

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: May 4, 2018

MINUTES – (Informational)

The Wright County Board of Adjustment met May 4, 2018 in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Vice-Chair, John Jones, called the meeting to order at 8:25 a.m. with the following Board members present: Jones, Paul Aarestad, Charlotte Quiggle and Dan Vick. Absent was Dan Mol. Sean Riley, Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant Attorney, was legal counsel present.

DISCUSSION ITEM:

At Kryzer's request, Jones called for a brief closed session with legal counsel regarding pending litigation for matter of Wojo Mojo, LLC vs. Wright County, etal.

Board members reconvened at 8:35 a.m. for the public hearings:

MINUTES

On a motion by Vick, seconded by Aarestad, all voted to approve the minutes for April 6, 2018 meeting as printed.

1. **JOHN A. STICH** – Cont. from 4/6/18

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: Applicant not present

- A. Riley explained the petition has been withdrawn. Action to dismiss without prejudice is appropriate.
- B. Aarestad moved to dismiss the petition without prejudice at the applicant's request. Quiggle seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **JEFFERSON J. BISHOP** - New Item

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 as regulated in Section 155.008(B)(1), 155.029 & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a replacement of the existing 1040 sq. ft. one and three-quarter story dwelling that is 54' from the ordinary high-water mark with a new 2,538 sq. ft. two-story dwelling, a 997 sq. ft. attached garage, 452 sq. ft. covered porch and 126 sq. ft. second-story balcony (Total footprint of 4,114 sq. ft. with 4,598 sq. ft. of livable space) 50' from the ordinary high-water mark of lake.

Present: Jefferson Bishop, his contractor Darwin Hoffman; site evaluator, Bernie Miller

- A. Riley reviewed the location of the property on the east side of E. Lake Sylvia. The lot of record has existing structures and driveway were noted on the boundary survey. A detailed site plan prepared includes a septic upgrade, elevations, house placement and engineered soil reports were also submitted. Engineered soil tests were needed because of the type of soils and the house was designed without a basement. A schematic drawing was displayed to show the house elevations, a main level and second story are proposed. The house is located on a ridge, low area on the east side of the property and there are wetlands. The Board will need to address the proposed setbacks, size of the structure, existing buildings and the need for soil correction and land alteration associated with the house in the soils found here.
- B. Bishop explained the process they went through to design the structure using some of the existing topography. They have reduced the size, also taken advice on removal of existing shed. Further back the soils are more restrictive. He is aware of the concerns as his business is to treat invasive species in Lake Sylvia. They feel this location and shape of the house seems to be the most responsible middle ground.
- C. Jones went to the public for comment, hearing no response from the public, opened up Miller's presentation.
- D. Miller - when the applicant bought the property last year, he started working on sewer upgrades. There were a couple non-conforming systems and the applicant planned to rebuild so came to him with a house plan. In looking at house placement, had some geo-technical borings done and more were ordered. There is some concern about the size of the house, but the first design was larger and wider. They redesigned to make it narrower, but longer. Using the slides, he pointed out the knob (ice ridge) and where the elevation drops. There is a narrow corridor to work with that is not wetland. Borings were pointed out, noted the ones found with low-density clay, but the soils are better and more buildable in the proposed location. The soil engineer had suggested a location for the house but that creates a problem with the drainfield and needs approval to build that close to the lake. Some will take soil correction, but this location would be best. The crawl space has been eliminated to reduce the amount of fill needed. He pointed where the driveway comes in, but if they go back to 75', it would require an immense amount of fill for a new driveway in the wetland. Building and impervious coverages are not a problem because this is 11.2-acre property. Proposal is a 1% of coverage, but admitted most is not useable. Total

impervious coverage is calculated at 6.1% going to 6.4 %. Using the useable area (39,106 sq. ft.), he calculated coverage at 7.4% by existing buildings, increasing to 13%, impervious is 9.5% and going to 21%. Applicant is open to making modifications to improve the shoreline and add native buffers, etc. They can divert all the water from proposed house back to the wetland. He explained the drainage plan that could include a rain garden to address the concern with being closer than 75' setback requirement.

