

## WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: January 8, 2010

### MINUTES – (Informational)

The Wright County Board of Adjustment met January 8, 2010 in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Assistant Planner, Barry Rhineberger, acting as Chairman pro-tem called the meeting to order at 9:00 a.m. with Board members, Don Schmidt, Bob Schermann, Lawrence Bauman, Dave Wagner and Nancy Kopff present.

#### 2010 ORGANIZATIONAL ITEMS:

Rhineberger noted the first order of business for the year was to elect the Chair. Nominations were called for.

Schmidt nominated Schermann as Chair, seconded by Bauman. Hearing no further nominations, a unanimous ballot was cast for Schermann.

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

Bauman nominated Schmidt as Vice-Chair, seconded by Kopff. Hearing no further nominations, a unanimous ballot was cast for Schmidt.

Meeting dates and time were discussed. The calendar provided the Board was acceptable and the consensus was to start the meetings at 8:30 a.m.

#### 1. MICHAEL FASHANT – New Item

LOCATION: 13855 – 102<sup>nd</sup> Street NW – Lot 11, Block 2, Spring Park, according to plat of record, Section 11, Township 121, Range 28, Wright County, Minnesota. (Lake Augusta – Southside Twp.) Tax #217-054-002110 Michael & Melissa Fashant

Requests a variance of Section 502.2, 605.5 & 717 of the Wright County Zoning Ordinance to allow a travel trailer on the lot approximately 74' from the ordinary high-water mark of lake and 28' from the centerline of town/local road.

Present: Mike Fashant and Jon Fashant

- A. Rhineberger explained this hearing is to address a travel trailer located 28' from the center of traveled road, which is 43' from platted centerline and only 10' to the road right of way. The Board addressed a similar travel trailer at the previous meeting. This lot has a cabin lakeside and a detached garage to the west of the trailer. Photos viewed show the placement of the trailer and structures. Rhineberger indicated the last time he visited the site the trailer was on the adjacent lot, owned by Jon Fashant (next agenda item). Written responses from the Town

Board, neighbors, Lais & Schuette approve; and a negative response from neighbor, Brooks, was summarized. Brooks had supplied pictures.

- B. M. Fashant indicated a total of nine family members use the cabin and trailer on his lot. The trailer does not sit there all the time and was taken off for hunting. He explained the cabin only has two bedrooms and the travel trailer is used for overflow sleeping quarters when they are all there at the same time. Schermann asked if the trailer has bathroom facilities. M. Fashant stated yes, it is not hooked to his sewer, the trailer is taken to a dump station.
- C. Schmidt asked about the location and if there is a septic system serving the cabin? Rhineberger reviewed the site plan and indicated it is on a holding tank. In response to Schmidt's questions, M. Fashant explained the trailer is used approximately two weekends a month, four months a year. It leaves the property when used for hunting purposes and trips. Schmidt stated his concern is that the use is similar to a guest house and should not sit there year around on such a small lot. He could not support this because it could get out of hand, unless there are some restrictions on it.
- D. Kopff indicated this is difficult for the fact she understands the need and if someone is using it according to Ordinance that is one thing. But, the fact is the Ordinance regulates these like structures that have to meet the setbacks and limits the amount of time they can be used. She questioned whether they could grant a use variance.
- E. Rhineberger indicated the law does not allow them to grant use variances. A travel trailer is allowed for recreational uses on the property. The variance requested is from the setbacks.
- F. Kopff felt maybe the Ordinance needs to better address this. She understands why a neighbor would be frustrated and even if the cabin were doubled in size it would have the same use. She did not think there is justification to grant a variance. If they were considering expansion of the cabin this close to the right of way, the Board would have issues with that.
- G. Wagner – felt the issues raised by the neighbor are bothersome. Rhineberger noted several of those matters raised relate to the adjacent lot and can be addressed during the next item on the agenda. Brooks response addresses concerns all along the lake. M. Fashant has a separate lot with a cabin. The adjacent lot owned by Jon, was determined buildable with several conditions. Wagner asked about the wetland. Jon Fashant stated that is his lot. Wagner – stated Lake Augusta is on the DNR's list of "impaired waters" and they should be very concerned about that. This lot is very small and what the Board has to consider is what is "reasonable use" of the lot. In his opinion, this lot has a cabin and adding a travel trailer creates "excessive" use of the lot.
- H. Bauman felt the trailer should only be brought in while being used, but would not agree to using this as a parking spot for it.

