



WRIGHT COUNTY BOARD OF ADJUSTMENT INFORMATION FOR PUBLIC HEARING

Office of Planning and Zoning
Wright County Government Center
10 2nd Street NW Room 140
Buffalo, MN 55313-1185
(763) 682-7338

The Wright County Board of Adjustment is a five member board appointed by the County Board of Commissioners. The Board of Adjustment conducts all public hearings pertaining to requests for variances and administrative appeals to the Wright County Zoning Ordinance. All decisions by the Board of Adjustment are final, except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within thirty (30) days, after receipt of notice of the decision, to the District Court in the County in which the land is located on questions of law and fact.

For technical information and advice, the Board of Adjustment relies on the staff of the Planning and Zoning Office. Staff cannot predict decisions by the Board before the hearing. Staff will assist the applicant in deciding what information to present to the Board of Adjustment, and will create a slide presentation for the applicant prior to the hearing.

All supplementary information for the hearing (narratives, photos, soil borings, updated site plans, surveys etc.) must be submitted for an application to be complete. Changes in state law make it impossible for staff to accept incomplete applications except in unique circumstances. Petitions that are deficient of information cannot be placed on the Board of Adjustment agenda.

The BOA is guided by very specific instructions in regard to its actions. Economic hardship alone is not an adequate reason for a variance, according to State law. Following is an excerpt from the County Zoning Ordinance, which is closely modeled after state law.

The Board of Adjustment shall not grant variance petitions unless it considers and balances the following factors and finds an exceptional situation has been presented. The applicant shall be required to provide a statement of evidence favorably addressing the following elements to the extent they are relevant to the applicant's situation.

- (a) The granting of the variance will not be in conflict with the County Plan;**
- (b) The property owner proposes to use the property in a reasonable manner;**
- (c) The plight of the owner is due to circumstances unique to the property not created by the owner;**
- (d) The proposal does not alter the essential character of the locality;**
- (e) The practical difficulty be alleviated by a method other than a variance;**
- (f) The granting of the variance will not adversely affect the environmental quality of the area;**

Remember, the "burden of proof" is upon the applicant to ensure that their proposal conforms to the Wright County Ordinances and the Wright County Comprehensive Plan. They must also ensure it will not harm the public health, safety or welfare.

PROCESS TO APPLY FOR PUBLIC HEARING BEFORE THE WRIGHT COUNTY BOARD OF ADJUSTMENT

1. Due to the wide variety of proposals we receive, it is essential to discuss your proposal with a staff member of the Planning and Zoning Office before obtaining and filling out a Board of Adjustment application. Fill out the application and set up a meeting with a staff member to review it. They will determine if there is enough information to place your item on the next agenda. **Applications will not be accepted until all required information has been submitted, hearing fees paid, and Planning Staff approval.** If the application is complete, the item will be placed on the next available meeting.
 2. Attend the appropriate Township meeting to explain the proposal to the Town Board (contacts and meeting dates are attached). **The Wright County Board of Adjustment will not act on any petition without a Township recommendation, which will delay BOA action.**
 3. State law requires that public hearing notices be published and delivered to nearby landowners for all Board of Adjustment actions. For this reason, there is usually a wait of approximately three weeks from the date of application to the hearing. Staff cannot legally expedite this process. Please refer to the hearing and application deadline schedule attached.
 4. **Adequate site information must accompany the application.**
 1. **A Certificate of Survey must be submitted for Board of Adjustment requests on all lots under 20,000 square feet in size.** Complex requests, or requests requiring lake or property line setback variances may also require a Certificate of Survey. Please refer to the attached example survey regarding what information must be shown. If a survey is not required, a site plan must be provided. Surveys or professional engineered plans may be required for parcels with questionable topography or for requests involving land alteration that will not require a Planning Commission hearing. Air photos may be adequate for simple requests for lot line adjustments, large divisions, entitlement appeals or the like. Aerial photos and half-section maps may be purchased at the Wright County Public Works Building.
 2. **A Certificate of Compliance for the septic system.** If the system is noncompliant, needs to be enlarged, or a new system is proposed, a full design for the system may be needed.
 3. **Preliminary Building Plans of your project.** The plans must include floor plans for all levels including basements, a cross-section, and elevation drawings of the exterior.
- Incomplete applications or those with deficient or incorrect information will result in the delay of Board of Adjustment review and action.**
5. Stake the property accordingly for any type of construction project. Staff will inspect the site prior to the public hearing. Please see the House Permit handout supplied by our office.
 6. **The applicant or a representative must be present at the hearing.** Hearings are held Friday mornings in the County Board Room. An agenda time will be assigned and noted on the notice. **Failure to appear may be grounds for denying an item.**
 7. Any further questions should be directed to Planning Staff or the Zoning Administrator.
(Phone: (763) 682-7338)

FEE _____ Checks payable to: Wright County Treasurer

Hearing fees will be doubled when application is made after action requiring a hearing has already been started. When, due to the complex nature of any matter, or lack of adequate preparation by an applicant, the Board determines that continuation of a hearing is required, a \$50.00 renotification fee may be required. No refund after first public hearing – and only 70% of fee will be refunded after any internal review/site inspection or notices have been sent.