- E. Quiggle is concerned with the size of the house on land that is not suited for that size. There are factors to meet to get a variance. First, it should not conflict with the Comprehensive Plan. One Plan criteria is for lakes any development should take place in harmony with the existing stable environment; development proposals should be adapted to fit the natural environment. The huge expansion of the structure is what is causing all the soil amendments and putting the house closer than the setback. Much impervious coverage is proposed within the setback. The high-water table and peat soils concern her and she did not think the property is suitable this size structure. At the time of purchase, the applicant should have checked out the land before buying it to see if the lot could support the house they wanted. This is approximately four times the size of what is there. Bishop stated he has the land area, is trying to find out where it can go. Quiggle could replace the house the size it is.
- F. Vick – asked if there is a trade-off by removing some of the structures, such as the guesthouse. If the owner is willing to do that, he might consider that as a compromise for going closer. Bishop stated he is trying to avoid changing the nature of the parcel. Miller – there is a balcony that sticks out that they can remove. There is a bituminous landing that can be removed and put grass there. Bishop another patio he would like. Miller –explained that is near the lake, he would like that for watching kids that are on the lake. He would say the house is not four times the size, the attached garage makes it look big. If the house were pulled back another 15-20' it would require much more alteration. It would require filling in on the lakeside, where it is designed they don't have to fill lakeside and the proposed location is the least amount of alteration. He agreed there may be a chance to move back some, but they are currently on the crest of the ridge and the driveway would get steeper which could cause more erosion. Vick – the Ordinance requires 75'. Bishop was not aware the balcony was counted. Vick – noted the house is twice as long.
- G. Aarestad – agreed this is a large house for the lot. There is no hardship here and if granted how can they make the situation better. The Board must find something to justify this and removing the cottages and the boathouse may be an improvement that the impact of a larger home would have. Could they create a more natural shoreline and off-set some coverage. This size house is too big to grant a variance of the lake setback. He suggested they think about removing the two buildings, the walkways to them in order to improve the shoreline and make it easier to grant the new house and improve the water quality. Also, would have to remove the balcony from the plan. Bishop – he is trying to make improvements all around, if they could get a 50' setback he would have to remove everything on the shoreline. His wife loves the cottage, is there a trade-off if they try to get a little more lake setback. Kryzer – the Board cannot give trade-offs, what the applicant is hearing is reflections from one Board member.
- H. Jones noted the applicant has the land and there are functional buildings. The consensus is the proposed size is making it difficult to give approval. The Board action here impacts

other requests in the County. Can they design this to meet the applicant's needs, as it looks like the current proposal would not pass. Questioned if the applicant wanted time to work with the architect and Miller to come up with a different plan. Miller – explained Rhineberger suggested they ask for what they want as that is a place to start. When he first saw the plan, he also looked at ways to improve it; suggested the Board consider the fact there is 260' of lakeshore, but not the depth to work with. They would prefer to be at 75' if he could, the piers are needed. Whether they build a 24' wide house they would still require a variance. Most lakeshore lots have a boathouse. What he has is a boathouse, guesthouse and a long house, but there is much space between. The building coverage is 1% of the entire property, unfortunately not much useable depth. Jones – agreed, but they will have to make changes to get approval. The size reduction if they do not remove the two structures. These were built prior to rules. Miller and Bishop agreed to a continuation.

- I. Vick moved to continue the hearing to June 1, 2018 for revised plans. Quiggle seconded the motion.

DISCUSSION: Quiggle in order to guide the applicant, she is asking for a reduction of the footprint by half. Vick stated his concern is the guest house that should be removed; or at least move it back as far as the house with the house back at least another 4'. Riley – reviewed the minimum setbacks for the structures, standards for a boathouse that could be allowed on this lot. The guesthouse must meet the same setback as the house would not be done new without a variance. Summarized the Board's discussion was they did not want to see anything going closer to the lake than what exists; proposed house footprint should be smaller and include the removal of things that are too close to the shore that are not allowed by ordinance.

