

**WRIGHT COUNTY BOARD OF ADJUSTMENT**

**Meeting of: May 24, 2019**

**MINUTES - (Informational)**

The Wright County Board of Adjustment met May 24, 2019. in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, John Jones, called the meeting to order at 8:30 a.m. with the following Board members present: Jones, Dan Mol, Charlotte Quiggle & Dan Vick. Paul Aarestad was absent. Barry Rhineberger, Planner, represented the Planning & Zoning Office; Greg Krzyer, Assistant County Attorney, was legal counsel present.

**ACTION ON APRIL 26, 2019 MINUTES**

On a motion by Quiggle, seconded by Vick, all voted to approve the minutes for the April 26, 2019 meeting as printed.

1. **KEITH SCHAUNAMAN** – Cont. from 4/26/19

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 & Steph Schaubaman

- A. Rhineberger – this is the third meeting on the request. He outlined the project and reason for a continuation was to allow for a site inspection and give the applicants an opportunity to address some of the concerns. Rhineberger indicated there has been email correspondence and discussions. The Board is looking at a proposal for a 34' x 42' storage building which results in accessory buildings over the maximum allowed by 112 sq. ft. and needs to be discussed.
- B. Vick stated after seeing the site and 32' x 42' area staked, he felt the best site for the garage addition was the area where there is a dog run. The chicken coop felt should be back behind the shed. This location will get it out of the bluff.
- C. Mol noted he was not at the inspection. Quiggle she has not changed her position on the setback, noted not only is there an Ordinance, there is specific written policy that the Board will not allow excavation or disturbance in the bluff and this request impacts both. The square footage is over, it is in the bluff. There is no substantial change since the request first came before them and the chicken coop will have to meet the minimum setbacks.
- D. Jones – agreed with Quiggle there is no adjustment to the first plan; chicken coop is way too close to the side line and he indicated he could not go along with this as proposed.
- E. S. Schaubaman they could remove the roof on the chicken coop run and with the removal reduces the square footage. They would be in compliance with the overall accessory

building with the 34' x 42'. Jones – noted that does not solve the setback issue with the coop. S. Schaunaman – that is fine, they can move it and would need another variance to move the coop into the bluff, it is all bluff back there. Vick – if they switch locations, the shed could go as close as 10'. S. Schaunaman - they want to leave the left side open. She noted the flat area that was excavated 50 years ago cannot be used. Rhineberger using the topographic map he pointed out an area where the bluff ends in the back. Quiggle – would they have to excavate to get access? Rhineberger – there is a trail they could use to get up there. The flat area they are referring to is the middle portion that is less than 18% over a span of 50'; but is an area they looked at that is less steep. Putting a structure back there is not an area where you want to bring a boat up from the lake. The green hatched area is less than 30 % but more than 18% and is in the definition of a bluff. He pointed to the area Vick was referring to that does not meet the 50' setback for the poultry building and informed the applicants they are not allowed to have roosters.

- F. Mol asked if an alternative might be to put a coop in the back of the shed with a door out. Rhineberger – then the building is a livestock building and has to meet the 50' setback. Mol- the biggest concern he has is a building in the bluff. Historically the Board has not allowed buildings or excavation in the bluff. S. Schaunaman – indicated that is what they are asking for, moving it back as far in the flat area and trying to avoid the clump of trees. The structure would have poured concrete and felt that would act as a retaining wall, not build into the bluff but next to it.
- G. Vick – the location Rhineberger pointed out on the site plan he would support, keeps it out of the bluff. Rhineberger – with no building in bluff, coop has to meet a 50' setback and meet the maximum allowed for accessory structures; then there are no variances needed. The options are for the applicant to ask to withdraw or action to deny. S. Schaunaman they would like to remove the clump of trees because they will start to grow. Contractors they have out has said with the concrete needed these must come out. Rhineberger asked if those were alive when cut? S. Schaunaman answered yes. K. Schaunaman asked if the coop could be moved in the green-hatched lines? Rhineberger – still need a variance because it is in a bluff. Quiggle asked how big? Rhineberger – calculated what is already on the property, indicated 56 sq. ft. is the largest based on the proposed storage building. A maximum of 2400 sq. ft. is allowed. Mol summarized what they are looking at. Rhineberger indicated he could mark this on the site plan and call it “Exhibit A”.
- H. Tracy Janikula – Feedlot Administrator present stated the 100' setback from a well cannot be varied. Rhineberger pointed out where the possible locations would be. Mol if the coop is up on top and use the trail to get there, no variances will be needed. Board concurred they were not willing to grant variances to the bluff and side lines. Rhineberger indicated there is room up there for it.
- I. K. Schaunaman – hearing the conclusion, he stated he would withdraw the request.
- J. Mol moved to accept the applicant's request to withdraw the petition. Quiggle seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **FRANK LUSHINE**– Cont. from 4/26/19

