The Wright County Board of Adjustment met January 10, 2020 in the County Commissioner’s Board Room at the Wright County Government Center, Buffalo, Minnesota. Present was Board members: John Jones III, Charlotte Quiggle, Dan Mol, Paul Aarestad and Dan Vick. Barry Rhineberger, Planner, represented the Planning & Zoning Office; Greg Kryzer, Assistant County Attorney, was legal counsel present. Barry Rhineberger, acting as Chairman pro-tem, called the meeting to order at 8:30 a.m. with the first order of business was to elect a Chair.

**ORGANIZATIONAL ITEMS:**

Quiggle nominated Jones as Chair. Aarestad seconded the nomination. Rhineberger called twice for further nominations, hearing no further nominations, a unanimous ballot was cast for Jones as the 2020 Chair.

Jones assumed the Chair and called for nominations for a Vice-Chair.

Vick nominated Quiggle as Vice-Chair, Mol seconded the nomination and hearing no further nominations, a unanimous ballot was cast for Quiggle as the 2020 Vice-Chair.

Discussion on a meeting calendar. Aarestad and Mol indicated conflicts with the May 15, date and a preference for May 8. The consensus was to adopt the meeting calendar with the meeting in May moved from May 15 to May 8.

**Action on December 6, 2019 minutes**

Vick moved and Mol seconded action to adopt the December 6, 2019 minutes with a name change on Page 3, Quiggle made the motion, not Vick. VOTE: CARRIED UNANIMOUSLY
1. **ERIC D. LAWSON** – Cont. from 12/6/19

LOCATION: 7083 Pilger Avenue NW – Lot 40, Shady Nook First Addition, according to the recorded plat thereof, & triangular parcel…Section 28, Township 121, Range 28, Wright County, Minnesota. (W. Sylvia–Southside Twp.) Tax #217-047-000400

Property owners: Law & Rabe

Requests a variance of Section 155.026, 155.049 & 155.057(E)(1)(1), 155.90 Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to replace an existing 624 sq. ft. one-level walkout basement dwelling that is 37 ft. from the Ordinary Highwater Mark (OHM) and 60 ft. from the center of a road with a new 1212 sq. ft. one and half story dwelling with a walkout basement 50 ft. from the OHW, 34 ft. from the center of the platted road, 12 ft. from both side property lines at the closest point. Property to be serviced by a Type IV septic system that will be 15 ft. from the dwelling, 5 ft. from the property line, and 5 ft. from the road right-of-way. Structure does not meet 24 ft. minimum width requirement.

Present: Eric & Judy Lawson & Bernie Miller, of MSTS

A. Rhineberger stated a revised plan was submitted after the December meeting. There was a reconfiguration of the sewer that improved the side yard setback to meet 15’, minor improvements on the lakeside with a setback at the closest point of 50’ to 50.5’ from the Ordinary Highwater Mark (OHM).

B. Miller – explained the new site plan shows what setbacks they have improved on. The house was turned slightly which eliminated some variances and increased the setback from the road slightly and from the lake a bit. A deck on the one side was eliminated and a side yard variance is not needed. Increased the separation from the house and drainfield by a couple feet. Information and a site plan were displayed to show the amount of structure that is being moved out of the shoreland impact zone. Currently there is about 600 sq. ft. of impervious within the shoreland impact zone and by moving back there will be 580 sq. ft. He noted much of the impervious coverage is being removed, only steps would go down to the existing boathouse. About half of the impervious would go away. Existing house sits 38’ from OHM and the new house is moving back to 58-58.5’. A less cluttered site plan displayed showed the 40’ setback line, existing structures and the new house overlay.

C. E. Lawson – clarified the sidewalks are shown, but will all be taken out.

D. Vick – likes the fact they are getting their sewer away from the lake. Asked if the structure height would be lowered? E. Lawson – stated there is no change, have made some siding/roof color changes. Deck is being removed.

E. Aarestad – expressed appreciation for the applicant’s cooperation and effort to make changes to improve the design. Although there have been some improvements and would agree the house is modest; however, in proportion to the lot size it is huge. He felt there could be further improvements. He felt it likely patios and other surface coverage in front of the house would happen over time. Would like less coverage to give owners the option for more impervious coverage. He commended the applicant/designer on reductions they
have made; but the Board is being asked to go outside of what is allowed by Statute of staying within the existing footprint. He indicated he is not comfortable approving this to the maximum limits.

F. Miller – felt they have done the necessary things to get the proposal under the 25%. The plan allows for 196 sq. ft. for a sidewalk or small patio and the owner knows the limit. Aarestad – indicated it is not the applicant he is concerned about, but future owners. He did not think an allowance of 196 sq. ft. is much.