VOTE: CARRIED UNANIMOUSLY

2. **CARRIE STAKER** – Cont. from 4/6/18

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 #213-035-000120

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 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. Riley explained the hearing was continued to reduce impervious coverage, this is an addition but primarily remodeling. Staker – noted the driveway, walkway and deck will be removed. Noted additional walkway and a drive to be installed to serve the new garage. They are enclosing an existing attached garage. Riley asked if there are plans lakeside. Staker explained that was a mis-communication with Rhineberger, there is no change there. She pointed out the driveway and deck to be reduced which will reduce coverage 6.5%.
- B. Vick thanked the applicant for the changes she made. Aarestad also noted it was what they asked. Quiggle suggested a shoreline buffer across the entire lakeshore except for 25' allowed for a recreation area. She asked what the landscaping down by the lake is like. Staker – there is a rock wall and above the retaining well is a deck. Quiggle suggested the deck be removed. The impervious coverage is at 40% even with the reduction she is making. If a variance is given, they are supposed to try to get it down to the 25% maximum. Staker – stated they have reduced it and dropped it down from the 47% that exists to 39-40%. Quiggle asked if the decking was approved and was the coverage reviewed at that time? Riley felt everything lakeside is old. The garage addition was the most recent. Staker felt everything done has been approved. Riley stated he could only speculate when the garage addition permit was given, the deck was probably similar as today and very close.
- C. T. Larson stated he is the applicant's father and on the Lake Improvement Association Board. The Board does get copied on all variances and care about the lake. They are working on getting improvements for buffers; are encouraging owners to do this for long-range improvements. They are not adding anything with this request, but taking away. Quiggle asked if the retaining walls are necessary. Staker noted these are boulder walls, described the height and assume they are necessary. They had removed a lot of decking along the beach after they purchased the property.
- D. Riley noted on a 1993 site plan, there was deck. Quiggle natural vegetation is better for the lakeshore. They would need to work with someone from SWCD. Staker – they are not increasing the footprint of the house and improving by 6.5% of impervious coverage on a small lot. It will be landscaped up front instead of concrete. Using the site plan, she outlined what is coming out. Vick asked Quiggle, if she is asking for a rain garden in that location? Quiggle – not sure if there is room for one. Riley the house is guttered. He explained this part of Halsey the garages are up near the road. These are small lots.

- E. Vick would prefer to see her do this, rather than the existing driveway. Quiggle agreed, just trying to determine what improvements could be done. Jones – felt the applicant and her father are eventually going to make these improvements. Staker – agreed eventually can be done, but it will be better with this driveway removed.

- F. Vick – moved to grant a variance according to Exhibit “A”, held on file 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 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%. Condition: Removal of the driveway outlined to reduce impervious coverage down to 40.7%. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **WAYNE A. NELSON**- New Item

LOCATION: 2425 20TH Street SE – Part of Gov't Lot 4, Section 16, Township 119, Range 25, Wright County, Minnesota. (Dean Lake – Rockford Twp.) Tax # 215-100-162102

Requests a variance of Section 155.006, 155.008(B)(1), 155.026 & 155,049, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow replacement of the existing 16' x 22' detached garage that is 12' from the edge of the road right-of-way and 8.5' from the side property line with a new 24' x 26' detached garage 12' from the road right-of-way and 5' from the side property line at the closest point. Existing impervious surface coverage is at 32.4% and will increase to approximately 33.4%.

