

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: MAY 6, 2022

MINUTES – (Informational)

The Wright County Board of Adjustment met May 6, 2022, in the County Commissioner’s Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Paul Aarestad, called the meeting to order at 8:30 a.m. with Board members present: John Jones, III, Dan Mol, Dan Vick, Bob Neumann and Paul Aarestad. Representing the Planning & Zoning Office was Aaron Ogle, Planner and Barry Rhineberger, Planning & Zoning Administrator; Greg Kryzer, Assistant County Attorney, legal counsel.

ACTION ON MINUTES FOR THE APRIL 8, 2022, MEETING

On a motion by Jones, seconded by Mol, all voted to approve the April 8, 2022, minutes as printed.

1. **DANIEL ZIMMERLI** – Cont. from 4/8/2022

LOCATION: 6015 Farmington Ave SE – N ½ of NW 1/4 , Section 1, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-200-012101

Requests a variance as regulated in Chapter 152.025 and 155.026, 155.047(F), 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to increase to 14 animal units, on a property currently containing, and allowed a maximum of 10 animal units.

Present: Applicant not present

- A. Ogle stated the applicant no longer wants to pursue the request and has withdrawn the application. He has the signed request for dismissal on file and is requesting approval without prejudice.
- B. Vick moved to dismiss the petition at the applicant’s request. Jones seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **MITCH THEISEN** – Cont. from 2/11/2022 & 3/18/2022 & 4/8/2022

LOCATION: 2749 27th Street SW – The SE 1/4 of the SW 1/4, and the SW 1/4 of the SE 1/4 of Section 15 and part of the East 1/2 of the NW 1/4 and the NE 1/4 of Section 22, Township 119, Range 26, Wright County, MN (North Fork Crow –Marysville Twp.) Tax # 211-000-153401, -153400, -221101, -151301
Property Owner: Cynthia M. Theisen Trust

Requests a variance as regulated in Section 155.026(E)(2) & 155.048(G)(4)(c) & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to divide off roughly 20 acres with existing house, from tax parcel 211-000-153400.

Present: Mitch Theisen and Paul Otto of Otto Associates

- A. Ogle displayed the site plan and reminded the Board the item was heard at the prior 3 meetings. The applicant is seeking to divide off roughly 20 acres with road frontage along an unimproved cartway. The Township has approved the division and are required by MN State law to grant the cartway, which will require a petition and public hearing. The Township did reply they believe the cartway will be granted at the June 2022 meeting. Discussion was turned over to the applicant for elaboration on the request and asked to provide updated status of the cartway petition.

- B. Theisen – initially the Township was unsure how to move forward with the cartway. The last Township meeting their Attorney was present and explained the process. He stated that it is not a difficult process but does take roughly 30-60 days. Feels there is very little risk of the cartway not being approved.
- C. Otto asked the board to approve contingent on the cartway being approved. Mr. Theisen does realize nothing can be filed or moved on until the Township finishes the cartway approval.
- D. Rhineberger – the cartway adoption is a procedural thing. The Township did say they will adopt the cartway resolution.
- E. Mol – having been on a Town Board, agrees that this is procedural item that does take time. No neighbors have made comment against the request. Aware of what is happening at the site with the request and can see moving forward with a contingent condition added to the motion. Vick – agrees with statements. Jones – concurs with fellow members comments.
- F. Neumann – this discussion has been going on for several months, has no additional comment.
- G. Aarestad – agrees with the comments from other members.
- H. Motion made by Vick to approve the request to divide off roughly 20 acres with the existing house, from tax parcel #211-000-153400. Contingent upon the adoption and recording of the cartway resolution from Marysville Township. Subject to survey and deed restriction. Seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

3. **MITCH THEISEN** – Cont. from 3/18/2022 & 4/8/2022

LOCATION: 2749 27th Street SW – The SE 1/4 of the SW 1/4, and the SW 1/4 of the SE 1/4 of Section 15, Tax # 211-000-153400, and the NE 1/4 of the NW 1/4, and the NW 1/4 of the NE 1/4 of Section 22, Tax #211-000-221101, Township 119, Range 26, Wright County, MN (North Fork Crow –Marysville Twp.). Property Owner: Cynthia M. Theisen Trust

Requests a variance as regulated in Section 155.026(E)(2), 155.048, 155.057(D)(1) & 155.057 (E)(2)(a), Chapter 155, of Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to build a new dwelling 170.2' and pool 141.2' from the Ordinary Highwater Mark of a Transition River.

