The Wright County Board of Adjustment met June 5, 2020, in the County Commissioner’s Board Room at the Wright County Government Center, Buffalo, Minnesota. John Jones, Chairman, called the meeting to order at 8:30 a.m. with all members present (Quiggle participated remotely). Barry Rhineberger, Planner, represented the Planning & Zoning office; Greg Kryzer, counsel participated remotely.

MINUTES
On a motion by Aarestad, seconded by Mol, all voted to approve the minutes for the May 8, 2020 meeting as printed.

1. **CHRIS & SHERI BLOCK** – New Item

LOCATION: 10309 Amery Avenue NW – Lot 11, Block 2, Shady Rest, according to plat of record, and Tract L, Registered Land Survey No. 35; and part of Gov’t Lot 2, all in Section 12, Township 121, Range 26, Wright County, Minnesota. (Lake Ida – Silver Creek Twp.) Tax # 216-024-002110 & 216-038-000120 & 216-000-124320

Requests a variance as regulated in Section 155.026, 155.049(F)(2) & (3), 155.057 & 155.90(C)Table 3 to replace an existing structure with a new 960 sq. ft. two-story dwelling that will be 44 ft. from the ordinary highwater mark of lake to the deck, 13 ft. from the side property lines and 53 ft. from the center of the platted road. Proposed structure to be served by a new septic system located on the backlot. Proposed septic tanks to be less than 10 ft. from the property lines and road right-of-way. Proposed lowest floor of the structure (elevation of 972) is 1.3 ft. lower than required. New construction to replace the existing 504 sq. ft. one level structure that is 49’ from the lake, 13 ft. from the side property line, and 61 ft. from the center of a 16 ft. platted road and was approved by the Board of Adjustment in 1997 as a day use structure only, served by a holding tank under an outhouse.

Present: Sheri Block, present along with their architect, Jeremiah Battles of Acacia Architects & Chris Block (participated remotely);

A. Rhineberger displayed the property location on Lake Ida. The property includes the lakeshore portion that is 6,873 sq. ft. and a 6,250-sq. ft. back lot. The proposal is to replace the existing 504 sq. ft. one level day-use-cabin with a new 960 sq. ft. two-story dwelling. In 1997 the Board had allowed the existing structure if there were no overnight sleeping accommodations. This was with placement of a holding tank under an outhouse. Then in 2006 the Board lifted the restriction that required a review and the holding tank to be removed upon sale. The applicant brought an appeal in 2015 to drop the removal of the holding tank after they purchased the property in 2015. They were aware of the day-use restriction. The day use condition remains. The current proposal is consideration of a replacement structure with a 44’ setback from the lake, 13’ from both side lot lines and 53’ from centerline of road. A full inground sewer is proposed on the back lot but is not considered a “standard” system. The balcony in the front extends closer to the lake at 44’. The proposed structure is 1.3’ lower than the highest known water table. The minimum elevation is 4’ above the highest known water level. Town Board response was favorable as long the structure meets the elevation requirements.

B. S. Block –looking to improve the property. They own another place up the street and they have no septic here and want to make this a year-around retirement home. They are having trouble with the pier system and had the building raised once when they bought the
property and looks like they need to do that again. Talked with architect on how they can do this with the least disruption as possible. Plans were reviewed with their neighbors and heard no objection.

C. Battles – trying to design the new structure and keep it compact. Plans show a 24’ width, a small footprint that is in line with the neighbors and not higher. The house design has design features to make it look smaller and the balcony on the lakeside and canopy on the back are for aesthetics.

D. Jones – asked if he looked at the setbacks required? Battles – yes – noted there is only a small rectangle area available as shown on the survey which they centered the house in. There is an existing landing lakeside and berm that they are further back from. Rhineberger – noted the proposed balcony is an encroachment on the lake. The pre-existing ground level deck is not considered part of the structure because it is detached. S. Block stated they are exactly in line with the neighbors. Have worked with Rhineberger as they designed this. Had considered 20’ width but found out the minimum is 24’. Have tried to minimize the footprint and still get a structure that is functional. Her neighbors’ homes are 24’ and 26’ in width. Jones noted the existing structures were done years ago and Board must consider current State and Federal guidelines to make their decision.

E. Rhineberger asked Chris Block if he or any other person wanted to add comment. Hearing no response, discussion went to the Board.

F. Vick – looks like they are moving 5’ closer and generally the Board wants to see structures move further from the lake. He would be more in favor if this were further back from the lake. A three-bedroom house is large and requires a larger sewer system. Also pushing on the roadside. Felt it is too much for the size lot. Suggest they return with something much smaller.

G. Aarestad – summarized the proposal would replace a day-use structure, doubling the footprint and increase the livability use four times. Proposed structure encroaches on four sides where they sometimes see two. He would have difficulty approving what is before them; but, willing to look at something that is close to existing size. Does not want to see it encroach as much, would not agree anything closer to lake, but move back from lake. The lowest floor must meet the standard. The height of the second story should not exceed the neighbors. Acknowledged the applicants are doing a lot right and appreciated the effort. The additional foot expansion here and there may not seem like much but added together it is too much. He would want a redesign close to the same footprint, or if there were to be some expansion, would consider to the back.

H. Quiggle – would agree with the concerns Vick and Aarestad stated. If this is planned for a retirement home, she does not see any plans for a garage or storage. Also, where is parking planned as that would impact impervious coverage. Agrees the elevation of the first floor is an issue. There should be a storm-water management plan, or buffer, although she heard there is a berm. Felt this is too much for the size of the property.