Present: Wayne Nelson

- A. Riley presented the location map of the lot on the northeast side of Dean Lake, a survey includes calculation of the primary and impervious coverages. Pictures displayed show the existing small garage to be replaced with a larger garage in a similar location. The impervious and structure coverages were reviewed. The history of the property is the garage is right off the road, and a sidewalk puts it over 25% impervious coverage. The setback does not seem to be of particular concern as it is being replaced in a similar location and Township approves. Coverage is the big issue.
- B. Nelson – stated a gravel area is where he stores a boat. There is some bituminous driveway, but the garage will be over that area. These lots are so small and are all overbuilt. Noted the access easements on one side will never be built on because other owners have access to the lake over those.
- C. Aarestad – is satisfied, the setback does not seem to be a concern for snow plowing, since the Town Board has approved. The impervious coverage is only increasing slightly and it appears there is a nice buffer.
- D. Quiggle noted Dean Lake is an impaired lake, there is excessive nutrients in storm water runoff. Nelson explained he does the lake monitoring for the lake. All the tests show this is from agricultural runoff and he explained test results show this. There is less impact from the residential lots as sewer systems are being replaced. Quiggle stated the impervious coverage adds to the increase and he is already over what is allowed. They are going from a 352 sq. ft. to 624 sq. ft. garage. She questioned the bituminous down from the house. Discussion on the impervious. Nelson – noted a garage that will be removed because it is in disrepair. He has four vehicles he is trying to store, two in the garage and two other parking spots for other vehicles and a boat. He lives here year around. Quiggle would like to see at a minimum, the increased size of the garage match the amount of hard cover being removed. Riley – this is 190 sq. ft., and it is very close with what he has indicated he is removing. Nelson – explained how the garage has to be elevated and he will take care of the low area. Explained how the lot drains and that it goes in the direction of the grassy easement.
- E. Vick would suggest re-orienting the garage with the doors designed with a back door out the other side to drive a boat through. He felt there may be a way to meet all the setbacks. Remove some of the bituminous. Nelson if there were only two vehicles it might work.

- F. Aarestad moved to approve a variance of Section 155.006, 155.008(B)(1), 155.026 & 155,049, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow replacement of the existing 16' x 22' detached garage that is 12' from the edge of the road right-of-way and 8.5' from the side property line with a new 24' x 26' detached garage 12' from the road right-of-way and 5' from the side property line at the closest point. Existing impervious surface coverage is at 32.4%. Condition: According to the Exhibit on file that shows removal of the small bituminous pull-in and the impervious coverage to be very close to 32.4% that exists. Quiggle seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **GREGORY M. OLSON** - New Item

LOCATION: 1362 20TH St. SE – Part of W ½ of NE ¼; Part of the SE ¼ of the NW ¼; & E ½ of SW ¼ all in Section 8, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-081200/-082401// -082400/-083400
Owners: Applicant & Kiernan

Requests a lot line adjustment as regulated in Section 155.026(2) & 155,048, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to attach approximately the north 20 acres from the Kiernan property (Tax #215-100-083400) and a previously approved 10 acre parcel (Tax #215-100-082400) to the Olson property (Tax #215-100-081200 & 082401). Remainder of the Kiernan property to have the dwelling and one additional “entitlement”.

Present: Greg Olson

- A. Riley explained the lot line adjustment proposed by using a site plan on an air photo. Reviewed the ownership of the parcels, that include 20 acres, and area to the west to be added as restricted land, no entitlements going to Olson. The remainder parcel owned by Kiernen will keep the “entitlements”.
- B. Quiggle – looks like wooded land and asked if the tillable will remain? Olson – right. He noted there is a 7.5 acre field on the west side.
- C. Aarestad would agree to the adjustment. Noting by attaching parcels they will avoid landlocking parcels when it is combined under one tax number.
- D. Vick noted the Town Board has approved.
- E. Jones asked if the owner is able to combine tax parcels. Riley explained if the Auditor cannot, they will have to sign an Administrative Order.
- F. Aarestad moved to approve the lot line adjustment as regulated in Section 155.026(2) & 155,048, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to attach approximately the north 20 acres from the Kiernan property (Tax #215-100-083400) and a previously approved 10 acre parcel (Tax #215-100-082400) to the Olson property (Tax #215-100-081200 & 082401). Remainder of the Kiernan property to have the dwelling and one additional “entitlement”. Condition: Parcels to be combined under common ownership and one tax parcel, or the owner is required to sign an Administrative Order. Quiggle seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **BRIAN A. JOVAN** – Cont. from 3/2/18

