

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: March 7, 2014 MINUTES – (Informational)

The Wright County Board of Adjustment met on March 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 Board members, Don Schmidt, Dan Mol and Charlotte Quiggle present. Assistant Planner, Barry Rhineberger, represented the Planning & Zoning Office. Greg Kryzer, Assistant County Attorney arrived later in the meeting.

1. **RONALD J. BROSTROM** – Cont. from 2/7/14

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: Carol & Ron Brostrom; with their draftsman, Tom Neu

- A. Rhineberger reviewed the revisions the applicant has made based on the discussion from the Board at the last meeting. The garage was removed and the cabin moved to meet the 75' setback to both the cabin and deck. Removing the garage allows the sewer to be compliant as the structure is meeting a 21.5' setback from sewer. The Board still needs to address the project because of the lot size and setback from the access road.
- B. No further comments were heard from the applicant or public.
- C. Schmidt felt he could support this now that the applicant redesigned it to address the Board's concerns. Quiggle agreed with Schmidt. Mol stated his only concern is with this much excavation back into the bank are adequate erosion controls needed. Rhineberger concurred; however, it is standard for all construction projects. The silt fence must be established and maintained during a period of time to include construction and until vegetation is established. The Board has and could add this as a condition of their action.
- D. Schermann agreed and expressed appreciation for the efforts the applicant made to bring the project into closer compliance.
- E. Quiggle moved to approve the revised plans submitted identified as Exhibit "A" septic site plan and "B" the house plans held on file; and allow new construction 32' from the access road. Condition: All sediment control measures be put in prior to any excavation and maintained until adequate ground cover has been established. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **ROBERT & GAIL BAUER** - Cont. from 2/7/14

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 informed the Board the applicant has decided to take a different direction and won't need the variances. The matter can be dismissed.
- B. Schermann moved to dismiss the request at the applicant's request without prejudice. Schmidt seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **KIM SKANSON** – New Item

LOCATION: 4331 58TH Street NW – Pribyl’s Shore, according to the recorded plat thereof, Section 5, Township 120, Range 26, Wright County, Minnesota. (Maple Lake–Maple Lake Twp.) Tax #210-023-000320

Requests a variance of Section 403, 404.2, 405.2, 502.2 & 612 of the Wright County Zoning Ordinance to allow expansion of the existing nonconforming structure as follows: Removal of existing 10’ x 12’ porch that is 39’ from the ordinary high-water mark of lake (OHW) and removal of a deck that exists 36.41’ at the closest point to the OHW and replace with a new 13.5’ x 24’ porch over the existing lakeside deck that will be 36.41’ from the OHW and 11’ from the side property line. Also construct a new 5.5’ x 12’ entry and 5.5’ x 12’ covered porch on the east side of the structure 11’ from the side lot line (existing house line is 16.5’ from the side line); construct a loft over that portion of the dwelling that is 36.41’ from the OHM and 11’ from the side line. Replacement of existing 288 sq. ft. garage with a 16’ x 24’ garage 5’ from the side property line and 30’ from the centerline of road (10’ off the road right-of-way) and 10’ from the septic treatment area. The new sewer system to be a Type III system installed 5’ from the side property line and 10’ from the new garage with the tanks at 5’ from the property line. Applicant is proposing to remove a shed to bring lot coverage within limits.

Present: Chris & Kim Skanson

- A. Rhineberger reviewed the proposed improvements and expansion of the existing dwelling. A site plan and air photo was displayed to show the location of the existing house. The changes include removal of the deck and porch lakeside that are 36’ from the lake at the closest point. In addition, the house side yard setback is currently at 16.5’ and a new entry and covered deck is proposed to be within 10-11’ from the side yard. A detached garage location was noted near the road that is 288 sq. ft. and will be replaced with a 16’ x 24’ in approximately the same location. Schermann questioned the house distance from the other side lot line. Rhineberger stated that side has a 19’ setback. Rhineberger stated the plans include a new half-story addition (loft) to be built into the trusses over the back half of the house. Because of the angles, only a portion is living space. Schematic drawings were displayed to show what the house would like from the lake and east side yard when completed. Pictures from the Assessor’s records were used to show the existing structures. Written responses were summarized. Town Board approves and Wright County Soil & Water Conservation (SWCD) noted the need for gutters and proper erosion control to make sure there are no drip lines and water does not run directly to the lake.
- B. C. Skanson – stated they purchased the property ten years ago and estimated the house was built in the 1950’s and has not had much upkeep. Roof, windows and siding need replacement and they would like to rectify a few problems. The deck and porch lakeside need repairs, they would like to make this more useable space and take care of it at once.
- C. Quiggle questioned if there have been an impervious surface coverage calculation. Using the County map program, Beacon, she noticed an area that has been driven over and her calculations indicate they are over 25% allowed. Rhineberger stated he did not measure