G. E. Lawson noted the house footprint, less the garage is only 724 sq. ft. which is small. This will be their retirement home and expect it to be a multi-generational property. They are close to the 15% on the home. He offered to narrow the structure by 6” to free up a little more on impervious coverage.

H. Aarestad felt the applicant is putting the Board in a difficult situation. This type of request is not the only one that will come before them. Did not know that 6” would be enough; they have to have a clear and logical reason for allowing something more. He would be willing to listen to the opinions of other Board members. E. Lawson asked what is reasonable to the Board. Aarestad did appreciate the applicant’s willingness to work with the Board. Rhineberger – when a house is right at 15% it only leaves 10% for everything else. Quiggle no one asks to vary over impervious, it just happens. E. Lawson – why have limits if they cannot get to it? Aarestad – it is part of the variance process and it is more of a comprehensive matter then just checking off boxes. Rhineberger – Ordinance allows those maximums, but in this process the Board has discretion and do not have to allow maximum limits.

I. Quiggle shares Aarestad’s concern and also feels this is too much for the lot. Could they consider it in some form? She would like to see an “as-built-survey” to confirm setbacks and coverage. Because there is so much impervious in the lake setback she would like to see a native buffer established within one year of the issuance of Certificate of Occupancy at which time it is inspected. A shoreline buffer should be a minimum of 25’ in depth, with an allowance for a 25’ recreational area that includes the boathouse area. She clarified what the “no mow area” on the plan means; it has to be an area of natural grasses/flowers. Miller –added, that they cannot mow back. Quiggle –such as blue grass left un-mowed; and noted that would be half of the setback. E. Lawson understand. Rhineberger noted on the site plan where the recreational area is - everything east from the sidewalk to lake is native buffer.

J. Mol – likes the improved lake setback and that the improvement includes getting the septic tank out of the shoreline. Rhineberger noted that it will not be moved, it serves another cabin; and will likely remain until that owner sells or decides to do something. Mol – understands but eliminating one household from it is a positive. The County does look at improving those situations. The neighbors asked for improvement on side setbacks and they now meet 15’. A walkout door is a concern because a large patio out that door is likely. He hears the concerns and he is willing to push the limits to 15 & 25%, but not exceed.
K. E. Lawson – thinks the suggestion for a 25’ buffer is ideal and likes it. Impervious limits were addressed, and plans are to install everything in permeable pavers. Quiggle - that increases the ability to go up to about 400 sq. ft. in the impervious. Miller – noted long narrow lots where they cannot get a driveway in without exceeding 25%. The applicant is aware of the consequences should he go over; but he is showing it is possible to have a driveway, patio, walkway and the boathouse and stay within the limit. But to speculate they are going to do more, they have no control over the future. The essentials needed to make this work are proven and if someone exceeds that, they could be made to remove it.

L. Jones his concern is when they approve to the maximum, future owners just go ahead and do it without asking. How can they lock it up? Rhineberger – they run into that problem, do the best they can by setting the limits and ask for corrections if the rules are broken.

M. Quiggle because they are meeting the terms of the Ordinance, with permeable paver systems proposed along with the buffer described, improvements to setbacks and followed by a “as-built-survey” she would agree with the plan. Mol concurred the lot is small; but with the improvements made since the last hearing and based on seeing the site, he is in agreement.

N. Kryzer – suggested a time line for an “as built survey”. Quiggle – one year after the Certificate of Occupancy to allow completion/establishment of the buffer, walkways, etc.

O. Aarestad – commented that this is an example of how the process should work. After hearing the comments of other Board members and especially Miller’s explanation; he would go along with the revised plan.

P. Quiggle moved to grant the variance according to the site plan dated December 30, 2019 on file labeled Exhibit “A” and the building plans on file labeled Exhibit “B”, subject to the following conditions: 1) that a native buffer is established and completed within one year of issuance of the Certificate of Occupancy; 2) the native buffer must be a minimum of 25’ back from the Ordinary High-water Mark of lake for the entire shoreline, except for a 25’ wide recreation area to include the boathouse; 3) the applicant is put on notice that they have reached all impervious limits and building lot coverage; and, 4) a barrier be installed to protect the sewer system to prevent any driving or parking on the sewer system that is located close to the road. Vick seconded the motion.

DISCUSSION: E. Dawson noted these are draft building plans and asked for clarification on what is considered a change. Rhineberger explained he would not be able to accept changes such as roof pitch changes, dormers facing lakeside, etc. Kryzer added, nor would they want to see a patio door on the second floor or the applicant would have to come back to the Board for consideration of those types of design changes.

