

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: Meeting of June 26, 2020

MINUTES - (Informational)

The Wright County Board of Adjustment met June 26, 2020 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 Board members present: Jones, Dan Mol, Paul Aarestad and Dan Vick. Participating remotely were Board member, Charlotte Quiggle, and Attorney, Greg Kryzer. Barry Rhineberger, Planner, represented the Planning & Zoning Office.

MINUTES

On a motion by Vick, seconded by Aarestad, the minutes for the June 5, 2020 meeting were approved with change to Item 8. Para. E. dimension referred to by Vick should read 24' x 32'.

1. CHRIS & SHERI BLOCK – Cont. from 6/5/20

LOCATION: 10309 Amery Avenue NW – Lot 11, Block 2, Shady Rest, according to plat of record, and Tract L, Registered Land Survey No. 35; and part of Gov't Lot 2, all in Section 12, Township 121, Range 26, Wright County, Minnesota. (Lake Ida – Silver Creek Twp.) Tax # 216-024-002110 & 216-038-000120 & 216-000-124320

Requests a variance as regulated in Section 155.026, 155.049(F)(2) & (3), 155.057 & 155.90(C) Table 3 to replace an existing structure with a new 960 sq. ft. two-story dwelling that will be 44 ft. from the ordinary highwater mark of lake to the deck, 13 ft. from the side property lines and 53 ft. from the center of the platted road. Proposed structure to be served by a new septic system located on the backlot. Proposed septic tanks to be less than 10 ft. from the property lines and road right-of-way. Proposed lowest floor of the structure (elevation of 972) is 1.3 ft. lower than required. New construction to replace the existing 504 sq. ft. one level structure that is 49' from the lake, 13 ft. from the side property line, and 61 ft. from the center of a 16 ft. platted road and was approved by the Board of Adjustment in 1997 as a day use structure only, served by a holding tank under an outhouse.

Present: Sheri Block & architect Jeremiah Battle; Chris Block participated remotely

- A. Rhineberger reviewed the revised plans. Board asked for an improved lake setback, reduction in size and a storm water management plan. The adjustment shows they reduced the size of the structure slightly, moved it back to 50' from the lake to the corner and the balcony was removed. The ground level landing is detached. The applicant has worked with Dan, of Wright County Soil & Water Conservation District (SWCD) on the storm water. The revised site plans on a survey was displayed to show the setbacks. In response to Kryzer's question on impervious, Rhineberger explained the type of materials that are not considered impervious. Kryzer – suggests any action address this because he could see this could be converted in the future. Rhineberger - the 25% is the limit, regardless if it comes to the Board. The condition would put any future owners on notice. Kryzer agreed a condition makes it clear.
- B. Battle – summarized the changes made from the last meeting. The structure moved to 50' from the Ordinary Highwater Mark (OHM), the upper balcony was removed, existing landing will be detached; compressed the footprint by 2' between road and lake; and as can be seen, this structure is smaller than the neighbors as shown on the survey. The rain garden is planned in the southeast corner and needs to be further developed. They would try and not change any of the existing waterflows. The path was pointed out. Using the

site plan, he pointed out the proposed future garage and drives which is meeting all the requirements and the sewer area preserved.

