

CORINNA TOWNSHIP  
MINUTES  
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION  
February 14, 2017  
7:00 PM

Taylor called meeting to order at 7:00pm on February 14, 2017

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

Absent: Bill Arndt

Others in Attendance: Lyle & Lila Schoelkoph, Suzanne & Tom Nimmo, Jason Kolles, Richard Ward, Darwin Hoffman, Bernie Miller

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

Public Hearings

Variance to construct a 10' x 14' and 16' x 24' covered patio addition to two different dwelling structures on adjacent and commonly owned parcels (206000021101 and 206000021102). Additions will be approx. 22 ft and 30 ft from Sugar Lake (min. 75 ft required) and approx 8 ft and 14 ft from a side lot line (min. 15 ft required).  
Impervious and building coverage to exceed max allowed of 25% and 15%.

Applicant: RICHARD L & MARY K WARD

Property address: 11855 HART AVE NW, ANNANDALE

Sec/Twp/Range: 2-121-27

Parcel number(s): 206000021102 and 206000021101

**Present:** Darwin Hoffman & Dick Ward

**Ward:** We have rebuilt the cabin from the original cabin which is the same size as before. We are looking for additional space outside. We did move the cabin 10ft further from the lake and tore off the 2000 sq ft of deck from the two cabins, which will now be grass. We would like to do an overhang like many others have so that we have a place to go when it rains.

**Oleson:** Gave a description of what they are looking at doing; As to the variance that they need, the minimum lake set back is 75ft, they are approx. 22 & 30 ft so that is one variance. The side yard setback is 15 if attached to the dwelling so they would need a variance for that. North lot is currently under impervious & building coverage, south lot is currently over those limits and adding more would make both of them over their limits. I know that Mr. Ward has expressed that he would be willing adjust lot line.

**Ward:** Yes we would be willing adjust the lot lines to keep us under the impervious.

**Oleson:** Typically lot line adjustments would come through the board of adjustment and if they were to do that they would be able to eliminate the coverage and impervious variance. However, they would still need the side yard and lake setback variance if they attach it to the structure. I did do some research if they were to detach they could create a covered gazebo structure that would not need to meet the lake setback. It could be 10ft from the lake, however

there would be a height limitation. From a practical standpoint does it change anything to make the lot line adjustments since the land is still the same and he owns the entire peninsula.

**Ward:** One of the things that comes up is the lake quality. When we purchased the property in the winter once the snow melted we realized there was a lot of hazardous drums, lawnmowers, and refrigerators etc. in the lake. We took out nine dumpsters of rubbish from the lake. Over the years we have done a great job of making sure we keep the quality of the lake. The addition we have is going to add more greenspace and less run off

**Oleson:** Just to make one thing clear, in order to do the water orientated structure it would have to be detached from the house, however, there is not spacing requirements from the house.

**Hoffman:** That would work on the North cabin, however, not the South Cabin due to the windows and where they are at.

**Audience:** None

**Guck:** The question for me is the lake setback @ 22 or 30 ft from the lake. You should be 75ft from the lake. In my opinion you are too close to the lake.

**Ward:** The law indicates we can rebuild to what it was so that what we did. So we did not make it any worse than what it was.

**Hoffman:** The idea came from a home from across the lake that had done the same thing and they are less than 75ft.

**Schultz:** That is something we did not allow it was before this board. By separating the roof what is the difference there.

**Oleson:** That were from a technical stand point it will not make a difference as far as what is on the ground. They own the entire area and it was one lot there would be no variance for the impervious or building coverage. Also, if they detach it they can have it 10ft from the lake.

**Schultz:** Have the lots always been that small?

**Oleson:** Yes, they are two unique lots.

**Quiggle:** I have problems with this one not matter what goes on with the lot lines. There is too much structure too close to the lake and adding more I am not in favor of. It looks like additional impervious has been added in somewhat recent past with a fire pit etc. To some extent I feel this is a self-imposed hardship. Since you own the entire peninsula you could have built further back and you chose to be in the shore impact zone. Even if it is grandfathered in.

