

CORINNA TOWNSHIP  
MINUTES  
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION  
November 9, 2016  
7:00 PM

Quiggle called meeting to order at 7:00pm on November 9, 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: Brent Scheideman, Tim Hutchens, Ric & Diane Fournier, John & Bonnie Sadergaski, Jake Linder, Dan & Ruth Mahr, Andrea Smith, Shane & Jeanne Burns.

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

Public Hearings

Application: 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 120<sup>th</sup> St NW

Sec/Twp/Range: 5-121-27

Parcel number(s): 206000052101

**Present:** Brent Scheideman

**Scheideman:** I have recently purchased this summer seasonal cabin. I am looking to go away from the lake with a partial two story with a lofted area. The complication that we came across is that we have a holding tank right now and the way the wetland lay and property lines it does not look like we can do anything more than a holding tank. A lot of the questions regarding drainage and water flow. We did go out this afternoon with a laser and get heights and things seem to curve away from the water and we would be 60 ft from the lake at the point we would be doing any dirt work for the addition. Anything that we do would not be going down towards the back and would have silt fences to control any run off. We are not adding any bedrooms or bathrooms. We are looking at a 312 sq foot increase. Some conversation was if it will it keep consistent with the area. Ultimately we want to have curb appeal, the property to the right is a one level home however their roof peak is 5ft taller than our currently and with the addition ours would be 5ft taller. The other side is a full two story. I talked to Elfmann Excavation who put in the holding tank last year. They did have to have inspector on site since they were within one foot of the wetlands. His thought is that it would not be possible to have a drainfield. Scott Decker also indicated he did not think it would work. Bernie Miller was too busy to come out and he did not think it was possible. I did check with a few others and they were not able to come out either.

**Oleson:** So as he explained two issues one is the set back from the lake and the other is expanding on a holding tank. Dimensions are 24x41 & 16x22 lofted area.

**Audience:** none

**Smith:** My big concern is expanding on a holding tank and it sounds like you have researched as many options as you could. I assume they looked at pressure beds or other options

**Scheideman:** I did just contact Mark Hayes, he said we could create and bring in enough fill to create a space that will hold a septic. However you're looking at 600+ yards of fill and it would be a type 4 system. You would need to do two new wells and you're looking at a cost of around \$50,000. So when you're talking reasonable or feasible it's just not.

**Schultz:** The holding tank is an issue. To me unless you do something with the septic I'm not in favor of it. However, I am not in favor of adding 600 yards of fill either.

**Scheideman:** We are not looking at this as a year round home, we live in Becker and do not plan on moving out to Bass Lake year round.

**Guck:** Increasing the dwelling size may not be an issue for you, however, five years from now someone else may change that and add bedrooms in the loft. You have researched as much as you can.

**Taylor:** Do you have it regularly monitored?

**Scheideman:** not yet we call to have it pumped when the pipe gets to a certain height. But we could have that set up.

**Taylor:** I have an issue with expanding it that much on the upper level. I understand that you have no choice in the closeness to the lake. Maybe making that the loft more a mechanical room.

**Scheideman:** It is not a complete two story.

**Naaktgeboren:** I have a problem with the holding tank. There are a lot of performance systems that are on small lots so I think you should do some more checking.

**Oleson:** I did talk to Mark Hayes since he did the design for the one on the other side of the lake. He indicated the soils were not good enough to do that type of a system.

**Naaktgeboren:** An expansion on a holding tank I can't go for that. However, I think there could be something done.

**Scheideman:** With the expansion on a holding tank is the concern that it will leak out?

**Naaktgeboren:** It's just that it is illegal. You may only be there on weekend, however, you don't know what will happen 10 years from now.

**Quiggle:** I agree in respect to the holding tank. This is basically new construction. This is one of the few things in the variance that is not really open for changes. If you could get a system it may be a different, but, I am concerned with being that close to the lake. Quiggle read the ordinance regarding expansion on a holding tank. When looking at and increase by 50% of the assessed value of the structure not the lot.

