should never plug up in their lifetime. A Type IV is pre-treatment and a Type III is soil correction. A problem could be when soils are smeared during construction. They excavate down to the best soils within reason to where it will absorb. Design has a potential for 600 gallons per day, they would not likely use 300 gallons, but if it cannot handle it the time dosing would be turned down to what the system can handle in a day.
- H. Quiggle – noted the Township has no problem with the setback, plenty of parking in front of the garage. Considering the topography in front of the house and additional impervious coverage, she asked if there should be a storm water management system. Rhineberger – described the proposed contours include quite a bit of fill on the north side of the house; if the covered porch is at the main level, elevation at the corner is 1026, so looking at 8’ of fill and result is a natural swale. That is where the culvert comes across. That area where more volume of water will run through is where some native plantings that are not mowed might help. Quiggle she asked if that is something the applicant can work with SWCD on. Miller – feels that area is managed. Rhineberger indicated he did not get around to see that side of the house. Miller – much of the storm water is not the applicant’s and has not been an issue. During construction the silt fence will be installed. Looking at what they have done with retaining walls, agreed they could add something. He felt these owners would take care of any issue if it should arise and as long as it is vegetated it should be ok. The contours show the area by the garage is flatter and slows the water down. May need some rip rap in there along with native vegetation, but probably not necessary down by the shoreline. Rhineberger – the Board required more with the Jorgenson lot; but that lot had more slope and did not have a flatter area to slow down the water. The additional 1500 feet of roof area creates much more water. Quiggle would like a storm-water management plan to show the water will be infiltrated before getting to the lake. Agreed this might be fine with some native vegetation. Rhineberger – added, possibly natural vegetation along the slope itself, from patio to patio. Discussion on contours and Miller stated not disturbing it might be best. Quiggle and that might be a plan. Miller – noted Corinna Township includes in their motions that the owner is accountable to fix any problem. Vick – looks

like there is room to fix it.

- I. Aarestad moved to approve a variance of Section 155.026, 155.049(F)(2) & 155.057 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to replace existing 912 sq. ft. one and half story dwelling with a new 2,716 sq. ft. one and half story dwelling with a walkout basement, according to Exhibit “A”, held on file. In addition, the Board allows the garage construction to have spancrete construction with a room below. The proposed construction will be 48.5 ft. from the platted centerline of town road and 54.3 ft. from the traveled centerline, as shown on site plan, Exhibit “B”, held on file. A Type IV septic system is to be installed. Board noted the lake and property line setbacks are to be met. Condition: A storm-water management plan using the existing topography with native plantings be submitted. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **FRANK LUSHINE** – New Item

LOCATION: 6775 & 6787 Orth Avenue NW – Lots 3 & 4, Block 1, Pebble Beach, according to plat of record, Section 34, Township 121, Range 28, Wright County, Minnesota.
(E. Lake Sylvia – Southside Twp.) Tax #217-038-001030 & -001040
Property owners: Richfield Rentals

Requests a lot line adjustment as regulated in Section 155.026(E)(2), 155.049 & 155.057 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow realignment of existing property lines between two residential lots owned by the applicant.