- I. Schermann concurred with the concerns raised. The precedent is another concern and they need to be consistent. A similar request down the road in December was dismissed when the applicant realized the variances would not be granted. This lot has a cabin and should be limited to that. He summarized the consensus of the Board was toward denial and the options available to the applicant. M. Fashant asked about whether he could move the trailer on and off for weekend use. Schermann indicated the trailer would have to meet the setbacks regardless of the length of time it sits there. He questioned if any of the Board members have similar structures sitting on their properties. Schermann indicated he does not, but would also have to abide by the Ordinances if he did.
- J. Schmidt explained the concern is over-use of the property. A two-bedroom cabin would only accommodate so many people. Mike and Jon Fashant both explained the number of people using the property/cabin would not change. Wagner – explained the Ordinances are set for a reason and to protect the property owners, neighbors and environment. The request is to change the Ordinance requirement and especially in a shoreland area on an extremely small lot this is a concern. He also has to abide by the shoreland rules and he would be incredibly concerned with over usage on a lake that is on the “impaired water’s list”. That lake class means it is already over used. They all have a responsibility for using the property in a manner that protects the lake.
- K. Kopff – felt a variance might be justified if they had more lot area; but these lots were allowed to be used separately and part of the justification was limiting the square footage of the home that could be built on the adjacent lot. Rhineberger – explained if the variance was not given in 1981 for a house on the adjacent lot, the two lots would have to be owned in common because there is common ownership. Kopff stated the point she is trying to make is the size of the property puts this in a different light of other variances. The lot is just over 8,000 sq. ft. and there is a limit on what it can offer. She felt this use exceeds that limit. Rhineberger noted the owner can pack the living room with people, that is their choice. To grant a variance to allow the travel trailer, the Board has to take a broader look. M. Fashant asked if he could park a pop-up tent trailer there. Rhineberger indicated that is regulated the same.
- L. Schermann questioned how the applicant wishes the Board to proceed. A denial would be recorded against the property. Rhineberger explained the legal ramifications. Withdrawal is not a formal decision and does not allow them to pursue other avenues. Mike Fashant asked for dismissal and signed a form for the record.
- M. Bauman moved to accept the applicant’s request for dismissal without prejudice. Kopff seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **JON T. FASHANT** – New Item

LOCATION: xxx 102<sup>nd</sup> Street NW – Lot 10, Block 2, Spring Park, according to plat of record, Section 11, Township 121, Range 28, Wright County, Minnesota. \*Lake Augusta – Southside Twp.) Tax #217-054-002100 Jon & Michael Fashant

Requests a variance of Section 502.2, 605.5 & 717 of the Wright County Zoning Ordinance to allow a travel trailer on the lot 6' from the south side lot line, approximately 50' from the ordinary high-water mark of lake and 55' from the centerline of town/local road.

