

CORINNA TOWNSHIP  
MINUTES  
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION  
August 8, 2017  
7:00 PM

Taylor called meeting to order at 7:00pm on August 8, 2017

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

Others in Attendance: Terry & Gretchen Nelson, bob & Joanne Milligan, James Dearing, L. Star Butterson, Raymond B. Weiss, Lisa Denn, Deanna Buchta, Keith Dahling, Linda LeSere, Brian Anderson, Tony & Carol Eicher, Steve & Stef Jensen, Jackie Longhenry, Tom Colburn, Dave & Marie Theis, George Walker, Rachel Gowen, JoAnne Abell, Anne Brakob, Karen Marttinen, Tom Neu, Greg Duppler, Ed Stracke, Rob Lettellier.

Additions or Deletions to the Agenda - Quiggle made a motion to approve the agenda as presented. Schultz seconded the motion. Motion carried unanimously.

**Public Hearings**

(Tabled from June 2017 hearing) Variance to tear down an existing dwelling and replace it with a new dwelling approximately 55 feet from Cedar Lake (min. 75 ft required).

Variance to construct a 36x36 (1290 sq ft) detached garage (max allowed 800 sq ft):

Property Owner: Robert and Joanne Milligan

Property address: 8997 Ingram Ave NW, Annandale

Sec/Twp/Range: 22-121-27

Parcel number(s): 206022000110

**Present:** Bob & Joanne Milligan, Jim Dearing

**Dearing:** They want to put up new house, they purchased the lot next door, we will be tearing down both cabins and put up a new house with a detached garage, which we found out this morning is too large so we are looking at attaching that garage, we will be shortening up the driveway and pull garage up towards the house and have a roof area from house to garage.

**Milligan:** We would like to build a nice home on these lots, and plan to live there. Thanks for allowing us to table this so we could get somethings taken care of this. We are selling property north of Buffalo and we have a lot of things that we need, so that is the reason we would like to keep the garage. Rather than having things sitting out in the yard we would like to keep them enclosed. One thing that is important is water management, we will be putting in silt fence during the building, we are looking at putting in two rain gardens, the runoff from the roof will run between the house and the garage which slopes down to the far corner towards the wood patio which will be taken out and another rain garden will be put in there.

**Oleson:** They were here and asked to be tabled, they had the opportunity to buy the lot next door so that they wanted to do a detached garage, then there would be a size requirement, if they are going to attach that size requirement goes away. They are subject to 15% building

coverage and 25% impervious which they meet, if they are attaching the garage and they meet all the setbacks to the septic and drainfield, then the only variance is the 55ft from the lake set back. Only question we asked is if the home could be moved back further. You can see it is further back than what is already there and it is further back than others that are there.

**Audience:** None

**Guck:** Jim the footprint of the garage is going to stay where it is?

**Dearing:** It will be moved 3ft closer towards the SE side of the house. We are going to be 18ft off the property line.

**Quiggle:** Can you move the house back to meet it so that you can meet the lake setback.

**Guck:** I was wondering the same thing, can the house be moved back? I know you are further than the other houses but we cannot change those.

**Dearing:** Then you can't see out towards the lake. The houses next door are way further ahead and will not have as good of a lake view.

**Schultz:** I guess I would like to see if you bring the house further back from the lake we cannot change what others have already done.

**Dearing:** We moved it back further already. If we go much further we are going to have to come up front with the sewer system.

**Schultz:** Just looking to see if we can get it back further.

**Naaktgeboren:** I agree I think it could be moved back to 60 or 65ft and will still have a good site line.

**Smith:** I agree I would like to get it to at least 60 ft.

**Quiggle:** I would rather see it at 65ft I feel we could get that without pitching the septic.

**Arendt:** With the attached garage what is going to happen with the one that it is attached will you still have that? How will you get in it?

**Mr. Milligan:** We would keep it, there is room to get in. By pushing it back to 60 - 65 feet it will be too crowded and you will be taking away our view of the lake. We want to be able to enjoy the lake

**Naaktgeboren:** If that's a problem, could you move the house to the North. If you move it more into the other lot it will give you more of a site line.

**Mr. Milligan:** Not sure if that will work another thing with putting it closer to the garage it would be only 2 ft from the edge of the garage. Will not be able to get anything into the garage.

**Quiggle:** One of the things that we have to go with is making sure we follow the ordinance and the only way to allow a variance is to show practical difficulty and view lines is not listed as one of the practical difficulties and having a larger garage because you have a lot of things is not a practical difficulty. Practical difficulties would be the lay of the land.