Present: Mitch Theisen and Paul Otto of Otto Associates

- A. Ogle displayed the revised site plan and reviewed the request. New proposal shows the home at 175 ft. from the river and the pool moved back to 152 ft. from the river. The original request had the home at 170.2 ft. and the pool at 141.2 ft. with a river setback of 200 ft. The Township did approve the setbacks on the original proposal. The existing mining operation was conducted about 250 ft. from the North Fork Crow River. Over the past 16 years the river has eroded the bank directly south of the proposed home site.
- B. Otto – based on the last conversation the pool was reconfigured and gained 10 ft. from the river. The home was slightly twisted as far as could be done, without sending it over the edge. With gutters and drain tiles the water will be directed to run north and into the old mine. Reminder that the hardship and justification for the variance is the river moving and the location of the mining operation. Understand that the property owner did create the mine, but planning was done for the house location and the river moved. If a normal river the setback would be 150 ft. and the setbacks would be met. With this type of river, the DNR requirement is 200 ft.
- C. Vick – like that the comments were heard at the last meeting and the new proposal has the house and pool pushed back. Still concerned that the river has moved and will potentially continue to move. Questioned if this is permitted, and something happens with the riverbank, would the County be held liable. Kryzer – no liability for the County. Simply reviewing a variance and practical difficulty. It would be up to the property owner to take the risk of where they build. Vick – this is a betterment to the property. Would like to see the pool moved even further or even something added to the plans that would prevent erosion of the bank affecting the home.
- D. Jones – the Board has been looking at this request for 3 months and visited the site. Feels a good job has been done addressing the concerns and comments from the Board. Has no additional problems.
- E. Neumann – this is 80 acres, so why a variance is needed is a mystery. A small lake lot is one thing, but this is 80 acres to work with. Agree, over the last 20 years the river did move. This is brand new construction on 80 acres, therefor feels the setbacks should be met. Stated he will not approve the request.
- F. Mol questioned if the remainder of the hill, closer to the river, could be mined. Could the hill have been mined down? Rhineberger – potentially. The hill itself could be mined as long as doesn't impact the septic site. It is something that would have to be re-permitted. Mol – no rules state the mine has to be setback 200 ft. from the river. Rhineberger – the shore impact zone is located at 100 ft and would be protected. Not outright prohibited but requires a CUP when a certain volume of soil in this zone is impacted. Theisen – when father passed the mining operator asked if the hill area should be included in the mining operation and mined. The hill could come down if family wanted the money from the gravel. Decision was made to decline having the hill mined and remained untouched for a home site, as originally planned. Mol – have had a hard time finding a hardship. Agree with member Neumann that there are 80 acres and a site should be found on those 80 acres. In the same token, it has been shown that this site was set aside for a house and the river moved, which created a hardship. That is why the question was asked if the hill could have been mined. Clearly this

site was set aside for a homesite. Building behind the hill there isn't the view of the river and wetlands, which defeats the purpose of what was intended for a homesite. The site inspection was helpful in seeing the reason for the homesite. If the hill were to be mined there could be a building site and the setbacks met. Can see the hardship with the natural movement of the river.

- G. Aarestad – share many of the thought's member Mol voiced. Feels the applicant listened to the concerns and made the changes, as asked.
- H. Mol motion to approve the variance as regulated in Section 155.026(E)(2), 155.048, 155.057(D)(1) & 155.057 (E)(2)(a), Chapter 155, of Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to build a new dwelling 175' and pool 152' from the Ordinary Highwater Mark of a Transition River. Seconded by Jones.

DISCUSSION: Vick questioned if it would be too much of a burden to push down the hill for a homesite. A variance would possibly not be needed. That riverbank is so steep the worry is there for what could happen with erosion. Theisen – if can't build in this location probably wouldn't do anything at this site, as it would defeat the purpose of the review and wetland view. There could be bluff issues when looking at the amount that the hill would need to come down to accommodate a homesite. Rhineberger – the excavation of the top of the hill would affect the bluff and there would need to be more discussion and review if the excavation could even occur. In this situation doing one item as a benefit would also negatively affect another item. Not sure what would be gained by excavating in a bluff to increase the house setback from shoreland. Mining in a bluff could be a significant issue.

VOTE: CARRIED; NAY: Neumann

4. **RACHEL AND DAVID LOWE** – Cont. from 4/8/2022

LOCATION: 7836 Norris Ave NW – Lot 08, Bay View 1st Addition and Lot 7 Block 1, Bay View 2nd Addition, Section 26, Township 121, Range 28, Wright County, MN (Lake John - Southside Twp.) Tax # 217-017-000080 & 217-080-001070

Requests variances as regulated in Section 155.026, 155.049(F) & 155.057(E) & 155.090(D) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to tear down existing 600 sq. ft. cabin, with 296 sq. ft. deck, and construct a year-round home, with attached garage, of 1384 sq. ft. New home to be 72.8 ft. from Lake John. Also proposing a 12x24 deck that is 61.5 ft. from the lake. Current lake setback is 49 ft. from the deck and 62 ft. from the home. Existing, and proposed, deck and home are within a bluff. The attached garage is proposed with a 28.7 ft. road setback. The existing holding tank will be removed, and a new septic system installed. Proposed septic tanks are 6.6 ft. from the property line and the treatment area is across the road on the backlot. A new well will also be drilled.

Present: Rachel & David Lowe, Bernie Miller of MSTs

- A. Ogle – item was continued from the April 8 meeting to allow time for the site inspection. The proposal is to replace the current home with a new home and deck that will be further from the lake, but still within the bluff. Dimensions and setbacks were conveyed as noticed. The proposed structure increases the lot coverage from 7% up to 15% and the impervious will go from 13.6% to 25%. The septic treatment area will be located across the road, on the back lot. In 2002 the previous owner was granted an addition variance. Township did recommend approval, as the home and deck will be further away from the water.
- B. Miller – tabled from the last meeting for the site inspection. Trying to improve the overall layout with the design of the garage coming in from the side. This will allow for parking in driveway, not roadway. The 5 ft. distance to the road property line could be a concern but there is roughly 20 ft. of green space. The elevation of the property works perfect with the new house and garage design. The proposed location is a large improvement on the setback of the existing deck and house. With the existing variance for the location of the septic system, if the house wasn't being replaced, the tanks could be replaced without a variance. There is a back lot where the accessory building and sewer can be placed and is where the drainfield will be located.
- C. Jones – at the site and feels the request is a benefit to the situation. Is in favor of what has been proposed.
- D. Neumann – at the 25% impervious, concern is there will be additional walkways or other items that would put the lot over the allowed 25%. Miller – anytime a plan approaches the 25% this concern comes up. The time was taken to review what might come up as a need and what is existing. There is already stairs to the lake as well as a deck and shed by the lake that will be staying. There is nothing else planned and no need for additional deck, walkway or shed. Some of the 25% has been used for a turnaround within the driveway. The applicant is well aware that this is all that would be allowed for impervious.
- E. Mol – visiting the site was helpful. Like that the garage is located in a way that parking will be taken off the road. Overall, what is being proposed is a good alternative to the property. Likes that the house is being moved back off of the lake.
- F. Vick – bothered by the amount of impervious. Questioned if a small portion of the deck could be removed. D. Lowe – not sure if an adjustment would impact the window locations and entry way, discussion with architect would be needed. Ideally, would like to keep at the 24' x 12'. Willing to consider something other than a cement or blacktop driveway. Vick – does not like to see the limit of impervious at the maximum allowed, would like to see a little cushion. Feels that removing a small portion of the deck is possibly an option. D. Lowe – the reason they pulled back the 10' from the lake is that the ground is flatter in this area.

