



WRIGHT COUNTY BOARD OF ADJUSTMENT INFORMATION FOR PUBLIC HEARING

Office of Planning and Zoning
Wright County Government Center
10 2nd Street NW Room 140
Buffalo, MN 55313-1185
(763) 682-7338

The Wright County Board of Adjustment is a five member board appointed by the County Board of Commissioners. The Board of Adjustment conducts all public hearings pertaining to requests for variances and administrative appeals to the Wright County Zoning Ordinance. All decisions by the Board of Adjustment are final, except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within thirty (30) days, after receipt of notice of the decision, to the District Court in the County in which the land is located on questions of law and fact.

For technical information and advice, the Board of Adjustment relies on the staff of the Planning and Zoning Office. Staff cannot predict decisions by the Board before the hearing. Staff will assist the applicant in deciding what information to present to the Board of Adjustment, and will create a slide presentation for the applicant prior to the hearing.

All supplementary information for the hearing (narratives, photos, soil borings, updated site plans, surveys etc.) must be submitted for an application to be complete. Changes in state law make it impossible for staff to accept incomplete applications except in unique circumstances. Petitions that are deficient of information cannot be placed on the Board of Adjustment agenda.

The BOA is guided by very specific instructions in regard to its actions. Economic hardship alone is not an adequate reason for a variance, according to State law. Following is an excerpt from the County Zoning Ordinance, which is closely modeled after state law.

"The Board of Adjustment shall not grant a Variance unless it finds the following facts at the hearing where the applicant shall present a statement of evidence proving the following:

- 1. The granting of the Variance will not be in conflict with the Comprehensive Plan;**
- 2. The property will not yield a reasonable return if used in compliance with this Ordinance;**
- 3. The conditions causing the hardship are unique and are not shared by neighboring property in the same zone;**
- 4. The granting of the Variance will not essentially alter the character of the neighborhood;**
- 5. The granting of the Variance will not adversely affect the environmental quality of the area."**

Remember, the "burden of proof" is upon the applicant to ensure that their proposal conforms to the Wright County Ordinances and the Wright County Comprehensive Plan. They must also ensure it will not harm the public health, safety or welfare.

PROCESS TO APPLY FOR PUBLIC HEARING BEFORE THE WRIGHT COUNTY BOARD OF ADJUSTMENT

1. Due to the wide variety of proposals we receive, it is essential to discuss your proposal with a staff member of the Planning and Zoning Office before obtaining and filling out a Board of Adjustment application. Fill out the application and set up a meeting with a staff member to review it. They will determine if there is enough information to place your item on the next agenda. **Applications will not be accepted until all required information has been submitted, hearing fees paid, and Planning Staff approval.** If there are no problems, the item will be placed on the next available meeting.
2. Attend the appropriate Township meeting to explain the proposal to the Town Board (contacts and meeting dates are attached). **The Wright County Board of Adjustment will not act on any petition without a Township recommendation, which will delay BOA action.**
3. State law requires that public hearing notices be published and delivered to nearby landowners for all Board of Adjustment actions. For this reason, there is usually a wait of approximately three weeks from the date of application to the hearing. Staff cannot legally expedite this process. Please refer to the hearing and application deadline schedule attached.
4. **Adequate site information must accompany application.**
 1. A Certificate of Survey must be submitted for Board of Adjustment requests on all lots under 20,000 square feet in size. Complex requests, or requests requiring lake or property line setback variances may also require a Certificate of Survey. Please refer to the attached example survey regarding what information must be shown. If a survey is not required, a site plan must be provided. Surveys or professional engineered plans may be required for parcels with questionable topography or for requests involving land alteration that will not require a Planning Commission hearing. Air photos may be adequate for simple requests for lot line adjustments, large divisions, entitlement appeals or the like. Air photos and half-section maps may be purchased at the Wright County Public Works Building.
 2. A Sewer Certificate of Compliance may be required on the individual sewage treatment system if the Planning and Zoning Office is unable to determine if the system is in compliance per Minnesota State Rules Chapter 7080, or if the site is located within lakeshore.
 3. Preliminary Building Plans of your project. The plans must include floor plans for all levels including basements. The plans must also include elevation drawings of the exterior. **Incomplete applications or those with deficient or incorrect information will result in the delay of Board of Adjustment review and action.**
7. Stake the property accordingly for any type of construction project. Staff will inspect the site prior to the public hearing. Please see the House Permit handout supplied by our office.
8. **The applicant or a representative must be present at the hearing.** Hearings are held Friday mornings in the County Board Room. An agenda time will be assigned and noted on the notice. Failure to appear may be grounds for dropping an item.
9. Any further questions should be directed to Planning Staff or the Zoning Administrator.
(Phone: (763) 682-7338)