VOTE: CARRIED UNANIMOUSLY
2. **NATHAN A. DIXON** – Cont. from 12/6/19

LOCATION: XXXX 10th St. SE (CR 44) – E ½ of SW ¼ & SW ¼ of SW ¼ Section 4, Township 119, Range 24, Wright County, Minnesota. (Wagner Lake - Rockford Twp.) Tax #215-000-043300

Requests a variance of Section 155.026, 155.048(G)(4)(c)2. & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a “1 per 40” entitlement division of approximately 5-7 acres on an access strip. Also requests a variance to allow a restricted division of 40 acres (quarter-quarter section) with an access strip to the road.

Present: Nate Dixon

A. Rhineberger – reviewed the site plan for the two divisions as discussed at the previous meeting. Since there have been discussions with the City of Hanover who had issues with access strips within their potential annexation areas. Also, Rockford Town Board has addressed the issue of turning the road on the west end into a town road public road right of way for a number of residences. Rhineberger has not received any comments directly from either jurisdiction, however, the applicant has been in discussion with both.

B. Dixon stated since the last hearing he has dropped the request for the east 40-acre parcel on a strip and is pursuing just an “entitlement” parcel on the west with a 33’ wide access strip adjacent to Ibarra Avenue and obtaining an easement to use the adjacent private road. Using the site plan overlaying the air photo, he pointed out the location. Questioned expanding the lot into an area that is pasture to get closer to ten acres. Rhineberger confirmed the area described would not be considered prime tillable. Dixon explained if he can use the existing private road he would not have to build a driveway within the 33’ strip out to the County Road. Rhineberger stated if the Board is in favor that the driveway would not have to be built; they should address it in their motion; because the Zoning Administrator has denied building permits when they were going to use another location for access. Dixon –at the first meetings, Rockford Township approved, but the City of Hanover had concerns. By putting the 33’ strip next to Ibarra the City would have 66’ in width if they need.

C. Aarestad – he would agree with what is proposed.

D. Dixon – everything was turned over to the City Planner. Aarestad – he would like to hear from them but agrees conceptually.

E. Quiggle – why build a second drive if they can use Ibarra if an easement is available. Confirmed the hunting parcel (40 acres) has been dropped? Dixon yes.

F. Mol – who controls the easement, does it serve all the lots along Ibarra? Rhineberger pointed out the strip owned by the most northern parcel with the lots that abut the strip using it for access out to the county road.
G. Kryzer – agreed with Mol that having a flag lot is a bad land use planning principal. He noted the owner could petition the Town Board for a cartway. He would not have to develop it but makes it public. Rhineberger – he can only make a 33’ wide access strip – he noted most owners would not want it public. Mol – property he owned up north ran into this problem and was a legal nightmare. Rhineberger – explained the lot would own the access strip, but what is suggested would avoid building a driveway parallel to an existing easement road and noted the problem with snow removal. The applicant is proposing an owned access strip; but where the driveway would access is an existing easement road. Vick asked if that was not the problem raised at the last meeting, that an access strip could create a wall for development. Rhineberger – that was on the east side where Hanover would have to cross it. Kryzer – the proposal creates two 33’ wide strips owned by different parties. Township has no right to this except through condemnation. Mol – these owners get along today, but no one knows the future. Vick – agreed one owner could hold it up. Rhineberger – noted the applicant could develop a lot with a strip down the middle of the field and not need a variance. Quiggle noted that would mess up his field. Rhineberger – agreed but would take less productive land out then the one before them.

H. Dixon – asked if the neighbor present at the last meeting could deed him the strip and they would give that owner an easement. Rhineberger – that would not be allowed because it would landlock the neighbor’s parcel.

I. Mol – it seems simple to get a house back there; but there are rules and the Board tries to avoid conflict in the future. When they start chopping the County up it should be done in a good way. The Board is trying to vet this so the County is not setting up problems for future development. This is the east side of the County where there is growth and the City has plans for. Rhineberger – City limits are a quarter mile from here. Dixon – there is 316 acres between since the Plan was developed that they are not doing anything with. Mol – he is not protecting the City but is looking out for the applicant so they do not create a problem for him. He has had experience with privately owned roads and it not good. Mol – they could get a public road to it. Rhineberger – then the standards change substantially. Kryzer the point Mol and he are making is they can dedicate it to the public now; but access somewhere else. Mol – agreed they can get access, but provide a 33’ of public road right of way. Rhineberger – as proposed, the owner will have the ability to get to his parcel if something happens with the easement. The 33’ owned strip is where he could build a driveway in the future. Another case before the Board in Clearwater Township was a much different situation because the distance from a public road.