this, knew there might be changes and agreed there are more details needed. He waited to see where the Board wants to go with the proposal. He did discuss this issue with the applicant. He noted this would be similar to the situation directly to the west and avoids a longer drive into the lot. Quiggle stated she has a number of issues with the request. One is this would be considered new construction because of the extent of the improvements. As such, they should be trying to make this as conforming as possible. There are six or seven variances requested and that is a problem. The lot developed in the 1940-1950's was at a time when there were no Ordinances, is very small and suited to a seasonal cabin. The structure is in the shore impact zone and more than half way into the lake setback. Proposed is a vaulted roof that increases the height and will create a physical presence too close to the lake. The expansion pushes the lot and impervious coverage and she questioned if this would not create a storm-water management problem. These facts make an existing non-conforming situation worse. For these reasons, she indicated she has issues with almost every variance.

- D. Mol – indicated he would agree with Quiggle's concerns. Another concern is the garage very close to the road right of way. Considering the amount of snow this year, this is a problem for snow removal. The sewer is right there and they are getting closer to the lake and in the impact zone.
- E. Schmidt – stated he understands the applicant wants to make improvements and if they were not moving closer with the new porch than what is there he could go along with it. This plan looks like they are trying to do too much on a small lot. He does not support buildings 5' from the lines as that can create problems down the road. Encroachment of the road right of way creates maintenance problems and agreed they need room to push the snow. Need some reduction in the plan.
- F. Schermann recalled visiting other sites along this road to view the proposed location of a garage and sewer close to the road. If allowed, these create a detriment for the road maintenance. The lot was developed for recreational use and would concur with the comments made by other Board members.
- G. C. Skanson – indicated Rhineberger informed him of some of these concerns. They started looking at the project last fall and made some changes. They are trying to make improvements and fix some things in the house. They are willing to make some trade offs so they can fix problems and improve the property and neighborhood.
- H. Quiggle – stated it might seem like you are just doing some remodeling, but the extent and changes are considerable. She did not feel there is anything natural about expanding up and making a large home at 35-36' from the shore. If they want additional living space, she felt they need to move the house back considerably. She questioned if they have a large enough lot to move it back. She has no objection to the siding and roof replacement and understands why they would want to improve the living space at the same time.
- I. Rhineberger stated he has looked at the available room to move the structure back. With the proposed sewer he felt there is 25' available and still meet the 20' setback from the sewer.

Quiggle – felt that is still too close to the lake and side yard. She noted the purpose of the side setbacks is so there is some space between neighbors and minimize property line issues.

- J. Mol asked if there is room in back to fit rain gutters and a rain garden to alleviate some of the water coming off the roof to accommodate what SWCD is asking for. Rhineberger indicated he is not familiar with exact design criteria of the rain garden, but could speak to the terrain of the lot. There are no road ditches in back and is fairly flat coming off the road. The lot only drains one direction and there are different ways to disperse the water. Quiggle felt if the house is pulled back from the lake there may be room between the house and lake for a rain garden.
- K. Rhineberger stated the foot print of the existing house could be moved 25' back. The closest corner of the house is at 40' from the lake, the deck is closer. Schmidt noted this is assuming the applicant builds a new house. C. Skanson stated that is not what they are planning. K. Skanson stated they are here to learn what can be done. Along with the maintenance items, they felt it was a good time to improve the usability of the structure. Want to leverage what they can to avoid replacing the structure. C. Skanson – stated there is a point when the cost would not make it worthwhile. He asked if there are some tradeoff's they would be willing to talk about. K. Skanson stated they were willing to drop the garage replacement because the house is what they are most interested in improving. There is some flexibility with the extension of 2' where the deck is.
- L. Schermann felt the applicant has heard the Board is not willing to approve the plan before them. He suggested they work with Rhineberger on coming up with revisions to address the concerns. Rhineberger indicated he would need a clear direction from the Board as to what they want to see. He asked that they give the applicant some parameters as to whether it is a percent of construction value, no loft, no further encroachment on the lake, etc. K. Skanson – stated they have met with Rhineberger several times and already made reductions and modifications. She agreed they could try to bring coverage down and get rid of the ramp near the lake. They have already reduced some items. Rhineberger stated he cannot tell the applicant what the Board will approve.
- M. Schermann noted the Board cannot design this. Rhineberger noted the location of the loft on the back side of the house is out of the shoreland impact zone at 52'. Quiggle stated she does not support a second story because the structure is not even close to the 75' setback required. Mol questioned the height with the loft. Rhineberger stated they would be going to a 12:12 roof pitch. Mol asked how this compares with the height of neighboring structures. K. Skanson stated the house next door is higher than what this would be. Rhineberger agreed that is higher. He reviewed the variance allowed in 2012 and although it is higher; the Board made them move back to the 75' setback. They had wanted a 15' deck lakeside and the Board only approved a 10' deck. K. Skanson noted it is a three story home. Mol indicated he would like to see them stay within the same footprint. If they are not increasing the roof they would not increase the amount of runoff. They have a situation with higher structures on either side he would go along with something of the same size footprint. Schmidt felt if the neighbor's homes are higher, he would question why they