Present: Jon Fashant and Mike Fashant

- A. J. Fashant clarified the 6' variance is from the east side line. Rhineberger reviewed the site plan to show where the travel trailer sits on the lot. The variances are needed from the lake, road and side line. A permit was issued for a holding tank on this property in 1992. He explained an important fact that makes this case different than others, is the holding tank is on a lot given variances to build on. Three requests in 2006 in this neighborhood were lots that were declared unbuildable, the holding tanks there were illegal and had to be removed. Rhineberger had his doubts whether the variance granted in 1981 to build a dwelling could be acted on. The lot is only 6,600 sq. ft. and there would have to be a future hearing by this owner or a subsequent owner and information provided to prove that. He summarized the written favorable responses from the Town Board, neighbors, Lais & Schuette; and a negative response from neighbor, Brooks.
- B. Schermann understood they cannot consider the buildability of the lot at this time; but, if they do not grant the variance for the trailer, the applicant could pursue that. Rhineberger noted it would need a sewer design. The 1981 variance allowed a 650 sq. ft. dwelling. J. Fashant understands they cannot build on the lot because the original seller had owned backlots where a central sewer was going to go. These backlots were since sold off. This lot was the original lot they have owned since 1990 with a camper. They had the County out in 1992 when a holding tank was installed. Nothing was said about the trailer at that time. Schermann indicated it appears the lot is unbuildable. Rhineberger agreed it is unlikely, but don't have the information needed. Schmidt noted the new sewer designs (performance sewers) have changed things. J. Fashant indicated Ferrell (original owner) had informed them the lot was unbuildable, unless the central sewer went in. Rhineberger read the 1981 variance action.
- C. Wagner asked Rhineberger to address the concerns raised by Brooks regarding the wetland, gazebo and close proximity of the neighbor's well to the holding tank. Rhineberger stated when the 1992 sewer permit was issued, the holding tank was supposed to be 50' from any well. There is no indication that it wasn't. He questioned Fashant about the gazebo, it appears it increased by 70 sq. ft. and boathouse that shows up on old air photos. J. Fashant stated those structures existed when he bought the property. He explained there was no wetland, the fill placed was for a parking area along the road. At the time they had Jim Smith and other representatives out and there was no problem. The neighbor complaining also

placed fill to create a parking area Rhineberger noted the public right of way is not maintained by the Township. If there are enough complaints with people parking in the road right of way, it could become a problem. Wagner stated they are entitled to reasonable use, this is an extremely small lot, one-third the required size. As in the past, he would not support a variance closer than 60' from the lake and the side yard setback met. He would prefer to vary road side, if needed. He suggested putting the trailer in parallel with the road. He asked if the trailer could fit within these parameters. Rhineberger scaled the 33' trailer M. Fashant asked if the trailer could be allowed closer to their common property line. Wagner indicated in his mind that does not make a difference. These owner may not always own it. Rhineberger –indicated in this case, one consideration is the previous variance granted for the lake and side setbacks. The trailer is already further back from the lake than what a house could be built at. The lake setback is similar to the previous variances for trailers down the street. Wagner asked what the 2006 variance was. Rhineberger – 43' from from the lake was allowed. Schermann – indicated this lines up with the rest of homes along this side of the lake. In the past, the Board allowed the new structures to line up with what was there. He would also prefer 60' from the lake; however, under the circumstances, he could agree with where it sits. Wagner indicated moving closer to the road rather than lake is his preference.

- D. Kopff if there is way to improve the setback she would like to see that. There are already two structures within the lake setback, whether they need to be addressed she was not sure, but would not want anything else allowed. Suggested a condition preventing any deck or structures built onto the trailer. She understands a 1981 variance, but standards have changed and she did not see how a 6600 sq. ft. lot could support a house and sewer system. She could support placement of the trailer because the lot is unbuildable. But would not want to make a decision and later a performance sewer system design proves they can build with the result a trailer and cabin. Schermann – the Board can put a condition that the trailer has to be removed if that happens. Kopff – informed the owners that the gazebo cannot be used for sleeping quarters. That has to stop. She asked if the trailer were moved over could they meet a 10' setback from both sides. Fashants stated it would be close, 9-10'. Wagner asked if there is a reason why they could not turn the trailer to improve the lake setback. M. Fashant – asked where the snow would be pushed if they have it near the road. Kopff – would like stipulations on an approval that no structures can be built onto the trailer, the 6' side setback improved on and if a cabin were ever built on the lot this accessory use would be removed.
- E. Bauman noted if this were a cabin, State statute would allow replacement at the same location. Considering that, he could approve it at the existing location. Moving it would only improve the setback 3-4' feet and would require pulling out the footings. M. Fashant stated the trailer sits on the ground, but there is an underground water line from the pump house.
- F. Schmidt indicated moving this would not take much. He felt this request is different from the last because the adjacent lot has use with an existing cabin. He asked for more than a 6' setback and asked if there is adequate room from the other side. M. Fashant – the lot narrows to 40' in the back, so there is not a lot of room. He did not know if they gain much by moving the trailer over and leaving more access on one side of the lot might be beneficial. He goes

