

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: February 7, 2014

MINUTES - (Informational)

The Wright County Board of Adjustment met February 7, 2014 in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Bob Schermann, called the meeting to order at 8:30 a.m. with the following Board members present: Bob Schermann, Don Schmidt and Charlotte Quiggle. Absent was Dan Mol. Barry Rhineberger, Planner, was present to represent the Planning & Zoning Office. Greg Kryzer, Assistant County Attorney, was legal counsel present.

1. **RONALD J. HARTNECK** – Cont. from 1/10/14

LOCATION: 2320 44TH Street SE – West 25 acres of the N ½ of S 1/2 of NW 1/4 , Section 28, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-282300

Requests a variance of Section 502.2 & 611.4(4) to allow a dwelling to be built on a road that does not meet minimum flood elevation requirements.

Present: Ron Hartneck and Ken Hartneck

- A. Rhineberger noted the Board had heard this at the January meeting and two members made a site inspection this past Monday. R. Hartneck indicated he has nothing new to add.
- B. Commissioner Borrell approached the Board and asked if they had received a copy of the letter in support from the Delano Fire Chief. Borrell indicated he would support the request and felt it could be 150 years before the road is under water at this level. The fire chief did not think there would be a problem getting a fire truck back there. Applicant is willing to sign off on liability to anyone else. R. Hartneck agreed a waiver would be signed.
- C. Rhineberger summarized the letter received from the Fire Chief for the Delano Fire Department. He noted like every fire department, they would make their best attempt to service every home without putting their own personnel at risk.
- D. Schermann hearing no further public comment, brought discussion back to the Board.
- E. Quiggle wants to be certain, if allowed, the County will not have any liability whether the waiver is signed or not. Kryzer responded that he was not aware of any liability to the Board and the Board has the duty to consider undo hardship from the standard set by the DNR and Flood Plain standards. He noted the owners will assume the risk if there is a flood warning and understand the risk of living out here that fire trucks and emergency personnel may not be deployed out there if there is a flood. Quiggle visited the site this week and demonstrate the issues. This is a good road in comparison to some flood areas. The primary problem seems economics, but looking at this it appears it is not the only issue. If you would raise this road another 5', without a lot of engineering, that would create a dam and she did not feel that would be practical. In the Ordinance there are conditions laid out if a variance is granted for any new principal structures that do not have access at a minimum elevation. She read the specifics directly from the Ordinance and if they grant a variance, they have some work to do on how to best fulfill those conditions. Kryzer – recommended that in the event of a flood warning the property be vacated, whether the Board wants to

require a row boat be on the property for escape that is up to the Board. Quiggle – noted there is no warning siren for this, but the owners would have to listen for the warnings. Rhineberger – noted the City of Delano keeps a close watch because of the river through the City and it is well publicized when the flooding will occur.

- F. Schmidt – agreed this is a decent road; the Township does not have any plans to raise the elevation of the road and he understands to do that would create a dam unless a number of culverts were installed, etc. With the understanding the fire department would service the road to the best of their ability, the Board would have to require the owner sign a waiver removing the County from any liability. Quiggle has also mentioned some other conditions and he would agree to the variance under those conditions.
- G. Schermann – although he could not make the site inspection, he would agree to the variance subject to the conditions mentioned.
- H. K. Hartneck – noted similar to a hurricane coming in, if they take the initiative to get out it won't be a problem. Quiggle stated it is not an option, they have to get out. Not to go would be in violation of the variance.
- I. Quiggle moved to grant a variance of Section 502.2 & 611.4(4) to allow a dwelling to be built on a road that does not meet minimum flood elevation requirements. The Delano Fire Department has provided a letter stating that they would make every reasonable effort to provide fire or emergency services, if needed, during a flood situation. Condition: The property owners have a weather radio or other means of knowing when flood waters are rising in order to monitor the access road so they know when to vacate the property. The owners/occupants know that when the road floods they have to vacate the premises and stay out until water goes down to a sufficient level for access. Both the applicant and County understand and are in agreement that the County bears no liability should there be any issues due to the road. The applicant must sign a waiver to that effect prior to the building permit being issued. Schmidt seconded the motion.

