The Wright County Board of Adjustment met March 6, 2020 in the County Commissioner’s Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, John Jones, called the meeting to order at 8:30 a.m. with Board member Dan Mol, Charlotte Quiggle, John Jones and Dan Vick present. Barry Rhineberger, Planner, represented the Planning & Zoning Office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

MINUTES
Quiggle requested a change of her wording on page 3, paragraph M. in the minutes from February 7, 2020.
On a motion by Moll, seconded by Vick, all voted to approve the February 7, 2020 minutes as printed along with the one change requested by Quiggle.

1. **JOEL R. HIRSCH** – Cont. from 2/7/20

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- noted this is a continued item and the Board had a site inspection to this property. Changes to the plans were submitted as requested by the Board. Rain garden information was received from Dan at the Soil and Water Conservation District. Rhineberger provided the Board details of the rain garden design in their packets along with details on the surrounding properties but noted he did not personally visit these properties.

B. Joel Hirsch- noted the revisions made to his plans. Pointing out the roof was reduced from an 8/12 down to a 7/12 pitch. The dormers were reduced from a 10/12 to a 9/12 pitch. The garage roof was reduced from 12/12 to 10/12 pitch. The front porch was pulled back and reduced by 30 sq. ft. The total square foot size of the dwelling and garage is less than both houses on either side of this property. These changes bring the full height of the structure within inches of neighboring structure heights. Hirsch pointed out there is a good distance between his neighboring properties, having 90 feet on one side and well over 100 feet on the other side.
C. Vick- complemented Staff for all the research details provided. Vick stated he was ok with the variance last month and is still ok with it. He noted huge improvements were made from last month’s meeting.

D. Mol- noted he was asking for roof to be decreased last month and appreciates the changes that were made by the applicant to work with the Board. He feels it now fits the neighborhood and can approve the new plans.

E. Quiggle- still feels it is too much development on too small of lot. She has severe issues with the proposal of the Soil and Water Conservation Districts rain garden design that was submitted. Does not feel a rain garden with a depth of 2 feet is accurate. A rain garden is supposed to be a depression only 4 to 8 inches deep. She does not feel the calculations work out. Quiggle questioned the overflow and the soil tests. Noting that clay and sand drain different. Hirsch- noted this is not a final plan as Dan from SWCD will need to make a final plan and there are ways to amend the soils and overflow. The soil borings were used for both the septic design and the rain garden design. Quiggle- referenced pages in the Rain Garden manual about the depth for a 360 sq. ft rain garden with medium soil. She does not want the plan that Dan from SWCD made to be approved. Hirsch- noted the house is set at 30 ft. from property line and he would work with Dan from SWCD to make any changes that are requested to the rain garden. Quiggle- noted she would like to see 8 inches at the deepest. Hirsch noted this area is not planned for anything else and he is willing to do whatever is needed for the rain garden in that space.

F. Jones- agree with Quiggle’s concern about the rain garden plan from SWCD. He would hate to approve a situation and have something in place that will not work.

G. Rhineberger- noted all the information provided by SWCD is conditional and a final rain garden plan will be required at the time of application. He noted the Board could set specifics that they would want to see on the final plan submitted and verified before the house permit be issued.

DISCUSSION: Charlotte- would like to see the soils. Joel- questioned if this is something soil and water would do for him. Charlotte agreed that SWCD does not have this right. Barry- there is amended soil with compost. Hirsch- explained how he understood the rain garden plan and that he is not looking to put in a 2ft deep holding pond. 2ft is the excavated depth and then it will be filled in with soils bringing the depth much less than 2 feet. Vick- questions the drain tile on the plan. Barry-noted the drain tile is for the overflow and will run to the lake. There is also drain tile coming from the drain spouts.

Vick moved to approve 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 with a dwelling per plans submitted Exhibit A and survey submitted Exhibit B with a change for the front porch overhang. A revised storm water plan with maximum depth of 8 inches, calculated soil efficiency rates and a 25ft shoreland buffer. Mol second the motion.

