

**AGENDA
PLANNING COMMISSION
CITY OF WYOMING, MINNESOTA
NOVEMBER 10, 2025
7:00 PM**

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

ELECTION OF A CHAIRPERSON FOR THE BOARD OF APPEALS:

ELECTION OF A VICE-CHAIRPERSON FOR THE BOARD OF APPEALS:

ADOPTION OF APPEALS BOARD RULES

APPROVAL OF MINUTES:

1. Approval of the minutes from the Board of Appeals meeting on February 12, 2013

NEW BUSINESS:

2. APPEAL: of the Zoning Administrator's determination that the property located at 25738 East Comfort Drive is a buildable lot
APPLICANTS: Judy & Greg Coughlin, et al.

ADJOURN

**UNAPPROVED MINUTES
BOARD OF APPEALS
PUBLIC MEETING
CITY OF WYOMING, MINNESOTA
FEBRUARY 12, 2013
6:00 PM**

CALL TO ORDER:

Board of Appeals Chairman Mark Lobermeier called the meeting of the Wyoming Board of Appeals of February 12, 2013 to order at 6:45 P.M.

CALL OF ROLL:

On a Call of the Roll the following members of the Wyoming Board of Appeals were present: Judy Coughlin, Roger Elmore, Mark Lobermeier and Maureen Wolhaupter.

Members Absent: Steve Zerwas.

Also Present: Zoning Administrator Fred Weck and Board of Appeals Alternate Lisa Iverson.

DETERMINATION OF A QUORUM:

Chairman Storm determined a quorum was present.

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

1. **Consider approving the minutes of the Public Hearing of the Wyoming, Minnesota Board of Appeals for October 23, 2012.**

A MOTION WAS MADE BY BOARD OF APPEALS MEMBER ELMORE, SECONDED BY BOARD OF APPEALS MEMBER WOLHAUPTER, TO APPROVE THE PUBLIC HEARING MINUTES OF THE WYOMING, MINNESOTA BOARD OF APPEALS FOR OCTOBER 13, 2012.

Voting Aye: Coughlin, Elmore, Lobermeier and Wolhaupter.

Voting Nay: None

Abstain: None

There being no further business Board of Appeals Chairman Lobermeier adjourned the meeting at 6:48 P.M.

Applicants appealing decision of Fred Weck, City of Wyoming Zoning Administrator to issue Building and Septic Permits for Lot 1 of Aadland Shores, Chisago City, MN

Name(s)	Phone number(s)	Email Address	Street Address	City, State and Zip Code	Signature
Berndee Bui Key			28770 Old Towne Rd, Chisago City, MN 55013	Chisago City, MN 55013	<i>[Signature]</i>
Richard Peifer			25815 Indian Trail	Chisago City, MN 55013	<i>[Signature]</i>
Brian Coy G			2584 Indian Ave	Chisago City, MN 55013	<i>[Signature]</i>
STEVE FIGINI			25769 Indian Ave	Chisago City, MN 55013	<i>[Signature]</i>
Anthony Breitbarth			25845 Indian Ave Chisago City, MN 55013	Chisago City, MN 55013	<i>[Signature]</i>
Teng Xiong			25782 Indian Ave 55013	Chisago City 55013	<i>[Signature]</i>
TOMI SCABURO			25887 Indian Ave 55013	Chisago City 55013	<i>[Signature]</i>
Linda Walbin			" " " "	" " " "	<i>[Signature]</i>
Kelly + Mike Peizer			25838 Indian Ave 55013	Chisago City MN 55013	<i>[Signature]</i>
Trevor + Lyssa Gilbertson			25971 Indian Trail Chisago City, MN 55013	Chisago City, MN 55013	<i>[Signature]</i>
Edward + Shannon Seifert			8117 Pioneer Rd Chisago City, MN 55013	Chisago City MN 55013	<i>[Signature]</i>
Mike + Paul Chapman			25732 E Comfort Dr	Chisago City, MN 55013	<i>[Signature]</i>
Brian + Nicole Mendenhall			25715 Indian Ave	Chisago City, MN 55013	<i>[Signature]</i>
Josh Flewler			25715 Indian Ave	Chisago City, MN 55013	<i>[Signature]</i>

INTRODUCTION AND BACKGROUND HISTORY OF LOT 1 of AADLAND SHORES (25738 E. Comfort Dr.)

- This Lot is located on Comfort Lake, within the Shoreland District, and is considered a Nonconforming Lot and/or Substandard Lot. Any permits issued for construction on lots within Shoreland areas are required to follow applicable MN Statutes, MN Rules and City of Wyoming Code.
- Lot 1 of Aadland Shores was originally platted in 1965 by Peter and Pearl Aadland and Viola and John Ruser and is considerably smaller than the surrounding lots in the same development and throughout the area. It is only .27 acres. See **EXHIBIT A** for a depiction of lots in the area.
- In subsequent years, as the Aadlands and Rusers developed and sold lots in the surrounding area, they legally granted deeded non-exclusive easements over and across Lot 1 of Aadland Shores to 18 parcels located in Aadland Shores 2nd Plat, Aadland Acres and Aadland Acres 2nd Plat, to afford those properties the benefit of access to Comfort Lake for their use and enjoyment. These easements were properly recorded in the County Recorder's Office.
- In the 58 years since this lot was platted, the previous owners never attempted to build on this lot because of the legally granted Deeded Lake Access easements and because it does not meet the requirements of MN Statute, MN Rules and the City of Wyoming Code.
- The Lot remained in the Aadland family until Nov. 2023 when it was sold to Preston Chelberg, who then sold the Lot to David Freemore in Dec. 2023. Mr. Freemore is now attempting to build a house on this Lot.
- On Oct. 25, 2024, the City of Wyoming issued Building and Septic permits for construction of a house on this lot. This Appeal will show that the issuance of those Permits is in violation of MN Statute, MN Rules and the City of Wyoming Code.
- Both prior to, and after the City issued the Building and Septic permits, a number of residents contacted Mr. Linwood, Mr. Weck and Mayor Iverson to question why permits for construction were issued by the City. In response, residents' concerns were dismissed or they were told, in essence, that the permits issued for this lot adhere to all current Zoning ordinances.
- On July 6, 2024, after reviewing public data related to this lot, the Coughlins sent an email to Robb Linwood, City Administrator and Fred Weck, City of Wyoming Building Inspector and Zoning Administrator, stating that they believed the Building and Septic permits for this lot were issued in error and cited the MN Statutes, MN Rules and City Code violations they found.
- On July 17, 2025, the Coughlins received an email from Robb Linwood, City Administrator saying, in part, *"Please be assured that City staff have been actively reviewing this matter. If any changes or corrective actions are necessary, they will be addressed through the appropriate administrative channels. At this time, we consider this a matter between the City and the property owner. Should there be any required public actions or determinations, they will occur in accordance with applicable processes and procedures."*
- In Late July 2025, Mr. Freemore, presumably at the request of the City, had his Septic designer perform additional soil borings on the lake side of the home foundation. We will address this later in the Appeal.
- All Documents, Building and Septic Permits, Surveys, Plans and other data referenced in this Appeal are Public Record and were obtained through several Data Practices Requests to the City of Wyoming as permitted under the Government Data Practices Act, MN Statute Chapter 13. **NOTE:** For the Exhibits referenced in this Appeal, the Appellants have added notes and/or colors to the original documents for clarity and to demonstrate violations.

- A copy of the actual Certificate of Survey, prepared by Widseth Architects, Engineers, Scientists and Surveyors for this lot is included for reference. **See Exhibit B**
- A page listing applicable Definitions is included to clarify the meaning of specific Planning and Zoning terminology.
- This Appeal is being brought under City of Wyoming Code Chapter 40, Sections 40.71, 40-130, 40-349 (3) (d) and (e) and **MN Statute 462.357 Subd. 6. Appeals and adjustments,**
Subd. 6. Appeals and adjustments. Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:
 - (1) *To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.*

We submit this Appeal to address the violations of MN Statute, MN Rules, City Code and Zoning Ordinances that occurred when the Building and Septic permits were issued for Lot 1 of Aadland Shores. See the following pages for details of this Appeal.

APPEAL DETAILS

1) VIOLATION OF Minnesota Statute Chapter 462, Section 462.357 Subdivision 1e. Nonconformities, (2) (d) and (e). See Statute language below:

MN Statute 462.357 Subd. 1e. Nonconformities, (2) (d) and (e).

(d) Paragraphs (d) to (j) apply to shoreland lots of record in the office of the county recorder on the date of adoption of local shoreland controls that do not meet the requirements for lot size or lot width. A municipality shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in shoreland areas according to paragraphs (d) to (j).

(e) A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:

(1) all structure and septic system setback distance requirements can be met;

(2) a Type I sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and

(3) the impervious surface coverage does not exceed 25 percent of the lot.

Violation that occurred: The City of Wyoming issued Building and Septic permits without requiring a variance, in direct violation of paragraph (e) (2) and (3) above. A Variance from Lot Size should have been required because numbers (2) and (3) cannot be met.

- The Septic Permit documents show that this Lot cannot accommodate a Type I Septic System because of "Fill" soils, so instead, a Type III Septic System was permitted, contrary to the requirements of the Statute above. **See Exhibit C, Pages 1 - 4** The City should have required that the Lot owner to apply for a Variance.
- The language of this Statute is very clear. A Type 1 system must be installed in order to meet the criteria of this ordinance or the Lot owner is required to apply for a Variance. In paragraph (d) above, it says: "A municipality shall regulate..." We have spoken at length to two individuals in the Septic Division at the MPCA, one in Policy and Rules and another in Compliance and Enforcement. We've also spoken several times to the MN DNR Lake and River Shoreland Program Manager. The intent of this law is very clear and all have reiterated that if a Type I System cannot be installed on the property, the owner is required to apply for a Variance. Plain and simple. Interpreting this Statute any other way defeats the whole purpose of this Statute's requirement. If the Statute intended that ANY type of Septic System could be installed, it would have been written accordingly.
- In July of 2025, 8 months after the Septic Permit was issued, Mr. Freemore, the Lot owner, asked Boettcher, the Septic Designer, to do additional soil borings on the lake (west) side of the Lot, presumably at the request of the City. **See Exhibit D, Pages 1 – 3.** Once the additional soil borings were done, Mr. Weck, Building Inspector and Zoning Administrator wrote an email to Mr. Freemore, the property owner, stating that "*It shows that a Type I system could have been installed (not that one needed to be installed) which is one of the requirements that it is a buildable lot.*" This statement is completely false for several reasons. First of all, the additional borings do NOT show or prove that a Type 1 Septic System could have been installed on this property. In fact, of the three soil borings done in July of 2025, two are located within required setback areas where NO Septic System of ANY type can be installed. Soil boring 1 (SB1) is less than the required 50 ft from the Well, and Soil Boring 3 (SB3) is located within the required 75 ft setback from the OHWL of Comfort Lake. (The 75 ft setback from the OHWL is required per MN Rule 6120.3300.) The area where Soil Boring 2 (SB2) was taken is too small to accommodate a Type 1 Septic System once all of the other required setbacks are met. In addition, there is a large

(38" dia.) oak tree located in that area which also reduces the area where a Septic System could have been installed. Simply taking borings in locations where a Septic System cannot even be installed certainly does NOT meet the requirement of this Statute. See Exhibit E, Page 1 which shows all setback areas and the area that remains for a Septic System.

- The impervious surface exceeds 25% of the Lot size which is also a requirement by MN Statute 462.357, so again, the City should have required the Lot owner to apply for a variance. The Certificate of Survey for this Lot shows that the Surveyor measured the impervious surface from the foundation of the house, rather than the rooftop as per the City's definition. (see below).
*(110) **Impervious Surface:** A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, or gravel driveways; and other similar surfaces.*
The City's definition for impervious surface is consistent with the MPCA's definition as well. Both say rooftop. When the impervious surface is measured from the rooftop, it exceeds the 25% required by this MN Statute, and is closer to 28%. Even when measured from the foundation of the house, it exceeds 25 % because the north retaining wall was omitted from the impervious surface calculations. See Exhibit F, Pages 1 - 3 which show the impervious surface calculations using the foundation drawing and also the calculations using the rooftop (Bird's Eye View) drawing.

2) Violation of City of Wyoming Zoning Ordinance: Chapter 40 ZONING, ARTICLE VI. ZONING DISTRICT PROVISIONS, DIVISION 16, SHORELAND DISTRICT, Section 40-335. Nonconforming Lots. See ordinance language below.

Section 40-335. Nonconforming Lots.

All legally established nonconformities as of December 5, 2009 may continue, but they will be managed according to Minnesota Statutes, Chapter 462.357, other applicable state statutes, and other regulations of the City of Wyoming for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

(1) Construction on nonconforming lots of record.

(a) Lots of record in the office of the county recorder on December 5, 2009 of local shoreland controls that do not meet the requirements of Article VI, Division 16, may be allowed as building sites without variances from the lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became nonconforming, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this Ordinance are met.

(b) A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Planning Commission shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

Violation that occurred: The language in City's ordinance 40-335 above is taken from MN Administrative Rules, 6120.3300 ZONING PROVISIONS, Subpart 2 D. <https://www.revisor.mn.gov/rules/6120.3300/> While the language in Section 40-335 is not as clear as the language found in MN Statute 462.357, the very first sentence of Section 40-335 clearly states that Nonconformities "will be managed according to MN Statutes, Chapter 462.357, other applicable State Statutes and other regulations of the City of Wyoming....". Ultimately the City is required to follow MN Statute 462.357 and other applicable Zoning Ordinances. (See Violation 1 above). Instead the City granted a Permit without requiring a Variance. On Oct. 14, 2024, in an email from Fred Weck to the Septic Designer, he wrote: "*I don't know if this will get you enough room to get the tanks in or not. Dave needs to be able to get everything to fit without needing any variances, or the lot is unbuildable*". See Exhibit G

3) Violation of City of Wyoming Code: Chapter 36 UTILITIES, ARTICLE V. SUBSURFACE SEWAGE TREATMENT SYSTEMS, DIVISION 6. GENERAL REQUIREMENTS, Section 36-232. Minimum Soil Test Area Requirements. (1) and (5) See ordinance language below.

Sec. 36 – 232. Minimum Soil Test Area Requirements.

(1) Lots created prior to November 2, 1987 shall be required to demonstrate 5,000 square feet of percolation tested soils capable of supporting a Type I SSTS.

(4) All lots created after July 16, 1997 shall require one acre of buildable soil (as defined by the City of Wyoming Zoning Ordinance) to be identified on each lot, in addition to 10,000 square feet of percolation tested soils, which are suitable for a Type I SSTS and reserved as the primary and secondary installation sites

(5) At any time that new construction is proposed on property previously undeveloped for residential purposes, site conditions and soils capable of supporting a Type I SSTS shall be proven to exist.

Note: Under MN Rule 7082.0040, The City must also comply with the standards and requirements of Chisago County's Septic Ordinance. Their ordinance contains the same language as above.

Violation that occurred: The City issued Building and Septic Permits in violation of (1) and (5) above. The Septic Designer, Boettcher, only performed percolation (perc) tests in approximately a 450 Sq. Ft. area, where there is "Fill" soil that cannot support a Type I Septic System (SSTS). **See Exhibit C, Page 4.** Boettcher took additional soil borings in July of 2025, roughly 8 months AFTER the Building and Septic permits were issued, but no additional percolation tests were performed to demonstrate if those soils were even capable of supporting a Type I Septic System. **See Exhibit D, pages 1 – 3.** The language in **Sec. 36-232** above is very clear. "Lots created prior to November 1987 shall be required to demonstrate 5,000 sq ft. of percolation tested soils capable of supporting a Type 1 SSTS." Yet a Septic permit was issued even though this didn't occur. If the additional soil borings were somehow supposed to retroactively prove that this Lot had 5,000 sq ft capable of supporting a Type 1 Septic System, it does not. Of note: Lots created after 1997 are required to have one acre of buildable soil, in addition to 10,000 sq. ft. of percolation tested soils suitable for a Type 1 SSTS. See (4) above. This requirement exists so that if the Septic System were to fail, there would be sufficient space to install another system. Lot 1 doesn't even meet the requirement for 5,000 sq ft. of percolation tested soils and is so small that if the Septic System fails, there is nowhere else on this lot for any type of Septic System, much less a Type 1 System. **See Exhibit E, Pages 1 & 2.**

4) Violation of City of Wyoming Zoning Ordinance: Chapter 40 ZONING, ARTICLE VII. GENERAL BUILDING AND PERFORMANCE REQUIREMENTS DIVISION 22. NONCONFORMITIES, Section 40-652. Substandard Lots See ordinance language below.

Division 22 NONCONFORMITIES, Sec. 40 – 652. Substandard Lots.

The minimum lot area requirements are set forth within the district provisions of the ordinance. Any lot not meeting the minimum requirements of the district it is located in, which was recorded after April 20, 1970, shall be considered a substandard lot.

A substandard lot may be allowed as a building site provided that all the following criteria are met:

(1) The lot is a lot of record recorded at the Chisago County recorder's office, prior to April 20, 1970.

(2) *The lot is in separate ownership from abutting lands.*

(3) The lot width or area is within sixty percent (60%) of the minimum requirements set forth in this Ordinance.

(4) The lot can be served by a standard on-site sewage system, or municipal sewer.

(5) *All required setbacks for a structure can be met.*

Violation that occurred: This lot was platted in 1965 so it meets the criteria in (1) above. However, it does not meet the requirement of (3) and (4) above.

In the City of Wyoming Zoning Ordinance, **Chapter 40, Article VI, Division 16, Sec. 40 – 318. Lot Area and Width Standards**, the current minimum lot size requirement for a lot on Comfort Lake, an unsewered, General Development Lake, is one acre (43,560 sq. ft) and the minimum lot width is 125 ft.

The ordinance above states that a substandard lot must meet 60% of the lot width or area of the current minimum lot requirements. This lot meets neither, as shown below.

60% of 43,560 sq. feet = 26,136 sq. ft. This Lot is only 11,719 sq. ft. in size.
60% of the lot width of 125 ft. = 75 ft.

Note: per the City's Definition and MN DNR Rules, the lot width is measured as follows:

Lot, Width: *The minimum distance between:*

- (a) Side lot lines measured at the midpoint of the building line; and*
- (b) Side lot lines at the ordinary high water level, if applicable.*

When measured at the building line, the lot width is approximately 50 ft., and when measured at the Ordinary High Water Line (OHWL), the lot width is only 29 ft. **See Exhibit H**

Not only doesn't this Lot fail to meet the 60 percent lot width or area requirements, it also does not meet the requirement of (4) above either. It cannot be served by a standard on-site sewage system as discussed earlier. "Standard" means a Type 1 Septic System.

5) Violation of City of Wyoming Zoning Ordinance: Chapter 40 Zoning, ARTICLE II INTENT AND PURPOSE Section 40-10 Defined. and ARTICLE III. APPLICATION, Sections 40-20, 40-21, 40-22, 40-23 and 40-24. See ordinance language below.

ARTICLE II. INTENT AND PURPOSE

Sec. 40 – 10. Defined. *The general intent and purpose of this Ordinance is to guide future development of the City, to ensure it is orderly, protect its natural and environmental resources, and to promote the public health, safety, and general welfare of the City residents*

ARTICLE III. APPLICATION

Sec. 40 – 20. Relation to Comprehensive Plan. *It is the policy of the City of Wyoming that the enforcement, amendment, and administration of this Ordinance be accomplished in harmony with the City's Comprehensive Plan.*

Sec. 40 – 21. Standard Requirement. *Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule, or regulation of the City, County, State, or Federal governments, the ordinance, rule or regulation which imposes the more restrictive condition standard or requirements, shall prevail. In the event of any conflict between this Ordinance with any private restrictions, protections, and covenants, the provisions of this Ordinance shall apply.*

Sec. 40 – 22. Minimum Requirements.

In their interpretation and application, the provisions of this Ordinance shall be at least the minimum requirements for the promotion of the public health, safety, and welfare.

Sec. 40 – 23. Conformity with Provisions.

No structure shall be erected, converted, enlarged, reconstructed, altered, or placed, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.

Sec. 40 – 24. Building Permits.

Except as herein provided, no building, structure, or premises shall hereinafter be used, occupied, or moved, and no building permit shall be granted that does not conform to the requirements of this Ordinance.

Violation that occurred: By MN law and the City Code and Zoning Ordinance, the City of Wyoming must follow and enforce the most restrictive requirements when applying the regulations of the City, County, State or

Federal governments. (See above) This is not discretionary, and yet the City chose to issue Building and Septic permits that do not comply with MN Statute, MN Rules or City Code. A Building Permit should never have been issued because it does not meet the requirements of the MN Statute, MN Rules and City Code.