J. Quiggle asked if it is not redundant in this case.

K. Vick – he would concur with Mol. Other than a public road, what would be the drawback, people will not drive down a dead-end. Rhineberger – but the public could. Kryzer – there is the same situation on the cartway on the east side (neighbor’s property). The applicant would not have to build it, but it is suggested for dedication and from a planning standpoint for the future. Rhineberger – this is on the far eastern side of the Transition area with small lots directly to the west; it is unlikely to go in that direction. If it does, there are remedies. He would agree with the concern for the 40-acre that was part of this request; because it has
much more potential for development. No one knows what will happen upon annexation. The applicant could potentially hamper his land value or potential for development, but that is his decision. Mol – to pursue a cartway the applicant would have to make a request to the Town Board. Dixon –the Township would be looking for a 9-ton road and would have to extend it through another property to avoid a dead-end. Aarestad – questioned the process; would the Town Board accept a dedication? Dixon –no, he would need to build it to their specifications and hook it up to a road to the north. Rhineberger – noted doing that would also put existing structures too close to a public road. The Town Board is looking at this for future planning and maintenance and want to avoid dead-end roads.

L. Aarestd moved to grant a variance of Section 155.026, 155.048(G)(4)(c)2. & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a “1 per 40” entitlement division up to ten acres on a 33’ wide access strip. Condition: Subject to a survey submitted to the Planning & Zoning office and completion of a Deed Restriction. Quiggle seconded the motion.

DISCUSSION: Rhineberger noted he received the soil borings for the lot this morning.

VOTE: CARRIED UNANIMOUSLY
3. **JOEL R. HIRSCH** – New Item

LOCATION: 10831 Greer Circle SW - Lots 55, 56 & 69 Terra Teresa, according to plat of record, Section 25, Township 118, Range 27, Wright County, Minnesota. (Lake Mary - Victor Twp.) Tax #219-016-000550

Requests a variance of Section 155.026, 155.049 & 155.057 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow replacement of an existing 512 sq. ft. one-level dwelling that is 37.5 ft. from the Ordinary Highwater Mark of Lake (OHM) with a new 1,583 sq. ft. two-story dwelling with a 6 ft. crawl space, tuck-under garage and 819 sq. ft. upper level (also a 381 sq. ft. upper level storage area). Proposed new dwelling to be 48.6 ft. from the OHW of a Recreational Development lake and 33.9 ft. from the centerline of a township road (21.5 ft. from the right-of-way of road) and is the shoreland impact zone.

Present: Joel Hirsch

A. Rhineberger reviewed the survey of the 10,711 sq. ft. lot on the lakeside, separated by a platted road, from the 7,320 sq. ft. backlot. Explained for setbacks and coverage, these are considered separately. The request is replacement of the cabin with a new one-level dwelling and tuck under garage 48’ from the Ordinary Highwater Mark (OHM) of Recreational Development lake setback (100’ required) from the small cabin that is currently 37.5’ from the lake. The variances requested were summarized. Photos of the existing dwelling were viewed. The survey/site plan, floor plan, cross-section plans were provided. Town Board approves; one neighbor adjoining to the north that is lower, has concerns about water issues and increase from impervious coverage and roof lines. The neighbor provided pictures to show recent water issues on his lot which was included this morning in the Board’s packet.

B. Jones informed the applicant and Rhineberger that the Board would like to see the site.

C. Hirsch stated the property has been in his family historically and he grew up on the other side of the lake. He put much consideration in the plans to make sure future expansion or enclosure lakeside would not happen. He has been working on improving the shoreline since he purchased it. He understands the 50’ lake setback is important and has worked to get as far back as possible. He reviewed the research he has done on the distance existing structures are from the lake. He estimates 71% are less than 50’. The adjoining house is an “A” frame, on the other side is a two-story at about 20’ from the lake, beyond is also a two-story near the landing. He is not looking to improve and flip it, he plans to keep this for his children. The impervious coverage would also be reduced further by using an impervious paver system. Elevation 1022.1 and the house is proposed at 1024. He could bring this down another foot to keep it more level. The setback to the road is proposed 21’ from the road right-of-way (r-o-w) and the adjacent garage is only 3’ off the r-o-w. The road when built was not centered and driveways and some structures are half into the road r-o-w. He could modify his plan and push back another 13-14” from road if needed; however, should not be a problem considering the other structures along here. An oversized sewer would go on the back lot and a well installed. The storage area above the garage could someday become living space. Rhineberger stated the sewer proposed is a Type III.
D. Vick – had driven by the lot. Town Board commented on a deck? Hirsch – that exists and was permitted as a “water-oriented” structure. Rhineberger – confirmed it is permitted, no hearing was needed; however only one is allowed. A shed down there would have to move off. Hirsch – agreed along with another small shed he pointed out. Vick asked the deck setback? Rhineberger – he can have one “water-oriented” structure 10’ from the lake.