would want to restrict this owner. He would not want expansion closer to the lake than what is there. He advised the owners to look into the costs of the modifications compared to what new construction would be. A new structure may get closer to what their needs are and is it possible to attach the garage. He would not object to the garage if they can get at least 8' from the line. He asked if they looked at the integrity of the existing structure and foundation. Schermann would not object to the loft, but agreed it was advisable to compare costs. New construction would allow them to move back. He would agree if the garage is replaced it meet 8' off the line.

- N. Rhineberger explained the applicant can rebuild what is there. Any expansion creates the need for variances. He asked if the applicant can expand out over where the existing porch and deck are. Board consensus was they could build within the footprint. Quiggle indicated she has stated her opinion.
- O. K. Skanson – asked if a variance is not needed if they rebuild back. Rhineberger – reviewed their options, including an exact rebuild at the current location. He felt there is room to build a completely new structure that measures 26' x 38' and meet all the setbacks. Schermann clarified any improvement of the lake setback would be looked on favorably. Rhineberger explained to the applicant the Board can not direct the specifics of the design. They are setting the parameters to see what they come up with. A date for continuation was discussed. K. Skanson indicated they want a continuation to April, even though they are out of town at the next meeting. Rhineberger explained the Board may want to get into some of the same kind of discussion. K. Skanson stated they understand and can have someone present to speak for them.
- P. Schermann moved to continue to April 4, 2014 for revised plans. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Kryzer arrived.

4. **DIANA L. ROSWELL** – New Item

LOCATION: 12370 Grover Avenue NW - Lot 6, Block 2, Elaine's Beach lying in Gov't Lot 2 & 3, Section 36, Township 122, Range 27, Wright County, Minnesota. (backlot of Sugar Lake - Clearwater Twp.) Tax #204-116-002060

Requests a variance of Section 403, 404.2, 405.2, 502.2 & 605.5(2) & (3) of the Wright County Zoning Ordinance to allow expansion of the existing dwelling as follows: Remove existing 12' x 20' porch that is one- level and is 54.2' from the centerline of County Road 7 and 54' from the centerline of Grover Ave. and replace it with a 22'8" x 24' tuck under attached garage with full living space above that would be 54.2' from the centerline of County Road 7 and 42.4' from the centerline of Grover Ave. Lift the existing 22'8" x 26.5' one-level cabin and construct a full basement underneath (will result in 4' increase in first floor level). Also proposed is removal of a 12' x 20' deck and replace it with a 14' x 14' screen porch and new 12.5' x 14' deck 15' from the septic treatment area. Existing 8' x 10' shed and a detached garage will be removed to meet lot coverage limits. Proposal could be considered new construction with expansion and improvements at 343% of existing structure value.