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: Bernie Miller, of WRM Services

- A. Rhineberger – reviewed the continuation was for information on the sewers. The surveyor found an easement for the neighbor’s sewer that is over the line. The adjustment of existing property lines between Lot 3 & 4 (lakeside) is before the Board and involves an easement for one system. Two homes were noted and the systems were found compliant. Lot 4 and part of the vacated road was noted. There will have to be a new easement for one of the applicant’s existing sewers that will be over the line. The cabin on Lot 4 has been lifted and moved and construction of a new house will replace it. He noted there is a jog in the proposed side line to meet the setback required for the new home. The rear lot has a cabin and sewer and it is its own separate lot. Additions to the dwelling have been started without permits on the north lot (Lot 3).
- B. Kryzer questioned why create a lot that needs an easement for the sewer. Appears that could create future problems. Quiggle added according to the Board’s policy the sewer must be on the lot with the new dwelling. She read the policy and asked if the sewer is on the back lot would that make it unbuildable? If the sewer is on the backlot, would that not make it non-saleable? Rhineberger – noted there is new State Statute since that policy was adopted. Kryzer – asked Miller why the owner is setting it up this way. Miller – explained the current sewer locations and what could be found on record for easement after title work was done that goes up to 20’ of lake. It was found these neighbors don’t have an easement. It is suggested the existing written easement be re-written because of the scope of it. The north lot has no room for a new sewer and the adjustment gives a large area to the back of it. The newest sewer is on the backlot with room to put another sewer on the back lot. The house location was noted. He noted another option for the new house could be connected to the sewer on the backlot. Kryzer – clarified that what Miller is saying is the new adjusted Lot 3 will have room to have an alternate sewer. Miller – indicated yes, it would not have to be a permanent sewer easement. He looked at this from the aspect of sewers and the plan seems to be the cleanest way. If they decided on an outlot to provide room on the back lot, they could design a sewer back there also. It is possible a sewer could be replaced on the same lot.
- C. Mol asked if the additions without permits will be compliant with the new lot line. Miller, he has not seen them, the way it was explained to him is it will be 15’ from the line as drawn, he understands the Board may have to address those separately.

- D. Quiggle – asked for a clarification on Lot 3 that has a sewer on proposed Lot 4. Rhineberger noted the location might be over. There is not an easement on it but will be written. Quiggle – there is an alternate site available for sewer as the lot line adjustment is proposed. Miller confirmed that by pointing it out on the survey. Quiggle – asked why they cannot do a lot line adjustment to include the sewer on the backlot which becomes a part of Lot 4. Rhineberger this is an existing situation and proposal is not affecting the Outlot; they do not have to combine at this point. He explained due to its size and amount of road frontage, a potential subdivision is possible through the Planning Commission and is no different than existing situation. Easements for sewers are allowed. Quiggle questioned even though there is Board policy that the sewer must be on the same lot. Rhineberger – explained the policy may be out of date with the new State Statutes.
- E. Vick questioned the lake setback and if the new addition meets that? Rhineberger stated it is a 75’ setback and the applicant has to come back and make a new application. Vick – the adjustment as explained makes sense.
- F. Vick moved to grant a lot line adjustment according to Exhibit “A”, held on file t 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. Condition: Easements are to be recorded and the variances must be applied for additions to the cabin currently under construction as soon as possible.  
Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **HOWARD L. BREMMER** – Cont. from 4/26/19

