

**WRIGHT COUNTY BOARD OF ADJUSTMENT**  
**Meeting of: June 17, 2022**  
**MINUTES – (Informational)**

The Wright County Board of Adjustment met June 17, 2022, in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman Aarestad called the meeting to order at 8:30 a.m. with all Board members present. Representing the Planning & Zoning Office was Aaron Ogle, Planner; Greg Kryzer, Assistant County Attorney, legal counsel.

**ACTION ON MINUTES FOR THE MAY 27, 2022, MEETING**

On a motion by Mol, seconded by Jones, all voted to approve the May 27, 2022, minutes as printed.

1. **MICHAEL & KRISTAN POTTER** – New

LOCATION: 6310 Quinn Ave NW, Part of Lot 2 and Lot 3 of Sylvan Shores, Section 32, Township 121, Range 28, Wright County, MN (W. Lake Sylvia - Southside Twp.) Tax # 217-058-000030. Property Owners: Michael & Kristan Potter

Requests a variance as regulated in section 155.026, 155.049(F), 155.057(E)(1), and 155.006 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the construction of a new home with attached deck that will be 55 ft. from the lake (75 ft. required), 9.1 ft. from the north side yard (15 ft. required), and 9.5 ft. from the south side yard (15 ft. required). The request is also to allow the construction of a detached garage that would be 9.5 ft. from the north side yard (10 ft. required) and 9 ft. from the south side yard (10 ft. required). The request proposes 27.4% impervious surface coverage (25% allowed).

Present: Kris & Michael Potter, Bernie Miller of MSTs, Darwin Hoffman with Hoffman Construction and Brandon Scheuble of KC Custom Home Design, Inc.

- A. Ogle displayed the aerial site photo while reviewing the property details. The property is located in Southside Township on West Lake Sylvia, roughly 13,387 sq. ft. in size. The request is to allow the construction of a new home, with attached deck. The home is proposed at 55 ft. from the lake in which 75 ft. is required. The required side yard setback is 15 ft. with the proposal home being 9.1 ft. and 9.5 ft. from either side yard. The request includes the construction of a detached garage that would be 9.5 ft. from the north side yard and 9 ft. from the south side, 10 ft. is required for both lines. The proposal has 27.4% impervious coverage, where 25% is allowed. The Township approved of the request due to the improved location from the lake and a new septic system. Two neighbors responded to the request. There is one neighbor that strongly opposed the request and the many variances that would be required. Another neighbor requests, if possible, to honor the 75 ft. lake setback and a stormwater management plan be included.
- B. K. Potter thanked the Board for hearing their request to rebuild the 80 year old cabin. History of the property was provided. The structure has been maintained but, the time has come to create a structure accessible to themselves and ageing family. Goal is to bring the structure into compliance and correct existing issues that do not meet current standards. The request does seem to have many variances but for every variance an existing issue is improved, such as the distance to the lake, site line for the neighbors, a new septic system, and the location of the home from the property lines. Over half of the driveway will be removed with landscape added to capture water. Great care will be given to prevent runoff from going onto the neighboring property and directly into the lake.

- C. Miller – requested the Beacon photo to be displayed. The property is irregular and very narrow, being 43 ft. wide at the narrowest spot and 44 ft. at the building setback. Lots on either side are roughly 24,000 sq. ft. in size. In order to get a full septic or any type of house a variance would be required. The existing house is 35.3 ft. from the OHW, with the deck is 29.7 ft. from the OHW. The home is 4.6 ft. from the south line and 9. ft. from the north line. Current lot has 32.4% of impervious coverage where 25 % is allowed with the primary reason that number is so high being the driveway at 19%. The lot has unique circumstances related to the shape and narrowness of the lot that was not created by the owner. Intention with the design and plan was to get down to 25 % impervious coverage. Carefully worked with the house designer, Brandon, to get as close as they could to meeting all requirements. Proposal does improve the setback from the lake, by about 20 ft. and removes a large portion of the house in the shore impact zone, which is half of the 75 ft. lake setback. Proposal moves everything that isn't supposed to be in the shore impact zone out of impact zone. The home is currently 4.6 ft from the south line, with the proposal at 9.5 ft. The north side of the cabin will remain at the 9.1 ft. from the sideline. There is substantial slope from the road to lake that makes it difficult to attach a garage. If attached, the slope of the driveway is just too much and would require more fill and excavation. The elevation makes for an ideal location for a garage, as proposed. Garage design tried to meet the 10 ft., best they could, even mitered one of the corners. The south side is 9 ft. and 9.5 ft. from the property lines. A detailed drawing was displayed and summary of the current impervious coverage within the lake setback and portion of the proposal that would be in lake setback. There is 5.2% impervious moved out of the lake setback. Drawing showed the current amount of building in the shore impact zone as well as the proposed. Roughly 292 sq. ft. of cabin will be moved back out of the lake setback. Full intention is to have a stormwater management plan. Open to a native buffer along the shore, if that is what the Board would like to see.
- D. No comment from public, discussion brought to the Board.
- E. Mol – questioned if there is a way to get out of the need for a variance by slightly moving or adjusting the garage. Showing impervious at 27% and is not a fan of moving the existing sauna from the current location to down by the lake. Could the sauna go away? Willing to listen to ideas of getting the impervious down to the 25%. This is new construction and would like to see less variances. Realizes that they would be allowed to rebuild exactly what they have in the same location. Does see there is a hardship with the lot configuration, as well as the required 24 ft. wide building requirement, that is in the ordinance. Is there a way to adjust the house plans to get at the 25% impervious? With being new construction would like to see if there were any adjustments that would require less variances. Miller – the Township wasn't super excited about being over the 27% so looked at numerous options. The house could be shoved closer to the lake with a request for a lake setback variance. The goal was to try and reduce the significance and impact of each variance. There is room for improvement on the garage, but with property lines, elevations and drainfield it will be harder to maneuver in that area. The setback needed from the septic tank to the garage is 10 feet. Believes they can get the south side to 9.5 ft. or ideally get to that 10 ft. and the north at 8.5 ft. Think there can be improvement on the garage with the design. Does not know if they can get to 10 ft. on both sides and keep the garage. The impervious there is a pretty big allowance that gets to the 27.4 %. Initially, went through various house designs, one had the patio under the deck, that would help with impervious. With just a quick glance can almost get to about 25% with a few adjustments. If the Board is firm on the 25% impervious there are adjustments that can be done to meet that number. With the sauna by the lake, it is considered a water orientated structure. Ogle – correct, would need to meet all required standards of a water orientated structure. A building under 200 sq. ft. does not need a building permit but needs to meet the required setbacks. Looks to be about 126 sq. ft. and 1% of the lot's impervious coverage. Kryzer questioned if the sauna could be moved inside.

