

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
December 13, 2016

7:00 PM

Quiggle called meeting to order at 7:00pm on December 13, 2016

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

Others in Attendance: Charlene Donnelly, Rex & Karen Osterbauer, Bill Arendt, Brent Scheideman

Additions or Deletions to the Agenda: Taylor made a motion to approve as presented. Smith seconded the motion. Motion carried unanimously.

Public Hearings

TABLED FROM NOVEMBER 2016 MEETING. Variance to enlarge footprint and add second story to an existing dwelling approximately 31 feet from Bass Lake (min. 75 ft required). Expanded home to be served by a holding tank (drainfield required for expansions).

Applicant: Brent Scheideman

Property address: 10615 120TH ST NW, Annandale

Sec/Twp/Range: 5-121-27

Parcel number(s): 206000052101

Present: Ron Young & Brent Scheideman

Scheiderman: As an update, you asked me to see about putting a high performance septic system in. We are looking at expanding on a holding tank. I did go and try to find some additional information, I talked to Robert Koch @ Koch soil testing and he verbally indicated that the setbacks to the wells and location of where it would be is an issue. The information that I did pass along to Ben and you have a copy of is from Brent Matter, he is from Blackwater Systems and he basically talked with Scott Decker at Wright County. The high performance systems would take more space and there is not enough space on this property for a pretreatment system and drainfield. I did talk to Barry Rhineberger who indicate that they have approved an expansion on a holding tank at Wright County. I did also contact Bernie Miller who worked on a property next store and felt that there could not be a high performance system on this property. Addressing some of the points on the staff report. We are not looking to change any water flow of the drainage and will actually be improving it since the roof will be guttered to the back and not towards the lake. We will be doing the silt fences and blankets to ensure no runoff and will be away from the lake. We are not adding any bedrooms or bathrooms it is 300 sq ft and will have a loft over half of it. You had mentioned the appeal from the lake, one neighbor is about 9ft from the lake and the other 34ft from the lake so they are similar. They are both single story, one roof is 30ft tall and the other 18ft, our expansion would put us at 23ft. One thing that was noted is that we would be ok at a 6/12 pitch and 7ft higher, and we are asking for 10ft so that is only a 3ft difference. Again I think we have exhausted the options to do a septic w/ drainfield.

Young: Another item that was mentioned is that it would double the sq footage, the additions is only 300sq ft. and the current is sq footage is 600.

Quiggle: However, you are also adding the loft which is another 300 Taking it to a total of 600sq ft.

Oleson: two variance one for the lake set back and the expansion on a holding tank. The issue last time and why it was tabled was to have him research if there was a way to get a septic with a drainfield, which he has summarized the findings on that. The lake set back is one issue and typically we have not allowed and there has been discussion about possibly moving it back, however, he is not looking to tear down just add on the rear of the cabin. The holding tank issue we have typically not allowed expansion. Not sure if that it is an item for discussion since there is absolutely no way for a drainfield on this lot. We talked about this last time he can do

a 6/12 pitch and one foot side wall extension. There has been discussion regarding loft area not more than 120 sq ft it has been in the context of utility space not living space.

Audience: None

Smith: I was hoping you came back with some type of sewer design. As far as the first variance the lake set back I feel it has to be moved back and I am not in favor of an expansion on a holding tank.

Schultz: I agree with Larry, I would be more willing to allow if you could move it back.

Guck: Was there some mention of an above ground septic?

Scheideman: That is not an expansion

Guck: Expansion on a holding tank is not an option as far as I'm concerned.

Quiggle: Yea the lake set back at 31ft is not acceptable and the expansion on the holding tank, the ordinance indicates in no case shall the dwelling be expanded by more than 50% of the assessed value is \$46,000 and a holding tank is an only option. When Ben mentioned up to 120sq ft and I can only remember 1 time and it was because they did not have a bathroom.

Taylor: I am glad to see you did the septic research. I could see where your loft area only be a 6ft ceiling area. I know it opens it up and makes it bigger, however, expanding on a holding tank is an issue. I understand that it was built there

Naaktgeboren: I am agreement with the rest regarding an expansion on a holding tank. I agree a little bit with Trish regarding the 6ft lofted area, I could go with that.

Quiggle: Ben could you read the Wright County Expansion Policy.