Present: Diana Roswell and Steve Grant

- A. Rhineberger reviewed the location of the non-riparian lot that is in the shoreland area of Sugar Lake at the corner of County Road 7 and Grover Avenue. He noted a couple of lots and a road that sit between this and the lake. A survey with land contours was provided with the site plan to show the existing buildings and proposal. Rhineberger reviewed the project, which includes removing a patio, porch and decking and raise the 24' area of structure up to construct a basement addition with a tuck-under garage and new living space over the new garage to include a new porch and deck off the back. The setbacks are 54' from CR 7, 42.4' setback from Grover Avenue and the porch would be 15' from the septic area. The request in summary is to keep a portion of the cabin and expand that by adding basement, tuck under garage and living space over it. The garage and a shed are to be removed. The driveway will be relocated to access Grover Avenue. Lot coverage is brought down to 13.9%. This has a standard wall and roof pitch, it will be raised by the block. A door on the Grover road side and door off the deck was noted and no need for access off the county road side. Written approval from Clearwater Township indicates they agree as long as the lot coverage limits are met.
- B. Roswell stated she is trying to make this her permanent home.
- C. Mol – (also member on Town Board) – they did not have a problem from Grover Avenue, it is a public road that they recognize but the Township does not maintain. As long as she is removing some of the coverage and making that conforming they agree. The house has been there for a long time. Roswell stated it was built in the 1930's.
- D. Schmidt asked if the County Highway Department responded. Rhineberger – stated they did not forward any comment. Schmidt felt if they don't object, he agrees.

- E. Quiggle – she is a nearby home owner and looked as she went by this morning to check how difficult it is for snow removal. She has always been concerned about the safety of the applicant getting on and off the County highway. She asked if they checked if the soils are suitable for the foundation because of large nearby wetlands. Roswell stated they had put some foundation under the cottage and did not run into any water problems. Quiggle agreed to the plan because of the improvements being made.
- F. Mol moved to approve the request for a variance of Section 403, 404.2, 405.2, 502.2 & 605.5(2) & (3) of the Wright County Zoning Ordinance to allow expansion of the existing dwelling as follows: Remove existing 12' x 20' porch that is one- level and is 54.2' from the centerline of County Road 7 and 54' from the centerline of Grover Ave. and replace it with a 22'8" x 24' tuck under attached garage with full living space above that would be 54.2' from the centerline of County Road 7 and 42.4' from the centerline of Grover Ave. Lift the existing 22'8" x 26.5' one-level cabin and construct a full basement underneath (will result in 4' increase in first floor level). Also proposed is removal of a 12' x 20' deck and replace it with a 14' x 14' screen porch and new 12.5' x 14' deck 15' from the septic treatment area. Existing 8' x 10' shed and a detached garage will be removed to meet lot coverage limits. Proposal could be considered new construction with expansion and improvements at 343% of existing structure value. This action is based on the survey labeled Exhibit "A" and building plans, labeled Exhibit "B", held on file. Quiggle seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **KEITH M. BURNHAM**- New Item

LOCATION: 11002 Bolton Avenue NW – South Half of the Southwest Quarter, Section 2, Township 121, Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax #216-000-023400

Requests a variance of Section 604.2 of the Wright County Zoning Ordinance to allow the split of the 80 acre parcel into 2 forty-acre parcels (approx.) that do not follow a quarter-quarter section line and east tract with existing buildings does not have 300' wide on a public road. Bolton Avenue NW is a town road that dead-ends at the property.

Present: Keith Burnham, John Jones, Silver Creek Township Chair

- A. Rhineberger explained the request to split the property into two forty-acre tracts. He displayed an air photo of the two quarter-quarter sections that are large forties, making up the 84 acres. The property fronts County Road 111 and Bolton Avenue dead-ends on the south and is just offset on the east side of the quarter-quarter line. The proposed division line will extend north from the west line of the town road right-of-way and will include the driveway to the existing farmstead to be separated on approximately 43 acres. He noted the town road description indicates the right of way is not centered down the quarter-quarter line, but 9' to the east. If the split is allowed, the applicant plans to pursue a rezoning of the balance of the property lying to the west to A/R. The back 43 acres with the existing buildings would remain zoned AG. If the Planning Commission approves the rezoning, the goal is to subdivide four ten-acre + lots that would access County Road 111. The applicant wants to keep the entire 66' off Bolton Avenue with the back parcel to keep future development options without involving other property owners. The entire property is in the Land Use Plan for A/R, but Burnham has no interest in developing the back at this time. He referred comment from the Township to Jones.
- B. Jones – noted Bolton Avenue is a typical dead-end town road and this will allow them to get a reasonable turn around. This plan is acceptable to the Township. Schmidt asked if Bolton is maintained by the Township. Jones indicated it is. They are satisfied with what Burnham has offered.
- C. Schmidt agreed the proposal makes sense and helps the Township get better access to turn their equipment around. The Land Use Plan allows for subdivision.
- D. Quiggle agreed everyone wins if this is approved. She questioned the purpose of the requirement to divide on the quarter-quarter line. Rhineberger stated it makes for clean divisions to follow quarter-quarter section lines and legal descriptions. The public land survey system uses this and has functioned well. In this case the road is offset 9.67 feet and when the road plat was recorded they described where the road exists.
- E. Mol questioned the Township when the road comes up to the end and split it, would they want to center the turn around to give access on the back side of the potential ten acre lot. Rhineberger indicated if the two parties agree they could still get that with this proposal.