along with allowing the trailer where it sits, on the condition that if a cabin is ever built the trailer has to be removed.

- G. Schermann – he would concur that leaving more room on the one side for access is preferred on the condition suggested by Kopff that it would have to be removed if a cabin is built.
- H Looking at the air photo, Rhineberger questioned how they get the trailer out. M. Fashant stated it takes some work, they have to take the power line out.
- I. Schermann summarized the comments by the individual Board members. The vote appears that there would be a 3/2 vote to allow the trailer to remain where it sits with the condition if a cabin is built it has to be removed. Kopff asked if they are approving any trailer or just this one. Rhineberger stated it applies to this trailer and anything larger would have to come back. Schermann felt if they replace the trailer it would have to come back. Kopff indicated if they need a 6' side setback, she questioned why they could not place a smaller trailer to fit better. Wagner – explained his position was based on trying to improve the situation and noted how the Board also agonized over a proposal before them on Lake Sylvia. If they have a chance to improve the situation, he felt they should. He felt this sets a bad precedent that future owners will point to. Schermann asked after hearing these comments if any members have changed their position,. Kopff – agrees with Wagner to the extent that variances should not be a matter of convenience or ease; however, the trailer has been sitting here since 1992. An old variance required a 10' setback, and questioned why they would not want the 6' setback improved on if they can.
- J. Schmidt moved to grant a variance to allow the travel trailer to remain at 6' from the east side lot line, 50' from the ordinary high-water mark of lake, 50' from centerline of local road. Condition: No additions or decks are constructed on the trailer and if a cabin is ever allowed on the lot, trailer will have to be removed and this variance would be void. Bauman seconded the motion.

VOTE: CARRIED Schmidt, Bauman and Schermann voting in favor  
Wagner and Kopff voted nay

3. **MAYNARD H. ROEPKE** – New Item

LOCATION: 1467 – 48<sup>th</sup> Street NE – Lot 3, Oak Shore Terrace, according to plat of record, Section 8, Township 120, Range 25, Wright County, Minnesota. (Lake Constance – Buffalo Twp.) Tax # 202-017-000030

Requests a variance 404.2, 502.2, 605.5(2)(3), 612 & 716.4 of the Wright County Zoning Ordinance to allow construction of a 12' x 29' attached garage to dwelling that is 75' from the ordinary high-water mark of lake on an undersized lot. The new garage will be 6.5' from the east side lot line, 53' from centerline of town road (20' to right of way), 10' to septic treatment area.

