The Wright County Board of Adjustment met April 24, 2020 in the County Commissioner’s Board Room at the Wright County Government Center, Buffalo, Minnesota. Present were Board members, John Jones, Dan Mol, Paul Aarestad & Dan Vick, Charlotte Quiggle joined the meeting remotely.

Jones called the meeting to order at 8:30 a.m. with Barry Rhineberger, Planner, representing the Planning & Zoning Office and Greg Kryzer, providing legal counsel remotely.

**ACTION ON MARCH 6, 2020 MINUTES**

On a motion by Aarestad, seconded by Vick, all voted to approve the March 6, 2020 minutes as printed.

1. **ROBERT C. FINKE** – New Item

LOCATION: 732 - 101ST Street NW – West half of Lot 25 and all of Lot 26, Nordhaven, according to plat of record, Section 12, Township 121, Range 26, Wright County, Minnesota. (Lake Ida – Silver Creek Twp.) Tax #216-023-000260

Requests a variance of Section 155.026, 155.049(F)(2), 155.057 & 155.90, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow removal of an existing 992 sq. ft. dwelling with partial basement that is 43 ft. from the Ordinary High-water Mark of lake (OHW) and 8.3 ft. from the property line and replace with a new 1,696 sq. ft. one-level over a walkout dwelling that includes a 624-sq. ft. attached garage, to be 75’ from the OHW, 45.6 ft. from the traveled centerline of a township road (21.5’ from R-O-W), and approximately 5 ft. from the holding tank. New structure is meeting 15 ft. side property lines. Proposed new construction increases the footprint by 704 sq. ft. (624 sq. ft. in the garage and 92 sq. ft. of increased living space) on a holding tank septic system.

Present: Robert & Cynthia Fink

A. Rhineberger reviewed the 11,142-sq. ft. lot on Lake Ida. The existing footprint of the structure to be replaced is 992. sq. ft. and survey prepared shows the structure at 43’ from the Ordinary Highwater Mark of Lake (OHM) and 8.3’ from the side line. The new dwelling and garage have a footprint of 1696 sq. ft. House design is a modified structure with an upper level, open to below. Proposed setbacks are 69.5’ from OHM, 15’ from both side lines and 45.6’ from center of town road. Serving the property is a holding tank for sewer that would be 5’ from dwelling. He noted he missed the lot coverage by buildings that exceeds the 15% allowed by 25 sq. ft.

B. Vick questioned the excess surface coverage. Rhineberger explained it is not impervious, but what is under roof. Plans show a 696-sq. ft. increase from what exists; most of which is in the proposed garage. Photos of the structure to be replaced were displayed. The existing structure is closer to the lake and a line.

C. Written response from the Town Board, Nordell, Donnelly, Moores & Mix were supportive.

D. R. Fink – referred the Board to the summary he submitted with his application on the steps they have taken to get to this point and gives the Board more perspective. He noted this property has been in the family for over 60 years. An old septic tank that used to be near the lake was moved to the back prior to this application. They have a scheduled pumping agreement with a company for the holding tank so that this is taken care of regularly. He explained the entry way between the garage and the dwelling fills in a void to avoid water pooling at the front door.

E. Mol likes the fact the proposed location gets the structure away from the lake. He does not like that the sewer system is a holding tank, but if that is the only option. Asked if the 25-sq. ft. is part of the soffit calculated in the roof coverage? Rhineberger responded no, coverage is only...
calculated to the sidewall. It would only require a reduction of 1’ off either the width or depth of
the garage. He assumes the shed is being removed. He warned if they max the coverage out, it
means no future garden shed, wood shed or any other structure would be allowed.

F. B. Finke was not aware they were over 15%, but are willing to live with that and realize there are
limits with a small lot.

G. Mol – added he finds the plan agreeable if they reduce the amount of structure. R. Finke explained
the first plan was to build a 26’ x 26’ garage which was reduced to 24’ x 26’. Mol – although this
is close, he would like to see it compliant.

H. Quiggle indicated she does not have a problem with the setback requested since the Town Board
approves; but asked if the garage orientation could be changed 90 degrees to allow loading from
the side. Is the terrace or retaining wall necessary? Her biggest problem is the house is served by
a holding tank. She asked what efforts were made to design a standard sewer system prior to
designing the house? Rhineberger noted would requires “shoe horning” the sewer in. Quiggle
noted a single-car garage is an option. The problem is putting a year-around house on a holding
tank is not in compliance with the Ordinance, unless it is exact replacement. She read the statute
from the Ordinance that guides this and indicated she is disturbed this is what will serve a larger 3-
bedroom home. She would like to see a full treatment system. Another item is there is a trap door
to the attic and should not be converted to stairs in the future. She felt the proposal is too much for
the property and wants to see a full sewer system.