LOCATION: 3394 Edmonson Avenue NE – Part of the N ½ of the SW ¼ Section 13, Township 120, Range 25, Wright County (Buffalo Twp.) Tax #202-000-133202 & -133204

Requests a variance of Section 152.027(A) 155.028 Chapter 152 & 155.026 Chapter 155 of, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow construction of a 40' x 72' (3018 sq. ft.) building that will house horses, 55 ft. from the side property line and 112 ft. from a designated wetland.

Present: Brian and Ashley Jovan

- A. Riley noted the hearing was continued for a better analysis of the wetlands. Tracy Janikula, Feedlot Program Administrator, who made a site inspection and is present and can give advice on the location and the topography.
- B. Janikula – was out to the property after the snow melted with Rhineberger. She noted the area not cleared for the building is well vegetated, some trees were cleared and will work well for pasture. The building has been shifted around to increase the setback from the wetland. It is at the location on the site plan, the elevation and approximate setbacks are shown. It was too wet and muddy to measure at the site, but can work with the numbers the applicant gave them. She suggests they reduce and limit horse numbers to three so the rest of the property can be maintained properly. Talked about manure storage area which has a concrete floor. Because the horse manure is dry there would not be runoff issues if left on the ground. He plans to use the manure in gardening and compost it. She pointed out the two parts in the storage unit allows for turning and composting the manure.
- C. B. Jovan – received quotes to see what the excavating costs would be to move the building further back from the wetland. The neighbor was okay with a 55' setback from the line but can shift the building to 60-65' from the neighboring property line. Made sure the storm shelter is accessible by all three pastures to make sure the pastures are maintained. Talked with Wetland Manager, Green, to make sure the wetland will not be negatively impacted by having the pasture here. Once the building goes in they will rotate the horses and keep cover. They had put in silt barrier when he was removing trees to make sure nothing got into the wetland. He has drawings to show where the fencing is going. Aarestad asked where the building is going in relation to the first site plan. B. Jovan – presented the site plans to show the changes. This leaves a better buffer of land from the pasture and fence line. Two pictures were also presented to show a panoramic view.
- D. Quiggle stated she would like to see the number of horses reduced from five to three and that would bring down the size of the structure. Asked if a berm would be a good idea while they are excavating. B. Jovan stated Andrew Green had indicated a berm would not be advised because it would hold back water. Quiggle questioned why the BMP were discussed and what was that for. B. Jovan stated that had to do with rotating the horses to keep the pastures green and not over grazed. Janikula – the area to the north, closest to the wetland would be reseeded so that area with the steep slope would not be part of the pasture. Water coming off the roof would have an area to soak into. Quiggle what would the dimensions be if they reduce the barn from five to three stalls. B. Jovan indicated he would prefer this size to give them additional storage. Quiggle reducing it would prevent a

future owner adding stalls. A. Jovan explained the area would be used for a tack room and larger area is where their dwarf horse will be housed. This animal does not go out to pasture. Discussion followed as to how the interior space could be modified for the three stalls, area for the miniature horse, tack room, bob cat and hay storage. B. Jovan – they have put a lot of money into these plans; but indicated they would agree to limit the number to three stalls, but they also want to keep the rescued miniature pony. They plan to rotate the horses between the three pasture areas so they are not over grazed. A. Jovan – stated she rides with her two daughters. Quiggle stated the interior layout should be re-configured. She would agree the miniature horse could be kept but not replaced once it is gone and the number of horses capped at three. Discussion on maximum number of animal units the Board would allow. Aaresad suggested a sunset on the pony. Janikula asked if the Board would allow a small animal unit number to accommodate the goats, geese and laying hens they saw when they were out at the site. Currently the animal units are at 3.7 and once the miniature pony is no longer there, she would suggest a maximum number be limited to 3.4 A.U. Kryzer asked the life expectancy of a miniature pony? B. Jovan stated 20 years, it is a five-year old pony.