Present: Frank Lushine & Bernie Miller, of WRM Services

- A. Rhineberger reviewed the property owned by the applicant that includes two platted lots on the lake and a back lot. The road vacation in 1986 was pointed out that left a cul-de-sac. He noted the Board is reviewing three non-conforming lots that can be sold separately by State Statute, two with cabins on them. These cabins have Type I sewer systems. There is the backlot that also provides additional space for sewers. The proposal before the Board is a lot line adjustment to give Lot 3 more lakeshore and include the sewer area. The sewer locations for the dwellings and neighbor's dwelling are not on their own property. Using the map, he pointed out the general locations of the sewers. Miller has staked everything out and looked at the owner's future sewer location on the lot. There are easement agreements to address sewers over the line.
- B. Miller – as explained the drain fields and the sewers are compliant, he has also inspected the neighbor's sewer previously. The proposal to change the lines makes sense. The final details are not complete because soil tests cannot be done due to the time of year. The plan may have to be changed slightly. They know the sewers may need easements. The proposal could get tabled and they come back with more information, or if the Board approves the concept leave it up to Staff. Quiggle asked if they can leave it up to Staff. Rhineberger – noted with requests for lot line adjustments they don't require a survey at the time of application, because changes might be made.
- C. Lushine – explained the reason for the adjustment is to allow for replacement of one cabin and it makes sense to have a larger lot to go with a larger home. Kryzer asked what is the setback from the lake on Lot 3? Lushine estimated 50-60'. Kryzer – if the lot is sold with a cabin, the new owner will be back asking to tear it down and build a larger home. Lushine – noted the house was lifted and is sitting on wheels in the back of the lot. Rhineberger – the proposed lot line arrangement for Lot 3 allows for moving the house back if it were replaced someday. Quiggle – the existing configuration may not allow them to build larger. Rhineberger -agreed it would be minimal. Existing septic is sized for the number of bedrooms that are there. This adjustment would allow a potential sewer back in the tree area and a rebuild that could have a significant improvement from the lake setback. The Board can decide what they want to see in the future. As far as the adjustment, if the Board wants to see more information they can continue; otherwise, they have approved concepts. The adjustment can only go so far back without impacting access to Lot 4. Miller –stated they are looking for the Board's reaction before proceeding

with more work. Quiggle asked if the Board would like to visit this site to see the topography since they have another site inspection on this lake. Lushine – they met with the Township and received their approval.

- D. Aarestad –felt the sewers should be resolved, does not want to create a problem for the future. Asked, is the goal to move sewers within the lines or across the street. Miller – noted the sewer to the south that has an easement. If the applicant builds a new house the new sewer would go in. Plan to put an easement around the existing sewer to the north. The best location is to move the house back with a sewer behind. The lot in back is quite large; and the worst case would be to locate a sewer on that lot.
- E. Quiggle suggested incorporating part of the back lot with the lakeside lots. Rhineberger – the platted road is all the way to County Road 3 and adding land from the back could be done in such a way to provide road frontage. Quiggle concluded the easement that exists for the property to the south would be there and then the sewers could be on the same lot where the homes are. Vick would agree adjusting the property to the east would be good to do now. Kryzer – noted the matter should be continued since the owner has not worked out the final details. Quiggle felt it is important to work out the lines, existing sewers and future sewer locations. She asked if a site inspection would be helpful. Miller – felt on the site it would be difficult to see where the lines are. It might be easier by mapping it out. Lushine asked if they moved the lines to the east he would have to move the road. Rhineberger – indicated not necessarily since it is an easement road.
- F. Vick moved to continue the hearing to May 24, 2019 to complete the location of sewers and locate future sewer sites. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **CHAD McCARTHY** – New Item

LOCATION: 424 Coburn Avenue NW – Part of Gov't Lot 6, Section 34, Township 120, Range 26, Wright County, MN. (Birch Lake-Chatham Twp.) Tax #203-000-344103

Requests a variance of Section 155.003(B)(1), 155.026, 155.048(C) & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow construction of a 36' x 56' pole building with a 6' x 16' covered porch and 16 ft. sidewalls, to be 140 ft. from Birch Lake which is classified as a Natural Environment lake.