Oleson: The relevance part is they do allow an increase in roof pitch we limit it to 6/12 they do not indicate a limit, however, it cannot be living space. Up to 6ft headroom with pull down stairs only.

Scheideman: So knowing some of this would be an issue we did do some designs to go with the 6/12 and the maximum we could come up with 5ft head room and 6ft only at the peak. We couldn't even get a drawing.

Quiggle: That is due to the size of the cabin.

Scheideman: But we would be allowed the 6ft of head room. We are willing to make a compromise of some sort. If we remove the loft and shrink down the back addition to only maybe 8ft and we are away from the lake, we are not looking at bedrooms.

Naaktgeboren: Could they do some sort of a cantilever.

Oleson: Up to a 2ft cantilever is not considered an expansion.

Quiggle: I think most of us are not in favor of an expansion.

Smith made a motion to deny the variance request to enlarge footprint and add second story to an existing dwelling existing dwelling approximately 31 feet from Bass Lake (min. 75 ft required). Expanded home to be served by a holding tank (drainfield required for expansions). Due to the fact that they can't get a property drainfield.

Schultz seconded the motion. Motion carried unanimously.

Oleson: Can I get some clarification on the 120 sq ft of space.

Quiggle: I think we indicated that they will not be able to get 120sq ft of space with the size of cabin, however he can do a 6/12 roof pitch and they can have storage space.

Request to rezone an approx. 3.9 acre portion of the property from AG (General Agricultural) to B1 (Highway Business).

Applicant: Charlene Donnelly

Property address: 9656 105TH ST NW, Annandale

Sec/Twp/Range: 9-121-27

Parcel number(s): 206000092400

Present: Charlene Donnelly

Donnelly: This is simple, I have my business and property up for sale and I would like to separate the business from the home. We are looking at about 3.5 acres changed from Ag to Commercial for the business portion of my property. I am not building anything or changing the current use of the property.

Oleson: The garden center would be on 3.5 – 4 acres. We are not hear regarding the split of the property that would be a separate process. This is for the rezoning of the garden center only. This has to go through the Township and the County so this would be a recommendation. It is in our future land use plan and it is in the County's future land use plan. It has been used as commercial for some time.

Quiggle: Do I understand that if it was not a retail it could stay as it is with a CUP?

Oleson: The wholesale nursery could be zoned Ag. If zoned commercial they would still need a CUP. If it was to stay as is would not require a new CUP, however, if there were changes or an expansion they would have to come back for an update or change to the CUP.

Smith: Where would the property be divided?

Donnelly showed a copy of what the proposed split would be, however, no survey has been done yet.

Naaktgeboren: How much property did you lose when the Highway came in?

Oleson: 1.35 acres were taken by the state.

Audience: None

Schultz: I am ok with it.

Oleson: We have two written comments one from MN Dot indicating no more entrances from Highway 24. There was a written comment to Wright County basically indicating they are concerned about additional commercial traffic.

Naaktgeboren: I don't feel anything is changing from what is already there.

Guck: I do not see a problem with it.

Taylor: I am fine.

Naaktgeboren: Would there be a building entitlement attached to this or not.

Oleson: Building entitlement is not a factor since the one entitlement is being used.

Naaktgeboren: It indicates that you do not have public water & sewer there now?

Donnelly: We have private sewer & water not public.

Naaktgeboren: I do not have a problem

Quiggle: I have a question with the 3.9 acres to be zoned commercial. What if this ends up not being a garden center and they want it to be something else. Is there a minimum size for a business?

Oleson: The minimum size for width & depth is 150ft. There is no minimum size, however, the 150x150 is approx. ½ acre. They would have to come in for a public hearing and we would have to address access to the site etc.

Smith: Is this considered Highway Business or General Business.

Oleson: It would be Highway Business (pulled up a list of businesses)

Taylor made a motion to approve request to rezone an approx. 3.9 acre portion of the property from AG (General Agricultural) to B1 (Highway Business).

Guck seconded the motion. Motion carried unanimously.

Variance to place a used garage approx. 34 feet from the centerline of a township road (min. 65 ft required). Conditional use permit to place a used garage on a residential lot.