**Mrs. Milligan:** The further we go to the north we will not be able to get a walk out basement.

**Mr. Milligan:** Talk about difficulties, I have had a heart transplant and I have a cane, the further back the more difficult it will be to get to my boat and more increase of falls. I have a medical disability.

**Taylor:** I would like to see the house move at least 5 ft back. Your proposed impervious coverage is going to be at the max along with building coverage. So there will not be anything else you can do for impervious which includes walk ways, fire pit, sidewalk etc. I just want you to be aware of that.

**Smith:** Can you manage with going back 5ft?

**Dearing:** We want to make sure we have the room between the two buildings for water to run through there and get to the rain garden.

Quiggle made a motion to deny variance to tear down an existing dwelling and replace it with a new dwelling approximately 55 feet from Cedar Lake and Variance to construct a 36'x36' detached garage. Approve variance of to tear down an existing dwelling and replace it with a new dwelling approximately 60 feet with garage being attached to the primary structure 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. 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 carried unanimously.

Variance to construct a 24' x 28' single-story garage approximately 28 feet from the centerline of a road (65 ft required) and with sidewall height of 19.5 ft (max. allowed 12-14 ft). Lot line adjustment to transfer approx. 5,200 sq ft of Parcel 206000092302 to Parcel 206012000080 to accommodate proposed garage. Lot line adjustment would reduce road frontage on an existing lot of record from approx. 112 ft to approx. 83 ft (min. 200 ft required).

Property Owner: Terry and Gretchen Nelson  
Property address: 9905 103<sup>rd</sup> Street NW, Annandale  
Sec/Twp/Range: 9-121-27  
Parcel number(s): 206012000080

**Present:** Terry & Gretchen Nelson

**Nelson:** We are looking to move up to this home in the next couple of years so we are looking to be able to build a garage to house some items as we sell our other property where we currently live.

**Oleson:** There are two requests, it is a private road not maintained by the township, however, it does still need to meet the road setback. The second is due to the topography it would be taller on the side and back wall than what is allowed. The third part is a lot line adjustment since they are buying property from the neighbor behind them.

**Audience: Raymond Weiss:** I am the grandson of the original property owner and one of the two managing partners that own the property. We have both submitted statements that have been submitted. **Barb Butterton:** I also sent in a letter I just want to let you know some of our concerns which is the off street parking, I am not sure that is possible since there is a rock wall there. If they have to ask for a variance it does not seem that this is a hardship. It seems like it would cost more, but the code could be met. The building code is established for a reason.

**Weiss:** After he purchased the property he constructed a shed very close to the road with no

permit so I feel there is a history not following the rule. They have created this variance of their own that are not because someone else.

**Mrs. Nelson:** When we bought this lot it is a pie shape lot and there is no place to build. When we built the rock wall, we did talk to Weiss and we got referrals from them, it was built to prevent erosion. Grateful that we have neighbors that are willing to sell us some land so that we can build a garage.

**Oleson:** In terms of setbacks from the road, we have used 20 ft off the road for plowing, however, in this case we do not have that.

**Schultz:** I understand you're a plumber and run a business out of a little lot is not a reasonable factor to have a shed.

**Naaktgeboren:** What is a right of way?

**Oleson:** There is no set right of way it is a private easement.

**Naaktgeboren:** I received a new plan. Are we talking new plan or old plan?

**Mr. Nelson:** The old plan is what we would like. The new plan would have us driving down a large bank right into the garage which could be a little dangerous.

**Naaktgeboren:** I was out there yesterday and looked at the site, looks like you are at least 20 ft off the road so I have less of a problem with that. I have a problem with 112 to 83 ft of road frontage.

**Oleson:** One of the things we are looking at is making sure we are not creating a non-conformity. This was already a non-conforming lot, we are just changing the non-conformity. One would be losing, one would be gaining.

**Naaktgeboren:** Do we make the decision or does the County.

**Oleson:** You will make that decision.

**Naaktgeboren:** Elevation wise it is unseen walk out on the back side. Is the septic compliant?

**Nelson:** We are having a septic certification done tomorrow and the well is on the lake side of the house.

**Naaktgeboren:** Looking at the site lines it looks fine with me as long as you can get a car parked on the non-driving surface.

**Smith:** I have no comment at this time.

**Quiggle:** I don't find plan A as being reasonable. I think the 19ft side wall is too high, I think that it's getting too many structures. I much prefer plan B which has no variance there at all. With the 19ft side wall to have a second story, is that allowed?