Present: Chad McCarthy

- A. Rhineberger displayed the property location map. The property is 7.3 acres on Birch Lake which has a 200' lake setback. Proposed 35' x 56' x 16' shed with a 16' x 6' covered porch. Has received a conditional use permit for a contractor's yard for an electrical contracting business. The Ordinary Highwater Mark (948 contour) is where the setback would be measured from. The lot is low and area is limited. The area behind the sewer would take a long driveway. The air photo shows some light-colored area and onsite he found soils are spongy. Photos show what the shed would look like, the mound and proposed building area was staked. Town Board agrees, noting the site does not have a lot of options because of low elevations.
- B. Quiggle asked if the size structure is too large for the business? Rhineberger – lot allows up to a 4,000 sq. ft. (later clarified that due to the size lot above the OHWM, it has a maximum 3200 sq. ft. with 14' sidewalls) and because the business would be a contractor's yard, it is not limited to a maximum of 2,000 sq. ft. building.
- C. McCarthy - would have problems building east of the house. He will bring the pad up 3' and driveway up about 2' and could get as close as 120' from the OHWM, and wanted it clear that it may not be at the 140' setback. Rhineberger – scaled it out at closer to 170' McCarthy – stated he wants a 16' sidewall which is higher than 14' allowed. Rhineberger clarified the earlier statement on size and height limits for the shed because the area below the OHWM is less than 5 acres.
- D. Quiggle opened the hearing for public comment. Hearing no response returned for discussion.
- E. Aarestad – looking at this site and limitations he would not have a problem with the shed size and height. Noted he could agree to the shed as close to 120' because it looks like the site is well buffered.
- F. Vick asked why the applicant would not want to continue the driveway straight back? McCarthy – explained this is a tuck-under garage with a big retaining wall next to the house and an 8' drop off. To slope it off to get back in that corner would involve much grading and fill, has to avoid the wetland back there and require building another large retaining wall. This location pushes it back near a neighbor. Vick – stated it appeared like there was a good spot without a variance, but the Board does not see the contours.

Understanding the applicant has searched other options, he is okay with it.

- G. Quiggle – agrees this is the best possible location and there is the buffer of the wetland and would like to see the shed as far away from the lake as possible; but if it ends up at 120' rather than 140' she would agree.
- H. Vick asked if there is any concern about coming off the road at that location. Rhineberger – if it were a concern the Township should have commented on that. Kryzer – is very familiar with the location and indicated is not a heavily travelled local road.
- I. Aarestad moved to grant a variance of Section 155.003(B)(1), 155.026, 155.048(C) & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow construction of a 36' x 56' pole building with a 6' x 16' covered porch and 16 ft. sidewalls, to be no closer than 120 ft. from Ordinary Highwater Mark of Birch Lake which is classified as a Natural Environment lake. Reason: The lake setback is approved due to the fact there is a large buffer from the lake at this location. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **HOWARD L. BREMMER** – New Item

LOCATION: 735 Armitage Avenue SW – Lots 1 & 2, Deer Lake Shores, according to plat of record, Section 1, Township 119, Range 26, Wright County, Minnesota. (Deer Lake – Marysville Twp.) Tax #211-014-000020

Requests a variance of Section 155.026, 155.049(2) & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow construction of a 24' x 30' addition to existing garage, 58' from centerline of town road and 83' from centerline of County Road 108

Present: Howard & Mary Bremmer

- A. Rhineberger reviewed the property on Deer Lake which was before the Board in 2012 for an attached garage. The proposal is to build another garage (attached) to be 24' x 30' and extend toward the town road and was 86' from the County Road, moves closer to both roads, to be 58' from the centerline of town road. Proposed to be 3' closer to the County highway because of the angle of the garage. The original drawing was used to show the previous construction and a plan showing what the proposed additional garage space would look like. The applicant has not had a chance to meet with the Town Board, but are looking for some feedback. Quiggle indicated they would give the applicant some guidance and lay this over for the Town Board review. Rhineberger – would not recommend they rule on this prior because it is a new non-conformity within the town road setback.
- B. H. Bremmer – explained they recently purchased the property and moving into the site. The new garage would be for vehicle parking and the existing would be storage and a work shop. M. Bremmer – moving off a property that has a 30' x 64' shed which had her husband's workshop and reason they need more space.
- C. Vick – asked if there is a septic riser behind the garage. He is interested in what the Town Board has to say. He asked if they can expand to the back of existing garage for the shop. Rhineberger – the mound sewer is to the south of that location, looks like those could be clean out pipes. H. Bremmer – there is some plumbing from a bathroom. The existing garage was built high for the previous owner's motor home. He would like to break the appearance by bringing it down. Vick – they could put a different face on the front. H. Bremmer – he could but it would have cost without gaining any space.
- D. Aarestad – noted there are other garages closer. Would want to see Town Board approval. He does not see an issue with the County road setback. Quiggle concurred with Aarestad statements.
- E. Aarestad moved to continue the hearing to May 24, 2019 for Town Board review. Vick seconded the motion, with the comment that the applicant look at his suggestion on expanding behind.

