

## **WRIGHT COUNTY BOARD OF ADJUSTMENT**

**Meeting of: July 8, 2022**

### **MINUTES – (Informational)**

The Wright County Board of Adjustment met July 8, 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. All Board members were present except for member Dan Mol. Representing the Planning & Zoning Office was Aaron Ogle, Planner; Greg Kryzer, Assistant County Attorney, legal counsel.

#### **ACTION ON MINUTES FOR THE JUNE 17, 2022, MEETING**

On a motion by Neumann, seconded by Jones, all voted to approve the June 17, 2022, minutes as printed.

#### **1. THOMAS KIESER** – Continued from 5/27

LOCATION: 10895 Fetch Ave SW, Part of the W ½ of the SE ¼, Section 30, Township 118, Range 26, Wright County, MN (Woodland Twp.) Tax # 220-000-304200, -304300 & -304304. Property Owners: Thomas Kieser & Julie L Marquardt Rev. Trust

Requests a lot line adjustment as regulated in section 155.026(E) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to add approximately 2.25 acres from parcel 220-000-304200 (78.22 acres with 70.7 acres being above water) to parcel 220-000-304300/220-000-304304 (0.25 acres).

Present: Thomas Kieser, Paul Otto with Otto & Associates

- A. Ogle displayed the new survey with revised property lines and reminded the Board the item was heard at the May 27<sup>th</sup> meeting and has a direct impact on the next item. The property is located in Woodland Township on Dog Lake. The applicant owns two parcels, that must remain owned in common, totaling 0.25 acres. With the recent survey, including the Ordinary Highwater Mark (OHW), the total acreage is closer to 0.26 acres. In 1990 the Board of Adjustment approved an addition to the home and 1994 the Board approved a 26' x 30' detached garage. The request before the Board is for a lot line adjustment to add 2.25 acres, which will create a 2.5 acre parcel. At 2.5 acres 3,200 sq. ft. of detached accessory structures are allowed. The Township did approve the lot line adjustment. Based on the discussion at the May 27<sup>th</sup> meeting, it was expected that the applicant provide a survey or similar that indicates the OHW and plans that show the location of a new septic mound system.
- B. Otto – based on past discussion the lot line was moved from what was originally proposed. During the surveying process it was discovered that Fetch Ave. SW is actually a private drive, not a public street. There is no Township right-of-way, and the road is not maintained by the Township. At the last meeting there was discussion around Fetch Ave. extending for future development to the east, with the road being a private drive there would need to be additional conversation and planning to extend the road to the east. Based on conversation, at the May meeting, the proposed property line was angled to allow for the road to easily extend. Concept plan does show the OHW.
- C. No public comment.
- D. Vick – concern in May was the road and that is now determined a private road. Appears with the new design the road can move around the property in questioned. Feels the proposed plan addresses the concerns that were had with the road.
- E. Jones – similar concern with the road. The revised proposal and knowing the road is a private driveway, makes more sense than what was originally proposed. More agriculture land will be used up but overall feels comfortable with the proposal.
- F. Neumann – making the jog in the road is a concern but appears the best that can be done. Building a new road needs to be up on higher and firmer ground, not a concern at this time and in the future Fetch Ave. might be a Township road. For now, the issues were addressed.

G. Aarestad – feels the issues mentioned at the previous meeting were addressed.

H. Motion made by Vick to approve the lot line adjustment as proposed on the concept plan drafted by Otto & Associates to add approximately 2.24 acres from parcel 220-000-304200 to parcel 220-000-304300/220-000-304304. Subject to survey and administrative order stating all 3 parcels be sold in common. If possible, all 3 parcels be combined under 1 tax ID. Seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

2. **THOMAS KIESER** – Continued from 5/27

LOCATION: 10895 Fetch Ave SW, Part of the W ½ of the SE ¼, Section 30, Township 118, Range 26, Wright County, MN (Woodland Twp.) Tax # 220-000-304200, -304300 & -304304. Property Owners: Thomas Kieser & Julie L Marquardt Rev. Trust

Requests a variance as regulated in section 155.026 & 155.003(B)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to construct a 40' x 60' (2,400 sq. ft.) shed which is over the maximum allowed accessory building area.

Present: Thomas Kieser

- A. Ogle – with the previous item being approved this request is no longer necessary. The parcel, at 2.5 acres, will meet the required acreage for the accessory building that the applicant is wanting and therefore will not require a variance.
- B. Kryzer – if a variance is not needed a dismissal form can be signed by the applicant.
- C. Kieser agreed to the dismissal and signed the appropriate withdrawal form.

3. **DUANE SPARKS** – Continued from 6/17

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 with MSTs

- A. Ogle reminded the Board the item was continued from the June 17<sup>th</sup> meeting, to allow time to conduct a site inspection. The applicant was asked to take this time and determine if adjustments could be made to the plan that would push the home outside of the lake and bluff setbacks. The proposed site plan was displayed with the request reviewed.
- B. Sparks – recall at the last meeting, the reason the home is being built as a slab home is to accommodate their ageing ability to manage the home. Because the home is a single level it does take up quite a large amount of space on the lot. Various plans we discussed in trying to position and design the home in such a way that it feels like a natural fit to the land as well as complies with as many requirements as possible. Moving the home back is a possibility but there are implications. By moving the home back there will be quite a lot more fill needed to prop up the home. As the building moves back it will continue to raise, which makes for an unnatural fit and would not look as natural with the land. As the home moves back, it encroaches on the low area. To access the lakeshore side of the home the only real way is around the south side of the home. Would like to make sure there is space between the lowland and the home to drive a lawn tractor to the lakeside and be able to get other maintenance related equipment to that side of the home. Equipment would not be able to go through the woods on the north side of the home. In addition, moving the home back creates difficulty for turning around vehicles and maneuvering parking spaces. Feels that moving the home back makes things unnecessarily difficult.
- C. Miller – entire lot slopes away from the lake. There will be almost nothing that will drain to the lake. Main concern with the bluff is hydraulic loading and the bluff sluffing off into the lake. This plan does not alter or remove trees and will continue to leave the bluff stable. This property has a unique situation regarding the bluff and how it runs on the property. There was no comment from the MN DNR regarding the request. Ogle – did not receive comment from the DNR on this request. Believes that Barry Rhineberger, the Zoning Administrator, and the DNR prior to this request did have a conversation and determined the bluff location. Ogle continued to describe the bluff line on the proposed site plan. Miller – looked at the implications of the amount of fill that would be required if the home is moved. The only fill needed for the house, with the proposed plan, is roughly 200 yards. The driveway and walkway would require another roughly 300 yards. If the home were to be moved back 15 ft. about 2,100 yards of fill would be needed. It works out to be about 105 yards for every foot the house is moved back.
- D. No public comment
- E. Jones – noted the Township has approved. Protecting the shoreland is a concern, appears the lot slopes away from the lake so run off should stay towards the rear of the property. The lowland is a concern, does not want to see the home getting too close to that area. Asked Mr. Miller to present the comparison of the current and proposed layout related to lake and bluff setbacks. Miller – displayed and compared that 660 sq. ft. of the existing home is in the lake setback and 419 sq. ft. of the proposed home is in that setback. The existing home has 349 sq. ft. in the bluff area and the proposal has 134 sq. ft. of building in the bluff. Jones – move the home farther back the amount of dirt needed is incredible. Agrees with what he is seeing on the proposal.