**Oleson:** Usually we are talking a second story on a house. Not when it's a garage.

**Quiggle:** The whole bottom has to be inaccessible for any use other than storage and limited maybe 6ft head room.

**Oleson:** There is a 7ft head room on a second floor, not sure if you consider this a second floor. Definition of side wall height is where this comes into play, it states that tuck under garages are allowed provided only one wall is more than 25% exposed and the exposed wall is no more than twice the allowed side wall height, so the 25% exposed is where we have the issue since it is more than one wall.

**Mr. Nelson:** We could take the material from the inside and put on the outside to reduce that side wall height.

**Oleson:** That is something we talked about and then we get into if it is more than 50 cu yds. of fill, what is worse the side wall height or movement of fill.

**Arendt:** It seems like the sidewall is an issue. But we are looking at this being a private road and it should not create any safety issues being 28ft from the centerline of the road.

**Taylor:** I would have preferred some kind of site plan/survey so that we know the elevation. Gives us more information as to the lay of the land.

**Nelson:** We were hoping to have that done, however, there has not been enough time.

**Naaktgeboren:** Ben do you have a picture?

**Oleson:** Pulled up some of the picture's

**Taylor:** I would like to see the septic recertification. Another issue I have is the parking. I feel you should get together with your neighbors. I too like plan B a little better. I would at least a site plan and how this will lay out on the property. Would like to see more with parking so minimum of 28ft.

**Guck:** I like plan B and would like to see septic.

**Oleson:** one other questions is how close they will have to meet the side lot

Smith made a motion to table the request to get a survey and certification of the septic. Quiggle second the motion.

**Oleson:** What are you looking at for the septic? If it were to fail?

**Smith:** If it fails where would they put it?

**Oleson:** If it fails and it could be put in the same place, does that change the location of the garage?

**Smith:** No, so more for the survey.

Motion carried unanimously.

Variance to construct a 556 sq ft single story dwelling addition and an 8' x 12' covered deck to an existing structure that is approx. 55 ft from Cedar Lake. Additions to be approx. 60 ft from Cedar Lake (75 ft required).

Property Owner: Gregory and Charmaine Duppler

Property address: 8054 Irvine Ave NW, Annandale

Sec/Twp/Range: 22-121-27

Parcel number(s): 206076000060

**Present:** Greg Duppler, Tom Muller, Tom Neu

**Neu:** If you look at the plan, what is there now there is not a lot of room, so the old living room we are convert that into a dining room and move the living room area out to where the sliding glass door is, We would then create another bedroom so that there would be two bedrooms.

We did not want to go any closer to the lake so the road seemed to fit best. We are under the building coverage and impervious coverage. The sewer has already been certified and survey is done. It would be constructed on a cement slab.

**Duppler:** Nothing would be done to the existing cabin on the lake side of the home.

**Oleson:** The addition itself is on the back side of the home and the covered deck is to the side. The addition itself meets all the setbacks.

**Audience:** None

**Naaktgeboren:** Received septic compliance. The new 8x12 permeant roof no walls? Pavers/Slab?

**Neu:** Correct just a roof no walls and it could be pavers or a slab.

**Naaktgeboren:** Not a bad plan, just make sure you have good run off.

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

**Quiggle:** One clarification, so the roof on deck/patio will not be more non-conforming. Does it meet the 75 foot set back?

**Oleson:** Yes

**Arendt:** I am good

**Guck:** I'm good

**Schultz:** I'm good

**Taylor:** Good

Schultz made a motion to approve variance to construct a 556 sq ft single story dwelling addition and an 8' x 12' covered deck to an existing structure that is approx. 55 ft from Cedar Lake 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. 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.

Guck second the motion. Motion carried unanimously.

Conditional use permit to place a used 24' x 24' detached garage on a property.

Property Owner: Brian P. Anderson

Property address: 9051 Ingram Ave NW, Annandale

Sec/Twp/Range: 15-121-27

Parcel number(s): 206022000050

**Present:** Brian Anderson

**Anderson:** Basically I want to take the garage from across the road and bring it over to my side of the road.

**Oleson:** CUP is because it is an existing garage and moving it to another property. The main question is if it would meet setbacks to the septic and making sure it was in good shape.