The thought is that water run off would take more time to soak in versus run right to the lake. Vick – would like to see that impervious number lowered.

- G. Aarestad – satisfied that erosion issues have not been created for either neighbors. Likes that there is a plan in place to help improve and stabilize the bank. The building size is reasonable. The location fits nicely with the topography and the garage set back is keeping with the neighbors. Overall, this will be an improvement and fit in nicely.
- H. Mol moved to approve variances according to Exhibit “A” – septic site plan and, Exhibit “B” – building plans. Motion seconded by Jones.

VOTE: CARRIED; NAY: Vick

5. **DONALD KUNELIUS** – New Item

LOCATION: 7796 Norris Ave NW, Lot 15 and part of lot 16 of Bayview 1st Addition, Section 26, Township 121, Range 28, Wright County, MN (Southside Twp.) Tax # 217-017-000150 & 217-080-001130. Property Owners: Donald J. Kunelius & Susan J. Kunelius

Requests variances as regulated in Section 155.026 & 155.057(E)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to add a 333 sq. ft. addition and 102 sq. ft. open porch that is proposed at 59.2 ft. from the OHWL. Existing house is 50.7 ft. from the OHWL of Lake John. Small deck to be removed. Lakeside property is 19293 sq. ft. Proposed building coverage of 12.1% and impervious of 17.6%.

Present: Donald & Susan Kunelius, Ian McLellan with Albertsson Hansen Architecture

- A. Ogle reviewed the property on Lake John. The proposal is for a 333 sq. ft. addition and 120 sq. ft. open porch that is proposed at 59.2 ft. from the OHW. The existing house is 50.7 ft. from the lake. Southside Township did approve, as the addition does not further encroach on the lake.
- B. McLellan – addition will be a family room and bathroom. The entire house is in the setback. The one story addition is keeping with the existing cabin. Not blocking any of the neighbor views. Conscious effort was made to stay away from the lakeside and not encroach any more than already there.
- C. Neumann – survey was displayed with the location of the addition reviewed. McLellan – the addition is located on the south side of the existing home. Neumann – close to the existing septic tanks. D. Kunelius – new septic system going in and appears to be at least 10’ from the addition and 10’ from property line. Neumann – modest addition. Doesn’t exceed allowed impervious or add extensive building coverage. Concerned with the septic tanks appears to be addressed.
- D. Mol – when at another site the members did drive by and made aware the property would be on the agenda. The proposal is staying away from the lake and the septic tanks are being relocated to meet the required 10 ft. setbacks. Feels the request is reasonable.
- E. Vick – request is a modest addition. The impervious coverage isn’t an issue. Albertsson Hansen Architecture made note in the submitted document that the water will be directed away. Would like to see that comment added into the motion.
- F. Aarestad – concern is that traditionally this Board has held strong to a 65 ft. minimum setback. Because of the modest size, scale, hill, and topography would be willing to make an exception to that 65 ft. setback. Mol – agree with the 65 ft. setback but this is an existing house with an addition. If the applicant was looking at tearing down and starting over the Board might have a different opinion.
- G. Jones – agree with prior comments. No concerns.
- H. Vick moved to approve the variance to add a 333 sq. ft. addition and 102 sq. ft. open porch that is proposed at 59.2 ft. from the OHWL. Condition: Landscaping and garden be installed to mitigate water from the downspout located at the corner where the existing cabin and addition meet. Seconded by Neumann.

VOTE: CARRIED UNANIMOUSLY

6. **TIMOTHY KINSKY** – Cont. from 3/8/2022

LOCATION: 4406 Fillmore Ave NW – Lot 40, Ramsey Lake Heights, Section 07, Township 120, Range 26, Wright County, MN (Ramsey – Maple Lake Twp.) Tax # 210-024-000400

Requests variances as regulated in Section 155.008(B), 155.026, 155.049(F)(3) & 155.057(E) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and allow the construction of a 13' x 22' single-story addition with storage underneath and livable space above along with a 21' x 6' single-story addition with livable space above and crawl space below. The addition would be 9 ft from the north property line and 14.1 ft from the southern property line. Also proposed is replacement of the existing 16' x 20' deck. Proposal increases the living space of an existing structure that is nonconforming to the side setback.

