

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
January 12, 2016
7:00 PM

Charlotte Quiggle called meeting to order at 7:00 PM on January 12, 2016

Roll Call: Board of Adjustment/Planning Commission Members Present: Larry Smith, Barry Schultz, Al Guck, Trish Taylor, Charlotte Quiggle (chair), Ben Oleson (Zoning Administrator)

Absent: Lee Parks

Others in Attendance: Ken Kotzer, Chris Schendzielos, Dale & Diane Haase, Marilyn Gordon, Judy Bryan, David Nelson, Dick Naaktgeboren, Steve Meyer, Betty Gordon, Dawn Gordon, Troy & Jennifer Johnson, Fritz Ibs, Mary Ellen Mills, Ed Stracke.

Additions or Deletions to the Agenda: Remove the First Public Hearing for Dohmen – Taylor made a motion to approve the agenda with the one change. Schultz seconded the motion. Motion passed unanimously.

Public Hearings

** **REMOVED FROM AGENDA**: Variance to replace an existing 28' x 36' (1,027 sq ft) dwelling with an approximate 37.5' x 45' (1,689 actual sq ft) dwelling approximately 60 feet from Clearwater Lake (min. 75 ft required), 13.55 ft from a side lot line (min. 15 ft required) and without 15 feet of fill meeting floodplain elevation requirements around all sides. Conditional use permit to elevate dwelling to meet floodplain requirements by alternative method than fill.

Applicant: Thomas A. and Lisa A. Dohmen

Property address: 11953 KRAMER AVE NW, Annandale

Sec/Twp/Range: 5-121-27

Parcel number(s): 206000052202

Lot line adjustment to split parcel 206084000140 and attach each portion to the adjacent lots to the north and south (reconfigure three parcels into two larger parcels).

Applicants: Kenneth Kotzer and Troy Johnson

Property address: 7963 Imhoff Avenue NW, Maple Lake

Sec/Twp/Range: 27-121-27

Parcel number(s): 206084000140 to be split and added to 206084000150 and 206084000130

Present: Troy Johnson, Jennifer Johnson, Ken Kotzer

Kotzer: We want to add to our current property. We are going to demo the building currently there and hope to rebuild in the future.

Oleson: The ordinance requires that lot line adjustments go through Board of Adjustments. We are primarily looking to make sure there is not some left over piece that is not compliant with the ordinance. This is pretty straight forward they are looking at acquiring the lot in-between them splitting it pretty much down the middle and attaching it to their existing lot. The existing home will go away and it will give them more space to work with. With the additional land it will bring them into compliance with the impervious coverage. As long as the house is removed and sewer system is abandoned I do not see any issues.

Audience: None

Schultz: You're not planning on doing anything on the land?

Johnson: We may add on at some point, but not for a while.

Guck: That parcel would go away and they would add it to the other PID's?

Oleson: Correct

Smith: The plan is to abandon the septic?

Johnson: Yes

Smith: I am good

Taylor: I am good

Quiggle: I think it looks like a good plan.

Taylor made a motion to approve Lot line adjustment to split parcel 206084000140 and attach each portion to the adjacent lots to the north and south (reconfigure three parcels into two larger parcels). With the following conditions:

1. Home on PID#206-084-000140 be removed
2. Septic & well be abandoned
3. Parcel to be combined with exiting PID

Smith seconded the motion

Oleson: Legal descriptions will need to be done if not already completed. We will record this decision and we may have to sign off on something which is pretty standard. Title company will make sure everything is taken care of and recorded.

Preliminary plat application to subdivide an existing 23 acre parcel into four separate lots (1.3, 2.0, 5.5 and 14.3 acres).

Applicant: Judy Bryan

Property address: 6400 102nd Street NW, Maple Lake

Sec/Twp/Range: 12-121-27

Parcel number(s): 206000121300

Present: Judy Bryan, Dave Nelson

Bryan: The home place is about 23 acres and it was somewhat divided into 3-4 parcels, we had it surveyed and divided with the idea of selling 3 of them and keeping the home place.

Oleson: As you recall they were in to rezone and it did go through the county and was approved, so they are here to subdivide. (Oleson reviewed the map where each lot would be and where the DNR access road is) The four lots do meet minimum lot sizes, the road frontage does meet the 150ft. Existing road frontage is a 66ft right away or more so we have no need for additional right of way except for the potential of a turn-around at the end of the road.

