

**WRIGHT COUNTY BOARD OF ADJUSTMENT**

**Meeting of: January 13, 2023**

**MINUTES – (Informational)**

The Wright County Board of Adjustment met January 13, 2023, in the County Commissioner’s Board Room at the Wright County Government Center, Buffalo, Minnesota. Board members present were: John Jones, III, Paul Aarestad, Dan Vick & Bob Neumann. Absent was member Dan Mol. Representing the Planning & Zoning Office was Aaron Ogle, Planner. Greg Kryzer, Assistant County Attorney, legal counsel.

**ORGANIZATIONAL ITEMS:**

First meeting of the year, Ogle, acting as Chairman, pro-tem, called the meeting to order at 8:30 a.m. and called for nominations for a Chair. Vick nominated Aarestad as Chair. Ogle called three times for further nominations, hearing none, a roll call was called, and unanimous ballot cast for Aarestad.

Aarestad assumed the Chair and called for nominations for a Vice-Chair. Vick nominated Neumann as Vice-Chair, hearing no further nominations, a roll call vote was called, and unanimous ballot cast for Neumann.

Aarestad called for action to adopt the Meeting Calendar for 2023. On a motion by Jones, seconded by Neumann, all voted to adopt the meeting dates at 8:30 a.m. on suggested calendar.

**ACTION ON MINUTES FOR THE DECEMBER 09, 2022 MEETING**

On a motion by Vick, seconded by Neumann, all voted to approve the minutes for the December 09, 2022, meeting as printed.

1. **JEROME HASS** – cont. 11/4 & 12/9

LOCATION: 2294 80<sup>th</sup> Street SW – the West 1/2 of the SE 1/4 of Section 10, Township 118, Range 26 of Wright County, MN (Woodland Twp.) Tax # 220-000-104300 Property Owner: Richard J. Hass, Michael L. Hass, Jerome D. Hass, John E. Hass, and Rosemary A. Hall, each an undivided one-fifth interest

REQUEST: A variance as regulated in section 155.026 & 155.048(G) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an entitlement division with an existing home that would be over 10.0 acres.

Present: Jerome Hass

- A. Ogle reviewed that this request has been heard by the Board during the last 2 meetings. At the November 4<sup>th</sup> meeting the applicant was requesting a 35 acre division that included the existing home. At that time the Township had not yet responded, and the Boards discussion did not find the 35 acres something they would consider reasonable and justifiable. The Board ask the applicant to take their discussion, regarding future planning, into account and be ready to present an alternative plan at the December 9<sup>th</sup> meeting. At the December 9<sup>th</sup> meeting the applicant did not make any adjustments and presented what was originally presented. Woodland Township made the suggestion that if preservation of land and trees are the applicants main goal than he should look into State or County programs and asked Mr. Haas to come back to Woodland Township with his findings. Mr. Haas determined that government programs were not his goal was with this project. The Board disussed, at the December 9<sup>th</sup> meeting, that Mr. Haas come up with a plan of 10 acres or less or get closer to 10 acres. On January 9<sup>th</sup> Mr. Hass presented updated plans to Woodland Township. The Townships recommendation is an approximate 20 acre rectangular piece that would include the old growth tree Mr. Hass is trying to preserve. For this meeting Mr. Haas presented a plan which has a division for the home of roughly 12.5 acres. It should be noted that Mr. Haas indicated he has an alternate plan that he might present during this meeting.
- B. Haas stated that he would be okay with the 12.5 acre plan that is on display. He could also let the Board know what the Township had to say at the past meetings if this Board so chooses. Aarestad indicated he would like to see what the Board has to say and if needed the Township comments could be addressed. Haas agreed.
- C. No public comment.