Present: Timothy and Mary Jo Kinsky

- A. Ogle – item was continued from the March 18th meeting for Township review. The request is for a single-story addition on Ramsey Lake. The proposal is for a 13' x 22' single-story addition, with storage below and a 21' x 6' single-story addition with crawl space below. The request also includes replacement of a 16' x 20' deck. The addition would be 9 ft. from the north property line and 14.1 ft. from the southern property line. This proposal is an increase in living space of an existing structure that is nonconforming to the side yard setbacks. The lake and road setbacks are met. The Township did submit their approval.
- B. Mol – not familiar with the property. Concern with how close the neighbors' buildings relate to this addition. The 9 ft. is more of a concern than the 14 ft. Questioned if the addition can be narrowed a little to get to 10 ft. or 12 ft. Not asking for a very large addition but that setback is really being pushed. T. Kinsky – did speak with the neighbor. Since purchasing the property, 2 years ago, a water issue came to light that is related to a negative slope on the structure. The plan is to tear down that area and extend just a little with the addition. Part of the plan is to address drainage issues. The 9 ft. out cropping has a chimney that is falling apart. That chimney will need to be removed. In the end as much money will be spent on repairs and improvements than would have been spent on a new build. The 9 ft. setback was approved by the previous owner, who recently passed away. The son, who is the new owner, has no issue with the addition. There is a lilac hedge row between the 2 properties. Mol questioned if a drainage plan has been filed with the County. T. Kinsky – not formally. Plan is for drain tile around the entire house. Mol – did not see drainage addressed on the plans and one of his concerns is the control of water.
- C. Vick – asked applicant to review how the water issue will be addressed. T. Kinsky – farm field across Fillmore Ave, which is on the southside, drains towards house. The house gets in the way of the water that flows from the field and road. There is a water issue to be addressed and conversations have been had with the excavator. When the dirt is removed for the basement storage area a landscaper will be hired to address landscaping and prevent runoff from affecting the house. The runoff comes from surrounding properties onto their parcel, not from their parcel onto the neighbors. Vick questioned if the slope or dirt work would interfere with the neighbors. T. Kinsky – with the aerial photo displayed water flow was described.
- D. Jones – with aerial photo displayed, review of the garage area and water flow was reviewed. Not sure how adjusting the addition can gain any distance for the setback. The lilac hedge row is a good divider and the chimney coming down won't provide additional room. T. Kinsky – the chimney won't give any more relief to the line. If decks are considered impervious there is already a deck area that the addition will be going over. Jones – on the plan is seeing 8.2 ft. from the property line to the deck. T. Kinsky – explained the area of the entry way is the 8.2 ft. and how the existing deck is involved in the addition and relative to the 9 ft. setback. Jones – there does not seem to be a way to improve on the 9 ft. setback unless the entire cabin comes down. T. Kinsky – looked at a tear down, decided it would be a better option to work with what is existing.
- E. Neumann questioned the septic system location. T. Kinsky – site plan diagram displayed and explained. The 5 tanks are lake side. Neumann – 14 ft. on the south side is enough to drive a truck through and is firm enough.

T. Kinsky – believe it used to be a road, the ground is firm. Neumann – concern is ability to maintain septic system if not able to access with the wet soils. T. Kinsky – system has been pumped twice with no issue. Neumann – building plans show the entry door coming out with a sidewalk. Would have liked to see the entry moved and sidewalk not encroaching on the neighbor line. T. Kinsky – entry was adjusted so sidewalk will now terminate at the entry door. Neumann – appear to be covering up existing decks. If neighbors have not complained this would have been their chance to make a comment. Township did approve.

F. Aarestad – two concerns. Drainage was a concern and appears to be known and will be addressed. The other concern is the septic system and making sure that 14 ft. can accommodate an excavator or dump truck. T. Kinsky – confident excavators and machines will not have a problem with access.

G. Motion made by Neumann to approve the construction of a 13' x 22' single-story addition with storage underneath and livable space above along with a 21' x 6' single-story addition with livable space above and crawl space below. The addition would be 9 ft from the north property line and 14.1 ft from the southern property line. Also proposed is replacement of the existing 16' x 20' deck. Motion seconded by Mol.

DISCUSSION: Vick questioned the applicant if he would consider moving the entry door to more of the front of the home, so the walkway would stay away from the property line. T. Kinsky – would need to have the architect review. The idea was to try and work within the existing parameters. Vick – feels it would be a good idea to look into and stay as far away from the neighbors' line. T. Kinsky – would be willing to talk with the architect. With the current plan the entry into the living area is a direct line from the door. By changing the entry location not sure if when there is a need to bring in a box spring or mattress the corner could be managed. Could possibly go around where there is no walkway. Vick – concerned with the distance to the neighboring line. Mol stated he is fine with the plan and the reasons that were provided. Neumann stated he would leave motion as is.

VOTE: CARRIED UNANIMOUSLY

7. **DONALD CHRISTIANSON** – New Item

LOCATION: 4572 Fillmore Ave NW, Lot 55 of Ramsey Lake Heights, Section 07, Township 120, Range 26, Wright County, MN (Maple Lake Twp.) Tax # 210-024-000550. Property Owners: Donald R. Christianson

Requests a variance as regulated in section 155.026, 155.049(F)(2)(a), & 155.026(F)(3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the construction of a 20 ft. x 22 ft. (440 sq. ft.) garage that would be 47.16 ft. from the center of Fillmore Ave NW and 5 ft. from the side lot line.