6) Violation of City of Wyoming's Zoning Ordinance Definition for Bedroom when calculating number of Bedrooms to determine size of Septic System for house

See City of Wyoming Zoning Ordinance Definitions, MN Rules and MPCA definitions below:

City Zoning Ordinance, Chapter 40, ZONING, ARTICLE IV. DEFINITION OF TERMS. Sec. 40 – 40. Definitions

Bedroom: An area that is either a room designed *or potentially used for sleeping*, with a minimum floor area of seventy (70) square feet, access gained from the living area, and legal means of egress

MN Rules 7080.1850 SEWAGE FLOW DETERMINATION FOR DWELLINGS. Subpart 1.

System sizing.

*If construction of additional dwellings or bedrooms, the installation of water-using devices, or other factors likely to affect the operation of the ISTS (individual subsurface sewage treatment system) **can be reasonably anticipated, the system must be designed to accommodate these factors.***

MPCA: Bedroom definition for determining SSTS size (wq-wwists4-02) "Rooms such as dens, sewing rooms, exercise rooms and home theaters should also be given serious consideration as a bedroom as they have the **potential to be easily converted.**" and "**All rooms on a second level that are not bathrooms.**"

When the Septic Designer determined the sizing for a Septic System on this lot, they listed the number of bedrooms as 3. According to the definitions above, future or potential use must be considered. When applying these factors, the number of bedrooms should have been calculated at a minimum of 5. Even though the Septic Permit only lists 3 bedrooms, a future owner could easily use the current Office/Den as a bedroom. The unfinished room upstairs could be converted to another 1 or 2 bedrooms as well, even if the original owner has no plans to do so. It's clear from reviewing the Septic Plans for this lot and the related emails, that getting a Septic System to fit on this small lot was challenging. If the current system were to fail or be undersized for future owners, there is NO other location on this Lot for another Septic System. This could prove to be very costly for unwitting homeowners in the future. **See Exhibit I** showing the number of rooms that should be counted as bedrooms according to the definitions above.

Conclusion

The MN Statute, MN Rules and City of Wyoming Code that are cited in this Appeal, and the provided documentation, clearly show numerous violations occurred in the issuance the Building and Septic Permits for this Lot. These are not minor issues, they are major violations. This is extremely concerning from so many perspectives. If the City violated MN Statute, MN Rules and City Code in this situation, one has to wonder, why was this allowed to happen, is it a commonplace or an isolated occurrence, will it happen again and who else will be impacted as a result? Not only did the City violate City Ordinances, MN Statutes and MN Rules, they also violated our trust and belief that we live in a City where Zoning Ordinances are applied fairly and equally for all residents.

In July, 2025, after notifying the City of possible violations in the issuance of Building and Septic permits for this Lot, the Coughlins were told by the City Administrator, Robb Linwood: "*we consider this a matter between the City and the property owner*". It should be incredibly troubling to all residents if the City is selectively choosing which ordinances to enforce and which to circumvent, which residents will benefit and who will pay the price; and then considers it none of our business.

MN Statutes, MN Rules and Zoning Ordinances are in place for numerous reasons; to ensure orderly development, prevent incompatible uses within each zoning district, to protect our quality of life and our natural and environmental resources, and to promote the public health, safety, and general welfare of the City Residents. In the Shoreland District, where the water quality of our lakes is so critical, the importance of following Zoning Ordinances cannot be ignored.

The Planning Commission spent many, many hours working on the City's Zoning Ordinance, and in particular the Shoreland District Ordinance, to make sure it complied with MN Rules, MN Statutes and MN DNR requirements. This was a public process and public hearings were held. Throughout the process, many residents of Comfort Lake actively participated to ensure that the City's Zoning Ordinance would continue to protect lake quality and residents' property values. The City Council adopted the Zoning Ordinance. The Mayor and Council members have taken an oath to uphold the Constitution of the State of MN and enforce the laws and Ordinances of the City of Wyoming. The City of Wyoming has an obligation to every resident of the City to do so, and as residents, we have every right to expect that they will honor their oath.

If the Board of Appeals upholds the decision made by Mr. Weck to grant Permits in violation of MN Statutes, MN Rules, City Code and Zoning Ordinances, it will be affirming that the City believes it does not have to follow the laws of the State of MN and that the City's Code and Zoning Ordinance are meaningless. Not only that, but if the Board of Appeals votes to uphold the issuance of Permits that do not comply with MN Statutes, MN Rules and City Code, this property will become an Illegal Nonconformity. The property owner will not have the statutory rights that are granted to Legal Nonconformities, such as to repair, restore, maintain or make improvements to the house. From the League of MN Cities: "A City's failure to enforce a prior zoning ordinance does not give a landowner the legal right to continue an illegal nonconformity." This could have very serious implications for both the current and future property owners. The definitions for Legal and Illegal Nonconformities, from the League of MN Cities website <https://www.lmc.org/resources/land-use-nonconformities/> are below.

Legal nonconformities Legal nonconformities are those that were legal when the zoning ordinance or amendment was adopted. That is, they complied with then-existing ordinance and law. Legal nonconformities generally have a statutory right to continue. They are also often called grandfather rights.

Illegal nonconformities Illegal nonconformities are those that were not permitted when established. Illegal nonconformities do not have the rights associated with legal nonconformities. They may exist because a prior zoning ordinance was not enforced as written. A city's failure to enforce a prior zoning ordinance does not give a landowner the legal right to continue an illegal nonconformity. Before assuming a particular nonconformity is entitled to the statutory right to continue, cities should consider whether the nonconformity ever complied with existing ordinance or law.

Lot 1 of Aadland Shores does not and cannot comply with the requirements of MN Statute, MN Rules and the City of Wyoming Code for a buildable lot. It was never intended to be a buildable lot. The Board of Appeals must reverse the decision made by Fred Weck, Zoning Administrator to issue Building and Septic permits for Lot 1 of Aadland Shores and revoke the Building and Septic Permits that were issued for this Lot. The Appeal process allows for this to occur, as does the MN Rule listed below.

In Chapter 1300 of the MN Administrative rules, BUILDING CODE, [1300.0120 PERMITS](#), Subp. 12., allows for a Building official to revoke a permit. See below.

[1300.0120 PERMITS](#), Subp. 12 **Suspension or revocation.**

The building official may suspend or revoke a permit issued under the code if the permit is issued in error; on the basis of incorrect, inaccurate, or incomplete information; or in violation of any ordinance or regulation or the code.

Definitions for this Appeal – From City of Wyoming Code, MPCA and MN Administrative Rules:

Definitions from the City of Wyoming Code: Chapter 40, ZONING ARTICLE IV. DEFINITION OF TERMS Sec. 40 – 40. Definitions.

(12) **Bedroom:** An area that is either a room designed or potentially used for sleeping, with a minimum floor area of seventy (70) square feet, access gained from the living area, and legal means of egress.

(24) **Buildable Area:** An area of land excluding surface waters, wetlands or floodplains; and when the property is served by a subsurface sewage treatment system where the depth to mottled soils is at least one (1) foot

(27) **Building Line:** A line running parallel with the, ordinary high water mark or lot line, whichever is applicable, at the required setback beyond which a structure may not extend.

28) **Building Setback:** The minimum horizontal distance between the building and the specified lot line as prescribed in this Ordinance

(110) **Impervious Surface:** A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, or gravel driveways; and other similar surfaces.

(120) **Lot of Record:** A parcel of land, whether subdivided or otherwise legally described of record prior to the adoption of zoning ordinances by the City of Wyoming or approved by the City as a lot subsequent to such date and which is occupied by or intended for occupancy by one (1) principal building or principal use together with any accessory buildings and such open spaces as required by this Ordinance and having its principal frontage on a street, or a proposed street approved by the City.

(125) **Lot, Width:** The minimum distance between:

- (a) Side lot lines measured at the midpoint of the building line; and
- (b) Side lot lines at the ordinary high water level, if applicable.

(148) **Nonconforming Structure, Use, or Parcel:** Any legal use, structure, or parcel of land already of existence, recorded, or authorized before the adoption of official controls or amendments to those controls that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized

(158) **Ordinary High Water Level (O.H.W.L.):** Ordinary high water level means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

(196) **Setback:** The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

(217) **Substandard Lot:** Any lot which does not meet the minimum lot area, frontage, setbacks, length, or other dimensional standards of this or any other ordinance, rule, or law.

Definitions from the City of Wyoming Code: Chapter 36 Chapter 36 UTILITIES* ARTICLE V SUBSURFACE SEWAGE TREATMENT SYSTEMS DIVISION 4. DEFINITIONS AND ACRONYMS Sec. 36 – 211. Definitions.

(29) **(SSTS) Subsurface Sewage Treatment System:** Either an individual subsurface sewage treatment system or a midsized subsurface sewage treatment system as defined in 7081.0020, subpart 4, as applicable.

(32) **Type I System:** Any SSTS that is constructed in accordance with a standard trench, bed, at-grade, or mound system design, in accordance with Minnesota Rules, Chapter 7080.2200 through 7080.2240.

(34) **Type III System:** Any custom-designed SSTS having approved flow restriction devices, in order to allow its use on a lot that cannot accommodate a standard Type I soil treatment and dispersal system.

Minnesota Administrative Rules Chapter 7080.1100 Definitions Subp. 9. Bedroom.

"Bedroom" means, for the sole purpose of estimating design flows from dwellings, an area that is:

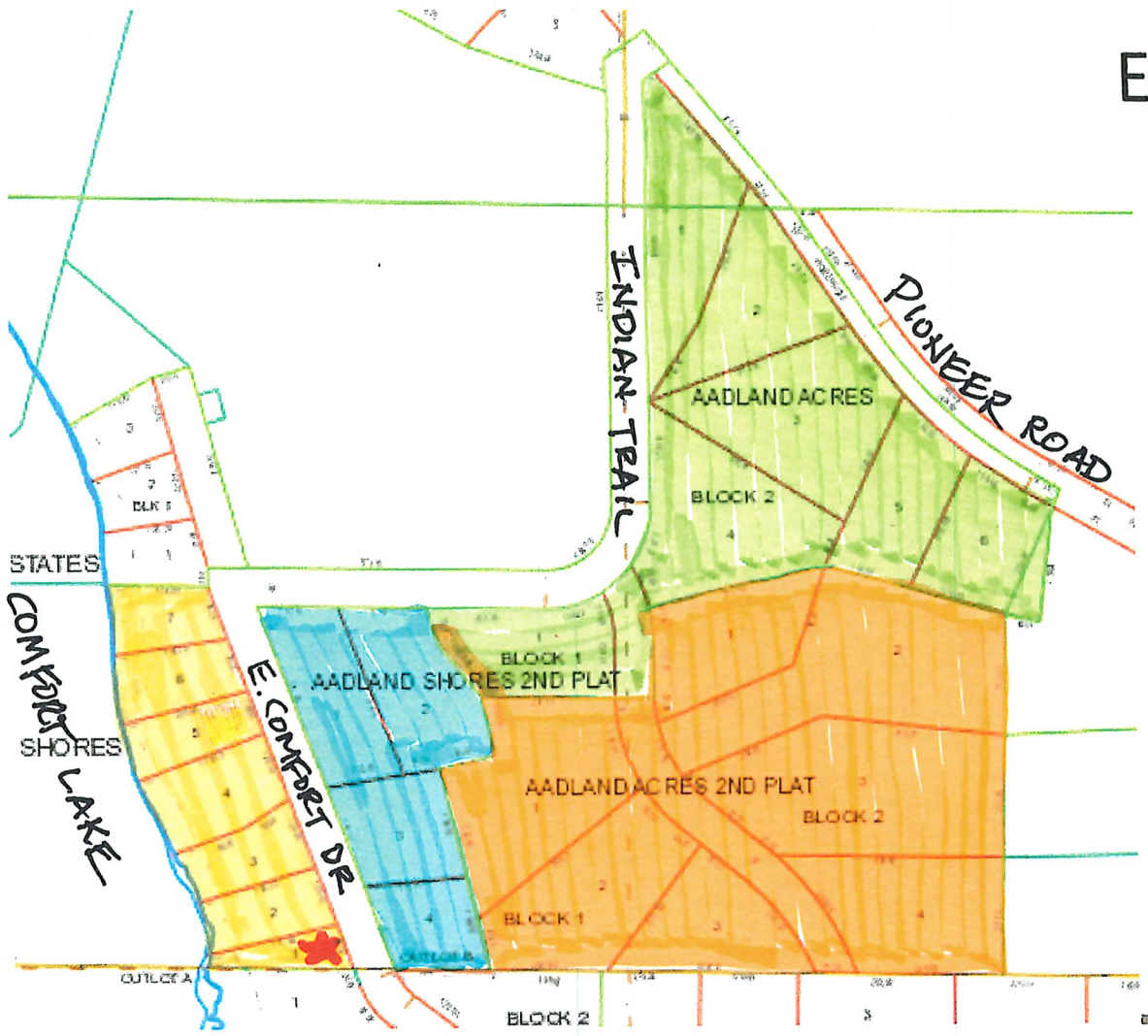
- A. a room designed or used for sleeping; or
- B. a room or area of a dwelling that has a minimum floor area of 70 square feet with access gained from the living area or living area hallway. Architectural features that affect the use as a bedroom under this item may be considered in making the bedroom determination.

MPCA <https://stormwater.pca.state.mn.us/index.php/Glossary>

Impervious surface : Means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads

MPCA: [Bedroom definition for determining SSTS size \(wq-wwists4-02\)](#)

EXHIBIT A



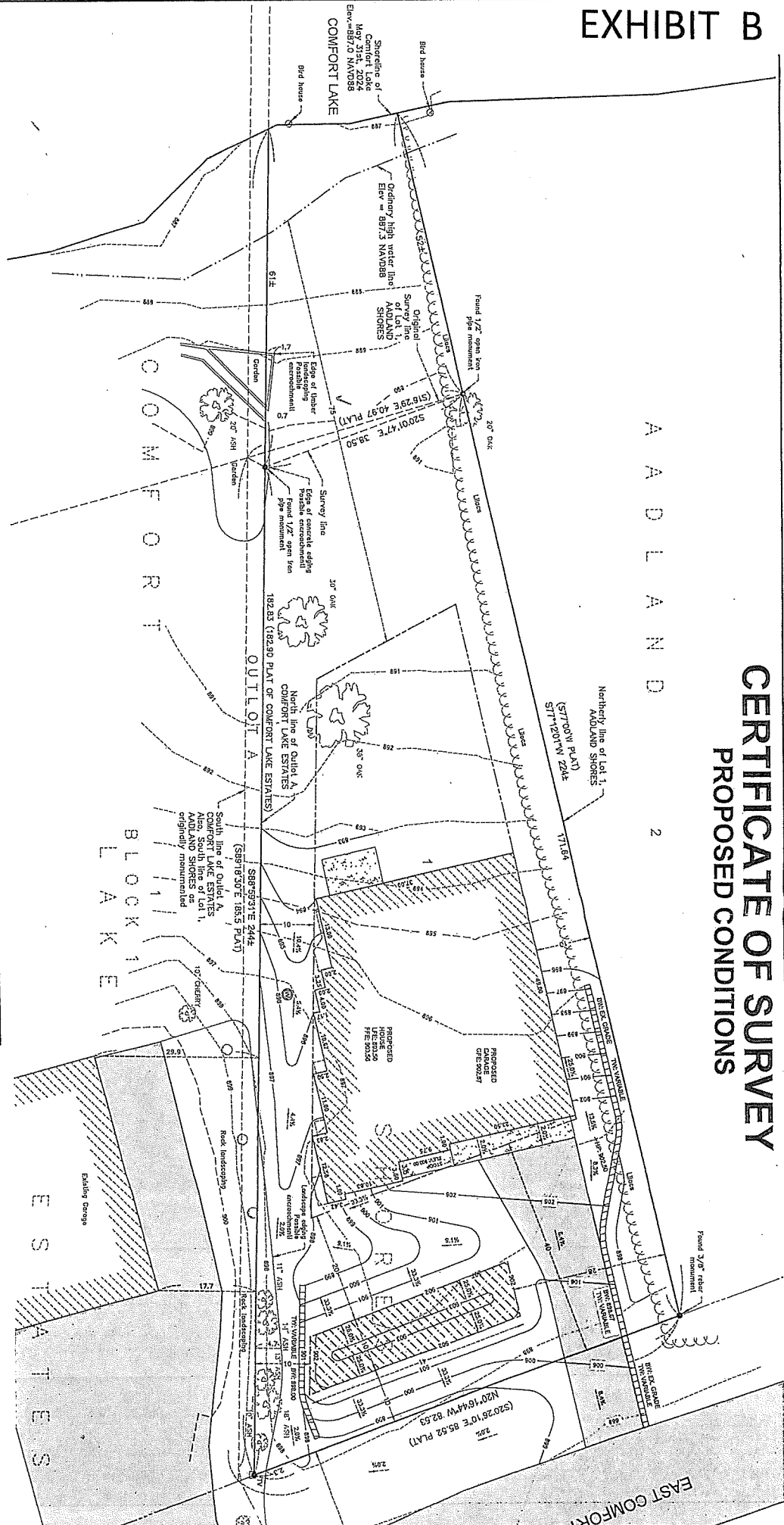
- Aadland Shores Plat - 1965
- Lot 1
- Aadland Shores 2nd Plat - 1969
- Aadland Acres - 1978
- Aadland Acres 2nd Plat - 1987

PIN 21.10765.00



**CERTIFICATE OF SURVEY
PROPOSED CONDITIONS**

A A D L A N D 2



PROPERTY DESCRIPTION: Gen Warranty Deed Doc. No. A-573059

Lot 1, Admiral Shores, Chicago County, Minnesota.

SURVEY NOTES:

1. Orientation of this bearing system is based on the Chicago County Coordinate System (ADCS) (1985 and).
2. No address has been assigned to the property. PDU No. 21.10755.02.

LEGEND

- DENOTES A FOUND 1/2" IRON PIPE MONUMENT/W/ CAP
- MARKED RLS 29431 UNLESS OTHERWISE SHOWN
- TV PEDESTAL
- SHRUB
- RIGHT OF WAY LINE
- BOUNDARY LINE
- LOT LINE
- EDGE OF WOODS



City Of Wyoming - Department Of Building Safety

26885 Forest Blvd., PO Box 188

Wyoming, MN 55092

Phone (651) 462-4947

permits@wyomingmn.org

EXHIBIT C
Page 1

MOUND SUBSURFACE SEWAGE TREATMENT SYSTEM APPLICATION

Site Address 25738 E Comfort Dr. Type Of Residence: I II III IV

Owner Name Dave Freeman Phone _____

Designed By: Name Boettcher Septic Design MPCA # C6224-4229

Contact Shannon Boettcher Phone _____

Address 28995 Jadrell Drive, Cambridge, Minnesota 55008

Email _____

Installer: Name Sherco Construction MPCA # 4675

Contact Tom Carlisle Phone _____

Address 79 North Lake Street, Forest Lake Minnesota

Email _____

Number Of Bedrooms: 3 Maximum Estimated GPD Water Usage: 450 Garbage Disposal: Yes No
(An unfinished basement counts as one bedroom)

Flow Measurement: Water Meter Event Counter Other: _____

SYSTEM INFORMATION

Septic Tank - I # of Tanks: 1650 + 650 Liquid Capacity: 1650 (1500 gallons minimum with inspection pipes and a minimum of (2) 20" maintenance holes at or above finished grade)

Lift Station Tank Size: 1000 Pump Size With Alarm: GPM - _____ Total Head - _____
(1000 gallons minimum with 20" maintenance holes at or above finished grade)

Pipe Size - Pump To Treatment Area: 2.0 inches Pump In Treatment Area: 17 inches

Perforation Diameter: 1/4 of an inch Perforation Spacing: 3.0 feet

Depth to Redoximorphic Features: _____ inches Percolation Average: 7.8 MPI

Rockbed Width: 10 feet Rockbed Length: 37.5 feet

Depth of clean sand at upslope edge of rockbed: 36" inches Required Absorption Width: 10 feet

Geotextile fabric required over drainfield rock. Depth of backfill over geotextile fabric: Sandy to loomy soil material must be placed on the rockbed to a depth of one foot at the center of the mound and to a depth of six inches at the sides. Six inches of topsoil borrow must then be placed over the entire mound.

Completed System - Width: 50 feet Length: 25 feet

Include mound system design worksheets and a sketch showing the location of the septic system in relation to structures, wells, property lines and ordinary high water. Also include the results of 4 soil borings and 2 percolation tests in the soil treatment area.

A management plan is required.

Special Conditions: _____

Applicant Signature [Signature] Date: 9/17/24

OFFICE USE ONLY

Soils 10/14/24 FW.FN soils

Required Inspections: Abandon Scratch Tanks Rockbed Final

APPROVED / DISAPPROVED By [Signature] Date 10/21/24

Permit # PB24-246


SEPTIC SYSTEM DESIGN



28995 Jodrell Dr NE, Cambridge, MN 55008
MPCA Cert #C6224 Mn Lic #4229
Office (763)444-4930

Date	10/17/2024
Homeowner	Dave Freemore
Phone	[REDACTED]
Site address	2573 ^{1/2} Comfort dr Wyoming
Type of system	Type 3 mound
Lift required in basement	yes
Garbage Disposal	No
Geotech cover	yes
New Construction	yes

System is type 3 because of fill soils. This is a three-bedroom type 2 dwelling. Water softener cannot go into septic system.