Present: Maynard & Doris Roepke; Adam Novacek, Wright Lumber

- A. Rhineberger summarized the variances requested for a 356 sq. ft. attached garage, 6.5' from the side line at the closest point, 53' from centerline of road, and 10' from a performance sewer on an undersized lot. The Board had reviewed original building plans for a 1342 sq. ft. new house, including an attached garage in 2006-2007 as part of a variance request. The Board indicated the size and setbacks were too much and a revised plan for 1138 sq. ft. without an attached garage was approved and house built. This proposal would make the overall square footage larger than what was originally requested in 2006. The proposed location was reviewed on a site plan. The close proximity to the sewer was noted and access to the well is limited. There is 15' from the house now to access the well, however, the sewer is on west side and the garage would reduce the setback on the east side to 6.5'. Town Board approval was received. Survey was reviewed that shows the layout. Wright Lumber verified the location of the sewer is as noted on the survey and site plan.
- B. Novacek – understands the setback from the side yard would be reduced a little and a one-car garage is proposed. After seeing what the neighbor to the east is building their interest was sparked. Rhineberger explained the next door neighbor received a variance for a detached garage in 2007 to build a 12' x 22', 8' from the line and 10' from the sewer. Pictures to show the properties were viewed.
- C. Kopff asked for the justification for that variance. Rhineberger noted the neighbor had room to access his well from the west side and the road setback was met. Kopff asked when the neighbor's house was built. Rhineberger estimated in the 1960's and it sits closer to the lake which provided more room for a garage. Kopff indicated she wants to approve this so they can have a garage, however, during consideration of a recent proposal they questioned owners that wanted to give up a garage for a larger home. Here is an example of a project approved a couple years ago and now find a garage is needed. The previous action called for downsizing and called for side setbacks to be met; if they approve this now, it would not be in line with what the Board required. The most she would consider is a 10' side setback even if that means covering up some of the front entry. She did not feel they could redo the thought and review given to the decision made just a couple years ago.

- D. Wagner – the lot is half the size of a conforming lot. At some point they have to say enough is enough. The applicants made a conscious decision and to forego the garage to get a larger home and now are back asking for something more. He is not in favor of it.
- E. Bauman indicated he would not support this. The side setback is a problem and distance between the new garage and sewer is necessary.
- F. Schermann concurred with these concerns. Personally he understands the need for a garage, but it does not change the size of lot and the building approved two years ago.
- G. Schmidt heard this at the Town Board meeting and went along with it there and would have to support it here.
- H. Schermann concluded that a vote would not pass to approve the garage. The development of the lot was just two years ago and the Board does not want to change that action. He offered a withdrawal to the applicant that would avoid recording a negative action on the abstract. Schmidt noted the applicant could also ask for a continuance.
- I. Mrs. Roepke – noted all the homes on 48<sup>th</sup> Street have garages. After seeing the Hardy garage going up and his lot is not any larger they decided to pursue it. Schermann noted that lot layout is different. Kopff asked when the house variance was heard. Rhineberger stated it was three years ago. The house was an increase of 600 sq. ft. over the pre-existing cabin. It was noted, at that time the Township wanted additional time for review and improved side setbacks. Kopff asked about the footprint and if there would have been justification to allow garage where the “L” extension of the house is located. Rhineberger displayed the original plans on the screen. Kopff stated she wants to see if there is something that would keep this consistent with what the neighbor has done, but could not find anything to justify it. Mrs. Roepke noted with the amount of concrete sitting out there, it would seem there could be a garage. When they built they understood there could not be a garage and they accepted that. However, when the neighbor got a permit to build a garage they started to question it. Novacek – felt the previous contractor did not explore other plans that might have accommodated a garage. Novacek indicated he was not aware there were different setback standards for an attached garage and had suggested attaching the garage for obvious reasons in this climate. He did not think they would encroach any more than the neighbor has with a detached garage.
- J. Schermann indicated the difficulty in this matter was before the Board three years ago and the applicant accepted the fact there would not be a garage. He asked how the owner wanted to proceed. Kopff indicated she would not oppose a design that could keep the garage at least 9-10’ from the line, has no impact on the sewer and would maintain access to the well. They should be aware of the fact this is the only location for a sewer.
- K. Discussion followed as to whether it is physically possible to meet a 10’ side setback. Rhineberger felt it would be very tight, if possible. He also noted this is measured on paper,

not considering how it could work on site. The property lines are cantered a bit making one corner closer to the line. Kopff indicated she would not be opposed to allowing the applicant further time. Wagner noted the lot is undersized, the limits were pushed to allow this house in 2007; and Schermann and Bauman indicated their position had not changed. Board members agreed at Novacek's request that they could take additional time to study their options. Rhineberger agreed nothing is lost by continuing the matter. The applicant can withdraw in written form if they find it will not work.