- F. Mol – is this a site that others would want to visit? Vick – is there a way to turn the drainfield to adjust the layout of the house and garage? As mentioned by member Mol would like a site visit, as proposed not in favor.
- G. M. Potter – thought about sauna indoors but this sauna was crafted by family 45 years ago, so there is emotional attachment. Only issue inside is moisture in the home, dead set against moisture in the home. Vick – would the sauna fit under the deck? The home is proposed at two stories tall; will that impede the view of the lake for the neighbors? M. Potter – house points more north and there are a lot of trees between the properties. Miller- proposed plan displayed showing the neighboring home location. K. Potter – thinks this will improve site line, they are pulling back the home and now they are looking at the current cabins roof.
- H. Jones – many of the same concerns. It has been a while since he has seen a request with so many variance requests. The impervious is a concern. Likes that water runoff will be addressed and is planned. Would like a site visit or at this time decision would be a no.
- I. Neumann – a large number of items not in favor of, especially as this is brand new construction. Addressed the desire to improve on what is existing but feels there is still room for improvement. One suggestion, that was good, is if the garage can be turned the setbacks would improve. There is 19 ft. between existing drainfield and garage, if that is adjusted could the house move another 10 ft. from the lake? Asking for 9 ft. and 9.5 ft. on the garage but if the building can be slightly turned can the 10 ft. be met? With brand new construction this is the opportunity to get it right.
- J. Aarestad – feels a little differently than colleagues. Feels a great job was done in taking a long narrow lot and making improvements on many different levels. There are quite a few variances being asked for but equally true is the amount of improvements being made. With a long home there are design challenges, and it was demonstrated a lot of work and thought went into fitting a home onto this lot. Regarding the sauna, like where proposed and recognizes the historical value to family and the lake life. Attention to detail on the corner of the garage really shows the effort that went into getting the building to fit and work on the lot. Brought the home back from the lake so that the view of the neighbors would improve and the impact from the lake would be less. Would go along with a site visit, if that is what the Board is looking to do but does not have a problem with the proposal.
- K. Mol – agree with what was mentioned. A lot of good work has been done to address present issues. The negative of the plan is that this is new construction, and the opportunity is present to get as close as possible to meeting the requirements and eliminating the need for variances. Regarding impervious coverage, the Board has been pretty strict with coverage at 25%, there appears to be options in this situation to get down to that number. Understands the family value of the sauna. Keeping the sauna but moving under the deck would help with coverage. Maybe this needs to be continued to allow time for the applicant to review concerns and adjust the plan. A great job has been done in working with the hardship of the narrow lot, and there will be some variances, but there is also room for more improvement. Would like to see a request with less variances.
- L. Vick – agree, if the drainfield is tweaked that could help with the impervious coverage and setbacks. Do agree, the plan in theory is good, but there appears to be some room for improvement. Miller – based on comments from the Township did try to anticipate concerns that the Board might bring up. Displayed a revised plan with a new drainfield, existing system is compliant, but a new system allows to get farther from the lake with the house. The existing plan is 13 ft. from the garage to the drainfield, not 19 ft. as previously mentioned. If the drainfield is replaced the house can be moved an additional

5 ft. from the lake. There are options that would bring the impervious down to 25 % coverage. Ogle – making adjustments of 321 sq. ft. would bring the impervious coverage down to the 25%. Miller – confirmed. Take 30 sq. ft. off the garage and the sauna moved under the deck would put the property under the 25% ,with room for steppingstones to the lake.