**Scheideman:** If it is determined and a performance system cannot fit would that be open for a variance?

**Quiggle:** Not in my mind. You could rebuild and replace but not expand it.

**Naaktgeboren:** Could he replace what he has now and add a loft, is that an expansion?

**Quiggle:** A loft is an expansion w/ living space. You can expand roof pitch to a 6/12 for storage space.

**Taylor:** More for just a mechanical/storage end of things.

**Quiggle:** Your options are tear it down and replace with some alterations 1ft side wall increase, roof pitch of 6/12. Talk to Ben about what is considered an expansion or look into a septic system that would work and not break the bank.

**Smith:** I would research it.

**Oleson:** Options would be table it so that he could research if you think you're ok with the setback. Otherwise you would deny.

**Taylor:** We could table so you can research other options.

**Oleson:** So you're looking at anything he could do to move it back and look at a drain field.

**Quiggle:** Yes

Schultz made a motion to table the variance request. Taylor seconded the motion. Motion carried unanimously.

Application: Variance to construct a detached garage approx. 5.5 ft from a side lot line (min. 10 ft required), 27 ft from the centerline of a Township road (min. 65 ft required), approx. 7'10" from a septic tank (min. 10 ft required).

Applicant: John & Bonnie Sadergaski

Property address: Across from 8032 Irvine Ave NW

Sec/Twp/Range: 22-121-27

Parcel number(s): 206077001060

**Present:** John & Bonnie Sadergaski

**Sadergaski:** Basically what I'm understanding is if we move this back and over we will be somewhere where you want.

**Quiggle:** Let's start at the beginning.

**Sadergaski:** We want a garage and we have limitations with septic tanks. We were trying to center over the right hand side because we thought that was better, however, maybe it would be better going the other way. If that would be what you want we are fine with that.

**Oleson:** (showed pictures as to where the property lines etc.)

**Sadergaski:** If we can go back towards the drainfield we would like to be back further from Irvine as well and it would give us more space. We are 21ft from the drainfield, however, if we can go back further it will give us more room on the road side.

**Quiggle:** What are the setback requirements from the drainfield?

**Oleson:** Normally it is 20ft, however, that is one area that we can do an administrative variance to allow them to be closer. So if you are comfortable with them going closer that would address the concern about being too close to the road.

**Taylor:** If they go down to 15ft that would give 6 more feet on the road side.

**Oleson:** Main concern is that they are not going to be disturbing the drainfield while building, not as much of a concern when it is a slab vs doing a basement. Also, making sure there is enough room so you are not driving over the drainfield. We normally try to get 20 ft from the property line so that the cars are not hanging onto the road. Going closer to the septic is an option we usually like to be 5ft from the tanks. The more you can move it back the better. Does not get to full 10 side lot line and to make that setback they would be 3ft to the tanks. They already have it narrow at 22ft. General concern was with storm water in that area, they are under impervious and building coverage. Neighbor comments, most have concrete driveway however, we do not require that. More of a neighborhood issue.

**Audience:** None

**Schultz:** I'm good with it.

**Guck:** Just the side yard encroaching on the neighbors.

**Taylor:** I would like to see it moved over and back some. No less than 15 from the drainfield? That would give you 23 ft on the front. Little concerned with the side with the septic.

**Naaktgeboren:** I know the area with all the issues with the water. Along with driving through

there it's tight so I say move it back as far as we can allow. I am thinking no closer than 5 to tanks so that gives you 8 ft side yard.

**Smith:** I think we need to push 15 ft to the drain field and 5 ft to the tanks is not going to affect the tanks. Is there any way to get 2ft off the garage to meet the 10ft?

**Sadergaski:** I started at 24ft and I knew I was pushing it so I did reduce it to 22ft hoping to get a pontoon in.

**Quiggle:** That is not a practical difficulty so in my mind is that is not a consideration. One question I have is that someone mentioned a drain that goes to the lake?

**Naaktgeboren:** Yes there are two of them, last year there were houses flooding out. We have a right of way that is maybe 20 ft, so we tared and put in a drop boxes to carry the water to run to the lake.