VOTE: CARRIED, QUIGGLE VOTED NAY
2. **JESSICA P. BJORUM** – Cont. from 2/7/20

LOCATION: xxxx Pleason Avenue NW – Part of Outlot 4, Northridge Addition, according to plat of record, Section 28, Township 121, Range 28, Wright County, Minnesota. (W Lake Sylvia-Southside Twp.) Tax #217-034-000040 Property owner: VonBank

Requests reconsideration of variances and house plans approved on April 7, 2017 and allow a variance of Section 155.026, 155.049(F)(2) & 155.057 of Chapter 155, Title IV, Land Usage & Zoning of the Wright County Code of Ordinances to build a new two-story dwelling with a 1,400 sq. ft. basement, 2,384 sq. ft. main level (including garage) with 181 sq. ft. covered porch, and 1,494 sq. ft. upper level, to be 45.9 ft. from the center of a platted road, 25 ft. from the right-of-way.

Present: Jessica Bjorum & Bill Costello, Elevation Homes; Chris Dahn, Bogart, Pederson & Associates, Inc; & Brad Von Bank

A. Rhineberger-noted this item was continued for more specification on the rain garden design. He noted there is conflicting information in what was submitted regarding the volume. An email was received from Dan at SWCD this morning, he ran a plan for a 1 inch, 2 year event with an infiltration rate of .8 inches per hour. Because of the sandy soil 1 foot of storage is shown in the rain garden plan according to Dan. The plan Staff received from Dahn only shows 6 inches of storage in cross section. Dan is saying with 1 foot of area there is enough volume to store 1 inch of rain. Overflow is just overflow in this plan, the water will go over the banks and down the road where it has always gone just at a slower rate.

B. Dahn- noted the 6-inch line is the line for uncompacted soil. The pond is designed to be 1 foot deep. Once the water reaches 10 inches it begins to overflow. The soil is sandy which will allow for fast filtration. The plan was made using MPCA filtration rates which Dahn noted are very conservative.

C. Quiggle- noted the water is going to go right through the soils on this property. The overflow is 10 inches which is just a little over the 8 inches suggested and she is not worried about that. She questioned location of the pond and Rhineberger showed the rain garden is parallel to road on the map.

D. Rhineberger- questioned the contour differences on the plans submitted. Dahn- confirms the 1,114 foot and 1,113 foot contours are correct numbers based on the grading of the site.

E. Vick and Mol noted they have no concerns.

F. Mol moved to approve the plans submitted Exhibit A and survey submitted Exhibit B. Quiggle second the motion.

*VOTE: CARRIED UNANIMOUSLY*
3. **JEREMY D. GODING** – Cont. from 1/10/20

LOCATION: 2093 – 54<sup>th</sup> 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- notes this item was continued from the January 10<sup>th</sup> meeting. The applicant has purchased a property and will be starting work on a new building. Instead of granting a variance, Rhineberger suggests the Board grant a temporary use permit for the time needed to move the business.

B. Vick- questioned an addition to his existing building. Goding stated the addition is already built to the building he is currently using for the business.

C. Kryzer- questioned the time Gooding thought it would take to get the business moved from the property. Goding- stated he will not need much time to get moved. He is waiting on a final bid but originally the contactor thought the building would be complete by the end of summer 2020. Kryzer- suggested continuation to a future date, with dismissal once the business is move, however, Rhineberger prefers a temporary permit with deadlines to avoid any confusion.

D. Mol- on board with giving a temporary permit until Jan 1, 2021. At which time the property becomes a normal property without a conditional use.

E. Vick and Quiggle agreed with Mol.

F. Quiggle motions to grant a temporary permit for a home extended business that will expire on January 1, 2021. Mol second the motion.