Present: Donald Christianson & Dorothea Enger

- A. Ogle displayed site plan of site. The property is a 13,452 sq. ft. parcel located on Ramsey Lake. The request is for a 20 ft. x 22 ft. garage that would be 47.16 ft. from the center of the Township road and 5 ft. from the side lot line. The owner is proposing a new garage that would require a variance for the road and side yard setback. There were 2 previous variances approved but never acted on. In 1998 the variance was approved for a 20 ft. x 28 ft. garage 6 ft. from the side property line and 54 ft. from the center line of Fillmore Ave. The variance in 2003 was for a 19 ft. x 26 ft. garage no closer than 6 ft. from the side property line and 56 ft. from the center line of the Township road. The applicant has not made a Township meeting, currently on the schedule for May 17th.
- B. Vick – not comfortable moving forward without Township comment. Reading over the minutes from the prior variances there does not seem to be a reason the building can't be at least 6 ft. from the line. Christianson – went with 5 ft. in the request but in reality, will be closer to 6-7 ft. Vick – the request is also closer to the road right-of-way than past approvals. Christianson – asking for 47 ft. Vick – the neighbors' garage appears to be 3 ft. from the property line, so the building roofs will almost be touching. Would like to see at least 6 ft. or more from the property line.
- C. Jones – agree, would like to see 6 ft. or more. Also, until Township sends comment would like to not vote.
- D. Neumann – in the past the Board has gone with 5-6 ft. distance for septic tanks or an accessory structure, which are not as permanent as a garage. Questioned how far the well is from the proposed garage. Christianson – would have to measure. Neumann – appears to be 20 ft. or more, so there is room to move the garage and meet that 10 ft. setback. Also, the other variances were at 56 ft. from the road. Feels the building could move back from the road an additional few feet.
- E. Mol – read over previous meeting minutes. The 6 ft. is very tight to the neighbor. Would like to see the building closer to 10 ft. from the property line. Appears with the well location that distance would be obtainable. Also, wants to see the garage moved back to keep vehicles off the road. Would not want to go less than what has previously been passed, at a minimum would go along with what was passed before.
- F. Aarestad – share some of the same sediments. Move at least 6 ft. or more and demonstrate to the Board why it cannot move any further. Helpful if can be moved back from the road some.
- G. Mol – the Board has provided input and comments, but the Township did not hear the item or provide feedback.
- H. Motion by Mol to continue the hearing until May 27, 2022, to allow time for the applicant to meet with the Township. Seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

8. **GARY GOENNER**– New Item

LOCATION: 12025 Grant Ave NW, KLEMZ ADDN Lot-004 LTS 4,5,OUTLOT B & OUTLOT C of Section 36, Township 122, Range 27, Wright County, MN (Clearwater Twp.) Tax # 204-120-000040. Property Owners: Gary L. Goenner & Anita C Goenner

Requests a variance as regulated in section 155.026, 155.049(F)(2)(a), & 155.057(E)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a 20' x 36' (451 sq. ft.) addition to the home that would be 30.8 ft. from the center of Grant Ave NW and approximately 70 ft. from the ordinary high water line of Sugar Lake.

Present: Gary Goenner

- A. Ogle reviewed the property located on Sugar Lake. The parcel is 13,838 sq. ft. lakeside of Grant Ave., with the remainder of the parcel across the road. The request is for a 20 ft. x 36 ft. two story addition to the home that would be roughly 70 ft. from the OHW and 30.8 ft. from the centerline of Grant Ave. The existing building is 46.1 ft. from the lake and roughly 39 ft. from the center line of the road. The proposed addition would be roughly 720 sq. ft. at a construction value of roughly 158%, therefore would be considered new construction. The proposed addition will not further encroach the shoreland building setback than what is existing but would be closer to the road. The proposed addition would be roughly 20 ft. closer to the centerline of the road than any other neighboring home. Clearwater Township did approve the request as the road is not maintained by the township.
- B. Goenner – currently working on a new septic system across Grant Ave. The Township visited the site and provided their approval.
- C. Jones questioned if the Township or homeowners were the ones that maintain the road. Goenner – homeowners. Jones – could the addition be moved back from the lake? Goenner – the addition portion will not be any closer to the lake than the existing structure. Jones – concern with the road but the responsibility of maintaining the road is on the property owners, if they are not concerned than he is not.
- D. Neumann – aerial photo of the location showed other homes and garages in the area are in a similar situation with the relationship to the lake and road. Goenner – currently does not have a garage. Overflow parking is across the street, on his property. Neumann – if there aren't going to be boats and cars parked on the home side of the street. Questioned how wide the road is and if 2 cars pass at the same time. Goenner – there is plenty of room on the road for 2 cars to pass. Neumann – with the width of the road and location of the house addition there isn't much room between vehicles and the home.
- E. Mol – this area appears to have a challenge with location of the road and lake. There are only 5-6 homes on the road, it is basically a driveway. Neighbors appear to get along and will move over to allow passing. The applicant owns the lake side lot and the one across the street, there will be adequate parking. The Township does not maintain the road, the neighbors are responsible for maintenance. None of the neighbors responded negatively to the request. The addition will cause this home to be the largest in the area but is not going to encroach any further than the existing home to the lake.
- F. Vick questioned if there are rules related to the cost of construction value versus the existing home assessed value. Rhineberger explained the definition of new construction. In this case the cost of the addition cost enough that this would be considered new construction. Vick – the existing home is 40 ft. from the OWH. Ogle – existing home is 46.1 ft. from the OHW, with the addition portion proposed at 70 ft. Vick – if the home were to be built brand new it could be built further away from the lake. Agree with the other comments from members regarding the road.