- E. Riley stated the applicant could build this size storage building and the proposed use is why it is before the Board. He suggested they focus on the livestock and placement. If the Board grants the variance, they can set the stall number, animal units and setback requirements.
- F. Vick suggested moving the wall from the storage area over 6' toward the stalls, eliminating the bottom stall. B. Jovan explained that side is heated and would like to keep some of the hay there. In addition, hay would be stored in back where the bobcat would be kept. He would like to keep the building size, eliminate one stall and keep the pony in the 12' x 18' area. Vick noted keeping the size down was suggested because they cannot police it later. Vick is satisfied with the modifications made.
- G. Aarestad recapped what the applicant plans are for the manure management and brought the number of animals down; therefore, he is satisfied with leaving the building the same size. Subject to the animal units suggested by Janikula.
- H. Aaresatd allow a variance of Section 152.027(A) 155.028 Chapter 152 & 155.026 Chapter 155 of, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow construction of a 40' x 72' (3018 sq. ft.) building that will house horses, 55 ft. from the side property line and 112 ft. from a designated wetland. Condition: Number of animal units set at 3.7 animal units, with a sunset for the pony and 3.4 when the pony is no longer there. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

7. **BRUCE W. URBATCH**- - New Item

LOCATION: 12537 Estes Avenue NW – Part of Gov't Lot 3, Section 32, Township 122, Range 26, Wright County. (Limestone Lake - Silver Creek Twp.) Tax #216-100-322307

Requests a variance of Section 155.026 and 155.057(E)(1)(b)2.Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow replacement of the existing 1,284 sq. ft. one-level cabin that is 30.5' from the ordinary high-water mark of the lake with a new 2,164 sq. ft. one-level dwelling, with a 1,184 sq. ft. attached garage and 72 sq. ft. open porch 75' from the ordinary high-water mark of a Recreational Development lake.

Present: Bruce Urbatch and Bernie Miller, site evaluator

- A. Riley – reviewed the boundary survey on Limestone Lake and elevation survey. Proposed site plan was displayed. This is a deep lot.
- B. Urbatch stated they have a 1300 sq. ft. seasonal cottage and want to retire here and replace it with a year around one-level home. The current structure is 30' off the lake and they are proposing 75' back. The two-stall block concrete garage is what they are trying to work around. There is 36' between the existing garage and new attached garage to give him room to back out and turn to get out of the garage. If he moves back it would only leave 13' between and that would not be enough space. Photos of the property show the trees they are trying to save. They will lose some trees, but they are trying to preserve the larger ones.
- C. Miller reviewed the site plan and responded to Jones inquiry about impervious coverage. The existing is 6.4% and proposed 16.1%, noting much of this is taken up in the driveway with such a deep lot. Building percentage is 2.6% and going to 6.5% which is small. They looked at repositioning, but as mentioned the trees make it difficult. Riley displayed photos to show the setbacks in relation to the neighbors on either side. Urbatch felt at 75' they will be in line with the neighbors. Miller noted considering the topography, this is right at the ridge. The property is very flat from the top of the bank, 20' back. Drainage does not have to go toward the lake and will be an improvement.
- D. Vick likes the fact this is moving back from the lake from the existing house. Will listen to Quiggle's comments on rain water management.
- E. Aarestad – asked if the backup area for the attached garage can be switched to back the other direction (south). Riley used the map to show what is being suggested. Urbatch - could, but did not think his wife would agree. Aarestad – if they move the house back is there an issue for the septic tank, sounds like the driveway is the issue. Thought modifying that area would allow them to move the house back 10'. Urbatch said they are trying to save a large tree and the existing garage he wants to keep. Miller noted the type of trees. Aarestad – would like to see it moved back, noting the Township had wanted a 100'. Riley corrected that statement, noting the response on a vote of 5/2 approved the plan. Aarestad would like an improvement on the setback of at least 5-10'. Urbatch reviewed the distances and improvements they have made. Miller –explained can't move to the south because there is a hill and drainage area is maintained. He felt there is room to move some, but not sure 10'.