**Anderson:** I will be Residing and Re-Roofing.

**Audience:** None.

**Schultz:** As long as you meet the setbacks I'm good with it.

**Quiggle:** As long as he is meeting impervious I am fine with it.

**Oleson:** I have the septic plan and it is compliant.

**Arendt:** I am fine with it.

**Guck:** No issues.

**Schultz:** I am good with it.

**Naaktgeboren:** Good as long as the septic is good.

**Taylor:** I'm fine with everything.

Smith made a motion to approve the CUP to place a used 24' x 24' detached garage on the property as long as it meets all setback requirements. Quiggle seconded the motion. Motion carried unanimously.

Variance to construct a 30.5' x 50' dwelling addition/attached garage approx. 10 ft from a side lot line (min. 15 ft required).

Applicant: David and Marie Theis

Property address: 9050 Ingram Ave NW, Annandale

Sec/Twp/Range: 15-121-27

Parcel number(s): 206023001200

**Present:** David & Marie Theis – Rob Lettellier

**Theis:** Basically we will be moving the detached garage across the road to Brian Andersons and would like to attach a garage to our home.

**Oleson:** These are the people across the road from Brian Anderson. The main question is if they can attach a garage and meet the setback. They have depth, they are trying to meet the layout of the home. It would be 10 ft at the one corner and it would meet the 15ft by the road. Recommended conditions would be to protect the neighbor's property from run off.

**Audience:** None

**Quiggle:** Ideally I would like to see the side yard setback met just to give space on the side. But with only a portion of the garage not meeting I would be in favor of approving.

**Arendt:** No problem.

**Guck:** With no objection from the neighbor I'm good with it.

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

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

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

**Taylor:** I'm good, but no closer than 10ft.

Quiggle made a motion to approve variance to construct a 30.5' x 50' dwelling addition/attached garage no closer than 10 ft from a side lot line, setback to be verified, 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 adverse effects on the neighboring property from the proposed construction and/or grading that may change the flow of stormwater.

Schultz seconded the motion. Motion passed unanimously.

Ordinance amendment to add "Schools with 150 students or less" to the list of conditional uses within the General Agriculture (AG) district

Applicant: Jane Goodall Environmental Sciences Academy (JGESA)

Property Owner: True Friends

**Present:** Jackie Longhenry, Tom Colburn, George Walker

**Colburn:** Thanks for everything, and for the last meeting it was a wakeup call to everyone. We are asking for two things. We are looking for an extension of the CUP and an amendment to the ordinance to allow for a school in Wright County. We did review the historical minutes, met with Ben and with Sean Riley to get advice and guidance. We also engaged a consultant to help us with this process. We have done some additional work on moving towards the long term project with getting the amendment done and our long term building done. I will let Jackie and George continue with that.

**Longhenry:** Basically we need an extension for 3 years, this will give us time to establish and build a permanent facility working with True Friends.

**Walker:** The reason in getting the amendment going is that we have been working with True Friends, we are both non-profits, so they need us to support them and we need them. We have been look at other options also, however, we have a great relationship with True Friends and would like to continue to work with them.

**Colburn:** One of the questions we are coming here first for the amendment. That was on the advice from Sean Riley & Ben Oleson so that we could find out if Corinna would be in support of the amendment.

**Oleson:** The idea of coming here first is so they know if you are in favor of it or not. If the County approves it you would not have to approve. Therefore, if you are not in favor they would not go to the County. I put these as two separate items but you can discuss them together. I am anticipating if you would like to know if the County will support this amendment or not, the only comment I received from Sean Riley was that they had not received any complaints or concerns. There is a lot information on the past history of why they did not go through. The difference in this request is the limiting to 150 students or less. Some concerns were the emergency services and city services. I think there was some agreement of putting charter schools schools/environmental schools out there may work. Not sure if they would still be concerns or not. Right now it limits to being within 1.5 miles of the city in a residential district. The proposed change is to allow in agricultural district, limiting it to 150 students. I did put some information of what other counties have done. This situation is unique in having a current facility. The process is if you recommend to approve and then it would go to the Town Board and then to Wright County to amend the ordinance.

**Taylor:** We have heard from many of you in the past and many of you are in favor of having the school, I would ask for public comment to be limited to new items.

**Audience:** I think from an environmental stand point, using a current structure for multiple purposes a real positive.

**Arendt:** I will recuse myself since my wife is on the board.

**Guck:** I am in favor of it and was last time. Anytime you can improve the current system by giving students an additionally opportunity I am all in favor.

**Schultz:** Originally I had voted against it. That was because there was question if Camp Courage should be in the school business. I certainly feel that you have done a very good job with what you have done and I'm ok with it.

**Naaktgeboren:** I come from an educational back ground with my wife teaching Special Ed. I think it is great and you have great education board. I believe the sewers were updated in 2012, emergency service, you are close to Maple lake and they are quick. If you look at the discussion from years ago things have changed, I'm for it.