- L. Schmidt moved to continue the hearing to February 5, 2010 at the applicant's request. Kopff seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **MARK ALLAN OPSAL**- (New Item)

LOCATION: 2102 - 70<sup>TH</sup> Street SW – E 660 feet of the SE 1/4 of SE 1/4, except ..., Section 3, Township 118, Range 26, Wright County, Minnesota. (Woodland Twp.) Tax #220-000-034110

Requests a variance of Section 302. (1) & 604.5(4) of the Wright County Zoning Ordinance to extend the roof on the north side of existing pole barn 42.5' from the rear property line. Expansion exceeds maximum outbuildings allowed (4080 sq. ft. including the proposal).

Present: Mark Opsal

- A. Rhineberger explained the applicant was unable to meet with the Town Board and is scheduled to attend the following Monday. He is a contractor that gets called out of State and prevented him from meeting with them prior to this meeting. It is Board policy not to hear a petition until after the Town Board.
- B. Opsal stated he can meet with the Township next week, however; he has been called out to New York on a job that will take 20 weeks. Schermann indicated they have a policy and asked what hearing date the applicant could reappear. Wagner suggested due to the length of time the applicant has been waiting, that they hear what the proposal is about. Schmidt asked if the applicant could send a representative to future meetings. Opsal indicated he does not know who could speak for him. Kopff indicates she would not object to hearing the request and not take final action until the Town Board has had a chance to review this.
- C. Rhineberger reviewed the location of the five acre parcel and noted the lean-to was started. The applicant was notified and stopped work and applied for the variance. The variances requested were summarized. The land borders two roads and the lean-to is 10' x 40' and 42' from a line that is considered rear, requiring a 50' setback. Rhineberger stated in reviewing the property he calculated accessory buildings and he determined the lean-to puts them 80 sq. ft. over what is allowed even after a couple small garden sheds are removed.
- D. Opsal – stated he is in the construction trade and apologized for not getting proper permits. He understood roof extensions without a wall area were not part of the building area until Rhineberger informed him otherwise. The purposes of the metal overhang he is building is to get the water away from the pole building. Water ponding at this location has created damage and he is trying to protect things.
- E. Rhineberger referred to the Stavold Court case and Findings included in that decision justification for a variance when the applicant acted in good faith. He felt this is the case here as the applicant immediately stopped and followed the proper course when notified.

- F. Bauman asked if there are any animals kept in the building. Opsal indicated he has no livestock. Bauman indicated he would not consider this an addition to the footprint of the building, just an extension of the roof line.
- G. Schermann indicated if the Township does not find a problem with this, he would have no objection.
- H. Schmidt indicated the applicant should have applied for a permit, however, he would support the variance on the condition the Town Board approves.
- I. Kopff questioned the 50' setback requirement. Rhineberger explained the size of the lot and zoning. The line would have been considered a side if the road frontage was not on both sides. Kopff indicated based on that she could support the variance. She asked how the roof is supported. Opsal stated posts. This is open. Kopff agreed as long as they do not enclose the area under the roof extension.
- J. Wagner noted it was unfortunate this is “after-the-fact” as a 2' reduction would have avoided the need for a variance. Schermann noted the building permit fee would be double. He asked if the Board could handle this without the need for the applicant to reappear. Rhineberger stated his preference is to have the applicant or anyone that could speak for him present in the event there is some discussion. Opsal indicated he would attend if possible. Kopff noted Opsal will be aware of any issues raised at the Town Board meeting.
- K. Schermann moved to continue the hearing to February 5, 2010 to allow for Town Board review. Kopff seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **NOEL R. ZANDER** - New Item

LOCATION: 1790 – 80<sup>th</sup> Street NW - South 591.16 feet of the East 734.63 feet of the SW 1/4 of SW 1/4, Section 23, Township 121, Range 26, Wright County, Minnesota. (Maple Lake Twp.) Tax #210-100-233301

Petitions for a variance of Section 604.4(2) of the Wright County Zoning Ordinance to allow a grain bin moved in to remain at the current location that is less than 130' from centerline of County Road 106 (91' from centerline).