I. Jones asked if the Board considered a nearby request where the garage was turned? Rhineberger
referred to property that is two lots to the east. The situation was different in that there were 2.5
lots and the width gave them room to enter the garage from the east. Here the orientation of
the garage is about the only way and lot width leaves only 23’ to turn in. To address Quiggle’s
comment, he did not feel there is room on the lakeside for a sewer and the lack of elevation.

J. Aarestad indicated he shares some of Mol and Quiggle’s concerns. The holding tank is not his
first choice and what he would like to see; however, even without the garage it would be difficult.
Would like a storm water management plan to show how the run off will be handled.

K. Vick asked if the holding tank is the only option for sewer? The garage should be cut down to a
23’ depth. Mol asked if the applicants understand that the Board will require reduction of the
 garage size and another condition would be a storm water management plan. Finke nodded his
agreement. Rhineberger stated he would want direction on what the Board is thinking to address
water runoff, a swale or suggested it can be referred to Wright County Soil & Water. Vick
questioned whether they need it at this location noting the distance from the lake. Aarestad noted
that is a good point and this may be far enough back.

L. Vick moved to grant a variance to allow removal of an existing 992 sq. ft. dwelling with partial
basement that is 43 ft. from the Ordinary High-water Mark of lake (OHW) and 8.3 ft. from the
property line and replace with a new one-level over a walkout dwelling and attached garage
according to Exhibit “A” & “B”, plans and survey with a minor reduction of the garage or house
size to bring building coverage down to 15%. Setbacks to be 69.5’ from the OHW, 46 ft. from the
traveled centerline of a township road and approximately 5 ft. from existing holding tank.

VOTE: CARRIED, Quiggle nay
2. **STEVEN D. TURNER** – New Item

LOCATION: 3596 Norris Avenue NW – Lot 5, Martha’s Beach, according to the plat of record, Section 14, Township 120, Range 28, Wright County, Minnesota. (French Lake – French Lake Twp.) Tax #209-018-000050

Requests a variance of Section 155.026 & 155.049(F)(2), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to all removal of an existing shed and replace it with a 24’ x 24’ garage 49’ from travelled centerline of road, 32’ from road right of way.

Present: Alice & Steven Turner

A. Rhineberger displayed the air photo to show the property location on French Lake. A survey prepared was reviewed to show the 12,073 sq. ft. lot and proposed 24’ x 24’ garage, 49’ from centerline of travelled road and 32’ from road right of way. Staff looked at the exception for reducing setbacks within developed areas, however, that did not help the applicants in this case. With the nature of the land along this road, he felt it unlikely the location of the road would be moved. Proposed plans for the detached garage show the roof pitch is 4:12. Town Board approves.

B. A. Turner explained an existing shed would be removed. S. Turner added, the new garage will go in the same place.

C. Aarestad – noted another structure that adjoins is closer to the road. Since the Town Board approves and this is a lightly traveled road, he has no objections.

D. Vick concurred with Aarestad’s comments.

E. Mol questioned the increase in size. S. Turner – indicated 400 sq. ft. is added. Mol concurred with the plan, noting the Township approves and the size is similar to others along here. Jones and Quiggle both expressed their support.

F. Aarestad moved to approve the variance of Section 155.026 & 155.049(F)(2), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to all removal of an existing shed and replace it with a 24’ x 24’ garage 49’ from travelled centerline of road, 32’ from road right of way. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY
3. **BRYAN M. JANCKILA** – Cont. 1/10/20

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, MN. (Granite Lake–Albion Twp.) Tax #201-015-002090 Property owners: Pesheck

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 reported that after speaking with the contractor, it was decided to continue this to a future meeting. The owners winter out of state and have not had a chance to meet with the contractor on site to review the Board’s recommendation due to the current COVID virus situation. The request is to continue until July. Rhineberger suggested they would have to either act on the petition or dismiss it at that time due to the length of continuation.