E. Aarestad asked about impervious coverage calculations, noting the house size is tripled, plus sidewalk and driveway. Rhineberger 22.8% as shown on survey. Hirsch – that calculation was before consideration of permeable pavers for the small 6’ x 12’ patio lakeside and walkway from the driveway to front entrance. Aarestad – the Board is looking at the size of the footprint this close to the lake. It is helpful to know how this fits in with other homes along the lake. The proposal is three times what is there, and he is also concerned about the height. A site visit would help to see how it fits in. He would like the size of the building reduced and would be looking for a plan to see how the neighbor’s concerns can be addressed before they build. Hirsch using a site plan he prepared illustrated how he would be improving on setbacks and has pushed from 15’ side yard to a 22-23’ setback on the northwest side to accommodate a sewer.

F. Quiggle expressed concern about height and especially building at half the required lake setback. In general, the proposal is way too much for such a small property. She agreed a storm water management plan should be provided the Board to show how the water is coming off impervious surfaces and how that water can be kept on the property, whether it is diverted to a rain garden or sent through a shoreline buffer. Hirsch agreed he would not want to create more water problems for his neighbor. He noted the backlot is lower and suggested he could build a small berm on the backside of the lake lot with a culvert to carry water to the backlot. Rhineberger – putting water around the sewer system is not advised. Cannot have water saturating the soil within so many feet of the sewer. Kryzer noted the applicant has the topographical information on his survey; and suggested he bring that to Wright County Soil & Water Conservation District for advice/plan prior to the next meeting.

G. Mol – stated these are the things the Board will be looking at. The applicant has to decide on the plan and show them what he comes up with. He might also want to work with the neighbor on it. Quiggle – she feels a storm water management plan will address this and avoid water going directly into the lake.

H. Vick asked the applicant to have the proposal staked. Hirsch – indicated some stakes are in from November, but he would get the corners of the house marked.

I. Jones opened the hearing for public comment. No one came forward.

J. Mol moved to continue the hearing to February 7, 2020 for a site inspection and development of a storm-water management plan prior to the next meeting. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY
4. **DAVID R. MARQUARDT – New Item**

LOCATION: Part of E ½ of NE ¼ Section 25, Township 118, Range 27, Wright County, MN  
(Victor Twp.) Tax #219-000-251100/251105 Owners: Applicant & Anderson  
Requests a variance of Section 155.026 & 155.048(G) Chapter 155, Title XV, Land Usage &  
Zoning of the Wright County Code of Ordinances to allow enlargement of an “entitlement”  
division approved by the Board in December of 2014 to include approximately 30.5 acres of  
wetland from tax parcel # 219-000-251100 to the residential lot owned by Anderson, tax parcel  
#219-000-251105.

Present: David Marquardt

A. Rhineberger – the property has been before the Board in the past. The area outlined in blue  
came off property lying to the east. A cluster hearing for two divisions on the north end  
were approved by the Planning Commission. The owner of the five-acre parcel wants to  
add an additional 30 acres coming out of the applicant’s farm. The reason it is before the  
Board is that it exceeds the maximum allowed for an “entitlement” division.

B. Marquardt – land provides no income for him but has value to the resident to the north.  
Two owners that are related to the north use this area to hunt on and would benefit from it.

C. Quiggle – does not see a problem, although it greatly exceeds the maximum entitlement  
division allowed. However, this size is close to meeting a full forty-acre requirement.

D. Mol – asked how access to the south end of the property would be provided if the area ever  
develops. Rhineberger there are no additional “entitlements” and would require rezoning.  
Unlikely access could come across the wetland property to the east. Described the  
topography including the wetland and steep elevations. Mol – felt that would be a long  
time off and did not have any concerns with the adjustment. Land is strictly to be used for  
hunting. The property should be tied into the parcel on the road and asked if there is  
enough frontage there. Rhineberger stated it is less than 300’ wide, but other lot standards  
are met. Suggested limits on animals and buildings relate to upland size because the  
wetland cannot be used for pasture or anything else.

E. Vick indicated his agreement and Aarestad noted the comment by Borrell in the “cluster”  
hearing that there was concern about keeping a large wetland complex in tact. Mol asked  
if the parcel I.D.s could be combined. Marquardt stated the property with his adjoining  
land has now been put under the same title and there is not a mortgage that would separate  
them. He would agree to make his parcels one.