- F. Quiggle – does not see any practical difficulty except for an existing garage, they are building a three-stall garage. Why keep the existing storage building, they can put a storage building at another location. Jones asked is the storage building moveable? Urbatch – no it is all concrete. Discussion followed about what the Ordinance allows for storage. Quiggle – noted the size of the lot is about 1.5 acres. Riley noted the attached garage is not included in the maximum 2400 sq. ft. in storage buildings. Miller the back part of the property is heavily wooded. Urbatch stated yes, all pine trees in back. Riley the Board could set the lake setback and it would be up to the applicant to decide if he wants to redesign a turnaround or a storage building. Quiggle – she is having a hard time justifying the lake setback variances. There is a mix of lake setbacks and the Board should decide whether it should be 75’ or 100’.
- G. Aarestad it is hard to approve without a hardship and then face the next applicant. He suggested they take some time and look at how they can move this back and try to get closer to 100’. Urbatch agreed may be able to improve to 80’ and still maintain the turn around, but will require removal of a couple more trees. Miller – noted every bit they lose will make it harder. Asked how the Board reacts to 80’. Aarestad and Jones did not think that is enough. Quiggle noted the compaction during construction could also damage trees, there could be a storm that would take out. Vick addressed the improvement on the setback and thought it could be improved by another 10’ or so.
- H. Jones – the Board has indicated there is room and not a hardship and asked if they wanted some time to redesign and come back. Urbatch – neighbors are at 30’ from the lake and understand the concern about precedence but these places exist. Quiggle when they rebuild they will have to meet setbacks. Aarestad a couple houses over in both directions are setback pretty far. Miller –several are also at the 50-75’ setback. Quiggle – each property has a different situation. Riley stated he could look at those to see what the history is. Miller – Krutch got a variance last year at 75’. Quiggle and that lot is different. Miller agreed there can be different circumstances. Vick observed that it is the garage creating the main problem. Urbatch asking to keep that for winter storage of items. Urbatch agreed to a continuance.
- I. Quiggle moved to continue the hearing to June 1, 2018 meeting.
Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

8. **WILLIAM & TELARI BOHRNSEN** - New Item

LOCATION: 5476 Brighton Avenue SE – W ½ of NE ¼, south of river except tract described on Doc #510187, Section 32, Township 119, Range 25, Wright County, (Crow River – Franklin Twp.) Tax #208-300-321300/321301 Owners: applicant & Rose

Requests a lot line adjustment as regulated in Section 155.026(2) & 155,048, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to add approximately 20 acres from the Rose parcel (Tax #208-300-321300) to the Bohrsen parcel (Tax # 208300321301), creating a 25 acre “entitlement” division.

Present: Bill Bohrsen and owner Cathy Rose in the audience

- A. Riley using an air photo reviewed the property location along the river, the previous division with the existing home and proposed adjustment. Some miscellaneous buildings and ag operations would remain on the balance of the land. The remainder parcel is separated by the previous division and access strip along the road. The balance of the land would be restricted.
- B. Jones the property is AG and questioned the potential for development in the Land Use Plan. Riley – stated this is designated “Resource Lands”. Quiggle asked if there is tillable or just low or wooded? Riley noted the air photo shows this.
- C. Aarestad is familiar with the property and the adjustment won’t change the use, so does not have a problem with the adjustment.
- D. Quiggle agreed, but asked if the non-contiguous is also The access or use would not be limited by the adjustment. Riley noted it is all one contiguous property now, but the adjustment proposed would split the property and access would have to be from the road. Bohrsen stated there are multiple access points. Quiggle hearing that she would not have a problem with it.
- E. Vick – asked about the area outlined in yellow. Riley explained and Vick stated he has no problem with the adjustment as shown on the exhibit.
- F. Quiggle moved to grant lot line adjustment as regulated in Section 155.026(2) & 155,048, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to add approximately 20 acres from the Rose parcel (Tax #208-300-321300) to the Bohrsen parcel (Tax # 208300321301), creating a 25 acre “entitlement” division. Condition: The parcels to be combined on one tax parcel by the Auditor’s Office and if that cannot be done, an Administrative Order be signed. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Jones called for a five-minute recess.

