

WRIGHT COUNTY BOARD OF ADJUSTMENT

Meeting of: May 7, 2010

MINUTES – (Informational)

The Wright County Board of Adjustment met May 7, 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 all Board members present. Barry Rhineberger, Assistant Planner, represented the Planning & Zoning Office.

1. **DARWIN T. GOHMAN** – Cont. from 4/16/10

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: Applicant not present

- A. Rhineberger reminded the Board that they had indicated Gohman’s attendance would not be necessary based on the Township’s response. A positive response from the Township was received. The Board thought everything looked good, but simply wanted to wait for a response from the Township.
- B. Wagner made a motion to approve the request as submitted for the east 20 acres, tax parcel 204-100-131300, as a separate building site using one of the remaining entitlements, subject to a survey and deed restriction. Also approve a lot line adjustment to add approximately 3 acres to the south 40 out of the north 40 using the existing culvert/drainage ditch as a border, according to the plan submitted, subject to survey and administrative order combining the division and south 40 acres. Schermann seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **JEFFREY G. BRENK** – New Item

LOCATION: 11744 103RD Street NW – Lot 10, Hanson & Gunderson Addition, Section 7, Township 121, Range 27, Wright County, Minnesota. (Corinna Twp.) Tax #206-042-000100

Requests a variance of Section 404.2, 612 & 716.3 of the Wright County Zoning Ordinance. To allow replacement of the existing cabin with a new 2,150 square foot dwelling with a half story above. Structure to be 60' from the ordinary high-water mark of lake. Also, proposed is a new (performance) septic system 5' from the west property line and 5' from the road right-of-way. The lot is undersized and in the floodplain.

Present: Jeffrey & Maureen Brenk, Bruce Prevost

- A. Rhineberger described the details of the property. It is an undersized lot at 14,547 square feet. The applicants want to replace the cabin and guest house, remove the detached garage, and replace all with a new structure that would be 60 feet from the lake. All other setbacks for the structure would be met. The septic system will be a performance system and only 5 feet from the west property line, 5' from the road right-of-way and 20 feet from the livable portions of the dwelling, and 10 feet from the porch. The proposed structure is a story and a half. The Township approved the request as submitted, with conditions: 1) Verification that the lowest floor be out of the floodplain. This can be accomplished with block. Fill may need to be brought in to meet the 15 foot requirement; 2) Amount of fill be verified and a conditional use permit be sought if the fill is over 50 yards; 3) Septic system meet local size requirements. Schermann asked how many bedrooms. Rhineberger said there was questions on number of bedrooms based on the plans, but the intention is for a 4 bedroom house. The last recommendation by the Township was that sedimentation and erosion control structures be implemented. Rhineberger showed pictures of the existing site. The new house would be a 17 foot improvement in the lake setback. Coverage would be at 14.8% and the impervious would be around 20%.
- B. Baumann wondered if the Township seemed satisfied with the road setback. Rhineberger stated that the Township approved everything. The road was recently re-done to meet floodplain elevation and it was also re-centered within the right-of-way so there is ample distance.
- C. Prevost – They worked hard to get this house to fit on the lot with this few variances. They shouldn't have more than 40 yards of fill and they can get that on the site.
- D. Kopff – Asked Rhineberger about the height and if it was in character with the neighborhood. Rhineberger said the board has seen a couple two stories in this neighborhood in the past 5 years. Generally, most of the homes are one story. Kopff asked if there was any way to increase the amount of area dedicated to the sewer. Rhineberger said there is only one place

for the sewer. Only small improvements could be made if that's the direction the board wants to go.