- C. Quiggle asked about the available parking area on the lakeside. Battle parking is proposed on the backlot. Rhineberger–displayed the site plan that shows a future driveway on the backlot is the parking. This drive goes back to where a future garage could be built. Quiggle – cars would be lined up along the line? Rhineberger yes, because there is no room to park any other way, only 8’ wide drive and they have to preserve the sewer area. Quiggle indicated that was not acceptable. She confirmed the details for the rain garden is not designed? Battle – that is right, there is a low spot where it would go. They have yet to have an engineer complete the calculations to figure out how much water it can capture. They would not disturb the water flow and keep it on site. Most water is coming from the berm back onto the property. If approved they would have it designed. S. Block – stated they are working with Dan from SWCD who has been to the property and would continue planning the rain garden as they go forward. Rhineberger – read Dan’s comments that states if they go too deep it could pond on the property and the consensus was something is better than nothing. Quiggle questioned if a rain garden is the best solution in this case. If they remove some of the ice ridge, could a shoreland buffer be more effective. Battle – the berm on the lakeside would only be taken down 6”. There is a retaining wall on the north side and that would be taken out and readjust that area. Not removing the berm and the drainage pattern will remain the same with water continue to flow to the backside and to the proposed rain garden. This gets the landing from the house at an elevation that meets the highwater elevation. Described the contouring to get the water to go around the structure. Quiggle asked about the door on the second story? Battle – applicant had wanted a full balcony off the second story; however, still wants to be able to get the view to the lake, open the door and get light. There would be a guardrail, so they could not go out. Quiggle would prefer no door to nowhere and felt 50’ from the lake is still too close. Battle asked for the revised plans to show house elevations. The glass panel would be used for an unobstructed view to the lake. Rhineberger bottom of the window to that space? Battle – 2’ or so, guardrail is 3’ high and come down to floor. Rhineberger – safety railing is 36”. Quiggle – asked if ground level unattached deck would be considered a water-oriented structure because it is within the shoreland impact zone? Rhineberger – generally, they have not considered ground level is not. It is in the shoreland setback, but not impact zone. Quiggle – stated she would not want any other structure lakeside. Rhineberger – the coverage limits would prevent that. Battle – they are at 23% impervious coverage and at 14.8% building and are not asking for an exception. The setback is the issue.
- D. Mol questioned the door on the lakeside, is there going to be a deck plate. He is concerned a deck might appear later. Battle – there would be a glass rail, French style balcony without anything there to support one; again, it is for aesthetics. It would have to connect to the landing below. These are two separate structures and it would not be recommended from a structural aspect. The structural requirements preclude it. Mol – the Town Board asked that elevations are met. Battle – that has been adjusted so the finished floor meets that.
- E. Aarestad –this is a difficult lot to develop and they have addressed his concerns about fitting into the neighborhood. He had been opposed at first, but the changes along with

the fact the applicant followed through with the Board's recommendation. He is confident this applicant will follow through on developing the rain garden. He would support the new plan with the changes.

- F. Vick – the second-floor door is a big concern and asked is it larger? Rhineberger – there were a couple different plans and this size is the same. Vick – from a safety point, the door would provide a fire escape. He would like to see that and push the house back for a deck up there. Otherwise, he would prefer the door is removed. If it is left a request for a balcony/deck is likely. Battle – a fire escape makes sense. Rhineberger noted without stairs, regardless if this is a window or a door and deck, occupants would still have to jump out. Battle – a safety requirement of a window limits the opening. Vick – would like to see steps. Quiggle – when does a two-story require an escape route? Battle it is not required by building code. Vick – if a door is there he would like it moved back. Battle – moving back for the balcony 3' is preferred for aesthetic reasons. Could convert it back to just a window, but their preference is to allow the balcony.
- G. Rhineberger addressed Quiggle's question on impervious for water-oriented structure. He calculated a 55 sq. ft. of building area is left.
- H. Vick – suggested the balcony at 50' with the house at 55'. Battle – could do a 3' balcony, described the posts would be like the original plan, the OHM setback would be 50' to the balcony and 53' from the main structure. That would achieve their goals. This is further back from the lake then the structure to the north. Aarestad – going back to the original deck plan? Battle – yes, but sliding back 6' from the original setback.
- I. Rhineberger suggested summarizing what he is hearing. If the Board concurs they can adopt a motion. Mol – as discussed, can they connect the balcony to patio below? Don't want to see that getting bigger.
- J. Aarestad moved to a variance as regulated in Section 155.026, 155.049(F)(2) & (3), 155.057 & 155.90(C)Table 3 to replace an existing structure with a new two-story dwelling according to Exhibit "A" and survey labeled Exhibit "B" that the upper level balcony is not to exceed 3' and according to the original house plan submitted for sizing; to be no closer than 50 ft. from the ordinary highwater mark of lake to the balcony, 53' from the main structure, 12.5 ft. from the north and south side property lines and 51 ft. from the center of the platted road to covered entry. Impervious lot coverage must not exceed what is shown on the plan submitted and the rain garden plans must be submitted at the time of the building permit application. Proposed structure to be served by a new septic system located on the backlot. Septic tanks to be less than 10 ft. from the property lines and road right-of-way. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **MATT G. MAIER** – Cont. from 6/5/20