**Taylor:** The letter indicated concrete or tar but we have nothing to do with that.

**Quiggle:** That is not going to make a difference either way it's hard surface and will not affect impervious or water run-off.

**Taylor:** Will need some rain water management.

**Sadergaski:** Yes we are going to have gutters and barrels.

**Quiggle:** From what we're looking is shifting it back and over. Question for Ben when you said 15ft from the drainfield is that a minimum that we go with or can we push that?

**Oleson:** There is nothing magic about the 15ft we need to make sure that they are not over impervious. The further they go back the more impervious they will have with the driveway. We will have to look at that pretty closely.

Guck made a motion to approve the variance to construct a detached garage approx. 8ft from north side lot line, no less than 20ft from the property line abutting Irvine Ave NW, no less than 15 feet from the septic drainfield, and no less than 5 feet from the septic holding tanks with the following conditions:

1. Impervious coverage must be under 25%.
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 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.
3. 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, 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 approved unanimously.

Variance to construct an approx. 206 sq ft dwelling addition and new 22' x 26' two-story attached garage approx. 90 ft from Mink Lake (min. 100 ft required) and approx. 12 ft from a road right-of-way (min. 20 ft required) and 44 ft. from the centerline of a township road (min. 65 ft required). Existing dwelling to which additions would be attached is approx. 67 ft from Mink Lake.

Applicant: Dennis Mahr

Property address: 8071 Greer Ave NW, Maple Lake

Sec/Twp/Range: 24-121-27

Parcel number(s): 206020001010

**Present:** Dan & Ruth Mahr

**Mahr:** We would like to add space on top of the garage in order to do that we need to demo the old garage so that we can move it over so that it is 15 ft from the property line and connect it to the house. Ben and I have looked at this one over and over to find what options that we have.

**Oleson:** We looked at many options on this one and the basic need for the variance is because of lake set back which is 100ft and the dining room will be about 90ft from the lake. The road is 65ft is required, there a provision in the ordinance that allows it to be closer if the average in neighborhood is closer. And that would normally allow them to be closer. Then there is the addition to the house which is 67ft from the lake. They are under impervious limits. Originally we looked at adding on to existing garage and that became a problem due to the side lot line being the at once it becomes attached it has to be 15 ft from the side lot line rather than 10ft. So we ended with this plan. There was a covered deck that needed to be removed, which has been worked on, he is hoping to use some of the material for the new garage. The roof still needs to be brought back to a 4ft overhang.

**Mahr:** That should be completed by the end of the weekend.

**Audience:** None

**Guck:** I don't see a problem. They are meeting the side yard setback and the setback from the road is acceptable.

**Taylor:** I am not excited about the 12 ft set back from the road and I am disappointed that the deck is still there. That should have been taken care of sooner when we denied well over a year ago.

**Mahr:** We were looking to see where we could use those materials. What is the 12ft that you're talking about?

**Oleson:** 12ft is the road right of way. It is an estimate based on coming from the lake not sure it is 100% accurate. The road itself is further back so they will not be hanging out into the road.

**Taylor:** I don't have a problem if the go back and stay within the setback for road frontage and they remove the roof so that they comply with the denied variance.

**Naaktgeboren:** One of the options is that you don't get a permit until the deck is taken care of otherwise I do not have a problem you are far enough away from the road.

**Smith:** I am good with it after the deck area is taken care of.

**Schultz:** I agree

**Quiggle:** I agree

Taylor made a motion to approve the variance construct an approx. 206 sq ft dwelling addition and new 22' x 26' two-story attached garage approx. 90 ft from Mink Lake and approx. 12 ft from a road right-of-way and 44 ft. from the centerline of a township road. Existing dwelling to which additions would be attached is approx. 67 ft from Mink Lake with the following conditions:

1. That the lakeside covered/enclosed deck that was denied in the after-the-fact variance in 2015 must be removed prior to the issuance of any other permits (including permits for the currently proposed addition) and in any case no later than December 31, 2016.

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 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.

3. 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, 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.

Guck second the motion. Motion passed unanimously.