- G. Aarestad – agree with the response from the Township. The addition is not out of line with the neighborhood. The road is more of a driveway than really a road. The addition will have no visual impact on the lake. Questioned if the water off of the roof will drain towards the road. Goenner – the drainage is well maintained and set up with culverts to the north, so water drains towards the lake.
- H. Motion made by Mol to approve to a 20 ft. x 36 ft. (451 sq. ft.) addition to the home that would be 30.8 ft. from the center of Grant Ave NW and approximately 70 ft. from the ordinary high water line of Sugar Lake. Motion seconded by Neumann.

DISCUSSION: Neumann questioned who submitted approval and relationship. Goenner – neighbors that share the road submitted their approval.

VOTE: CARRIED UNANIMOUSLY

9. **CRAIG BJORKLUND** – New Item

LOCATION: xxxx & 5586 Quinlar Ave NW – Part of Government Lot 2 and of Section 5, Township 120, Range 28, Wright County, Minnesota. (W. Sylvia - French Lake Twp.) Tax #209-000-051224 & 209-013-002060.

Requests a variance as regulated in section 155.026 & 155.049(F)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a 40 ft. x 60 ft. (2,400 sq. ft.) shed that would be 52.6 ft. from the center of Quinlar Ave NW.

Present: Craig Bjorklund & Bernie Miller of MSTs

- A. Ogle reviewed the backlot owned with the residential lot across the road. These properties are on W. Lake Sylvia. The parcel in question is the 1.42 acre backlot, that was created by Board approval in 2021. In 2022 the Planning Commission approved a land alteration request to create a building pad for the proposed shed. The request is for a 40 ft. x 60 ft. shed that would be 52.6 ft. from the center line of Quinlar Ave., the current setback requirement is 65 ft. The Township approved the request stating they are okay with the request with no less than 50 ft. of a setback to the centerline of the road.
- B. Miller – Quinlar Ave. is a privately maintained road. There has been a problem with the visual site line around the corner of Quinlar. With the construction of this shed, grading, and tree removal will improve the site line. There was a variance for the home related to the location of the septic system site. With the purchase of this backlot the property owner has plans for the septic system and well to be located here, which will help the neighbors with where they would be allowed to install their wells and septic systems. With the topography of the lot the location of the shed was really thought out. The grade of the hill is about 12-14 ft. from the road. Without major grading there is no way to have a nicely sloped driveway unless it is 150 ft. long. A plan was created that will allow for a driveway, that is not too steep, help the site line at the corner and capture all the drainage off the lot and direct to the natural basin, by Quinn Ave. Water will be taken away from the lake and infiltrate into the ground before making it to the lake. Soil and Water Conservation District (SWCD) have no concern of a wetland area. Looked at coming off of Quinn Ave. but it was determined more dirt would need to be moved and a variance would be needed for two road setbacks.
- C. Neumann stated a lot of planning has gone into this request. Not familiar with the area but the topography does show steep slopes. Addressing multiple problems with solutions found. Questioned if there was an option to meet at least 55 ft. from the center line of the road. Miller – not asking for a site visit, but if the Board walked the site, they could see the location of the shed is at the crest of the hill. When talking with the Township they really did not have a concern with the request and location. The road in question is basically a driveway for the 6-8 cabins on the road. It really is more like a privately maintained road. Possibly could move the shed slightly, but this location is optimum. If the entire Board is voicing a setback of 55 ft. could be addressed but moving just slightly from where proposed does change the overall project.
- D. Mol stated with the Planning Commission he was part of the land alteration discussion. The presented plan is what the Commission approved. Feels thought went into the plan and it is a good plan for what is there to deal with. Even discussed moving the road but realized that would entail more dirt and additional challenges. This plan improves the site line on Quinlar. As presented at 52 ft. the Township did state they approved the plan at not less than 50 ft.
- E. Vick – okay with the setback. Questioned how many variances are being asked to grant, is it size? Ogle – 2,400 sq. ft., which is the maximum allowed for this lot. The request is related to the one setback to the road variance.
- F. Jones – agrees with other comments from the Board. This plan has already been thoroughly discussed. Aarestad – good job of planning and explaining.

G. Mol moved to approve a 40 ft. x 60 ft. (2,400 sq. ft.) shed that would be 52.6 ft. from the center of Quinlar Ave NW. Jones seconded the motion. VOTE: CARRIED UNANIMOUSLY

10. **JUSTON D. DOOLEY**– New Item

LOCATION: 657 & 731 County Road 30 SE – Part of the E ½ of the NE 1/4 , Section 18, Township 118, Range 25, Wright County, MN. (Franklin Twp.) Tax # 208-200-181101 & 208-200-181100. Property Owners: Dooley Farm LLC & Gerald A. Loecken

Requests 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 adjust a 1 per 40 entitlement division (20.3 acres) to include an additional 26 acres.