- D. Vick asked to hear what the Township stated. Haas – presented a revised plan, which was displayed and reviewed. The Township indicated they did not like the thin property line at the northern area of the parcel, so he did present a rectangular design that the Township stated they preferred. This design is where he can assume the 20 acre comment from the Township came from. The 20 acres is what he estimated the acreage of the rectangular would be. Vick – wanted to verify that the plan the Township favored included the old growth tree. Haas confirmed that tree would be included. Haas went on to describe some natural tree, field and fence boundaries that were taken into consideration when drawing the lines. Vick – personally, does not like the alternate 20 acre proposal as it takes up tillable land. He prefers the 12.5 acre division but would like to hear what others have to say.
- E. Jones questioned if the line could move slightly, on the present 12.5 acre plan, to get down to the 10 acres. The goal of the Board is to preserve tillable acreage. Ogle – the property lines for the 12.5 acres are drawn in a way to capture and preserve the old growth tree as well as maintain required road frontage and meet building setbacks. The property line near the road might be able to be shifted slightly to the east. Haas questioned if there is a reason the west line that runs north and south needs to be straight and can't follow the tree line. Jones – had that question as well. Jogging that line could help bring down the amount of acreage but preserve where needed. He would like to see the acreage brought down to 10 acres. Haas – just because he is taking up farmland doesn't mean it wouldn't continue to be farmed. Jones – there is no guarantee what will happen in the future with new buyers. The Board has to look into the future and what someone else could do with the property. Ogle – displayed a rough proposal following the tree line, preserving the old tree, and meeting all required setbacks and road frontage. Though not survey grade accuracy, the estimated acreage ends up just over 10.34. Haas stated he can't cut that much into the west property line; it takes up his windbreak and garden. Ogle moved the line slightly and came up with roughly 11 acres and reminded the Board that they can discuss but he can't spend all day designing a plan. Jones – originally started off looking to preserve a large tree and now being asked to look out for a flower garden. He wants to see 10 acres. Haas stated he is also looking at his windbreak.
- F. Neumann – the point of the Board of Adjustment is to help people that have a hardship. He is trying to figure out what the hardship in this situation is. Agrees with member Jones that the applicant should get down to 10 acres and needs to choose what the priorities are and what can be given up. Does not see a hardship and why the Board should sit and try to design something that meets the applicants wants when he doesn't see a need.
- G. Aarestad – agrees with members Neumann and Jones, to an extent. Feels the request at 11 acres is a reasonable compromise. The applicant has come to several meetings and listened to the discussion. Feels that following the tree line and 11 acres is a reasonable request. Possibly a new windbreak could be established and knows that cutting into a garden isn't ideal, but the garden can be reoriented or expanded in a different direction. Haas – the garden is a flower garden that was a cow yard, so it is very fertile land that he would like to keep. Aarestad asked the Board if they feel they could agree on 10.5 acres or are they are at a hard line of 10 acres. Ogle showed the last proposed plan at roughly 11 acres. Aarestad – at 10.5 acres could possibly preserve the windbreak. The Board can't sit here and design but come to agreement of 10.5 acres with the applicant responsible of coming up with what that looks like. Neumann stated that over the 10 acres the animal units would need to be addressed with a limit set with Aarestad agreeing.
- H. Vick – feels comfortable with 11 acres. The applicant has worked hard at listening to what the Board has asked. Feels there is a hardship with how the property is squeezed in-between two properties and the tree means very much to him. The Township was okay at 20 acres, which he would not be in favor of.
- I. Aarestad – one member is missing so the option is to vote now or continue. Ogle – asked that if the Board is not going to approve exactly as proposed the item be pushed back to the next meeting so that a decision isn't made on a theoretical acreage design and a more concrete design can be presented. If 10 acres or under the Board is not needed. Vick – could it be open ended at 11 acres and it is up to the applicant to come up with

the design? Ogle – if the Board is not going to approve exactly what is presented it is highly suggested that the item be continued for a plan to be created and reviewed.

- J. Jones – the problem is that it has been seen over the years. It is only 1 acre but now the entire county is looking at this and we will see more and more requests. Feels it is either 10 acres with no Board needed or turned down.
- K. Jones moved to deny the entitlement division, with an existing home, that would be over 10.0 acres. Neumann Seconded the motion.

*DISCUSSION: Vick – understands the member comments but feels there is a hardship with the location of the tree and cramped in. Jones – there is a lot of area to work with. Vick – one proposal displayed at 10 acres could work. Haas stated the layout being referenced would be acceptable. Vick questioned the applicant if he would be wanting to withdraw his request. Ogle – displayed the proposal in question and reminded the Board and applicant this is not survey grade accurate. Haas and Vick continued to discuss the property size and lines with Haas stating the proposal would work for him.*

Jones withdrew his motion with Neumann agreeing to withdraw his second.

- L. Vick moved to dismiss the petition without prejudice. Jones seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **TROY LOKEN** – cont. 12/9

LOCATION: 7141 Rosewood Ave NW – Part of the East 150 feet of the West 452.4 feet lying south of cartway & North of Union Lake in W 1/2 of SW 1/4 Section 30, Township 121, Range 28 of Wright County, MN (Union Lake – Southside Twp.) Tax # 217-000-303305. Property Owner: Troy & Deanne Loken

REQUEST: A variance as regulated in section 155.026, 155.049(F), 155.057(E)(1), & 155.090(Table 3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a second-level addition and proposed deck to an existing home that is inside the side yard, road, and lake setback. The proposed septic tank would also encroach a property line setback.