VOTE: CARRIED UNANIMOUSLY

6. **GARY VERGIN** – New Item

LOCATION: 1433 & 1435 40TH Street SE – Part of the NE ¼ of NW ¼, Section 29, Township 119, Range 25, Wright County, Minnesota. (Crow River – Rockford Twp.) Tax #215-100-292102 & 215-100-292100 Property owners: Vergin & Dahlin

Requests a variance of Section 155.026, 155.048(F) & (G)(4)(c) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a 17-acre “entitlement” division with the existing house from a 57-acre parcel. Remaining land to be added to Dahlin's 4-acre parcel that was approved by variance in 1992. Dahlin parcel does not have the 300-foot width required.

Present: Gary Vergin & Heidi & Brian Dahlin

- A. Rhineberger explained the proposal is to break the existing house onto a 17-acre parcel and attach the remainder to the Dahlin property. The variance is needed for the size and ends up being a swap with the current size of the Dahlin's property. Once the Dahlin lot reaches five acres, the lot standard requires 300' wide on the road and in depth. Proposed adjustment will not meet that standard. Quiggle noted these do not meet standards now.
- B. Rhineberger – road frontage will be taken up by these two parcels. Town Board approves.
- C. Kryzer questioned the irregular division line? Rhineberger – pointed out that follows the existing driveway and the setback from the driveway and a shed were measured to ensure a setback can be met. The parties have a shared agreement for the driveway approach and it was suggested they write in an easement when the land is transferred.
- D. Vergin the road comes around the shed and there is a wetland between. He pointed out the jog in the line allows access to the remainder acreage beyond the wetland.
- E. Quiggle asked for public comment, hearing no response returned to the Board.
- F. Aarestad indicated he is familiar with the property and he has no concerns with the adjusted lines and highway. Vick & Quiggle would agree.
- G. Rhineberger there is one shared access and should avoid a second on a high spot. It is important that an easement gets recorded, so they don't end up with another. Vergin – agreed this is a good driveway and no reason for more. When they have the attorney prepare the paperwork they will have that completed. Rhineberger – explained when the surveyor comes out, they should make sure he writes the easement legal description.
- H. Vick moved to grant a variance of Section 155.026, 155.048(F) & (G)(4)(c) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a 17-acre “entitlement” division with the existing house from a 57-acre parcel. Remaining land to be added to Dahlin's 4-acre parcel that was approved by variance in 1992. Dahlin parcel does not have the 300-foot width required. Subject to recording of an easement for shared driveway, survey and filing of Deed Restriction and an Administrative Order. Aarestad seconded the motion. VOTE: CARRIED UNANIMOUSLY

7. **PAUL D. HILLMEYER** – New Item

LOCATION: Corner of Norris Avenue SW & 10th St. SW– Part of S ½ of SE ¼, except divisions, Section 2, Township 119, Range 28, Wright County, Minnesota. (Cokato Twp.) Tax #205-100-024300; 205-000-024303; 205-000-024302 & 205-000-024301 Property owners: Hillmeyer; Simonson & Horstman

Requests a variance of Section 155.026, 155.048(G)(4) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to add approximately 7.3 acre of prime tillable farmland to the Simonson’s 2.5 acre “entitlement” division (205-000-024303), resulting in a 9.8-acre lot with 9.8 acres of tillable soil. Also, add approximately 3 acres of prime tillable land to the Horstman’s lot (205-000-024302/024301), currently a 5-acre lot (exceeds amount of prime farm soils).