B. Mol moved to continue the hearing to July 17, 2020 at the applicant’s request. The applicant or owners will have to appear at that time or the matter will be dismissed. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY
4. **THOMAS M. LAMPI** – Cont. from 3/6/20

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:  Tom Lampi

A. Rhineberger summarized the continuations to consider the series of backlots on Granite Lake. A sewer workup has been completed by Bernie Miller and is in the Board’s packet. The Board wanted information to show that there is room for this. It has been shown there is room for a Type 1 or 3, but an owner could always pursue a design for a Type IV system and still be compliant. The sewer placement is primary and room for storage buildings secondary. Some owners may want to keep their holding tanks and use the back for storage. There is no room on the lakeside for sewer. He asked how the Board wants to address that. The backlots will be a Registered Land Survey and is a different type of title than the platted lake lots. This is a plat that would be handled differently.

B. Lampi noted some of the backlots will be large enough to put a storage building and sewer on them. These plans would be left up to the individual owners to apply for. Rhineberger noted without seeing the final designs it is hard to know. He noted Lot “A” could end up with a Type IV sewer which could make a storage building possible. Owners would be required to provide the septic design before a storage building could be considered.

C. Vick noted there are six lake lots and only five back lots? Lampi indicated that is right, noting the lot is not directly in front. Vick agreed sewer placement would be the primary purpose of the backlots. Mol concurred, noting there might be room for a small shed in the corner. Jones and Aarestad both agreed that a future sewer site is the primary goal. Quiggle would not want to deny the ability to put a storage building in back if they provide a design for a compliant sewer.

D. Mol moved to approve lot line adjustments to create five backlots according to the site plan on file to be owned with 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. Condition: Area for septic sites must be protected, borings and septic plan submitted and approved before any permit for an accessory structure is issued. Lots to be combined and remain under common ownership are as follows: Lot “A” with tax parcel #201-017-000050; Lot “B” with tax parcel #201-017-000070; Lot “C” with tax parcel #201-017-000080 & #201-017-000090; Lot “D” with tax parcel #201-017-000100; Lot “E” with tax parcel #201-017-000110, subject to owners filing Administrative Orders. If a buyer does not complete the purchase as stated, said back lot can only be transferred to an adjoining owner. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY
5. **RYAN S. LONG** – New Item

LOCATION: 1447 Greer Avenue NW - Part of the S ½ of NW ¼ & part of NE ¼ of SW ¼ & Part of Gov’t Lot 3, Section 25, Township 120, Range 27, Wright County, Minnesota. (Mud Lake - Albion Twp.) Tax #201-000-252401 & -253100 Property owners: Long & Lind Requests a lot line adjustment as regulated in Section 155.026(E)(2), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to break off approximately 24 acres from the Long property and combine it with the Lind 45-acre parcel that lies to the south.

Present: Ryan Long was present & Jamie Lind joined the meeting remotely

A. Rhineberger displayed the air photo and site plans to show the 75-acre parcel owned by Long. Request is to add approximately 24 acres to the Lind property that lies to the south. Of that acreage, 5.4 acres are tillable of which two acres are prime farmland. Approval from the Town Board was received.

B. Long felt the summary is complete and he is present to answer any questions.

C. Kryzer asked if there is any reason the parcels cannot be combined under one tax parcel? Lind stated he has a mortgage on what he currently owns, so that might make it difficult. Rhineberger stated if they cannot be combined they would have to sign an Administrative Order. Kryzer agreed that would be a requirement.

D. Mol questioned if there are any “entitlements” and where would it be applied. Lund explained it would stay on the 50 acres. Lind confirmed he has a home and is not buying an “entitlement”. Mol had no objection to the adjustment, noting about 80% is wetland and tillable soils are minimal.

E. Aarestad has no concerns with the adjustment. Asked what is the setback from the buildings to the new line. Lind – estimated the north line is moving 400-500’

F. Vick understands the requirements and would agree. Quiggle stated because the amount of tillable and prime land is minimal, she agrees.

G. Vick moved to a lot line adjustment as regulated in Section 155.026(E)(2), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to break off approximately 24 acres from the Long property and combine it with the Lind 45-acre parcel that lies to the south. Subject to Lind signing an Administrative Order. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY
6. **BRAD J. WARD, Trustee for Lois Ward Trust** – New Item

LOCATION: 2375 Endicott Avenue NW – N ½ of SW ¼, Section 20, Township 120, Range 26, Wright County, Minnesota. (Chatham Twp.) Tax #203-000-203100

Requests a variance as regulated in Section 155.026 & 155.048(G)(4) of the Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances for a 15-acre division of existing homesite, that includes approx. 3.75 acres of prime farm soils.