Present: Troy Loken and Deanne Loken

- A. Ogle displayed the proposed site plan and reviewed the property details. The R-1 zoned property is 0.32 acres on Union Lake, which is a Recreational Development lake, in Southside Township. In 1987 the BOA approved a 24 ft. x 36 ft. cabin to replace an existing mobile home. In 1996 a variance was granted to allow an addition to attach the house and garage. This request is to allow a 28 ft. x 36.5 ft. (850 sq. ft.) second level addition and an 8 ft. x 20 ft. (160 sq. ft.) deck to the existing home. The second level and deck addition would not further encroach any setbacks. The existing deck is 48.8 ft. from the lake and the home is 11.3 ft. from the west side yard, 14.2 ft. from the east side yard, and 28.2 ft. from the centerline of Rosewood Ave. The request is also to allow a septic tank approximately 6 ft. from the north property line. The Board continued the request from the December 9th meeting so they could receive a response from the Township. The Board did not appear to have concerns with the proposed additions, but Board member Vick suggested the existing deck, closest to the lake, could possibly be altered and moved further from the lake. Mr. Loken provided an updated plan that reduced the deck slightly so that the closest corner would be 51.47 ft. instead of the original 48.8 ft., from the lake. The Township approved the request due to the improvement of the septic system as well as no further encroachment on the lake than the existing home. The Township would allow the supply line to go under Rosewood Ave and the preferred method being directional boring and if that were not feasible than an open trench. In the end the road must be returned to its condition prior to construction. One neighbor did not object to the request and another commented that they agree with any improvements that would increase neighboring property values. The septic tank would still be 6 ft. from the property line, where 10 ft. is required.
- B. T. Loken – did revisit the deck and tried to get the lake setback number beyond a 50 ft. line, which is what he understood as the suggestion. The revision left the integrity of the existing deck and brought the corner in from the lake. Photo of the home was displayed with details of the deck reviewed. The change to the existing deck is the only item changed on the design.
- C. No public comment.
- D. Jones questioned the amount of impervious and building coverage. Ogle explained the impervious will be under the 25%, closer to 22%, with the building coverage around 14% where 15% is the allowed limit. Jones – no additional questions.
- E. Neumann – what does the neighborhood look like, are there any other 2 story houses? T. Loken – there are approximately 16 homes on the lake with roughly more than 50% as 2 story. Their home sits in a low valley with the home to the east being a 2 story and to the west the topography goes up significantly with a single story house that sits well above their home. Behind them is a bluff. Neumann questioned if the directional boring option has been discussed with a professional and is it feasible. T. Lokken – Bernie Miller, with MSTs, did the site plan and has been doing this for many years. The neighbor to the east directional bored to a drainfield across the road. Southside Townships concern was that the road be returned to the current condition, regardless of having to go with a trench or directional bore. Neumann – likes that the Board was

heard, and the deck was altered. With the neighbors in agreement and the site line concern answered he feels that he can support the request.

- F. Vick – appreciates that his deck concern was heard but he was asking for more adjustment. Addition is an 8 ft. x 20 ft. deck being added within the 100 ft. setback, so he was trying to get that existing deck cut back to the edge of the window and be at or near the 65 ft. lake setback and not encroach more than the house. Feels the existing deck should be cut off to the window and get back to about where the house is.
- G. Aarestad – feels the proposed plan is acceptable. Understands the concerns of member Vick but the addition is in line with the existing building.
- H. Motion made by Neumann to approve the plan as was presented at the January 13, 2023, meeting. The presented plan shows the 28 ft. x 36.5 ft. (850 sq. ft.) second-level addition and an 8 ft. x 20 ft. (160 sq. ft.) deck to the existing home. The proposed second-level addition and deck would not further encroach any setback with the existing home/deck 51.47 ft. from the lake, 11.3 ft. from the west side yard, 14.2 ft. from the east side yard, and 28.2 ft. from the centerline of Rosewood Ave. The septic tank would be approximately 6 ft. from the north property line. The approved plan shows the reduction in the existing deck closest to the lake from 48.8 ft. to 51.47 ft. Conditions: 1) written approval from Southside Township, regarding the supply line crossing under the road, to be submitted prior to any permits being issued; 2) a defined legal easement, with the property owner to the north, to be recorded with the Wright County Recorder prior to any permits being issued. Motion seconded by Jones.