LOCATION: 12515 Estes Avenue NW – Part of Gov't Lot 3, Section 32, Township 122, Range 26, Wright County, Minnesota. (Limestone Lake – Silver Creek Twp.) Tax #216-100-322312

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 convert the existing deck into a 10' x 32' four-season porch lakeside and a new 16' x 24' one-story addition over a basement roadside to the existing 24' x 32' dwelling. Proposed lake setback measured from the Ordinary High-water Mark of lake would be reduced from 53.9 ft. to 44.5 ft. The existing side yard setbacks would also be reduced from 8.3 ft. to 7.4 ft. from the north side lot line and from 8.1 ft. to 7.6 ft. from the south side lot line.

Present: Matt Maier

- A. Rhineberger opened the hearing with a review of the past discussion when the matter was continued for revisions. The Board had stated they were not in favor of the lakeside screen porch addition and wanted to see an adjustment on the roadside addition to improve the side setback. The applicant has provided new plans that have taken off the screen porch and adjusted the addition a foot in back. The plan is 18' x 31' and slid over. The encroachment is minimal at one-tenth of an inch. Survey was displayed. Floor plan shows 1' was taken off the north side.
- B. Mol – felt the applicant has worked with what the Board wanted to see. The small increase on the backside is acceptable.
- C. Vick agreed with the changes made. The Town Board had asked about the water runoff and what would be done? Maier – will do the appropriate landscaping so it does not run off onto the neighbor. Vick agreed with the changes.
- D. Aarestad – would like something more concrete for water management. Asked if there would be gutters and if the lot slopes to the lake. Maier does plan to install gutters, but water does not drain to lake. Aarestad with the condition of gutters and a water management plan, he would approve.
- E. Quiggle with the entire shoreland impact zone covered she would like two of the three structures removed. The first deck to the lake appears to be closer than 10'. Rhineberger –there are no pictures showing this from the lake looking into the lot. Maier – questioned what a water-oriented structure is. Quiggle – noted there is a pump house, the screen building is 160 sq. ft. and two decks. Looks like the total exceeds the 250 sq. ft. allowed. Maier had gone through this issue a few years ago and removed a structure used for water items for the gazebo. This is the first he has heard the deck is included as a water-oriented structure. Quiggle it is included in the definition of the Ordinance. Rhineberger – over the years he could say that the definition has not been consistently applied to ground level decks, platforms. When the gazebo was permitted the decks were in place. Quiggle – decks and platforms are spelled out in the Ordinance. Rhineberger agreed but has not been consistently looked at the same way over the years. Maier – explained there is a steep bank with steps going down, the deck and retaining wall are holding the shoreline in place. At the time of his purchase, that was all washing out. Rock and retaining wall are also along the shoreline to hold the bank in place. Not sure how it will be improved, that deck is critical. Another retaining wall leads to the second level of the grade. Felt the shoreline is unique and what is there is preventing erosion. Quiggle has not heard of a deck being used for erosion control. She does not have a problem with the retaining wall or steps.
- F. Vick questioned what is proposed for walkway between the garage and house? Maier – nothing is proposed, just walk over the grass.