I. Mol – asked to see the property layout map. Neighbor to the south have a variance? Rhineberger reviewed the records and clarified it is the property to the north.
J. S. Block – the neighbor to the north has a year around home. The property to the south is a family cabin that is owned by the people who have the first house coming into their street. Mol questioned this because it looks like that needed variances. S. Block – that neighbor had variances on all sides and offered to come to the meeting for support. Mol – felt the lot is buildable and something could fit for this lot, however, would not support going closer to the lake. He noted the Board has allowed similar side setback variances. Need more detail on lot coverage and how to handle the water. The owners will need storage in the future and should plan for that now. Battles – noted there is area across the road for storage. S. Block – indicated they would do what neighbors have done on back lots, understood that was a separate request. Rhineberger – explained the room needed for the mound includes slope from it and there may only be 12’ available. A driveway has to be 5’ off a line. Vick – the sewer is sized for a three-bedroom and with a smaller home it could be reduced. Rhineberger – there are alternate treatment systems they could consider. Battles – agreed they could get a storm water drainage plan and would meet the lowest floor elevation. If they keep within the same footprint, they would need another variance to build less than 24’ width. Asked the Board what would be a more acceptable design? Aarestad – is willing to give some consideration after hearing from the other Board members. Battles - back balcony and back entry is a minimal piece and is for aesthetics; asked if the Board would be willing to allow that. Rhineberger – Board is not saying you cannot have those features; but how they can make it fit and improve the setbacks. Parking is important, and they should show that, especially if they park at all on the lakeside. Battles - they are meeting impervious coverage lakeside. Understand the intent is to park on the other side of the road. Looking at wood chips. Rhineberger if it is not concrete or wood it is not included.

K. Vick – noted often people come back to enclose decks. S. Block – if the structure must be raised, there will be more steps. They could leave the patio and berm. Vick should be no further encroachment on the lakeside. S. Block – they would accept that. Rhineberger – explained the patio deck must be detached from the house or would be part of the house setback. Battles – asked is there a code they must meet. Rhineberger – the regulations state if it is no higher than 30” above grade and detached it is not part of the house. Battles – the detached is separated by 6” is that okay? Rhineberger – it can abut, but not be attached.

L. Rhineberger asked for some direction from the Board on lake setback and reduction of house. Vick and Quiggle would like a reduction in size. Vick – if they move toward the road it would require downsizing. The dwelling is a large expansion of what is there and suggested a two-bedroom to downsize sewer. Questioned the variance for sewer. Rhineberger – explained the road setback for the tank is less than required. The Town Board is asked to approve this. S. Block – would like to use the existing tank.

M. Mol asked the size of the neighbor’s home to the north? S. Block – stated it is a 26’ x 42’ home and they are proposing 24’ x 40’. The Williams home measures 26’ x 36’. Vick questioned when the neighbor’s house was built? Rhineberger responded, variance and permit were in 2004. The dwelling directly south predates permit records. Mol indicated he is more concerned with the lake setback, a variance from the road is common if the town
board agrees. This would fit into the community. Lot is buildable and would not want to go bigger or closer to the lake, keeping the house no higher than the neighbor’s homes.

N. Aarestad asked if they have calculated the storage? Battles stated that would be on the back, but there is room for a walkway, etc. Rhineberger – it is a consideration on this lot because they need to look at parking and storage. Both lots are interrelated and part of the consideration. He reviewed the smaller lots on the back, sewer area needed and setbacks. Noted pushing the driveway back will increase the impervious. He explained the difference in the hearing from 1997 is the applicant has much more area in back after purchasing an additional backlot. This has provided the ability to do more.

O. S. Block – stated she does not want to include a potential garage and muddy the waters. Rhineberger indicated one does impact the other and something they want them to be aware of. Vick –asked if plans changed after the applicant contacted the neighbors. Noted a dimension went from 38’ to 40’? S. Block stated that was an oversight. She could obtain another letter before the next meeting. Rhineberger added, they have been considering different plans. Rhineberger asked what setback the Board would consider? Mol – would like to see 60’ but that will not work, he would accept 50-55’. Aarestad would agree.

P. Discussion on where the existing structure is, Rhineberger stated 48’. S. Block indicated they could work with a 50’ setback from the lake. Jones would like a minimum of 51-52’, Mol concurred. Rhineberger that is measured from the balcony. Battles – he will have to check on the patio to see if they meet the 30” and noted there is slope there.

Q. Mol moved to continue the hearing to June 26, 2020 for revised plans. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

R. Quiggle asked that the applicant submit a storm water management plan before the next meeting.
2. **JOE M. CHENEY** – New Item

LOCATION: XXXX County Road 34 NE – Gov’t Lot 4, Section 26; & Part of Gov’t Lot 6, Section 25, Township 120, Range 25, Wright County, Minnesota. (Green Mountain Lake – Buffalo Twp.) Tax #202-000-253302 & -264400 Property owner: Steven J. Cheney

Requests a variance of Section 155.026, 155.048, 155.057, 155.90(C) (Table 3) & 155.095 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow construction of a 3,426-sq. ft. one-level dwelling with a walkout basement 100 ft. from the Ordinary Highwater Mark of a Natural Environment lake. A variance is also requested for proposed septic system to be 100 ft. from the Ordinary Highwater Mark of a Natural Environment lake. Lot was approved by the Board in 1999 and the 100-ft. setback variance expired in 2002.