- M. Aarestad questioned what the figure would be if the sauna remained by the lake. Ogle – the sauna is roughly 1% of the impervious limit. Aarestad – personally would like to see the sauna remain by the lake, as proposed. The Board has a history of taking impervious seriously, rarely do they allow over the 25%. Feels in this situation there have been so many improvements made that the 1% for the sauna to remain by the lake is a minimal request.
- N. Vick – prefers the revised drawing Mr. Miller presented, with the home 60 ft. from the lake.
- O. Aarestad – questioned if the Board would like to see the site or make a motion with what is presented.
- P. Mol – can the impervious get down to the 25%, even if the sauna is left by the lake? Miller – will find a way if that is the requirement.
- Q. Neumann – by moving the drainfield will the garage meet the 10 ft. setback? Miller – garage can be adjusted to meet the required setback of 10 ft., there is some flexibility that comes with the new drainfield. Neumann – the house will be 60 ft. from the lake.
- R. Mol – the garage will not need a variance to the side yard if they meet the 10 ft. requirement. Ogle – correct, as long as the side yard is 10 ft. from the closest part of the building, not the overhang. Mol – meeting the 25% impervious coverage would not require a variance. According to the request and based on what was discussed the house would need a variance from the lake and both side yards. Ogle – correct, based on what he is seeing with the original proposed plan and the revised proposal, the variance setbacks needed would be for the house. The sauna listed on the proposal does not show the distance to the side yard and even though under 200 sq. ft. does not require a building permit the structure still is required to meet all water orientated structure requirements.
- S. Motion by Mol to approve the construction of a new home with attached deck, per site plan marked Exhibit A, that will be 60 ft. from the OHW of the lake, 9.1 ft. from the north side yard and 9.5 ft. from the south side yard. The detached garage will meet all setbacks. The impervious surface coverage will not exceed 25%, which includes the sauna. The sauna will meet all applicable water orientated structure standards. Seconded by Vick.

VOTE: CARRIED, Neumann opposed

2. **JASON & KELLY HOOPER** – New

LOCATION: 15165 64<sup>th</sup> Street NW, Coates P Bull Addition Lot 017 Section 33, Township 121, Range 28, Wright County, MN (E. Sylvia – Southside Twp.) Tax # 217-022-000170. Property Owners: Jason Hooper & Kelly Hooper

Requests a variance as regulated in section 155.026 and 155.057(E)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the construction of an attached garage with bonus space to an existing nonconforming home that is 52 ft. from the lake. (75 ft. required).

Present: Jason and Kelly Hooper, Bernie Miller of MSTs

- A. J. Hooper addressed the Board, thanking them for listening to their request and looking out for the well-being of the lake and community. The request is for the addition of a garage, with bonus room above, onto a home that does not meet the lake setback. The addition itself will meet all required setbacks. Did look at alternate plans to position as a detached garage, but the elevation created more of an issue with drainage. Worked on a plan that meets the setback requirements and is conscientious to neighbors and the lake.
- B. Ogle – site proposal displayed. The property is zoned R-1 on East Lake Sylvia in Southside Township. The parcel is 32,704 sq. ft. The request is to add an addition to a nonconforming home that is located 52 ft. from the OHW where 75 ft. is required. The setbacks for the addition will be met. Additionally, significant remodeling will be part of the project, included a new steeper roof pitch. The Township did approve, based on no coverage issues and the addition meets all setback requirements.
- C. Miller – existing coverage is 6.1% with the proposed addition bringing that figure up to 9.7%. Everything on the proposed addition does meet the lake setback. Looked at ways to not attach the garage, as there wouldn't be a need for a variance, but there is a substantial hill that goes up about 15 feet and didn't make sense. For draining this proposal works perfectly to split water flow and control drainage off of the neighbors. Currently 2 cesspools exist, with ample room at the top for a new Type I septic system.
- D. No comment from public, discussion brought to the Board.
- E. Vick – there is plenty of hardship, owner didn't build the house in the current location. Likes that the addition itself meets the required setbacks. Would like to see a stormwater management plan.
- F. Jones – a lot of the building meets the requirements. Likes what is proposed with the addition of a stormwater management plan. Neumann – proposal looks reasonable, with the addition not going closer to the lake. Would like to see a stormwater management plan.
- G. Mol – agree with other members. The main issue is having a stormwater management plan to address the added roof and increased pitch. Aarestad – in agreement with other members.
- H. Vick motioned to approve the construction of an attached garage, with bonus space, to the existing nonconforming home that is 52 ft. from the lake. A stormwater management plan is required at the time of building application. Seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

3. **DUANE SPARKS** – New

LOCATION: 6747 Pilger Ave NW, Part of Lot 1, Alvah Bull Addition Number 1 and Government Lot 4, Section 33, Township 121, Range 28, Wright County, MN (W. Sylvia – Southside Twp.) Tax # 217-000-332402 & 217-011-000012. Property Owners: Duane Sparks & Mary Sparks

Requests a variance as regulated in section 155.026 and 155.057(E)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the construction of a new single-family home that is 59.7 ft. from the lake. (75 ft. required) and 22.7 ft. from the bluff (30 ft. required).

Present: Duane Sparks, Bernie Miller of MSTs, Brandon Scheuble of KC Custom Home Design, Inc.