FEE _____ Checks payable to: Wright County Treasurer

Hearing fees will be doubled when application is made after action requiring a hearing has already been started. When, due to the complex nature of any matter, or lack of adequate preparation by an applicant, the Board determines that continuation of a hearing is required, a \$50.00 renotification fee may be required. No refund after first public hearing – and only 70% of fee will be refunded after any internal review/site inspection or notices have been sent.



WRIGHT COUNTY BOARD OF ADJUSTMENT APPLICATION

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Buffalo, MN 55313-1185
(763) 682-7338

DATE TAX PARCEL #(s) Attach legal description

TOWNSHIP NAME PRESENT ZONING DISTRICT

APPLICANT PHONE Last name First MI

ADDRESS Street City State Zip

PROPERTY OWNER PHONE Last Name First MI

DESCRIBE NATURE OF REQUEST (attach extra sheets as necessary)

APPLICANT SIGNATURE DATE

PROPERTY OWNER'S SIGNATURE DATE (If other than Applicant)

*****Office Use Only*****

TYPE OF REQUEST: (check all that apply)

- 1. Undersized Lot 2. Setback Variance 3. Lot Line Adjustment 4. 1 per 40 Division 5. Appeal/Interpretation 6. Other

Has this property been involved in a request to rezone, obtain a variance, or a conditional use permit? Yes No
If yes, when: Type of request:

TOWNSHIP BOARD approval/denial is required before Board of Adjustment will act (contacts and meeting dates are attached).
Date Approved Date Denied

APPLICATION IS COMPLETE (Planning Staff must date & initial before it is considered complete) Date/ Initial

60 DAY EXPIRATION DATE 120 DAY EXPIRATION DATE

HEARING DATE

FEE \$ Checks payable to: Wright County Treasurer RECEIPT # DATE
(No refund after first public hearing - and only 70% of fee will be refunded after any internal review/site inspection or notices have been sent.)

BOARD OF ADJUSTMENT ACTION

This day of 20 The Wright County Board of Adjustment approves denies request.

PLANNING STAFF'S SIGNATURE DATE

Any aggrieved person or persons, any Department, Board, and Commission of the jurisdiction or of the State shall have the right to appeal within 30 days after receipt of notice of the decision, to the district court in the County in which the land is located on questions of law and fact. Approvals by the Board of Adjustment are valid for three years.

Example Survey and Site Plan

Please Present This To Your Surveyor

All site plans, prepared by the applicant or professionally done, should be drawn to scale and must include the following information:

- Proposed & existing buildings, labeled & showing dimensions
- Proposed or existing septic drainfield and tank
- Wells on your property and on your neighbors'
- Normal high water mark of lakes, ponds or wetlands
- FloodPlain Elevations and Road Access Elevations
- Knolls, ridges, bluffs, steep slopes or drainage ways
- Orientation to north (show with an arrow) and plan must be to scale
- Driveway, sidewalks, decks and patios
- Any other relevant features (trees, easements, power lines, etc.)