- F. Neumann – still has a problem with this being a new home that is 4 times larger than what is there. A lot of other variance requests are because the lot is too small, that is not a problem with this request. Does not see the hardship of moving the home back to the 75 ft. from the lake. Could see compromising with a 65 ft. setback, as that has been a standard figure from this Board. Does not see the hardship, there is plenty of space for a home. The possibility is there to reconfigure and design the home to fit within the required lines. Will not approve as proposed.
- G. Vick – agrees with member Neumann. Moving back 5.3 ft. would put the home at 65 ft. from the lake and 28 ft. to the bluff, instead of 22 ft. Feels that moving back doesn't really create that many more loads of fill, especially if the elevation is dropped and grading will help with the amount of fill needed. Feels that 65 ft. from the lake is a more acceptable plan.
- H. Aarestad – feels a good job was done with the proposal. Originally concerned with the size and presence but now sees that the topography is working with the plan and helping how the home will look from the lake. The presences of existing trees and evergreens filter the view from the lake. Concerned that if the location is changed it would reposition the house and no longer work with the topography of the home. Feels the proposed location is a good fit. With a request such as this, looks at how the home impacts water quality and drainage. Again, have the topography working with the plan. Does not see how a few more feet from the lake makes a difference other than it positions the house to be more visible and will require additional fill. Personally, would like to see the home where proposed. Regarding the parking, sees this as a real issue, as well as being able to access the lakeside of the home. By moving the home closer to that lowland, it would be difficult to get around the home. The proposed variance request is a good design.
- I. Aarestad moved to approve a new single-family home that is 59.7 ft. from the lake and 22.7 ft. from the bluff. Seconded by Jones.

*DISCUSSION: Vick – does not see the hardship. The size of the building could be brought down and get the setback to 75 ft. from the lake. Feels a compromise at 65 ft. from the lake is more than reasonable. Can adjust the elevations so that the home does not stick up so high. Adding some retaining walls would alleviate the problem of getting around the home.*

*Aarestad – agrees with, to an extent, on the hardship level. Zoning laws can't always work and apply in every situation. Part of process is looking at the entire package and being logical and reasonable. Personally, feels the request being proposed is reasonable and the Board has the ability to deviate from the hardship issue. Look at the entire package and does this appear to be a reasonable plan, that is his direction of thinking.*

*Neumann – appears the existing garage is going to be removed, that could certainly be used for a turn around location. Think that moving the home back crunches the parking area but with the garage removed it does add some additional turn around space.*

*Vick stated that many times the Board has stuck with the 65 ft. In this situation does not think that there is an extraordinary reason to deviate from the 65 ft. and would like to stick with that number.*

VOTE: IN FAVOR: Jones & Aarestad NAY: Vick, Neumann  
MOTION FAILED

*DISCUSSION: Vick – asked if the applicant would be willing to adjust plans to meet the 65 ft. setback. Sparks – concern is getting deliveries and enough room for a delivery truck to turn around. Moving the home back will cause additional constraints regarding access to the lakeside. There will be times when it is necessary to get equipment lakeside and moving the home back will make that very difficult. Ogle – regarding the turnaround, there is a proposed 2,000 sq. ft. detached building, to the east, that would require extra fill. Reminded the Board that with each request it is up to the Board to keep discussion based on the property and request before when determining the hardship and decision.*

*Miller displayed a revised site plan and reviewed the adjustments from the original proposal. The south section of the home was pulled back and turned a little. There is a small corner in the bluff setback area that is also decreased. The house setback to the lake is slightly improved. This adjusted proposal does not change the amount of fill required. A very small portion of the home will not meet the lake setback, at 61.1 ft. but the home will meet the 25 ft. bluff setback. Stark – does it change the access around the south side of the house? Miller – minimal change, less than 0.5 ft. from the lowland area. To get the designed house at the 65 ft. would put the driveway in a difficult location. There is no way to put the proposed house at 65 ft., the house would have to be redesigned.*

*Neumann – 61.1 ft. is at least a 2 ft. improvement, would like to see more.*

J. Neumann motioned to grant the variance for a single-family home that is 61 ft. from the Ordinary High Water Mark of the lake and 25 ft. from the bluff, per site plan Exhibit “A”. Motion seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

4. **DENNIS SJOBERG** – Continued from 6/17

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 and reviewed the request. Item was continued from the June 17<sup>th</sup> meeting for a site visit and allow the applicant time to determine if the home can be moved further from the lake. The request is for a new single-family home to be located 46.88 ft. from the lake and 9.5 ft. from the west property line. The property is located in Southside Township on Lake John, which is a Recreational Development lake. The parcel is 10,839 sq. ft. or roughly 0.25 acres. In 2006, the Board approved a backlot to be attached to the existing lakeshore parcel. Township approved due to new septic system, lot contours not allowing the home to move further back and the main portion of the home meeting both side setbacks. A neighbor responded they have no objections.
- B. Sjoberg – feels the site inspection helped see the situation and provided a chance to show the Board why they feel the proposal is ideal for them and the lot. The proposed location is in line with the other homes along the shoreline. The intended placement of the home is ideal, as far as, sliding into the hill and pouring a foundation. The farther back from the lake they move the home the further up the home would potentially be with a deck needed lake side, which they hoped to not have.
- C. No public comment.
- D. Neumann – after seeing the site, will not approve 46 ft. from the lake. Looking at more of 65 ft. as acceptable. Agree, the 100 ft. is out of line, but 65 ft. from the lake would be more in line with the home to the right. Regarding the 9.5 ft. on the west line, for the screen porch, sees no problem with that part of the request. Other variance requests, for similar structures, have been approved at about that same distance. Does think that the home needs to back up to at least 65 ft. from the lake.
- E. Vick – agree with comments from member Neumann. If the home is moved back to 65 ft. the side setback might lower to around 7.5 ft., would be okay with that. Wants to see keeping at 15 ft. on the other neighboring line. The lot does get narrow so if the home is moved back from the lake the side setbacks would be adjusted. Ogle – without a survey it is hard to give exact figures. Reviewed the distances and thought roughly 7.5 ft. is accurate. Vick – if the applicant would agree to the 65 ft. while noting that the side yard setback would be more like 7.5 ft., then he is ok with the plan.
- F. Jones – agrees with both members. After looking at the site, it is a unique situation. The 65 ft. from the lake would be where he would like to see the home situated. The rest fits in line with the existing shoreline buildings.
- G. Aarestad – different position from other members. Feels the hardship is the bank, if too much is taken out by moving the house back, a lot of soil will be removed. Moving the home back will increase the height of the building and impact the view from the lake. The home is a modest and as proposed fits nicely on the lot. Would like to see it sit back a few feet but feels 65 ft. is extreme. For the record, 65 ft. is something that Board had stuck by and not frequently deviate from. Feels the hardship is the hill and impact on the lake if the home is moved back.