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 – summarized the previous hearing which was continued for Town Board review. Town Board response was received and indicates approval if the addition stays on the hard surface and no further additions are allowed.
- B. Vick asked for clarification on the driveway length and parking locations. Rhineberger noted the road setback and road is centered in the road right of way. Bremmer stated there is plenty of room to park in front of garage. Rhineberger estimated 30' out of the r-o-w.
- C. Mol indicated he could support the variance if the township approves. Quiggle asked if there was a response from the County Highway? Rhineberger stated no response. Quiggle stated she supports this if the Town Board and County Highway have no objection. Rhineberger – when the bushes fill out in the summer it provides a good buffer. The condition could be added to approval.
- D. Jones asked for public comment, hearing no response, returned to the Board for action.
- E. Mol moved to approve 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. Condition: Maintain the existing vegetation along the road to provide a buffer. Reasons: The Town Board approves and no response was received from the County Highway Department. Quiggle seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **WILLIAM J. UTER** – New Item

LOCATION: 5588 20<sup>TH</sup> Street SW – Part of SE ¼ of SW ¼, Section 7, Township 119, Range 26, Wright County, Minnesota. (Marysville Twp.) Tax #211-000-073402  
Property owner: Merryville Farm

Requests a variance as regulated in Section 152.027, Chapter 152; 155.026 & 155.48(F)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow to expansion of an existing non-conforming structure for a dairy barn addition 26' from the neighboring (side) property line and 45' from centerline of town road. Proposed addition will be in line and not going closer to road.

Present: William Uter

- A. Uter explained the proposal is to add 12' to the east end of barn for robotic milkers. Photos were provided for the insulated addition. Rhineberger noted in 2015 the Board allowed a variance and reviewed the setbacks. The addition would be in the same line and extend to the parent's property. The plan shows the addition which he displayed and another office expansion on the north end. New construction would not be as high as the existing building. Town Board approved because it is not going closer to the road.
- B. Quiggle indicated she reviewed the Board minutes from the variances given in 2015. The only potential problem could be that they are getting closer to the parent's property line. Uter stated he now has a purchased that adjoining property. Based on that, Quiggle agrees.
- C. Vick had no concern.
- D. Jones opened the hearing for public comment, hearing no response asked for Mol's comment.
- E. Mol – understands the need for the addition asked if Janikula could address the herd and manure management. Tracy Janikula, Feedlot Administrator, the animal numbers will not increase and practical difficulty is that they cannot go west because of a lake. The cow location was noted and how the flow has to move to the milkers. Nothing is getting closer, they are taking some stalls out for the gathering area. It is a management issue. Mol by giving the variance is not going to impact manure or runoff. Janikula stated the manure management will not change and pointed out the facilities.
- F. Uter – stated the difficulty getting help and hopefully these improvements will help.
- G. Quiggle moved to grant a variance as regulated in Section 152.027, Chapter 152; 155.026 & 155.48(F)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow to expansion of an existing non-conforming structure for a dairy barn addition 26' from the neighboring (side) property line and 45' from centerline of town road. Proposed addition will be in line and not going closer to road. The applicant has indicated he is in the process of purchasing the adjacent land.  
Vick seconded the motion. VOTE: CARRIED UNANIMOUSLY

4. **JOHN T. PETERSON** – New Item

LOCATION: 221 - 33<sup>rd</sup> Street NW – Lot 3, Block 2, Aqua Land Acres, according to plat of record, Section 13, Township 120, Range 26, Wright County, Minnesota. (Varner Lake – Maple Lake Twp.) Tax #210-012-002030

Requests a variance of Section 155.026 & 155.049(F)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow construction of 24' x 28' detached storage building 55' from centerline of town road.