**VOTE: CARRIED UNANIMOUSLY**
4. **BRADLEY A. JOHNSON** – New Item

LOCATION: 14349 Custer Avenue NW – Part of Gov’t Lot 1, Section 22, Township 122, Range 26, Wright County, Minnesota. (Locke Lake - Silver Creek Twp.) Tax #216-100-223202

Requests an appeal of Board ruling dated March 1, 2019 and allow portion approved as crawl space to be converted into basement with full ceiling height as regulated in Section 155.026 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Bradley and Karen Johnson, Ken Wilson; Wilson’s HVAC Company

A. Rhineberger- noted this applicant’s property was before the Board in March of 2019, when a site inspection was conducted, and the Board ultimately approved a variance per plans shown exhibit A. The plans approved show a crawl space with 6 feet of head room but the plans submitted for the permit application show the crawl space area being converted to 8 feet of head room and an extension to the boat storage area. We are here for a review of the new plans because they do not match the approved plans. The issue of a head room height was discussed at the meeting on March 2019. All the minutes and plans were provided in the staff report. Approval was received from the township. The original foundation is not in good shape and will all be replaced.

B. Bradley- explains they had a few different ideas and decided to go with the one level expansion instead of keeping the original footprint and going up a level. At the March 1, 2019 meeting we submitted plans for the one level with an expansion to the east. After the meeting we took the approved plans to the designer and he expressed concerns and issues with items that were approved. The designer wanted the excavator, HVAC company and the framers to review the approved plans. Each person had significant issues with the final plan. The main issues were the crawl space height and the foundation. Originally a portion of the existing foundation was going to be kept and they recommended to put in a whole new foundation. There are three main changes to the new plans, the 6-foot crawl space height changed to 8 feet to allow for proper HVAC installation, expansion to the boat storage and full new foundation. Footprint is not changed at all and we are reducing the impervious by removing the 3-foot apron on lake side. The plan is to make this a year-round residence by removing everything and replacing it. Johnson gave letters to the Board from the Contractors indicating their issues with the approved plans.

C. Ken Wilson- explains the boiler system and the furnace being installed on the property. The approved plans would meet the minimum requirements for running pipes on the boiler system. He explains he does not want to design the boiler system for the in-floor heat at the minimum requirements. A furnace is designed for vertical installation and with a smaller crawl space height the furnace would have to be placed horizontal. He feels it is a much better design to have the furnace vertical. An 8-foot head room height space is most ideal for the mechanical room height.

D. Vick- states he is concerned with the potential of the 8-foot crawl space becoming a bedroom with no egress window in the future. Bradley- confirms there will not be a
bedroom in this location while they own it. He pointed out that the septic system is
designed for 2 bedroom and is at its max size and capacity. They would not want to risk the
septic by overloading it. Vick- suggest making an egress window mandatory if the height
goes to 8 feet. He would be ok with the larger boat area and making crawl space smaller
with a 6-foot height maximum.

E. Rhineberger- addresses the letters and explains they are mostly information about the
existing foundation of the dwelling being removed and fully replaced.

F. Mol- states he understands how the contractors see it and that they want to make it easier.
He points out that the furnace location on the original approved plan was in an 8-foot space
and not in the crawl space. He agrees with Vick and is concerned about the space being
used as a bedroom. He feels there has been a lot of work put into the approval of the plans
the Board approved. He feels that a 6 ft crawl space is plenty of room for storage and the 8-
foot area invites potential problems.

G. Quiggle- is fine with making the boat storage larger by decreasing the crawl space but
keeping the crawl space ceiling 6 feet high. She feels the applicant can put the mechanicals
in the original 8-foot space or in the 6-foot crawl space whichever they choose.

H. Mol- suggest the Board says no to the change in whole or decide to just go with the
changes submitted because they make sense without the Board designing their house and
all the changes are within the footprint that was originally approved. He feels it makes
sense to put it all at 8 feet because the area being changed is so small.

I. Kryzer- questions the size of the area that could become a bedroom if these plans are
approved by the Board. Rhineberger- states the area under question is 12x16.

J. Rhineberger- explains he brought this to the Board because the crawl space height went up
making for the possibility of livable space and not just storage. He explains the Staff
perspective its more about the amount of expansion in living space then illegal things that
could happen on the property.

K. Mol- questioned if there are windows on the side of the home with the crawl space?
Bradley- confirmed there are no windows and the walls will be poured walls with windows
only on lakeside.

L. Quiggle and Jones are ok with the new plans.

M. Mol- moved to approve Exhibit 1, plans as submitted and prohibit any windows or natural
air flow in the changed area of the plans. Quiggle second the motion.