- A. Ogle displayed the proposed site plan and described the property. The R-1 parcel is 2.37 acres on West Lake Sylvia, which is a General Development Lake in Southside Township. The request is to allow the construction of a new single-family home that will be 59.7 ft. from the lake, where 75 ft. is required and 22.7 ft. from the bluff, where 30 ft. is required. Due to the location with the bluff setback and the size of the structure being proposed, site inspection may be in order. The Township did approve, due to the contours of the lot not allowing for further pushback.
- B. Sparks – request approval for variance to lake and ridgeline. Have lived on Lake Sylvia for 36 years, in what is the adjacent home to this proposed home site. History of the property was provided. Request is for a slab on grade home with no stairs and therefore a wider footprint. The current building is a seasonal cabin and would not be suitable to live in. Did not move the proposed home back due to the natural slopes of the land and several other reasons. Moving back would require a lot more fill to prop up the home and would look unnatural in its setting. Also, moving back the home would be in the tops of the trees and stand out. There is a low land area, that is not designated wet land, and would most likely need a variance being that close to a wetland. The proposed location will look natural and not impede the wetlands. Have had a surveyor mark all the mature bur oak and red cedar trees. They are marked so that not too many trees are killed with the house build. Moving the house back will require more trees killed. Finally, if the house is moved back would be more contours and difficult as elderly to move around. There is a boathouse that will be torn down and replaced with a building the exact same size in the same location that has a viewing deck. The viewing deck is roughly 1 ft. lower than the proposed house, so this would be a natural walkway to the boat house. The garage will be removed. Cannot see the cabin from the lake, intend to keep that look. Likes to see but not be seen.
- C. Miller – one main reason of this location is the way it sits which provides easy access to the boathouse. No need to climb hills or go down steps. Seeing the property would be helpful. The bluff line was discussed with Staff and the DNR regarding the definition of the bluff does not specifically state where the bluff line ends. The DNR stated it is up to the County to determine where the bluff line ends. With the site plan displayed Miller explained the ridge and bluff line for the Board. Tried to design a home that stayed with the contours and meet the setbacks as much as possible. Important to maintain the access and the proximity as the current cabin. The bottom location of the home is sticking out and will be filled in instead of additional grading and getting rid of trees. Miller displayed and reviewed details of drawings that depicted the current cabin and proposed home location related to the bluff and OHW.
- D. No comment from public, discussion brought to the Board.

- E. Jones – feels the plan was well thought out. Questioned if the bluff or lake setback can be decreased even more. Sees no other problems with the proposal. Reiterated he would like to see some additional improvement to the lake setback.
- F. Neumann – like the 1<sup>st</sup> request, this is brand new construction. There is space to meet the full 75 ft. setback from the lake. Would be willing to see the site. So little of the home is in the bluff and lake setback, maybe the building design can be adjusted to get out of that impact zone. Especially on brand new construction feels that portion should be moved back.
- G. Mol – somewhat agree with member Neumann. On the 1st request did see the hardship related to the narrow lot, this lot does not have that restraint. Would like to see the site before making a decision. There are times when visiting the property makes much more sense to understand why the request is proposed the way it is.
- H. Vick – like the other members, did a good job designing and thinking over the plan. Would like to see the home pushed back from the lake and bluff. Feels a site inspection for this site is a good idea.
- I. Aarestad – originally had the same concerns, but the explanations helped and changed his mind. The presence of the home from the lake was a major concern but the explanation of the property and that moving back from the lake would expose the home more and eased that concern. Likes that the trees are being preserved, which would also minimize the exposure. Thinking a site inspection would be a good idea. The size and single level makes sense. In favor of the request but is willing to go along with a site visit.
- J. Mol moved to continue the hearing to July 8, 2022, with a site inspection prior. Seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

4. **DENNIS SJOBERG** – New

LOCATION: 7870 Norris Ave NW, Lot 1 of Bay View 1<sup>st</sup> Addition, Section 26, Township 121, Range 28, Wright County, MN (John – Southside Twp.) Tax # 217-017-000010 & 217-080-001010. Property Owners: Gordon Peterson & Marilyn Peterson

Requests a variance as regulated in section 155.026, 155.049(F)(3), and 155.057(E)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the construction of a new single-family home that is 46.88 ft. from the lake. (100 ft. required) and 9.5 ft. from the west side lot line (15 ft. required).

Present: Dennis Sjoberg

- A. Ogle displayed the proposed site plan. The property is zoned R-1 on Lake John, which is a Recreational Development Lake, located in Southside Township. The property is roughly 10,839 sq. ft., which is about .25 acres. The applicant is requesting to build a new single-family home that would be 46.88 ft. from the Ordinary High-Water Mark, where 100 ft. is required, and 9.5 ft. from the west side line with 15 ft. the requirement. In 2006, the Board did approve a backlot to be attached to the existing lakeshore lot. Township did approve due to a new septic system, lot contours not allowing the building to be moved further back and the main portion of the home meets both side yard setbacks.
- B. Sjoberg provided a brief history of the property. Proposing to tear down current cabin and move the new home back, roughly 8 feet into the hill and away from the lake. With the curvature of the lake, it appears more of a setback, but by moving to the required setback not much was gained from the lake. The appearance from the lake will look like it is further back than the current cabin. Photo of the existing cabin was displayed with review of the current cabin sitting in a hole. Excavating back into the hill to get the bottom floor is ideal. There is a large tree that they would like to save so that prevents how far from the lake they can build. Plus, the farther back they go the house would raise and a deck off the front will be needed to access the house, which they do not want to do. Proposal meets all the impervious requirements. Septic system will go on the backlot, with parking and eventually a shed.
- C. No public comment, turned to the Board.
- D. Neumann – with new construction would like to see the home more than 47 ft. from the lake. Understand going uphill and need to watch the septic tanks not getting too close to the road. For a long time, this Board didn't approve homes closer than 65 ft. from the lake. Today there were two requests at 60 ft., which is unusual. The 47 ft. from the lake is a problem. Feels if the septic tanks can be moved and the house brought back that would be a more acceptable plan. Sjoberg – many of the cabins on the road are well within 100 ft. of the setback. If followed all the setbacks requirements the house would be a tiny cabin just off the cul-de-sac. With the elevation changes and trying to keep the large tree, could maybe move back a little. How far of a setback would be acceptable? Neumann – 65 ft. would be much more acceptable. Views the tree as an obstacle that can be removed with new trees planted. Sjoberg – will have to remove some trees. This one is roughly 4 ft. around. The lot has a two tier layout, so the further back from the lake the farther up the home will sit and require additional excavation as well as a deck lake side. The proposed location eliminated having to build a deck for access to the home and left it as a walk-out. Neumann – with new construction this is opportunity to make significant improvements and get as close as one can to the requirements.