Present: Joe Cheney & Paul Otto, Otto Associates

A. Rhineberger reviewed the ten-acres on Green Mountain Lake. In 1999 the Board granted the division with an entitlement with variances. The sale is legal, but the lake setback variances expired years ago. The frontage as shown on a survey was noted, there is a minimum of 33’ of road frontage. A proposed house and sewer are proposed at 100’ from the Natural Environment lake. Dwelling is required to meet 200’ and the sewer 150’ from the ordinary highwater mark of lake. Town Board review has not happened and two members, Mark Hoffman and Don Schmidt were participating remotely. Neighbor responses were received and included in the Board’s packet. Don Schmidt, original land owner, approves, noting it was difficult to pasture and the best use of this large lot is for a home; Janice Marschel opposed the variance setbacks, especially for a sewer, noting the environmental damage if it should fail; and, Kevin & Katie Schmidt messaged that they strongly disagreed with variances from a Natural Environment Lake, noting they are in place to protect the lake and shoreline. Precedence has been set as multiple applicants that have applied for variances and these setbacks were upheld. See responses on file.

B. Otto - this house plan is almost the same location as the original plan, the sewer has been moved closer to the building. They are trying to keep the grading as far from the lake as possible. The property cannot be farmed, although could be pastured; questioned is that better use than building a home. Looking to reinstate the action in 1997. They would also like a shed location addressed which would be closer to the road. They will meet with the Town Board and submit information before the next meeting. Rhineberger stated the storage shed would need plans and be added to the notice.

C. Discussion on the frontage. Otto sated access is tight, it is unusual but is an existing condition of the property and nothing they can do about. Rhineberger agreed, the frontage was contentious and there was question whether it physically touches. This has been verified with the County Highway Department. Access is a drive in and then turn to get in. Cheney – asked Rhineberger if when they pull in the property where it turns, if there would be a 5’ setback from the driveway. Rhineberger – noted it is different if it is at one corner then the full length. Suggested putting in stakes or some kind of barrier.
D. Schmidt stated they are requesting the applicant come to the Town Board meeting. Otto agreed and noted they are scheduled for the following Monday night.

E. Aarestad – felt they should wait for the Township’s comments and continue to July. Cheney stated he would like the shed location addressed at the next meeting. Rhineberger suggested July to give time for plans and notice. Asked if a site inspection was preferred. Aarestad – stated yes, if these are mature trees, would like to see if they are preserved.

F. Quiggle – felt 100’ setback is too close and the structure should be made smaller.

G. Mol moved to continue to July 17, 2020 for a site inspection and Town Board review. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY
3. **JOE M. CHENEY** – New Item

LOCATION: XXXX Daegu Avenue SE (County Road 14) Parcel containing approx. 134 acres described as part of Gov’t Lots 1 & 2, Section 9; N 1/2 of SE 1/4, except tract.; also, S 1/2 of SW 1/4 west of road, except..., Section 10, all in Township 119, Range 25, Wright County, Minnesota. (Dean Lake- Rockford Twp.) Tax #215-100-094100 & -103300

Requests a variance of Section 155.026 & 155.048(B), 155.048(G)(4) as regulated in Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a division of existing 134-acre property that has two building entitlements as follows: A 63-acre parcel with over 300 ft. of public road frontage along Dague Avenue (CR 14) to have one entitlement and remaining 71 acres with 65 ft. of public road frontage on 20th Street to have one entitlement.

Present: Joe Cheney & Paul Otto, Otto Associates

A. Rhineberger reviewed the 134 acres on Dean Lake. Noted the property had been before the Planning Commission a couple times for rezoning; in 2010 was denied and the most recent request was dismissed. Now before this Board is a subdivision proposal, with one lot coming off a minimum maintenance town road. Noted the frontage to the 71 acres is at the dead-end road going through an old residential plat, the second parcel would be 63 acres, meeting the frontage requirement but does not include a quarter-quarter section. Town Board approves if the applicant develops a cul-de-sac at their expense. Two neighbors Rolstad & Brummer, responded favorably.

B. Otto - they disagree with the requirement for a cul-de-sac. They are coming in on a 33’ wide road that is maintained by the Township. They are not making any changes that will impact that road. Would be willing to dedicate the right of way for a cul-de-sac but disagree they should have to build it. The 71 acres may stay the same. They could split a ten-acre parcel off the front and the situation would be the same. With the large wetland complex in the middle of this land makes this division logical because they cannot get from one side to the other around the wetland.

C. Rhineberger – reviewed the road right of way on the west side. The survey with the red marks notes where that comes in. Otto – stated it is 63’ in width.

D. Quiggle – has no problem with the division. Although she usually takes the Township’s recommendations, she agrees with the applicant on the need to develop the road. Mol – concurs with the division proposed with the location of the wetland. There is 63’ of access off the town road. Not encroaching on the farmland and pasture. Vick -would agree with Quiggle and Mol; but questioned if they could develop something back there? Mol – the land touches the right-of-way and they must turn there now. In fairness this might be a cost share project, if it is needed. Aarestad – has a concern that if a house is built in there it could landlock the rest of the land. Noted Rockford Township is a high growth area and is concerned that what they do does not hamper the future. Otto concurred with that observation; however, they have tried to develop and ended up with much resistance. This is not in the Land Use Plan and what they hear from the Town Board and residents, the westerly side of this land would not develop. Aarestad understood the explanation.
E. Aarestad moved to grant a variance of Section 155.026 & 155.048(B), 155.048(G)(4) as regulated in Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a division of existing 134-acre property that has two building entitlements as follows: A 63-acre parcel with over 300 ft. of public road frontage along Dague Avenue (CR 14) to have one entitlement and remaining 71 acres with 63 ft. of public road frontage on 20th Street to have one entitlement. Mol seconded the motion.