- H. Vick motioned to approve the construction of a new single-family home that is 61 ft. from the lake and 7.5 ft. from the west side lot line. Seconded by Aarestad.

*DISCUSSION: Vick – the last request was set at 61 ft. does not feel this applicant should be held at a higher standard. Neumann – the last item is different in that all of the water drained away from the lake and with this lot all of the water drains towards the lake, therefore the 65 ft. should be required. Aarestad – this is a much smaller building, but the point is noted. There is a flat area near the lake with enough surface area to allow water to be absorbed before hitting the lake, as well as a natural buffer strip near the lakeshore. Neumann – suggested adding a condition that a stormwater management plan to the motion.*

- I. Vick motioned to amend his motion to include Condition: 1) a stormwater management plan must be submitted at time of building permit application. Seconded by Aarestad.

VOTE: CARRIED UNANIMOUSLY



5. **ROBERT HACKL** – New

LOCATION: 13465 80<sup>th</sup> Street NW, Southview Addition Lot 21 of Section 26 and Barefoot Addition Lot 12 Block 01 of Section 23, Township 121, Range 28, Wright County, MN (Lake John – Southside Twp.) Tax # 217-049-000210 & 217-078-001120. Property Owners: Hackl Living Trust

Requests a variance as regulated in section 155.026, 155.049(F)(2), 155.057(E)(1), 155.006, & 155.102(B) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to remove the existing home and allow the construction of a new home with a covered and four-season porch that will be 76.2 ft. from Lake John (100 ft. required). The home would be 36.9 ft. from the centerline of 80<sup>th</sup> St. NW (65 ft. required). The home would not meet the minimum width standards of 24 ft. (23.5 ft. is what is being proposed). Building coverage proposed is 15.7% (15% allowed).

Present: Robert Hackl

- A. Ogle – with proposed site plan displayed reviewed the request. The property is roughly 10,804 sq. ft. located on Lake John, which is a Recreational Development lake, in Southside Township. The request is to replace the existing home with a new home that will have a covered deck and four-season porch and be 76.2 ft. from the lake. The home is proposed at 36.9 ft. from the centerline of a Township road. At 23.5 ft. wide the home would not meet the required minimum width standards of a 24 ft. x 24 ft. “box” inside the principal walls. The building coverage is proposed at 15.7%. The Township approves of the request with a suggestion to reduce building coverage to 15%. A neighbor believes the request should be granted and another supports the request. One neighbor has no objections.
- B. Hackl stated he has owned the property since 1998. The backlot has a new septic system that was installed in 2011.
- C. No public comment.
- D. Vick – likes the advice from the Township in that they asked the maximum building coverage to be at the required 15%. Feels comfortable with the home width at 23.5 ft. but would also be okay with 23 ft. if needed to come down to the 15% building coverage. Questioned how the 24 ft. is figured. Ogle – need to be able to drop a 24 ft. x 24 ft. box inside the principle walls of the structure. Currently proposed with a width of 23.5 ft., so a variance is required. Vick – feels the 15.7 % should be reduced to 15% building coverage.
- E. Jones – 1<sup>st</sup> time have heard of the “box” in a building requirement. Ogle – it is the minimum width standard requirement of a home with the interpretation of the Zoning Administrator applied. Theoretically, could have a 30’ x 30’ total dimension but with weird jogs and only gets 8 ft wide at the maximum point. Jones – wants to see the building coverage at the 15%. Considering the box theory, is okay with the request.
- F. Neumann – likes that fact that the home is more than 65 ft. from the lake. The 100 ft. setback, in this instance is a little far. The Township has approved the distance to the road. If can get to 15% building coverage will support the request. Aarestad stated that he is in agreement with member Neumann.
- G. Hackl questioned if he could change the covered porch area by a foot, instead of the home. Ogle – the covered porch does count as building coverage and could be adjusted. Aarestad – goal is to get to that 15% coverage with no less width of the home.
- H. Vick motioned to approve a new single-family dwelling, with a covered and four-season porch, that will be 76.2 ft. from ordinary highwater mark of lake, 36.9 ft. from the centerline of 80<sup>th</sup> St. NW. New structure is approved with a 23.5 ft. x 24 ft. width “box”. Condition: 1) no more than 15% building coverage. 2) Stormwater management plan submitted at time of building permit application. Seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

6. **CHARLOTTE LAPLANT** – Continued from 6/17

LOCATION: 2420 Dempsey Ave SW – The SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and the South  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  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  $\pm 31.0$  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: Charlotte Laplant

- A. Ogle displayed the Beacon aerial photo with proposed lot lines. The item was continued from the June 17<sup>th</sup> meeting to allow time for the applicant to meet with the Township. The properties are in Marysville Township, currently zoned AG General Agriculture and in the Land Use Plan to remain AG. The request is to allow an existing entitlement division that is 1.86 acres to be increased to 31 acres, where 10 acres is the maximum allowed. The remainder, roughly 9.4 acres, will be joined to the parcel to the south. The original entitlement division occurred administratively in 2021. The Township has approved the request with a condition that the remaining  $\pm 9.4$  acres would go back to PID 211-000-152300, which is the parcel to the south and is the plan the applicant has presented.
- B. Laplant – recent conversation with surveyor indicates the lot will be 30.89 – 31 acres. Intentions is for the remaining 9 acres to be combined with the parcel ending in -152300, as the Township indicated. Reviewed the proposed property lines and discussed the ability to keep the field approach with the land she does not intend to sell. The proposed lot line is 30 ft. from the existing garage, which is the required distance.
- C. No public comment.
- D. Jones – understands that the 9.3 acres will go with the -152300 property. LaPlant – correct, goes back into agriculture. Jones – likes that acreage is to be combined back into agriculture use. LaPlant explained that there are several buildings on the farm site that have already been removed. Her personal driveways will not be affected by the new property line and there will be plenty of room to get around the existing buildings. Ogle – reviewed the proposed property lines for the Board and clarified the location of the existing entitlement division. The access points are not being addressed with this request nor are the outbuildings, as they are existing and will be meet requirements.
- E. Neumann – the last meeting was continued for Township review and comment, which has been received. At the last meeting the Township response was the only concern voiced. Feels this request is a good plan.
- F. Vick – remembers Township input as the reason for no decision. Questioned if the concern from member Jones was accessing the lower parcel and the field. Laplant confirmed there will be field access on the southern parcel that is included in the 9.3 acres.
- G. Aarestad – agree with others that the request is reasonable and if the Township approves, he can approve as well.
- H. Motion made by Neumann to approve a lot line adjustment to an existing entitlement division that was 1.86 acres and will now be approximately 31 acres, subject to survey and deed restriction. The remaining  $\pm 9.4$  acres, from the quarter-quarter section, is to be owned in common or combined with parcel 211-000-152300 and is subject to a new legal description and Administrator Order or Auditor's Combine Form. Jones seconded the motion. VOTE: CARRIED UNANIMOUSLY