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DATE _____ **TAX PARCEL #(s)** _____

TOWNSHIP NAME _____ **PRESENT ZONING DISTRICT** _____

APPLICANT _____ **PHONE** _____
Last name First Middle Initial

MAILING ADDRESS _____
Street City State Zip

PROPERTY OWNER _____ **PHONE** _____
 (If other than Applicant) Last name First Middle Initial

PROPERTY ADDRESS _____
Street City State Zip

DESCRIBE NATURE OF REQUEST (attach extra sheets as necessary) _____

The information in this application is true and correct to the best of my knowledge and ability. I understand and agree that, even if this application is accepted as complete, the Board of Adjustment or Office of Planning and Zoning may require additional property descriptions, property surveys, site plans, building plans and other information either before or after this request receives a public hearing. I understand that this application may be dismissed or denied if I do not supplement my application as requested. I understand that there is no refund of fees after the first public hearing, and only 70% of the fees will be refunded after any internal review has taken place or notices have been sent.

No application for a Variance shall be resubmitted for a period of six months from the date of said order of denial. Variances shall be valid for 3 years, unless otherwise specified.

I have read the application materials and agree to follow the policies and procedures of the Wright County Board of Adjustment and I consent, in the event a site inspection is requested, to the public entering my property pursuant to the Minnesota Open Meeting Law.

APPLICANT SIGNATURE _____ **DATE** _____

PROPERTY OWNER'S SIGNATURE _____ **DATE** _____
 (If other than Applicant)

****Office Use Only****	<p align="center">TYPE OF REQUEST: (check all that apply)</p> <p>1. <input type="checkbox"/> Setback Variance 2. <input type="checkbox"/> Undersized lot 3. <input type="checkbox"/> 1 per 40 Variance 4. <input type="checkbox"/> Lot Line Adjustment 5. <input type="checkbox"/> Appeal/Interpretation</p> <p>6. <input type="checkbox"/> Other _____</p> <p>Has this property been involved in a request to rezone, obtain a variance, or a conditional use permit? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, when: _____ Type of request: _____</p> <p>TOWNSHIP BOARD approval/denial is required before the Board of Adjustment will act (contacts and meeting dates are enclosed). _____ Date Approved _____ Date Denied</p> <p>APPLICATION IS COMPLETE (Planning Staff must date & initial before it is considered complete) _____ Date/ Initial</p> <p>60 DAY EXPIRATION DATE _____ 120 DAY EXPIRATION DATE _____</p> <p>HEARING DATE _____</p> <p>FEE \$ _____ Checks payable to: Wright County Treasurer RECEIPT # _____ DATE _____</p>
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Example Survey and Site Plan

Please Present This To Your Surveyor

All site plans, prepared by the applicant or professionally done, should be drawn to scale and must include the following information:

- Proposed & existing buildings, labeled & showing dimensions
- Proposed or existing septic drainfield and tank
- Wells on your property and on your neighbors'
- Normal high water mark of lakes, ponds or wetlands
- FloodPlain Elevations and Road Access Elevations
- Knolls, ridges, bluffs, steep slopes or drainage ways
- Orientation to north (show with an arrow) and plan must be to scale
- Driveway, sidewalks, decks and patios
- Any other relevant features (trees, easements, power lines, etc.)