DISCUSSION: Aarestad does the existing road have room to allow a bus to turn around. Otto could not answer that. Discussion on the Town Board’s request for building a turn around. It was noted they have had divisions where the owners must dedicate land for turning equipment. Reference to an “entitlement” assignments and cartway built in Clearwater Twp. Rhineberger noted it would be advisable for the location of the home to be placed to accommodate future development.

Aarestad amended his motion to include the following Conditions: the road right-of-way include enough area for a turn around for a bus and owner file a Deed Restriction.

VOTE: CARRIED, Vick nay
4. **MATT G. MAIER** – New Item

LOCATION: 12515 Estes Avenue NW – Part of Gov’t Lot 3, Section 32, Township 122, Range 26, Wright County, Minnesota. (Limestone Lake – Silver Creek Twp.) Tax #216-100-322312

Requests a variance of Section 155.026, 155.049 & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to convert the existing deck into a 10’ x 32’ four-season porch lakeside and a new 16’ x 24’ one-story addition over a basement roadside to the existing 24’ x 32’ dwelling. Proposed lake setback measured from the Ordinary High-water Mark of lake would be reduced from 53.9 ft. to 44.5 ft. The existing side yard setbacks would also be reduced from 8.3 ft. to 7.4 ft. from the north side lot line and from 8.1 ft. to 7.6 ft. from the south side lot line.

Present: Matt & Renee Maier

A. Rhineberger reviewed the location on Limestone Lake. Proposal is to enclose a 10’ x 32’ area over an existing deck on the lakeside and a 16’ x 32’ addition on the back side of the existing house. The setback would be reduced from 53.9’ to 44.5’ from the lake and side yards are 7.4’ and 7.6’ which is also a reduction of the current side setbacks. Includes installation of a new sewer in the back. Survey was displayed, septic design and plans for the additions, along with elevations, were reviewed. This is a one-story structure. Pictures of the existing site were viewed. Town Board response was for approval, condition was that the water from the roof should be addressed.

B. M. Maier – questioned the five variances? Rhineberger – explained because of the angle of the current structure, the setbacks are reduced.

C. Rhineberger opened the Web Ex for comments. No response was heard.

D. Mol – there are a lot of challenges with the request. He noted the Board does not want to reduce lake setbacks. He noted the increase encroachment on the side lines may not allow room to get around. Asked if the addition could be reconfigured so that the 7’ from a line could be improved. Does not support getting closer to the lake.

E. M. Maier – asked if there are any suggestions how they do that. Rhineberger put the survey on the camera to zoom in on the current building location. M. Maier – the four-season enclosure movement closer would just take advantage of the deck. That enclosure is not necessary, more of an afterthought. They also have another deck and gazebo near the lake. He explained where the challenge is on the back for the addition. Did not know how to improve that setback corner structurally. Mol – the Board does not design, but they could jog it in so they do not get closer.

F. Rhineberger – referred to a lot on Lake Mary where the owner designed some cantilevers, extend the addition in the other direction to get the same space. This lot is large and impervious and building coverages are not an issue.

G. Vick – asked if the deck is not considered existing footprint and would it need new footings? Rhineberger – when he was on the site he viewed this and it is attached to a ledger on the house. He could find no permits so the County does not know what is there for footings. Could determine by air photos that this was built within the last 15 years. M. Maier – that was built by previous owners. He would drop that part of the request. Vick
there are also water management issues to address. He would agree they could square off the closest corner by 4’ and extend in the other direction.

H. Aarestad – would not support the porch; but if the applicant has dropped the porch he won’t address that. This is very close and within the shoreland impact zone and because the addition in back would increase roof, he would like to see a plan to manage the water.

I. Quiggle – she would agree with the Board comments. Would not support further encroachment.

J. Discussion on the plans needed to make the change and address the water runoff. Rhineberger – the Board could set the parameters with the actual square footage of the addition in back. Aarestad – would prefer the applicants be given some time to digest the discussion.

K. Mrs. Maier – asked if the Board wants to see both the storm water plan and changes to the building plans? Rhineberger – felt the storm water management plan could be submitted with the building permit. Building plans are to be submitted; but if the floor plan is only an extension in the other direction and not a roof change, he would not need the elevation plans. The continuation date was discussed. Mol – agreed let the owner think about the changes in case the modification is more. Applicants agreed and indicated they could get building plans back to Staff within a week.

L. Mol moved to continue the hearing to June 26, 2020 for revised plans to be submitted to Staff in a week. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY
5. **GREGORY L. & LORI A. KRANTZ** – New Item

LOCATION: 13564 – 37TH St. NW – Lot 23, Martha’s Beach, according to plat of record; also, part of Gov’t Lot 6, Section 14, Township 120, Range 28, Wright County, Minnesota. (backlot French Lake – French Lake Twp.) Tax #209-018-000230, & 209-000-142401 & 209-000-142406

Requests a variance of Section 155.026, 155.049 & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow replacement of an existing 1,136 sq. ft. one-level home with a partial basement and 528 sq. ft. detached garage that are 11 ft. from the rear property line and 9.7 ft. from the road right-of-way with a new 3,496 sq. ft. one and half story dwelling and attached garage that will be 11 ft. from the rear property line and 6.7 ft. from the road right-of-way at the closest point.