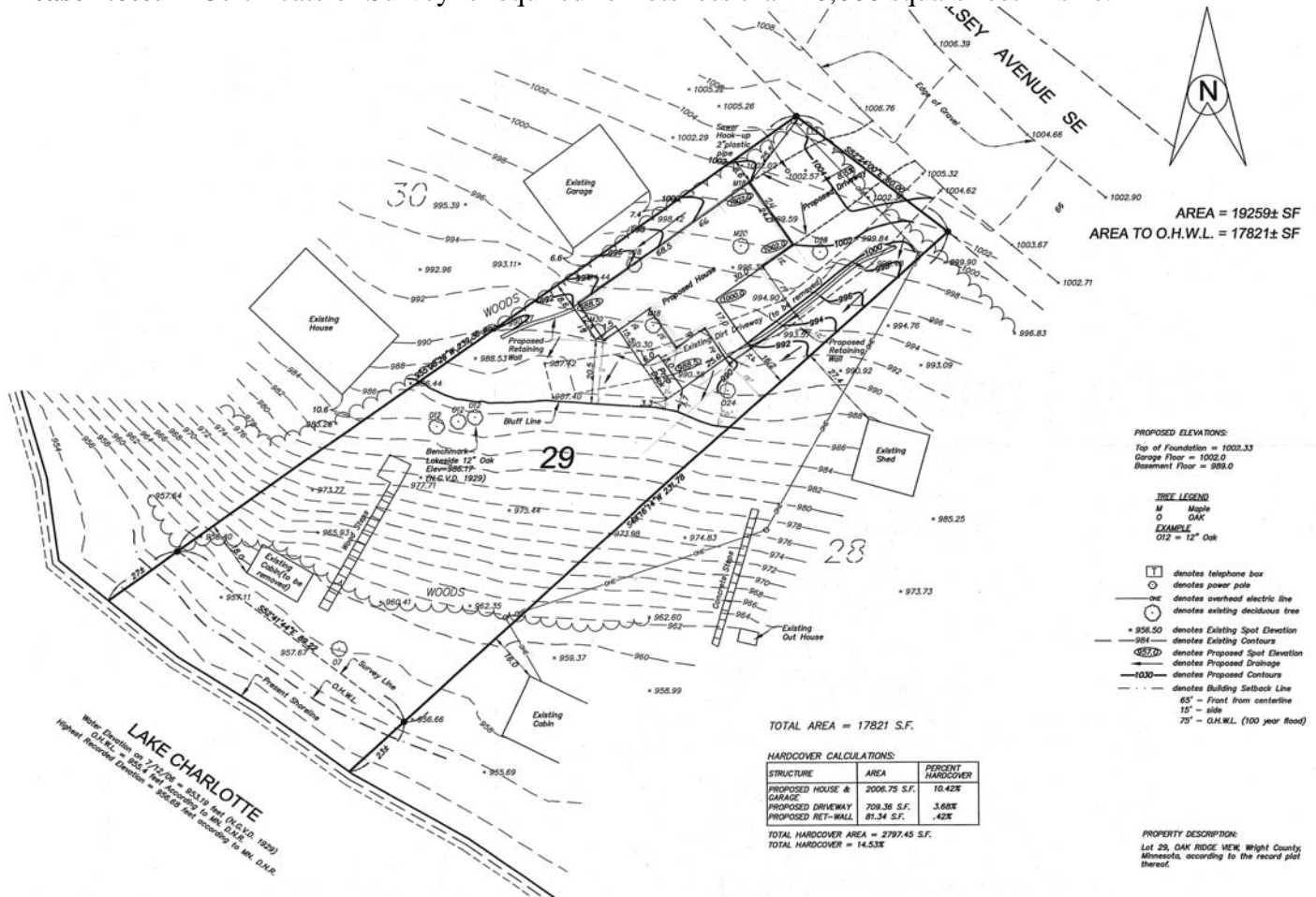
Show these distances/dimensions on the map:

- Lot dimensions and any proposed changes of lot lines
- Distances from buildings to property lines, road and lake
- Distances from wells to septic drainfields and tanks
- Distance from wells/septics to property line, road and lake
- Distance between buildings

*Plans for lakeshore properties must include:

- Ordinary High Water Mark elevation on lot (OHWL)
- Elevation of lowest floor on new dwellings and/or additions
- Any proposed changes in contour elevations, especially between house and lake

Please Note: A Certificate of Survey is required for lots less than 20,000 square feet in size.



Hearing Date

January 8, 2010
February 5, 2010
March 5, 2010
March 26, 2010
April 16, 2010
May 7, 2010
May 21, 2010
June 4, 2010
June 25, 2010
July 9, 2010
July 30, 2010
August 13, 2010
September 3, 2010
September 24, 2010
October 8, 2010
October 22, 2010
November 19, 2010
December 10, 2010

Application Cut-Off Date

December 18, 2010
January 15, 2010
February 12, 2010
March 5, 2010
March 26, 2010
April 16, 2010
April 30, 2010
May 14, 2010
June 4, 2010
June 18, 2010
July 9, 2010
July 23, 2010
August 13, 2010
September 3, 2010
September 17, 2010
October 1, 2010
October 29, 2010
November 19, 2010

***Note:** In order for an application to be considered complete, all required information, along with the application fee, must be submitted and accepted by the Assistant Planner no later than the above referenced cut-off date. A pre-application meeting is also required prior to application submittal. To schedule an appointment, please contact:

Barry Rhineberger, Assistant Planner
Phone: 763-682-8947
Email: barry.rhineberger@co.wright.mn.us

**WRIGHT COUNTY TOWNSHIP OFFICERS
March, 2010 to March, 2011**

<u>Albion</u>	<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Term Expires</u>
Clerk	Debbie Uecker	2235 Co. Rd. 6 NW, Annandale Email: dmuecker@lakedalelink.net	320-963-4015 (Home) 320-963-5667 (Hall)	2010
Board meets: 3 rd Tuesday @ 8:00 p.m.				
<u>Buffalo</u>				
Clerk/Treas	Cheryl Bohnen	5960 23 rd St. NE, Buffalo Email: Buffalotownship@aol.com	763-639-1088 (Home)	2012
Board meets: 1 st Tuesday @ 7:00 p.m.				
<u>Chatham</u>				
Clerk/Treas	Francis Munsterteiger	1295 27 th St. NW, Buffalo Email: fjmchat1@lakedalelink.net	763-682-6151 (Home) 763-963-5799 (Hall)	2010
Board meets: 2 nd Tuesday @ 8:00 p.m.				
<u>Clearwater</u>				
Clerk/Treas	Sharon R. Lee	15015 State Hwy. 24 NW, Clearwater Email: clearwatertwp@frontiernet.net	320-558-4011 (Hall) 320-558-6790 (Fax)	2010
Board meets: 3 rd Tuesday @ 7:30 p.m.				
<u>Cokato</u>				
Clerk	Brad Morris	14987 30 th St. SW, Cokato Email: bmorris@centurylink.net/cokatwp@hutchtel.net	320-286-2051 or 320-286-5406 320-286-2450 (Fax)	2012
Board meets: 2 nd Monday @ 8:00 p.m.				
<u>Corinna</u>				
Clerk/Treas	Mary Barkley Brown	9801 Ireland Ave. NW, Annandale Email: cortwp@lakedalelink.net Office Hours: Mon., Tues., Thurs., Fri., 8:00 a to 3:00p	320-274-8049 (Office) 320-274-3792 (Fax)	Appointed
3Board meets: 1 st & 3 rd Tuesday @ 7:00 p.m. Township Hall, 9801 Ireland Ave. NW, Annandale Website: www.corinnatownship.com				
<u>Franklin</u>				
Clerk/Treas	Denise Olson	545 Elm Ave. E, Delano Email: olsond@netscape.com	763-972-3741 (Phone/ Fax)	Appointed
Board meets: 1 st Monday @ 7:00 p.m. (except on Holiday, then following Tuesday @ 7:00 p.m.)				
<u>French Lake</u>				
Clerk	Roseanne Peterson	15460 Co. Rd. 37 NW, Annandale Email: erikinc@hutchtel.net	320-286-6163 (Home)	2010
Board meets: 1 st Tuesday @ 7:30 p.m.				
<u>Maple Lake</u>				
Clerk	Dick Hogan	920 5 th St. NW, Maple Lake Email: r_hogan@charter.net	320-963-5336	Appointed
Board meets: 3 rd Tuesday @ 7:00 p.m.				
<u>Marysville</u>				
Clerk/Treas	Dorothy Rahn	1594 Co. Rd. 8 SW, Waverly Email: marystwp@lakedalelink.net	763-658-6171 (Home) 763-658-4064 (Hall) 763-658-4056 (Fax)	Appointed
Board meets: Last Monday @ 7:00 p.m. (unless Holiday/Date Changed Published/Posted) 3733 Dempsey Ave. SW				