Signature: 
Designer; Shannon Boettcher MPCA License # 4229

Date: 10-17-2024

Soil Perk Test



By Shannon Boettcher, MPCA License
763-444-4930

Date: July 2nd 2024

Site Location:
XXXX E Comfort Lake Dr
Chisago city, mn

Hole# Perk #1
Soil Type: Loam

Count down timer Interval	Interval (minutes)	Water Depth	Water Drop (fraction)	Water Drop (decimal)	Perc Rate Calculation
5min	12:00 +0 12:05	2" ----- 3"	1	1	5 MIN. Dev. By 1 Drop=5
5min	12:05 12:10	2" ----- 2.5"	1/2	.5	5 ÷ .5 = 10
5min	12:10 12:15	2" ----- 2.75"	3/4	.75	5 ÷ .75 = 6.7

Average Perk Rate: 7.3 MPI

Hole# Perk #2
Soil Type: Loam

Count down timer Interval	Interval (minutes)	Water Depth	Water Drop (fraction)	Water Drop (decimal)	Perc Rate Calculation
5min	12:05 +0 12:10	2" ----- 2.75"	.75	.75	5 MIN. Dev. By .75 Drop=6.7
5min	12:10 12:15	2" ----- 2.75"	.75	.75	5 ÷ .75 = 6.7
5min	12:15 12:20	2" ----- 2.5"	.5	.5	5 ÷ .5 = 10

Average Perk Rate: 7.8 MPI

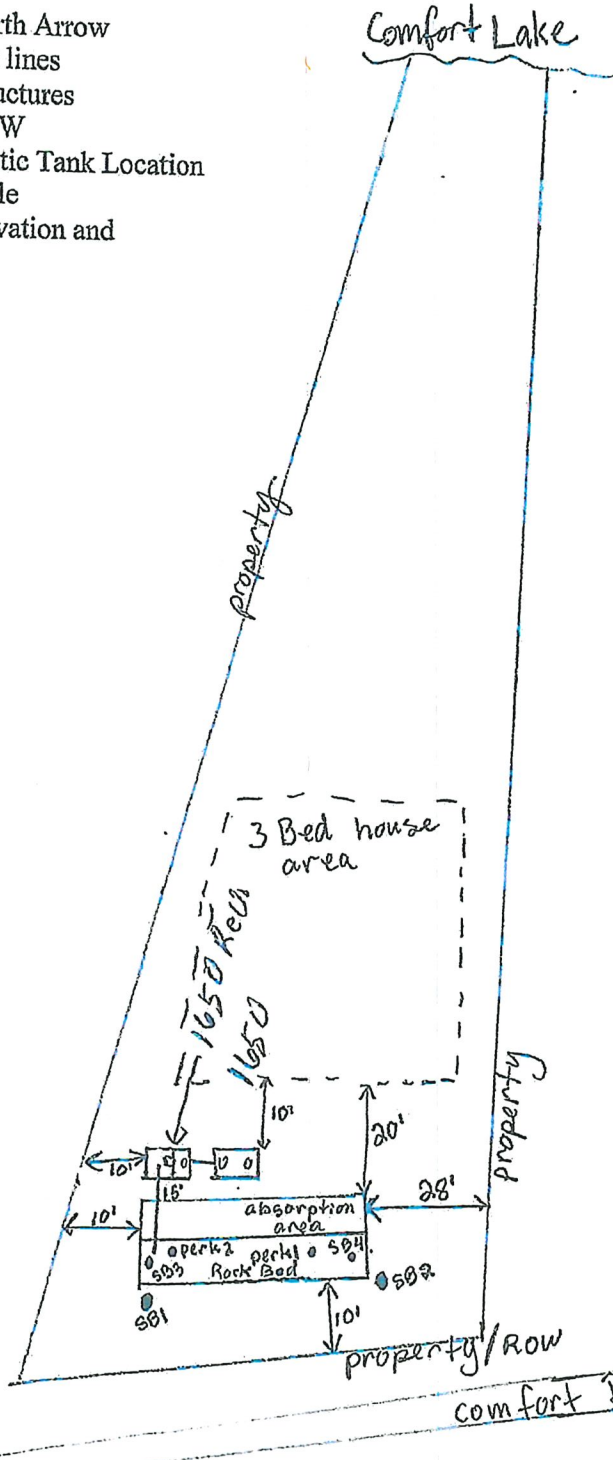
7.6 MPI

SITE PLAN



Check List:

- North Arrow
- Lot lines
- Structures
- ROW
- Septic Tank Location
- Scale
- Elevation and



BM <u>Top of N fence Post</u>	Elevations
# Bedrooms <u>3</u>	BM @ 100'
Address <u>Comfort D</u>	Tank- <u>95.2'</u>
<u>Chisago City</u>	Lift Station- <u>95.2'</u>
Township <u>City of Wyoming</u>	SB#1- <u>95.6'</u>
	SB#2- <u>95.5'</u>
	SB#3- <u>95.1'</u>
	SB#4 <u>95.3'</u>
	perk#1 <u>95.3'</u>
	perk#2 <u>95.5'</u>

- Tank must be 10' or greater from the house
- Tank + rock bed/absorption area is approximately 170' to the Comfort Lake
- Tank + Rockbed/absorption area must be 75' or greater from the Lake
- No well at time of design.
- Well must be 50' or greater from the tanks and rockbed/absorption area
- Tanks must be 10' or greater from the house
- Rockbed/absorption area must be 20' or greater from the house
- Tank + Rockbed/absorption must be 10' or greater from property

Appellants Notes:

RE: Additional Soil Borings done in July 2025, and related emails

Soil Boring 1, (SB1) is less than 50 ft from the well (the required setback) so a Septic system couldn't be installed in this location

Soil Boring 3, (SB3) is 50 ft from the foundation of the house. A Septic system cannot be installed in this location because it's within the required 75ft setback area from the lake.

Soil Boring 2, (SB2) Once all shoreland, house, lot, well and septic setbacks are met, this area is too small to accommodate a Type I Septic System. In addition, no Percolation Tests were done to show suitability as required by the the City of Wyoming in: Chapter 36 UTILITIES, ARTICLE V. DIVISION 7. SSTS STANDARDS

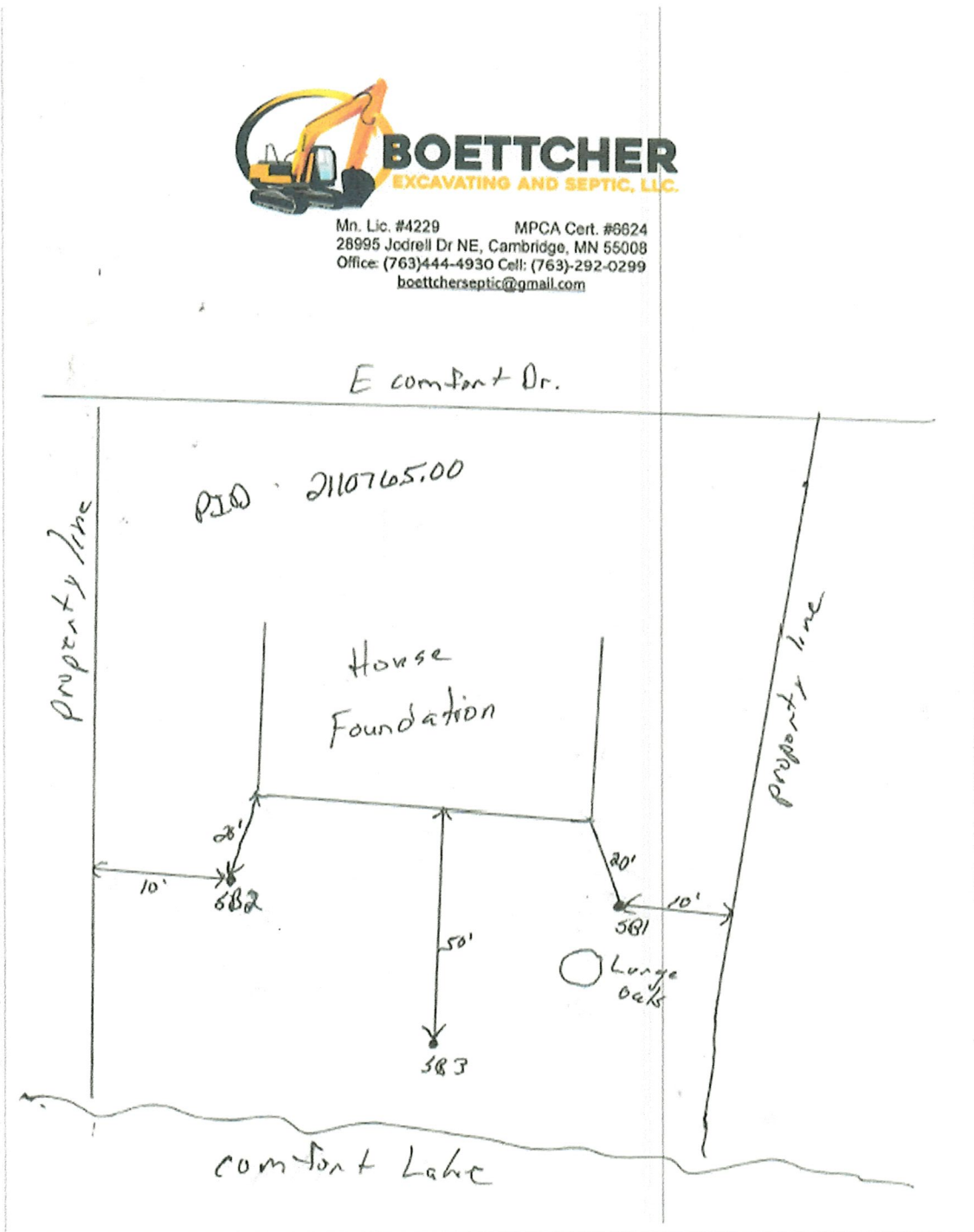
Sec. 36 – 252. Amendments to the Adopted Standards. DIVISION 7. SSTS STANDARDS

(7) Each site evaluation submitted for approval in support of a Permit application shall include four (4) soil profile assessments and two (2) percolation tests per site.

Soil profile assessments conducted in frozen soil conditions shall not be accepted in support of an SSTS Permit application



Mn. Lic. #4229 MPCA Cert. #6624
28995 Jodrell Dr NE, Cambridge, MN 55008
Office: (763)444-4930 Cell: (763)-292-0299
boettcherseptic@gmail.com



From: [Boettcher Excavating & Septic LLC](#)
To: [Fred Weck](#); [Dave Freemore](#)
Subject: lot soil borings
Date: Tuesday, July 29, 2025 6:26:41 AM
Attachments: 2110765.00 dave freedmore.pdf

Hi Dave and Fred
Attached are the soil logs.
Thanks Shannon

--

Boettcher Excavating & Septic
Phone [REDACTED]
E-mail [REDACTED]

From: [Dave Freemore](#)
To: [Fred Weck](#)
Subject: Re: lot soil borings
Date: Wednesday, July 30, 2025 7:19:00 AM

Fred,
So will this require any changes to my plans (when the legal crap gets settled)?
Dave Freemore
Gonna be a good day!
Cell / [REDACTED]

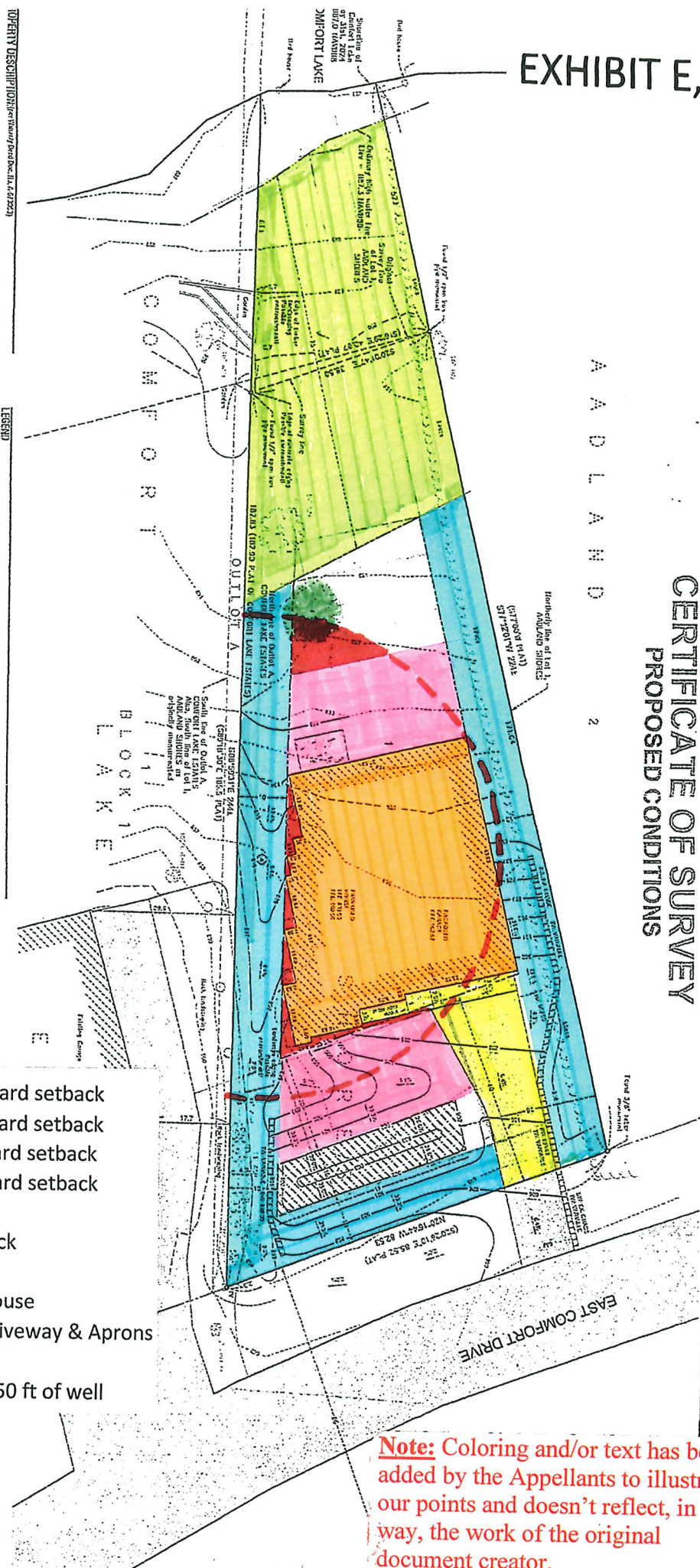
From: [Fred Weck](#)
To: ["Dave Freemore"](#)
Subject: RE: lot soil borings
Date: Wednesday, July 30, 2025 8:41:00 AM
Attachments: image002.png

Dave,
It shouldn't. It shows that a Type I system could have been installed (not that one needed to be installed) which is one of the requirements that it is a buildable lot.

Fred Weck
Zoning Administrator
Building Official #MN1825
Advanced Septic Inspector #CS199
City of Wyoming
Department of Building Safety
26885 Forest Boulevard
P.O. Box 188
Wyoming, MN 55092
(651) 462-4947 Fax (651) 462-3938

CERTIFICATE OF SURVEY
PROPOSED CONDITIONS

A A O L L A N D 2



PROPERTY DESCRIPTION: 1/2 AC. OF LAND, 2021
L. A. ANDERSON, CIVIL ENGINEER, LICENSE NO. 11000

INSET NOTES:
1. The survey was conducted on 11/11/2021.
2. The survey was conducted by L. A. Anderson, Civil Engineer, License No. 11000.
3. The survey was conducted in accordance with the standards of the Surveying and Mapping Act of 1999.
4. The survey was conducted in accordance with the standards of the Surveying and Mapping Act of 1999.
5. The survey was conducted in accordance with the standards of the Surveying and Mapping Act of 1999.
6. The survey was conducted in accordance with the standards of the Surveying and Mapping Act of 1999.
7. The survey was conducted in accordance with the standards of the Surveying and Mapping Act of 1999.
8. The survey was conducted in accordance with the standards of the Surveying and Mapping Act of 1999.
9. The survey was conducted in accordance with the standards of the Surveying and Mapping Act of 1999.
10. The survey was conducted in accordance with the standards of the Surveying and Mapping Act of 1999.

LEGEND
 ○ DENOTES A FOUND 1/2" IRON PIPE FACILITY WITH MARKED RLS 25431 UNLESS OTHERWISE SHOWN
 FT TV TRANSIT
 ○ SHED
 ○ TREE DECIDUOUS
 ○ PROPOSED WELL
 PROPOSED IMPERVIOUS SURFACES:
 PROPOSED ELEVATIONS FULL INVERT WALKWAY
 Housa Plans From Client

RIGHT OF WAY LINE
 BOUNDARY LINE
 LOT LINE
 EDGE OF WOODS
 BUILDING SETBACK LINE
 PROPOSED RETAINING WALL
 IMPERVIOUS SURFACE
 CONCRETE SURFACE
 BUILDING WALL PATCH
 PROPOSED SERVICE ROCKHEM (PER DESIGN DATED 7/27/20)

- North side yard setback
- South side yard setback
- East front yard setback
- West rear yard setback
- Septic setback
- Proposed House
- Proposed Driveway & Aprons
- Area within 50 ft of well



DATE	APPROVED	DATE
2021-11-10	[Signature]	2021-11-10

ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS










WIDSETH

Note: Coloring and/or text has been added by the Appellants to illustrate our points and doesn't reflect, in any way, the work of the original document creator.

5,000 SQ FT for a Type 1 septic system

Lot size from Widseth Certificate of Survey

11,719 SQ FT

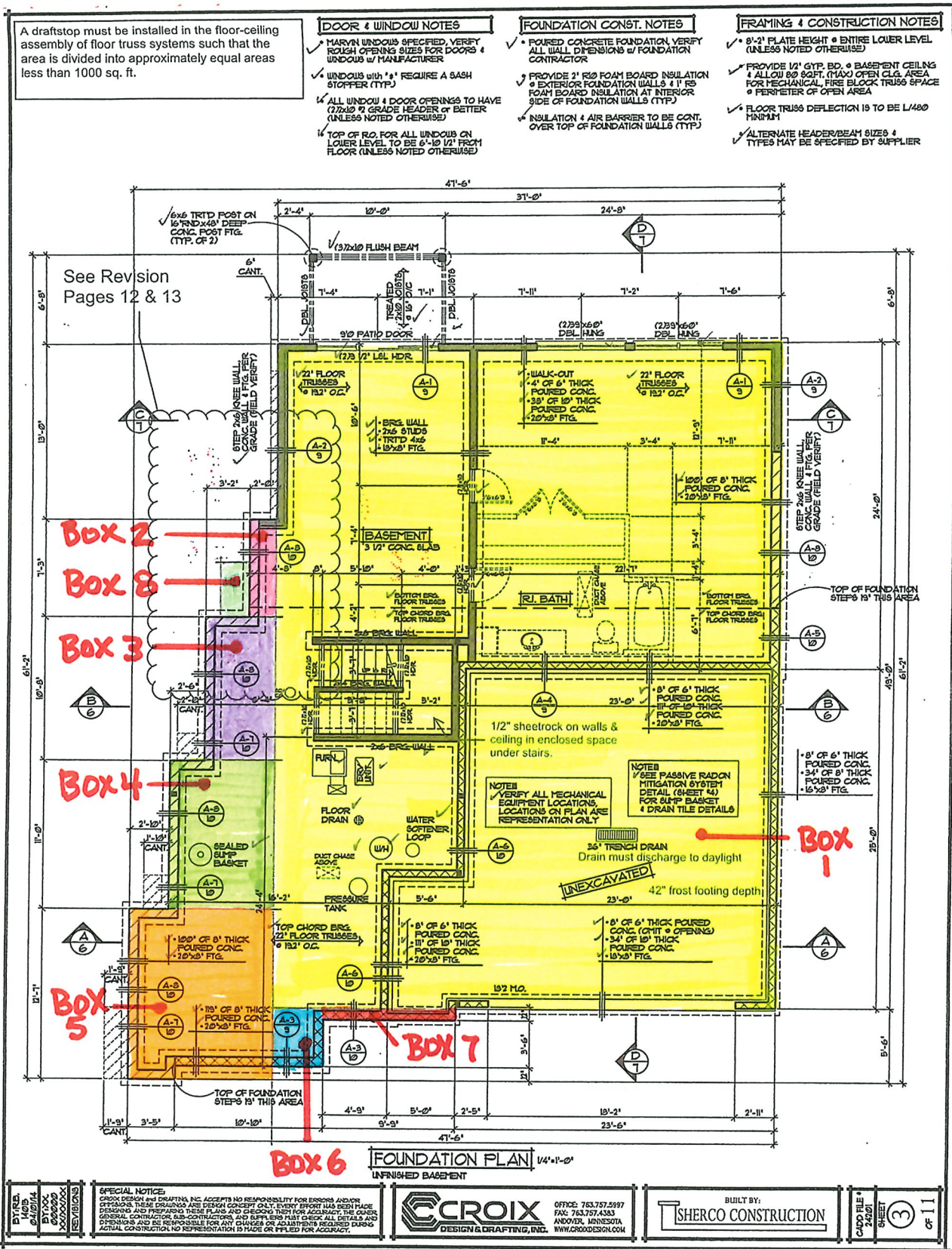
	Subtract North side yard setback	1,365
	Subtract South side yard setback	1,390
	Subtract East front yard setback (excludes driveway)	480
	Subtract West rear yard setback - 75 ft from Ordinary High Water Line	3,226
	Subtract Septic setback in front of house (20 ft from house)	760
	Subtract Septic setback in rear of house (20 ft from house)	700
	Subtract Proposed House	2,127
	Subtract Proposed Driveway & Aprons	663
	Subtract area within 50 ft of well	100
	Subtotal	<u>10,811</u>

**Area remaining for a Type 1 Septic System
450 sq ft front yard and 458 sq ft rear yard
38" oak tree within the rear yard area**

908 SQ FT

18.2% of the required 5,000 Sq Ft remains to demonstrate that a Type 1 Septic System can be installed

Note: Coloring and/or text has been added by the Appellants to illustrate our points and doesn't reflect, in any way, the work of the original document creator.