**Ward:** Part of the reason is my wife has had hip replacement and there is a very steep hill there.

**Quiggle:** Another thing is that everything in the front is dirt and is not stabilized.

**Ward:** We could put the deck back on, however, we thought we wanted to create more greenspace.

**Oleson:** That was a pre-existing deck?

**Ward:** Yes it was there when I bought in 2004.

**Smith:** I agree with everything being said. I believe that our magic number is 37.5 feet that this board has ever granted a variance for. These are both within that distance.

**Naaktgeboren:** I agree with Smith and the others. The over impervious, you can fix that and I think that it should be fixed in case it would ever be sold. I am not in favor of being over impervious and you still are too close to the lake.

**Ward:** I can parcel it off if that makes a difference. We followed what we were allowed to do and rebuilt to the same size in the same location.

**Quiggle:** That is fine since you are grandfathered in, however, that does not mean that you have to or that we should allow for additional space.

**Smith:** I don't know that we have ever approved anything closer than 37.5 feet.

**Taylor:** My issue is the setback unless you decide to do a detached, then you are limited to the height and the impervious.

Quiggle made motion to deny the variance to construct a 10' x 14' and 16' x 24' covered patio addition to two different dwelling structures on adjacent and commonly owned parcels (206000021101 and 206000021102). Additions will be approx. 22 ft and 30 ft from Sugar Lake and approx 8 ft and 14 ft from a side lot line. Impervious and building coverage to exceed max allowed of 25% and 15%. Due to both are within the lake setback & exceeds impervious, and that it being a self-imposed hardship due choosing to re-build within the lake setback. Schultz second the motion. Quiggle asked if we should actually table this in order to come back with the findings of fact at the next meeting. Oleson indicated that we have talked about doing that or we would have to come up with those tonight. Quiggle make a motion to amend her motion to table the request until March 15<sup>th</sup>, 2017 so that Ben can present the finding of fact. Schultz seconded the motion. Motion carried unanimously.

Variance to tear down the existing dwelling and replace with a new dwelling approx. 65.9 ft from Sugar Lake (min. 75 ft required) and 18 ft from a new septic drainfield (min. 20 ft required). Home to be served with a new Type IV septic system (Type I sewer required).

Applicant: SUZANNE & THOMAS NIMMO

Property address: 11895 GULDEN AVE NW, MAPLE LAKE

Sec/Twp/Range: 1-121-27

Parcel number(s): 206086001050

**Present:** Bernie Miller, Tom Nimmo, Brandon (project manager)

**Nimmo:** We have been on Sugar Lake for the past 8 year's full time. We are proposing to rebuild our existing house, the closet point now is 58 ft and we are proposing 65.9 ft at the closest point. The floor is low so we are going to have to move that up 3ft. The total impervious will be 20% and building coverage is at 13.1%. The patio & deck will be removed and grassed in. There are a lot of rocks that will be removed and will have minimal landscaping around the home. A new sewer system will be installed and will need to be 18ft from the home and it will be a type IV rather than a type I. We will be expanding the existing rain garden and add another on the south side of the driveway for storm water.

**Miller:** We started this with the previous owners on this, and went with adding an additional holding tank. If you look at the whole Northside of the property there is a natural rain garden in that area. We looked at putting the septic in that area, however we felt that was a natural drainage area that needed to stay. With having to bring the home up to meet the flood plain, the fill for the front yard, the back yard for the most part will be fine. The biggest factor was the grade to driveway which is a 10% slope right now. We cannot change that or we are going to have too steep. Set back from the drainfield it is to the porch, to the house it is 20ft. We did run this past soil & water and Dan indicated he did not have an issue and he would not require a storm water management.

**Oleson:** Do you have any calculations for the fill?

**Miller:** No, essential I am not sure what you would count. Most will be for the sewer & the driveway. There will be some coming out for the home. Other than not sure how you want it calculated, what we bring in would be minimal.

**Nimmo:** It is kind of unique with the hill on the one side.

**Oleson:** They summarized it pretty good. There is the lake setback, however, they will be back further than they are now, septic set back, and going with a type IV vs. from type I septic.

**Audience:** None

**Oleson:** One online comment that was in support of the project.

**Quiggle:** What is the roof pitch & height of the structure lakeside and back side? Generally we do like to know that. Just wondering if it will be keeping in line with the neighbors.