Present: Greg Krantz

A. Rhineberger – the property is 4.2-acre backlot on French Lake. In 1974 & 1982 lot line adjustments were made. The proposal is to replace the existing home with a partial basement and detached garage that is 11’ from the rear yard, 9.7’ from road right of way (ROW) with a 3,496-sq. ft. one and half story dwelling with a 6.7’ setback from the road right-of-way. This is measured from the southwest corner of attached garage which is the closest point. A screen porch and enclosed porch on the opposite corner would be closer than what is there, but not closer to the road ROW than what is there. The closest points were noted. Building plans and elevation drawings for new structure were provided and were displayed along with pictures of the existing structure. Town Board did not express any concerns. Two neighbors responded and did not have any issues with the variances.

B. Krantz – building their dream home that they have been working on plans for a few years.

C. Rhineberger opened the hearing up to the public, hearing no comments he turned the meeting over to the Board members.

D. Vick – the 6.7’ setback variance is a problem and asked if there a way to adjust that? Krantz – he had made a concession by shortening the garage by 6’. He pointed out the location of the physical road compared to where the platted ROW is and did not think it will be an issue. They are now less than 4’ determined when surveyed. Vick – the Board has turned others down. Krantz the reason for not pushing further back is to avoid the sewer that is behind. Does not want to incur the expense of a new one. He wants an attached garage, that is a big feature and reducing the size would not accommodate his vehicles and only gain 2’. Rhineberger – the 6.7’ leaves 50’ to the travelled area. Vick – was not comfortable with a 6.7’ and would like to see 10’ as a minimum. Rhineberger – a primary structure is 15’ setback from a side line. There is an administrative reduction they can do from a ROW, but Ordinance states no closer than 20’ from the ROW. This is an average of existing structures within 300’ in developed areas. Vick – would like an improvement from the road ROW.

E. Aarestad – originally had the same concerns as Vick, but it is the ROW and looking at the hedge row and considering the vegetation, he does not object.
F. Quiggle asked for confirmation on the distance from the platted ROW and the travelled road. Rhineberger the distance from the corner of the attached garage to the edge of the travelled road it is 43’. Quiggle that is acceptable. Rhineberger noted a 24’ apron in front of the garage would put 12’ of the apron within the road right of way. Vick – parking a car in front would be in the road right of way also. Krantz – not changing much at all. Quiggle what are the chances the road would be moved? Rhineberger – not likely.

G. Mol – agrees with Vick – would like to maintain the existing 9.7’ and not go closer. Suggests a redesign.

H. Krantz – trying to get an attached garage and even if he reduces the depth of the garage to 22’ like it is now, would not meet the 10’. The sewer prevents him from moving back off the road. Wants to keep the size, don’t want to extend to the northwest corner because they are already 4’ too close. There is a line of trees along the road. The driveway is there now and taking into consideration with a pad in front. He does not see how this would be a problem, the road is unlikely to be moved. Does not want to change the design because of the process of planning a house. Trying to be within reason but is only 2.3’ difference on where the garage sits now.

I. Vick the Board must base it on a hardship. Krantz – trying to keep the same structure design. Rhineberger – this is a structure the applicant wants and it is a substantial increase, pushing closer to the limits. There are several ways to improve this plan to better meet the setbacks. It is not the Board or Staff’s job to design, but he has seen all kinds of changes to make an improvement. Board can make a motion and decide. Does the Board want to visit the property? Mol – would not need to see the site if they can meet the existing setbacks, no problem with wanting a larger home, but only owns so much land. Agree with Vick, he does not see the hardship they can fit a new house. Krantz asked if he comes up with a plan that stays at 9.7’ setback there won’t be an issue? Rhineberger pointed out there is an additional encroachment on the east side; but it is not closer than the rest, how does the Board feel about that extension. Vick and Mol indicated a plan that does not encroach more than the existing 9.7’ to the road is agreeable.

J. Krantz would prefer to see this plan pass, but if not, he would agree to use the 9.7’ as the closest point. Rhineberger that motion could be made to see if it passes.

K. Vick moved to grant of Section 155.026, 155.049 & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a new one and half story dwelling and attached garage not to exceed 3,496 sq. ft. that will be 11 ft. from the rear property line and no closer than 9.7 ft. from the road right-of-way at the closest point. Mol seconded the motion.

DISCUSSION: Aarestad questioned the property lines and whether it can straddle a property line? Rhineberger stated in this case these are old lots of record that must be owned together. The tax parcels cannot be combined by the Auditor in this case, because one is platted.

VOTE: CARRIED, Aarestad nay
6. **GARY & LONNIE CARLSON** – New Item

LOCATION: 16126 107TH St. NW – Lot 1, Block 1 Hillside View, according to plat of record, Section 8, Township 121, Range 28, Wright County, Minnesota. (Southside Twp.) Tax #217-074-001010

Requests a variance of Section 155.026 & 155.049(2) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow construction of a new 24’ x 24’ detached garage to be 18’ from the edge of road right of way and 52’ from the centerline of r-o-w.

Present: Applicant not present

Jones held the item over until the end of the agenda
7. **JOHN & ANGIE BERNARDY** – New Item

**LOCATION:** xxxx 80th St. NW St. NW – Lot 2, Kiehn’s North Shore Addition, according to plat of record, Section 26; part of SE ¼ of SE ¼, Section 23, all in Township 121, Range 28, Wright County, Minnesota. Owners: Applicant & Kiehn (Lake John-Southside Twp.) Tax #217-000-234400 & 217-000-234400

Requests a lot line adjustment as regulated in Section 155.026, 155.049 & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a division for a .9-acre (40,000 sq. ft.) backlot for an accessory structure to serve a lakeshore lot that is not directly adjacent to the proposed backlot.