**Smith:** Last time you were here I set the tone we should table it and get some response from Wright County and want us to do that, I'm am ok with it.

**Quiggle:** I think it does a good job addressing the issues that were brought up in the previous discussions. I think it is essential that it is an established facility and not built new. It addresses the County's concerns. I think that having alternative learning is a good thing.

**Taylor:** I believe it is a good thing, kids learn different and hands on learning is key for some. My only concern is that if we move forward is that it is in an established facility that can adequately handle the capacity. We have to be more restrictive than the county, so we may want to look at limiting the distance from the city.

**Oleson:** You can recommend specific rules to the County or you can recommend general rules to the County and make your limitations later. The ordinance change would be for all of Wright County not just this situation.

**Smith:** I feel we let the county do their thing, and we can be more restrictive later.

Guck made a motion to recommend the approval of an Ordinance amendment to add "Schools with 150 students or less" to the list of conditional uses within the General Agriculture (AG) district at an existing facility. Smith seconded the motion. Motion approved unanimously.

(Tabled from June 2017 hearing) Request to extend the time frame for the temporary operation of a charter school within an existing organized group camp from Spring 2018 to Spring 2021.

Applicant: Jane Goodall Environmental Sciences Academy (JGESA)

Property Owner: True Friends

Property address: 8046 83<sup>rd</sup> Street NW, Maple Lake

Sec/Twp/Range: 22-121-27

Parcel number(s): 206000224100, 206000233200, 206000233201, and 206000233300.

**Present:** Jackie Longhenry, Tom Colburn, George Walker

**Oleson:** They are asking for this three year extension regardless of the passing of the ordinance.

**Longhenry:** Yes, this will give us time weather the amendment passes or not. This will give us four years from now to get things relocated if that is the direction that we have to go.

**Arendt:** abstain

**Guck:** I'm good with the extension.

**Schultz:** Good

**Naaktgeboren:** So if the Ordinance is not approved you would have to have a plan in place and begin working on contingency plan?

**Longhenry:** Yes, the three year extension would give us the time we need to work on a contingency plan.

**Smith:** I am good with it.

**Quiggle:** I would like to make sure that this is it. If the ordinance goes through we are golden and we do not have to worry about the extension, if not you need to work on the contingency plan and have it in place knowing there are no more extensions.

**Taylor:** I do not have an issue since you are working diligently to get this going.

Schultz made a motion to extend the CUP to extend the time frame for the temporary operation of a charter school within an existing organized group camp from Spring 2018 to end of school year 2021 with the same conditions already in place. Smith seconded the motion. Motion passed unanimously.

Quiggle made a motion to approve the July 11, 2017 meeting minutes. Guck seconded the motion. Motion passed unanimously.

#### Zoning Administrator's Report

- Permits

- Correspondence

- Enforcement Actions

- Findings of Fact – Previous PC/BOA Decisions; tabled

**Oleson:** There was a letter written to the board regarding vacation rentals. They are asking for an ordinance change to restrict them. The Town Board did not feel they wanted to make any changes. I did let them know how the board felt, I did let them know that they could come and ask for an ordinance amendment. I did talk to Sean Riley and they do not regulate, and they do not plan to. Stearns County does regulate them and Douglas County is looking into it. The question is do you want to have a public meeting asking for an ordinance change. The board felt they did not want to get into regulating them at this time, if it is a nuisance they can contact the sheriff.

**Oleson:** A question that came up from someone that lives in community where cutting trees is more regulated has a concern with neighbors cutting down trees on the shore line, not clearcutting but clearing out some of the shoreline and wondering why do we not follow up on that more. My response was that there are regulations on what they can do, we do not have the staff time to drive around and watch for this. I just wanted to make you aware. He also asked about who goes out to make sure that grading is completed to what was approved. I just wanted to make you aware of the question.

**Oleson:** Sean Riley let me know they are looking at an ordinance change or policy change regarding a new state law where someone cannot record a split/subdivision without zoning approval. It used to be that it would be recorded and they and they may or may not let us know. The new law indicates states it can choose to not record it. They will have a public hearing. If you have comments or thoughts let us know. The only issue may be the timing.

#### Other Business (if time allows)

- Discussion - Erosion protection requirements and enforcement – No discussion

- Review of previously granted variance requests – No discussion

Smith made a motion to adjourn. Schultz seconded the motion. Motion approved unanimously at 9:34 pm.