Present: John Peterson

- A. Rhineberger reviewed the property location and explained the parcel is only 1.1 acre above the ordinary high-water mark of the Recreational Development lake. The proposed garage measures 24' x 28' and 55' from the centerline of town road. The road is asphalt and in the proper location within the right-of-way. Garage meets the side yard setback and there are no issues with lot coverage. Maple Lake Town Board approves.
- B. Site plan was viewed to show the location and Rhineberger noted the access comes off an existing asphalt driveway. No storage is planned above the garage. The pine trees on the lot should adequately block the view of the garage from the road.
- C. Jones asked the applicant and for public comment, hearing no response returned to the Board.
- D. Vick – stated it appears they are proposing the garage in the only available spot. Mol – they are only looking at one variance and the Town Board agrees. There are trees that will screen the structure. Quiggle was in agreement as long as the Town Board had no objection. Jones concurred with these sentiments and called for a motion.
- E. Vick moved to grant a variance of Section 155.026 & 155.049(F)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow construction of 24' x 28' detached storage building 55' from centerline of town road. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **CHRISTOPHER J. WOTHE** – New Item

LOCATION: XXXX Greer Avenue NW – Lots 10-15, Block 2, Maplewood Shores Addition, according to plat of record, Section 25, Township 120, Range 27, Wright County, Minnesota. (Mud Lake - Albion Twp.) Tax #201-020-002110 & -002130

Requests a variance of Section 155.026 & 155.049 & 155.057 Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow expansion of 14' wide detached garage to 24' that currently is 140' from the Ordinary High-water Mark of a Natural Environment lake. Proposed expansion will decrease the lake setback to 130', measured from the Ordinary High-water Mark of lake.

Present: Christopher Wothe

- A. Rhineberger reviewed several old lots of record on a backlot, a couple of which are owned in common and the lake classified as Natural Environment. The cattails were noted and the best estimate for the combination lots that cannot be sold separately is 43,480 sq. ft. Proposed expansion of an existing garage will be a total building size of 24' x 32'. The variance is 140' from a Natural Environment lake and explained how he determined the setback without requiring a survey. There is an extensive length of cattails to open water; but based the assumed Ordinary Highwater Mark on the ring of cattails. The air photo was viewed and noted there is someone else's property between. The fence is about 40' behind where the garage is. The building location will not require much clearing. Town Board approval was received. This has a 4:12 roof pitch.
- B. Kryzer – is this an addition or tear down? Wothe – it will be torn down and replaced, plans to extend the concrete slab. Rhineberger – this location requires the least amount of tree removal. Wothe – stated no tree removal, some earth work for additional cement.
- C. Mol – this sounds minimal and only adding 10' to the existing side.
- D. Jones – opened the hearing for public comment.
- E. John Uecker – Town Board was surprised there were lots back there, thought these were an extension of the lots lakeside. Rhineberger – reviewed the State Statute. With the road between, the law allows them to sell them separately. Wothe – he originally purchased two parcels. Rhineberger – stated possibly two tax parcels, but four platted lots.
- F. Uecker – asked if this is unbuildable? Rhineberger - is uncertain, they have to prove a Type I sewer can be installed and meet all the setbacks and then the County could not deny a permit. Uecker – they are so small the Township did not think anyone could build back there. These are only 50' wide. Rhineberger displayed a sketch to show all the setbacks, a small home might be possible if soil tests pass for a sewer.
- G. Quiggle – this is large variance, but considering the large area that is bog she is ok

- H. Vick – the building was there when you bought the property? Wothe confirmed it was.
- I. Mol moved to grant a variance of Section 155.026 & 155.049 & 155.057 Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow replacement/expansion of 14' in the total width of a detached garage to 24' that currently is 140' from the Ordinary High-water Mark of a Natural Environment lake. Proposed expansion will decrease the lake setback to 130', measured from the Ordinary High-water Mark of lake. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **DALE F. KASPER** – New Item

LOCATION: That part of 89 acres lying east of Hoyt Avenue NW - Part of the SE ¼ of NW ¼, & the S ½ of the NW ¼ of the SW ¼, except the N ½ of SW ¼ of NW ¼, Section 35, Township 120, Range 27, Wright County, Minnesota. (Albion Twp.) Tax #201-000-352400 Property owner: Jost

Requests a variance of Section 155.026 & 155.048(F)(4)(3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow that part of the farm lying east of Hoyt Avenue NW to be split in half, each to be approximately 14.8 acres and each assigned one “entitlement” leaving the land west of Hoyt Avenue restricted AG land. This is an adjustment and expansion of the previously approved five-acre “entitlement” division. Proposed divisions result in more than 2.5 acres of prime farmland.