DISCUSSION: Quiggle asked if the location of the building would meet flood plain elevations. Rhineberger stated that cannot be varied and the new house would have to meet the minimum elevation. He has looked at elevations prior to application and there appears that there is adequate elevation to build.

Schmidt asked if the old house would be removed. R. Hartneck indicated it is full of mold and would be taken down. The house would be positioned in a different orientation. K. Hartneck stated when the surveyor was out to survey the road, they had him come back to shoot an elevation for the house. Rhineberger – indicated the surveyor had the wrong flood plain elevation shown on the survey for the road. The applicant should clarify the elevation used at the house location.

VOTE: CARRIED UNANIMOSLY

2. **ROBERT & GAIL BAUER**– Cont. from 1/10/14

LOCATION: 391 Jennings Avenue NW–Part of Gov't Lot 4, Section 33, Township 120, Range 27, Wright County, MN. (Camp Lake - Albion Twp.) Tax #201-000-333202

Requests a variance of Section 502.2 & 612 of the Wright County Zoning Ordinance to allow replacement of the existing 880 sq. ft. one-level cabin that is 68' from the Ordinary High-water Mark (OHW) of lake, with a new 1,152 sq. ft. two-level dwelling that would be 69' from the OHW. New septic treatment area to be installed (existing cabin currently on holding tanks).

Present: Applicant not present

- A. Rhineberger received a call that the applicant is still working on revised plans and want a continuation to March.
- B. Schmidt moved to continue the hearing to March 7, 2014 at the applicant's request. Quiggle seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **RONALD J. BROSTROM**- New Item

LOCATION: 17876 45TH Street NW – Lot 18, Sunset Terrace, according to plat of record, Section 7, Township 120, Range 28, Wright County, Minnesota. (Lake Francis – French Lake Twp.) Tax #209-030-000180

Requests a variance of Section 404, 405, 502.2, 612 & & 716.3 Table 3 of the Wright County Zoning Ordinance to allow replacement of existing one-level cabin that is 63' from the Ordinary High-water Mark (OHM) of lake with a new 1,242 sq. ft. one and one- half story dwelling over a walkout basement, 368 sq. ft. attached garage and 168 sq. ft. deck 65 ft. from the OHM of lake and 15.5 ft. from the septic treatment area.

Present: Ron & Carol Brostrom & their draftsman, Tom Neu

- A. Rhineberger reviewed the location of the 12,540 sq. ft. lot on Lake Francis, of which 10,900 sq. ft. lies northwest of the access road. Based on policy, only that portion between the road and lake can be used for impervious and lot coverage calculations. Rhineberger indicated he did not count any hard surface used in the public access road. Neu noted the basement has a walkout door to the side (not lakeside) under the deck. Plans were presented to show the 1,232 sq. ft. house design, over basement with a half-story above and a 368 sq. ft. attached garage to the back. Setback variances were reviewed that include 63' from the ordinary high-water mark of lake, 15.5' from the Type IV septic to the dwelling. The lot and impervious coverage are just met at 14.68 % and 24.99%, respectively; and, that is if the shed and concrete near the lake are removed.
- B. Neu stated the applicant is proposing to leave the steps down to the lake and take up some of the driveway area in back to comply with impervious coverage limits.
- C. Written response from the Town Board and neighbor, Thell, were favorable.
- D. Neu – using the air photo described how they designed the house to meet the side setbacks, improving the existing setback from the north side and improved the lake setback 6-7' from the existing deck. Rhineberger – stated there is an angle, but calculated a 65' setback from lake. Neu – felt the location and how they positioned the house and garage was best. They would prefer not to push the house any further back because the new house allowed for Thell (adjacent north lot) would block the lake view. The Thell home was replaced where it was. Rhineberger explained actually the location of a replacement home for Thell used the back wall of the previous burned out home and build back from that point. Instead of rebuilding on the front end, new house was about the same size other than a small expansion of basement because there was a cantilever over the basement, with an attached garage in back. Neu stated an attempt to move it back some, but was difficult to move further back because of where they sit from the side lines.
- E. Schmidt –stated they are looking at replacing 716 with 1232 sq. ft. of living area. The total living area is a large increase from what is there. The numbers show they are reaching the maximum on coverage. He felt some downsizing was appropriate. They cannot compare a setback with neighbors, because that was a replacement.