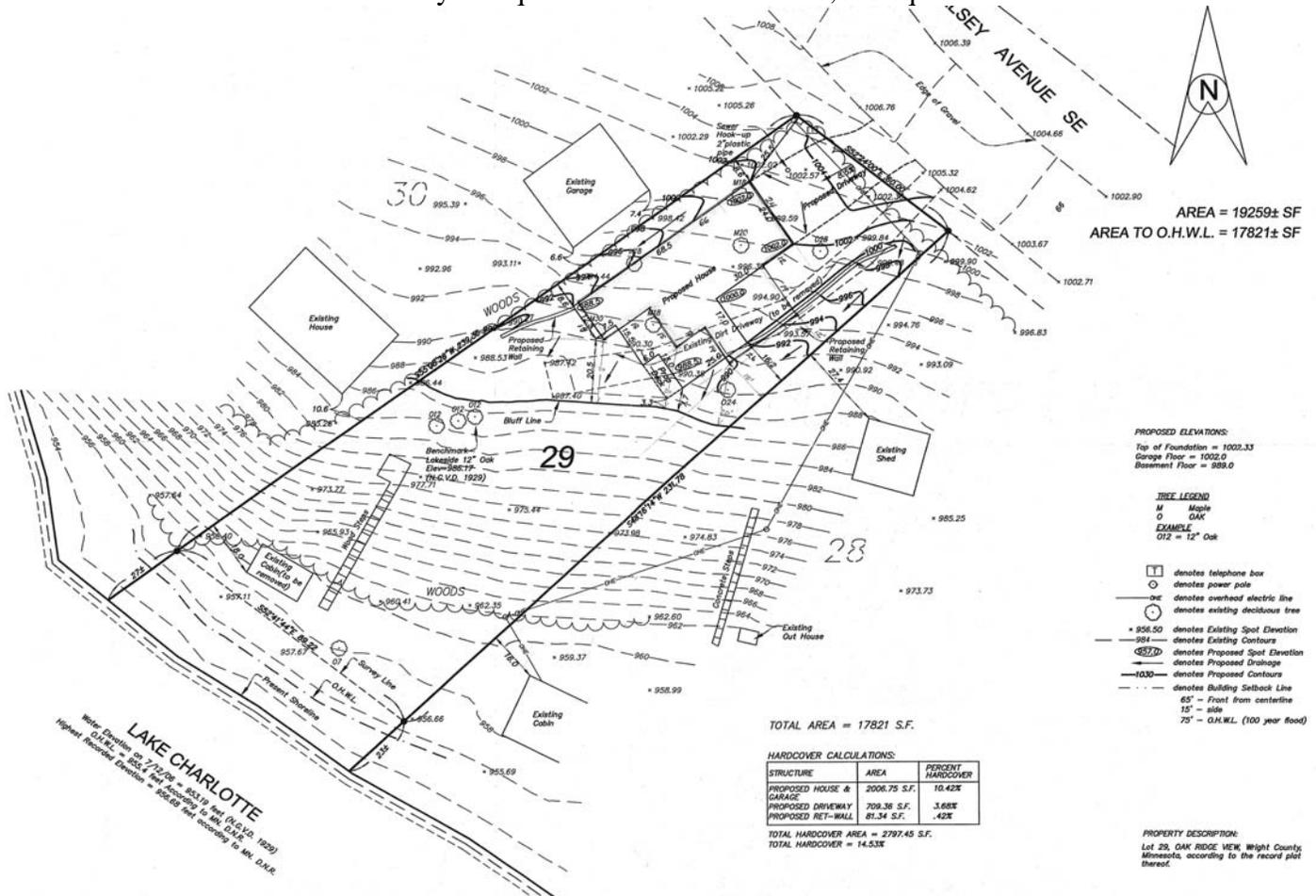
Show these distances/dimensions on the map:

- Lot dimensions and any proposed changes of lot lines
- Distances from buildings to property lines, road and lake
- Distances from wells to septic drainfields and tanks
- Distance from wells/septics to property line, road and lake
- Distance between buildings

*Plans for lakeshore properties must include:

- Ordinary High Water Mark elevation on lot (OHWL)
- Elevation of lowest floor on new dwellings and/or additions
- Any proposed changes in contour elevations, especially between house and lake

Please Note: A Certificate of Survey is required for lots less than 20,000 square feet in size.



Hearing Date

January 6, 2017
February 3, 2017
March 3, 2017
April 7, 2017
May 5, 2017
June 2, 2017
July 7, 2017
August 4, 2017
September 1, 2017
October 6, 2017
November 3, 2017
December 1, 2017

Application Cut-Off Date

December 16, 2016
January 13, 2017
February 10, 2017
March 17, 2017
April 14, 2017
May 12, 2017
June 16, 2017
July 14, 2017
August 11, 2017
September 15, 2017
October 13, 2017
November 9, 2017

***Note:** In order for an application to be considered complete, all required information, along with the application fee, must be submitted and accepted by the Assistant Planner no later than the above referenced cut-off date. A pre-application meeting is also required prior to application submittal. To schedule an appointment, please contact:

Barry Rhineberger, Assistant Planner
Phone: 763-682-8947
Email: barry.rhineberger@co.wright.mn.us

