

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: April 16, 2010

MINUTES – (Informational)

The Wright County Board of Adjustment met April 16, 2010 in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Bob Schermann, called the meeting to order at 8:30 a.m. with the following Board members present: Schermann, Lawrence Bauman and Dave Wagner. Absent were: Don Schmidt and Nancy Kopff. Barry Rhineberger, Assistant Planner, represented the Planning & Zoning Office.

1. SAMUEL T. SCOTT – Cont. from 3/26/10

LOCATION: 10753 Grover Avenue SW – Lot 47, Terra Teresa, according to plat of record; and also Part of Gov't Lots 1 & 2 and part of the NE 1/4 of SE 1/4, Section 25, Township 118, Range 27, Wright Co. (Victor Twp.) Tax #219-016-000470 & 219-000-254105

Requests an interpretation of Section 404 & 502.2 of the Wright County Zoning Ordinance as to whether the building entitlement currently used on lakeside (platted lot of record) can be transferred to the vacant back parcel that lies to the northeast (7 acres approved in 2006 to give the applicant property to build a storage building).

Present: Applicant not present

- A. Rhineberger updated the Board on the applicant's request for a continuation to June. Scott did not meet with the Town Board at their scheduled meeting and wants to delay until June. The time period for a decision was discussed and concern for adequate time for Findings after the next meeting. Applicant has been notified that an additional 60 days is needed which allows for a total of 120 days to make a decision, unless the applicant signs a waiver. Rhineberger indicated they could direct the County Attorney to draft Findings to have ready at the next meeting.
- B. Schermann was not comfortable make assumptions on how the Board might vote and suggested they wait until the next meeting. He asked that counsel be present at the June 4, meeting.
- C. Bauman moved to continue the petition to June 4, 2010 at the applicant's request. Wagner seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **WAYNE J. JACOBSON** – New Item

LOCATION: 6775 – Redwood Avenue NW – Part of NW 1/4 of NW 1/4, Section 31, Township 121, Range 28, Wright County, MN. (Union Lake–Southside Twp.) Tax #217-000-312201

Requests a variance of Section 403, 604.4(2), 612 of the Wright County Zoning Ordinance to build a 208 sq. ft. four-season porch addition over a new tuck-under garage and a new 416 sq. ft. deck onto the existing structure that is in the bluff, 74' from the ordinary high-water mark of lake. Dwelling is 87' from the ordinary high-water mark at the closest point and 92.7' from centerline of County Road 2. Proposed addition will put impervious coverage 25.8%.

Present: Wayne Jacobson

- A. Rhineberger reviewed the request for a 13' x 32' deck on the lakeside, 208 sq. ft. four-season porch with tuck-under garage. The previous variances granted to the property include a replacement dwelling and lot line adjustment to add 50' to the lot. When land was added the Board granted a 26' x 44' addition and tuck under garage with living space above, 95' from centerline, less 100' from lake and less than 30' from the bluff. The 1993 survey shows the bluff line and another survey shows the bluff line at the corner of the house. Rhineberger visited the site and found a wall and excavation in the original bluff line that was dug out years ago. The land alteration did not receive approval. The bluff is still there, but would start at the edge of the retaining wall, not where the old survey indicated. The property description goes to the center of the road; therefore, coverage was calculated after the road right of way was taken out. This put coverage at 25.8% and applicant has indicated he would be willing to down size to meet the 25% limit. At the Township's request, he met two members of the Town Board and the applicant at the site. The two members in attendance were not in agreement and indicated they would leave the decision up to the County.
- B. Wagner asked if the Town Board agreed there is a bluff. Rhineberger indicated they did, but there was a disagreement on where it started. Jacobson added, one supervisor felt the original location should be used as shown on the survey, the other felt it started at the retaining wall. Jacobsen indicated he was not aware this was a bluff when he built the addition. When he hired the surveyor, it showed the bluff goes through the back of the house. Jacobson indicated he is willing to downsize to meet 25% impervious coverage. He noted the properties on either side are unbuildable and will remain that way. He explained the back of his addition is further back than the Well's cabin next door that sits in the middle of the bluff. Jacobsen stated he would like to expand the deck because the current deck is only 4' wide which is not safe to grill on. The proposed four-season porch will become his wife's home office with a garage below. The deck connection was described that will connect and has access off the kitchen. He asked if the steps to access the deck are counted in the coverage. Wagner noted the minutes for the 1996 meeting indicate the applicant knew there was a bluff. He would not support further expansion into the bluff and compound the problem.
- C. Bauman agreed with Wagner. The alteration of the bluff was in violation. Schermann indicated he would also have to agree with that comment. The discussion in 1996 indicates the Board would not want to infringe further in the bluff. There was no agreement to alter it and was concerned with setting a precedent.