Present: Phil Hillmeyer; Sandy & Ben Horstman

- A. Rhineberger reviewed the air photo of 64 acres and proposal is to add portions to two existing lots, one that is a lot of record, other an entitlement division. The Simonson lot was originally out of tillable land and the adjustment would add about 10 acres of prime tillable land. The Simonson lot is five acres and additional land would make it 8 acres. That lot exceeds a five-acre maximum allowed. The remaining 53 acres would be a restricted ag parcel. Town Board approves. According to the soil definition it is prime farmland. The Township comments note soils are more erodible. The NRCS soils classification is from 1988 and is the best information Staff have. The local information on the slopes and whether it is erodible soils can be considered. The applicant indicated there is a drainage area through this end and if this is converted to lawn it may reduce erosion.
- B. Hillmeyer – he has been approached by the parties involved to buy more land. These are big valleys near the homesites and noted where the erosion is located. This soil is clay and pointed out a separate 20 acres where it is nice black dirt that he owns to the east that is flat and is valued higher for tax purposes. These owners want more land and he assumes they will put it into grass.
- C. S. Horstman stated between the proposed and existing line it floods and they want to plant some vegetation further back to slow down the water and erosion.
- D. Quiggle questioned if anyone in the public has comment, no response.
- E. Vick –had questioned what the land was like and if they could go beyond. He asked what was on this land in the past. Hillmeyer – he cropped it. Vick – if all this land between went to one of the parcels it could continue to be farmed. Rhineberger – noted it is bisected already and with modern equipment it may be difficult to farm. Hillmeyer stated currently he does not farm behind one lot. He could sell 2.5 acres without a variance. Rhineberger it would reduce one variance needed, but still need one to add land because that lot cannot exceed five acres.

- F. B. Horstman - there is a creek and a tree line. Rhineberger did not provide the topography, there are some gullies through here. There are some evidence of erosion and washing through this area. S. Horstman provided pictures to show the erosion, the creek and trees.
- G. Aarestad – after seeing evidence of the erosion problems he would support the adjustment.
- H. Quiggle concurred with the comments from the Township and the description they heard from the owners that this is not prime farmland.
- I. Aarestad moved to grant a variance of Section 155.026, 155.048(G)(4) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to add approximately 7.3 acre of prime tillable farmland to the Simonson’s 2.5 acre “entitlement” division (205-000-024303), resulting in a 9.8-acre lot with 9.8 acres of tillable soil. Also, add approximately 3 acres of prime tillable land to the Horstman’s lot (205-000-024302/024301), currently a 5-acre lot that exceeds amount of prime farm soils allowed. Condition: Subject to surveys and Administrative Orders be recorded if the County Auditor cannot combine tax parcels. Vick seconded the motion.

DISCUSSION: Rhineberger – explained tax parcels cannot always be combined for various reasons. To avoid two or three tax parcels the applicant can ask the Auditor to combine; otherwise, they must sign an Order that states the parcels must remain together.

VOTE: CARRIED UNANIMOUSLY

8. **GAYLEN HAYES** – New Item

LOCATION: 6548 Dague Avenue SE – Part of W ½ of SE ¼, except railroad and “entitlement” divisions, Section 3, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-200-033200 Property owner: Martha Hayes Estate

Requests a variance of Section 155.026, 155.048(B) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a division of restricted AG land into two parcels, using the railroad as the dividing line.

Present: Gaylen Hayes and Sandra Adickes

- A. Rhineberger reviewed the parcel with the railroad that separates it. There is a previous approval for a four-acre division. The Board is considering a division of the ag land by the railroad. The southern portion would be transferred to Adickes. She owns the two lots in the southwest corner, but she would like to keep it separate so it can be sold as a separate ag parcel if she should decide in the future. Another matter is that the northern portion does not have 300’ in width and he missed that fact when it was first presented. This has not been an issue as long as it was owned with that portion south of the railroad.
- B. Quiggle confirmed the request will not change anything north of the railroad. Rhineberger – concurred; but the Board should make a note of the frontage, if a variance is approved.
- C. Hayes – this is his mother’s estate and dividing it with his sister is what he is trying to accomplish. Adickes – they have no plans to do anything different with the land. This land will continue to be farmed the way it has been in the past.
- D. Board concurred with the proposal.
- E. Aarestad moved to a variance of Section 155.026, 155.048(B) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a division of restricted AG land into two parcels, using the railroad as the dividing line and approve the width of the road frontage for the north parcel. Condition: These parcels are agricultural parcels with no “entitlement”. Vick 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/ Property owners