- E. Kopff asked about on-site parking and if the one-stall garage is adequate for a house this size. Rhineberger thought there should be room for parking. Kopff – the lake setback looks better but the parking could be an issue. Prevost said the plans are deceiving and there is quite a bit of room for parking. Kopff noted that lot coverage with the house will be maxed. Rhineberger agreed there will be no more room for another structure.
- F. Wagner wondered about the bonus room on the plan, thinking that might give an opportunity for a 5th bedroom. M. Brenk explained that is more of a rec. room for the kids to get off by themselves. Rhineberger said that without a closet, it's not classified as a bedroom. Wagner thought it would be easy to create additional bedrooms in some of these houses. Rhineberger thought that was the case in most houses but there's only so much you can do. You can make them remove the closet, but it doesn't mean it can't be slept in. The septic system will be sized for 4 bedrooms.
- G. Wagner concurred that only a single car garage on this property is concerning, and wants it clear that the owners know that there can be nothing else built on this property. M. Brenk said that had already changed their mind on that. Prevost said they are talking about increasing the size of the garage by taking some of the space away from the house, while staying with the same footprint.
- H. Rhineberger reanalyzed the property and didn't think any fill would be needed at all. Most of the current grade already seems to meet elevation requirements. Whatever fill that would be needed shouldn't get to 40 yards.
- I. Wagner wasn't excited about allowing a 60 foot setback, but thought this was a reasonable plan to improve an undersized lot. Baumann appreciated the increased setback but also agreed that the storage space is an issue.
- J. Schmidt had problems with the proposal. He doesn't know if you can call a request for a house with 4 bedrooms and a bonus room with a septic system 5 feet from the property line a practical difficulty. The house could be downsized and is too much for the lot. Schermann agrees with Schmidt to a certain extent. He would like to have more room for the sewer system and felt that the house was a little large for the sewer. It looked like a potential 3-2 vote, so he asked for a motion.
- J. Wagner thought this was a reasonable compromise but didn't want to make the motion. Kopff is in agreement on the house size and feels that floor area is a better indication of how a property is going to be used than the number of bedrooms. She has concerns about the size but since the setbacks are improved, she's stuck. 5 foot on the sewer might be setting precedent, and how much do we require the house to be downsized to reduce that setback. Prevost said the sewer is 20 feet from the house. Kopff wondered if the septic situation could be better if the house were downsized. Wagner pointed out that the proposal is 300 square

feet more than what exists today. Prevost added that they are under the 15%. Kopff said the numbers look better in a lot of ways, but still think it's a lot of house for one sewer site that's tucked into the corner of a lot. She could go both ways on this one.

- K. Wagner moved to approve the request for a variance from section 404.2, 612 and 716.3, to allow the replacement of the existing cabin with a new 2,150 square foot dwelling with a half story above. Structure to be 60' from the ordinary high-water mark of lake, with a performance septic system, sized for a 4-bedroom house, that is 5 feet from the west property line and 5 feet from the road right-of-way with the conditions that the floodplain elevation be met, that fill associated with the elevation requirement in excess of 50 yards require a Conditional Use Permit, and appropriate erosion and sedimentation control measures be installed and maintained. Second by Baumann.

DISCUSSION: Kopff questioned specifically how they were planning to adjust the house footprint to address the storage/parking issues. M. Brenk said they are going to make the garage a two-car garage within the footprint of the existing plan. The porch would be eliminated. Prevost added that will get rid of the 5th bedroom debate because that room will be gone. Kopff thought she could go along with the motion based on a two-stall garage and eliminating the porch.

Wagner adjusted his motion to indicate that this lot is maxed with the proposed variance and building request. No additional building. Baumann amended his second.

The applicant handed the Board a copy of the newly amended floor plan for the main floor.

DISCUSSION: Prevost – This change downsizes the living area quite a bit. Kopff thought this plan looks more reasonable than the original and is a good compromise. Schmidt had an issue with the applicant coming up with a different floor plan. There's a proposal before the board with a motion and a second and suddenly a new plan is presented. That's not proper procedure. Schermann agrees. The two-car garage plan isn't what the motion on the table was for. Rhineberger thought the motion covers situations like this. A lot of permits see interior changes for plans after the motions have been approved, and as long as the functional framework of the building isn't changed, they aren't required to come back before the board. This motion was for a 2,150 footprint structure with certain setbacks. If there are any changes to the interior of the home, that motion still applies. Kopff said that for some instances, the interior layout could make a difference in her vote. Schermann doesn't see in the motion on the table where the interior layout is defined. He would like to see the motion reflect the newly updated floor plan. Prevost pointed out that this type of compromise has been done before and they weren't trying to surprise the board with anything. Rhineberger noticed the change of a 2 x 12 "step-back" in this new plan and wanted clarification. Prevost said those plans were hastily drawn up last minute so the correct design may not be evident in this new drawing. Schermann wants to make clear what plan the Board is actually voting on.

Rhineberger marked in the "step-back" on the new plan and labeled it Exhibit A. He suggested pulling the existing motion off the table and putting forth a new one.

Wagner asked for the motion to be removed. Baumann agreed.

J. Brenk made it clear that they will be doing a 2-car garage. The plan may change by a foot or two here or there, but they will absolutely be doing a 2-car garage. Schermann said he would not vote for the original plan, but would vote for a plan that included a double garage.