Impervious Surface calculations

House Foundation

Calculations for impervious surface come directly from dimensions shown on foundation plan sheet 3 plus revisions on sheets 12 and 13. Boxes are created to aid in the addition of numerous small areas

		<u>north/south</u>	<u>east/west</u>	<u>subtotal</u>	<u>SQ FT</u>
Box	1	37.00	49.00	1,813.00	
	2	2.00	7.25	14.50	
	3	5.17	10.67	55.16	
	4	7.67	11.00	84.37	
box 5 minus 7 sf	5	10.50	12.58	125.09	
	6	3.74	4.50	16.83	
	7	9.75	1.00	9.75	
revision on sheets 12/13	8	2.00	4.00	8.00	

2,126.70 Note: Cert of survey indicates 2,127

Additional Impervious

(Calculations are from certificate of survey)

House apron(stoop)		3.50	9.75	34.13
Garage apron		4.50	23.50	105.75
Driveway		38.50	11.00	423.50
	0.5	25.00	8.00	100.00
Retaining walls (18" top\face)	north	65.00	1.50	97.50
	south	26.00	1.50	39.00
Patio/Deck		6.67	10.00	66.70
AC pad		3.00	3.00	9.00

Cert of Survey = 778
Difference = 97.58

875.58 (N retaining wall)

TOTAL IMPERVIOUS SURFACE

3,002.28	25.6%
-----------------	--------------

Birds Eye Roof Plan

Calculations for impervious surface come directly from dimensions shown on foundation plan sheet 3, revisions on sheets 12 and 13, and birds eye roof plan dimensions shown on sheet 8. Boxes are created to aid in the addition of numerous small areas.

		<u>north/south</u>	<u>east/west</u>	<u>subtotal</u>	<u>SQ FT</u>
Box	1	40.00	51.00	2,040.00	
	2	1.50	6.67	10.01	
	3	4.25	1.67	7.10	
	4	4.75	7.08	33.63	
	5	6.33	5.25	33.23	
	6	7.75	5.75	44.56	
	7	11.42	11.33	129.39	
	8	26.42	5.17	136.59	

Note: Cert of survey
2,434.51 indicates 2,127

Additional Impervious

(Calculations are from certificate of survey)

Garage apron		3.50	23.50	82.25
Driveway		38.50	11.00	423.50
	0.5	25.00	8.00	100.00
Retaining walls (18" top\face)	north	65.00	1.50	97.50
	south	26.00	1.50	39.00
Patio/Deck		6.67	10.00	66.70
AC pad		3.00	3.00	9.00

Note: Cert of Survey
817.95 indicates 778

TOTAL IMPERVIOUS SURFACE

3,252.46	27.8%
-----------------	--------------

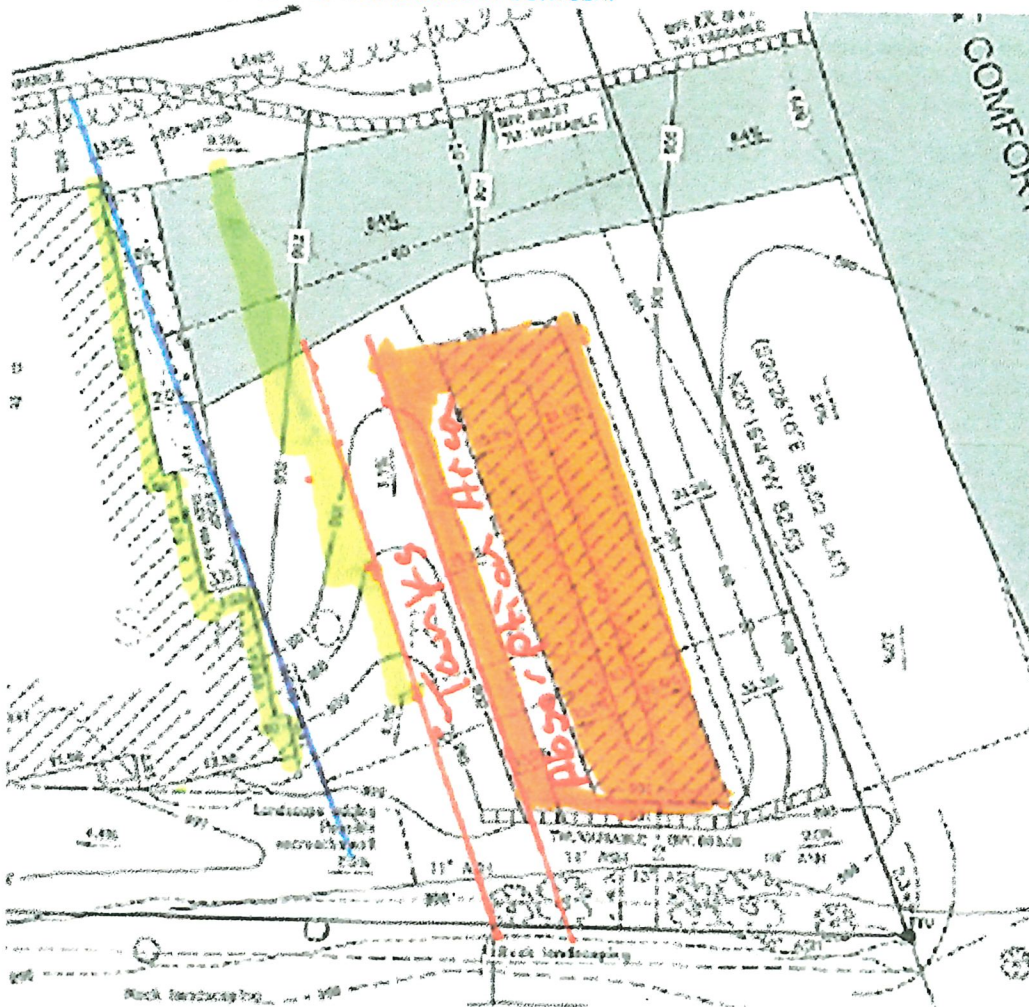
EXHIBIT G

From: [Fred Weck](#)
To: [Sustainable Properties & Septic LLC](#)
Subject: RE: Septic Design - Comfort Dr - David Freemore
Date: Monday, October 14, 2024 1:54:00 PM
Attachments: [image001.png](#)
[image005.png](#)

Shannon,

The minimum setback from the house to the absorption area is 10'. The survey shows 20' between the rockbed and the house; which leaves 15' between the absorption area and the house.

The tanks need a 10' setback from the house too. The front house wall steps back from the street so there is some more room to fit the tanks in between.



I don't know if this will get you enough room to get the tanks in or not. Dave needs to be able to get everything to fit without needing any variances, or the lot is unbuildable.

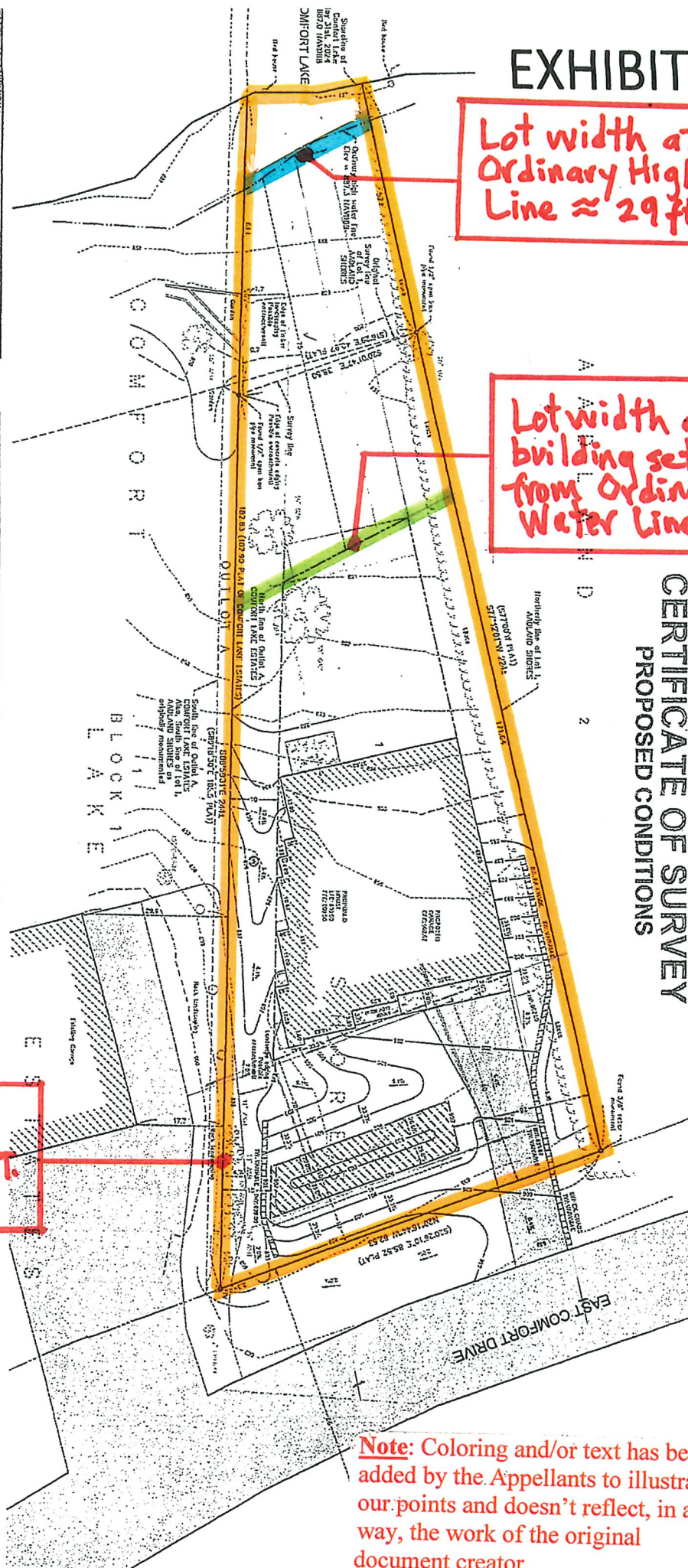
Fred Weck
Zoning Administrator
Building Official #MN1825
Advanced Septic Inspector #CS199
City of Wyoming

EXHIBIT H

Lot width at Ordinary High Water Line \approx 29 ft.

Lot width at 75' building setback from Ordinary High Water Line \approx 50 ft.

CERTIFICATE OF SURVEY PROPOSED CONDITIONS



Lot area = 11,719 SQ. FT.
 \approx 0.269 Ac.

Note: Coloring and/or text has been added by the Appellants to illustrate our points and doesn't reflect, in any way, the work of the original document creator.

PROPERTY DESCRIPTION: [Blank]

UNRECORDED NOTES:

1. Direction of this survey system is based on Chicago County Geographic System 1983 (GSA).
2. No claims have been made by this survey, but no. 21.0013.00.
3. The survey is made in accordance with the Surveying Act of 1983 (S.A.) and the Surveying Act of 1984 (S.A.).
4. The survey is made in accordance with the Surveying Act of 1983 (S.A.) and the Surveying Act of 1984 (S.A.).

LEGEND:

- DENOTES A FOUND 1/2" IRON PIPE MONUMENT IN/ON MARKED R/S 2-201 UNLESS OTHERWISE SHOWN
- TV FEEDSTAY
- SHED
- ⊗ TREE DECIDUOUS
- ⊗ PROPOSED WELL
- PROPOSED IMPERVIOUS SURFACES:
 - PROPOSED CONCRETE SURFACE
 - PROPOSED RETAINING WALL
 - PROPOSED WALKWAY
- PROPOSED ELEVATIONS (FOOT EMBASEMENT WALL)
 - PROPOSED CONCRETE SURFACE
 - PROPOSED RETAINING WALL
 - PROPOSED WALKWAY

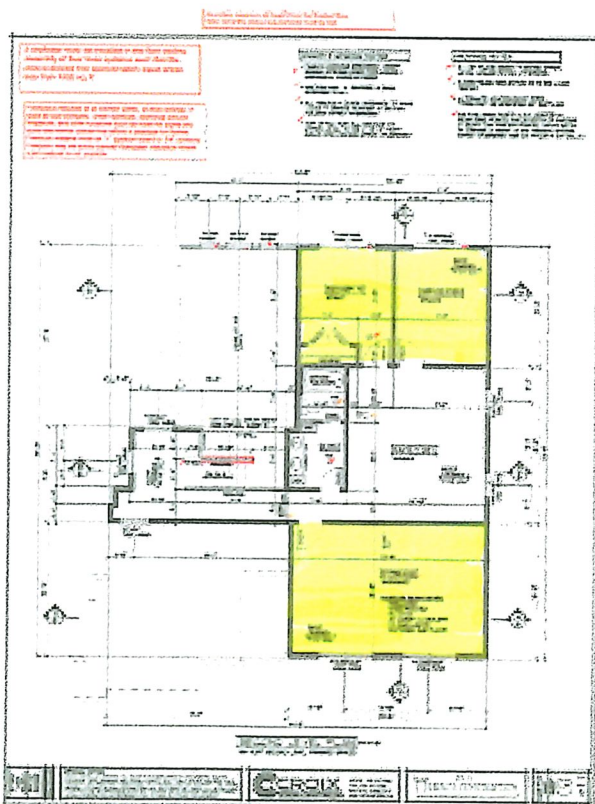
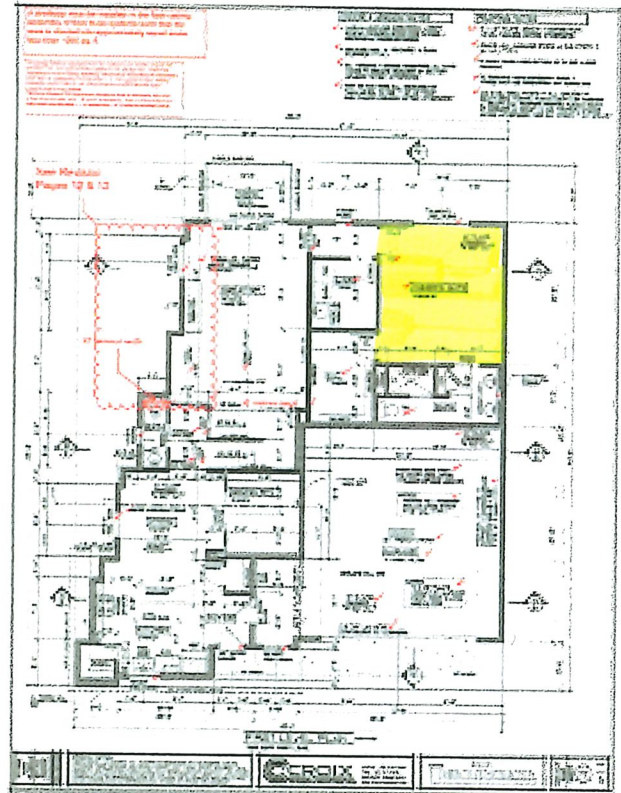
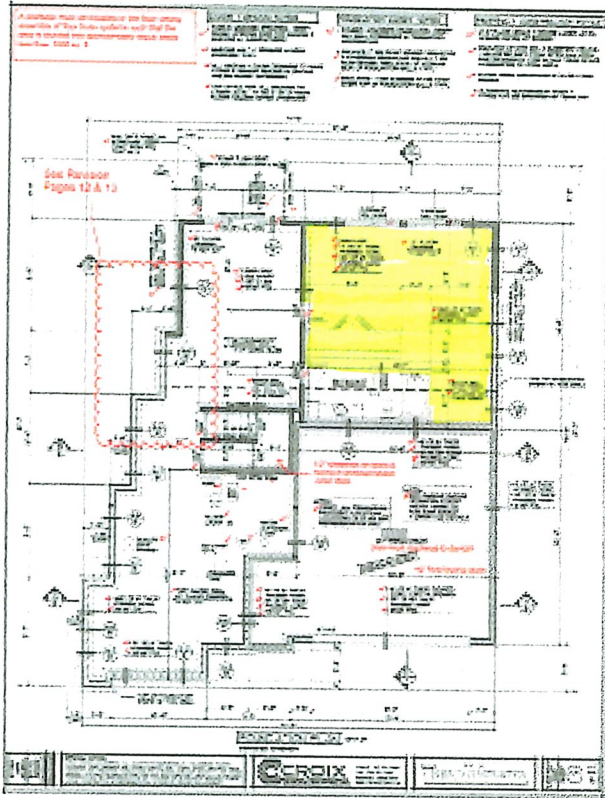
RIGHT OF WAY LINE
BOUNDARY LINE
LOT LINE
EDGE OF WOODS
BUILDING SETBACK LINE
PROPOSED RETAINING WALL
IMPERVIOUS SURFACE
CONCRETE SURFACE
BUILDING WALL HATCH
PROPOSED SEPTIC TANK (SEE DESIGN DRAWING 7/22/24)

Scale: 1" = 20'

North Arrow: [Symbol]

DATE: 2024-11-10

WIDSETH ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS



Foundation Plan

1. 22'-7" x 16'-1" future bedroom, future closet and rough-in bath

First level Plan

2. 16' x 14' Owners Suite with walk-in-closet and full bath

Second Level Plan

3. 10'-9" x 11'-2" Bedroom #2 with closet
4. 10'-9" x 13'-8" Office/Den with no closet, future potential to add a closet and mirror bedroom #2 layout
5. 23'-6" x 16' Storage room with no closet, future potential to add a closet, add flooring and create a bedroom.

5 bedrooms



City of Wyoming
 Department Of Building Safety
 26885 Forest Boulevard PO Box 188 Wyoming, MN 55092
 (651) 462-4947 permits@wyomingmn.org

Building Permit

PERMIT #: PB24-246

ISSUED: 10/25/2024

EXPIRES: 05/21/2025

JOB LOCATION	OWNER	CONTRACTOR
25738 COMFORT DR Lot: 001 Block: Township: 33 Range: 21W Parcel: 21.10765.00 Zoning: R1	FREEMORE DAVID ALLEN 25808 E COMFORT DR CHISAGO CITY MN 55013 Phone:	Sherco Construction Inc. 79 Lake Street N Forest Lake MN 55025 Phone: (612) 366 1508 License #: BC627690

Date Permit Received & Entered: 09/25/2024

Legal Description: SubdivisionName AADLAND SHORES Lot 001 SubdivisionCd 10010

Work Description: New SFD

Stipulations: Retaining wall cannot be constructed in road right-of-way (ditch).
 Retaining wall(s) more than 4' in height require engineering and separate building permit.