7. **ANDREW LARSON** – New

LOCATION: 1201 Clementa Ave SW, a tract of land in the Northeast 1/4 of Northeast 1/4 of Section 10, Township 119, Range 26, Wright County, MN (Marysville Twp.) Tax # 211-000-101101. Property Owners: Michelle Lyn Larson Revocable Living Trust

Requests a variance as regulated in section 155.026 & 155.003(B)(1) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the construction of a 3,200 sq. ft. detached accessory building. The proposed building plus the existing 1,200 sq. ft. detached accessory building would total 4,400 sq. ft. of detached accessory buildings whereas the maximum allowed for a 3.07 acre property is 3,200 sq. ft.

Present: Andy Larson

- A. Ogle reviewed the displayed aerial photo with proposed building location. The property is 3.07 acres, zoned AG General Agriculture, in Marysville Township. The request is to allow the construction of a 3,200 sq. ft. detached accessory building. The property currently has an existing 1,200 sq. ft. detached accessory building, which leaves 2,000 sq. ft. of detached accessory building area remaining. The lot is allowed at total of 3,200 sq. ft., with the proposed building the lot would 1,200 sq. ft. over the allowed detached accessory building area.
- B. No comment from Mr. Larson or public.
- C. Neumann – a 3,200 sq. ft. building is a good size building. Questioned the applicant where the hardship is. Larson – because of the existing detached garage the issue that size building he is wanting would not comply. Looked at attaching the garage to the home and it looked foolish. From a curb appeal and to be a good neighbor feels the 3,200 sq. ft. building and keeping the detached garage is the way to go.
- D. Vick – personally dealt with the same issue and in the end went with a smaller garage. Concern is if this one is allowed it will cause an avalanche effect with the neighbors, therefore does not want to deviate from what is allowed. Will not be willing to go along with the proposed plan, does not see a hardship.
- E. Jones – agrees with other members, cannot see going that much over the allowed building limit.
- F. Aarestad – addressed the applicant with the feeling from the Board members the variance request, as submitted, will not be approved. Questioned the applicant if he would want to reconsider a smaller building for review. If go ahead the vote could be a denial. The Board could give some direction in the size that would be acceptable. Larson – there is the letter of the law and the spirit of the law. Is the spirit of the law to restrict the overall square footage? Could attach the garage to the home and end up with more impervious, which is contradictory to the goal. Kryzer – the problem is the Board has to find the practical difficulty. The parcel is a large enough parcel, and a smaller building can be built. What is the practical difficulty? Unfortunately, under the law, not wanting to attach the garage to the house is not a practical difficulty. The Board has to find a practical difficulty and they are indicating they are not seeing one. Larson – will attach the garage to the house and it will look goofy. Kryzer – that is an option. Another option would be to build a smaller building that complies with the requirements. Larson – is there a reasonable building size that would be acceptable. Ogle – with the existing building and the limit there is 2,000 sq. ft. of accessory building left without requiring a variance. Larson – is there larger square footage that would be acceptable to the Board? Kryzer – they have to find practical difficulty and they are not finding anything. If there was an issue with a setback to the road, a small lot, lake setback or a substandard lot there might be practical difficulty found. In this case there is no practical difficulty being found. Neumann – another option would be to remove the existing garage and build a new 3,200 sq. ft. building. Kryzer – there is a withdrawal form to be signed or the Board can go ahead and formally vote. They have indicated they are leaning towards denial, which will be included on the properties abstract.
- G. Larson agreed to the dismissal and signed the appropriate withdrawal form.

8. **ALISSA LOWRY** – New

LOCATION: 6015 5<sup>TH</sup> Street SW - the West 1/2 of the Southwest 1/4 lying north of the Crow River and Goose Lake Creek except the North four rods of Section 06, Township 119, Range 26, Wright County, MN (N. Fork Crow - Marysville Twp.) Tax # 211-000-063200. Property Owners: Alissa M Lowry

Requests a variance as regulated in section 155.026, 155.048(F)(4), 155.057(E)(2) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the approval of an unpermitted agricultural building that is approximately 17 ft. from the rear yard (50 ft. required). It is also being requested the approval for an unpermitted expansion of a nonconforming livestock building that is approximately 180 ft. (200 ft.) from a transition river.

Present: Alissa Lowry

- A. Ogle displayed the 2021 aerial photo as well as the 2018 photo of the parcel and reviewed the property details. The property is located in Marysville Township on the North Fork of the Crow River. The request is to allow an unpermitted agricultural building, that is approximately 17 ft. from the rear yard, where 50 ft. is required. The request includes the approval for an unpermitted expansion of a nonconforming livestock building that is approximately 180 ft. from the transition river, where 200 ft. is required. The MN Feedlot Rule, since October 2000, has a setback of 300 feet to any river for a new feedlot or barn and no encroachment for any expansions of existing structures. Even though the addition to the barn was built away from the river it still does not meet the required setback. The Township did approve the request. A neighbor responded that they have no problem with the variance.
- B. No comment from the applicant or public.
- C. Vick stated there is a lot going on and doesn't want to continue the item, but a site visit might be warranted. Questioned the riding arena location. Lowry – directed the Board to the building in question with the 2021 aerial displayed. In 2014 a permit was pulled for the building and in 2020 ex-husband deconstructed the building to the north of the riding area and expanded the riding arena and without her knowledge he did not pull a building permit. Reason for expansion is in order to perform correctly in dressage a space of at least 20 meters x 40 meters is needed. When the permit was pulled in 2014 no setback variances were needed for what was considered a side yard. The neighbor to the west does not have concerns. The Township has no concerns with the request. Vick – the explanation helps clear up some of his questions.
- D. Jones – irritated with the build first ask for permission later. The size of arena does make sense. Trouble trying to figure out what direction to take the request. Can't believe there is no attachment between the two buildings. Lowry – Building Official, Michael Woodford, visited the property and determined the breeze way is not connected to the arena. Jones – would like to hear what others have to say.
- E. Neumann – no problem with the 180 ft. river setback, it is only 20 ft. from what is required. Have to ask himself if he would allow a building to be 17 ft. from the property line to be built new, not sure that would be acceptable. Feels the 17 ft. distance is a concern. The other buildings look as if they are 30 ft. when they should be at 50 ft. Lowry – in 2007 when the very north building was built the permit pulled listed the setback at 30 ft., as a side yard. In 2014 the original arena permit stated side yard at 30 ft. Not sure what the number should be but wants to do right by the County, neighbors, and Township. Neumann questioned the allowed animal units. Lowry – not sure of the allowed number but has a maximum of 7 horses. Ogle – Tracy Janikula, the Feedlot Administrator is in the audience and can speak to the number of allowed animals. Regarding the setback requirements, it was determined by the current Zoning Administrator that the line near these buildings would be a rear line and require a 50 ft. setback.
- F. Tracy Janikula, Feedlot Program Administrator – reviewed the Beacon aerial photo of the entire property. Previously it was determined that where the driveway comes in, the road keeps going east a little bit. The