F. Aarestad moved to approve a variance of Section 155.026 & 155.048(G) Chapter 155, Title  
XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow enlargement  
of an “entitlement” division approved by the Board in December of 2014 to include  
approximately 30.5 acres of wetland from tax parcel # 219-000-251100 to the residential  
lot owned by Anderson, tax parcel #219-000-251105. Tax I.D.s to be combined for both  
Marquardt and Anderson parcels for zoning and tax purposes. The expanded five-acre  
parcel will be limited to 2.5 animal units based on the size of the original parcel and fact
land added is primarily wetland and outbuildings limited to 4,000 sq. ft. If the properties cannot be combined by the Auditor’s Office, the owner will have to file an Administrator Order. Quiggle seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Chairman called for a five-minute recess.
5. **JEREMY D. GODING** – New Item

LOCATION: 2093 – 54TH St. NW – Part of E ½ of SE ¼ Section 3, Township 120, Range 26, Wright County, Minnesota. (Maple Lake Twp.) Tax #210-000-034104

Requests an “after-the-fact” variance to operate a machining business as a home-extended business in a portion of an existing building that exceeds 2,000 sq. ft. and is 162’, 237’ and 490 ft. from the nearest neighbors’ dwellings as regulated in Section 155.026, 155.048 & 155.103 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Jeremy Goding

A. Rhineberger displayed the location map to show the 12.7- acre property and buildings and the reason the variance is needed is the applicant is operating a machining business in a building larger than 2,000 sq. ft. and is less than 500’ from neighboring residences. These are the standards required for a Home Extended Businesses. Three homes measure a distance of 162’, 237’ and 490’ from the business. Town Board approval; a neighbor response was read and is open to interpretation on whether they are in agreement. An addition was recently built and restrictions on the building permit noted. The owner can build a separation wall with no entrance between and it is treated as a separate building. In this case, he would like to keep it open to be able to move personal items between.

B. Goding – the three neighbors know he is there, and some visited him in the shop. He is not aware of any objections.

Jones opened the hearing for public comment:

C. Sheryl Nichols - pointed out her location at the end of the dead-end road and neighbors get along well. Her only concern is traffic misses his driveway and cars turn around at the end which has caused a lot of damage to their culvert. Concern more traffic could result in further damage. The area is zoned AG and residential and if they give a variance would other businesses be allowed? Kryzer asked if this would be heard at the next Planning Commission meeting? Rhineberger stated not yet, the applicant wants to see if he can get a variance before applying. Kryzer – noted the Planning Commission would address some of the neighbor’s concern. Rhineberger – because of the distance variance, it is a consideration for this hearing also.

D. Goding understands the variance is good for three years? Rhineberger explained that is the time-frame to use it. In this case, the business is already there. Goding stated he has a purchase pending in an industrial park. He plans to purchase land in the City of Maple Lake where the business will be moved to.

E. Mol - noted the building permit issued states no commercial use and now the Board is being asked to permit it. He questioned if there is any plumbing in the building or water used in the business? Goding stated none. Mol – considering the applicant is making plans to move the business into Maple Lake, he would prefer giving a one-year time frame
to move it out rather than open things up for someone else or another business in the future. If they give some time to get it moved, he will not need a Conditional Use Permit.

F. Goding explained he is closing on the property the following Wednesday; but will have to build a structure and that could be six-seven months. Kryzer suggested the Board could continue the hearing out to the March hearing to allow for the closing on the commercial property and come back to the Board with an update on the construction timeframe. At that time, the Board can decide whether there is a need for renotification. Rhineberger concurred and suggested the Board could determine timeframe and whether they would go out as far as two construction seasons. He suggested they could deny the original request and approve a temporary timeframe to move the business without renotification.

G. Mol would prefer giving some time to move the business, noting a Conditional Use Permit transfers to new owners. Quiggle – a different business needs a CUP. Rhineberger – noted it would be difficult to deny a variance given for a different business.

H. Goding agreed to a continuation. In response to Vick’s question on employees, he stated he only employs his nephew.

I. Mol moved to continue the hearing to March 6, 2020 for the applicant to provide an update on plans to move the business to a commercial location. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY
6. **BRUCE D. ANDERSON** – New Item

LOCATION: 5657 5TH Street NE – N ½ of the SE ¼ Section 36, Township 120, Range 25, Wright County, Minnesota. (Buffalo Twp.) Tax #202-000-34100 & -364200

Requests a variance of Section 155.026 & 155.048(G)(4)(2) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a 5-acre “entitlement” division on a 33 ft. access strip that does not access a wooded site or preserve prime tillable farm land.

Present: Bruce & Sandy Anderson

A. Rhineberger displayed the air photo and site plan to show the 79-acre parcel with a proposal for a five-acre “entitlement” division out of the east 40 acres. The division is proposed on a 33’ wide access strip to the public road. The reason it needs a variance is the proposed location is under till and Ordinance does not allow an access strip in lieu of public road frontage. He pointed out the location of where the road dead-ends, short of the quarter-quarter section line and the reason strip is coming off the west 40 acres. The soils map shows the soils are not classified “prime” farmland. Approval from the Town Board was received.