Kopff made a motion to allow replacement of the existing cabin with a new 2,150 square foot footprint of a dwelling with a half story, which includes a two stall garage 60 feet from the OHW of the lake and a performance septic system 5' from the west property line and 5' from the road right-of-way, so long as the floodplain elevation is met and fill associated with the elevation requirement be approved with a CUP if greater than 50 cubic yards, and that erosion and sedimentation control measures be installed and maintained. Limited to 4 bedrooms. This maximizes the building area that can be put on this lot at 15% and no further structures will be allowed. Wagner second.

VOTE: CARRIED Kopff, Wagner, Baumann, Schermann voted in favor; Schmidt opposed

3. **DAVID A. CAMP** – New Item

LOCATION: 1691 Newcomb Avenue NW – SW 1/4 of NE 1/4, Section 26, Township 120, Range 28, Wright County, Minnesota. (Crow River - French Lake Twp.) Tax #209-000-261300

Requests a variance of Section 502.2 & 612 of the Wright County Zoning Ordinance to build a 24' x 48' storage shed on an existing concrete slab 128' from the N. Fork of the Crow River.

Present: David Camp

- A. Rhineberger indicated the Township has approved. The request is to place a 24 x 48 detached garage 128 feet from the N. Fork of the Crow River. The structure would be over an existing concrete slab that was for a building that was torn down about 10 years ago. Rhineberger showed an aerial photo of the site with a site plan for the new structure. A variance from the river setback was issued to the dwelling in 1997, and is closer than this proposed structure. Property is 40 acres in size.
- B. Camp – They tore the barn down when they moved to the farm. They just want to put a shed there. Wagner thought it looked like they were adding concrete. Camp said they are adding footings outside the footprint of the existing concrete. The rest of the concrete will stay. The barn was very old and was built prior to permits being required. Wagner didn't think runoff issues would be any worse with a new building than they are now, but would like to see the runoff from the roof diverted away from the river.
- C. Baumann wondered if it would be a pole structure. Camp said that it would not. Schermann thought the concrete might be old, but Camp said it is still in good shape.
- D. Schmidt wondered how far the house was from the river. Rhineberger thought 75-80 feet. Schmidt thought that since this shed would be farther back, he can understand wanting to make use of the slab and would go along with the proposal.
- E. Kopff said if this was brand new, she wouldn't go along with it, but because of the existing slab, she could agree.
- F. Camp said this is a cold storage building with no electric or sewer. Rhineberger added that the building is well-screened from the river.
- G. Schmidt made a motion to grant a variance to build a 24 x 48 storage shed on the existing concrete slab 128 feet from the N. Fork of the Crow River, with a condition that the applicant gutter the shed and direct the runoff from the roof away from the river. Second Wagner.

VOTE: CARRIED UNANIMOUSLY

4. **LESLIE L. ANDERSON** – New Item

LOCATION: 5479 Dague Avenue SE – S 1/2 of the NE 1/4 of Section 33, Township 119, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-300-331400

Requests a variance to consider a division of a parcel that will not follow the quarter-quarter lines as regulated in Section 604.4 of the Wright County Zoning Ordinance. Proposed division is the west quarter-quarter and an owned strip out to the public road and would include the existing house. The balance of the land would have the remaining residential “entitlement”.

Present: Leslie and Betty Anderson

- A. Rhineberger summarized the location of the site. The applicants own 80 acres and they wish to divide off the existing homestead and building on the SE portion of the 80. The property fronts County Road 14. A sketch plan was displayed with parcels labeled “A” and “B”. Most of the property is floodplain and would be hard to divide in any other manner. The new building site would be parcel B and no variances should be required to build on the site. A slab or crawl space would likely be required instead of a basement because of the floodplain elevation. A picture was displayed of the site. The Township has approved.
- B. Baumann said he is familiar with the land and the division makes sense. Schmidt thought it was reasonable since all the land in the back is floodplain. This division shouldn’t cause any problems. Schermann, Wagner and Kopff agreed.
- C. Wagner made a motion to approve as presented, labeled exhibit A, drawn by Schoberg Land Surveying, Job #6727, dated March 29, 2007. The remaining 30+ acres to retain the building entitlement. Reason: The west 40 acres does not have road frontage and is floodplain. The remainder has adequate land above floodplain and sufficient road frontage. Second Baumann.

VOTE: CARRIED UNANIMOUSLY

MINUTES

Wagner moved to approve the minutes for the April 16, 2010 meeting as printed. Schermann seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 9:30 a.m.

Respectfully submitted,

Barry J. Rhineberger
Assistant Planner

BJR:sd

Cc: Board of Adjustment
County Board of Commissioners
Tom Zins, Assistant County Attorney
Twp. Clerks