- E. Mol – agrees with some of the comments from member Naumann. The 65 ft. tends to be the benchmark for this Board. With new construction this is the time to make it right. Feels that 47 ft. is too close. Willing to continue for time to review and come back at that 65 ft. or at closer to that number. Does look at trees as obstacles, there are different fast growing trees and shrubs that can be planted. Trying to protect the lake and allow runoff the opportunity to filter before the lake. With a bigger house there is more runoff. Having a year round home versus a cabin increases the use of the property so the Board takes protecting nature and the lakes seriously. Willing to continue and come back with more of a setback.
- F. Vick – agrees with comments from members. Appears the contours of the land being about an 8 ft. elevation difference. Move the home back and get about a 6 ft. elevation difference. Wouldn't be opposed to granting a variance from the road and side lot lines versus the lake. Would like to see the house at 65 ft. from the lake. Sjoberg – wanting to see house at 65 feet? Vick – does not want to speak for the Board but that is what he is hearing and agreeing with.
- G. John – agrees with others. The 65 ft. is critical. There appears to be enough space to do that. Understands there will be digging and dirt moving. Stands firm at the 65 ft. mark, as that has been typically where the Board approves.
- H. Aarestad – would like to see the home moved back. Unless the applicant can clearly demonstrate why the home cannot be moved further back. Willing to approve a side yard variance to get at or closer to the 65 ft. mark. Would like to see the home more in line with the neighbors that appear to be closer to that 65 ft. line. Sjoberg – not sure any of the neighbors are meeting the 65 ft. mark. Aarestad – asking to get in that range of where they are situation and closer to the 65 ft. or can point out several in the area that are in the range being requested.
- I. Mol – already in that area with another site visit, could easily visit this site. Sjoberg stated he feels the Board will get a better sense of the reason why the request is presented as it is. Vick questioned if the applicant was willing to have the site staked. Sjoberg – agreed.
- J. Mol moved to continue the hearing to July 8, 2022, with a site inspection prior. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **CHAD & MARTHA RANDALL** – New

LOCATION: 1974 Dempsey Ave SW, Part of the SW 1/4 of the Southwest 1/4 of Section 10, Township 119, Range 26, Wright County, MN (Marysville Twp.) Tax # 211-000-103302. Property Owners: Chad Randall and Martha Randall

Requests a variance as regulated in section 155.026 and 155.048(F)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an addition to the existing home which is currently inside of the road setback. The proposed addition will be approximately 60 ft. from the centerline of a County Road (130 ft. required).

Present: Martha Randall

- A. Ogle displayed the arial photo with addition area noted. The property is zoned General Agriculture and roughly 1.79 acres. The request is to allow the addition to the existing home, which is currently inside the road setback. The proposed addition will be approximately 60 ft. from the centerline of a County Road, where 130 ft. is required. The addition will not encroach any more into the road setback than the existing home. Township approval was received as the addition will be no closer to road than the current home. The County Highway Department approved at the proposed 60 ft. from the centerline.
- B. M. Randall stated the goal is to enlarge a bedroom on the main floor, adding 16 ft. Husband is disabled and can no longer safely maneuver the stairs to the upstairs bedroom. The addition closet will also be a storm shelter that he can access. Not wanting to go any closer to the road.
- C. No public comment.
- D. Mol – response from the County Highway states they are okay with the location to the road. The Township has stated their approval. The addition isn't drastically changing the water runoff or the home. Sees no problem with the request.
- E. Vick – agrees with comments from member Mol.
- F. Jones – agrees with comments from other members.
- G. Neumann – feels this is a reasonable request.
- H. Aarestad – agrees with fellow members.
- I. Motion made by Neumann to grant the variance to allow an addition to the existing home which is currently inside of the road setback. The proposed addition will be approximately 60 ft. from the centerline of a County Road 9 (130 ft. required). Seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

6. **CHARLOTTE LAPLANT** – New

LOCATION: 2420 Dempsey Ave SW – The SW ¼ of the NW ¼ and the South ½ of the SW ¼ of Section 15, Township 119, Range 26, Wright County, MN. (Marysville Twp.) Tax #211-000-152301, -152302, -152300, 153100. Property owners: Charlotte Laplant

Requests a variance as regulated in section 155.026 and 155.048(G) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an existing entitlement division that is 1.86 acres to be increased to ±31.0 acres (10 acre maximum) and the remainder of the quarter-quarter section (approximately 9.4 acres) would request a lot line adjustment to include it with the quarter-quarter to the south.