current Zoning Administrator determined because the road is to the north that would make the south line the rear yard and the east line would be the side yard. The change in Zoning Administrators interpretation of what is the rear and side yard caused the change in what line is considered rear and side. This is an old farm site, and the applicant would be allowed to expand to 10 or more animal units, with the proper permit. At this time, the applicant is not required to have a feedlot permit and is simply registered. Jones – this is an issue caused by the County. Janikula – previous Zoning Administrator had the side yard and southern part of the building meet the 30 ft., when permitted in 2014. Ogle – at 30 ft. or 50 ft. the current distance of 17 ft. does not meet the required setback.

- G. Aarestad – question before the Board is what is going to be done with the existing buildings. Biggest question is how do manage what is there, meaning the manure and what is being done to protect the river. Would like to know more about what is being done to prevent manure run off into the river. Is there a manure management plan in place? Lowry – Tracy Janikula did visit the site and it was realized manure management was not being done correctly. A solution was worked through and planned out. Currently working with a manure removal company that is set to remove the stockpile on July 12<sup>th</sup>. Discussed that a more permeant holding structure is needed and manure will be hauled out on a bimonthly or monthly basis. Hope is that new holding area will be completed in the next few months and can be compliant by the end of 2022. Unfortunately, there are so many items in the works that need to happen before the new permanent structure can be built. Aarestad – would be in favor of the request as presented if there is some assurance that the property will be compliant by a determined dated. Feels that in the end that is what is important, and the zoning ordinances are there to protect the water ways.
- H. Neumann questioned the applicant on expected date of compliance. Lowry – the end of 2022.
- I. Vick – there are 7 horses but can have 10. Lowry – can have up to 10, with a permit.
- J. Motion by Vick to approve the unpermitted agricultural building approximately 17 ft. from the rear yard and an unpermitted expansion of a nonconforming livestock building that is approximately 180 ft. from a transition river. Condition: 1) property must be Feedlot Ordinance compliant by the end of 2022. Seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

9. **NEAL SAWATZKE** – New

LOCATION: 4999 53<sup>rd</sup> Street SW – Lot 1, Poplar Heights, according to plat of record and part of Gov't Lot 5, Section 32, Township 119, Range 26, Wright County, MN (Little Waverly Lake - Marysville Twp.) Tax # 211-000-322300, 211-017-000010. Property Owners: Karen M. Sawatzke Revocable Trust

Requests a variance as regulated in section 155.026, 155.057(E)(1), & 155.090(Table 3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the construction of a 24.2 ft x 32 ft. two story addition to an existing home that is 41 ft. from Little Waverly Lake (100 ft. required). The request is also to allow the construction of a new septic system that would be 30 ft. from the lake (75 ft. required).

Present: Neal Sawatzke & Joel Sawatzke

- A. Ogle displayed the proposed site plan. The property is located on Little Waverly Lake, which is a Recreational Development Lake, in Marysville Township. The parcel is 29,776 sq. ft. or roughly 0.68 acres. The request is to allow the construction of a 24.2 ft. x 32 ft. two story addition to an existing home that is 41 ft. from the lake, where 100 ft. is required. Part of the request is to install a new septic system that would be 30 ft. from the lake, 75 ft. is required. In 1989 the Board approved a deck 46 ft. from the lake and required two other deck to be removed. In 2000 the Board approved a 26 ft. x 36 ft. garage to be 65 ft. from the lake and 45 ft. from the centerline of the road and required a utility shed to be removed. The Township did approve the request as the applicant is going no closer to the lake.
- B. N. Sawatzke stated no matter what is allowed with the addition they would like to address the septic system, as the parcel does not allow a new system to be located anywhere else on the property. Their mother has lived in the house for over 50 years and would like to live there the rest of her life. Brother and family are willing to move in with her and with this request are trying to work out a situation they could move in and provide care but also have their own livable space.
- C. No public comment.
- D. Neumann – septic, appears to be 30 ft., that is close to the lake. N. Sawatzke – had 3 designers out and they all proposed a system in the same location. J. Sawatzke – there is water on 3 sides. Could go into the exact same system footprint, but that does not meet the setback requirements. With site plan displayed the location of the current system and drainfield was described. Neumann – assume a pressurized mound is being proposed. J. Sawatzke – a septic with drainfield. Unfortunately, the builder that put the proposal together was not able to make the meeting. Ogle – what was submitted is a mound system. Mr. Kubasch, the septic designer, mentioned the system would be 30 ft. from the Ordinary Highwater Mark. The required setback for a septic system on this type of lake is 75 ft. Neumann – appears to be 4-5 ft. above lake level. J. Sawatzke – there is a hill in that area and would estimate at roughly 10 ft. J. Sawatzke – if they sell the property the system will have to be replaced. Where can they put a new system on the property? Neumann – believes a holding tank is an option. J. Sawatzke questioned if they could use the same footprint with a new system. Ogle – is not an Environmental Health Officer (EHO), would not want to incorrectly answer. Neumann – proposed addition is all north of the existing building. J. Sawatzke – another option is to put a 2<sup>nd</sup> story on the single story side, that would not take up more footprint. Neumann – the lot size isn't very large, appears to be originally 2 lots. Is the impervious lot coverage a concern? Ogle – per the surveyor's calculation the impervious is roughly 22.5%. Neumann – the Township approved. Would like to hear what other members have to say.
- E. Vick questioned the existing well locations. J. Sawatzke described location of the well on the property in question as well as the neighbors. The septic system will be 100 ft. from the nearby wells. Vick – mentioned potentially putting a 2<sup>nd</sup> story on the home. Would that allow the new septic system to be adjusted and put between the house and garage? J. Sawatzke – would not meet the lake setback on the back side. Questioned if going straight up with the addition would require a variance and if the property transferers to family would

the septic need to be replaced. Ogle – going taller is increasing the building size of an existing building that is nonconforming and would still require a variance. Regarding the septic, not an EHO, but believes a certificate of compliance is required even between family. The details on when a certificate is required would be a question for the EHO. Had a conversation with an EHO staff member and while not a fan of the proposed septic system location this close to the lake they would then highly recommend a pretreatment system. Vick – feels the hold up for him is a septic system this close to the lake. Would like to hear the opinion of an expert, designer or EHO.

