

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: June 21, 2019

MINUTES – (Informational)

The Wright County Board of Adjustment met June 21, 2019 in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, John Jones, called the meeting to order at 8:30 a.m. with all Board members present. Sean Riley, Planning & Zoning Administrator, represented the Planning & Zoning Office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

ACTION ON MAY 24, 2019 MINUTES

On a motion by Mol, seconded by Aarestad, all voted to approve the minutes for the May 24, 2019 meeting as printed.

1. TIMOTHY P. MCGUIRE – New Item

LOCATION: 1872 Jansen Avenue SE – Part of the S ½ of SE ¼ Section 9, Township 119, Range 24, Wright County, Minnesota. (Crow River - Rockford Twp.)
Tax #215-000-094400 Owner: Paradigm Management Services LLC

Requests a variance of Section 155.026 & Section 155.048(F)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to build a new 816 sq. ft. attached garage parallel with the existing dwelling, which is 110 ft. from the centerline of County Road 20 and a 7' x 50' covered deck riverside.

Present: Tim McGuire

- A. Riley reviewed the property which is split by the road. The east side of the road is the farmstead and outbuildings were pointed out on an air photo. The proposed addition to the house is to the side in line with the existing dwelling from the centerline of the County Road. The County Highway Engineer's office did not give an opinion on the setback; however, are requesting they close off the two existing driveways and a new one is to be installed directly in front of the garage going into the front-loading garage doors. He noted the largest part of the property is across the road.
- B. McGuire explained he is putting an attached garage to the north side of the house. They recently purchased the property and are doing a major remodel. There is no garage there now. The white structure shown on the air photo next to the pole barn has been removed.
- C. Kryzer asked if he recently purchased the property and represents the Management Co.? McGuire – they will make this their personal residence. They purchased from the estate.
- D. McGuire – there is an old deck on the back side that will be taken off and replaced. Mol – asked would that be covered or three-season. McGuire – covered, but not screened. A one-level addition was noted, built in the 1950's. He plans to cover the deck in front of that addition. Mol questioned if setbacks from the river are met? Riley confirmed it meets the river setback and flood plain. Mol did not have any concerns.

- E. Quiggle – plans show a berm along the highway; and, if it is possible a berm might obscure the view from the new approach. McGuire met with the Highway Department and the berm would go in front of existing driveway. New driveway is north of the pole barn. The representative considered that safety concern. The berm will help with the sound and traffic. Riley suggested he follow up and make sure the sight visibility is not a problem.
- F. Aarestad – is familiar with the property and the new driveway location will be an improvement with a better line of sight.
- G. Vick – the addition is not moving closer to the road and after hearing the explanation, he concurs with the request.
- H. Aarestad moved to grant a variance of Section 155.026 & Section 155.048(F)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to build a new 816 sq. ft. attached garage parallel with the existing dwelling, which is 110 ft. from the centerline of County Road 20 and a 7' x 50' covered deck riverside. Condition: Two existing driveways are to be eliminated and replaced with a new one to the north, subject to the County Highway Department's approval. Quiggle seconded the motion.

DISCUSSION: Mol suggested a condition should be added to restrict screening or enclosure of the porch. Kryzer indicated it is certainly within the Board's purview to limit use as part of a variance. Vick indicated he would object to limiting screening and questioned the reason. Board indicated no objection to a roof. Riley stated the deck meets the river setback but is attached to a structure not meeting the road setback. It was noted a building permit and further review are required if it were to be screened or enclosed. It was agreed it could be done with an Administrative permit.

VOTE: CARRIED UNANIMOUSLY

2. **JACOB M. PERRY** – New Item

LOCATION: xxxx 90th St. NW – Part of N ½ of NE 1/4, Section 22, Township 118, Range 27, Wright County, Minnesota. (Victor Twp.) Tax #219-000-221102 Owner: Heuer

Requests a variance of Section 152.027(2)(b)(1), Chapter 152; Section 155.026 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow construction of a new dwelling on 3.4 acres that will be less than 500' from an existing feedlot.

Present: Dave Perry, representing his son, Jacob; Cindy Heuer, landowner

- A. Riley reviewed the maps to show the zoning is AG General Agricultural and previous hearing to use an “entitlement” and division was made and is now under different ownership. The previous request was similar, but at that time variances for feedlots were heard by the County Board. The air photo was displayed to show the existing feedlot to the south and the location for the proposed new house.
- B. Tracy Janikula – Feedlot Administrator- explained to the Board the background. This lot was previously part of her family’s farm and the lot had been created for her brother to build on. At that time, the County Board acted on the variance and later the Ordinance was changed to allow a family member closer than the required setback between a house and feedlot. Her brother did not act on the variance, bought a lot somewhere else and Heuer purchased both parcels. The owner of the feedlot and the proposed lot are the same and has no objection. It is her view, this is a “buyer beware” situation and she has no concerns.
- C. Kryzer – anticipates a hearing this fall for a full system repair of the ditch #10. Janikula – this is a designated stream so there is a substantial setback. Riley - the designation requires a 100’ setback.
- D. Perry – they are aware of the County ditch and understand there would be an assessment and questioned the anticipated amount. Kryzer – does not have a figure but would have been included in the notice of the hearing a couple months ago. He suggested the assessment could be obtained from the Auditor’s office and is based on benefit.
- E. Perry – 100’ from stream and 65’ from centerline of road. His son is friends with the seller’s son; understands what a feedlot is. There is a small building area on the small tillable portion and that narrows. They understand the limits of where they can build. Riley asked if Kryzer knows that the property benefits from the ditch? Kryzer – yes, he is confident of that. It is based on value and a small parcel like this will be a small portion of the percentage of the cost.
- F. Quiggle – parcels were owned together at one time. Heuer – clarified they currently own both parcels. Riley – stated the buyer is not a family member and it is not the current owner building. Quiggle – felt it could put a burden on the feedlot owner. It is wooded up to the ditch and it is likely any expansion would go the other direction. But, this would create a need for another variance. Riley – it is reciprocal. Janikula addressed the question