Present: John & Angie Bernardy

A. Rhineberger displayed the property location of the lakeshore lot owned by the applicant and the Kiehn farm behind. The proposal is to add .90 acre from the Kiehn farm to service the lake lot that is 300’ down the road. This is different than other backlots in that it is not directly behind. The Town Board approves .85 acres that was an original plan, not measured to the property line. Two neighbor responses have brought up concerns about servicing the lake lot and cuts off the ability for others to get back lots for sewers, if needed. Neighbors noted a 10’-12’ incline to the proposed lot would make access difficult. The topography overlay map on the Beacon map program was displayed.

B. J. Bernardy - have had a couple contractors look at this to get a drive off 80th Street and did not know that this is any higher than other lots along here. A. Bernardy - the contractor also built Droegemueller’s drive a couple properties from this. The center of the property is not as high and is where access should not be a problem. J. Bernardy – the adjacent owners that suggest preserving this area for sewers have two roads and a swamp they would have to get through. Their understanding is they have plenty of land on their properties to get a new sewer in. A. Bernardy – have talked to two neighbors Peterson and Meyers who said they are not interested in buying land; Thompson, they left some land along there in case there is need for two additional backlots. Reason they took land out to the point is that is where the proposed storage building is likely to go.

C. Aarestad stated this does not meet the goals or intent for backlots. They are created primarily for sewer upgrades and the storage building is a bonus, if there is room. Since they are not going to be using this for future septic he felt they are creating a problem. Felt this would set an undesirable precedent and for that reason could not support the request.

D. Quiggle – concurred with Aarestad, however, the backlots would be ok, if the size were downsized to just allow an 800-sq. ft. garage. She is concerned someday someone would try to make this a residential lot. A smaller lot would allow for more opportunity for other owners to obtain a backlot. In general, she is not in favor of separating the backlot from a residential lot.

E. Mol questioned the Kiehn ownership and whether they could split the parcel without a building entitlement for a standalone parcel? Rhineberger – Ordinance does not allow for a division to create unbuildable parcels and is the reason they are before this Board. This is done under the guise of the Board’s authority to alter existing non-conforming lots of
record. This is a stretch, is it a use variance? It has been felt the backlots to lakeshore parcels are a benefit and Administrative Orders tie them together. Mol – asked the applicant what the use is for the building, do they run a contracting business or storage of business equipment? J. Bernardy – no business, just personal storage and his workshop. Looking for storage. Mol – understand and agree with what Aarestad and Quiggle have said but looking at the wetlands behind the applicant there is no option for backlots. He is struggling with this one, is it hardship because they don’t have an opportunity at this location to buy something behind. Without knowing if everyone had compliant sewers, this would give them a place to get some storage. Not sure how he would vote on this.

F. A. Bernardy – contacted Dean Flygare, sewer contractor – on whether they could get sewers in and he said because of the lowland they cannot get sewers in. Were also concerned about what they would do if their sewer failed.

G. Vick – questioned if the Board has granted backlots when the properties don’t touch? Rhineberger – it would be a separate address and utilities if it is a lot down the road. Mol – could create issues with mortgages and other things. Vick – questioned utilities but would be willing to look at the property. Aarestad – this would set a bad precedent in the future. The next owner they don’t know what would happen. This is the first he has seen this type of request. What would the distance limit be, a mile down the road? An argument could be made that it would serve the same purpose, the need for storage. That would create future problems for the Board. In the past the connection was the need for sewer, they do not have that here. Rhineberger – the last one he could recall was a ten-acre division for a garden space that was down the road with nothing to attach it to. That was a proposed division without an entitlement.

H. Vick suggested action for denial. Rhineberger reviewed the options the applicant has. A dismissal would be one. Action for denial, Kryzer recommended they continue for Findings. Mol – if they want time to pursue getting a sewer back there they could continue for a couple months. Bernardy - based on what Flygare told them they cannot get sewer in back. Hearing the decision was going to be a denial, applicants agreed to dismiss.

I. Mol moved to dismiss the petition at the applicant’s request. Applicant to sign the form. Vick seconded the motion.

VOTE: CARRIED UNANIMOUSLY
8. **GREG O. ROISEN** – New Item

LOCATION: 15871 Forsythe Avenue NW – Lots 8 & 9, Fish Lake Cedar Shores, according to plat of record, in Section 18, Township 122, Range 26, Wright County, MN. (Fish Lake – Clearwater Twp.) Tax # 204-018-000080 & -000090

Requests a variance as regulated in Section 155.026, 155.049(F)(2) & 155.057 to allow construction of a 26’ x 32’ detached garage 20’ from the edge of the platted road right of way (53’ from centerline of platted row).

Present: Greg Roisen, attended remotely

A. Rhineberger reviewed the 24,286-sq. ft. lot on Fish Lake. The request is to build a 26’ x 32’ garage 20’ from the edge of the road right-of-way (ROW), 53’ from the centerline of the platted ROW. In 2013 this property was before the Board for 24’ x 26’ garage with a breezeway to be attached to the house that would have been 21’ from the ROW. This garage is larger but have dropped the breezeway. Reviewed the site plan and explained it is the elevation that is driving the location along with the sewer, access and parking area further limits the location. Fish Lake setback is 100’. Room is limited on these lots. The proposed garage has a standard sidewall and roof pitch. Town Board approval was received.