Jones if you drive in on Bolton you would understand the reason. Burnham wants it all on the east forty which the applicant eventually wants to make his home. All the property owners on Bolton came in to the Township to discuss this and everyone is happy with this plan. Rhineberger felt the plan allows more options if the back gets developed in the future.

- F. Joe Headley – land owner to the south indicated he has signatures of the landowners around here. They agree with the proposed division as presented at the Town Board meeting as it does not take any land away from neighbors. He does not want to give up any land for a turnaround.
- G. Quiggle moved to approve the to allow the split of the 80 acre parcel into 2 forty-acre parcels (approx.) that do not follow a quarter-quarter section line and east tract with existing buildings does not have 300' wide on a public road. Bolton Avenue NW is a town road that dead-ends at the property. Schmidt seconded the motion.

VOTE: CARRIED UNANIMOUSLY

- H. Discussion on a survey. If rezoned, a survey will be required for the subdivision and Staff suggests the surveyor include the back forty as a new legal description would be needed.

4. **TIMOTHY A. OLSON**- New Item

LOCATION: 302- 90th Street NE – Part of East Half of the Southwest Quarter, Section 18, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #213-100-183400

Requests an appeal of previous Board action and a variance of Section 604.6(4) of the Wright County Zoning Ordinance to allow the split of the 44.2 acre parcel into two, with the residential entitlement to be used on a parcel to include 31.8 acres with a 33' wide access strip, leaving the existing storage sheds with approximately 12 acres on 90th Street as a “restricted” parcel.

Present: Isabelle Olson

- A. Rhineberger outlined the 44 acres that fronts 90th Street. He noted the notice sent referred to a road name on a previous item by mistake. The air photo was viewed to show the configuration of the lot lines that was approved in 1983 by the Board. The original parcel was 88 acres and split into two-forty acre tracts. The condition of that action restricted further divisions, unless rezoned. Revisions to the Ordinance have allowed “entitlement” divisions but this property does not have the road frontage required. Proposal is to use a 33' wide strip to get back to the 32 acres, leaving 12 acres with the road frontage. A future Planning Commission hearing to rezone and get a building entitlement back on the 12 acres would follow. He noted the outcome of rezoning is uncertain and if it does not get rezoned it would remain restricted. Schermann asked if the Planning Commission (PC) is hearing that at this time. Rhineberger answered no, this is the first step. He has discussed that with the applicant and the division will not be made if they don't get the rezoning. The applicant would likely change the location of the house if the rezoning is not approved. It is a lot less work to build in front because of the length of the driveway strip. Responses were summarized. Town Board recommendation is that the lot be contingent on getting the rezoning approved which is in compliance with the Land Use Plan; and, any potential buyer be informed there is no entitlement on the 12 acres until rezoned. Jerry Bistodeau wrote that the tires and garbage should be cleaned up that are in an abandoned town road. Dale Johnson responded that the previous action should be upheld and “1 per 40” density maintained. Rhineberger referred to a recorded easement that is across this property to get to the adjacent property in back.
- B. Schermann asked if action by this Board is premature. Rhineberger – stated he has discussed this in length with the Zoning Administrator. The steps have to be done in this order because the Planning Commission cannot approve the division as it exists because of the limited road frontage. The owner would have to have 600' wide of road frontage to meet the subdivision standards. The Planning Commission cannot grant variances unless it is a Planned Unit Development, which this does not fit. Without building a public road, this property is only allowed one house even if the entire property is rezoned. Schermann asked if this Board can put a restriction that if the rezoning does not pass this division is not valid. Kryzer agreed a condition was appropriate. Rhineberger – agreed and he talked with the owner and this safeguards them also. They do not want to be left with a 12 acre restricted parcel.