- G. Aarestad if the lake side decks need to be rebuilt would they require a building permit? Rhineberger – decking attached to the house would; could not say if these are separate unattached. Different conditions would determine when permits are needed. He reviewed the height limits and what the site conditions are and there are code requirements that come into play.
- H. Mol how long has the deck and retaining wall been in place? Maier – different portions were completed at different times. Near the lake it was before he purchased the property. Rhineberger had an air photo showing it in 2005. The area in front of the screen porch and lakeside is prior to that time. Mol – nothing added? Rhineberger – just the connection to the house in 2008. Mol – supports the request because the location of the addition will not impact the lake. Not in favor of making him remove something that has been there for 15 years. Rhineberger checked the County Assessor’s records that show 180 sq. ft. of deck. Would assume there has been some maintenance.
- I. Aarestad because the inconsistency of the enforcement compounds this, he would agree the deck can stay. He asked if they could put a condition on those? Rhineberger felt that is appropriate. Maier agrees with the condition, want to make more green space back there. Aarestad would require permits to replace any part of the decks. Rhineberger – agrees with Quiggle’s comments on the definition; but the permit given to the water-oriented structure is the time the decks should have been looked at. It is now 16 years later and would suggest certain things cannot be replaced.
- J. Aarestad moved to grant variance of Section 155.026, 155.049 & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to grant a new 18’ x 31’ one-story addition over a basement roadside to the existing dwelling. The lower deck cannot be rebuilt without a variance approved.

DISCUSSION: Vick can they do maintenance on the deck? Rhineberger that is a judgment, a board replacement is one thing; however, if the structure has deteriorated that is replacement.

Aarestad – amended his motion to include: No more than 50% of value of deck can be replaced.
Mol amended his second.

VOTE: CARRIED, Quiggle opposed

3. **KRISTEN D. WIKMAN** – New Item

LOCATION: 12385 Estes Avenue NW – Part of Gov't Lot 2, Section 32, Township 122, Range 26, Wright County, Minnesota. (Limestone Lake–Silver Creek Twp.) Tax #216-100-323209
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 construct a 26' x 36' attached garage, 17' from edge of road right of way, 43.8' from the centerline of town road and 8.5' from the north lot line at the closest point. The existing side yard setback is reduced from 13.3' from the north side lot line which is the closest corner of the existing house to that line.

Present: Steve & Kristen Wikman

- A. Rhineberger reviewed the 31,500 sq. ft. lakeshore lot on Limestone Lake. The proposal is to build a 26' x 36' attached garage 17' from the road right of way and 43.8' from the centerline. The side line setback would go from 13.5' to 8.5' at the closest point. The road setback is going from 80' down to 45.8' from the centerline of town road. (This clarifies the difference between information he received and what was noticed.) A neighbor, Patty Knese, has no objection to the variance.
- B. Aarestad concerned with setting a precedent along this road. Rhineberger stated he found two within the setback out of the 21 lots along the road. Aarestad explained when there are existing setbacks closer it is easier for the Board to justify. The close proximity and the size structure larger? He does not see a hardship because there is way to fit a garage in there without the variance. Rhineberger – the possibility of attaching the garage if they are not getting closer. Aarestad – there are not many non-compliant storage structures along the lake. At this time could not approve.
- C. K. Wikman – noted the well and sewer locations and water table on the property are all the factors. Have had several people look at the lot and they do not see any other way. Aarestad – the applicant bought the property knowing it did not have a garage. The Board is being asked to deviate from the rules and his opinion is there other options such as a smaller structure. If they set this precedent, they could be faced with many other requests. The Board is willing to work with applicants, but felt they are encroaching too close for this neighborhood. There are two important factors he is looking at.
- D. Rhineberger – the Staff cannot say what they should do, but there is a feasible way to build a garage, even though it is on the lakeside it could meet the setbacks. K. Wikman – did not know if there would be room for a driveway? Rhineberger – the definition is whether it is “feasible” and whether it is a good idea is another factor.
- E. Quiggle – is not opposed to a garage in that location but prefers to see a smaller garage to reduce the variances needed because she does not see a sufficient hardship. S. Wikman – what is a reasonable size? Rhineberger suggest they hear from the other Board members.
- F. Mol –just heard a request on Limestone Lake they asked for a redesign, so they did move closer than what exists. Understand this applicant did not build the house but asked how it can be reduced or reconfigured on the house to make this work. The house is at an angle and in order to keep the same distance from the line the garage would have to be at an angle, which is not desirable either. A previous applicant was revised to go no closer. The request before them is 5' closer to the line.
- G. Vick concurred with the concerns. Request encroaches on both sides. Even a reduction of 10' would allow a good size garage of 28' x 26'. Could also step 2' back in depth.
- H. Mol – the Board tries to be consistent on the side yard; whereas they often consider the Town Board's recommendation because they are the authority. Rhineberger asked the applicant if they