Category: Bathtub cannot hold more than 40 gallons.
 Single Family Dwelling - New

Construction Type:

Occupancy:

Project Valuation: \$621,000.00

Approximate Building Dimensions

Number of Stories: 0

Total Square Footage: 0 Height: 0 Length: 0 Width: 0

1st Floor Square Footage: 1591 2nd Floor Square Footage: 1368

Basement Square Footage: 1393 Garage Square Footage: 625

Fee Description	Fee Category	Quantity	Item Total
Building Permit Fee - Valuation	Standard Item	621,000.00	\$4,552.15
Plan Review Fee	Standard Item	621,000.00	\$2,958.90
State Surcharge - Value	State Surcharge	621,000.00	\$310.50
Fee Total:			\$7,821.55
Amount Paid:			\$7,821.55
Tender Type: Check Payment #59074			Balance Due: \$0.00

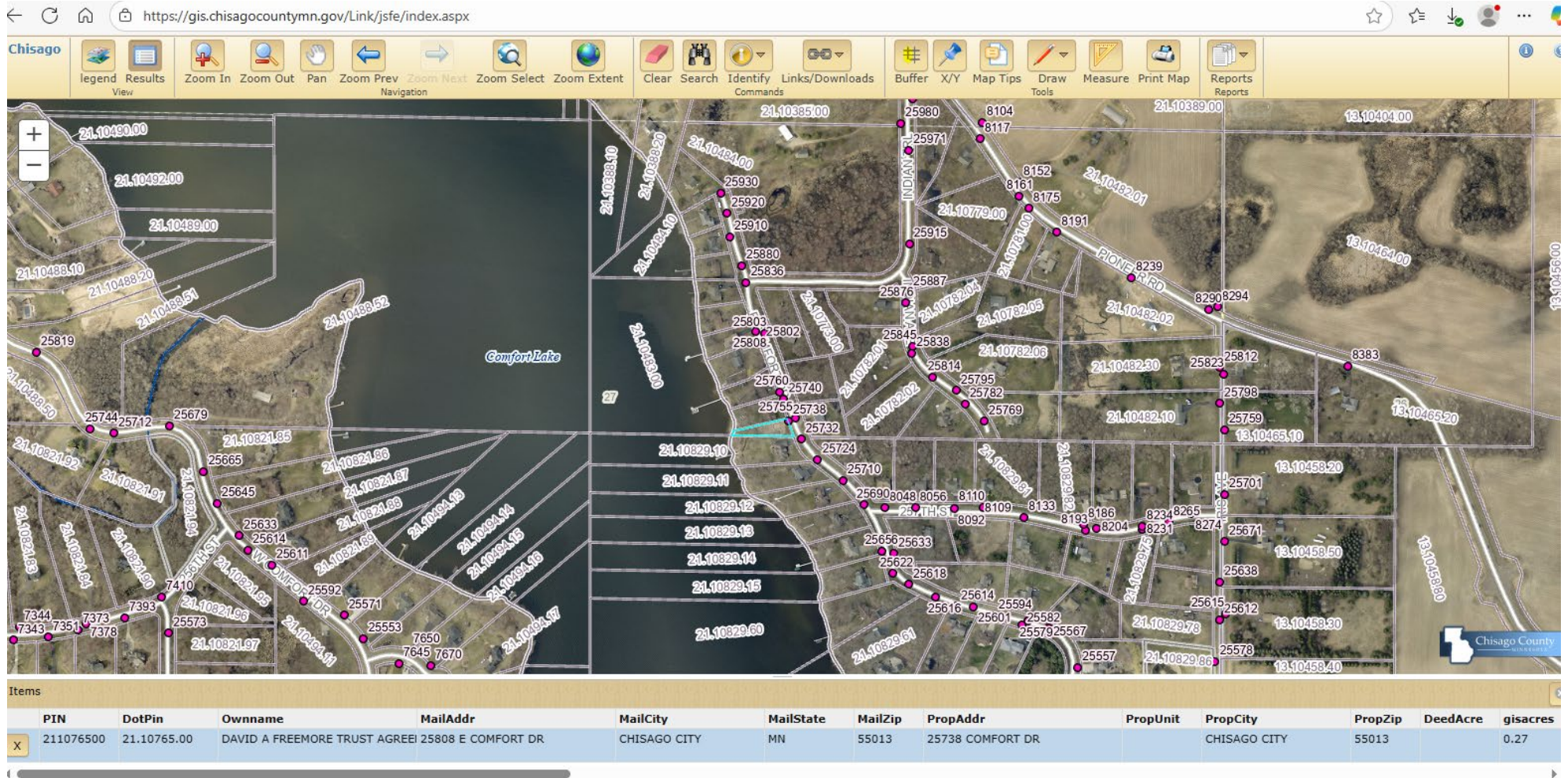
Inspections: See blue inspection card or bottom of permit application for required inspections

Building Inspections Scheduling Hours: Monday-Friday - 8:00 am - 4:30 pm - 651-462-0575

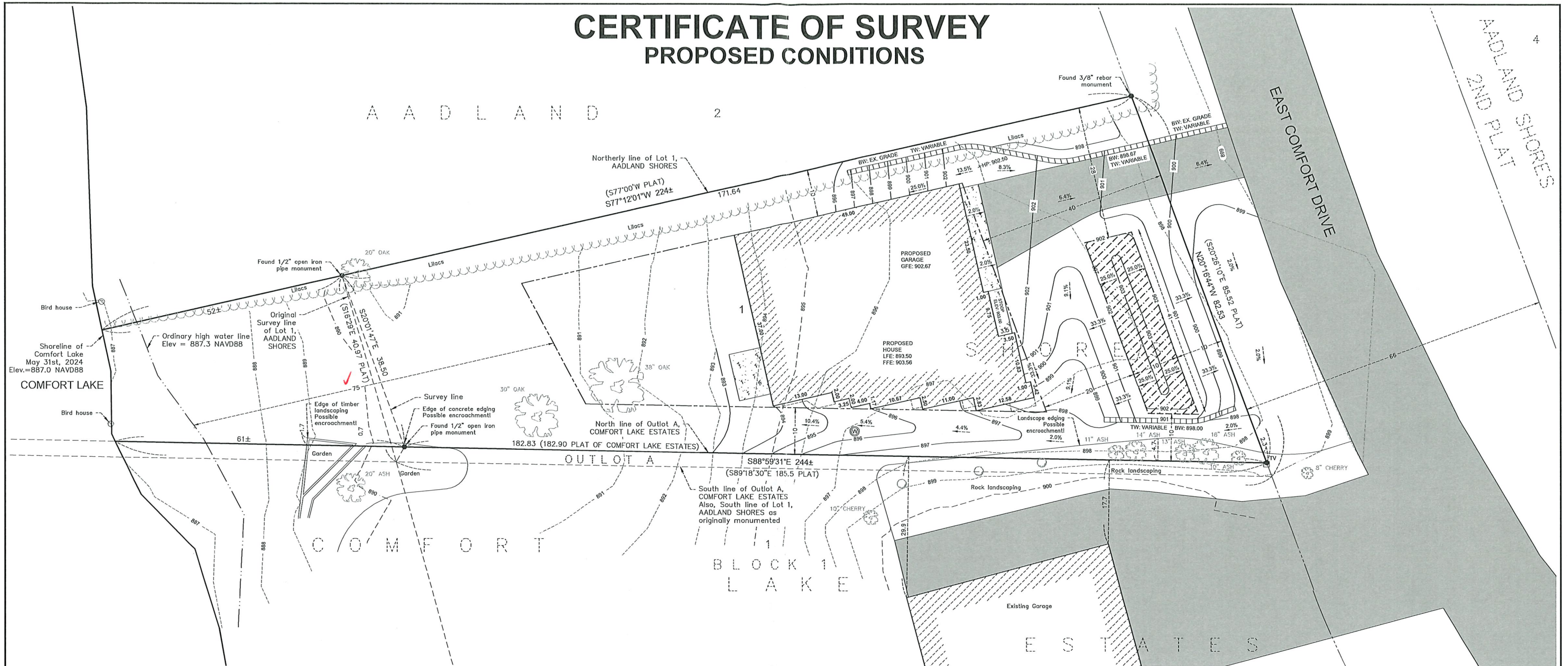
24/7 Online - <http://tinyurl.com/227s6zsa>

Electrical Inspections Scheduling Hours: Monday-Friday - 7:00 am - 8:30 am - 320-309-9483

Chisago County GIS map showing the size of Lot 1 of Aadland Shores (in center of map, highlighted in aqua) in relation to the size of adjacent lots on Comfort Lake.



CERTIFICATE OF SURVEY PROPOSED CONDITIONS



PROPERTY DESCRIPTION: (per Warranty Deed Doc. No. A-673053)

Lot 1, Aadland Shores, Chisago County, Minnesota.

SURVEY NOTES:

1. Orientation of this bearing system is based on the Chisago County Coordinate System NAD83 (1996 adj).
2. No address has been assigned to the property. PID No. 21.10765.00.
3. The subject property is zoned R1 - Rural Residential I (per City of Wyoming Zoning Map).
Building setbacks: (per City of Wyoming City Code)
 - Front Yard : 73 feet from centerline of city street or 40 feet from road right-of-way ✓
 - Ordinary High Water : 75 feet (General Development)
 - Side Yard : 10 feet
4. Total Acreage: 11,719± Sq. Ft. or 0.27± Acres.
5. The field work was performed on May 31st, 2024.
6. When the plat of COMFORT LAKE ESTATES was recorded in January 1990, the North line of the S 1/2 of the NE 1/4 of Section 27, Township 33, Range 21 was found in a different location than when the plat of AADLAND SHORES was recorded in 1965. The location of North line of the S 1/2 of the NE 1/4 shown on the plat of COMFORT LAKE ESTATES overlapped the original plat of AADLAND SHORES. The area of overlap that was created was preserved as Outlot A, COMFORT LAKE ESTATES. The original boundary of Lot 1, AADLAND SHORES and Outlot A, COMFORT LAKE ESTATES are as shown on the survey.

LEGEND

- DENOTES A FOUND 1/2" IRON PIPE MONUMENT W/ CAP MARKED RLS 25431 UNLESS OTHERWISE SHOWN
- TV PEDESTAL
- SHRUB
- TREE DECIDUOUS
- ⊕ PROPOSED WELL
- RIGHT OF WAY LINE
- BOUNDARY LINE
- LOT LINE
- EDGE OF WOODS
- BUILDING SETBACK LINE
- PROPOSED RETAINING WALL
- BITUMINOUS SURFACE
- CONCRETE SURFACE
- BUILDING WALL HATCH
- PROPOSED SEPTIC ROCK BED (PER DESIGN DATED 7/2/24)

PROPOSED IMPERVIOUS SURFACES:

Proposed House	: 2,127 Sq. Ft.
Proposed Driveway/Walk/Patio/Wall Surfaces	: 778 Sq. Ft.
Total Impervious Surfaces	: 2,905 Sq. Ft.
Total Property Impervious % (Above OHWL)	: 24.8%


PROPOSED ELEVATIONS (FULL BASEMENT WALKOUT)

House Plans From Client

NOTE: Final grades are subject to soil borings and approval by owner, builder and local governing body.

First Floor Elevation	: 903.56
Garage Floor at Overhead Door Elev.	: 902.67
Lowest Floor Walkout Slab Elev.	: 893.50

DATE:	September 18, 2024	DATE:		AMENDMENTS:		BY:	PREPARED FOR: DAVE FREEMORE
SCALE:	AS SHOWN						I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
DRAWN BY:	JAS						<i>Shawn M. Kupcho</i>
CHECKED BY:	SMK						Shawn M. Kupcho L.S. DATE: 09/18/2024 LIC. NO. 49021
FILE NUMBER:	2024-11010						



0 10 20
SCALE (IN FEET)

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WIDSETH

ARCHITECTS ■ ENGINEERS ■ SCIENTISTS ■ SURVEYORS

Considerations for Managing Nonconforming Lots in Shoreland Areas

Purpose

The purpose of this document is to help local governments administer their shoreland ordinances in a manner that is consistent with Minnesota laws and that minimizes impact to shoreland resources. The issues covered in this document involve nonconforming lots in shoreland as regulated under Minnesota Statutes, § 394.36, subd. 5 (for counties), § 462.357 subd. 1e(d) (for cities), and Minnesota Rules, parts 6120.2500 to 6120.3900.

Resource Concerns with Nonconforming Lots

Small shoreland lots created before the adoption of local shoreland ordinances are often not suitable for the size and intensity of contemporary lakeshore development. It may be difficult for development on these small lots to meet the 25% impervious surface limit in state shoreland standards, provide space for septic systems, and provide enough vegetation to filter and treat stormwater. Development of small lots can result in an increased risk of nutrient flow into surface waters, drainage problems between lots, crowding of docks and recreational facilities, and degradation of near shore habitat.



Statutory Standards for Managing Nonconforming Lots in Shoreland

The nonconforming lot provisions in the shoreland rules (Minnesota Rules 6120.3300, subp. 2(D)) work to bring nonconforming shoreland lots into conformance over time. In 2009, the Minnesota Legislature amended certain portions of Minnesota Statutes, Chapters 394 and 462, giving nonconforming shoreland lots greater protections to continue. The changes to Chapters 394 and 462 are the same, supersede some provisions in the shoreland rules, and were made to ensure that the sale and development of small shoreland lots is consistently administered across the state. The changes affect:

1. when variances are not needed for single nonconforming lots of record, and
2. when multiple contiguous nonconforming lots under common ownership must be combined.

Single Nonconforming Lots of Record

According to statute, a single nonconforming lot of record **MAY** be allowed as a building site **without a variance** from lot size requirements specified in the ordinance, even if the required lot sizes are larger than those in state rules, when:

1. all structure and septic system setbacks are met,
2. a type 1 sewage treatment system can be installed or a connection can be made to a public sewer, **and**
3. impervious surface does not exceed 25%.

If all three of these criteria can be met, the statute provides local governments with an expedited manner for approving the development of nonconforming shoreland lots of record without a variance. If all of these criteria cannot be met, then a variance is required and the local government processes the variance according to its variance procedures and statutory criteria for variances. Local governments **MAY** be stricter and require a variance for developing nonconforming lots, even if the lots do meet the three criteria.

Multiple Contiguous Nonconforming Lots Under Common Ownership

According to statute, an individual nonconforming lot that is part of a contiguous group of lots under common ownership **MUST** be considered a separate parcel for **sale or development**, if:

1. the lot is at least 66% of lot area and width requirements in Minnesota Rule, part 6120.3300, subp. 2a;
2. the lot is connected to a public sewer or a Type 1 sewage system;
3. the impervious surface does not exceed 25%; and
4. the development is consistent with the comprehensive plan.



If the lot does not meet all of these criteria, the lot **MUST** be combined with one or more of the contiguous lots so they equal a conforming lot as much as possible. **Because the statutory language is mandatory, local governments cannot grant a variance to this requirement.**

Local governments cannot grant variances to mandatory statutes.

Although Minnesota Statutes (§ 394.27, Subd. 7 for counties and § 462.357 Subd. 6 for cities) permits local governments to grant variances, the authority extends only to variances from “official controls” or “zoning ordinances.” Official controls and zoning ordinances are defined as actions taken by local governments that are adopted by ordinance. Neither statute authorizes local governments to grant variances to a mandatory statutory requirement.

However, the statute includes an “out” for the sale of certain lots. Contiguous lots under common ownership that don’t meet the above four criteria may be **sold** if each lot contained a habitable residential dwelling at the time they came under common ownership, and:

1. the lots are suitable for, or served by, a sewage system consistent with Minnesota Rules, chapter 7080, or
2. the lots are connected to a public sewer.

Application to Wild & Scenic River and the Lower St. Croix Riverway Districts

Local governments should administer the substandard lot provisions in their Wild & Scenic and Lower St. Croix Riverway ordinances consistent with Minnesota Rules, part 6105.0110, subp. 1 (Wild & Scenic) and Minnesota Rules, part. 6105.0380, subp. 2 (Lower St. Croix).

Summary

Minnesota law affords certain protections for the continuance, repair, replacement, restoration, maintenance and improvement of legal nonconformities. It is notable, however, that the law specifically limits when these protections apply, requiring that multiple contiguous nonconforming lots under common ownership **must** be combined unless certain requirements are met. To alleviate potential confusion, local governments should amend their ordinances for consistency with Minnesota statutes governing nonconforming lots in shoreland areas.

The statements in this document do not have the force and effect of law. This document is informational only and should not be interpreted as creating new criteria or requirements beyond what is already established in the relevant statutes and rules. Whether a local shoreland ordinance or zoning decision complies with the relevant statutes and rules will be determined on a case-by-case basis. Nothing in this document should be considered legal advice. Local governments should consult their attorney for specific advice in adopting, amending, and administering ordinances.

Zoning Decisions - League of MN Cities

INFORMATION MEMO

Published: June 24, 2021

Regulating land use patterns

Zoning is a method of establishing a land use pattern by regulating the way land is used by landowners. A zoning ordinance consists of text and a map. It generally divides a city into various zoning districts and sets standards regulating uses in each district.

A city has broad authority when creating its zoning ordinance, and less when it administers the same ordinance. So, it is important for a city to be aware of what authority it is acting under when making a particular zoning decision.

Legislative authority

When adopting or amending a zoning ordinance, a city council exercises so-called “legislative” authority. The council is advancing health, safety, and welfare by making rules that apply throughout the entire community. The council has broad discretion when acting legislatively. A reviewing court will give the city considerable deference for its legislative acts. City councils are ultimately accountable to the voters for legislative decisions.

Quasi-judicial authority



Pyramid of discretion

In contrast, when applying an existing zoning ordinance, a city council exercises so-called “quasi-judicial” authority. The council must determine the facts associated with a particular request, and then apply those facts to the legal standards in the zoning ordinance and relevant state law.

A city council has less discretion when acting quasi-judicially. A reviewing court will examine whether the city council applied rules already in place to the facts before it. In general, if the facts show the applicant meets the relevant legal standard, they are likely entitled to the approval. Variances and conditional use permits are two commonplace zoning tools that are quasi-judicial

in nature.

It can be helpful to visualize this as a “pyramid of discretion,” showing cities have the most discretion when making land use decisions at the base of the triangle — such as creating a comprehensive plan, or subdivision and zoning ordinances. A city has less discretion when making quasi-judicial decisions in the middle of the pyramid because the city is limited by the ordinance and law that make up the foundation below.

[Learn more about zoning decisions in the “Zoning Guide for Cities”](#)

[Learn more about planning and zoning in “Planning and Zoning 101”](#)

Findings of Fact:

Based on the following Findings of Fact, The Board of Appeals for the City of Wyoming, MN finds that the Building Permit for Lot 1 of Aadland Shores was issued in violation of the requirements set forth in MN Statute, MN Rules, City of Wyoming Code and Zoning Ordinances and hereby reverses the decision of the Building Official/Zoning Administrator to issue, extend, and/or reissue a building permit for construction of a house on Lot 1 of Aadland Shores in the City of Wyoming, MN.

The Board of Appeals finds that the Building Permit issued for construction of a house on Lot 1 of Aadland Shores must be revoked and shall not be reissued unless all the requirements set forth in MN Statute, City of Wyoming Code and Zoning Ordinances can be met.

The Board of Appeals finds as follows:

1. Lot 1 of Aadland Shores is located on Comfort Lake, a General Development Lake, within the Shoreland District of the City of Wyoming, MN.
2. Lot 1 of Aadland Shores was platted in 1965, is 0.27 acres, roughly 1/3 to 1/2 of the size of the adjacent lots on Comfort Lake.
3. Lot 1 of Aadland Shores is considered Nonconforming or Substandard by definition because it does not meet the City of Wyoming Zoning Ordinance's current lot size and width requirements for a lot located on Comfort Lake within the Shoreland District of the City of Wyoming.
4. Since platted in 1965, the lot has remained vacant until a building permit was issued in October 2024.
5. All applications for a Building Permit in the City of Wyoming, MN are required to follow all applicable MN Statutes, MN Rules and City of Wyoming Code and Zoning Ordinances.
6. On October, 25, 2024 the building permit was issued to the applicant without requiring a variance from lot size and lot width requirements as is required in MN Statute 462.357 Subd. 1e. Nonconformities, (2) (d) and (e). A variance is required when a lot cannot meet all three of the requirements of this Statute. Numbers (2) and (3) of the Statute were not met. See Statute language below:

MN Statute 462.357 Subd. 1e. Nonconformities, (2) (d) and (e)

(d) Paragraphs (d) to (j) apply to shoreland lots of record in the office of the county recorder on the date of adoption of local shoreland controls that do not meet the requirements for lot size or lot width. A municipality shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance. A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:

(1) all structure and septic system setback distance requirements can be met;

(2) a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and

(3) the impervious surface coverage does not exceed 25 percent of the lot.

The requirement of (2) in the Statute above was not met because:

- A Type I Septic System cannot be installed because the lot lacks suitable soil conditions, and the lot is not large enough to accommodate a Type I Septic System once all required setbacks are met.
- Additional soil borings conducted in July of 2025, approximately 9 months after the Building permit was issued, fail to show that a Type 1 Septic System could be installed for the same reason as listed in the bullet point above.
- The lot cannot be connected to public sewer.

The requirement of (3) in the Statute above was not met because the impervious surface coverage exceeds 25 %.