Applicant: Rex A. Osterbauer

Property address: None

Sec/Twp/Range: 25-121-27

Parcel number(s): 206017003010

Present: Rex & Karen Osterbauer

Osterbauer: We are looking at moving a garage from another property to our property and is sitting on blocks right now until we know if we are approved. He had to remove or tear it down since it was too close to his property line. Come spring we are going to grade it and pour a cement floor for it to sit on. The reason we are

placing where it is, we did not want to get any closer to the lake, we turned it so that we are 20 some feet to the lot line and we want to have an overhang towards the lake so we can have a boat storage and put in a walk way. It will be primarily for pontoon & boat storage. There is a tree on the lake side also that we do not want to take down.

Oleson: The reason for the Variance is the road setback. They are going to be 20+ feet from the right away and since the garage is turned it should not be an issue. The other aspect is that they need a CUP to have a used building moved on to the property.

Quiggle: Since this is an accessory structure would the lot need to be tied to the lake lot or primary structure lot?

Oleson: The state statute that allows for them to remain separate as long as they meet certain criteria such as sewer and lot size. There is nothing that indicates you can't have an accessory structure.

Quiggle: There is nothing that prevents us from tying them together if we want to right?

Oleson: for what purpose? The State Statute would allow if they meet all the criteria.

Quiggle: It makes me uncomfortable to have an accessory structure on a piece of land that is not tied to something else.

Naaktgeboren: In order to meet the criteria they would have to take down the garage to build a home so to me it is moot point.

Osterbauer: If someone someday wants to build they would have to meet the setbacks and get a sewer on it and if not come before you to get the approval.

Audience: None

Guck: I do not see an issue with it unless we indicate that in the future they decide to build they have to remove the garage.

Taylor: No issue.

Naaktgeboren: What is the distance from the road to the garage?

Oleson: About 21 - 22feet.

Naaktgeboren: I know you have a culvert on your lot, your drainage is very poor so I just want to know that you need to be very careful so that the water drains correctly.

Smith: I'm good.

Schultz: I'm good.

Shultz made a motion to approve the Variance to place a used garage approx. 34 feet from the centerline of a township road and Conditional use permit to place a used garage on a residential lot with the following conditions:

1. The garage is at least 20 feet from the road right-of-way.
2. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between any areas of disturbance (if there will be any) and the lake as well as to any neighboring properties which are downslope of the disturbed areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets, hydroseed or other forms of temporary cover until vegetation is re-established.

Taylor seconded the motion. Motion carried unanimously.

Smith made a motion to approve the November 9, 2016 meeting minutes. Schultz seconded the motion. Motion passed unanimously.

Zoning Administrator's Report

Permits:

Correspondence

Enforcement Actions

Findings of Fact - Previous PC/BOA Decisions

Oleson: Just a comment on the findings of fact, we do run into issues on denials since we are to notify the property owner in a timely manner regarding why it was denied. So we could run into a problem since we do

not meet again until the next month. **Quiggle:** What we do at the County is continue the denial for the findings of fact and then approve at the next meeting. **Oleson:** That would work for most denials unless we table more than once. We can do it like the County does it, and it gives us a chance to review the findings of fact. After discussion the board made the determination that they would table for the findings of fact for denials.

Board Reviewed findings of Fact and approved Aug - October to be sent to recorder's office.

Oleson: Last month Mahr was in regarding his additions for a breezeway/dining room. He is 90ft from the lake instead of the 100ft. His question is can he change this addition to a two story instead of a 1 story addition? Board felt that since the setback was already approved it did not make a difference if it was a one story or two story addition.

Other Business

Appointment of Planning Commission Officers for 2017

Schultz made a motion to appoint Taylor as the Chair for 2017. Guck seconded the motion. Motion carried unanimously. Smith made a motion to appoint Guck as Vice-chair, Quiggle seconded the motion. Motion carried unanimously.

Discussion - Erosion protection requirements and enforcement: No Discussion

Review of previously granted variance requests (if time allows)

Oleson: One thing is that they are not defining expansion and we have the issue to be as restrictive as or more restrictive than the County. Not sure if this applies since it is a State Statute. I get the feeling from the county that they could go either way. I think we need to consider following the County it makes it clearer. Most of these are consistent, however, we do have some that we differ from the County. Ben will come back with a revised policy that the board will review.

Schultz made a motion to adjourn. Smith seconded the motion. Motion approved unanimously at 8:50pm

Prepared by Jean Just