Present: Brad Ward

A. Rhineberger reviewed the property location of the 81 acre-farm. The proposal is to split off 15 acres with the existing buildings. The proposed lot includes 3.92 acres of prime farmland near the driveway. The balance of the land would have a remaining “entitlement”. Approval from Chatham Town Board was received.

B. Aarestad agrees with the entitlement division, there is a remaining entitlement on the balance; and has considered the long-range goal of the Land Use Plan is to protect ag land.

C. Vick would suggest they use the area in the southwest corner of proposed division for the second “entitlement”. Otherwise that potential building spot is lost in the 15 acres. That prevents a house being built in the field on the large parcel. Ward stated the buyers looking at this farmland are not interested in that corner. Noted the terrain prevents them from getting equipment across this low area between to get to the small field. He pointed out the low ground.

D. Mol agreed using the second “entitlement” in this corner has it benefits which he laid out. The potential lot could provide money needed to buy the large ag parcel and the ag land be restricted. Aarestad hearing Vick and Mol’s suggestion, stated he would agree that saves tillable land.

E. Rhineberger indicated the Board’s suggestion would allow for two 7.5-acre parcels. Using the map, he noted there is adequate road frontage to do this. Ward noted they have talked to some farmers and they don’t want this corner of the farm. What is being suggested is three parcels. Mol – noted the “entitlement” division in the corner could be kept by either of the two buyers as an investment. Rhineberger noted if not used in the corner there is no choice but to put a house in the middle of the farm field. He noted the applicant could also extend the two residential lots to the west because that is wetland and not tillable ground.

F. Jones concurred and noted the buyers of the farmland don’t want this corner, this makes sense. Ward indicated if this is not approved, he is back to the start. Aarestad indicated the only change is where the second entitlement is going. Ward – noted the assignment of the “entitlement” is a generational consideration for his buyer. Rhineberger – noted the Ordinance allows for a potential transfer if the buyer has other land in the same Township. Mol – added, the Board has to consider whether the Ordinance can be met. Mol

G. Ward noted the Town Board approves. Rhineberger – stated that is one of the pieces the Board considers. Mol – as a member of the Planning Commission, stated he can give insight to what happens, and they must abide by the Ordinance. Rhineberger explained the difference with other requests. Mol – added the Board has to consider whether the Ordinance can be met.
suggested they could continue the matter for the applicant to consider this option. If he does not need the variance, he would not have to reappear. Ward – stated the person looking at the house and property may be more challenging. He asked how much flexibility he had for that division. Rhineberger reviewed the options. The new division would just have to meet the lot standards. He felt comfortable in saying that the new division would not exceed 2.5 acres of tillable ground, even if they extended the west line to get 10 acres. It is possible the buyer of the house could buy both lots. He explained the Board would need to decide whether this would be brought back in May or June. Only two items are currently scheduled for the May meeting. He explained the applicant’s options and asked how he wants to proceed. Ward asked how a nearby farm in the last couple years could split it into three large parcels. Rhineberger explained that was a rezoning and subdivision approval. That land was on the outer edge of the Land Use Plan designation for Rural-Residential development. The applicant’s property was pointed out in relation to that site on the map and is in the Plan to remain AG. Ward questioned the last Plan update? Rhineberger was uncertain if the boundary changed at the most recent update in 2011 or if this goes back to 1988.

H. Quiggle hearing the discussion, indicated she would agree with the suggestion the Board members have made.

I. Ward – agreed to a continuation. Rhineberger asked to be kept informed and if he decides to dismiss, there will be a document to sign and he would not have to appear at the next meeting.

J. Vick moved to continue the hearing to May 8, 2020 to allow the applicant more time to consider his options. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY
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7. **JOYCE M. NYBERG** – New Item

LOCATION: 5919 Fairhill Dr. SE – E. 779.17 ft. of NW ¼ of SE ¼; SW ¼ of SE ¼; E ½ of SE ¼, except tract described on Doc #666894, Section 12, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-124100 & -124200

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 approximately 24 acres that that includes more than 2.5 acres of prime tillable farm soil.

Present: Joyce Nyberg & Becky Martin

A. Rhineberger outlined the farm parcels. The proposal is to sell off the 23-24 acres that was combined with the farm in 1995 by the Board. The parcel has a separate tax parcel ID, however, was to be owned with the adjacent land. There is one “entitlement” remaining with the farm and would go with the 24 acres. Pointed out that tillable ground which is estimated as 3.5 acres of prime land. Town Board agrees to allow them to divide this parcel off.