- F. Jones stated he has some of the same concerns as the other members of the Board. J. Sawatzke – the system was last updated roughly 25 years ago. There is no way to meet the setbacks. If the Board states what they can work with they will try to fit a system where they can. The issue of updating the septic system comes when the property transfers owners.
- G. Vick – would a pretreatment system address the concerns? Ogle – cannot answer that. This might be a situation the item needs to continue until there is a written statement by an EHO or have them attend the meeting. Jones – would suggest continuing to allow EHO input or attendance at the next meeting.
- H. Kryzer questioned if the applicant filed a certificate of compliance at the time of application. Ogle – in this case the applicant asked for a brand new system, so the system was not required to be tested. Staff EHO mentioned if the system was approved a pretreatment option was highly recommended. Kryzer – suggested to the applicant that if the item is continued it would be beneficial to have the system inspected.
- I. J. Sawatzke – if build straight up versus out with the addition will a variance be needed? Kryzer – a variance will be needed for expansion on the home of any kind. J. Sawatzke questioned if option to go up with the addition could be dealt with at this time. Kryzer – the Board will need to be provided plans.
- J. Aarestad – in favor of the proposed addition. The proposed system is very close to the lake and would like to hear from the EHO on the pretreatment system and ideally would feel more comfortable with the proposed septic system location. Ogle – can get a statement from an EHO staff member or ask that they are present at the next meeting.
- K. J. Sawatzke questioned the Board if they would have any input on the option of going up with a 2<sup>nd</sup> story versus what was proposed and going out from the existing home. N. Sawatzke – since applying now leaning more towards a 2<sup>nd</sup> story addition versus increasing the footprint. Vick – being close to the lake would prefer the plans proposed. Being close to the lake and going up in height could affect the view of the home from the lake. Jones – would prefer the addition going behind the home. Going up in height brings up other concerns with fitting into the view from the lake.
- L. Vick – would 2 weeks allow for enough time to get all additional details being asked for? Ogle – depends on if the system needs to be certified compliant, that would be up to how far out the inspection professional is and their timeline. Connecting with an EHO before the next meeting is reasonable. J. Sawatzke felt 2 weeks was enough time.
- M. Motion made by Neumann to continue the meeting to the July 29<sup>th</sup>, 2022, meeting to allow time for the applicant to provide revised building plans and additional details on a proposed septic system. Seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

10. **ALLAN DOERING** – New

LOCATION: 10701 Grover Ave SW – Terra Teresa Lot 39 of Section 25, Township 118, Range 27, Wright County, MN (Mary Lake – Victor Twp.) Tax #219-016-000390. Property Owners: Allan & Deidre Doering

Requests a variance as regulated in section 155.026, 155.049(F)(3), 155.057(E)(1), & 155.006 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow an addition to the existing home that would be 1.1 ft. from the west side lot line and approximately 8 ft. from the east side lot line (15 ft. required). The existing home is approximately 48 ft. from Lake Mary (100 ft. required). Building coverage proposed is 15.5% (15% allowed).

Present: Deidre Doering

- A. Ogle displayed the proposed site plan and reviewed the request. The property is zoned R-1 on Mary Lake, which is a Recreational Development Lake, in Victor Township. The property is 7,528 sq. ft. which is approximately 0.17 acres. The request is for an addition onto the existing home that would be 1.1 ft. from the west side yard line and approximately 8 ft. to the east property line, where 15 ft. is required. The current home is roughly 48 ft. from the lake, with the addition not getting any closer to the lake. The proposed building coverage is 15.5%. The Township approved up to a 500 sq. ft. addition.
- B. D. Doering – the current cabin is small, with grandkids there is a need for extra space.
- C. No public comment.
- D. Vick – has an issue with the 15.5% building coverage as well as the west 1.1 ft. side yard setback. With the overhang a 2 ft. soffit will most likely hang over the property line. Questioned if the corner 4 ft. x 5 ft. area could be taken out, which could put the building coverage at or under the 15% and move the addition off that property line. Doering – take away the closet. Vick – the addition is encroaching on the neighbor with the 1.1 ft. corner area. Has a problem with that setback as it is closer than the current home.
- E. Jones – similar concern with the 1.1 ft. setback, that is not much room. Questioned if the plan has been discussed with the neighbor. Doering – they are renters, would need to talk with the owner but do not think they would care. Jones – as far as the side yard goes, that 1.1 ft. is nothing. The overhang from the roof would be over the line, that is a big concern.
- F. Neumann – feels the proposed addition plan needs to be reconfigured. With 1.1 ft. there isn't enough room to mow. During construction the crew will be standing on the neighbors' property. Would like to see at least a 5 ft. setback. Doering – take off the section, that is all closet. Neumann – suggest reconfiguring the addition to get back from sideline, will not support as proposed. Need to get so that construction workers can work without standing on the neighbors' property or mow without stepping over the line. The eve and overhang need to stay on the property and not hang over the property line.
- G. Aarestad – agrees that 1 ft. is too tight, feels that line needs to be at least 5 ft. from the addition. Doering – could they leave current cabin as is and take out the 4 ft. area of the addition and bring the building straight down? Aarestad – would like to see the setback at 4-5 ft. or demonstrate why the 5 ft. cannot be met. It comes down to being able to access without stepping onto the neighboring property. Recognize currently in good standing with the neighbor but the future is unknown. Doering – can the entire addition be moved over? Aarestad – come back with a new proposal or the Board could require a 5 ft. setback. Regarding the east side, would not want to encroach even more. Really need to work on the west side and bring that to 5 ft. and leaving the east side as proposed. Do not want to take an already out of compliance setback and make it worse. Want to go back further, fine with having the home addition deeper. Informed the applicant that they could move forward with a motion including a required 5 ft. setback, or the opportunity is there to come back with a revised set of plans.



- H. Vick – suggested cutting a 45 ° angle in that area in question and dropping part of the addition to get the setback in the 4-5 ft. range as well as drop the building coverage to the 15%. Personally, would be willing to go with 4 ft. setback for this situation.
- I. Neumann motioned to continue to the July 29<sup>th</sup> meeting to allow time for the applicant to revise plans based on the discussion. Seconded by Jones.