Rezone property from General Agricultural (AG) to R-1 on the lake side and R-2 on the back lot.

Applicant: Jake Linder

Property address: 10330 Gulden Ave NW

Sec/Twp/Range: 12-121-27

Parcel number(s): 206000123205

**Present:** Jake Linder, Punk Lundeen

**Linder:** We would like to split our property into two pieces one on each side of the road. In doing that we found out that it would need to be rezoned in order to have a building entitlement on the back lot. It is nearly 5 acres so size is not an issue. Not sure what the guidelines are as far as having homes on the back side of the lake. There are other areas that have homes on the back lots.

**Oleson:** To split this lot it would have to go through the sub-division process in order to do that. The lake frontage is real close to the 150ft requirement and they do 1 acre requirement. On the back lot if they want to make it buildable it could be zoned AG which it is now. Therefore the request to re-zone. If approved lake would be an R-1 on the lake side, and back lot would be an R-2. With Rezoning it has to go through the county as well. Their policy is that they tend to discourage back lots so that is one of the concerns they will have to address. Our land use plan talks about doing more of a cluster, however this property is not large enough. Those are the basics. We do have one comment from the neighbor. Basically they do not like the idea of an house. They bought in the country and that is what they would like to keep it.

**Quiggle:** We are just giving a recommendation to the County.

**Audience:** Ric Fournier - Just one point since I am not sure if everyone got to read my comment. If we allow a house on there, it's just that we would walk out our door and the

neighbor's house would be just a few 100ft away. When you move out to the county to be in the country. If I wanted to be sounded by houses I would have moved into town. I appreciate that they want to fix it up and sell, however, they are not living there and not improving my way of life. I'm fine with the split just not the building entitlement.

**Quiggle:** Once something is zoned R-2 or R-2a we are not talking building entitlements anymore correct?

**Oleson:** If you rezone it to R-2 yes a house would be allowed. If you want to leave it zoned Ag without a building entitlement it would need a deed restriction.

**Lundeen:** Is there something that indicates it would have to be sold to an adjoining home owner? With Sugar lake not that far away there may be plenty of lake owners that are looking for a lot to put a shed on. It would be nice to have the building entitlement.

**Naaktgeboren:** Question was asked if it was spot zoning, I question that because you have a lot of lots that are 3 acres so I don't know if that would be spot zoning. It was farmed up until 1986 and then there were horses on for a few years.

**Oleson:** I am getting about 1.7 acres on the lake side.

**Naaktgeboren:** I am on two sides of it I don't have a problem with it.

**Smith:** I think this is a tough one since once we split that we are looking at more splits in the future. I see why they are looking at splitting with the road between, I am just concerned about other ones that will come in the future.

**Schultz:** I think the road splitting it, it is divided anyways.

**Guck:** It is tillable and the land use does not want any more building on tillable land.

**Quiggle:** I am kind of with both of you. In the future land use it is to stay zoned AG and the plan discourages back lots on lakes.

**Linder:** The county perspective is they do not want more development.

**Quiggle:** Yes in this area.

**Oleson:** Pulled up the future land use plan showing what the plan is for this area and indicated that the county could decide for themselves if they have a concern that the lake lot does not meet the 2.5 acre minimum.

**Taylor:** I know in my end it would be nice to see site plan. You will have to do one if you continue forward.

**Oleson:** So we are looking two maybe ok and three not ok? You can make a recommendation to the Town Board or you can give the information to the Town board and they can make that decision.

Taylor made a motion to not send a recommendation to the Town Board and allow them to make the recommendation to the County.

Oleson: The argument for it since the road splits it. The argument against it is does not fit with the land use plan.

Conditional use permit to install a 39.6kw ground mounted solar PV electric system.

Applicant: Don Rachel

Property address: 8343 Gowan Ave NW

Sec/Twp/Range: 24-121-27

Parcel number(s): 206000244103

**Present:** Andrea Smith, Tim Hutchens w/ Abel energy

**Hutchens:** It is a solar ring, ground bounce system it would 5 separate e bans that would face south pre-made and we would drive in the poles into the ground which is fairly common. It is stationary and facing south.