B. B. Anderson – the division is coming out of a 40-acre parcel that is landlocked and the reason for the strip. Vick – questioned if the Town Board asked for a cul-de-sac for maintenance and turn-around? B. Anderson – noted where the Township turns around on a field road and the Township did not understand why they needed to do it this way. Vick if Township approves he agrees.

C. Aarestad – usually the Board is concerned about taking tillable land out of production. The description of the land indicates it is marginal and does not seem like it is suited for large scale farming. He could argue in this case it is not taking good farmland out of production.

D. Quiggle concurred with Aarestad’s comments.

E. Rhineberger displayed the air photo to show the area the Township is turning their equipment around. A driveway for the neighbor to the north was pointed out.

F. Mol had questions for the applicant on the large hill, location of a swamp and where access would be around the low land. Noted a corner that is being farmed and will they have access to that. B. Anderson – explained a trail around to another 10 acres that is in CRP, other areas that are planted and are in conservation programs to protect and support wildlife. He hopes the current renter continues to farm the land, if not would put it into CRP. He would like to see the farmland maintained because the wildlife also needs that. Mol – asked if there would be access around the lot to the farm land. B. Anderson agreed the site plan does not extend west far enough and would make sure there is access to farm. Mol – hearing the description and type of land, indicated he has no objection to the proposed house location.
G. David Sieberg – pointed out his farm to the north and indicated they had sold this property to the applicant. His concern is the distance a proposed house would be from his farm operation, estimates it would only be about 400’. Noted other farm operations have problems with neighbors who object to farm activities such as spreading manure or adding more grain facilities and noise. He does not want the location of a house to impact any future plans. Kryzer asked if he currently has animals? Sieberg – stated no but has in the past. Rhineberger noted where the 500’ distance would be measured and noted the feedlot area could be outside of the buildings. A building at this location could impact the neighbor from having animals there. Kryzer – noted another issue would be the surrounding water from that location and a 500’ feedlot separation could be the least of Sieberg’s problem. Rhineberger and Kryzer noted however, the Feedlot Administrator would have to be consulted and there are laws that address bringing back animals.

H. B. Anderson – Sieberg did not have animals of his own but had a customer that had wanted a place to keep his sheep there. Rhineberger – it is about the site. Aarestad – he did not want to grant something that would create a burden for a farmer. It sounds like it may not; and there may be some other issues if he were to create a feedlot. Rhineberger – stated he could not address whether it would or not. Sieberg – stated farming operations change. He has had sheep at this location for a couple different people. He could not say whether he would bring animals back, but that is a small part of it. He noted bins and dryers could create complaints about them running. There is some productive farmland that he is farming on the applicant’s property together with his. Rhineberger questioned a grain bin and whether a new one was permitted. Sieberg – he moved a used one in last year. He noted where the garbage trucks and Township equipment also use his driveway to turn around. He questioned the location of the access of 33’ proposed. S. Anderson – explained they have an easement but were told this would be needed for public road access for the new lot. Rhineberger confirmed the lot created must own to the public road.

I. Kryzer – agreed the way they are proposing the access strip is the way to make this work.

J. Mol – he understands the farmer’s concern, but new residents should understand he was there first, that this is an active farm and they will have to listen to the dryers, smells and should understand the other activities that happen in the country. Quiggle would agree. B. Anderson – the person that will be living out here has lived in the country since 1991. Vick – asked about the reciprocal setback? Mol – noted there is also water that may limit where the animals can be. B. Anderson – stated the pond off CR 34, comes right up behind his house which could be a restriction for Sieberg in addition to the pond near this site. Kryzer – reviewed some of those are wetlands and not shoreland, a 300’ setback is required from a wetland.

K. Aarestad moved to a variance of Section 155.026 & 155.048(G)(4)(2) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a 5-acre “entitlement” division on a 33 ft. access strip that does not access a wooded site or preserve prime tillable farm land. Condition: Subject to survey and filing a Deed Restriction. Vick seconded the motion. VOTE: CARRIED UNANIMOUSLY
7. **BRYAN M. JANCKILA** – Cont. from 12/6/19

LOCATION: 2301 Kimball Avenue NW - All of Lot 9 & part of Lot 10, Block 2, Granite Lake Woodcrest Addn., Section 20, Township 120, Range 27, Wright County, (Granite Lake–Albion Twp.) Tax #201-015-002090 Property owners: Pesheck

Requests a variance of Section 155.026, 155.049 & 155.057(E)(1)2., Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to build a new 10’ x 16’ deck to be 4.3 ft. from the bluff, 84.9 ft. to the Ordinary Highwater Mark of lake.