B. Roisen stated the only problem he had is the overhead wires which will have to be buried. Wright Hennepin had cut down the tree shown in the picture.

C. Quiggle – asked about the possibility of rotating the garage or would the elevation prevent that. Rhineberger – the sewer location would prevent that. Quiggle - the garage dimensions, so there is additional room for parking. Clarification on the question. Rhineberger - pushing it that direction would require more fill. The elevation runs perpendicular with the garage as it is designed now.

D. Mol – stated he is familiar with this road, which is dead-end, has low traffic, but maintained by the township. He could support the setback requested for this reason.

E. Vick –he would agree to 22’ setback, however, the survey shows 20’. He would like to see 22’ because of the room needed to park a truck there. He sees the road is built this side of the ROW. Suggested they reduce the garage by 2’ to get further off the line. Rhineberger – the road is not centered and is lakeside. Roisen moving 2’ further back would impact his retaining wall and there is another foot drop in elevation. Vick suggest 24’ x 24’.

F. Aarestad – would share Mol’s opinion due to the type of road, he had measured his truck length and felt the setback proposed leaves enough room.

G. Aarestad moved to grant a variance as regulated in Section 155.026, 155.049(F)(2) & 155.057 to allow construction of a 26’ x 32’ detached garage 20’ from the edge of the platted road right of way (53’ from centerline of platted row). Mol seconded the motion

VOTE: CARRIED, Vick nay
9. **BALKE PROPERTIES, LLC** – New Item

**LOCATION:** 4998 Ferman Avenue SW – Part of SW ¼, Section 29, Township 119, Range 26, Wright County, Minnesota. (Marysville Twp.) Tax #211-000-293301

Requests a variance of Section 155.026, 155.048(B)(9) & (G)(4)(C)(3), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the division of an existing 150-acre farm into four parcels, each to have one “entitlement” as follows: Proposed is 20 acres with the existing farmstead; a 28-acre “entitlement” division, a 32-acre “entitlement” division and the remaining 70 acres to include the last “entitlement”. Access to all division are being proposed on either a cart way or township road extension that has not yet been approved.

Present: Jeff Balke, John Peterson, applicant’s counsel; Jane Hausladen, neighbor participating remotely

A. Rhineberger reviewed the 150-acre farm with a town road that dead-ends at the property. The entire property has four building “entitlements”, including an existing house. Request includes a proposed cartway to divide the property and use these entitlements. Proposed divisions were outlined on the site plan/air photo. Existing homestead would include 20.36 acres, large tillable parcel in the middle is 70, a 31.85-acre parcel and the remaining 27.86 acres. Each lot to have the minimum 300’ of frontage (new cartway) and an “entitlement”. The applicant is working with the property owner to the south on the cartway as that would give the 20-acre parcel another access to the back of that property and help preserve trees. Town Board response was read, the applicant has met with them, but formal action cannot be given until June 29. Responses received from neighbor, Jane Hausladen and Steven Hohag were made part of the record. Ms. Hausladen, attending remotely, will be given an opportunity to speak to the Board.

B. Peterson – explained the history and the lack of public road frontage is what they had to overcome. Ferman Avenue ends at this property. Balke has four eligibilities that could be used with a maximum subdivision of up to 10 acres with 300’ on a public road. Have been working with Sawatzke on developing a cartway, as permitted by Statute. The Town Board approval was on the condition there was no expense to them or obligation to bring it up to township standards or maintenance. Rhineberger indicated he received a call from a Supervisor who stated the Township will not maintain the cartway or put money into it. Peterson – that is what the Statute says. All lots meet the minimum 300’ wide on a public road. They are thinking it would be best to move the parcel all the way to the end, keeping most the ag land together. The 20.36 acres can meet the frontage and is designed the way it is because it contains much low land, woods and small amount of field. The creek runs through that lot. There is a good slope down to that creek. Rhineberger – although that is 27 acres, the building area is small because it would be difficult to cross that creek. Most likely building spot would be in the southeastern corner of that lot.

C. Balke – this is an effort to lay this out for when he sells the property. Peterson – went through the criteria for granting a variance and felt they meet those. He noted this is like a division in Silver Creek Township. This fits with what Sawatzke plans.

D. Jane Hausladen – stated she has lived on her property for 54 years and opposes because this is not in her best interest. The town road is only 12’ wide off CR 8 and veers off her property and then would be the cartway. The right of way is up through the shed, but there was a variance to build the shed. This gravel dead end road is only 30’ from her front step. Her husband passed away a couple years ago but hopes to stay on the property for many more years. She is concerned about the increased traffic and questioned whether it could get widened in the future. Rhineberger – that would be strictly up to the Township. Hausladen –if approved for four parcels there will be a minimum of ten additional vehicles daily. In addition, the large equipment and construction
equipment that would need to get in there to build. Too much traffic 30-40’ from her door step and for that reason is against this.

E. Mol – the cartway would extend off the driveway? Rhineberger yes. Hausladen – access to cartway is the very end of her property, the town road is through the shed. Behind the house there is a drive to the creek, but the property drops sharply and reason why it was built so close to existing town road. The one-acre was split off originally for a family member and they bought the land from the Klammers in the 1960’s. She enjoys the peace and quiet during this time she has lived out here. Mol indicated he would like the applicant to complete the approval with the Town Board first. Noted a cartway/road in Clearwater Township was built to use “entitlements”. Rhineberger – noted that had specific conditions, required construction up to meet emergency vehicles and school buses. Mol – suggested they cut the corner a bit to get back from the Hausladen shed. Work with Sawatzke and the Town Board to give more space. Understood the concern about the trucks and traffic for the new homes. Looking at the west lot, the only building spot is probably going to be in the field. Rhineberger noted the Clearwater action was more complex and to be done in phases, to date, they have only completed the first phase.