VOTE: CARRIED UNANIMOUSLY

*DISCUSSION: Ogle – keep in mind if extending closer to the road, when shifting the design, the Board has indicated they would like to see the 15% building coverage or less, as well as no closer than the 4 ft. from the east property line.*

11. **MARK BOON** – New

LOCATION: 3436 Iresfeld Ave NW, Henshaw Shores Lot 01 Block 02 of Section 15, Township 120, Range 27, Wright County, MN (Albion Twp.) Tax # 201-039-002010. Property Owners: Jennifer & Mark Boon

Requests a variance as regulated in section 155.026 and 155.048(F)(3) of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the construction of two agriculture buildings, a 50 ft. x 100 ft. and a 30 ft. x 30 ft. that will house livestock, both 40 ft. from the side property line which is the road right of way (100 ft. required).

Present: Mark Boon

- A. Ogle displayed the aerial photo and reviewed the parcel. The 18.55 acre property is zoned AG General Agriculture in Albion Township and is non-riparian but partially in the shoreland jurisdiction of Henshaw Lake. The request is to allow the construction of two agriculture buildings, that will house livestock, and proposed at 40 ft. from the side property line, which is the road right-of-way where 100 ft. is required. In 2015 and 2017 the property went through variance hearings and was approved for several buildings, that would house livestock, to be located closer than the required 100 ft. to the side yard line or right-of-way. Restrictions and conditions from the 2015 variance remain in effect with the most recent variance from 2017 expiring as the buildings have not been constructed. The Township approved of the request. A neighbor cannot agree without knowing what and how much livestock will be present. They are planning on building a house in the spring of 2023 and "...may not do this with odorous swine from across the street. It would definitely lower property value."
- B. Boon – spoke with the neighbors and not sure which neighbor made that statement. The ones he was able to connect with did not have a problem with the plans.
- C. No comment from the public.
- D. Vick – there is a lot going on. Boon – the request is basically what was asked for before. Proposing to go 10 ft. further into the property with the bigger barn to add for more storage. In the building will butcher 6 cows and 6 pigs a year, as well as, have chickens and manure. There is a signed agreement with the property owner to the south as well as a few other parcels for the manure disposal. The aerial view of the property was displayed while Mr. Moon reviewed the details of the proposal related to the required setbacks to the shoreland area and property lines. The property has a limited area where these proposed buildings can be placed. Vick questioned how the doors will be placed in the building. Boon – doors on the plans are not exact placement. Door will face the west, to drive in, and a door on the southeast side.
- E. Jones questioned if there is any concern from the Feedlot Administrator. Janikula – the parcel is part of a larger plat, but still zoned AG. If not a platted road the setback from the road would be 65 ft. from the center line of the road. Because of platted road the line is considered a side yard setback with a 100 ft. setback required. Has no concern with how the operation is managed or the proposed items. Jones – can see there is limited area to work with. Feels that the request is reasonable.
- F. Neumann – when the applicant came to the Albion Town Board meeting, he stated he has to be so far from the lake and wetlands plus the neighboring well. It all really limits the ability to put the buildings anywhere else. Township was fine as well as other variance boards and is therefore okay with the request as well.
- G. Aarestad – remembers the last request and that there was concern from a neighbor along the lake. Questioned if other concerns have come up since the last time before the Board. Boon – neighbor to the north does not like farm animals. Spoke with him prior to this meeting and he did not have any issues. Believes that the neighbor that has not built recently purchased the property and was not able to speak with them. Aarestad –

wants to make sure there wasn't an ongoing problem and that does not seem to be the case and is therefore in favor of the variance request.

- H. Ogle – as part of the request back in 2015 and 2017 the condition was to limit the property to no more than 30 animal units. Boon – agrees this would be a good condition to have on the property.
- I. Motion made by Neumann to approve the variance for construction of two livestock buildings to be 40 ft. from the side property line/road right-of-way. One building proposed at 50 ft. x 100 ft. and the other at 30 ft. x 30 ft. with a triangular addition. Condition: 1) no more than a total of 30 animal units are allowed on the property. Seconded by Vick.

VOTE: CARRIED UNANIMOUSLY

12. **RANDY KLATT** – New

LOCATION: 1281 20<sup>th</sup> St. NE, 1339 20<sup>th</sup> St. NE & 1259 20<sup>th</sup> St. NE - part of the NE 1/4 of the NW 1/4 and part of Government Lot 1 of Section 29, Township 120, Range 25, Wright County, MN (Buffalo Twp.) Tax # 202-000-292101, -292100, -291200. Property Owners: John F. Klatt, LGK Inc., Randolph M. Klatt

Requests a variance as regulated in section 155.026 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to adjust the lot line of parcels 202-000-292101 and parcel 202-000-291200. The proposed lot line adjustment would require variances as regulated in section 155.048(F) to allow 202-000-292101 to be less than 150 ft. in width and to allow a setback of  $\pm 12.5$  ft. to an existing detached accessory building on parcel 202-000-291200. Also requests to adjust the lot line of parcels 202-000-292100 and 202-000-291200 to expand the lot to the south to incorporate an existing accessory building. The proposed lot line adjust would also require a variance of Section 155.048(F) to allow a setback to an existing detached accessory building on parcel 202-000-291200 to be  $\pm 20$  ft. to the property line and a variance of Section 155.003(B)(1) to allow an existing detached accessory building currently on parcel 202-000-291200 that is 6,840 sq. ft. (2,400 sq. ft. maximum) to be within the parcel boundary of parcel 202-000-292100. The lot line between parcel 202-000-292101 and 202-000-291200 currently intersects two detached accessory buildings. The proposed lot line request would not resolve that issue but improve the current lot line location regarding the referenced buildings.