- The Proposed Impervious Surface totals shown on the Certificate of Survey for the Lot is inaccurate because the impervious surface area was calculated based on the house foundation rather than the rooftop as required by definition in the City of Wyoming Zoning Ordinance, thus misrepresenting the actual impervious surface coverage.
 - The north retaining wall was omitted from the Proposed Impervious Surface totals shown on the Certificate of Survey, again, misrepresenting the actual impervious surface coverage.
 - When the impervious surface area is properly calculated using the rooftop and including the north retaining wall, the impervious surface area is nearly 28%, exceeding the 25% impervious surface requirement.
7. The building permit does not comply with the requirements of the City's Zoning Ordinance Chapter 40 ZONING, ARTICLE VI. ZONING DISTRICT PROVISIONS, DIVISION 16, SHORELAND DISTRICT, Section 40-335. Nonconforming Lots because this Ordinance requires that Nonconforming Lots be managed "according to MN Statutes, Chapter 462.357, other applicable State Statutes and other regulations of the City of Wyoming"
- The City failed to require that the applicant apply for a variance as required in MN Statute 462.357 Subd. 1e. Nonconformities, (2) (d) and (e) when the three criteria cannot be met (See Findings of Fact # 6 above).
 - The permit does not comply with City of Wyoming Code Chapter 36, Article V., Division 6, Sect 36-232; and City of Wyoming Zoning Ordinances Chapter 40, Article VII Division 22, Sect. 40-652. (See Findings of Fact number 8 and 9 below).
8. The Lot does not comply with the City of Wyoming Code: Chapter 36 UTILITIES, ARTICLE V. SUBSURFACE SEWAGE TREATMENT SYSTEMS, DIVISION 6. GENERAL REQUIREMENTS, Section 36-232. *Minimum Soil Test Area Requirements, (1) and (5)* for the following reasons:
- The Lot does not have 5,000 sq. ft. of percolation tested soils for a Type 1 Septic System as required for Lots created prior to Nov. 2, 1987.
 - Percolation tests were only preformed in an area where a Type I Septic System cannot be installed because of "fill" soil on the Lot.
 - The entire Lot size is 11,719 sq. ft. and the 5,000 sq. ft. requirement is roughly 42% of the entire lot size.
 - Once all setback requirements are met, less than 500 sq. ft. remains where soil conditions may be suitable for a Type I Septic System.
 - The Lot does not have the "site conditions" or "soils capable of supporting a Type I SSTS" as required when new construction is proposed on a previously undeveloped lot.
9. The Lot does not meet the requirements of City of Wyoming Zoning Ordinance: Chapter 40 ZONING, ARTICLE VII. GENERAL BUILDING AND PERFORMANCE REQUIREMENTS DIVISION 22. NONCONFORMITIES, Section 40-652. *Substandard Lots, (3) and (4)* because the lot width and area is not within 60% of the minimum requirements set forth in the Zoning Ordinance as required in Section 40-652 (3) and cannot be served by a standard on-site sewage system or connected to municipal sewer as required in Sect. 40-652 (4).
- The current minimum lot area for a lot on Comfort Lake is one acre (43,560 sq. ft.) 60% of that is 26,136 sq. ft. This lot is 11,719 sq. ft.
 - The current minimum lot width for a lot on Comfort Lake is 125 ft. 60% of that is 75 ft. This lot is 29 ft. in width when measured at the Ordinary High Water Line and 50 ft. when measured at the building setback line.
 - The Lot does not have the soil or site conditions for a Standard onsite sewage system and cannot be connected to municipal sewer.
10. The issuance of a building permit on this lot fails to "*protect its natural and environmental resources, and to promote the public health, safety, and general welfare of the City residents*" as required in the City of Wyoming Zoning Ordinance: Chapter 40 Zoning, ARTICLE II INTENT AND PURPOSE Section 40-10

Defined, because the building permit was issued in violation of MN Statutes, MN Rules, City Code and City Zoning Ordinances.

11. The issuance of a building permit for this Lot is not in harmony with the City's comprehensive plan as required in City of Wyoming Zoning Ordinance: Chapter 40 Zoning, ARTICLE III. APPLICATION, Section 40-20 because the Zoning Ordinances that support the Comprehensive Plan were not enforced.
12. The City of Wyoming did not impose the "more restrictive condition, standard or requirement" when issuing the building permit, as required by the City of Wyoming Zoning Ordinance: Chapter 40 Zoning, ARTICLE III. APPLICATION, Sections 40-21.
13. The building permit does not meet the requirements set forth in the City's Zoning Ordinance and is not in conformity with City of Wyoming Zoning Ordinance: Chapter 40 Zoning, ARTICLE III. APPLICATION, Sections 40-23 *Conformity with Provisions* which requires that no structure shall be erected which is not in conformity with the provisions of this Ordinance or with Section 40-24 *Building Permits* which requires that: "*no building permit shall be granted that does not conform to the requirements of this Ordinance*".
14. The septic permit does not meet the requirements of City of Wyoming Zoning Ordinance, Chapter 40, ZONING, ARTICLE IV. DEFINITION OF TERMS. Sec. 40 – 40 because the number of bedrooms was misrepresented on the septic permit application and listed as three when it should have been listed as five. The Zoning ordinance defines the bedroom as: *An area that is either a room designed or potentially used for sleeping, with a minimum floor area of seventy (70) square feet, access gained from the living area, and legal means of egress.*
 - Neither the "den" or "unfinished room" upstairs were not counted as bedrooms but by definition both should have been counted.
 - The Septic system was designed based on three bedrooms instead of five.
15. The issuance of a Building Permit in violation of MN Statute, MN Rules, City of Wyoming Code and Zoning Ordinances makes a house on Lot 1 of Aadland Shores an Illegal Nonconformity because the City of Wyoming Zoning Ordinance was not enforced at the time the permit was issued. Illegal nonconformities do not have the rights associated with legal nonconformities.
16. Authority for the Board of Appeals to hear and decide appeals is authorized by the following:
 - City of Wyoming Zoning Ordinance, Chapter 40 Zoning, ARTICLE V., DIVISION 3, BOARD OF APPEALS Sect. 40-71 (1) and (2) *Duties of the Board of Appeals*:
 - (1) To hear and take action on appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of the Zoning Ordinance.
 - (2) To hear and decide appeals from any action of the Zoning Administrator or Building Official in granting or denying a building permit.
 - City of Wyoming Zoning Ordinance, Chapter 40 Zoning, ARTICLE V., DIVISION 8, APPEALS Sect. 40-130 *Appeals Procedure*
 - (6) After receipt of a complete application (as defined by Sec. 40 – 130, (2)) for an appeal, the Board of Appeals shall make findings of fact and order either to reverse or affirm, wholly or partly, or to modify the order, requirement, decision or determination appealed from. The Board's findings and reasons shall be stated in writing and be made part of the Board's records.
17. Authority to suspend or revoke a building permit is authorized in Chapter 1300 of the MN Administrative rules, BUILDING CODE, [1300.0120](#) PERMITS, Subp. 12., *Suspension or revocation*. "*The building official may suspend or revoke a permit issued under the code if the permit is issued in error; on the basis of incorrect, inaccurate, or incomplete information; or in violation of any ordinance or regulation or the code*".

City of Wyoming
26885 Forest Blvd.
Wyoming, MN 55092

Attn: Lisa Iverson, Rob Linwood & Grant McFarlane

We are writing you today to bring forth our issues with the permitting at the address of 25738 E. Comfort Drive - Lot 1 of Aadland Shores. We believe the evidence in our appeal shows that the permits were given in error. We will be in attendance on Nov.10, 2025.

To recap:

We are questioning the septic permit and its viability (We are worried that it is not the correct septic system installed as the home could in the future be a home of 5 bedrooms). Then the septic system could fail and contaminate our well and surrounding neighbors along with contaminating the lake.

The building permit - was it issued correctly? It is such a small lot and is it buildable? It looks like the impervious surfaces calculation may be incorrect.

We would like for the City of Wyoming to look over the information given, make the correction and revoke the building permit.

Thank you for your time.

Kelly & Mike Pelzer
25838 Indian Ave.
55013
[REDACTED]

10/26/2025

To whom it may concern,

I am writing regarding the appeal of the decision to issue Building and Septic permits for Lot 1 of Aadland Shores on November 10th, 2025. Prior to permits being issued I had discussed this with the title agency for my property, who requested confirmation that the request was in reference to Lot 1 of Aadland Shores as in their experience that lot would be non-buildable. Following confirmation of the lot the title agency described how and where the easements were recorded, which was then shared with the zoning administrator.

While the information provided in relation to the easement is not relevant to this appeal, the responses from the zoning administrator called into question the status of the permits (“when and if I receive a permit application I will have to issue the permit” and “have applied for the permits to build a house, they have not been approved or issued yet. Barring a court order, the permits will be issued if the permit applications meet the requirements of the code”). After reviewing the responses the title agency for my property highly recommended an attorney to stop permits from being issued, however this was not pursued as the zoning administrator had stated that the permits would only be issued if the application meets the requirements of the code. The expectation based on the title agency’s experience and my own was that code requirements could not be met on this lot for several reasons, which the evidence presented in this appeal fully supports.

Please let me know if there’s any additional information I can provide, including the referenced discussions or documentation.

Regards,

Josh and Karrie Zahorik
25876 Indian Ave

Received
10/30/25

Grant Macfarlane

From: Robb Linwood
Sent: Wednesday, November 5, 2025 7:18 AM
To: Grant Macfarlane
Subject: FW: Building permit Appeal hearing

Robb Linwood

City Administrator



26885 Forest Blvd | Wyoming, MN 55092

Direct: [651-462-0575](tel:651-462-0575) | Fax: [651-462-0576](tel:651-462-0576)

rlinwood@wyomingmn.org

www.wyomingmn.org



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----- Original message -----

From: tonybreit tonybreit <[REDACTED]>
Date: 11/5/25 6:25 AM (GMT-06:00)
To: Robb Linwood <RLinwood@wyomingmn.org>, Fred Weck <FWeck@wyomingmn.org>
Subject: Building permit Appeal hearing

I have seen and all the building plans related to the property being built by Dave Freemore. If you look at the size of the lot and the house there is no possible way that the correct septic system and mount could fit in the small area proposed. Also, the house when sold someday has room for expansion within its footprint. When that happens and more bedrooms are created, the septic system will not comply with

the current standards at construction that the city has approved. There is no room on the lot for future expansion or room for a new septic system if it fails and it needs to be relocated. I walk the neighborhood regularly and see houses being built and properties updating septic systems and their mound systems are twice the size of the mound being proposed on Freemore's lot. I suspect they are the same systems. In fact, up the street on the lake there is a property that recently upgraded their mound system and it was relocated to the front yard of the property. I was wondering if those properties owners were given the same instructions for their septic system as Freemore was given because they could have benefited from a better location which would have been less of an eye soar then the mound they installed. Just my observations.

Another point, it seems from the time of the purchase of this lot to the time of construction was extra fast. Mr. Freemore has been involved in city busy for some time and he was instrumental in the opening of the art gallery in Wyoming. How much of his influence and ties with city officials did he have with these plans of building a house on the lake that didn't comply with all the building restrictions set forth in the contested complainant . There seems to be a serious conflict of interest in the planning of this property with the city.

Conflict of interest with Mr. Freemore's ties to city government.

Dave Freemore Wyoming

[Dave Freemore is a prominent figure in the Wyoming Area Creative Arts Community \(WACAC\), where he serves as the Director of Building Maintenance and is deeply involved in various community and international programs. His expertise lies in pyrography, a form of wood burning art where he creates intricate designs by carving them into slices of cedar. Freemore's art often reflects a personal connection to his family's history and the natural world, as he uses cedar gathered from the Missouri River shores in Montana, which has a unique density that allows for consistent results in his work. His dedication to art is evident in his family-themed "artists tree" show, where he and his wife Jan, along with their family members, have created a collection of art pieces that celebrate their shared artistic heritage.](#)

Grant Macfarlane

From: Beverly Chapman <[REDACTED]>
Sent: Sunday, November 2, 2025 3:39 PM
To: Robb Linwood; Grant Macfarlane; Fred Weck
Cc: Beverly Chapman; Mike Chapman
Subject: Appeal Hearing of November 10th 2025 Regarding the Build at 25738 E. Comfort Dr.

My husband Mike and I own the Comfort Lakes Estate Lot 1 and Outlot A property south of Aadland Lot 1.

In 1991 we purchased our lot from Dean Lacy with the knowledge the Aadland property was not a buildable lot as it was too small and it was an easement for about 12 families.

When Dave Freemore decided to build on the lot we had concerns about the setbacks and placement of a well and septic in relation to our property. Throughout the summer and fall of 2024 as we had questions, I contacted Fred Weck to learn about what was allowed and to get answers to our questions. Our concern started with the setbacks from our property lines. Fred assured me that that structure to be built was within the setback requirements. While that may be true, we have several concerns as to the negative impact to maintain and enhance our property as well as the market value when it would be sold.

Our primary concerns are:

1. Placement of the Freemore septic system in relation to our well.
2. Placement of the Freemore well in relation to our septic area, compromising our available septic area.
3. Water pooling on our property.

The following details our concerns for each of the above.

1. Septic system placement - Fred has informed us that the setback of a septic system is 50 Ft from any existing well. The proposed septic system placement on Freemore's property appears to be right at 50 ft from our well with absolutely no room for error. Given the findings in the appeal from the Coughlin's regarding the area for septic field space and what type of system should be installed, we are concerned for the safety of our water supply.
2. Well placement - The well as installed on the Freemore property is 5 1/2 feet north of our property line. When we built, our septic area was defined as 10 feet south of our property line, which is 15 1/2 feet from the Freemore well. Our septic area allowed enough land area in the event of a system failure or an expansion of living space of our house. We are extremely concerned as our septic area has now been greatly compromised by the Freemore well placement.
- 3.

- a. What if our existing septic system failed; could our home become uninhabitable? That has been our fear. I contacted Fred Weck and he told me that our house would not become uninhabitable. However, due to the Freemore well placement should our system ever fail, Fred said we would be forced to redo our system in the current location at added expense to bring in all new soil for a drain field.
 - b. Additionally, we currently have an unfinished lower level of 1800+ feet. If we, or a future buyer, decided to finish that area could it be prohibited due to the spacing of the Freemore well. If so, that is a significant negative impact to our ability to enhance our home and to the overall value and ability to sell our home at some point in the future.
3. Water pooling - The Freemore house placement is certainly not desirable as it is exactly 10 feet north of our property line. As that house will take up so much width of the property, we are concerned that water runoff may be an issue on our property. Currently, on the lake side, water pools in the spring and during heavy rains. We suspect that will worsen, potentially killing a portion of our yard and garden. In addition, it appears nearer the road there will be valley between the two houses causing additional water pooling. These areas of standing water will create a breeding area for insects.

Overall, we are concerned for the negative impact to our property. Our ability to maintain it, to enhance it, and to sell it are all negatively impacted as a result of this build. We understand there are setbacks and what was in place 30+ years ago may not be the rules today... However, that said, we do not understand how a build "of this size" on a non-standard lot can be allowed when it clearly negatively impacts how existing properties can continue to be maintained. We would hope the review board will look at what is being done to fit this house on this non-standard lot and determine it is not in keeping with the intended rules and statues of Minnesota and the City of Wyoming.

Thank you for the opportunity to voice our concerns prior to the public meeting.

Mike and Bev Chapman

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: [Josh R](#)
To: [Robb Linwood](#); [Grant Macfarlane](#); [Fred Weck](#)
Subject: Written Comments for Board of Appeals Hearing November 10th 2025
Date: Tuesday, November 4, 2025 6:14:08 PM

To the Board of Appeals,

I am writing to formally request that the City of Wyoming immediately suspend and revoke the building and septic permits issued for Lot 1 of Aadland Shores (25738 E. Comfort Dr.) and refrain from issuing any further permits for this parcel.

After reviewing the permit files, survey, and correspondence obtained through public data requests, it is clear that the City's approval of these permits **violates multiple Minnesota Statutes, Minnesota Rules, and provisions of the City of Wyoming Code**. The violations include:

- **Minnesota Statute § 462.357 Subd. 1e (Nonconformities)** – The lot cannot accommodate a required *Type I* septic system and exceeds the 25 percent impervious-surface limit; no variance was sought or granted.
- **City Code § 40-335 (Nonconforming Lots)** – The lot is both undersized and substandard in width; permits were issued without the variance the ordinance requires.
- **City Code § 36-232 (Soil Test Area Requirements)** – The required 5,000 sq ft of percolation-tested soils capable of supporting a *Type I* SSTS was never demonstrated.
- **City Code § 40-652 (Substandard Lots)** – The lot fails to meet even 60 percent of minimum area and width requirements and cannot be served by a standard septic system.
- **MN Rule 1300.0120 Subp. 12** – Allows a building official to revoke any permit issued in error or in violation of ordinance.

These clearly show that Lot 1 cannot lawfully qualify as a buildable lot under Minnesota law or City ordinance. As residents, our family places great trust in our public officials to follow the laws and ordinances that safeguard our community and its natural resources for current and future generations.

Thank you for your prompt attention to this matter. Please confirm receipt of this message.

Sincerely,

Josh and Ashley Reuvers



28770 Old Towne Rd Chisago City, MN 55013



To: Board of Appeals:

Re.: Lot 1 Aadland Shores Appeal

My name is Barbara Buckley, and I am the Executive Director for a Community Residential home which supports four individuals with developmental disabilities. I am writing today to ask the Board rule that the Building Permit was issued in violation of State Statute, City Code and City Zoning Ordinances and to revoke Freemore's Building Permit.

Furthermore, I ask that you consider how the unlawful encroachment onto the deeded lake easement impacts our residents as they enjoy going to the lake.

It is our hope to make this area accessible to all individuals. Having this property is important to us as homeowners and I hope you consider the impact on our individuals if Freemore is allowed to continue to build on this site. Allowing this would drastically impact on our individual's ability to enjoy the shoreline.

Please Rule that this permit was issued in violation of State Statute, City Code and City Zoning Ordinances and to revoke Freemore's Building Permit.

Sincerely,
Barbara Buckley
Linnea Residential Home

From: [REDACTED]
To: [Robb Linwood](#); [Grant Macfarlane](#); [Fred Weck](#)
Subject: Lot 1 of Aadland Shores - Appeal
Date: Thursday, November 6, 2025 9:52:56 AM

Hello,

I am writing to you to respectfully ask that you review and ultimately revoke the building permit issued for Aadland Acers, Lot 1 as there are numerous violations of the MN Statute, MN Rules, City Code, and Zoning Ordinances.

We are voicing concerns not because we are nosey neighbors trying to cause problems, but because Lot 1 of Aadland Shored was never intended to be a buildable lot and the direct negative impact that this will have on my family as well as numerous other families in the neighborhood with deeded access to the lot.

When purchasing our property, the deeded access played a significant role in our decision. If not revoked, it will affirm the City Code and zoning ordinances as meaningless and will have a direct negative impact on our property value and restrict our access rights that have been in place and enjoyed unhindered for over 40 years.

Thank you,

Trevor & Lyssa Gilbertson

November 5th, 2025

To: City of Wyoming of the Board of Appeals

Re: Appeal of Zoning Administrator Decision

From: Richard W. and Lisa S. Peifer

25915 Indian Trl.

Chisago City, MN 55013

[REDACTED]

[REDACTED]

Introduction:

We are submitting this information in support of the appeal request that will be heard before the City of Wyoming Board of Appeals on November 10th. The appeal concerns the decision by the Zoning Administrator for the City of Wyoming to approve permits for the construction of a single-family house on Lot 1, Aadland Shores. This appeal is sought by us and other interested property owners who have a property right and monetary interest in Lot 1, along with other concerned neighbors who believe the permitting process was flawed. Those who submitted the appeal ask that the permit be revoked or not renewed. We believe the revocation of the building permits is in keeping with the City of Wyoming's primary responsibilities to protect water quality and the health and safety of its citizens.

Under Minnesota Rules Chapter 1300.0120, building officials have the authority and responsibility to suspend or revoke building permits if issued in error, based on incorrect or misleading information, or in violation of ordinances. The information in our appeal documents and the information that we provide below supports the claims that errors, mistakes and violations of City Ordinances occurred. Cities must enforce the Minnesota State Building Code and local zoning ordinances, which includes verifying compliance with rules on setbacks, impervious surface limits, and land use restrictions.

Many of the mistakes and errors made during the permitting process by the City and the owner and his contractors now put in jeopardy the safety of our wells and our use of Lot 1 Aadland Shores for access to Comfort Lake. While cities are not required to affirmatively investigate every private easement, they are expected to **review permit applications thoroughly** and **not facilitate** construction that **conflicts** with clearly **recorded legal encumbrances such as easements**.

We know the Appeals Board is not charged with considering anything directly with the deeded easement rights over and across Lot 1 for access to Comfort Lake, nor are you to take into consideration these easements when rendering a decision about the central issue in the petition's request. Any reference to easements or property rights in Lot 1 Aadland Shores is only to provide **context** and **background**.

Without this knowledge it is difficult to understand this complex issue.

Context and Background:

I (Rick) have personally had a property and monetary interest in Lot 1, Aadland Shores, for over 39 years when I purchased my property while still a bachelor. Access to Comfort Lake was one of the principal reasons I purchased this lot to build a home. It had lake access and was within reasonable commuting distance to my job at the University of Minnesota. The price I paid for my lot to build a home included the value for access to Comfort Lake.

The initial approval of the building permit to David Freemore to build a large single-family house on Lot 1 Aadland Shores has already rendered this property useless to my family for over a year. If the building permit is not revoked for all the violations listed in the appeal and the additional ones we've outlined below, and the house is allowed to be completed, Lot 1 of Aadland Shores, will become permanently unusable to my family, along with 15 other property owners that have the same property and monetary interests. This would represent a collective loss to the 16 property owners of at least between \$400,000-\$480,000 (estimated from real estate appraisals), not including the monetary loss that has occurred to all of us

during the past year due to not being able to use the property to access Comfort Lake.