Dearing: We do plow down there and turn around but it is not very easy.

Oleson: This was platted in the 1960's. Other than that a few issues that have been addressed over the years, there is a lot of outdoor storage on the current home lot. Septic system they have been there for a long time and no records. They have identified 2 drainfield sites for every lot

which is required. It is not real clear on what needs to happen when you already have an existing home with an unknown status. Talked with Wright County and they indicated they will sometimes require a compliance inspection of existing home. Subdivisions generally require a storm water management plan, however, I talked with the MCP and they indicated they would not require that since they are not disturbing the land and not developing the land.

Quiggle: Any drainage issues on the currently?

Dearing: No

Oleson: It meets all the basic requirements of a subdivision so there are no issues there. There are two structures on one property and a portion is in the road right of way, however, it has been that way since the road was platted so it is considered a grandfathered situation and at some point if they wanted take both of them off there and build new they would have to meet setbacks.

Audience: None - **Quiggle:** We did receive a comment from person on Indian Lake indicating that he thinks that subdivided properties were too small for the lake. They are part of the public record.

Bryan: One of the long standing issues has been the cleanup of the property. I have a letter from Alena Conlin who is Hanford Gordons daughter and has been doing a lot of the cleanup. (Bryan read the letter) In the letter she indicates that she has started cleaning it up starting with the lake lot and have people helping to continue to clean it up. Bryan also showed some before and after pictures of what has been done. She asked that we approve the subdivision of the property.

Guck: Was there ever a septic or well on the lake property.

Bryan: No

Smith: The main concern is that they continue to make progress with the cleanup. Having a dead line would help.

Bryan: They are continuing to do so.

Smith: It is noticeable that there have been things done. The mobile home that is on the same property that is grandfathered in, however, has the septic been looked at? Is there anything that has been done to see if it is in compliance?

Bryan: They did check that there was room for two possible sites.

Oleson: We do have that information.

Quiggle: That is indicating that there are two available sites if it is failing, however, we do not know if it is compliant or not.

Oleson: The ordinance requires that you have to have the septic in compliance when applying for a permit. If it is failing they either have a 10 month time frame or 1 year time frame to bring it into compliance depending on the situation.

Smith: That is all for me at this point.

Taylor: I guess I would like to some of the out buildings taken off.

Bryan: I think that will eventually happen but there are things in the buildings and finding out who they belong to. Our first priority is to get the outside cleaned up.

Taylor: Otherwise my big thing is the septic.

Schultz: The only question is whose responsibility is the turn-around. Do we need to put one on the lake shore property?

Naaktgeboren: I feel it should be worked out now or we will never have one. Currently we turn around on private property. That is fine with the Gordons but it may not be fine with the person that buys it.

Shultz: Would that be worked out between the township and the property owner?

Naakgeboren: We would need a legal description showing where the turn-around is.

Bryan: What about the new property owner and what they want to do?

Schultz: That would be on the survey when they buy it so they would know beforehand where the turnaround is at.

Smith: What would you need for a good turn around?

Marilyn Gordon: I am wondering why was this not brought up at the hearing last fall?

Quiggle: That was for rezoning not the subdivision.

Naakgeboren: October 2014 something was said that we to work out so we have a turnaround. To answer Smith's question about 30 ft deep & 25 ft wide would be a decent turnaround.

Bryan: Where would it be and what would it look like.

Naakgeboren: Showed on map where a good location would be.

Bryan: What if the land owners do not want the road down there?

Oleson: If the turnaround is required it would be a condition when you come back for the final plat approval and then it gets recorded. If at some point the road was going to be vacated it would have to go through the vacation process.

Taylor: If the turn round would be there before the sale of the property then it is cut and dry and laid out for the person that purchases the property.

Schultz: I think that the turnaround is a big deal for the person that is going to purchase the property.

Quiggle: I think that we agree that we need to create a turnaround.

Oleson: This is when you require it. It is pretty common to have a dedication of right of way during in the subdivision and platting process.

Quiggle: The survey would have to alter and turn around put in.

Oleson: Standard procedure is to dedicate the right of way and they would have to build the road to township specifications. However, in this case the road is already there so the question would be do landowners have to put it in or would the township build the turnaround.