Present: Dale Kasper; his agent, Dave Perry; property owner, Wendy Jost & Twp. Supervisor John Uecker

- A. Rhineberger reviewed two “1 per 40” variances and divisions and a remainder north parcel of 29.5 acres that also was assigned an “entitlement”. These “entitlements” for the farm were previously designated and he showed what is on record and “marketable”. Applicant is asking to readjust the lines with one of the lots previously approved and the remainder parcel into two 14.8-acre parcels that both include more than 10 acres and 2.5 acres of tillable land. Lots meet road frontage requirements; but noted a lake district and pointed out what is considered lake (water) that restricts the entire parcel from having any livestock. Approval was received from the Town Board.
- B. Perry – stated they had Kubasch out to the site for soil borings and he determined both sites would have a primary and alternate sewer sites.
- C. Jones opened the hearing to the public. John Uecker – Town Board Chair- state the Township is conflicted, they are trying to preserve ag land. The applicant came before the Town Board last month and had sent in approval. Then, discussion followed last Tuesday about the goal of preserving agricultural land and questioned if this would set an undesirable precedent. Are uncertain if this is the right thing to do. He recalled the original intent was to move entitlements to this side of the road and deed restrict the west side which Jost owns. A house on the south end seems to fit. Uecker – indicated hesitation to take back their approval. Rhineberger received an amended motion that the 14.8-acre parcels be further restricted from any further divisions. If approved, he noted buyers should be aware they cannot make a mortgage split, will have to finance the entire 14.8 acres. Uecker – there is some low land, so the house cannot go anywhere.
- D. Vick – noted a previous meeting he had concerns on a request and they made that applicant scale the size of the lot down.
- E. Uecker – noted the size of equipment used these days make it difficult to farm.

Rhineberger – even with what was originally approved there are a lot of turns to farm around. Noted if they leave the large parcel, nothing would restrict someone from putting a house in the middle of it. Vick noted a 24- acre parcel could be farmed, however.

- F. Perry –explained the neighborhood has already been split up in similar size lots. He pointed out two parcels that are 13.9 acres; another 10 & 9.5 and a 37 acre parcel. The northerly lot is over ten acres and has more than 2.5 acres of tillable land. This is not out-of-character for the area. Jost moved the entitlements here to preserve the best tillable land. In the middle of this parcel are highly-erodible soils.
- G. Mol – asked what is the Land Use Plan designation. This would not stop someone from coming back to rezone. The ten-acre size keeps it consistent with what is allowed for instance an A/R. Perry – the Township has put a restriction of no further divisions. Mol- that does not stop someone from asking for a rezoning. Going over the limit on the tillable acres and larger than 10 acres are two variances needed. The Planning Commission has seen this happen in other parts of the County. Rhineberger- felt the most likely residential zone for an area like this is A/R and proposal would not allow subdivision in that zone, however, leaving 29.5 acres they might get additional lots. Mol – noted this end of the County is not getting the same pressure for development, but it can happen.
- H. Quiggle – understands what Mol is saying, had been swayed by the arguments made earlier. With the size of the machinery used today, it does not seem practical to break off a small amount of tillable land and farm it. Kasper – if you put a house the middle all the tillable land would sit in front of it. Rhineberger – this should have come before the Board originally because they were putting the entitlement on the 24 acres. Could look at a remainder of 35 acres after an “entitlement” is broken off. Mol – another way to look at this is a larger parcel would allow house, horse barn or steers, although setbacks could be an issue. Rhineberger this situation is different because of the water restrictions. Perry – based on his discussion with the Feedlot Administrator the property is severely limited by the NE lake and horse units would drop down to just a couple. Rhineberger- cattle and pigs would not be allowed because of the shoreline that extends to the road.
- I. Uecker – he is looking for a density of “1 per 20” to come through. Noted a development where they required three homes in the development before the road is accepted. He felt the eastern side of the County will open up and they may see this change.
- J. Perry explained buyers are not interested in a long driveway with the existing flag shaped lot. The original configuration has not been easy to market and it is in between 2.5 – 5-acre parcels that seem to be what people want. Vick- but what exists is buildable. Perry agreed they are both buildable sites. Vick – explained what he struggles with is trying to stay consistent and a recent decision. Rhineberger – explained how the two cases might be viewed different.
- K. In response to Mol, Rhineberger displayed the aerial photo to show development and lot sizes in the immediate area. Rhineberger explained an adjustment made for the original two “1 per 40” entitlement divisions that were approved. Uecker questioned the original

120-acre farm. Perry reviewed the parcels and sizes in the area and stated he did not point out smaller parcels.