Present: Juston Dooley

- A. Ogle displayed the site plan and reviewed the request of the General Agricultural zoned parcel. The proposal is to adjust a 1 per 40 entitlement division, which includes the current 20.3 acres to obtain an additional 26 acres. The applicant is wishing to divide off more than 10 acres, therefore needs Board approval. In 2004 the Board allowed for a 20 acre 1 per 40 division, which required the 20 acres. For the applicant to add an additional 26 acres, to the existing parcel, the Board would need to adjust the existing 20 acre 1 per 40 division to allow this additional acreage. No entitlement is involved in the request. The Township did approve the request as long as it meets County standards.
- B. Dooley – the entitlement would stay with the parcel to the south. Asked for clarification on how the 1 per 40 ordinance works. Rhineberger – County has a 1 per 40 designation. The original 80 acres had 2 entitlements. One was divided off for the applicant, which is used for the winery. Once used it is not recalculated so there is one remaining on the current 60 acres. That entitlement will stay with the property to the south. The additional 26 acres will get folded into the existing 20 acres; no new entitlement is created. Dooley – not here for an additional entitlement. Decided to split as proposed but would be willing to look at adjustments to meet the 1 per 40 standards. Rhineberger – whatever acreage being added doesn't need to meet 1 per 40 rules, because no entitlement is involved with the land to be acquired. The only way to not require the variance is to divide in a way to make it a 40 acre parcel on the quarter section line. This Board is more or less reviewing the original entitlement division related to allowing additional acreage to be added.
- C. Mol – questioned the land use plan classification. Ogle – Currently zoned AG in the Plan to remain AG. Mol – would like to have the parcels combined into a single 46 acre parcel. Being in AG it is 26 acres a person could come back and rezone to Agricultural Residential and split and maybe gain building sites. In AG land as 1 per 40 and as a single parcel goes back to where it should be.
- D. Vick – lot line makes sense. Do like the straight lines and agree with the combine comment.
- E. Jones – agree with the remarks from the Board members. Having the 40 acres as a single parcel is preferred.
- F. Neumann – questioned if the 46 acre parcel would have a document stating there is a single entitlement, which is currently being used. Rhineberger stated he would need to look at the history of documents recorded with the previous division. There was a time when variances, like this, were done without a Deed Restriction. As with recently reviewed parcels there are times when parcels cannot be combined under a single tax number but with an Administrative Order they are documented as required to stay owned in common.
- G. Aarestad – long range plan of the County is preserving agriculture land. This expansion is Ag related; the winery is same as a farming operation. No objections to the request.
- H. Rhineberger – if the Board approves it should be a condition that an expansion of the winery would need a revised or amended CUP. In this case the property can be used for the planting of Ag products. The planting

of grapes is not an expansion of the CUP. Expansion of tours on 26 acres would need to go to the Planning Commission for amendment of the CUP. Believe the applicants intention is to come to the Planning Commission on another related issue regarding expansion and the request could include expansion onto this property. Dooley – if properties are merged doesn't the CUP include this property? Rhineberger – there is an approved plan for the business that does not include this property. The CUP would have to be amended to include this area in the CUP. The plan is very specific to where activities occur. Dooley – so if merged they are still treated as separate properties? Rhineberger – the approved plan does not include this piece of land so it would be an expansion of the original plan, to include this piece. Kryzer – not allowed to do tours, music or have food on this new area. Allowed to plant grapes. Any activity, other than the planting of grapes, will require an amendment to the CUP.

- I. Dooley stated that he has only been at this location since October 2019. There is some previous history with the property he does not want to be part of. Trying to really improve the site.
- J. Motion made by Vick to approve the 1 per 40 entitlement division, as proposed, (20.3 acres) to include an additional 26 acres. Subject to the following conditions: 1) Subject to survey and combination of parcels with an Administrative Order or tax parcel combine form. 2) Any expansion of the business operation into this new parcel would require an amended Conditional Use Permit. Motion seconded by Mol.

VOTE: CARRIED UNANIMOUSLY

11. **ADAM VARNER**– New Item

LOCATION: 9700 Clementa Ave SW, the entire SW ¼ and a portion of the SE ¼ of Section 23, Township 118, Range 26, Wright County, MN (Woodland Twp.) Tax # 220-000-233200 & -233201. Property Owners: John D Varner Disclaimer Trust

Requests 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 for a reconfiguration of a previous illegal subdivision in the AG District that would reduce the size of parcel 220-000-233201 from 37.48 acres to 14.64 acres but still be larger than the 10-acre maximum. The remaining 22.84 acres would be added back to the original parcel which is 220-000-233200.

Present: John Peterson – Attorney Representative of John D Varner Disclaimer Trust

- A. Ogle displayed an air photo with the concept plan of the farm. The request is to reconfigure a previous illegal subdivision in the AG District. The parcel in question would be reduced from 37.48 acres to roughly 14.64 acres, which is over the 10 acres allowed without Board approval. By reducing the size of the existing illegal division to 14.64 acres, the buildings will all remain on the entitlement division, and the remaining 22.84 acres will return to the existing 199.78 acres and continue being used agriculturally. With the proposed division there will not be any increase in residential density. Woodland Township did approve.
- B. Peterson – the original split occurred in 1981 by John Varner. Woodland Township had no record that the division was approved. The reason over 10 acres is to allow for the 100 ft. setback of the large buildings to the side property lines. John passed away and working with the kids, who have no knowledge of the division. Trying to make an illegal division closer to a legal division with the variance as well as meet the setback requirements.
- C. Vick – recognizes the intention is to keep all of the buildings on one parcel and meet the setbacks. Confirmed that nothing will be done with entitlements. Ogle – confirmed no movement of entitlements. Peterson – larger display of all properties owned by the property owner was displayed. Purpose was to get closer to the 10 acre maximum. Rhineberger – only way to make a legal division would be going with a full Quarter Quarter division but that line goes directly through the farmstead. Which would not be feasible and would present setback variances. This area is the least impactful on the farmland.
- D. Jones – taking a large illegal lot and making it a smaller illegal lot is a good idea. Appreciates that the farmland is being maintained.
- E. Neumann – either way a variance would be required for the building setback to the property line or parcel size over 10 acres. Not even sure the parcel can be shrunk enough to get down to the 10 acres without the lines right at the buildings. Feels the larger lot size with meeting the 100 ft. setback is the best option.
- F. Mol – agree with the size and setback comments. Would like to make sure the animal units is addressed and noted. Would the animal units follow the 10 acre rules or the 14 acres? Rhineberger – the Feedlot Administrator, Tracy Janikula, was not able to attend the meeting. In conversation with her, as an old farm, in theory there could be fewer restrictions related to the allowed AU's. In this case to bring in more than 10 AUs at a minimum a setback variance would be required. Due to the nature of the proposed parcel, the Feedlot Administrator is asking to condition with a maximum of 9.99 AU's. Mol – agrees with the AU's limit of 9.99. Likes that agriculture land and prime soils are not being taken out of production and that the buildings will meet the property line setback requirements.
- G. Aarestad – the 9.99 animal units is a good restriction and should be part of the motion.