Naakgeboren: We would do it.

Oleson: Then the right of way would just be dedicated to the township and it would become part of the right of way.

Guck: Where are the proposed sewer sites?

Oleson: Showed where those sites were and indicated the person would have to show us where they were going to build and be in compliance with the state at that time.

Quiggle: I echo everything that has already been said. I am glad to see that they have been cleaning and that has to be continued with some kind of date in site weather that is when they come in for the final plat or a certain date that we set.

Bryan: We do not want to wait a year for the final plat.

Nelson: What constitutes done for clean up?

Quiggle: The town board has been dealing with this for a while, so if they have some sort of means to say it is good.

Bryan: They have been dealing with my brother and not with myself and his daughter, and we have been given the responsibility to get this done. There would have been more done with warmer weather. We are not my brother and we are working diligently to get it done.

Taylor: I do not doubt your work, but unless we have it in writing and have a date it does not get done.

Bryan: I was notified there were issues but not aware of what was going on until we went to the county and he was given a \$75 fine and that was it.

Taylor: Other than Track C that needs to be cleaned up are the other cleaned up?

Bryan: Yes.

Oleson: The Planning Commission will make a recommendation to the town board. It will ultimately be up to the town board to determine the time line.

Bryan: You have my word that it will be cleaned up.

Oleson: Ultimately it is up to the town board.

Taylor: Is there someone living in the mobile home?

Bryan: Yes

Schultz: That is grandfathered in.

Nelson: My understanding is at point of sale it would have to be removed.

Oleson: The ordinance states that exterior storage needs to be screened.

Guck made a motion to recommend the approval Preliminary plat application to subdivide an existing 23 acre parcel into four separate lots (1.3, 2.0, 5.5 and 14.3 acres) with the following conditions:

1. That sufficient right of way for a turnaround (as determined by the Town Board) at the end of Grunwald Avenue NW be dedicated as part of the plat.
2. That the landowners must proceed with the cleanup of the property until it meets the requirements of the Corinna Township Land Use Ordinance (or other applicable regulations) or has otherwise been approved by the Town Board. The timeline for this cleanup to be determined by the Town Board.

Schultz seconded the motion.

There was discussion regarding septic, shoreland, typically the trigger for septic compliance is a property transfer another trigger is an application for a permit and in this situation this is considered a CUP and they would require an inspection.

Guck amend the motion to include the following condition:

3. That a compliance inspection be completed on any existing septic systems on the property by May 31, 2016 (weather permitting).

Schultz seconded the motion.

Motion passed unanimously.

Rezoning from General Agriculture (AG) to Urban/Rural Transition (R-1).

Applicant: True Friends (Children's Disability Services Assoc.)

Property address: None

Sec/Twp/Range: 22-121-27

Parcel number(s): 206000221103

Present: Ed Stracke & Fritz Ibs

Stracke: Basically we are requesting to rezone 4.55 acres parcels that would go from AG to Urban/Rural Transition. It seems to be consistent with the township long term plan and the counties. Part of the plan is to eventually sub-divide and sell that property.

Oleson: Showed property to be rezoned. All the property around it is R-1, the Counties future plan anticipate that this could potentially be R-1. There is public right of way, however, it has not been developed yet. That is not part of the rezoning, however, when they come to sub-divide they will have to address this issue.

Quiggle: That is something they should have to deal with during the platting process.

Oleson: Showed where the road and turn round is currently. This will go to the Town Board then to Wright County for their approval.

Audience: Mary Ellen Wells: I am on the board at True Friends and wanted to let you know it is supported.

Smith: I am good with it, looks like it's a nice plan.

Taylor: Where the turnaround is now would you bring it down to where lot three is?

Stracke: I am not sure we have not discussed that yet.

Quiggle: That would be during the platting process.

Schultz: I am good.

Guck: Looks good.

Quiggle: It's in the land use plan as R-1, rezoning to R-1 makes since.

Taylor made a motion to recommend the approval to rezone from General Agriculture (AG) to Urban/Rural Transition (R-1). Guck seconded the motion. Motion passed unanimously.

Taylor made a motion to approve the December 8, 2015 meeting minutes. Smith seconded the motion. Motion passed unanimously.