VOTE: CARRIED, Vick opposed

3. **JEFFREY MATTHEWS** – New

LOCATION: 6370 Quinn Ave. NW – Lot 5 of Sylvan Shores on Lake Sylvia in Section 32, Township 121, Range 28, Wright County, MN (W. Sylvia – Southside Twp.) Tax # 217-058-000050. Property Owners: Jeffrey A & Beth W Matthews

Requests a variance as regulated in section 155.026 and 155.057(E) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to enclose the area below a four-season room approved by the Board of Adjustment earlier in 2022. The request would not further encroach the shoreland setback than the existing home which is 67.5 ft. to West Lake Sylvia where 75 ft. is required.

Present: Jeff Matthews

- A. Ogle displayed the site plan while going over the property details and history of recent Board of Adjustment approvals. The property is roughly 0.52 acres, located in Southside Township, zoned R-1, and situated on West Lake Sylvia. In 2021 the Board approved the replacement of the existing enclosed porch and deck with a new 18 ft. x 26 ft. addition on the lakeside of the dwelling that would be 67.5 ft. from the ordinary high-water mark. As part of that request the Board also approved a 4 ft. x 10 ft. deck on the north side of the dwelling. No action has been taken on the approved request from 2021. In 2022 the Board approved a request to convert the existing sunroom and deck, which are 18 ft. x 26 ft. into a four-season space, add a loft over the existing cabin, extend the roadside overhang 2 ft. x 14 ft., and add a 4 ft. x 10 ft. deck which would not further encroach the shoreland setback, which is 67.5 ft. With that request a stormwater management plan was to be submitted at the time of building permit application, and impervious coverage to stay below 25%. The current request is to enclose the 18 ft. x 26 ft. area below the four-season room, that was approved by the BOA in August 2022. An addition to an existing nonconforming home, which encloses an existing open-air area, requires a variance. The addition to the home would not be any closer than the current 67.5 ft. to West Lake Sylvia, where 75 ft. is required. The Township did approve of the request, since there is not additional lot coverage or movement towards the lake. One neighbor stated they were okay with the request to improve the lake home property.
- B. J. Matthews stated the reason for coming back asking for this variance is related to the heating and cooling of the four-season space. The HVAC contractor stated that heating and cooling the area would be very inefficient and had he known that during the August hearing he would have presented the plans to enclose the area in question. The enclosed area will not be bedrooms, with intentions to be a utility space for storage and a workout room. Mr. Matthews reiterated the reason for the request is in response to the recommendation of his HVAC contractor.
- C. No public comment.
- D. Neumann commented that he feels he is being lead along. Matthews stated that is not his intention. Neumann – understands the distance of the request isn't any closer to the lake but still does not have a good feeling with the continued variance requests. He is not sure if the original Board intended for this addition to be used as usable space and now a request is being asked for more usable space that was before outside storage. In favor of the lake setback at 67 ft., as this Board historically sticks with a minimum 65 ft. lake setback parameter. Matthews – existing stairway is closer than 67.5 ft., with eliminating that the distance to the lake will actually increase. Neumann stated he would like to hear comments from other members.
- E. Vick – understands the concern of heating and cooling with that open space below. In the past meeting minutes that area did not seem to be a concern addressed by the Board. If the original request included this area enclosed, he would not have had an issue. With the distance to the lake and the Township being okay he feels he would be okay with the request.

- F. Jones – agrees with member Vick. It wasn't an issue or concern at the last meeting but does recognize concerns with coming back to the board for more and more. Feels he can go along with the request.
- G. Aarestad – knows from experience that construction process things do come up and he can see why the applicant is back before the Board with this request.
- H. Motion made by Vick to approve the request to enclose an 18 ft. x 26 ft. area below a four-season room that was approved by the Board of Adjustment on August 19, 2022. Condition: all conditions from the August 19, 2022, Board meeting still apply which include a stormwater management plan and impervious surface not to exceed 25%. Seconded by Neumann.