As you read the following information, keep in mind that the 16 property owners are the harmed party. If David Freemore had done his due diligence prior to purchasing Lot 1, and the contractors he hired (Sherco Construction Inc., Boettcher Excavating and Septic, Inc., and Widseth) had provided accurate and complete information on the permit applications that were submitted to the City of Wyoming, we contend that the building permit would not have been approved. Furthermore, had Sherco Construction, Boettcher Excavating and Septic, and Widseth diligently fulfilled their professional responsibilities by submitting accurate and truthful information on the permit applications, the City of Wyoming may have recognized the discrepancies and declined to issue the permit. In such a scenario, the City retains the authority to revoke the permit and pursue appropriate remedies against these contractors and the property ensuring that the rights of the 16 property owners are safeguarded and that any future actions align with lawful procedures.

If the permit applications submitted by Sherco Construction, Widseth, or Boettcher Septic included false or misleading information (e.g., inaccurate buildable lot area, incorrect impervious surface calculation, or non-compliance with Type I SSTS (Subsurface Sewage Treatment System)), then the City has grounds to revoke the permit, even after issuance. This is supported by Minn. Stat. §462.361 and principles established in relevant case law (e.g., *Schwardt v. County of Watonwan*, 656 N.W.2d 383 (Minn. Ct. App. 2003)).

Suitability and Feasibility for a large single-family house on Lot 1, Aadland Shores (Comfort Lake), City of Wyoming, MN:

Lot 1 Aadland Shores facts:

Total Lot Area \approx 0.27 acres (11,761.2 sq. ft.); no city sewer; Comfort Lake (General Development shoreland classification). **Buildable lot area:** area between

the **OHWL** (Ordinary High Water Line) must be **subtracted** to arrive at the area that qualifies as “**buildable**”.

Therefore, the buildable area is somewhere in the range of 11,471 to 11,521 sq. ft. This is the total lot size less the area (240-290 sq. ft.) between the OHWL and the lake shoreline.

Minnesota Rules, part 6120.3300 states: “Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line.”

The fact that anything below OHWL is excluded from the usable/buildable calculation is stated very plainly again in the planned unit development section, **Minnesota Rules, part 6120.3800, subp. 4(B)**, which says that when you calculate the area, you do it “excluding all wetlands, bluffs, or land below the ordinary high water level of public waters.”

This rule means that when evaluating a nonconforming or substandard lakeshore lot for development, calculations of impervious surface coverage, lot size compliance, and buildable area must exclude the portion of the lot lying between the physical shoreline and the OHWL. The excluded strip cannot be counted toward the minimum lot size or used in buildable area determinations. This principle applies directly to shoreland zoning reviews conducted by local governments under **Minnesota Rule 6120** and related statutes.

Key standards (City of Wyoming Shoreland District – General Development, Unsewered):

- Minimum lot width at OHWL: 125 ft (Sec. 40–318, Lot Area and Width Standards table).
- Minimum lot area: 43,560 sq. ft. (1 acre) (Sec. 40–318, Lot Area and Width Standards table).
- Where width is measured: at the ordinary high water level, at the building setback line, and at the road frontage line (Sec. 40–318, table footnote).

- Structure setback from OHWL: 75 ft.; sewage system setback: 75 ft. (50 ft. only for parcels/structures existing prior to 6/27/1996 if 75 ft. is not possible) (Sec. 40–319).
- Shoreland **substandard lots** (lots of record) may be used as building sites **only** if they are in separate ownership and all sewage treatment and setback requirements are met; contiguous substandard lots must be combined as much as possible (Sec. 40–335).
- Citywide substandard-lot criteria include being within 60% of the minimum width/area, being serveable by a standard on-site sewage system (Type 1 SSTS), and meeting all structure setbacks (Sec. 40–652).
- Impervious surface area not to exceed 25% of buildable lot area.

Applied to Lot 1:

- 60% width threshold: 75 ft.; 60% area threshold: 26,136 sq. ft.
- Provided lot area (11,761.2 sq. ft.) is below the 60% area threshold (26,136 sq. ft.).
- If shoreline width at the OHWL is much less than 125 ft, it is also likely below the 60% width threshold (75 ft.).
- Result: The lot does not meet the $\geq 60\%$ substandard-lot criterion and, as such, should not be approved for a new single-family dwelling without land combination or variances. Any proposal must still demonstrate all setbacks and SSTS compliance.

Citations to the Suitability and Feasibility section above:

1) Lake classification – Comfort Lake as General Development:

“General Development Lakes. (a) Comfort 13-53 ... O.H.W.L. 887.2” — City of Wyoming Code, Sec. 40-314 (Shoreland Classification System).

2) Minimum lot area and width – GD, unsewered:

“General Development — Single ... Unsewered Lakes ... Area (sq. ft.): 43,560 ... Width (ft): 125” — City of Wyoming Code, Sec. 40-318 (Lot Area and Width Standards) table.*

“*Lot widths apply to the width at the ordinary high water level of public waters, building setback lines, and road frontage line.” – Sec. 40-318 footnote.

3) Setbacks from OHWL:

“General Development ... Structures 75 ft ... Sewage Systems 75 ft** ... **Parcels and principal structures existing prior to 6/27/96 need only meet a 50-foot setback for sewage systems if it is not possible to meet the 75-foot setback requirement.” – City of Wyoming Code, Sec. 40-319.

4) Water supply and sewage treatment (SSTS) – state rules apply:

“All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency’s standards, Chapters 7080–7083.” – City of Wyoming Code, Sec. 40-334.

5) Shoreland substandard lots (lots of record):

“Lots of record ... may be allowed as building sites without variances from the lot size requirements ... [if in] separate ownership ... and sewage treatment and setback requirements of this Ordinance are met ... [Contiguous lots] must be combined ... meeting the requirements of Article VI, Division 16, as much as possible.” – City of Wyoming Code, Sec. 40-335(1)(a),(c).

6) Citywide substandard lots – 60% rule:

“A substandard lot may be allowed as a building site provided that all the following criteria are met: ... (3) The lot width or area is within sixty percent (60%) of the minimum requirements ... (4) The lot can be served by a standard on-site sewage system ... (5) All required setbacks for a structure can be met.” – City of Wyoming Code, Sec. 40-652(3)–(5).

7) Evidence of initial & replacement SSTS areas in state rules:

“A minimum of three soil observations are required for the initial and replacement soil treatment area ...” – Minnesota Rules 7080.1720, Subp. 4.

Minnesota Statute § 462.357, Subd. 1e(2)(d)–(e): Interpretation for Nonconforming Shoreland Lots

Verbatim Statutory Text:

Minnesota Statute § 462.357, Subd. 1e(2):

(d) Paragraphs (d) to (j) apply to shoreland lots of record in the office of the county recorder on the date of adoption of local shoreland controls that do not meet the requirements for lot size or lot width. A municipality shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in shoreland areas according to paragraphs (d) to (j).

(e) A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:

- (1) all structure and septic system setback distance requirements can be met;
- (2) a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and**
- (3) the impervious surface coverage does not exceed 25 percent of the lot.**

The proposed building on Lot 1 absolutely fails on the last two conditions (2 and 3).

This statute governs how municipalities **must** treat nonconforming lots located in designated shoreland areas — specifically those that do not meet minimum size or width requirements under current zoning but were legally recorded before the adoption of shoreland controls.

Since Lot 1 Aadland Shore is a legally platted lot of record within the shoreland area of Comfort Lake and is considered nonconforming due to substandard lot size (less than the current minimum and the minimum when the lot was created in 1965), this statute is highly applicable.

Subdivision 1e(2)(e) clarifies that such a lot **may be used as a building site** without needing a size variance, **only if** the following three conditions are met:

- 1. **All required setbacks** for both structures and septic systems must be satisfied.
- 2. A **Type 1 subsurface sewage treatment system (SSTS)** must be installable in accordance with **Minnesota Rules Ch. 7080**, or the property must connect to a **public sewer**.
- 3. **Impervious surface coverage** must not exceed **25%** of the lot's total area.

Since this is, and always has been, a substandard nonconforming lot, no variances are allowed. If a variance cannot be requested and public sewer connection is not possible, a Type 1 SSTS must be installed. The septic designer and installer had the professional responsibility to ensure that a Type 1 SSTS could be accommodated on Lot 1. Without Type 1 feasibility, there is no statutory no-variance route, so approval must be denied. While an advanced design might be proposed, it still does not satisfy the statute's no-variance criterion if a Type 1 is not feasible. In such cases, absent a variance and absent public sewer, the lot cannot be approved as a building site under subd. 1e(e).

Clarification of Statutory Language:

Anticipating the City of Wyoming's stance that MN Statute 462.357, Subd. 1e(2) uses the language: "can be installed" to justify waiving the requirement of a Type I septic system for Lot 1, we provide the following response:

The phrase 'a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed' does not imply **optionality**. **Rather, it is a conditional prerequisite to use the lot as a building site.** If the lot is not connected to a public sewer, the statute mandates that a compliant Type 1 SSTS

must be installable. If it is not, the lot cannot qualify as a buildable site under paragraph (e).

Therefore, the language 'can be installed' means that a Type 1 system ****must**** be feasible and approved — it is not discretionary if the public sewer is unavailable.

If connection to a public sewer is not possible, § 462.357, subd. 1e(e)(2) requires that a Type 1 SSTS be installable in order for a single nonconforming lakeshore lot to qualify as a building site **“without variances from lot size requirements.”** If a Type 1 cannot be sited, the safe-harbor path under subd. 1e(e) is unavailable; the owner must either (i) obtain a variance under the “practical difficulties” standard, or (ii) pursue an alternative that brings the property into compliance (e.g., combining lots or redesign). Local ordinances may be more restrictive, but not less so, and can limit alternatives.

Since Lot 1 Aadland Shore is a legally platted lot of record within the shoreland area of Comfort Lake and is considered nonconforming due to substandard lot size (less than the current minimum and the minimum when the lot was created in 1965), this statute is highly applicable.

An individual may be allowed to build ****without a variance for lot size****, **only** if:

- The proposed structure and SSTS comply with ****all setback requirements**** (from OHWL, property lines, etc.)
- A ****Type 1 system**** (per Chapter 7080) can be installed (or if connected to public sewer)
- ****Impervious surface**** does not exceed 25% of the 0.27-acre lot (which is approx. 2,940 sq ft max)

In addition to the above, the City of Wyoming Code ch. 36, Article V: Subsurface Sewage Treatment Systems (Ord. 2011-01) requires the following of pre-11/2/1987 lots:

§ 36-232 Minimum Soil Test Area Requirements — key excerpts (verbatim):

• § 36-232(1): *“Lots created prior to November 2, 1987 shall be required to demonstrate 5,000 square feet of percolation tested soils capable of supporting a Type I SSTS.”*

• § 36-232(2): *“Lots created between November 2, 1987 and July 16, 1997 by means of a platted subdivision shall require 10,000 square feet of area tested and suitable for a Type I septic system, to provide for a primary as well as a secondary site.”*

• § 36-232(3): *“All lots created after January 23, 1996, whether platted or not, must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, and at-grade systems as described in Minnesota Rules, Chapters 7080.2200 through 7080.2230 or site conditions described in 7081.0270, Subp. 3 through 7.”*

• § 36-232(4): *“All lots created after July 16, 1997 shall require one acre of buildable soil (as defined by the City of Wyoming Zoning Ordinance) to be identified on each lot, in addition to 10,000 square feet of percolation tested soils, which are suitable for a Type I SSTS and reserved as the primary and secondary installation sites.”*

• § 36-232(5): *“At any time that new construction is proposed on property previously undeveloped for residential purposes, site conditions and soils capable of supporting a Type I SSTS shall be proven to exist.”*

The requirements § 36-232(1) and § 36-232(5) were **not** met prior to the general and septic permits being issued for Lot 1.

Additionally, it wasn't until nine months (late July 2024) after the building permit was issued that an attempt to find a suitable area of 5000 square feet that would accommodate a Type I SSTS was attempted and failed. As outlined in our petition, two of the three soil borings that were made failed to demonstrate that those locations could accommodate a Type I system. One was too close to the well, and the other showed water saturation at 10" and was also too close to the OHWL setback. So with only a single reference point that demonstrated suitable soils for a Type 1 SSTS, how would it even be possible to begin to define an area to

accommodate a Type I SSTS? In addition, the tested area between the foundation and the OHWL boundary is too small to accommodate a Type I. So, both proposed septic locations, where the proposed mound system is currently shown to be located (where fill soils are located) and the alternate location between the lake and house foundation, fail to qualify for Type I SSTS installation.

SSTS Construction Permit Expiration and Renewal:

The following are the relevant provisions from the City of Wyoming Code regarding expiration and renewal of SSTS (Subsurface Sewage Treatment System) construction permits. This information pertains only to the construction phase and excludes operating permits. Reference: City of Wyoming Code, 2024 Edition, Chapter 36, Sections 267–268 (SSTS Construction Permits).

Chapter 36 – Utilities:

Article V – Subsurface Sewage Treatment Systems (SSTS)

Division 8 – SSTS Construction Permits

Section 36–267 – Permit Expiration:

A construction permit shall expire if work is not commenced within six months after issuance or if the work is discontinued for a period of six months.

Section 36–268 – Extensions and Renewals:

When an application for renewal is made in writing **before** the expiration date of the permit, the city may grant up to two extensions of the permit, each extension not to exceed three months, upon payment of the required fee and subject to such conditions as the city deems necessary.

Therefore, the septic permit that was issued on October 21st, 2024, has expired. No septic construction has occurred since the permit was issued, and we do not see any evidence that the City granted any three-month extensions. If no construction on the septic system has occurred for over a year, this means that there is currently no

approved permit in place. Given this, a new permit application would need to be submitted for approval for septic construction to proceed.

There was no litigation by a third party that stopped Freemore's construction. The halt and continued pause was and continues to be completely **voluntary** on his part.

Bedroom Determination Error: City Zoning Ordinance - Chapter 40, MN Rules 7080.1850 Subpart 1 and MPCA (bedroom definitions):

There was an error in determining the number of bedrooms in the building plans submitted by Sherco Construction. According to the builder and septic designer, Boettcher Septic, they had determined that there were only three bedrooms. However, when applying the definitions, rules, and ordinances listed in the heading above, there are at least five and potentially six bedrooms. Since determining the total potential bedroom count is **crucial for** sizing a septic system that can accommodate not only the bedrooms identified in the submitted plans but also any potential future additions by the current or future owners, this undercount of three bedrooms results in a septic system that cannot be compliant. The important number to determine is the **potential** number of bedrooms, not the **actual** bedrooms shown on a proposed house building plan.

If this noncompliant septic system failed due to insufficient capacity, all wells in the area could be contaminated and compromised. This would be catastrophic to property owners on and around Comfort Lake. The City of Wyoming has a primary responsibility to reduce this probability.

Impervious Surface Area Determination:

Permit Applications and Surveys for Lot 1 Aadland Shores confirms what is being proposed exceeds the maximum imperious surface area allowed (**max 25%**).

For the substandard 0.27-acre buildable Lot 1 of Aadland Shores in the City of Wyoming, Chisago County, Minnesota, several layers of regulations apply. These include state statutes, Minnesota Pollution Control Agency (MPCA) rules,

Department of Natural Resources (DNR) guidelines, and local City of Wyoming ordinances.

State and Agency Regulations:

- 1. Minnesota Statutes:** Minnesota statutes related to shoreland management are primarily found in Minn. Stat. § 103F, which governs the protection of water resources. This includes limits on impervious surfaces and other environmental protections for shoreline lots.
- 2. MPCA Rules:** The MPCA enforces rules on subsurface sewage treatment systems (SSTS), which are especially relevant for small lakeshore lots that cannot connect to public sewer systems. Under MPCA guidelines, a maximum of 25% impervious surface coverage is a standard requirement to minimize runoff. They also define the class of septic systems required based on lot size and usage.
- 3. DNR Guidelines:** The Minnesota DNR's shoreland management program provides additional rules that local governments must adopt. These rules help ensure that shoreline development doesn't degrade water quality or natural habitat.

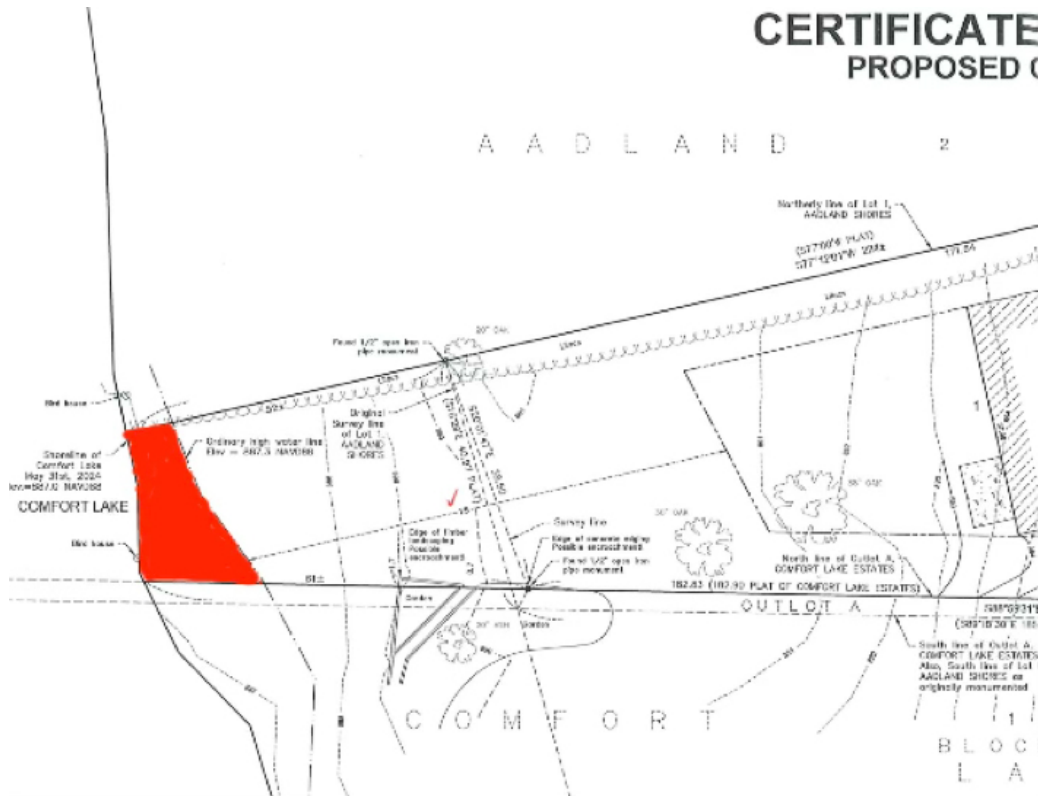
Local Ordinances (City of Wyoming):

The City of Wyoming's ordinances align with state guidelines. They confirm the 25% impervious surface limit on shoreland lots and have specific zoning rules for nonconforming lots.

Based upon the Certificate of Survey that was submitted as part of the application for a general building permit, and adjusting the square footage to arrive at the correct buildable area for Lot 1, the impervious surface area exceeds the 25% allowed. This is even using the surveyors' own values for impervious surfaces listed on the Certificate of Survey, and does not include the surfaces like the roof overhang and the north retaining wall.

The impervious surface value that was listed on the Certificate of Survey is 24.8%. This percentage was computed based upon a denominator value of 11,719 sq. ft. that represents the entirety of Lot 1. The area between the OHWL and the lake

cannot be included because it represents unbuildable area. Just look at the area between the OHWL and the lake shore on the Certificate of Survey, and it is clear there is considerable square footage in this area. (See the red area in the portion of the Certificate of Survey below, which represents the area that is unbuildable.) To calculate the actual impervious surface area, the total lot size needs to be reduced by this unbuildable area to arrive at the true surface area that is considered buildable.



Adjusting the denominator value to reflect the correct buildable area, i.e., subtracting the area between the OHWL and the lake, reduces the denominator between 240-290 sq. ft. Using the lesser value of 240 sq. ft., which may underrepresent the actual value, the correct denominator should have been somewhere between 11,471 to 11,521 sq. ft. Using the smaller number in the range, the corrected value produces an impervious surface area of 25.2%. So, in fact, the proposed survey and building plan as submitted **fails** the requirement that impervious surfaces not exceed 25%, MN Statute 462.357, Subd. 1e(2).

Given that the submitted survey failed to take into account impervious surfaces from the roof overhangs and the north retaining wall, it is not surprising that the true and accurate impervious surface area total percentage exceeds 28.2%. See the calculations in Exhibit F. The value of 27.8% should actually be adjusted higher by 0.4 percent to 28.2%, reflecting the area between the OHWL and the lake.

An additional issue arises in calculating impervious surfaces, particularly concerning the **retaining walls** shown on the Certificate of Survey. (The north retaining wall was excluded from the impervious surface calculation on the submitted Certificate of Survey.) It is impossible to know the impervious surfaces contributed by retaining walls when no building permit application for retaining walls has been submitted. More specifically, it is impossible to know what the north retaining wall would contribute to the overall impervious surfaces when its design standards requirements are still unknown, as no retaining wall permit has yet been submitted. More than likely, the north retaining wall would need to be designed and approved by a certified engineer to retain the large amount of fill required to build the driveway that reaches the level of the garage entry point?