Present: Barb Mengelkoch, relator representing Mrs. Laplant

- A. Ogle – with the proposed lots lines displayed on the arial photo the request was reviewed. The property is zoned General Agriculture located in Marysville Township. Request is to allow an existing entitlement division of roughly 1.86 acres to be increased to approximately 31 acres. The maximum division allowed is 10 acres, without Board approval. The remainder of the quarter-quarter section, which is approximately 9.4 acres, would request a lot line adjustment to include it with the quarter-quarter to the south. The applicant is set to meet with the Township June 27<sup>th</sup>.
- B. Mengelkoch – originally divided off the 1.86 acres, which included the house and garage. Now proposing to eliminate that parcel and looking at the original 40 acres and redrawing the line. New parcel would include the house and all outbuildings.
- C. Vick confirmed there is no reply from the Township. Ogle – Township has not addressed, had spoken 2 years ago but did not take formal action on this request. The plans have changed a number of times in the last month. Believe the Township will hear this request at the June 27<sup>th</sup> meeting. Vick – are there any entitlements involved? Ogle – what was explained is 1.86 division was created with remainder of parcel being left with agriculture buildings. The request before the Board would enlarge that original entitlement division to 31 acres. By the request it is over the allowed 10 acres and is not a true quarter-quarter division, therefore is before the Board. The remaining 9.3 acre parcel will be restricted. Staff would recommend the 9.3 acres be combined with the parcel to the south (Tax #211-000-152300). Vick stated from the discussion he feels he would be okay with the request but will want to hear from the Township before making a decision.
- D. Jones – standard process is to wait for the Township. Proposal appears reasonable.
- E. Neumann – Township approval is important. Does not see any problem with keeping the house with the rest of the accessory buildings on that 31 acres.
- F. Mol – concern is the 9 acres be incorporated into the property to the south, so that an entitlement isn't created and prevents problems down the road.
- G. Aarestad – agrees with comments from other members. Would like the 9.3 acres joined with the property to the south, as it would help preserve farmland. Will want to wait for the Township response.
- H. Mol moved to continue the hearing to July 8, 2022, to allow time for Township response. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

7. **CHRISTIAN BUILDERS** – New

LOCATION: XXXX 95<sup>TH</sup> Street SE, 2.47 acers of part of the West 60 acres of the Northwest Quarter of Section 21, Township 118, Range 25, Wright County, MN (Franklin Twp.) Tax # 208-200-212304. Property Owners: Christian Builders, Inc.

Requests a variance as regulated in section 155.026 and 155.048(F)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the construction of a single-family dwelling that would be 45 ft. from the centerline of 95th St. SE (65 ft. required).

Present: Chad Christian with Christian Builders

- A. Ogle displayed the proposed site plan, with aerial underlaying. The property is 2.47 acres zoned General Agriculture and located in Franklin Township. The request is to allow the construction of a single-family home that would be located 45 ft. from the centerline of 95<sup>th</sup> Street SE. There is a county road on the northwest side and township road to the south. Parcel was administratively approved as a building site, without the need of a variance. The Township did approve as the road is a dead-end and the right-of-way is still intact. A neighbor did reply they would like to see the home built per the land usage requirement of 65 ft.
- B. Christian – property was purchased to build a home for a customer. The seller did provide a survey that ended up being roughly 22.5 ft. off with the property lines. Trying to get creative to allow for a house to be built and work with the setbacks, basically attacked on 3 sides with the wetland from the east and 2 roads. The garage in front of the house was pulled in as much as possible, trying to minimize road setbacks. If both road setbacks are adhered to the house would essentially be sitting in the wetland. Ogle stated this is not a delineated wetland. Soil and Water Conservation District did provided comment that any work done at the 950 contour or lower would require a wetland determination. Christian – did ask surveyor their input on building a home that adhered to both road setbacks. Response was absolutely not, do not do it. Assumed that reply was based on a water table standpoint. Could have gone with a request for a variance for the County road and the Township road. The Highway Department did state they would be willing to approve closer to the County road. Thought that the least intrusive option would be going closer to the dead-end Township road.
- C. No public comment, turned to the Board.
- D. Jones – recognized there is some problems. If the County is okay with moving closer to the County road, wouldn't have a problem with that. Same concern on the wetland side, as far as putting a new building in there, that does not make sense.
- E. Neumann questioned how far 95<sup>th</sup> Street goes to the east and the number of homes on that road. Christian – there are 2 homes that use the road. Ogle – displayed Beacon photo and reviewed. Neumann – wonders if in the future 95<sup>th</sup> street would extend to meet up with another road or is there reasons it would not extend. Christian – to the east is a steep hill. Not sure of future plans. The land is currently farm fields to the east, so there could be potential development. More in favor of building closer to the Township road versus the County road. Agree, the home should not be built in the wet area.
- F. Mol – looking at the area to build in, there is not a lot of ways to configure the house. Sees there is a hardship for the setbacks. Building in the wetlands is not good for the homeowner. If the Township

approves thought is that it is their road, so if they are okay with the location and variance than he is in favor of the request.

G. Vick – agree with Board member comments. Initially thought the garage and home could possibly be readjusted but now seeing that would not gain but a few feet. If the Township approves of the location, he will agree to the request.

H. Aarestad – shares same thoughts as fellow Board members.

I. Mol motioned to approve the construction of a single-family dwelling that would be 45 ft. from the centerline of 95th St. SE (see site plan marked Exhibit A). Condition: 1) if any work is done at or below the 950 ft. contour, a wetland determination will be required. Seconded by Neumann.

**VOTE: CARRIED UNANIMOUSLY**

8. **KATHRYN CARRON** – New

LOCATION: 5956 Desoto Ave NW, Salerno Bay Beach 1<sup>st</sup> Addition Lot 14 of Section 04, Township 120, Range 26, Wright County, MN (Maple – Maple Lake Twp.) Tax # 210-126-000140. Property Owners: Kathryn Carron

Requests a variance as regulated in section 155.026, 155.057(E)(1), 155.049(F)(3), 155.006, and 155.090 (Table 3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the construction of a new home with attached deck that will be 60 ft. from the lake (75 ft. required), 10 ft. from the north side yard (15 ft. required), and 11.2 ft. from the south side yard (15 ft. required). The request proposes 28.6% impervious surface coverage (25% allowed). The septic system is proposed at 3 ft. from the north lot line (10 ft. required) and 5 ft. from the roadside lot line (10 ft. required).