- F. Quiggle – agreed with Schmidt. Where the neighbor’s home (replacement) is situated has no bearing. A new home is supposed to meet the lake setback if it is enlarged. Not only are they reaching maximum coverage, there is a 20% variance from the lake. With a reduction in the house size, they could improve the lake setback. Rhineberger – to shift back they will impact the location of the sewer. The side setbacks are just being met. Quiggle – agreed, it is a matter of reducing the size house and she does not like to see a maximum coverage within the lake setback. The area set aside for sewer should be roped off to prevent anyone from driving over it. Neu – agreed and indicated they rope off the sewer areas on all projects. Quiggle – they should establish something permanent to create a barrier between the parking area and sewer to protect it. Rhineberger noted what was required for a barrier on another case. Neu concurred that is a good idea. Quiggle added she wants to see a storm-water retention plan. She agreed it would be best to leave the steps to get down to the lake and remove something else. Rhineberger reviewed the location of sheds. Quiggle - noted the two sheds lakeside could come out. She would like to see a rain garden, rain barrels or some form of water retention to prevent the water coming off the roof from getting to the lake.
- G. Schermann asked if the applicant met with the Town Board. Rhineberger explained he received favorable response just before the meeting. Schermann –this is four times the existing cabin. These lots were platted for small cabins and not large year-around homes. The numbers on coverage show there is no extra room. There is no secondary sewer location which is a concern if the proposed system fails. Neu – that is something they run into in most lakeshore lots. There is 3,100 sq. ft. of living space, but they are only increasing lot area by 500 sq. ft. The livable area may seem big, but as far as how it fits the lot it is not a big increase. Quiggle – noted a larger living space accommodates more people. Neu – indicated he understood. An alternate plan would be to take the garage off, shift the house back and that would also improve the separation from house to sewer with 20’ between them. Quiggle asked what they would do for storage. Neu – a storage shed, but there would be no parking garage. The applicant originally was not looking for a garage, but he thought they had room to do it. That would reduce building coverage by 300 sq. ft. Quiggle agreed to that alternative.
- H. Kryzer asked if the Board would want to see those plans. Rhineberger suggested a continuation is preferred. As they develop plans, they may run into some other problem. A continuation is an active hearing and they can come back without reapplying. Schermann – felt the applicant knows what the Board is going to agree to and a consensus as to what the Board expects to see in the revised plans. Rhineberger – indicated he would be willing to run the figures to see if they can get more area in the storage building. Schermann – the Board would like to see a new set of plans presented at a future meeting. Kryzer – this is not meant to be a hindrance, but a continuation would allow them to avoid reapplying in the event they need a minor variance. Neu – concurred it is not a problem.
- I. Schmidt questioned how this house fits into the homes in the area. Neu stated the first floor elevation is the same as the house to the north that has an 8:12 roof pitch; this house will be 5’ higher. He did not recall the height of the house to the south. Rhineberger loaded the air views to show there is a mix of home styles. Most along this shore are one-

level, although most have not had any major improvements or replacement. A dwelling that has a half-story, another has a two-story in the back of the main structure.

- J. Schermann moved to continue the hearing to March 7, 2014 for new plans to be submitted by February 28. Quiggle seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **RUSS ANDERSON & CYNTHIA McWILLIAMS** – New Item

LOCATION: 10505 120TH Street NW – Part of Gov't Lot 2, Section 32, Township 122, Range 27, and also Part of Gov't Lot 5, Section 5, Township 121, Range 27, Wright County, Minnesota. (Bass Lake – Clearwater/Corinna Twp.) Tax #204-100-324300 & 206-000-051200

Requests a variance of Section 502.2, 605.5(2) & 612 of the Wright County Zoning Ordinance to build a 32' x 43.8' post-beam garage on the property that will be 63' from the centerline of County Road 128 and 72' from the ordinary high-water mark of Bass Lake.