**Nimmo:** We will be staying within the guidelines. We are not far enough in the process yet.

**Quiggle:** Another question is the rain garden on the roadside, have you done any calculations knowing the amount of water it takes in? And where is the current one?

**Miller:** Showed where the current raingarden/natural vegetation and showed where the new one would be placed.

**Mrs. Nimmo:** It was planted by the previous owner & the property next door. It is more than just grass. It is natural long grasses not turf grass.

**Quiggle:** My only other comment is given the size of the lot, I would rather see this meet the lake setback by refiguring where it is at on the property. The setback from the road is not as critical as the lake. So if there is a way to get closer to the 75ft I would like to see that.

**Smith:** Bernie explain to me the type IV sewer is.

**Miller:** This is a multi-flow system with advance system that treats the water before it goes to the drainfield which allows us to reduce the size of the drainfield which allows us to fit it on the lot. It would be difficult to put it on the hill with slope and trees, there is no other place to put the sewer other than where it is.

**Naaktgeboren:** Could you change the sewer around to get to 70ft? And remind me why are we building the house up so high?

**Miller:** In order to get the basement above the high water mark.

**Naaktgeboren:** Can you drop the garage more?

**Brandon:** Possibly, however, part of that becomes the usability of the house. Looking for a rambler with as few stairs so that it would be accessible. As we raise the house we continue to add more steps that they need to get into the house.

**Naaktgeboren:** Is there any way you can move it back 4 ft to get closer to the septic?

**Miller:** It may be a possibility? To some extent the way we placed this was not necessarily to meet the set back of the lake, and keeping the egress window we might have to tweak some things to get there. May have to make some changes to the house design.

**Brandon:** Pulled up the survey information and noted that the entire home is not within the setback only a small portion of it is. So if were to move that area back would you be open to being closer to the septic?

**Quiggle:** Yes I would be ok with being closer

**Schultz:** I'm ok with that.

**Guck:** I think they have already moved it back and are doing what they can. I'm ok with it.

**Taylor:** I would like to see 70ft from the lake and more of a variance from the septic.

**Miller:** If it was only 18ft from the porch would you say it matters from the house since we are 20ft from the house. If we went 17ft from the house we could roughly meet 69ft it may be tough to get more than that.

Quiggle made a motion to approve variance to replace the existing dwelling and replace with a new dwelling no closer than 69 ft from Sugar Lake and 15 ft from a new septic drainfield Home to be served with a new Type IV septic system with the following conditions.

1. That the setback from the ordinary high water level of Sugar Lake be no less than 69 feet.
2. The setback for the septic system shall be 15 feet from the dwelling.
3. The roof pitch shall be no greater than 12/12.
4. 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.
5. The applicant shall submit a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation and to allow adequate time for infiltration or other treatment of rainwater from the lot prior to it flowing into the lake. These may include directing rain gutters to appropriate areas, rain barrels, establishing or maintaining a buffer of native vegetation along the shoreline, or other acceptable best management practices. Once approved, the plan should be implemented at the time of construction or within a reasonable time period after construction is completed and maintained indefinitely.

Smith seconded the motion. Motion passed unanimously.

Variance to construct a new dwelling approx. 48 ft from the centerline of a township road (min. 65 ft required) and 15 ft from a road right of way (min. 20 ft required).

Dwelling to be served with a Type III sewer system (Type I required).

Applicant: LYLE & LILA SCHOELKOPH

Property address: 11980 103RD ST NW, SOUTH HAVEN

Sec/Twp/Range: 7-121-27

Parcel number(s): 206042000250

**Present:** Lyle Schoelkoph, Bernie Miller

**Schoelkoph:** We have owned since 1982 and all those years we have planned on building. We are looking at building a walkout and are confined due to topography of the lot. That is why we are closer to the road. The road is down about 10ft so we do not have to worry about cars coming around the corner and hitting the home and where the driving surface is further away than it looks. We come out of the side of the garage so there is plenty of room for parking.

**Miller:** Lyle came to us in 2009 to make sure we could get a septic system in. The way of the home design & where the septic is that is why we are a little closer to the road.