8. **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 within campground that are less than 30 ft. from the side and 50 ft. from the rear property lines; and lake setback variances for 7 units and associated structures that are less than 100 ft. from the ordinary high-water mark of the lake with the closest being 50.7 ft. Also requests variances for future setbacks of new units and accessory buildings 3 ft. from the property lines and 50 ft. from the ordinary high-water mark of lake.

Present: Rachel & Rod Huls; Shane Suchy

- A. Riley summarized the property has a legal non-conforming use that dates back decades. The property is zoned S-2, has a State permit for a camp ground. There has been some re-organization over time and went from a KOA Campground to a co-operative, with people buying ownership in a lot and adoption of by-laws. The request before the Board is for variances for existing structures and address what can be done. A site plan was displayed to show structures exist. The air photo displayed shows the campgrounds is split by the County Road, with some sites are on Cokato Lake. Deferred to the representative to explain what they are trying to accomplish.
- B. R. Huls – they want this to be a good place for people to come and have been working with the County the last couple years. They have an architectural committee and want to be sure they are working together. Have talked about decks and sheds and it was pointed out that some are too close to the setbacks all the way around. They have provided a survey that was requested to make a request for variances.
- C. Jones asked how many structures would be affected and what is the lake setback. Riley stated there are six primary structures down by the lake and smaller sheds sit on the lakeside. Quiggle asked if those could be considered water-oriented structures. Riley – the campgrounds has a marina and they are only allowed one water-oriented structure. This is one single property as shown on the air photo. The setbacks for this size parcel and zone would require a 30' from the side and 50' from the rear yard. Noted the campground is surrounded by farmland and there is a well-maintained tree buffer. If these were residential lots they could have sheds but would have to meet setback. It would be more of a concern this close and it would have been laid out differently. Quiggle asked if some of these are over the line. Riley stated yes
- D. Suchy – the architectural committee has looked at these and they went around and asked parties with sheds right on the line to move them off the line. However, 30' would put those sheds way out and is the reason they are asking for something closer. They are policing it. Riley stated the lake has a 100' setback. Quiggle asked where the ordinary high-water mark (OHM) and how deep are the lots. Suchy pointed out the OHM and the six lots along the lake. The distance from the road to the OHM was reviewed. Suchy

responded to Jones that there has not been any flooding. Quiggle suggested they could establish a setback from the road. R. Suchs stated these structures are moveable. Quiggle noted everything is supposed to be moveable, some could meet a setback. R. Suchs is concerned they leave enough room to park. Suchy – could the Board state they move it back as far as possible. The campers have been there for years and they are trying to work with the Board on what it can be. Quiggle noted parking needs and where is overflow parking for guests? Suchy across the road. Jones – asked if others were moved to 3' off the line? Suchy – had first thought they would address the east side, but after seeing the survey wanted the entire property reviewed. R. Huls – noted open space for fire vehicles must be maintained.

- E. Aarestad suggested a site visit, but would not be able to go out in May. Riley reviewed the time frame that would allow delay, but a decision by July 31. Applicant indicated there was not a hurry and Board concurred, they would hold a site inspection after the June meeting. Aarestad – thanked the representatives for being pro-active.
- F. Aarestad moved to continue the hearing to July 13, 2018 for a site inspection prior. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 10:50 a.m.

Respectfully submitted,

Sean Riley
Planning & Zoning Administrator

SGR:tp

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