- L. Mol – they already have the two “entitlements” there and not concerned about encroachments on feedlots or the water behind. He does not approve taking farmland out, but considering the swamp in back and the lake beyond he was convinced. He is in the agricultural business and supports protecting farmland and tries to stay consistent. He would agree this makes sense and is large enough to have a horse. Rhineberger – in that regards, nothing changes if the lot were divided exactly 10 acres.
- M. Jones – asked Uecker if he sees this starting a trend of lots of this size down the road. Uecker – no does not foresee that. The largest parcel across the road would be sold as tillable land.
- N. Quiggle moved to grant a variance of Section 155.026 & 155.048(F)(4)(3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow that part of the farm lying east of Hoyt Avenue NW to be split in half, each to be approximately 14.8 acres and each assigned one “entitlement” leaving the land west of Hoyt Avenue restricted AG land. This is an adjustment and expansion of the previously approved five-acre “entitlement” division. Proposed divisions result in more than 2.5 acres of prime farmland. Condition: Subject to survey and a revised deed restriction; and subject to County Feedlot regulations; no more than one-half animal unit for horses only; cattle and pigs are prohibited. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Jones called for a five-minute recess at 10:00 a.m.

7. **JEFFREY J. PETERSON** – New Item

LOCATION: 11144 Dalton Avenue SE – W ½ of NW ¼, Section 34, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Property owner: Gerald Peterson

Requests a variance of Section 152.027, Chapter 152; Sections 155.026 & 155.048(F) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a 2-acre “entitlement” division that will have less than 150’ in width in the lot and on the road and be less than 100’ from a building that houses livestock.

Present: Jeff Peterson

- A. Rhineberger reviewed the property location in Franklin Township. The existing farmhouse is on 80 acres and the proposal is to break off 1.25 acres for a building lot. The variances needed are the width and road frontage. Proposed is 120’ wide and 70’ of road frontage. Also, consider a dwelling 80’ from a livestock building. Minimum zoning requirements for a one-acre lot is 150’ in width on a public road and 100’ from a livestock building. The division does not take tillable out of production, this is pasture land. Town Board approved the plan that they were presented with. Soil borings provided show there is a primary and alternate sewer locations.
- B. Vick asked to remedy the Township’s concerns asked if the lot could not be moved toward Dalton Avenue. Peterson – stated after talking with the surveyor, if they move a 20’ x 20’ shelter further away, they could get 150’ wide on the public road. He presented a new site plan to Rhineberger. Rhineberger reviewed the site plan presented and indicated if this is something the applicant can work with, no variances are needed and the matter can be dismissed.
- C. Peterson – agreed the new plan is what he wants and asked the petition to be withdrawn. He signed a written request to that affect.
- D. Mol moved to accept the applicant’s request to withdraw because the applicant modified the plan and a variance is not needed. Quiggle seconded the motion.

*DISCUSSION: Rhineberger informed the applicant to submit a survey so the Deed Restriction can be prepared.*