When I approached Fred Weck, the Zoning Administrator, some time after the general building permit was issued, I requested to see the building permit for the retaining walls. He informed me that no application had been submitted yet. He explained that an application for a retaining wall would only be necessary if the proposed wall was four feet or higher. I asked if I was correct in understanding that all proposed building permit applications had to be submitted before the general permit was issued. He didn't answer my question but instead replied that he would not know until final grading if an engineered retain wall was necessary. This made no sense because it would be too late to know in time for the impervious surface calculation. Moreover, it violated the City of Wyoming's strict guidelines for permit applications to be submitted with all necessary information before review and approval (see below). It seems an exception was made in this case. If so, what was the rationale? Additionally, the type of retaining wall (engineered or not) that runs on the north side of the proposed driveway and within the 10-foot north boundary setback remains **unknown**. This retaining wall, as shown on the Certificate of Survey, would effectively obstruct the entire 10-foot north boundary setback of Lot 1 Aadland Shores, regardless of whether it was an engineered wall.



City Of Wyoming - Department Of Building Safety
26885 Forest Blvd, PO Box 188
Wyoming, MN 55092
Phone (651) 462-4947
permits@wyomingmn.org

NOTICE

Applications for building permits will not be reviewed until all of the required information has been submitted.

Once all items are submitted and sites staked - a minimum of ten (10) working days are required to process the application.

Conclusion:

The regulations set by the State of Minnesota, the Minnesota Pollution Control Agency, the Department of Natural Resources, and the City of Wyoming exist to protect the water quality, health, safety, and property values of shoreline communities. By approving construction on Lot 1 of Aadland Shores, the City has ignored these protections, but this failure began with the owner's decision to build on a substandard lot. The owner, along with the contractors hired—including the builder, septic designer, and surveyor—provided misleading and inaccurate information that led to the City's approval. While the City could have corrected course, they did not, and this decision now threatens the health and safety of our wells and water supply, potentially contaminating the community's drinking water for generations. We urge the City to reverse this decision, as the combined actions of the owner, his hired professionals, and the City's approval jeopardize not just the environment, but the well-being, and safety of the entire community around Comfort Lake.

References and source:

City of Wyoming Code of Ordinances, Chapter 40 – Zoning (Shoreland & Substandard Lot sections).

Minnesota Rules ch. 7080 (SSTS): <https://www.revisor.mn.gov/rules/7080/>

Minnesota Rules 7080.1720 (Soil Observations): <https://www.revisor.mn.gov/rules/7080.1720/>

Minn. Stat. § 462.357 (Revisor – current text; see subd. 1e(e)) <https://www.revisor.mn.gov/statutes/cite/462.357>

Minn. R. ch. 7080 (SSTS; Type 1 systems at parts 7080.2200–.2240) <https://www.revisor.mn.gov/rules/7080/>

MN DNR — Shoreland information for property owners (nonconforming lots & Class One SSTS) https://www.dnr.state.mn.us/waters/watermgmt_section/shoreland/property-owners.html

Minn. R. 7082.0100: <https://www.revisor.mn.gov/rules/7082.0100/>

Minn. R. 6120.3500: <https://www.revisor.mn.gov/rules/6120.3500/>

City of Wyoming, Code ch. 36, § 36 232 (PDF): https://www.wyomingmn.org/vertical/Sites/%7B42A4B1FD-5852-47F4-9CA2-BF7F0675E0FD%7D/uploads/Chapter_36_-_Utilities.pdf

Chisago County SSTS Ord. § 6.02 (PDF): <https://www.chisagocountymn.gov/DocumentCenter/View/4958/Subsurface-Sewage-Treatment-System-Ordinance>

Chisago County Ord. 072121 2 (Amendment to § 6.02(D)) (PDF): <https://www.chisagocountymn.gov/DocumentCenter/View/16456/Amendment-to-SSTS-10-1-Remove---Reduce-Buildable-Area-PDF>

Minn. Stat. § 462.357, subd. 1e: <https://www.revisor.mn.gov/statutes/cite/462.357>

Minn. R. 7082.0600: <https://www.revisor.mn.gov/rules/7082.0600/>

**CITY OF WYOMING
CITY OF WYOMING BOARD OF APPEALS**

TO:	Board of Appeals
DATE	11/07/2025
MEETING DATE:	11/10/2025
FROM:	Fred Weck, Zoning Administrator
RE:	Appeal Application
APPLICANT:	Greg and Judy Coughlin
PROPERTY OWNER:	David Freemore
PROPERTY:	25738 East Comfort Drive
FILE NO.:	A-25-001

OVERVIEW

Lot 1, Aadland Shores, was platted in 1965 and has remained in single ownership until its sale in 2023. The parcel is a riparian lot within the Shoreland Overlay District, measuring 0.27 acres in size with a lot width of 82.53 feet at the street. A building permit was issued in October 2024 following a complete and compliant application. The appeal submitted by the Coughlin’s questions whether the building permit was appropriately issued under Minnesota Statute §462.357 and applicable sections of the City’s zoning and shoreland ordinances.

PROPERTY HISTORY

25738 East Comfort Drive – Freemore Appeal

1. The lot was created in 1965 as Lot 1, Aadland Shores.
 - a. The lot is zoned Rural Residential I (R1).
 - b. The lot is a riparian lot in the Shoreland Overlay District, as provided for in Section 40-311 of the Shoreland Ordinance.
 - c. The lot is 0.27 acres in size.
 - d. The lot width at the street is 82.53 feet.
2. The lot was owned by the Aadland family from its creation until its sale in 2023. The Aadlands did not own any contiguous parcels.
3. The lot was sold in November 2023 to Preston Chelberg. Mr. Chelberg did not own any parcel contiguous to Lot 1, Aadland Shores.
4. The lot was sold in December 2023 to David Freemore. Mr. Freemore does not own any parcel contiguous to Lot 1, Aadland Shores.
5. On September 25, 2024, a building permit application for a new home was submitted.
6. On October 25, 2024, a building permit for a new home was issued.
7. Footing inspection was approved on November 8, 2024.
8. Foundation reinforcement inspection was approved on November 13, 2024.
9. The City received a phone call from Mr. Freemore indicating that he had received a cease and desist letter.
10. Foundation waterproofing and insulation inspection was approved on November 21, 2024.

11. On September 22, 2025, the City received an application from Judy and Greg Coughlin et al. appealing the Zoning Administrator's decision.

SITE CHARACTERISTICS

The property, located at 25738 East Comfort Drive, is a 0.27-acre waterfront parcel (Lot 1, Aadland Shores). It lies within the Rural Residential I (R1) zoning district and the Shoreland Overlay District for Comfort Lake. The lot meets all applicable structural setbacks and maintains impervious surface coverage of 24.8%, below the 25% threshold. The lot has remained in single ownership since its creation and qualifies as a legal lot of record established prior to the adoption of local shoreland controls.

STAFF REVIEW OF APPEAL POINTS AND CITY RESPONSE OF COUGLLIN'S ARGUMENT ON APPEAL (please note city responses are in blue)

Coughlin's Argument on Appeal

Item 1 - Mn Statute 462.357 Official Controls: Zoning Ordinance.

Subd. 1e. Nonconformities.

(d) Paragraphs (d) to (j) apply to shoreland lots of record in the office of the county recorder on the date of adoption of local shoreland controls that do not meet the requirements for lot size or lot width.

(e) A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:

(1) all structure and septic system setback distance requirements can be met;

The survey submitted with the permit application shows the building and septic system meeting all required setbacks:

Building

- Front property line 40 feet
- Side Property lines 10 feet
- Ordinary High Water Line of Comfort Lake over 75 feet

Septic system

- Tanks 10 feet building and property lines, 50 feet to a deep well.
- Soil treatment area 20 feet building, 10 feet property lines, and 50 feet to a deep well.

Well

- 3 feet property line and building

(2) a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer;

The soils between the house and lake could be used for a Type I septic system. The statute reads “can be installed,” it does not require that a Type I system be installed. The property owner chose to put in a Type III mound system between the house and the street instead of between the lake and the house. The Type III system is a mound that will treat wastewater exactly the same as all of the other Type I or Type III mounds that are in the area today.

(3) the impervious surface coverage does not exceed 25 percent of the lot.

The survey submitted with the application shows a proposed impervious surface area of 24.8 percent.

Item 2 – City Code Section 40–335 (Nonconforming Lots in Shoreland Areas)

Coughlin’s Argument on Appeal:

All legally established nonconformities as of December 5, 2009 may continue, but they will be managed according to Minnesota Statutes, Chapter 462.357, other applicable state statutes, and other regulations of the City of Wyoming for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

- (1) Construction on nonconforming lots of record.
 - (a) Lots of record in the office of the county recorder on December 5, 2009 of local shoreland controls that do not meet the requirements of Article VI, Division 16, (the lot was created in 1965) may be allowed as building sites without variances from the lot size requirements provided the use is permitted in the zoning district (single family dwellings are a permitted use), the lot has been in separate ownership from abutting lands at all times since it became nonconforming (the lot has been in single ownership since it was created), was created compliant with official controls in effect at the time (the lot was created as a Lot 1, of Aadland Shores, and was approved by Chisago County in 1965), and sewage treatment and setback requirements of this Ordinance are met (the minimum setbacks have been met without the need for a variance).
 - (b) A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Planning Commission shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided. Not applicable, a variance was not required.
 - (c) If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Article VI, Division

16, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Article VI, Division 16, as much as possible. [Not applicable, there were no contiguous lots under the same ownership.](#)

Item 3 – City Code Section 36–232 (Minimum Soil Test Area Requirements)

Coughlin’s Argument on Appeal:

City Septic System Ordinance Sec. 36–232. Minimum Soil Test Area Requirements.

(1) Lots created prior to November 2, 1987 shall be required to demonstrate 5,000 square feet of percolation tested soils capable of supporting a Type I SSTS.

City’s Response:

[Sec. 40 – 311. District Application.](#)

[The shoreland districts shall be applied to and superimposed upon all zoning districts as contained herein as existing or amended by the text and map of this Ordinance. The regulations and requirements imposed by the Shoreland Districts shall be in addition to those established in the underlying district. Under the joint application of districts, the more restrictive requirements shall apply, except for lot requirements established herein for waterfront lots within the shoreland districts.](#)

Item 4 – City Code Section 40–652 (Substandard Lots)

Coughlin’s Argument on Appeal:

City Zoning Ordinance Sec. 40–652. Substandard Lots.

The minimum lot area requirements are set forth within the district provisions of the ordinance. Any lot not meeting minimum requirements recorded after April 20, 1970, shall be considered a substandard lot.

A substandard lot may be allowed as a building site provided that all the following criteria are met:

- (1) The lot is a lot of record recorded at the Chisago County recorder's office, prior to April 20, 1970.
- (2) The lot is in separate ownership from abutting lands.
- (3) The lot width or area is within sixty percent (60%) of the minimum requirements set forth in this Ordinance.
- (4) The lot can be served by a standard on site sewage system, or municipal sewer.
- (5) All required setbacks for a structure can be met.

City’s Response:

[This waterfront lot was created in 1965; this section of the ordinance does not apply. This Division of the Zoning Ordinance, Nonconformities, is also superseded by](#)

Shoreland Ordinance Section 40-311. Shoreland Ordinance Section 40-335, Nonconformities, is the applicable section and is addressed in Appeal Item 2 above.

Sec. 40 – 311. District Application.

The shoreland districts shall be applied to and superimposed upon all zoning districts as contained herein as existing or amended by the text and map of this Ordinance. The regulations and requirements imposed by the Shoreland Districts shall be in addition to those established in the underlying district. Under the joint application of districts, the more restrictive requirements shall apply, except for lot requirements established herein for waterfront lots within the shoreland districts.

Item 5 – City Code Sections 40–21 through 40–24

Coughlin’s Argument on Appeal:

Zoning Ordinance Sec. 40–21. Standard Requirement.

Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule, or regulation of the City, County, State, or Federal governments, the ordinance, rule or regulation which imposes the more restrictive condition standard or requirements, shall prevail. In the event of any conflict between this Ordinance with any private restrictions, protections, and covenants, the provisions of this Ordinance shall apply.

Shoreland Ordinance Section 40-311 applies to all lots within a shoreland district and has the same general language that the more restrictive requirement will apply; except when it comes to riparian/waterfront lots:

Zoning Ordinance Sec. 40–22. Minimum Requirements.

In their interpretation and application, the provisions of this Ordinance shall be at least the minimum requirements for the promotion of the public health, safety, and welfare.

No violation

Sec. 40–23. Conformity with Provisions

No structure shall be erected, converted, enlarged, reconstructed, altered, or placed, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.

No violation.

Sec. 40–24. Building Permits.

Except as herein provided, no building, structure, or premises shall hereinafter be used, occupied, or moved, and no building permit shall be granted that does not conform to the requirements of this Ordinance.

No Violation

Item 6– Zoning Ordinance Section 40-40 and MN Rules Chapter 7080.1100, Definitions

Coughlin’s Argument on Appeal:

Zoning Ordinance Section 40-40 Definitions:

(12) Bedroom: An area that is either a room designed or potentially used for sleeping, with a minimum floor area of seventy (70) square feet, access gained from the living area, and legal means of egress.

MN Rules Chapter 7080.1100, Definitions:

Subp. 9. Bedroom. "Bedroom" means, for the sole purpose of estimating design flows from dwellings, an area that is:

- A. a room designed or used for sleeping; or
- B. a room or area of a dwelling that has a minimum floor area of 70 square feet with access gained from the living area or living area hallway. Architectural features that affect the use as a bedroom under this item may be considered in making the bedroom determination.

City’s Response:

MN Rule Chapter 7080.2200 – 7080.2400 categorizes Subsurface Sewage Treatment Systems (SSTS), or septic systems into five types:

Type I systems are standard systems that include trenches, seepage beds, at-grades, and mounds.

Type II systems are holding tanks, privies, and systems located in flood plains.

Type III systems are systems that are typically mounds that have been installed on disturbed soils, or that have soils with less than 12 inches to redoximorphic features (mottled soil).

Type IV systems use advanced technology to pretreat the wastewater before it is discharged to the soil treatment area.

Type V systems are systems that do not fit in one of the other types and have been designed by an engineer.

MN Rule Chapter 7080.1860 arranges homes for determining daily flow (water use) into four classifications. Classification I is a typical single-family dwelling, Classifications II & III are smaller single-family dwellings with less water using appliances than a Classification I dwelling. A Classification IV dwelling is a greywater system without toilets.

The septic system for the home is a Type III Mound with a design flow for Classification II dwelling with 3 bedrooms.

Number of Bedrooms Determination.

The basement is unfinished but shows one future bedroom. The first floor has one bedroom, the owner's suite. The second floor has one bedroom with a closet. It also includes an office without a closet, and an unfinished storage area.

When reviewing plans and the room labels on them, the city policy based off of MN Rule Chapter 7080's definition for a bedroom has been:

- An unfinished basement is one bedroom (unless the plans show more than one future bedroom).
- An office with a closet and a window sized for emergency escape and rescue is one bedroom.
- An office without a closet, or without a window, or a window smaller than one sized for emergency escape and rescue is not a bedroom.
- An unfinished area above the garage has not been counted as a bedroom unless the plan shows a future bedroom.

Classification II Determination.

The proposed home will have two of the listed water using appliances, a dishwasher and a clothes washing machine. There was a restriction placed over the permit that the bathtub on the second floor cannot hold more than 40 gallons. The total finished area of the proposed home is 2,425 square feet divided by 800 square feet equals 3 bedrooms.

MN Rules Chapter 7080.1860 DESIGN FLOW (GALLONS PER DAY).

Classification I: Classification I dwellings are those with more than 800 square feet per bedroom, when the dwelling's total finished floor area is divided by the number of bedrooms, or where more than two of the following water-use appliances are installed or anticipated: clothes washing machine, dishwasher, water conditioning unit, bathtub greater than 40 gallons, garbage disposal, or self-cleaning humidifier in furnace. The design flow for Classification I dwellings is determined by multiplying 150 gallons by the number of bedrooms.

Classification II: Classification II dwellings are those with 500 to 800 square feet per bedroom, when the dwelling's total finished floor area is divided by the number of bedrooms, and where no more than two of the water-use appliances listed in Classification I are installed or anticipated. The design flow for Classification II dwellings is determined by adding one to the number of bedrooms and multiplying this result by 75 gallons.

STAFF FINDINGS

Staff conclude that the Zoning Administrator properly applied all relevant statutes and City ordinances in reviewing and approving the Freemore building permit. The subject property is a legal nonconforming lot of record under both state law and the City's shoreland provisions. The building permit was appropriately issued without variance, and the appeal does not demonstrate any factual or legal error in the City's interpretation or administration of applicable code requirements.

Based on the evidence and applicable standards, staff find that the permit review process was conducted in full compliance with Minnesota Statutes §462.357 and City Code Sections 36-232, 40-335, and 40-311. The application met all setback, impervious surface, and septic system performance requirements for a lawful nonconforming lot within the Shoreland Overlay District.

STAFF RECOMMENDATION

Staff recommend that the Board of Appeals uphold the decision of the Zoning Administrator and deny the appeal filed by Greg and Judy Coughlin

**CITY OF WYOMING
BOARD OF APPEALS**

IN RE: APPEAL OF GREG AND JUDY COUGHLIN

Regarding: Zoning Administrator’s Decision on Lot 1, Aadland Shores (25738 East Comfort Drive)

FINDINGS OF FACT

1. Lot 1, Aadland Shores, was platted and recorded in 1965 as a lawful lot of record with the Chisago County Recorder.
2. The lot is located within the City of Wyoming, zoned Rural Residential I (R1), and is subject to the Shoreland Overlay District under Section 40-311 of the City Code.
3. The parcel has a total area of approximately 0.27 acres and a lot width of 82.53 feet at the street.
4. The lot has remained in separate ownership from contiguous properties since its creation in 1965.
5. The lot was sold to Preston Chelberg in November 2023 and subsequently to David Freemore in December 2023.
6. On September 25, 2024, the City received an application for a building permit for construction of a single-family dwelling on the property.
7. The application and supporting documents were reviewed for compliance with Minnesota Statutes §462.357 Subd. 1e and the City of Wyoming Zoning and Shoreland Ordinances.
8. The plans submitted with the permit application demonstrated that the proposed structure met or exceeded all required setbacks, including: 40 feet from the front property line, 10 feet from each side property line, and greater than 75 feet from the Ordinary High Water Line of Comfort Lake.
9. The proposed impervious surface coverage was 24.8%, below the 25% maximum allowed under City Code Section 40-335.
10. The lot’s soil testing confirmed that a Type I Subsurface Sewage Treatment System (SSTS) could be installed, meeting the statutory requirement that such a system be capable of installation.
11. The applicant elected to install a Type III mound system, consistent with Minnesota Rules Chapter 7080 and other residential systems approved in the City.

12. Single-family residential use is permitted within the R1 zoning district.
13. No variance was required for lot size, width, or setback.
14. The Zoning Administrator determined the property satisfied all applicable conditions for a buildable nonconforming lot under City Code Section 40-335.
15. The City issued a building permit on October 25, 2024, upon confirming compliance with all state and local regulations.
16. On September 22, 2025, Judy and Greg Coughlin et al. filed an appeal of the Zoning Administrator's decision, alleging misapplication of the Shoreland Ordinance and related code sections.
17. The appeal was duly noticed and brought before the City of Wyoming Board of Appeals for hearing and consideration.
18. Staff review confirmed that the Zoning Administrator correctly applied the relevant provisions of the City Code, including Sections 40-311, 40-335, 40-652, and 36-232, as well as Minnesota Statutes §462.357 Subd. 1e.

CONCLUSIONS OF LAW

1. The subject property is a legally established nonconforming lot of record located within the Shoreland Overlay District and eligible for development under Minnesota Statutes §462.357 Subd. 1e.
2. The proposed single-family home meets all setback, lot coverage, and sewage system requirements under City and State standards.
3. The selection and installation of a Type III SSTS system complies with Minnesota Rules Chapter 7080 and City Code Section 36-232.
4. The lot qualifies for construction without the need for a variance pursuant to Section 40-335.
5. The Zoning Administrator acted within the scope of authority granted by the City Code in approving the building permit.
6. The appeal does not demonstrate any error in the interpretation or application of the City's zoning, shoreland, or septic ordinances.

DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the City of Wyoming Board of Appeals hereby upholds the decision of the Zoning Administrator and denies the appeal filed by Judy and Greg Coughlin et al.

Said findings were adopted by the City of Wyoming Board of Appeals on the 10th day of November, 2025, subsequent to hearing and pursuant to a vote as follows:

Voting Aye: _____

Voting Nay: _____

Abstain: _____

Chairperson of the Board of Appeals

Robb Linwood, City Administrator/Clerk