have to move the well? S. Wikman – no. They reduced the size so it would not be over the well. Rhineberger – code requires that it has to be 3’ from the overhang.

- I. Rhineberger – he is hearing the side setback should be consistent with the existing house, but asked what they Board wants on the road side? Aarestad – would like a reduction on both setbacks, as long as it fits the well and septic system setbacks. K. Wikman – asked if the Town Board unanimously approved and are in charge of the maintenance and snow plowing is that a big issue? Aarestad – the Town Board input is very important; but in this case, they are looking at a precedent for the other 19 lots along here. Once approved it makes it difficult for the Board. K. Wikman – none of the properties are compliant, most homes are on the lake where their house is further back and makes it difficult for them. Rhineberger – there are different things making them non-conforming. Some lots are very small and setbacks overlap. The Statute sets it up to consider each specific lot’s characteristics. Is not hearing that the Board disagrees, there can be a garage but how far they can vary.
- J. Vick – felt the side yard is key and suggests going down to 24’ for a 24’ x 30’ garage. He would not object to an 8” encroachment. Felt it is difficult to give the variance requested.
- K. Mol agreed with Vick. He tries to maintain the setback there, getting too close also makes it harder to maintain their property. Because the Town Board is indicating it will not impact plowing/maintenance he is not as concerned about the road setback. If they can reconfigure or make it smaller he would consider it. K. Wikman - if they modify the dimension to 24 x 26’, bring it in 2’ from the side? Mol - prefers to see it in line with the house at 13.3’ but no closer than 12.5’. S. Wikman – can they get a consensus from the Board for a setback of 12.5’? Rhineberger – stated a 30’ garage dimension gains a foot. Mol – felt anything closer than 12.5’ is a stretch. The distance from the well head must be met. Rhineberger – asked how the Board feels about the proposed road setback, if they are satisfied they set the parameter and the applicant can work within that. Aarestad – would like to see a reduction from both sides.
- L. K. Wikman – what are the numbers the Board is willing to work with. Kryzer warned the Board cannot give guarantees. S. Wikman – they are just looking for the parameters to revise a plan. Rhineberger – suggested the Board give indication on the setbacks they are willing to approve; or do they want to see it? If it is about specific design criteria and want to see the plans, they can continue; otherwise, they can make a motion setting the setbacks and he would make sure it fits at the building permit stage.
- M. Mol moved to grant a variance to allow construction of a garage no closer than 13’ from the side line and 20’ from the road right of way. Quiggle seconded the motion.
DISCUSSION: Rhineberger asked if it is for the general design presented? Mol as plan submitted with the adjustments to meet these setbacks. Rhineberger would not want to evaluate changes like pulling the garage to the south 10’ or other adjustments. The consensus was generally based on design presented.
VOTE: CARRIED UNANIMUOSLY

Meeting adjourned at 10:00 a.m.

Respectfully submitted,

Barry J. Rhineberger
Planner