- they would not need a variance until they reached 500 animal units. Expansion would not be allowed to the north and if they should want 500+ animal units, it would go to the Planning Commission and would have to meet 1,000 feet.
- G. Aarestad – had some concerns, but Quiggle brought up the concerns he had about impact to the farm operation; and the long-term goal is to preserve agricultural. Whether it is a family member or not, it could put a burden on the feedlot and future expansion.
- H. Discussion on the Town Board’s response. To alleviate the concern, they would agree if they want to move the house to the west. Perry – they cannot move west because of the lot line, it was the Town Board’s attempt to avoid coming back to address a change in the lot lines. Riley noted the Town Board did approve of the request.
- I. Vick – with Town Board approval and the location he would agree with the variance.
- J. Mol – there are some real concerns with the location of the “entitlement” and putting more burden on the farmers. These variances create problems down the road. This is an open piece of land and the “entitlement” could be moved to another corner of the farm. The residents in the future could create problems for farmers because they don’t like the smell. He is not willing to go along with the variance. He would like to see it moved or comply.
- K. Quiggle – that concern was raised in the Staff Report and asked if the owner gave thought to moving it. Heuer – they have considered, but this location does not impact the best farmland. Mol – if the distance is met, they reduce problems in the future.
- L. Aarestad – could there be reasons where the neighbors could shut it down. Mol – the neighbors can create all kinds of problems, calling the sheriff, etc. Vick noted he moved to the country and realizes the farm operations were there first and buyers should be aware.
- M. Perry – a problem is not being created by granting the variance. The sale to his son, who understands what he is moving next to, respects the farmer and the operations related. Mol – property changes hands and that is when the problem could arise. If it was a family member, they would not be here. Quiggle – understands what Mol is saying, she has operations in her immediate area and other neighbors get very upset about the manure.
- N. Kryzer – pointed out that this is a county ditch, not a “protected water course”, has a 16.5’ buffer. Further south it is protected, but not at this location. Riley – the water course may be less of a concern.
- O. Quiggle – have to consider the future and owners may change for both parcels. She asked if taking 3 acres out somewhere else may be more reasonable. Heuer – taking better tillable ground out of agriculture may have more impact to their operation. Vick – did not feel they could plan for who might own it later. Mol – this goes against the Ordinance and Comp Plan. Vick – the location was approved in the past. Riley – after the variance was granted, the Ordinance was changed later to allow a family member closer. He noted the lot could have been built on and sold a few times since to someone other than a family

member. Vick – the water way could have made this location less desirable for tilling.

- P. Aarestad moved to approve a variance of Section 152.027(2)(b)(1), Chapter 152; Section 155.026 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow construction of a new dwelling on 3.4 acres that will be less than 500' from an existing feedlot. Condition: Dwelling can be constructed no closer than 250' from the feedlot. Vick seconded the motion.

VOTE: CARRIED, Nay: Mol and Quiggle

3. **RYAN R. NELSON** – New Item

LOCATION: xxxx Aetna Avenue NW – Part of S ½ of NE ¼ Section 6, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #213-100-061300
OWNER: Nelson Acres LLC

Requests a variance of Section 155.026 & 155.048(F) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a “1 per 40” entitlement division of 2.5 acres that will leave the remainder parcel with less than 300’ wide on the public road. (If approved, this will replace 2016 Board action that allowed the “entitlement” to be used on a 30-acre division with a 33’ wide access strip.)

Present: Sara Nelson

- A. Riley – reviewed the property location, zoned AG and there is one “entitlement” on the entire parcel. A similar request a few years ago was denied because it was not represented. Later they came back for two larger parcels. Have decided it would be best to put the “entitlement” division with 2.5 acres. There is no way to do the division and meet the road standards. He explained the situation would result in only 120’ for the remainder parcel.
- B. Aarestad felt the proposal seems to preserve farmland, but questioned the angle of the back line, why not square it up. Nelson – that is the point where the irrigator swings around.
- C. Vick – questioned tillable soils? Nelson – stated there is some, but not the best soils.
- D. Mol felt the split in the corner makes sense and the remainder has 120’ in width which would be adequate some day for a road in if the land should ever develop.
- E. Quiggle agreed with the proposed revised division.
- F. Vick moved to grant a variance of Section 155.026 & 155.048(F) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a “1 per 40” entitlement division of 2.5 acres that will leave the remainder parcel with less than 300’ wide on the public road. This will replace 2016 Board action that allowed the “entitlement” to be used on a 30-acre division with a 33’ wide access strip. Mol seconded the motion

VOTE: CARRIED UNANIMOUSLY

Applicant was informed a survey should be submitted to the Office, so a revised deed restriction can be prepared for their signature.

Meeting adjourned at 9:10 a.m.

Respectfully submitted,

Sean Riley
Planning & Zoning Administrator

SR:tp

Cc: Board of Adjustment
County Board
Kryzer
Twp. Clerk
Administration