VOTE: CARRIED UNANIMOUSLY

4. **HANS GAUGER** – cont. 12/9

LOCATION: 2505 45<sup>th</sup> St SE – N ½ of the SW ¼ and N ¼ of the SE ¼ in Section 28, Township 119, Range 25, of Wright County, MN (N. Crow River - Rockford Twp. & Franklin Twp.) Tax # 215-100-283100 & 215-284200 & 208-300-284200. Property Owner: Hans P Gauger Revocable Trust and Charles & Simone Thayer J R TR

Requests a variance as regulated in section 155.026, 155.048(F), & 155.057(E)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a lot line adjustment between parcel 215-100-284200 and 215-100-283100 so that parcel -283100 would have public road frontage but it would not meet the minimum required.

Present: Applicant not present

- A. Ogle summarized the continuation from the last hearing was for the applicant to look at other options with the purchase of property from the property owner to the east. The applicant decided that was not an option and submitted a written request to dismiss.
- B. Vick moved to dismiss the petition without prejudice. Jones seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **HANS GAUGER** – cont. 12/9

LOCATION: 2505 45<sup>th</sup> St SE – N ½ of the SW ¼ and N ¼ of the SE ¼ in Section 28, Township 119, Range 25, of Wright County, MN (N. Crow River - Rockford Twp. & Franklin Twp.) Tax # 215-100-283100 & 215-100-284200 & 208-300-284200. Property Owner: Hans P Gauger Revocable Trust and Charles & Simone Thayer J R TR

Requests a variance as regulated in section 155.026, 155.048(F), 155.048(G), 155.056(D)(4), & 155.057(E)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a “1 per 40” division that is over the maximum allowed acreage, not meeting public road frontage requirements, and not meeting the required vehicular access elevation in the floodplain for a “1 per 40” division which would allow for a new principal structure.

Present: Applicant not present

- A. Ogle stated the request is contingent on the previous request and therefore the applicant submitted a written request to dismiss.
- B. Vick moved to dismiss the petition without prejudice. Jones seconded the motion.

VOTE: CARRIED UNANIMOUSLY



6. **JOEL HIRSCH** – New

LOCATION: 10831 Greer Circle SW - Lots 55, 56 & 69 Terra Teresa, according to plat of record, Section 25, Township 118, Range 27, Wright County, Minnesota. (Lake Mary - Victor Twp.) Tax #219-016-000550 Property Owners: Joel R Hirsch & Stacy K Hirsch

Requests an appeal of a condition placed on a variance approval from 2019, as regulated in section 155.026 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Joel Hirsch

- A. Ogle displayed the 2019 site plan. The property is located in Victor Township on Lake Mary. In 2019 the Board of Adjustment approved a variance to remove and replace the existing dwelling with a condition that a rain garden be installed with a maximum depth of 8 inches and be sized appropriately with included overflow and riprap spillways to the lake. The applicant is before the Board requesting the condition to install the rain garden be removed. The applicant states a rain garden should be 50 ft. or further from a well. The issue brought by the applicant is that the well was placed in the location of the proposed rain garden. As part of the staff report there are supporting documents submitted by the applicant as to why the rain garden should not be placed near the well.
- B. Hirsch – it is the University of Minnesota’s suggestion the rain garden should not be near the well. Just after the 2019 variance was approved the neighbor put in a catch basin and 6” drain tile that brings water directly to the lake and eliminated any water concerns or problems. Technically, that water didn’t come from his property but was coming from the county ditch. He is asking the Board to remove the rain garden requirement. At one of the original meetings the Board suggested a rain garden or shoreland buffer. He has 100 ft. of lake shore that has natural buffer with mature trees and vegetation. The area that drains to the side of the house in question has over a few 1,000 sq. ft. of dense grass that he researched and tested to have an infiltration rate of about 900 gallons per hour. In lieu of the new information and the U of M suggestion that a rain garden shouldn’t be placed near the well, he is asking the Board to remove the rain garden condition.
- C. No public comment.
- D. Vick – remembers visiting the site and the applicant worked with the Board at that time. Asked the applicant if he would be opposed to a stormwater management plan to be approved by Staff. Hirsch – 66% or greater of the roof runoff terminates on the other side of the property. He did work with Wright County Soil and Water when the concern came up. At the time it felt as though every design SWCD came up with the Board turned down. SWCD did suggest running drain tile directly to the lake but after talking with the DNR he has an issue with directly discharging runoff into any lake, without some natural infiltration. Vick – was thinking some type of stormwater management plan in lieu of a rain garden would be something that could be worked on with Staff. Hirsch stated that he did visit with the Township, and they don’t feel a rain garden is needed. Vick – also not stuck on a rain garden but would like to see some type of stormwater management plan.
- E. Ogle questioned the audience if anyone from the Lake Mary Association was present. Hearing no comment, he preceded to review their mailed letter response to the request. They did question why Mr. Hirsch does not want to comply with rules agreed on to get this home built. They also questioned why the well was intentionally drilled in the location of where the rain garden was to be located and believes Mr. Hirsch should follow the rules he agreed to. Hirsch stated he hired a contractor to do the work for him and did not intentionally place the well in the location of the rain garden.
- F. Jones – does not see a problem with the request. If there are no issues of standing water or running water and there is already a large grassy area, than he is comfortable with the request. Ogle – reminded the Board the displayed Beacon aerial photo shows the old home and has yet been updated to show the new home. The new home is more centered on the lot but also larger in size. Jones – is there a problem with runoff? Ogle – he is