Present: Noel Zander and Leland Schut, Township Supervisor

- A. Rhineberger reviewed the applicant's request in October for an addition to the barn. During that review the Board noticed that the grain bin was not meeting the setback from the centerline. Staff were directed to verify compliance. The new proposal is to allow the grain bin 91' from centerline of CR 106. Township and Anderson responded favorably. A voice mail message was left from the County Highway Department that indicated they had no objection.
- B. Schermann recalled the Board had required the addition be built on the back side of the barn. Schermann, Schmidt and Bauman indicated they would agree with the location of the bin as long as the Highway Department did not object. Kopff questioned this variance in light of the other variance. She views the bin differently noting it is not as permanent as the barn addition was. She would like to set a time frame that it is allowed, so that it eventually gets moved back. Wagner noted although the structure is not supposed to be this close and had to be brought back to the Board, he reluctantly would go along with this.
- C. Schut noted they have the approval from the Highway Department. This is the third grain bin that came before them for a variance in Maple Lake Township. The other two were sitting closer to a road. The Town Board approves, subject to getting a permit. Schmidt – the Board wants to see the request before it is set there. Schermann informed the applicant the fee would have to be doubled.
- D. Kopff moved to approve the location of a grain bin to remain at 91' from the centerline of CR 106 and for any reason this bin is moved or replaced by this owner or future owners, it should meet the setback. Schmidt seconded the motion.

VOTE: CARRIED UNANIMOUSLY

**MINUTES**

On a motion by Schermann, seconded by Schmidt all voted to approve the minutes for the December 11, 2009 meeting as printed.

## DISCUSSION

Rhineberger noted the February agenda will be light and the Board could use that time for discuss and upcoming Ordinance amendments. One topic could be issues raised regarding travel trailers. Suggestions on how the Board would like Staff to look at these. Schermann noted it was Southside Township who raised problems with trailers and he suggested they invite a representative. Rhineberger noted because all lakes could have the same impact he would invite all the Townships. Wagner has a letter from Campbell, President of Lake Augusta who indicates they will bring the issue of trailers up at the spring meeting and want to be involved. Schermann suggested the two items that were continued to February could be heard at 8:30 and set the Ordinance discussion at 9:00 a.m. Kopff noted she has not seen the County Highway Department forward a negative response on a setback variance. Could this be an administrative review so the request would not have to come before them. Rhineberger agreed there might not be the concern with accessory structures, but a house might be different. The Highway Department does not have the authority to change the Ordinance. He explained the difference on the lot line adjustment as outlined in the Ordinance, can be handled by Staff. Schermann recalled a couple of requests where there was a lot of concern about the distance from the county road.

Wagner – expressed the problem with “practical difficulty”, and what is too close. When he sees a request 50% of what the requirement is, he felt that should be a red flag. He asked if Staff could develop some guidelines that would make it easier and not so subjective. For instance, an overhang is not a big deal. He felt it is unacceptable for applicant’s not to fill out the form they are asked to fill out. Schermann noted there is always some disagreement on the Board. Wagner indicated he is not having a problem with that. He is having a problem with a variance that is half of what is required. Rhineberger – stated he is charged with giving the Board the facts. He tries not to interject his personal views. He provides the Board with the history of what has been done in the past. The Board should have these discussions to arrive at a decision. Each situation is different and things cannot be set in stone. Kopff stated it is helpful to know the justification for past variances. Just because someone received a setback somewhere else does not mean there is justification for the case before them. Wagner stated he is looking for guidelines and felt Zins would know how a Court would react.

Meeting adjourned at 11:10 a.m.

Respectfully submitted,

Barry J. Rhineberger  
Assistant Planner

BJR:tp

Cc: Board of Adjustment/ County Board/Zins/Twp. Clerks