- D. Jacobsen – stated the house replacement was in the same location as the burned home. The 26' x 44' garage was approved and he did not realize or remember that there was a bluff situation. When the new dwelling was built, he did not build the deck because he was lacking funds. His draftsman advised him to put in a patio door and ledger board for the future deck, knowing he would have to come back for a variance.
- E. Schermann referred to the plans and read the motion for the house expansion including the three car garage and noted those future deck plans and addition were not included. Jacobson, suggested a site inspection might help the Board understand the situation. He has not changed the top of the bluff or elevation since he owned the property. There was a wall to hold the hill and he has not taken any dirt out. His interpretation is the bluff is at the top of the wall. He discussed with the Township Supervisor at the site about downsizing the porch to 8-10' wide which would put the addition inside the bluff line.
- F. Schermann referred to the topography. Rhineberger asked Jacobsen if he did any excavation or filling. Jacobsen clarified that he did not take any material out, however, put in the stone where it was level and backfilled the geo-grid. Rhineberger – looking at the photo where the addition would go, the applicant filled in 5' high over the span to make it level. The bluff line would be back from that, measured 5-10' behind the wall because of the fill the applicant placed. Jacobsen – noted this was a small area to back fill to make it level and cover a stump that was there. Wagner – stated what was done (walls and fill) was not supposed to be there. After Rhineberger stated the existing decks were allowed in 1993, Schermann noted the consensus was made not to expand any further toward the lake.
- G. Jacobsen asked if the Board would give any consideration to reduction in his plans. He could convert an existing 10' x 13' closet for an office space, but was concerned with an unsafe situation for a grill this close to the house. Looking to get anything to improve the situation. He felt he was naïve 12-14 years ago and unaware of the rules, he knew a building permit was needed. Did most of the work himself by hand. He did not use any heavy equipment when he leveled off the area in front and did not know he broke rules. He did not think his project would infringe on the bluff or lake any more than what his neighbors have. Schermann noted the new construction would move closer to the lake. The Board is guided by DNR and other rules.
- H. Rhineberger asked if the Board was amenable to any deck expansion. Wagner asked if it could not be built to the side of the house with a walkway around. The survey was displayed and shows there is not room to meet the setback. A deck expansion measuring 4' x 12' on the west side was discussed. This would not exceed impervious limits. Wagner agreed a bump out of the deck was reasonable as long as there is no roof extended over it. Rhineberger indicated on the west side it would not extend into the bluff line. Jacobsen indicated he would accept that but would like some flexibility on how it is designed so it looks good. Wagner agreed they do not want to get into the design and as long as it does not exceed those area dimensions and it is approved by Staff. Bauman noted there is a 4' overhang over the deck, the bump out would get the grill out beyond that. After the applicant pushed on the design and how it might look, Schermann indicated the applicant was pushing his luck. He was not in total agreement there should be any expansion, but would go along with the other two Board members. Jacobsen – stated he is concerned how it will look for resale. If it does not improve the overall structure,

he would not build. He asked if he could make that 16' to give room for the steps and landing. Rhineberger stated the distance of the deck cannot extend too far east, it must be no closer than the 0' bluff setback the corner of the house is sitting at.*

- I. Wagner moved to deny the variance request to build a 208 sq. ft. four-season porch over a new tuck-under garage and 416 sq. ft. deck on the lakeside, 74' from the ordinary high-water mark of lake and in the bluff. Board will allow an expansion not to exceed 4' x 12' of existing deck on the east side of the home extending 4' closer to lake. Condition: Not to be covered and not to be built into the bluff. Bauman seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **JOHN SALONEK & JERRY SALONEK** – New Item

LOCATION: Part of the W 1/2 of NE 1/4, Section 22, Township 118, Range 26, Wright County, MN. (Woodland Twp.) Tax #220-000-221201 OWNER: Alfred & Elizabeth Salonek

Requests a variance of Section 502.2, 604. of the Wright County Zoning Ordinance to allow the division of the 84.42 acres lengthwise, the east half to have 180 feet wide on County Road 30.