not aware of water issues but wanted the Board to be aware that the aerial photo displayed is not the most accurate depiction of lot coverage.

- G. Neumann stated he is puzzled as to why when the building plan was submitted the well location was not depicted. With the planning that goes into a new home he is surprised it was not known where the well would be located prior to the well being drilled. Troubles him that if the Board determined where the rain garden was to be located why the well was put in that location. Did the well not follow the plan? Hirsch – he did not see the well location on anything he saw that was submitted, maybe that was an oversight on the builder and planning. He did not know where the well was going until it was installed. Neumann questioned the location of the septic system. Hirsch – described the tank is opposite the rain garden and explained it is an ejector tank, so the mound system is on the other side of the road. The well contractor stated he could not place the well on that side of the house due to the septic tank location. Neumann – agrees with that statement but was questioning why the well was not included as part of the originally presented plan. If others feel a rain garden isn't necessary, he can go along with that, but does feel that some type of stormwater management plan should be submitted. The other BOA Board thought a rain garden was necessary, so his feeling is that at a minimum a stormwater management plan should be required.
- H. Aarestad – remembers visiting the site and there is a 100 ft. of shoreline with a natural buffer. Hirsch – the shoreline to the top of the bank is about 20 ft. Aarestad – recalls the original discussion asking for shoreline buffer or rain garden. His feeling is that the shoreline buffer is adequate for cleaning and preserving the water to the lake. He is fine with no rain garden and satisfied with the natural buffer in place. One concern he does remember is the house to the north, in the spring of the year, had quite a bit of standing water. Hirsch – that is the neighbor that put in the catch basins and drain tiles and his issues were the only reason the rain garden came up in conversation at that meeting. With the aerial photos displayed, Mr. Hirsch explained the location of the catch basins and drain tile that addressed the pooling of the county ditch run off. Aarestad – one concern would be contributing to an already existing problem, but it sounds like that is no longer an issue. Neumann asked for clarification on which neighbor did all of the dirt work with Mr. Hirsch using the Beacon aerial photo to explain the location to the north of his parcel.
- I. Vick moved to approve the request to remove the rain garden condition placed on the property by the Board of Adjustment on March 6, 2020. Condition: Approval of a new stormwater management plan to be submitted and approved by the Planning & Zoning Department. Seconded by Jones.

*DISCUSSION: Hirsch presented to the Board a site plan with his current home location and described direction of water flow. An average rain fall will drop roughly 112 gallons off of the roof. His proposal is to add two 65 gallon rain barrels to help mitigate the water flow. Vick stated that would be part of the stormwater management plan. Aarestad agreed and asked the applicant to present those details to staff and they can work through a design showing how the water coming off of the addition will be managed.*

VOTE: CARRIED UNANIMOUSLY

**ADMINISTRATIVE DISCUSSION:**

Aarestad mentioned the February 3<sup>rd</sup> meeting is the only one set for February and currently there is a single applicant. Common practice has been that if there is only one item on the agenda the meeting is not held. He would like to hear what other members have to say. Ogle stated he currently has one applicant with an application deadline at the end of the day, so he would need to know the Chairman's decision by the morning of Tuesday January 17<sup>th</sup>, as that is the notice to the paper deadline. Aarestad asked the other members if they would be comfortable saying, 2 or less applicants the meeting is cancelled. Neumann and Vick were in agreement that even with a single applicant they would like to have a hearing. They feel that the applicant went through the time and paid the fee to be heard in February, so they should honor that. It was decided amongst the Board to hold the February meeting.

Meeting adjourned at 9:40 a.m.

Respectfully submitted,

Aaron Ogle  
Planner

BR:sld

Cc: Board of Adjustment  
Applicants/Owners  
Twp. Clerks