Zoning Administrator's Report

Permits

Correspondence

*Rentz applied for CUP for fill on Grant Ave. Sugar Lake - One of the requirements was to submit a storm water management plan which we received. They were very close on impervious and are wondering if the rock rip rap basins be considered impervious? **Quiggle:** I think they would be considered the same as boulders at 50%. **Schultz:** Is there plastic under? **Oleson:** No and when I talked to Wright County and DNR said they would not count it since it is not holding water. **Quiggle:** Any impervious is going to shed water. Board agreed that they would be considered 50% impervious.

*Gary Ruotsi on Sugar Lake - he is tearing down and replace in same foot print with screen porch 12 x 12 screen porch it is walls with screened windows. The question is would this be a screen porch, I looked over the plans and everything did show walls, I talked to Craig at Wright County and he said yes, it is a screen porch. Ben brought up ordinance information and the conditions of the approval. Board discussed that there cannot be an expansion on a holding tank. Inspector is saying that this is a screen porch. Board wants to make sure that it is spelled out with no insulation, no windows, and screen only. Board will review ordinance to see if changes need to be made in the future.

***Oleson:** This has come up before - If we have a property that is already over there impervious and they come and want to do something more can I approve a project as long as there is no net increase? In the past it has come up only with another condition like a variance and we have allowed as long as there was not net increase or they removed 1 ½ times more. In this case it is a landscaping project they are going to be doing boulder wall and removing some sidewalk, I am wondering if I can approve as long as there is no net increase. **Quiggle:** I feel they have to go through the board and in the past we have done either 1 ½ or 2 for one. **Smith:** it is strictly landscaping not a CUP? **Oleson:** Correct - unless something change on their plan they would not need a CUP, and I can see this come up again so I would like to know how we should handle. State statue states you can replace legal non-conformities without a variance it does not

say buildings only and I have wondered if they pertain to impervious coverage? **Quiggle:** I don't think they should be grandfathered in for impervious coverage. We do not know when they went over their impervious so I feel it may not be a legal non-conformity. Board decided that the over on impervious would need a variance.

*Randy Stelton – Sugar Lake, had small lot that collected a lot of water and needed to bring in fill, we had him bring in an engineered plan. While doing this the driveway has been built up and widened some so there is a concern it may be on the neighbor's driveway. The question that came up is that our ordinance states driveways are to be 5ft from property line, however, it has been existing for a long time, the question is was it really a driveway or just an area that was driven over for a long time. I look at the ordinance and I see three things, there is a 0 ft set back, a 1 ft set back, and a 5ft set back. The first question to me is do we grandfather in driveways or do we require a setback for driveways which we have never done. **Quiggle:** I feel it should be grandfathered in. **Oleson:** I have always went with the driveway is where it is and not require the 5 feet setback. Board agreed that they would not enforce the setback for an existing driveway.

***Oleson:** We received a permit application for a mother in law apartment, Wright County does not allow for a duplex, how do you define duplex? When talking with Craig his response was get rid of the sink and it is not considered a duplex. Bottom line this was going to be a second residence. **Quiggle:** Is it totally separate so it could be rented separately? **Oleson:** It is an attached garage being turned into a mother in law apartment. The board discussed other homes that have two kitchens, however, they are not rented out separately, others that have multiple entrances, and so determining what a duplex is hard to say. There is not a clear answer in the ordinance. **Oleson:** When talking to Sean Riley at Wright County he indicated that his definition is if they can be separated thinking that if it was an open archway it would not be a duplex. Board discussed the separation of utilities could be a factor. It is hard to define and something we may need to address further in the ordinance. For this particular case we will follow the building inspector's recommendation with no kitchen sink.

Enforcement Actions

Findings of Fact – Previous PC/BOA Decisions:

Quiggle made a motion to approve the findings of fact as presented. Smith seconded the motion. Motion passed unanimously.

Other Business

Planning Commission/Board of Adjustment Training Session

Election of Officers – 2016;

Guck made a motion to elect Charlotte Quiggle as Chairman. Smith seconded the motion. Motion passed unanimously.

Quiggle made a motion to elect Larry Smith as Vice Chair. Taylor seconded the motion. Motion passed unanimously.

Guck made a motion to adjourn. Smith seconded the motion. Motion passed unanimously at 9:40pm.

Prepared by: Jean Just