<u>Middleville</u>	<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Term Expires</u>
Clerk	Joey Berg	10423 10 th St. SW, Howard Lake Email: insbiscuit@yahoo.com	320-543-3807 (Hall) 320-286-5839 (Home) 320-286-5785 (Fax)	2010
Board meets: 2 nd Tuesday @ 7:30 p.m.				
<u>Monticello</u>	<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Term Expires</u>
Clerk	Nancy Kopff	8550 Edmonson Ave. NE, Monticello Email: monticellotownship@tds.net	763-295-3422 (Hall) 763-295-7765 (Home)	Appointed
Board meets: 1 st & 3 rd Monday @ 7:00 p.m. November thru February; 8:00 p.m. March thru October				
<u>Rockford</u>	<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Term Expires</u>
Clerk/Treas	Rachelle L. McDougall	3039 Dague Ave. SE, Buffalo Email: rockfortwp@charterinternet.com	763-682-3499 (Hall) 763-682-6256 (Fax)	Appointed
Board meets: 1 st & 3 rd Tuesday Website: www.rockfordtownship.com				
<u>Silver Creek</u>	<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Term Expires</u>
Clerk	Sandy Forsman	3827 134th St. NW, Monticello Email: silvercreektwp@tds.net	763-878-0141 (Hall) 763-878-2550 (Fax)	Appointed
Board meets: 3 rd Tuesday Website: silvercreektwp.com				
<u>Southside</u>	<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Term Expires</u>
Clerk/Treas	Carmen Merrill	6423 Osborn Ave. NW, Annandale Email: cmerrill@southsidetownship.com	320-274-8602 (Home/Fax)	Apptd.
Board meets: 1st Tuesday @ 7:00 p.m.				
<u>Stockholm</u>	<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Term Expires</u>
Clerk	Diane Johnson	P.O. Box, Cokato Email: info@bonniemohr.com	320-286-5087 or 320-864-6642	2010
Board meets: 2 nd Monday @ 7:30 p.m.				
<u>Victor</u>	<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Term Expires</u>
Clerk	Sharon Glessing	8715 Grover Ave. SW, Waverly Email: sglessing@ll.net	320-543-3702 (home)	2010
Board meets: 2 nd Monday @ 8:00 p.m. @ Victor Twp. Hall, 8718 90 th St. SW				
<u>Woodland</u>	<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Term Expires</u>
Clerk	Gloria Janikula	9065 Clementa Ave. SW, Montrose Email: woodland@lakedalelink.net	763-658-4252 (Hall) or 763-658-4177	2010
Board meets: 2 nd Monday @ 7:00 p.m.				

Wright County Board of Adjustment

Applicant Response Form

The request for a variance is, in essence, a request to break or bend the law. Variances cannot be granted without very strong justification. The desire of the property owner to have a specific development/construction proposal does not constitute justification for granting a variance. As determined by State law and County Ordinance, an area variance may be granted only where the strict enforcement of county zoning controls will result in “practical difficulty”. A determination that a “practical difficulty” exists is based upon the consideration of the following criteria as defined by the Minnesota Supreme Court in In re the Matter of the Decision of County of Otter Tail Board of Adjustment to Deny a Variance to Cyril Stadsvold and Cynara Stadsvold and the Wright County Zoning Ordinance. The following questions relate to the factors for granting variances, please complete and return with your completed Board of Adjustment application.

1. Will granting the Variance be in conflict with the Wright County Land Use Plan? The Plan is a policy guideline that directs building and development in Wright County. A full copy is available on the County Website: <http://www.co.wright.mn.us/departments/pandz/>. The most commonly applied goals and policies are from the Plan include:

- To protect, preserve, and enhance the quality of the natural environment, and require development to take place in a manner which makes wise use of Wright County’s resources without degradation
 - *Steep slopes, wetlands, unstable soils and other sensitive environmental features will be protected, as far as is practical, in their natural, stable state. Development on or near such areas may be required to provide larger lot sizes, enhanced setbacks or other conditions to protect the sensitive features.*
 - *Development of lakeshore property shall abide by State Shoreland Management rules to maintain, as far as practical, a natural shoreline and natural views of shoreland areas from the lake’s surface.*
 - *In general, development activity should take place in harmony with the existing, stable, natural environment. Development proposals should be adapted to suit the natural landscape, rather than altering the land to suit the development.*
- To protect agricultural lands from encroachment by incompatible land uses and provide assurances that such areas will remain agricultural in nature

Does the proposal conflict with the Land Use Plan. Why or why not?

2. Is the request a substantial variation from the requirements of the zoning ordinance? Why or why not?

3. Will the request have an adverse effect on government services (road, emergency, utility, and other such services)? Why or why not?

4. Will the Variance substantially change the character of the neighborhood? Why or why not?

5. Can the practical difficulty be alleviated by a feasible method other than a variance? Is there room to comply with Ordinance requirements?

6. How did the need for a variance arise? Did the landowner create the need for the variance? Explain.

7. The granting of the Variance will not adversely affect the environmental quality of the area. Why or why not?

*** Remember, the heavy “burden of proof” is upon the applicant to ensure that their proposal conforms to the Wright County Ordinances and the Wright County Comprehensive Plan. This submission will be presented to the Board of Adjustment, but County Staff are obligated to also present their review and recommendations.**