

POLICY GUIDELINES
WRIGHT COUNTY BOARD OF ADJUSTMENT
AS REVISED May 28, 2004
Section 2, letter "F" revised July 23, 2004
Section 6 revised December 10, 2004

1.) POLICIES GENERALLY RELATED TO ALL REQUESTS

a. All applications which request a variance from dimensional standards, and to the extent applicable and regardless of lot size, shall require a survey, building plans, and a conforming sewer system design. The survey shall show all buildings and improvements including the sewer on the property.

b. No action will be considered or taken involving lots upon which illegal construction, improvements, or divisions have taken place, unless the request includes action to address or correct the improper acts.

c. Expenditures made, or party reliance on improvements completed without a required permit prior to requesting a variance, will not be considered as justifications for a hardship finding in a variance proceeding.

d. At any one meeting of the Board of Adjustment, only 15 items will be scheduled by staff. This will be done in the sequence that completed applications are received. Exceptions shall be made if the time necessary to fully consider a request, under state law and particularly Minn.Stat. § 15.99, requires otherwise.

e. Board of Adjustment meetings need not be held unless at least five requests are made and are ready for review. Exceptions shall be made if the time necessary to fully consider a request, under state law, and particularly Minn. Stat. § 15.99, requires otherwise.

f. The Board shall allow three continuances to an applicant when they are requested by the applicant, or are necessary to develop the record. At the fourth scheduled hearing, the Board will make a decision to either approve or deny the request. Exceptions will be made to this policy only where the lack of prosecution of the request is clearly due to extenuating circumstances beyond the control of the applicant.

If a decision is required under the provisions of Minn.Stat. § 15.99 before another continuance for hearing can be scheduled, at any stage in the hearing process, and the record is too incomplete or inadequate to justify an immediate approval, the request shall be denied forthwith. No request shall be dismissed, tabled or the equivalent at any time in the hearing process without the written consent of the applicant, including a written waiver of timely decision rights under Minn.Stat. § 15.99.

g. When lakeshore property, combination of lots, or a lot is divided by an access easement or road, the individual portions on either side of the road shall be considered separately under performance standard calculations related to lot size and lot coverage.

h. When matters of interpretation of the ordinance come before the Board, the Board shall determine the meaning of the specific provision and their rulings, if appropriate and of general application, shall be included thereafter in the policy guidelines.

i. The Board may continue or otherwise postpone a request, within the bounds of Minn.Stat. § 15.99, when the information required or determined to be necessary for making a ruling is inadequate, inaccurate or unknown.

j. Where there is a request for a permit, variance, or ruling related to a property that is clearly littered with junk or refuse, or where the property is the subject of a criminal or civil complaint involving junk, refuse or the like, the Board shall not make a positive decision of approval on the request until the property is cleaned up to the satisfaction of the Planning and Zoning office.

k. At the time of the application, the owner or applicant of the land involved in a petition for an agricultural division must supply an air photo delineating the proposal. A survey of the division may be required at the time of the approval or thereafter, for Planning and Zoning records.

2. DEVELOPMENT ON UNDERSIZED AND LAKESHORE LOTS

a. Requests related to all lots under 20,000 square feet in area shall require a certified survey showing all information relevant to the proposal. This shall include, but not be limited to, property lines, placement of existing and proposed buildings, Ordinary High Water marks (OHW), structure and facility distances from the OHW and from side property lines, roads, sewers and wells. These must be provided at the time of application.

b. No construction improvements will be approved over existing inside wells, nor in situations where a well will end up inside a structure after proposed improvements are complete.

c. No construction, expansion, or other improvements will be approved on lots with substandard, nonconforming, or undetermined septic systems, unless the proposal includes a plan for a new system.

d. No construction expansions will be allowed that will limit a service access to sewers or wells. A useable, twelve-foot wide side yard access space must be available if service access is planned by using the side yard. The Board may allow a recorded written permanent easement from adjacent neighbors as an alternative.

e. Two-story detached garages will not be permitted on residential building sites smaller than 20,000 square feet, if any variances are needed for the garage or any other development on the lot.

f. Where new construction is involved, and where circumstances dictate that the sewer must be installed on a parcel other than the main lot where the dwelling is located, such parcel must be owned in common with the main lot. When two or more owners share a community type sewer system, an easement or long-term lease may be acceptable. If a system fails, a long-term lease may be acceptable provided no expansion will be allowed on the existing structure. The purpose is to solve a sewer problem, not to increase the future use of a dwelling.

3.) SETBACKS, BLUFF and FLOOD PLAIN CONDITIONS

a. In reviewing lake, road, side or other setbacks, the Board may consider the average setback of neighboring structures existing prior to ordinance (grandfather lines) in that area. However, it is the intention of the zoning ordinance and shoreland regulations that setback improvements should be attained over time, and the Board shall consider the use of available space on the lot to improve setback conditions as a reasonable requirement.

b. Side and rear yard set backs will be measured to the nearest projection when within 10' of the line, or to the foundation/building line when over 10'.

c. The Board will not approve variances that disturb or alter the bluff line with walkouts or other construction or land alteration.

d. Elevation contours must be provided on any survey where bluff or steep slope conditions exist.

e. Elevation data must be provided on any survey on lots in the Flood Plain Overlay District. Elevation data are required where any structure or addition will be built, and for the lowest floor including the basement for any existing building where an addition is planned. Elevation data may also be required for any low or questionable lot whether in the Flood Plain or not.

4.) LOT LINE ADJUSTMENTS

a. For lot line adjustments or land transfers which require action by the Board, proof of ownership or contract for acquisition for all affected properties must be provided by the applicant(s). Any remainder parcels shall be joined or assigned to another specific legal parcel.

b. The owner must supply an air photo at the time of application for all lot line adjustment requests. The request should be drawn in on the air photo and an explanation of the hardship or specific reasons for the request must be supplied by the applicant.

c. Under no circumstance shall the Board approve any change in property which creates or adds residential building entitlements not specifically provided by the zoning ordinance.

5.) TEMPORARY MOBILE HOMES

- a. Mobile homes will only be allowed as a temporary use while constructing a home or in a genuine emergency for a specified time period.
- b. For a temporary mobile home during construction, the applicant must provide proof of financing for the new home, building plans for the new home, a construction time line, and septic information.
- c. The septic, well and electric must be installed prior to moving the mobile home on the property.
- d. In general, the Board may allow one building season for a mobile home while constructing or remodeling a home.
- e. A signed statement by the owner will be required stating that he/she is aware of the removal date and agrees to abide by the time line.

6.) WILD AND SCENIC

- a. Lots of record which were owned in common at the time of adoption of the Wild and Scenic River rules may be sold and developed as separate lots provided that each individual lot and remaining lot or lots are at least one (1) acres in size and 120 feet in width. Lots of record owned in common which do not meet these standards may not be sold or developed separately unless reviewed by the Board of Adjustment. The Board shall require that such lots be kept in combinations which meet or exceed the standards set above. (This policy was originally adopted by the Board of Adjustment on August 22, 1986)