VOTE: CARRIED UNANIMOUSLY

8. **COKATO LAKE RV RESORT COOPERATIVE** – Cont. from 4/5/19

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

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

Present: Rachel Huls, Shane Suchy, Tom Kopacek & Jim Miller

- A. Rhineberger summarized the previous action and site inspection on May 13. He referred the Board to a new favorable response and minutes received from the Town Board. Updated information has been received regarding Cokato Lake after discussion on the flood plain. It was explained there was an original County appeal of a flood plain designation and a denial of that was received from FEMA. The City of Cokato has a special hazard designation and FEMA felt the entire lake should have the same designation. The “A” zone uses a 3’ above highest know water and the County Ordinance requires structures to be 4’ above the flood plain elevation. He noted this effects two units down by the lake that are “Park Models”. Requirements for these and elevations were noted.
- B. Mol asked to see the photos of each site although he was out on the first site inspection. Rhineberger displayed these to show the setback variances requested since Mol was unable to make the second site inspection. First, Quiggle asked if Rhineberger received any response from the Health Department on setback rules for campgrounds. The Health Department has a 10’ setback but did not see setbacks on accessory structures from each other. She wondered if they can vary the Health Department’s property line setback of 10’. Rhineberger – he could not address their requirements. The County can only address their Ordinances and it would be up to the Health Department to enforce theirs. Rhineberger went through each lot variance requested. Clarified that on Lot 155 they are showing 80’ from shore, but would like that verified because his estimate is 60’. The setbacks are noted on the survey along with the correlating photo of each site to show what is not being met.
- C. Jones asked for public comment.
- D. Dan Bravinder – Cokato Township Supervisor – in addition to giving the issue must study, he went to the site last night because he was unable to make the May site inspection with this Board. He gave some history of the Campgrounds, recalled the flood in 2002 which was the highest water level and was a big problem. At the time the campgrounds did not have a good drainage plan. The improvements since that time are phenomenal. The water quality of the Lake has improved substantially. Berms were installed around the fields to reduce silt going into the lake. He feels the Campgrounds is run well and the Owner’s Association is doing a good job. They get reports from the Deputies on any calls in the

Township and has never received any complaints at the Campground. The recommended timeframe is five years; but, he would suggest those units could remain there until the owners leave. This his personal recommendation and does not know how the Association feels about it. Along the east side of the campgrounds where variances are requested, to move those units to meet the setbacks would require removal of many mature ash trees. As a Town Board, they do not feel it is necessary to move these on the east side; however, ask the variances be granted. The Township has been out there several times and they feel the way it is currently run by the Association is a great improvement. In the past, the lake was brown from the silt running into the lake and they no longer see that.

- E. Paul Schilke – owns Lot 154 on the lake – if they have to abandon their lot it would be a huge financial hit and devastating to them. Had planned to sell his site soon and is not in the future. Have tried to follow the rules and originally were told a 50’ setback. Asked for consideration of their situation.
- F. Jones –felt the Association has attempted to resolve this. He would not object to leaving the units temporarily or until the lots are sold and owners leave. At that time, it is logical to move these back to what they should have been placed or as close as possible. This is a unique situation and uncertain on how it first got started. There was a missed opportunity on everyone’s part by not helping when this was originally set up. He felt they should work with the Association and as the people move on address each. Adjustments might have to be made when FEMA makes a final determination.
- G. Vick – he would agree, but suggested rather than tying it to a particular person, address each when the unit changes. Jones concurred.
- H. Quiggle – feels the burden at the time of sale would be too much of a hardship; but at the time of upgrading a unit is when they should meet the setbacks the best they can. Would need to address each of the 14 items and state what should be met. Huls – because they have a good review structure within the Association, she suggested the County let them govern it and any new structures that do not meet the County rules, they would come back before the Board of Adjustment. Rhineberger concurred, they could address it much the same way as now.
- I. Vick that would be a good remedy, however, if there was a unit flooded would it be possible the Association buy that unit out. Rhineberger – noted there are two down there. If there is a quick disconnect, the unit is on wheels and has a hookup they can be pulled out. He stated there are standards that address what a “Park Model” is classified as. In these situations, upon replacement, it would require meeting flood plain elevations and that requires 4’ higher and would be difficult to meet.
- J. Bravinder – he did not think a “Park Model” is any harder to pull out. What is the difference. Rhineberger – there are FEMA and County rules defining it. The County lost their appeal to FEMA and the Zoning Administrator is working with the DNR representative on the flood plain matters. Bravinder asked that the Town Board get copies on these matters.