F. Peterson – if the cartway was approved, the applicant could have entitlement divisions without variances if he kept the size ten acres or less. Looking for a consensus based on the uniqueness of the land and avoid property in back becoming useless, they would like approval for how they proposed the division. They met with the maintenance person out at the site. Mol indicated he did not have an objection to the divisions. Most of the ag land is being preserved. He usually prefers ten-acre divisions but understands the reason with the lack of road frontage. Rhineberger – summarized the option is doing a couple of ten acre lots and the balance of 120 acres. If the Township approves the cart-way, these will take place, question is how the property is divided. Mol – asked if they could move the cart way away from the Hausladen shed/line. Peterson did not expect that Sawatzke would have a problem with that.

G. Vick concurred with the proposed divisions. He was concerned about a cartway and asked how many homes are on the Clearwater cartway? Mol – there are two homes back there now. The road had to be built to standards but did not have to be asphalt. The Township does not maintain it. Vick asked Kryzer how often they run into issues with maintenance. Peterson - it is a statutory right to dedicate to the Town and can accept it without any expense to the township. They put together an agreement with mechanisms for maintenance. Owners would be made aware of this at time of purchase.

H. Hausladen – looking for clarification on the owners taking responsibility of maintenance. Felt that could create problems in the future. Rhineberger – that is up to the Township. Once the cartway is established, it is considered a public road right-of-way and they can make divisions off that. Vick felt the lack of township maintenance would create future problems between owners. Discussion followed on these situations. Peterson – when the cartway was proposed they met with the Township maintenance person, who indicated they prefer the loop on the end to turn a snow plow around.

I. Quiggle – the division seems reasonable and supports the large ag parcel on the condition the cartway is resolved.

J. Aarestad – feel that the proposed division is a good layout, preserves agricultural land, subject to the cartway resolution. He relayed his experience was positive when his cartway access became public and now has five neighbors beyond.

K. Board members indicated they prefer the matter is continued for final action by the Town Board.
L. Vick moved to continue the hearing to July 17, 2020 for final Town Board action. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY
10. **MATTHEW T. NELSON & CALLY R. KJELLBERG-NELSON** – New Item

LOCATION: 722 Greer Avenue NW – Lot 1, Block 1, Lilac Way Addition, according to plat of record; also, part of Gov’t Lot 1, all in Section 36, Township 120, Range 27, Wright County, Minnesota. (Rock Lake – Albion Twp.) Tax #201-019-001010 & 201-000-361200 Owners: Applicants & Wholemystic Enterprises, LLC

Requests a lot line adjustment as regulated in Section 155.026 (E)(2), 155.048(B)(10), 155.049 & 155.057 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to add approximately 16,600 sq. ft. from the Wholemystic property to the Nelson lot.

Present: Cally Nelson, participating remotely

A. Rhineberger summarized the request is to add 16,600 sq. ft. that is coming out of a larger parcel that lies north of the lakeshore lot. Noted the area adds 86’ along the road and 200’ of lakeshore. Although there is not enough room for a garage, it might add space for septic or a water-oriented structure. Town Board approval was received.

B. Nelson stated they just want the land area for space for a swing set or trampoline.

C. The Board consensus was favorable. Aarestad questioned if these parcels could be combined? Rhineberger – indicated the owner would sign an Administrative Order.

D. Aarestad moved to grant a lot line adjustment as regulated in Section 155.026 (E)(2), 155.048(B)(10), 155.049 & 155.057 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to add approximately 16,600 sq. ft. from the Wholemystic property to the Nelson lot. Conditions: Subject to survey and Administrative Order to be signed by owner. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY
6) **Carlson** – continued from earlier in the meeting

Present: Gary Carlson, participating remotely

A. Rhineberger – displayed the map of the 20,003-sq. ft. lot. Proposed is a new 24’ x 24’ detached garage 18’ from the edge of road right of way and 52’ from centerline of road. 2001 action re-arranged the old 50’ lots in Scenic Shores. A site plan showing the proposed location of the structure. Town Board approval was received and removal of existing shed. He clarified it is 12’ from the edge of the road right of way. Carson confirmed that is 12’ and 46’ from centerline.

B. Aarestad has no concern with the request. Quiggle asked if the dimension is 24’ x 24’ or 22’ x 24’? Carlson said 22’ x 24’. Quiggle stated she agrees.

C. Mol agrees with the proposal. Vick confirmed the plan is 22’ x 24’.

D. Mol moved to grant a variance of Section 155.026 & 155.049(2) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow construction of a new 22’ x 24’ detached garage to be 18’ from the edge of road right of way and 52’ from the centerline of r-o-w. Aarestad seconded the motion.

**DISCUSSION:** Vick asked the setback off the road and if it would be further back then the shed? Carlson stated that is right, 18’ off the back line. Rhineberger – stated they are approving this with the garage doors facing south. This addresses the concern for parking. Carlson stated that is right.

**VOTE:** CARRIED UNANIMOUSLY

**SITE INSPECTION**

Board scheduled Friday, June 12, 2020 at 8 a.m. for site inspections.

Respectfully submitted,

Barry J. Rhineberger
Planner

cc: Board of Adjustment
    County Board of Commissioners
    Twp. Clerk
    Applicant and Owners