**Lyle:** Ben asked if we could move the garage, however, it will run right into the step of the deck. I tried to do everything we could and we will be putting rain gutters on the house. Front of the lot is pretty flat.

**Miller:** It is very sandy and it has a natural depression for water flow. We still have room 16 ft closer to the lake, however, if we would take away from the natural water flow. We were a little pinched with the neighbor's wells.

**Oleson:** Variance are for road; Normally 65, they are about 52ft or so or 20 ft from the right of way, however, they will be 15ft. That is not much of an issue since it is a side entrance. And we have a type III septic rather than a type I.

**Smith:** It looks like you did a lot of planning. I do not have a problem with this as long as the side entrance of the garage.

**Naaktgeboren:** I agree with the Larry, with the bank there and your driving service is not going to change any.

**Guck:** I do not see a problem with it.

**Schultz:** I'm good

**Quiggle:** I can tell a lot of good planning went into this. Native buffer at the shore line I like to see that in place.

**Taylor:** I do not have any objections.

Guck made a motion to approve the variance to construct a new dwelling approx. 48 ft from the centerline of a township road and 15 ft from a road right of way. Dwelling to be served with a Type III sewer system with the following conditions:

1. 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.
2. The applicant shall submit a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation and to allow adequate time for infiltration or other treatment of rainwater from the lot prior to it flowing into the lake, to include a requirement for establishing native grasses at the shoreline. These may include directing rain gutters to appropriate areas, rain barrels, or other acceptable best management practices. Once approved, the plan should be implemented at the time of construction or within a reasonable time period after construction is completed and maintained indefinitely.

Schultz seconded the motion. Quiggle asked that native buffer/grasses be included near the lake. Motion passed unanimously.

Interim Use Permit for the operation of a temporary mining pit involving crushing and screening of gravel.

Applicant: JASON D & GERI ANN K KOLLES

Property address: 10171 IRELAND AVE NW, ANNANDALE

Sec/Twp/Range: 10-121-27

Parcel number(s): 206000103400

**Present:** Jason Kolles

**Kolles:** Same will keep mining & keep reclaiming. Bond is in place.

**Oleson:** We basically review every year which expires by ordinance. We look to see bond is in place and if we continue with the same conditions.

**Kolles:** Showed where they are now and that he will be going to the East next year.

**Naaktgeboren:** This is the model of all gravel pits.

**Everyone:** good with same conditions.

Smith made a motion to approve Interim Use Permit for the operation of a temporary mining pit involving crushing and screening of gravel with the following conditions:

1. The applicant shall maintain their NPDES permit with the MPCA.
2. Activities shall be limited to screening, crushing and stockpiling. Screening and crushing shall not be conducted on more than 21 days in a calendar year.
3. The applicant shall maintain a minimum separation of five (5) feet to groundwater at all times on this site.
4. Hours of operation for activities on the site shall not be outside of the hours between 7:00 am and 7:00 pm.
5. The contractor shall maintain a bond in sufficient amount to assure reclamation of the site. The bond shall remain in effect until all areas are reclaimed as required by the Ordinance or as specifically required by the Township. The minimum amount of the bond must be \$5,000 or \$1,500 per acre, whichever is more.

Quiggle seconded the motion. Motion carried unanimously.

Quiggle made a motion to approve the January 10, 2017 meeting minutes. Smith seconded the motion. Motion passed unanimously.

#### Zoning Administrator's Report

Permits - no discussion

Correspondence - no discussion

Enforcement Actions - no discussion

Findings of Fact - Previous PC/BOA Decisions;

Smith made a motion to approve the finding of fact for the following:

Osterbauer Variance & CUP; Lindstrom/Conway lot line adjustment

Schultz seconded the motion. Motion carried unanimously.

#### Other Business

Discuss Wright Co 2016 Ordinance Amendments for Township adoption; Wright County made a number of changes and we need to address them the question is do you want to review and discuss before we have the public hearing.

Oleson reviewed the changes and asked if the board would like more information before setting the public hearing. The board would like to review and discuss next month prior to setting the public hearing.

Discussion - Erosion protection requirements and enforcement (if time allows)

Review of previously granted variance requests (if time allows)

Guck made a motion to adjourn. Schultz seconded the motion. Motion approved unanimously at 9:01pm.