**Audience:** None

**Guck:** Any reflections to the neighbors?

**Hutchens:** I have not heard that from others we have done.

**Quiggle:** How close are the neighbors?

**Naaktgeboren:** Not very, I walked it and drove the roads and it is not seen from any direction. It is located in a low spot.

**Taylor:** Question does it reflect aircraft?

**Hutchens:** No it absorbs light it does not reflect.

**Oleson:** This is a new ordinance with us and the county. It has gone through many hearings so what they set up is that these would be CUP. There are not specific standards set up at this time and most of the discussion was surrounding the large ones. Basically with my experience is the site for neighbors, glare, or something like that. Main question is that they have a life expectancy of what 15-20 years?

**Hutchens:** Actually the average is 40 – 50 years however, 25 years they start to lose some of their production.

**Naaktgeboren:** Do they know how much will be sold back to the electric company?

**Hutchens:** It is hard to determine since we do know the how much energy will be used.

**Naaktgeboren:** The big thing is decommissioning. I look at that if it is not used for a year it is out of there. I do not see any issues with neighbors.

**Taylor:** What are the dimensions?

**Hutchens:** It's about 100 x 140

**Taylor:** Will it be mowed or grow wild?

**Hutchens:** Some do both mowed & wild flowers so depends what they want.

**Oleson:** To me if you have a problem with weeds you have something in place to take care of.

**Taylor:** I think six months from the time it is not used it has to be removed.

**Rachel:** Will there not be ordinances in place

**Larry Smith:** The only way to allow is to put some conditions in place for the decommissioning.

Smith made a motion to accept the CUP to install a 39.6 kW ground mounted solar PV electric system with the following conditions:

1. That the site of the solar panel installation shall be kept free of weeds.
2. That, after consultation with the Township attorney and if it is deemed appropriate, an escrow or bond shall be put in place in an amount sufficient to ensure decommissioning/removal of the solar panels should they be damaged beyond repair, become obsolete, or otherwise fall into disuse, within one (1) year of when that occurs.

Taylor seconded the motion. Motion approved unanimously.

Smith made a motion to approve the October 11, 2016 meeting minutes. Taylor seconded the motion. Motion passed unanimously.

## Zoning Administrator's Report

Permits – No discussion

Correspondence – See below

Enforcement Actions – No discussion

Findings of Fact – Previous PC/BOA Decisions – No discussion

**Oleson:** Carlson was in for a variance this past year for a breezeway 5.5 x 8, we scaled it back to 5.5 x 5 they have now submitted plans for 5.5 x 6. This may be not be an issue since there are no footings under the garage and they may not be able to do this building code wise. However, just in case if they want to go with 6ft do they need to come back? Board felt that if they go to 6ft they will have to remove the same amount elsewhere on impervious.

Oleson pulled up a picture of a wood stacking bracket that was put up too close to the property lot line asking the board if it would be considered a structure that needs to meet side yard setbacks. It is free standing on blocks and used to store wood. Board did not feel that this was a structure since it is on blocks and could be moved so does not need to meet set back requirements.

Guest cabins we have different rules now than the county does. The County's rule is if you have 20,000 sq ft you can have a guest cabin. In 2013 when we updated to be consistent with state laws we do not allow for guest cabins on lots that small. They would have to have at least 40,000 sq ft and 180ft wide so that is what we put into our ordinance. It's possible that the County received special approval to do this from the DNR, however, I have no documentation. I think that we felt we needed to be in standard with the DNR. I have told someone that they cannot have a guest cabin and they indicated that many neighbors have them. When I look at the County records there at least three that have permits for guest cabins from the County prior to us taking over planning and zoning. I did let them know they could apply for a variance but that I am not sure you would get it. The question is do we want to keep what we have or ask DNR to match the County? The board felt they should stick with the way the ordinance is currently written.

## Other Business

Review of previously granted variance requests (if time allows)- No discussion

Schultz made a motion to adjourn. Guck seconded the motion. Motion approved unanimously at 9:25pm

Prepared by: Jean Just