- C. Quiggle – the 31.8 acres would remain zoned AG which is 75% of the lot size and she questioned if they are saying that is okay. Rhineberger – that is part of the variance consideration. Quiggle – questioned if this would be an AG lot that is not a “1 per 40”. Rhineberger – they are exceeding the maximum ten acres. The Ordinance allows an access strip if the purpose is to preserve agricultural land or to get to a wooded site. Quiggle felt if this were smaller she understood. Rhineberger stated the other option would be to create the residential lot on ten acres along the road. If they were to do that, the owner cannot get rezoning because the remainder parcel would not have the 300’ in lot width that would be required. Without building a public road this is the only way it can get done.
- D. Mol – questioned the decision on rezoning the land along the road frontage. Rhineberger explained this Board has to consider whether they can justify a lot over ten acres. If either Board does not agree, there are no other options to get a second home site.
- E. Olson – there is an existing house and shed. An old house on the property they rented for three years was in such poor repair they had it torn down. The land is in the Plan for “1 per 10”, however, because of the elevation changes and wetlands she did not feel it is conducive to develop further. They want to preserve the land and build a home and have a small horse operation. A neighbor’s 120 acres are in a land trust to protect it. Most of the property owners in this area are maintaining large parcels. The plans are to locate the buildings and pasture up in the woods away from the wetlands. The property has a natural division with the big wetland. The proposal leaves a smaller acreage up front with the large acreage behind. The access strip is already used and has been driven on. This serves the two acres owned by Bistodeau. Felt if they were to develop a proper driveway that would provide a better access for that owner. Bistodeau has not used the easement since she bought the property. She explained how she recycles items and uses the tires for cross-country jumping of the horses and for erosion control. She also plans to use some tires for rubber footing for the horses. The tires have been sitting there for many years, she would prefer not to remove them and have them end up in a landfill when she has use for them. She has friends who want to buy the 12 acre lot in front. She described the topography that includes steep hillsides in back. The access strip is not new.
- F. Schermann asked how many tires. Olson – estimated 60 tires of which 22 are used for horse jumping. Schermann asked if they could be organized. Olson explained they are not strewn around and are now organized. She provided a picture of the site. If she gets rid of them she would have to buy more. She would use some for the driveway to stabilize soil.
- G. Quiggle would not object if there is a use within a close time frame and they would not be a visual eyesore. Olson – stated they are not an eyesore, there are no neighbors that can see them. Rhineberger felt if this is pertinent to the request they can address it with a condition. Board members viewed the picture and felt they looked organized.
- H. Mol asked with the slopes and wetland if there is adequate room to place the house and meet setbacks. Rhineberger presented the air photo and noted the flat area. The details for building will be provided for the Planning Commission hearing. Mol indicated this Board does not want to create a situation where they might have to come back for variances to

build. Olson felt they are good land stewards and have had the SWCD and US Fish & Wildlife out. They have steadily cleaned up the property since their purchase.

- I. Schmidt felt the request is appropriate and understand what they are trying to do. The Land Use Plan allows for development at a “1 per 10” density and he felt this is reasonable. Schermann agreed, noting the Planning Commission can decide on the rezoning and if that does not pass, the division is not made. Kryzer asked how much time the Board would give the applicant to pursue the rezoning. Rhineberger noted the Ordinance allows three years to act on a variance. Olson stated she plans to get on the next available Planning Commission hearing. Quiggle would agree to allow the life of the variance to get a rezoning under the condition no division can be made until rezoning of the 12 acres happens. Mol asked how often divisions in excess of ten acres are approved. Rhineberger stated it is situational and he has seen divisions that follow roads and creeks, usually there is some physical feature. Schermann agreed it depends on the land. This division includes 2/3 water. Quiggle added that the land is also non-tillable.
- J. Mol moved to approve a variance of Section 604.6(4) of the Wright County Zoning Ordinance to allow the split of the 44.2 acre parcel into two, with the residential entitlement to be used on a parcel to include 31.8 acres with a 33’ wide access strip, leaving the existing storage sheds with approximately 12 acres on 90th Street as a “restricted” parcel. Condition: Division or sale of the 12 acres cannot take place unless the remaining acreage is rezoned within the next 36 months. Schmidt seconded the motion.

DISCUSSION: Quiggle clarified the action does not create the parcel until the 12 acres is rezoned.

VOTE: CARRIED UNANIMOUSLY

- K. REVISION TO MOTION ADOPTED AT THE May 2, 2014 meeting at the applicant’s request. On a motion by Schermann, seconded by Schmidt, all voted to amend the motion allow the width of the access strip to be 33-66’.

MINUTES

On a motion by Schmidt, seconded by Quiggle, all voted to approve the minutes for the February 7, 2014 meeting as printed.

Meeting adjourned at 10:15 a.m.

Respectfully submitted,

Barry J. Rhineberger
Planner

BJR:tp

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