Present: John Salonek, Jerry Salonek; Al & Elizabeth Salonek

- A. Rhineberger reviewed the two large forty acre tracts comprising of 84 acres on County Road 30. Noted an exception, lot of record. The entire farm is prime farmland, except for small wooded area in back. There are two entitlements left and the proposal is to split the farm the long way to give each parcel frontage. The two brothers are looking at buying a half. A variance is required because the division does not follow quarter-quarter lines and the east parcel would not have 300' wide on the road. He explained the back forty does not have frontage on the road. The Ordinance allows an access strip if the purpose is to save tillable land. Also, if a strip were allowed, they may need to go 66' wide to accommodate a division if needed for a mortgage. As proposed, the division would give the east parcel 180' wide on the road and remainder goes with the west parcel. The proposed division was felt to be the best scenario for the property.
- B. Town Board response was favorable.
- C. Schermann asked if the proposed division is how the applicants/owner want to do it. Salonek indicated they are in agreement. Board members concurred with the division.
- D. Bauman moved to approve the division of tax parcel 220-000-221201 according to the concept plan submitted labeled exhibit A, drawn by Otto Associates, Job No. 1-09-0188, dated 3/23/10. Each 42 acre parcel to contain one residential building entitlement. Wagner seconded the motion if the following reasons were included: The division provides adequate road frontage and allows the continued farming of prime farmland. Bauman agreed to include those reasons.

VOTE: CARRIED UNANIMOUSLY

4. **DARWIN T. GOHMAN** – New Item

LOCATION: 15637 – Grunwald Ave. NW – SE 1/4 of NW 1/4, and also Government Lot 2, except east 21.10 acres, all in Section 13, Township 122, Range 27, Wright County, Minnesota. (Clearwater Twp.) Tax #204-100-131300 & -132400

Requests a variance of Section 502.2, 604. of the Wright County Zoning Ordinance to allow the division of the 60 acres by dividing off the east 20 acres (lying east of the road) from the rest of the farm. Lot line adjustment for the south 40 acres, using the ditch as the dividing line with road frontage on the public road that may be less than 300 feet in width.

Present: MaryJane Gohman

- A. Rhineberger reviewed the air photo and outlined the three tax parcels that make up 101 acres in Section 3. Fish Lake was noted. Three residential entitlements, including the existing farmhouse remain. The two forty acre tracts are west of the road and a separate 20 acre parcel lies to the east of the road, physically separated from the rest of the farm. The north 40 acres of acreage west of the road has the only road frontage and the owners are looking at feasible ways to split the farm. The possibility of a 40/40 on the west side giving road frontage to the south 40 by including 3 acres, using the ditch as the new property line was reviewed. It appears this would give the south 40 acres approximately 300' wide on the road. Rhineberger felt this makes a logical boundary and avoids isolating a small parcel across the ditch. The Town Board has not met on this matter.
- B. Gohman stated they are scheduled to meet with the Town Board on the 20th. Rhineberger had suggested they keep the meeting today and there is a possibility the Board could take action with a contingency the Township approves. Rhineberger indicated if the Board could consider the division and let the applicant know if there is something they do not agree with, she will know how to proceed. He advised against spending money on survey work until there is some indication. Gohman stated she spoke with each Township Supervisor and heard no objection. They cannot take action until their regular meeting.
- C. Schermann felt the proposed division was a good idea. He would go along with final action at the May 7, meeting contingent on the Town Board. He informed the applicant it would not be necessary for her to reappear before them as long as the Town Board action was favorable. Rhineberger clarified this action gives the owners options they may or may not use, depending on whether the farm is sold as one parcel.
- D. Wagner and Bauman indicated they were agreeable.
- E. Schermann moved to continue the hearing to May 7, 2010 for action by the Town Board. Wagner seconded the motion.

VOTE: CARRIED UNANIMOUSLY

MINUTES

On a motion by Wagner, seconded by Bauman, all voted to approve the minutes for the March 26.2010 meeting.

Meeting adjourned at 9:30 a.m.

Respectfully submitted,

Barry J. Rhineberger
Assistant Planner