Present: Randolph Klatt

- A. Ogle displayed the aerial Beacon photo with the proposed property lines while reviewing the property details and request. The applicant is looking to adjust the property lines of 202-000-292101 and 202-000-292100. The proposed lot line on parcel 202-000-292101 would be less than the required 150 ft. in width as well as require a variance for the allowed side yard setback less than the required 30 ft. distance. This parcel currently dissects two existing accessory buildings, this lot line adjustment would not resolve that issue. Parcel 202-000-292100 would have approximately 6,840 sq. ft. of detached accessory building coverage where 2,400 sq. ft. is the maximum allowed for the proposed lot size. Parcel 202-000-291200 would be left with an existing detached accessory building  $\pm 20$  ft. from side lot line, 30 ft. is required. This parcel straddles County Road 35 and is approximately 57 acres. The Township approved of the request as it “would help them out.”
- B. Kryzer questioned if the buildings displayed on the aerial photo, that straddle the current and proposed property line, are still present. Ogle – confirmed there are two buildings that currently straddle the property line and will continue to straddle the proposed line. The existing western house will meet the 30 ft. setback. Kryzer addressed the applicant and questioned what the plans are for the lots and the buildings that are dissected by the property line. Klatt – the two buildings will eventually be torn down. The barn is already gone. The lower area of the new building, want to get rid of but current owner wants to keep. Kryzer – at least two present Board members have been through a similar situation where a line was allowed to dissect a building. The property ended up in foreclosure and a portion of the building ended up being owned by a bank. The bank ended up owning the west half of an agriculture building and the east half was owned by the property owner. The result was protracted litigation over 7-8 years. The issue and concern is a property line dissecting a building and the parcels are owned by different people. Klatt – keeping the property line as is would be the same problem. Kryzer – recognizes that, but the request is to ask for a variance and keep the problem. The issue is being raised as a legal concern for the Board to consider.
- C. Vick – how far over the line is the building? Klatt – roughly 10 ft. Ogle – without a proper survey or similar document it is difficult to know the exact distance and setbacks.
- D. Klatt – the original line goes through the buildings so they didn’t think it would make any difference where the new line is located. This proposal fixes the two driveways coming onto one parcel. The line could be moved but that would make the parcel on the west fairly narrow.
- E. No public comment.

- F. Jones – remembers well the property Mr. Kryzer brought up. The original line must have been in place for many years. Klatt confirmed the line was through a building since before the 60's. Jones stated he has a problem going along with any of the request. Approving the proposed lines reaffirms an issue that the Board has already been through.
- G. Aarestad – as well remembers the property Mr. Kryzer mentioned. Personally, would consider approving some of the variances before the Board but cannot see approving any line that goes through a building. Even if the line currently exists, would not be comfortable to approving a line through a building. Would like to see the buildings come down. Feels the other variances are reasonable and solve some other issues. The big red flag is the 2 buildings, would want a commitment or assurance those buildings would be torn down. Kryzer questioned if more referring to the western lot versus the east lot and is the issue with the request as a whole or would consideration be there to approve the east line. The request is for 2 lot line adjustments within a single request. Aarestad – would look at the entire request as one. This is an opportunity to fix an issue.
- H. Neumann – thinking the same direction as others. Would want to see the 2 buildings removed, if that is the intent, and continue the item until those buildings are removed. Klatt questioned why if the line is already going through the 2 buildings a change in the line is a problem and what is the difference. Kryzer – the issue is that the family, through years of ownership, built without regard to the lot lines. As long as the parcels were and are owned in common or by family no one has had an issue or questioned the buildings. Now that a variance regarding lot standards is before the Board, they have the right to require that the property be in compliance. The property owners have every right to continue in the current capacity. Klatt asked if the line can be moved over enough to get the line off of the building. Kryzer – a survey will need to be done as well as review of required setbacks. Ogle – adjusting the line, further than proposed, may encroach on the home as well as other accessory buildings. Be aware that by moving the line there are some issues that could come up. Best option is to have a concept plan that addresses the concern of a line bisecting the buildings. Impervious coverage should also be figured, especially for proposed Parcel C.
- I. Vick – agrees with the other members. Would like to see the entire driveway on the appropriate properties and will not approve a line through a building.
- J. Kryzer addressed the Board. If the applicant is being asked to provide an updated survey is the Board okay with approving the road width. Ogle – proposed width is 125 ft. for the west lot. If the line is adjusted 10 ft. to get off the buildings, that would drop the road width figure. Kryzer – assume 100 ft., worse case, is the Board comfortable with that distance?
- K. Vick – if impervious coverage is a concern on the east lot, would suggest drop the line further down to the south. Would want to see the driveways on their own parcels. Kryzer stated he would recommend a condition which required a driveway easement, if the line is not approved in a way that each driveway is on its own parcel. Vick – will not approve a line through the buildings. Questioned if a portion of the building could be removed.
- L. Neumann – if west lot is too narrow and 50 ft. from each side setback it does not leave much room to build anything else on the west lot. A garage or accessory building would be hard if the lot is too narrow. Ogle – proposed Parcel B, which is the larger parcel, would have a side yard setback requirement for a home or accessory building at 30 ft. The other two parcels, Parcel A and C, would require 15 ft. for the home and 10 ft. for accessory buildings.
- M. Aarestad questioned the number of animal units that would be allowed on the proposed larger parcel. Concern is a feedlot pops up and conflicts with the neighborhood. Ogle – would need to look if there were restrictions in place, the Feedlot Administrator would address this. She did review the staff report and did not make mention of an animal unit condition. Neumann – most of the time if animals return to the farm, they have to be 500ft. so it is unlikely animals will ever return to the parcel.

- N. Vick – given there are 3 homes. Stated the proposal is a good plan and feels good with 10 ft. for the accessory buildings or torn down is acceptable. Ogle – without a concept plan or survey adjusting the lot line could infringe on the home setback. Questioned Mr. Klatt if he would be willing to remove the 2 buildings in question. Klatt – does not think so. One building is currently used and is a good building. The barn building could be torn down. Vick – suggested taking off a portion of the building. Klatt – it is not a pole barn so would almost have to take the entire building down. Questioned why it is a problem for the line to remain through the existing buildings.
- O. Aarestad stated that the Board cannot approve reestablishment of a property line through a building. Thought needs to be given to future owners. This is the time to address the issue and find a solution. There are some other issues in the request that are being addressed and he can concede on approving those but will not approve a property line through a building. Questioned the applicate if he is willing to provide an updated survey with concept plan. Klatt asked about the other property lines. Aarestad – the biggest obstacle is the two buildings with a property line dissecting them. Feels that issue needs to be cleared up before addressing anything else. The other variances appear to be reasonable and would clean up the lines and setbacks. There could be other variances to address once the survey is reviewed.
- P. Vick – the impervious on Parcel C could be addressed by bringing the lot line further south. Questioned if impervious is a concern on Parcel A. Ogle – limit is 25%. Appears the Board is asking for a survey to be completed that has no building intercepted by a property line, the driveway is not split, or a driveway easement is recorded, and impervious building coverage must be met on all proposed parcels. The proposed Parcel C may need to have the lot line extended to comply with the 25 % building coverage limit. Questioned the applicant if what the Board is asking to see is clear. Kryzer suggested Mr. Klatt have his surveyor contact Planning and Zoning with questions. Klatt – feels he can have a survey completed for the August meeting.
- Q. Vick motioned to continue to the August 19<sup>th</sup> meeting to allow time for the applicant to provide a survey or concept plan that shows there are no lot lines intersecting buildings, there are no impervious or building coverage issues, and distances to the proposed lot lines are shown. Seconded by Neumann.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 11:07 a.m.

Respectfully submitted,

Aaron D. Ogle

Aaron D. Ogle  
Planning & Zoning Planner

AR:sld

Cc: Board of Adjustment  
Applicants/Owners  
Twp. Clerks