Present: Russ Anderson and Cynthia McWilliams

- A. Rhineberger presented maps to show that the town line between Corinna and Clearwater split the property. It was decided since the project is located on the Clearwater side the County would hear the variance. Both Town Boards have responded favorably to the variance. Highway Department indicates they have no concerns. An adjacent neighbor has asked that the easterly property line be identified to make sure the setback can be met. Rhineberger explained he found a survey submitted previously that was used for a site plan and to locate the proposed shed and was comfortable with the information they have. If the Board is not satisfied, they can request that line be verified. The survey did not establish the Ordinary high-water mark of lake, but using the worst case, they notified at a 72' setback. The setback from the road is proposed at 30' from the edge of the road right of way and 63' from the centerline. The proposed storage structure is just under the 1400 sq. ft. and 14' side walls as allowed in one structure. He explained the cabin on the property does not have running water and a non-conforming outhouse exists. The applicant has talked about the possibility of including a bath in the shed, but regardless the sanitary facilities must be addressed for the property. He noted the option of keeping the outhouse would require a solid tank under it or removing the outhouse and putting a system in for a bathroom in the storage shed.
- B. Anderson – indicated he could answer any questions. Quiggle asked if there is a small shed already on the property. McWilliams noted the small cabin. Rhineberger stated there is a well, but no running water in the cabin. Quiggle asked if the applicant can build anything else on the property or if the shed is the maximum coverage. Rhineberger stated this is the largest storage structure, but there is room to build something else.
- C. Storm water management is important to Quiggle. She suggested if they vary the lake setback they should have a management plan to show where the water that sheds off the roof would go. McWilliams explained the lot slopes toward the road in this case. Rhineberger suggested the Board could require gutters to direct water toward the road. Anderson noted a 5' ridge at the lake and the land is lower road side. McWilliams agreed they could position rain barrels or install gutters, whatever is needed. Quiggle suggested they could address how to handle it with Staff. Anderson questioned if they could address that during the building permit process. Rhineberger answered yes.

- D. Quiggle noted there are options on addressing the sanitary system. McWilliams stated she prefers to finish a bath in the shed and remove the outhouse. This could be served by a holding tank. Anderson indicated they would need to get a contractor out to find the best solution.
- E. Schmidt – indicated as long as the County Highway Department does not have a concern with the setback, he would agree. He would assume if they put a bath in the shed they would put in a holding tank. He indicated he would like to see the outhouse removed. Rhineberger did not think they would get the existing pit certified as it is unlikely it is meeting water separation. Drainage was discussed. Schmidt warned the owners that they cannot live in the shed. McWilliams indicated they understand. The building is to be used to store a boat, truck and other items.
- F. Schmidt moved to approve construction of a 32' x 43.8' post-beam garage on the property that will be 63' from the centerline of County Road 128 and 72' from the ordinary high-water mark of Bass Lake. Board notes the storage structure will have a bathroom facility and a treatment system to serve that. Both Town Boards approve and County Highway Department has no objection. Condition: A plan to handle the rain water runoff from the roof must be approved through the building permit process. Quiggle seconded the motion.

VOTE: CARRIED UNANIMOUSLY

MINUTES

On a motion by Schmidt, seconded by Quiggle, all voted to approve the minutes for the January 10, 2014 meeting as printed.

DISCUSSION

Kryzer informed the Board that the Planning & Zoning Office along with the County Attorney's office and MCIT plan to offer a refresher on Planning & Zoning. He noted there are several new members on the Planning Commission and Board of Adjustment and he would encourage attendance.

Meeting adjourned at 9:25 a.m.

Respectfully submitted,

Barry J. Rhineberger
Planner

Cc: Board of Adjustment
County Board
Kryzer
Twp. Clerks
Applicants/owners