Township Officers
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<u>Middleville</u>	<u>Name</u>	<u>Address</u>	<u>Phone</u>
Clerk	Joey Berg Email: insbiscuit@yahoo.com middlevilleclerk@gmail.com (<i>working on change</i>)	10423 10 th St. SW, Howard Lake	612-247-4348 (clerk c#) 320-286-5839 (home)
Board meets:	2 nd Tuesday @ 7:00 p.m.		320-543-3807 (hall) 320-543-3807 (fax)
<u>Monticello</u>			
Clerk	Nancy Kopff Email: monticellotownship@tds.net	1490 75 th St. NE, Monticello	763-381-1480 (clerk c#) 763-295-7765 (home) 763-295-3422 (hall)
Board meets:	1 st & 3 rd Monday @ 7:00 p.m. November – March & @ 8:00 p.m. April - October		
<u>Rockford</u>			
Clerk/Treas	Rachelle L. McDougall Email: rockfordtownship@rockfordtownship.net	3039 Dague Ave. SE, Buffalo	763-682-3499 (hall) 763-682-6256 (fax)
Board meets:	1 st & 3 rd Tuesday @ 7:00 p.m.		
<u>Silver Creek</u>			
Clerk	Nancy Betzler Email: silvercreektwp@tds.net	3827 134 th St. NW, Monticello	763-878-0141 (hall) 763-878-2550 (fax)
Board meets:	1 st Tuesday @ 7:00 p.m. (Twp deadline 3 weeks prior)		
<u>Southside</u>			
Clerk/Treas	Carmen Merrill Email: cmerrill@southsidetownship.com	1208 Lakeview Pkwy, Buffalo	612-396-9597 (clerk) 320-274-8602 (hall)
Board meets:	1 st Tuesday @ 7:00 p.m.		
<u>Stockholm</u>			
Clerk	Jody Selseth Email: stockholmtwp@gmail.com	8277 County Road 30 SW, Cokato	612-270-3409 (clerk) 320-286-0147 (hall) 320-286-5125 (fax)
Board meets:	2 nd Monday @ 7:00 p.m.		
<u>Victor</u>			
Clerk	Sharon Glessing Email: sglessing@centurylink.net	8715 Grover Ave. SW, Waverly	320-543-3702 (clerk) 320-543-3577 (hall)
Board meets:	2 nd Monday @ 8:00 p.m.		
<u>Woodland</u>			
Clerk	Gloria Janikula Email: woodland.township@gmail.com	9065 Clementa Ave. SW, Montrose	763-658-4177 (clerk) 763-658-4252 (hall)
Board meets:	2 nd Monday @ 7:00 p.m.		

Wright County Board of Adjustment

Applicant Response Form

The request for a variance is, in essence, a request to break or bend the law. Variances cannot be granted without very strong justification. The desire of the property owner to have a specific development/construction proposal does not constitute justification for granting a variance. As determined by State law and County Ordinance, a variance may be granted only where the strict enforcement of official controls will result in “practical difficulties.” A determination that “practical difficulties” exist is based upon the consideration of the following factors as defined by Minn. Statute 394.36 and the Wright County Zoning Ordinance. The following questions relate to the factors for granting variances. Please complete and return with your completed Board of Adjustment application.

1. Will granting the Variance be in conflict with the Wright County Land Use Plan? The Plan is a policy guideline that directs building and development in Wright County. A full copy is available on the County Website: <http://www.co.wright.mn.us/departments/pandz/>. The most commonly applied goals and policies are from the Plan include:

- To protect, preserve, and enhance the quality of the natural environment, and require development to take place in a manner which makes wise use of Wright County’s resources without degradation
 - *Steep slopes, wetlands, unstable soils and other sensitive environmental features will be protected, as far as is practical, in their natural, stable state. Development on or near such areas may be required to provide larger lot sizes, enhanced setbacks or other conditions to protect the sensitive features.*
 - *Development of lakeshore property shall abide by State Shoreland Management rules to maintain, as far as practical, a natural shoreline and natural views of shoreland areas from the lake's surface.*
 - *In general, development activity should take place in harmony with the existing, stable, natural environment. Development proposals should be adapted to suit the natural landscape, rather than altering the land to suit the development.*
- To protect agricultural lands from encroachment by incompatible land uses and provide assurances that such areas will remain agricultural in nature

Does the proposal conflict with the Land Use Plan. Why or why not?

2. Does the property owner propose to use the property in a reasonable manner?

3. Is the plight of the owner due to circumstances unique to the property not created by the property owner?

4. Will the proposal essentially alter the character of the locality?

5. Can the practical difficulty, if one exists, be alleviated by a method other than a variance?

6. Will granting the variance adversely affect the environmental quality of the area?