H. Neumann moved to approve the division of 14.64 acres with the remaining 22.84 acres to be added back to the original parcel which is 220-000-233200. Limited to 9.99 Animal Units. Subject to survey, and Deed Restriction. Seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

12. **MILES OLSON**– New Item

LOCATION: xxxx & 7841 5th Street SE, NW corner of Government Lot 4, Section 15, Township 119, Range 24, Wright County, MN (Rockford Twp.) Tax # 215-000-054201 & 054103. Property Owners: Miles Olson Trust

Requests a variance as regulated in section 155.026(E)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to adjust the lot line of two lots of record under common ownership by adding approximately 6.8 acres from parcel 215-000-054201 (17.85 acres) to parcel 215-000-054103 (3.2 acres).

Present: Miles Olson and Leander Wetter, neighbor

- A. Wetter – neighbor here before the Board providing support. The request is making the home unit 10 acres, which will work better with the buildings and septic system. Not asking for any more entitlements, each property has one and will remain this way.
- B. Ogle – proposed site plan displayed. Request is to adjust the lot line of two lots of record, under common ownership, by adding approximately 6.8 acres from an existing 17.85 acre parcel to a 3.2 acres parcel, which contains a home. A lot line adjustment for a lot of record does require the Boards approval. Rockford Township did approve the request.
- C. Jones – with aerial displayed confirmation on which line being displayed was existing and which line is proposed. Ogle explained the proposed property lines relative to existing buildings. Jones – does not have a concern with the request.
- D. Neumann questioned what amount of the 6.8 acres is tillable. Olson – roughly 2 acres. The entire parcel is currently being farmed at about 5-6 acres. Neumann – would livestock be on this proposed 10 acres? Olson – currently have horses, that would not change. Wetter – Mr. Olson is not thinking of having livestock on either parcel. Possibly downsizing and creating a marketable situation with the lot that already has the buildings. Neumann – current owner or future owner livestock is part of the discussion. Wetter – reiterated Mr. Olson is not looking to have livestock on either parcel.
- E. Mol questioned if the remaining parcel would have an entitlement. Ogle – believes that is correct, as they both meet the lot of record requirement. Wetter – confirmed that each parcel will have an entitlement and remain where they are located. Mol – the line makes sense. Again, just stating that the animal units allowed be included in the motion.
- F. Vick – the allowed AUs would be .5 per acre. Mol – correct. Vick – roughly 5 animal units on each. Rhineberger – would suggest the Board condition on the .5 AU per acre limit. There is a portion of the property that is in the shoreland district, which has some additional standards when it comes to animals. Vick – if under 2.5 acres of tillable could go along with the request. Rhineberger – measured out approximately 2 acres.
- G. Aarestad – modest request and makes sense. No objections.
- H. Motion by Mol for the approval to adjust the lot line of two lots of record under common ownership by adding approximately 6.8 acres from parcel 215-000-054201, which will retain a lot of record eligibility, (17.85 acres) to parcel 215-000-054103 (3.2 acres). Subject to the following conditions: 1) restricted to no more than 9.99 animal units; and 2) subject to survey and combination of parcels.
Vick – asked for clarification if statement was combination of 9.99 animal units, which would be .5 AU per acre or roughly 5 per parcel. Mol confirmed. Seconded by Vick.

DISCUSSION: Rhineberger - since dividing a lot of record, making a 10 acre parcel and a 11 acre parcel is it the Boards intention for a limit of animal units to be conditioned on both parcels? The west parcel will retain the lot

of record eligibility. Both parcels are in the shoreland impact zone, therefore addition feedlot rules will come into play with regards to animals. Mol – intention was the maximum of 9.99 animal units along with following any shoreland feedlot regulations. Wetter questioned if the same AU limit would apply for each parcel. Mol –correct because separate property owners. Mr. Olson is comfortable with that. Vick – understanding is 5.1 animals would be allowed on the 11 acres and 5 units on the 10 acres. Rhineberger – there will be a small percentage difference. Note request is subject to survey and parcel combine. The additional acreage being picked up by the homesite needs to be combined under a single tax ID. Vick – feels to be clear it needs to be said that 5 animal units are allowed on each parcel. Neumann – same direction and suggestion would be to limit 5 animal units on each parcel. All members agreed on the change in wording to 5 animal units allowed on each parcel.

VOTE: CARRIED UNANIMOUSLY

13. **POSTING OF BOARD OF ADJUSTMENT MEETINGS** – New Item

- A. Kryzer noted the Board should take action to designate the new Government Center lobby display box will be the official location for public meeting notices.
- B. On a motion by Mol, seconded by Neumann, all voted to designate the lobby display box located at 3650 Braddock Ave NE, Buffalo, MN to be the official location for public hearing postings.

Meeting adjourned at 10:47 a.m.

Respectfully submitted,

Aaron Ogle
Planner

BR:sld

Cc: Board of Adjustment
Applicants/Owners
Twp. Clerks