Present: Applicant not present

A. Rhineberger informed the Board the applicant has indicated the property owner has not made a decision on whether they want to make revisions and would like until April. He felt if they continue this out for five months they should renotify. They have received the signed waiver for the “120 day” time frame and a $50 renotification fee was paid.

B. Mol moved to continue the hearing to April 24, 2020 at the applicant’s request. Quiggle seconded the motion.

VOTE: CARRIED UNANIMOUSLY
8. **THOMAS M. LAMPI** – New Item

LOCATION: xxxx Lawrence Circle NW – Lots 7-12, inclusive, Granite Shores First Addition; & Tract J. Reg. Land Survey #17, according to plats of record; all in Section 30, Township 120, Range 27, Wright County, Minnesota. (Granite Lake – Albion Twp.) Tax #201-017-000070 thru -000110 & 201-028-000100 Owners: Lampi, Eckoff, Tracy, Henderson & Hedman

Requests lot line adjustments to create five backlots for existing platted lots on the lake to service existing undersized lakeshore lots/dwellings as regulated in Section 155.026, 155.048, 155.049 & 155.057 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Mark Lampi

A. Rhineberger – displayed a concept plan for backlots proposed on Granite Lake. The Board has allowed other similar plats, one on Lake Ida which was a Torrens described property. That was different than a “metes and bounds” description. The proposal has created some concerns about the status of the road and whether this is the time to bring the road up to public road standards. Lampi stated he is not proposing that. Rhineberger stated the Wright County Soil & Water Conservation District (SWCD) has comments about the wetland on the property and want to make sure that is not disturbed. Staff would like to obtain borings and size requirements for sewers for each backlot. The primary purpose is to preserve areas for sewers to serve the lakeside lots. The Board is asked to consider a general concept before the applicant spends money on soil/survey work.

B. Lampi – noted the lake lots are small and this would give an opportunity for sewer placement and in some cases a storage garage. Rhineberger – noted buyers signed a letter of intent that informs the potential buyers that the sewer systems take priority before any permit for a garage is issued. The garage size limit in the past has been 800 sq. ft. maximum.

C. John Uecker – Town Board Chair present – appeared and indicated the Town Board feels this is the proper time to address the road. He noted it is just a trail and the Township has been maintaining and assessing the costs back to the owners, but it is not a town road. Had talked with Tom Lampi about the road, however, Township has not received a response. M. Lampi indicated the expense of bringing the road up to specs could kill the deal. Uecker stated the Town Board is willing to look at ways to finance the project over a longer period of time. Would like time to discuss it. Mol asked what the Town road specs are? Uecker there is a 66’ wide road right of way. It would have to be built up and the reason it was never taken over. Some trees might have to be taken out. Discussion on sewer locations, Rhineberger felt most are on a holding tank.

D. Kryzer noted subdivision ordinance does not apply because they are not creating new lots. Did not know the Town Board can force it. This process does not require the road. Uecker – indicated he understood, but it is the time to do it. Township does not have to
continue to provide maintenance. Rhineberger – this type of road is not uncommon around shoreland areas. At this time the Board is not ready to approve this. More information is needed.

E. Mol – noted there are only a couple acres between the backlots and the county road. Asked what would become of that, large wetland on the south end. Lampi indicated there is an “entitlement” and Rhineberger confirmed it is a lot of record. Mol – questioned setbacks, house location and an access. It is unlikely the County will approve another approach. Much discussion followed on the topography, a potential access and meeting setbacks for a house. Mol – stated his point is that it may be better to extend the backlots all the way to the county road. Rhineberger confirmed there is a building area left on the north end that should meet setbacks. A potential to rezoning and divide was another option, Kryzer noted the Land Use Plan has it designated Residential.

F. Board indicated they like the idea of providing the lake lots with more land if it can be done in a way to prevent future problems. Aarestad would like the backlots larger, extended to the road. Vick using the map pointed out a modification he would suggest. Uecker was not in favor of extending backlots to the county road, noting these size parcels become weed patches because they are too large for residents to take care of. Applicant was advised to look at lines that would leave adequate room for the “entitlement”, get the soil borings for sewer and talk with owners and the Town Board about the road. M. Lampi agreed to a continuation and noted this request came about after they recently sold the northern parcel and has to go on a holding tank.

G. Mol moved to continue to February 7, 2020 for further study. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTION

Board scheduled a site inspection for Tuesday, January 28, 2020. Members to meet at 8:15 a.m. at the Government Center.

Meeting adjourned 11:05 a.m.

Respectfully submitted,

Barry J. Rhineberger
Planner

BJR:tp

Cc: Board of Adjustment
    County Board of Commissioners
    Applicants/owner/Twp. Clerks