VOTE: CARRIED, VICK VOTED NAY
5. **CHRIS ALAN PETERSON** – New Item

LOCATION: 5591 70TH Street SW – N ½ of NW ¼, & Gov’t Lot 1, Section 7, Township 118, Range 26, Wright County, Minnesota. (Yager Lake – Woodland Twp.) Tax #220-000-072100 Owners: Yager

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 an “entitlement” division of ten acres that includes more than 2.5 acres of prime farmland and a second “entitlement” division on the west side of the farm that is 35 acres also includes more than 2.5 acres of tillable farmland. The balance of the Yager farm is approximately 66 acres, includes the remaining “entitlement”, which is the existing dwelling.

Present: Chris Peterson and Ted Yager

A. Rhineberger- The request is for an entitlement division of 10 acres that includes more than 2.5 acres of prime farmland and a second entitlement division on the west side of the farm that is 35 acres and also includes more than 2.5 acres of prime farmland. The balance of the Yager farm is approximately 66 acres, includes the remaining entitlement, which is the existing dwelling on the land. Rhineberger notes an ordinary high water mark is not given for the body of water. Staff has given the indication of 3 entitlements on the land and will honor that. Feedlot setbacks also need to be taken into consideration for these divisions. The Township did not rule yet. They were worried about the amount of tillable land being used in the divisions.

B. Peterson- explains the reason for this division is to allow both farmers to continue their farming. Both property owners have no intention to build a home on the divided lots at this time. Financial and health reason for Ted are driving these requests. Making these divisions would allow Mr. Peterson to purchase the land from Mr. Yager. The purchase would allow Mr. Yager to make his dairy farm more manageable while he handles his health issues. Peterson explains he knows the feedlot setback of 500 feet and would not want to put a home on the land that would affect either of the farms. Peterson explains the land elevations, where the most useful farm land is located and the proper drainage of the land that needs to stay in place.

C. Kryzer- explains that a financial hardship cannot be considered when deciding the reason to grant a variance.

D. Vick- feels divisions could be made without needing a variance granted. He explains that a 2 ½ acre parcel with an entitlement holds value and does not harm the tillable farm land. Vick is also concerned about the feedlot distance affecting the farms.

E. Rhineberger- showed the Board and the applicant a couple divisions that could be done without needing a variance. These options also preserve the tillable land and do not affect the drainage for the land.
F. Mol- states he understands what the applicant is trying to do. He explains that the 35 acres has a huge swamp south of it and feels an 80-acre division with an entitlement should be made to include the swamp land. Mol states that he agrees with Vick on the 10-acre parcel. He feels a 2 ½ acre parcel can be created and sold without a variance needed. Mol is ok with doing 80 acres to the west and doing 2 ½ acres to the east, both with the entitlements. He would like to hear from the township before the Board makes a ruling. He feels the Board needs to protect the land and protect farmer from creating their own problems. Mol feels the applicant could be risking his farm by doing the divisions the way they are requested.

G. Peterson- clarifies some of his options to better understand the Board’s suggestions on making divisions that do not require a variance.

H. Rhineberger- explains to the applicant how the parcel can be divided and sold with the entitlements noted on the deed. This would require a survey and soil borings.

I. Quiggle- suggests tabling this request for a new plan.

J. Mol- suggests the applicant dismisses this request because something can be done without variances. Peterson- expresses that he is ok with his request being dismissed today.

K. Rhineberger- explains the survey, soil requirements and deeds required.

L. Mol moved to dismiss the matter at the applicant’s request. Vick second the motion.

VOTE: CARRIED UNANIMOUSLY
6. **THOMAS M. LAMPI** – Cont. from 2/7/20

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: No one present for Thomas Lampi

A. Rhineberger- explained the applicant waived the 15.99 requirement and requested to be continued to the Friday April 24, 2020 meeting to allow time to get soils work completed.

B. Vick moved to continue Thomas Lampi’s request to Friday April 24, 2020. Quiggle second the motion.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 10:25 a.m.

Respectfully submitted,

Barry J. Rhineberger
Planner

BJR: bm

Cc: Board of Adjustment
County Board/Kryzer/Twp. Clerk/Applicant/owners