Present: Kathryn Carron, Bernie Miller of MSTs

- A. Ogle displayed the site plan and reviewed the request. The property is an R-1 zoned parcel, approximately 8,199 sq. ft. and located on Maple Lake, which is a Recreational Development lake. The request is to allow the construction of a new home with attached deck that will be 60 ft. from the lake, where 75 ft. is required, 10 ft. from the north side yard and 11.2 ft. from the south side yard, where 15 ft. is required. The request proposes 28.6% impervious surface coverage, 25% is the maximum allowed. The septic system is proposed at 3 ft. from the north lot line and 5 ft. from the roadside lot line, where 10 ft. is required for both. Township approved.
- B. Carron – have been visiting the lake since the 60's. The cabin is old and has been added onto several times. It needs a lot of improvement with one of the biggest items is the road drainage comes right through the garage. Proposing removal of the garage. Want to make drainage more environmentally safe, have had conversations with Backyard Reflections. Try to do what can be done to make improvements on everything, nothing was made worse.
- C. Miller – the home is 70 years old. Existing house is roughly 710 sq. ft., located 52.7 ft. from OHW with the deck 41.9 ft. from the OHW. Boathouse does not meet lake or side yard setbacks, will be replaced. Home is currently served by a holding tank and the lot is sitting with impervious coverage at 44.3%. The proposed home is 1,075 sq. ft., with a large portion of the increase coming from the garage being attached. The proposed house is 69.1 ft. from the lake, which is 16.4 ft. back from where the current home sits. Intention was to stay under the 25% impervious from the start. Including some of the required retaining wall and driveway, it is really hard to get to the 25% therefore the impervious is proposed at 28.6 %. This situation is one where the lot is very narrow, not even 50 ft. at the lake setback, there is no way to build anything without a variance. Considered the alternative of rebuilding what is there but decided to go with a larger home and improvement to coverage and setbacks. A review of the existing house and proposed house that would be in the shore impact zone was done with drawing displayed. Proposal has roughly 80 sq. ft. less deck and 373 sq. ft. less of home in the shore impact zone. Current and proposed impervious coverage drawing was displayed and reviewed. The proposal has all that should be needed related to walkways, driveway and other impervious. Backyard Reflections did indicate that some of the retaining wall could be reduced, make 2 wall versus 3 tiers of walls. Retaining walls wouldn't change much with impervious coverage. Open to a stormwater management plan, currently a drain on the north side that does deal with runoff. Not really changing the drainage, currently does not drain onto the neighbor's property. Carron stated she did speak with both neighbors and they are in favor of the request. Miller – the house to the north, went through a very similar variance roughly 10 years ago.

- D. No public comment, turned to the Board.
- E. Neumann – this is another lot that is not very wide with a lot of things going on. With new construction would like to see the home moved back as far as can. Proposal does seem to be in line with the houses to the north and south, which is good to see. Is there a way to get that septic on the lake side? Miller – no, too steep with retaining walls, not possible. Proposed site is the only location for the system. Well locations were pointed out and discussed as limiting proposed locations. With the way the grading is it is not feasible to get down to soil that could be worked with. Neumann – see dilemma when not much space is there to work with, crates a lot of problems. Hard on 65 ft. from the lake but did do one today at 60 ft. from the lake. The narrow lots are hard to get a house that meets all the requirements. Would like the impervious to be at 25% for the impervious but is willing to hear what others have to say. Miller – as part of the plan the house was moved to 69 ft. the deck at 60 ft. Matched this request to the variance that was approved for the neighbor to the north. The Township is okay with the request and are having problems with drainage in the area. The appreciate that the drainage will be addressed and that the proposal is removing almost 20% of impervious off the lot. If the house was pushed closer to the lake would get more impervious for the driveway. Could have eliminated more variances with pushing the house closer to the lake but tried to get back as far, which actually created more variances. Septic system from the right-of-way is a good place to take some, generally the 10 ft. setback, in code, is because a survey is not always needed, and the 10 ft. gives some room for cushion. Have a survey so the property line is known so they can more precisely push up to that 5 ft. for the septic system. The 3ft. is the same setback the neighbor to the north was granted. Taking advantage of areas less important and move the house back as far from the lake and comply. Elevation plays a role with the garage. Compared to what is currently on the site as to what is proposed there is a lot less impervious on the property, not sure of ability to get down to the 25%.
- F. Mol – have looked at the plan for a while, feels there has been a lot of time and thought put into the proposal. With the small lot it is difficult to build a usable home that doesn't have at least one variance, can see the challenge. Acknowledged there has been a lot of improvement. Setback with the sewer to the road, has been done before, as long as the Township is okay with the distance to the road. Questioned if water from the road will be addressed so that it funnels around the home and does not go through the house or garage. Miller – as it sits now with so much impervious there is no room to add drainage. This plan allows draining on the southside of the driveway and both sides of the house. More likely will use existing line on the north side, that runs to the lake, and run parallel with rip rap so that water doesn't run straight to the lake. Not sure with the steepness a raingarden will work, might be a good native buffer strip location. There is room to work through a design to address the waterflow. Mol – concern with impervious coverage as high as proposed.
- G. Vick – this is a tough site. Questioned if the boathouse will be moved and could that maybe be removed. Miller – the plan is to rebuild and reduce the size, coverage is already in the impervious coverage figure. Vick questioned if the driveway could be built with a different type of material or strip it with grass. Stated he has a tough time allowing over the 25% impervious. Miller – a strip driveway could be used. Ogle – correct, with grass or clear stone that would be considered permeable or allow water back into the soil. Would not count if driveway material was permeable pavers or material that would be compacted. Regarding the boathouse, those plans were submitted with the proposal. Not begin 200 sq ft. would not need a building permit. If not built in the exact same location the building will have to meet all required shoreland standards, 10 ft. off the side yard and 10 ft. off the OWH and height at 10 ft. or less. Vick – that would move it over closer to the house, could the

deck be on top of the boathouse to lower impervious. Ogle – deck was proposed on top of the boathouse. Vick – struggling with the impervious coverage.