B. Vick questioned the reason for splitting off the prime farmland? Nyberg indicated they would continue farming it. Becky is their daughter who will be building here. Using the air photo, the location of the building site was pointed out. Martin indicated the location of the driveway will not be on the field road. Nyberg explained where the land drops off. Vick explained the Board tries to preserve the tillable land.

C. Rhineberger explained the Board is required to look at the Ordinance requirements and how it fits the request at hand. A variance would be needed, depending on the driveway and house location. The house site could change how things are adjusted. Vick indicated they like to keep the tillable together and asked how many acres they are looking at. Rhineberger – 2.5 acres is the maximum allowed, but is not the only variance needed.

D. Quiggle asked the width along the road? Rhineberger – there is at least 600’. Quiggle noted as described, they would be putting the driveway in the middle of the parcel.

E. Mol explained they are trying to save tillable farmland, but looked at the history of the split in 1995 and because it was separate, he felt this request is different than the previous one. He noted there is an entitlement, was separate in 1995 and a good portion in the back is wetland. He would agree with this request.

F. Aarestad would agree, even though they are more than doubling the size allowed. The Board can judge each request on its own merit.

G. Vick asked if they could include the building location and still square the tillable off keeping the tillable under common ownership. Otherwise, he would go along with the rest of the Board. Rhineberger if the east line is adjusted, it would reduce the division by 2-3 acres.

H. Quiggle indicated she would agree with the request as presented. Aarestad noted this is not what he would consider a large ag parcel and would agree with the proposed division.
I. Aarestad moved to grant an “entitlement” division of approximately 24 acres that includes more than 2.5 acres of prime tillable farm soil due to the limited amount of tillable land and large amount of wetland. Condition: The division will only be allowed up to 10 animal units and owner to sign a Deed Restriction. Quiggle seconded the motion.

VOTE: CARRIED UNANIMOUSLY
8. **JOHN B. ZANDER** – New Item

LOCATION: 11211 70TH Street SW – N ¼ of SE /4 of NE /4 & NE ¼ of NE ¼, Section 7, Township 118, Range 27, Wright County, Minnesota. (Victor Twp.) Owner: REDNAZ, INC.

Requests a variance of Section 155.003 & 155.026, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a 5-acre division with more than 4,000 sq. ft. of accessory buildings. Division will include an “entitlement” for a future house.

Present: John Zander
A. Rhineberger presented a map to show the 60 acres in Victor Township. The proposal is to grant a five-acre division with accessory buildings that exceed the maximum allowed. The existing outbuildings were calculated at roughly 6,400 sq. ft. with a maximum of 4,000 allowed on five acres. The Town Board gave their approval.

B. Zander reviewed the structures and noted the buildings include grain bins that are still being used. One structure is a corn crib. They are all being used in their farm operations. Rhineberger asked if one structure is a dryer? Zander stated yes. Rhineberger that was included in his calculation.

C. Mol – questioned if there would be any livestock? Zander - no, there would be a future house built. Rhineberger presented pictures of the existing buildings. Mol – asked if the Board can restrict repairs or replacements of existing structures until the total outbuildings are brought down and in compliance? Rhineberger stated yes. He noted when there is a house; the Staff have handled a division of “farmsteads” with those limits in the Deed Restriction the owner signs. A division with exactly ten acres does not have the building restriction. In this case the house has been gone for many years. Mol – noted old buildings or the corn crib could be removed to free up area.

D. Aarestad asked the distance from the closest building to the lot line? Rhineberger estimated 60’. Zander confirmed there have been no animals here for over 35 years.

E. Vick – stated he drove past the property on his way to the meeting. He supports the variance.

F. Quiggle stated she would agree to the division with the condition there could be no other outbuildings until they get below the 4,000-sq. ft. allowed. Jones concurred.

G. Aarestad moved to approve a 5-acre division with more than 4,000 sq. ft. of accessory buildings. Division will include an “entitlement” for a future house. Conditions: No new outbuildings allowed or building replaced until the total outbuildings are not in excess of 4,000-sq. ft.; no animals are allowed in any building that does not meet the setbacks for livestock. Subject to survey and a Deed Restriction to be signed and recorded. Vick seconded the motion.

**VOTE: CARRIED UNANIMOUSLY**

Meeting adjourned at 10:40 a.m.

Respectfully submitted,

Barry J. Rhineberger, Planner