- K. Quiggle – during the site visit 2 or 3 were not on the list that had issues to be addressed. Huls – owners of Site 69 are concerned because it is 8-10' off. This is a Park Model and since the survey was done a year ago, it was placed and want to make sure the placement is acceptable. This is a beautiful setting and is safe. Another site was 155 that Rhineberger referred to with the highwater that juts up into the site. The placement makes sense and is making the best use of the land. The unit is too close to the farmer's field to the south and is too close to the lake. Want to be sure that one is "grandfathered". Rhineberger a shed on the east side of the road was discussed at the site inspection. Vick noted these units have a common sewer system and questioned if each unit has flaps? Huls – yes, they govern these things and send out notices to prevent blight. Suchy – enforcement is a concern; one lot has three sheds and the owner has been informed.
- L. Mol – explained the Board has to find a hardship to grant a variance. Based on what he has seen and what is being discussed, he feels there is justification for the variances. The ones down by the lake, those owners should understand there is risk. He feels if they force moving some where there are large trees, that destroys the setting. If there is change, try to get them compliant at time of replacement. If there is a problem, such as a large tree they can come back to the Board of Adjustment. He feels it could create a hardship if they force full compliance. If an owner wants to put on a deck it must be compliant.
- M. Quiggle – the Board cannot look at these any differently than a house for a hardship. On Lot 148 there is a gazebo 37.9' from the lake, she felt that fits the definition for a "water-oriented" structure and would accept that. Rhineberger – they are only allowed one "water-oriented" structure. There is also a fish house used as a fish cleaning house, still needs a variance to stay.
- N. Suchy stated they are trying to get everything addressed and then go forward. Rhineberger – a question Mol raised was about adding a deck or Minnesota room, there should be clarification. He suggested if they are going to spend money on improvements, then it is the time to get everything in compliance. Mol – agreed every effort should be made to meet the requirements and if they cannot meet a requirement, then they need to come back to the Board of Adjustment. Huls asked for clarification when they need a building permit, deck or sun room? Rhineberger – a discussion is needed with new Building Official and two other inspectors on clarification of what will trigger a permit. Vick added, if it does not encroach any closer. Rhineberger – agreed the intent is no closer.
- O. Paul Schilke – understands the plan to change the structures to bring them into compliance. His concern is that in five years they are not going to be able to do that. Could they get a variance for the future so they don't have to come back? Rhineberger – the problem is a future Park Model size may not be the same. Schilke – the standard size is a 10' x 40' and if the Board could address it now, would not have to come back. Vick- each is reviewed as an individual case; otherwise would have to do that for everyone. Rhineberger – explained the reason is the difficulty of not knowing what a future owner might want. It might require that to make an improvement, they would have to go with a shorter unit. Difficult to give a blanket variance.

- P. Quiggle – suggested every year someone from the Association or the Zoning Office go over everything. Huls and Rhineberger noted there is a representative from the County Assessor’s office that does this. Quiggle asked if the Assessor could give Planning & Zoning that information. This has gotten out of control over many years, going forward it would be good to keep informed. Bravinder – suggested the Town Board could review this on an annual basis like other conditional use permits. The Town Board would be more than willing to do that. Quiggle – that is acceptable, just so there is some communication. Rhineberger – felt in recent years this Association has been forthcoming.
- Q. Sarah Fix – she is on Site 152 and has a motor home and asked about replacing it with another or park model. Rhineberger – that is one they don’t know what is feasible. Depending on length and other factors, they will have to see if it can meet a 75’ setback (requirement is 100’) from the lake allowed by the previous Board action. There are unknowns and if it does not fit the 75’, she would have to come back to the Board. Fix is concerned if it must go away, who will buy her lot?
- R. Vick moved to grant variances of Section 155.008, 155.026, 155.048; 155.51 and 155.057(E)(1)(b)1.Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow existing structures and units on all “lots” to remain as placed, according to the information provided and on file, until replacement or structural change. At the time of structural replacement or improvement requiring a permit from the County or Association it needs to be brought into compliance with the Board’s Order dated October 5, 2018. Subject to annual review of any changes by the Town Board. Mol seconded the motion.

*DISCUSSION: Huls wanted clarification when they say “permit” required that the Association requires a permit to plant a tree, rain garden, everything requires one from the Association. Rhineberger clarified it is “structural”.*

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 11:00 a.m.

Respectfully submitted,

Barry J. Rhineberger  
Planner

Cc: Board of Adjustment  
County Board of Commissioners  
Kryzer  
Twp. Clerks