- H. Jones – impervious is a concern, would like that number down to 25%. Questioned if moving the boathouse back and the suggested driveway improvements would get the impervious coverage down. Miller – the boathouse moving would not change impervious. A quick calculation of 2 ft. driveway strips would get impervious down to 26%. Ogle – would need to drop 295 sq. ft. off the plan to get the impervious down to 25%.
- I. Vick – can the deck be downsized? Jones – can the boathouse size be reduced? Carron – the boathouse was already reduced but could possibly downsize more. Not sure the deck can get down to 16 ft. wide because of the location related to the doors. Miller – boathouse at something like 10 ft. x 12 ft. would only get about 30 sq. ft. off of the impervious. Understands the Board wants to see 25% and does not want a variance ever on impervious. Definition of how the State defines practical difficulty was read, which is in state statute. This proposal is making a lot of improvements, but the narrow lot and square footage of the lot can be looked at as a practical difficulty. Feels that all of the houses in the area fall into the definition of practical difficulty.
- J. Vick – could the deck be pulled in 2 ft. by the window, to get at 16 ft.? Carron – from the other side that could be a possibility.
- K. Aarestad – feels a good job with plan was done. Glad to see drainage from the road is being addressed. Huge progress bringing down the impervious. Looks at that situation to see if the community interest of the lake quality and all improvements are better served with a rebuild in the existing footprint or a new structure moving back from the lake as a betterment. Feels in this circumstance more interest is served and improved with the proposed design, even with the impervious coverage. Really did a good job demonstrating the efforts have been made to reduce impervious as much as possible. Feels the gains outweigh the minimal coverage. Sounds like there are still some slight adjustments with the deck, retaining wall and driveway that would bring down the coverage number. Ogle – the retaining wall is included in the impervious coverage, per County Ordinance.
- L. Neumann – if the boathouse was removed what would be impervious coverage? Ogle – removal of the boathouse would be 1.8%. Miller – 26.8% would be the figure. Mol – with the striping on the driveway would be down to 26%, looking for additional 1% to be cut. Kryzer – another option could be a smaller house. Carron – there is the garage, not sure could go down much more on the house. Kryzer – architects can take out 6” strips that would never be noticed.
- M. Aarestad questioned if the applicant would like the Board to move forward with a motion or continue the item for time to come back with a different proposal with reduced impervious coverage. Carron – if that is what the Board is looking for, they can revisit the plans.
- N. Vick moved to approve the construction of a new home, per Septic Site Plan Exhibit B. Subject to Conditions: 1) strips installed for the driveway; 2) required 2 ft. reduction in the proposed width of the deck; 3) boathouse reduced as proposed; 4) impervious coverage at or close to 25%. Motion seconded by Mol.

*DISCUSSION: Mol stated he would like the motion to state, not to exceed 25% impervious coverage, not close to 25% coverage. Vick agreed to amend his motion to state impervious coverage shall not be more than 25%.*

Vick amended his motion Condition #4 to state impervious coverage shall not exceed 25%. Mol amended his second.

*Kryzer – recommended an as-built certified survey be filed so that the impervious coverage can be calculated.*

Vick amended his motion to include Condition 5) subject to the submission of a as-built certified survey. Mol amended his second.

*Neumann – think that it is reasonable to get the impervious coverage down to that 25%, with the removal of the boathouse or other adjustments, including the driveway strips.*

*Miller – condition was made with reducing the deck, nothing was suggested regarding the reduction in the boathouse or driveway strips. If there is a percentage to meet believes with the driveway strips, retaining walls, adjustment on the deck there is more than is needed to get to the 25%. Instead of stating what needs to be done let us find where adjustments can be made and prove when a plan is submitted with a follow up as-built that shows the impervious coverage limited was adhered to. Kryzer questioned if Mr. Miller is looking to have the item continued for revised plans or move forward with the current motion. Miller – move forward with the motion.*

Vick amended the motion removing conditions 1, 2 and 3 to be replaced Condition 1) impervious coverage shall not exceed 25%. Seconded my Mol.

*Ogle – altering the deck, depending on the location will alter the location to the lake. Currently proposed at 60 ft. with the home at 69.1 ft. If the deck changes the distance to the lake may change. Mol – understanding is that according to the motion if the deck is brought down in size that would be an improvement to what was approved, based on the proposal.*

VOTE: CARRIED UNANIMOUSLY

### **SITE INSPECTION**

On a motion by Vick, seconded by Jones the Board scheduled a site inspection for July 7th, 2022, at 8:00 a.m. with all members approving.

Meeting adjourned at 10:52 a.m.

Respectfully submitted,

Aaron Ogle  
Planner  
BR:sld

Cc: Board of Adjustment  
Applicants/Owners  
Twp. Clerks