

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
September 12, 2017
7:00 PM

Taylor called meeting to order at 7:00pm on September 12, 2017

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

Absent: Al Guck, Larry Smith, Dick Naaktgeboren

Others in Attendance: Terry & Gretchen Nelson, John Peterson, Mark & Monica Raskob, Jack Schabel, W. J. Burke, Wayne Hoistad, Paula Hoistad, Nick Pietsch, Nick Cain, Mary Jane Miller, Richard Hilgers, Tom Zumwalde

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 August 2017 meeting) 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 14 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).

Applicant: Terry A & Gretchen K Nelson
Property address: 9905 103rd St NW, Annandale
Sec/Twp/Range: 9-121-27
Parcel number(s): 206012000080

Present: Terry & Gretchen Nelson

Nelson: We had the septic certified and we had the survey done with the topographical lines done. We redesigned the garage we dropped the inside wall height from 10ft down to 8ft, we dropped the lower storage area down also for a total of 4ft bring us from the 19.5 to 15.5 feet, we will add some fill to bring the sidewall height to 14 feet on the back side where it tapers down. You had requested a 6ft high in the lower, wear are hoping 6.5 height to allow for lights.

Oleson: Just a couple of number changes from what was read, the 28 ft from the center line is 26.2 the 19.5 height is now down to 14 ft, the reason I put 12-14 for what is allowed is due to zoning. The front side is zoned R1 which is 12ft and the back side where the garage is going is zoned AG which is 14ft so not sure how you want to handle when a R1 parcel is being attached to an AG parcel.

Quiggle: There parcel goes across the road currently correct? And is that zoned AG? The reason I'm asking is I've been in similar situation where when the lot line adjustment was done it became the same zoning that it was attached too.

Oleson: When I talked to Wright County you could end up with two parcels depending on the situation. We do have it as a variance so you can decide how you want to handle. Just wanted to make sure you understood why. Variance is road setback, 26.2 from center there are provisions for 20 ft from the right of way but there is not an exact right of way since it is a private road.

Taylor: How wide is the road top?

Oleson: From 8 ft from 10.5 ft when I measured. Survey is showing 20 ft. easement.

Quiggle: The right of way is further than the traveled surface it would be the easement?

Oleson: Typically yes, but as a private road not sure if this is a right of way. The main question I raised is they could meet the set back and if so do they have a practical difficulty?

Audience: John Peterson, attorney for Ray Weiss/Butterton, they have a few concerns some of which have been addresses with the modification of the plan. I forwarded a letter from the Annandale Fire Department, the concern they have is the width of the easement seems to be getting tighter and tighter, and by ordinance it should be a minimum of 10 ft. The septic of the Nelson's is located on the lake side and the retaining wall is beyond that which is then encroaching on the easement. I met with the Fire Chief and they could not get back there. There are a few trees that would have to be removed and some issues with the Weiss/Butterton property concerning a power pole and the access gate. We are addressing all the issues. One of the conditions we would like to see if the variance is approved that the access easement be restored to 10 ft at the minimum. One of the other issue address the height, my understanding they have lowered the sidewall, they would like to see that in accordance with the ordinance.

Schultz: Is this a township road? Do they have to abide by the setbacks?

Oleson: No, it is an easement. Yes it is an easement road.

Nelson: The road right now is 9ft, the shed is 6 feet back from there. The garage were proposing does not impede on the roadway, we are planning on taking some trees down for the driveway so that should help with some of the issue.

Oleson: the 20 ft is for the easement that does not mean that the driveway surface is 20ft. Presumably if they wanted to construct a wider driveway they could do that, but that is not for us to decide.

Schultz: This is the time to fix this problem.

Quiggle: I prefer that we go with the solution that we do not allow the variance. There is no need for a variance because we could go with option two.

Nelson: It is not economics, it would require a lot more fill with the drop down. We are trying to work with the land and bringing fill in to bring it to your requirement. We are also concerned with the flow of water not to shed water to the other property.

Quiggle: I do feel strongly about the road be accessible for emergency vehicles. I strongly feel that the small shed should be moved since the retaining wall is impending on the easement.

Arendt: The shed there right now, will it stay or go?

Nelson: We were going to keep it.

Arendt: Could you move the shed back and make more room?

Nelson: We could and we would be removing some of the trees which will give more room.

Arendt: Assuming the wall stays, you could remove a few trees and move the shed back to give more room.

Quiggle: I did want to say that I am happy to see the sidewalls come down, however, could you bring that down to meet the ordinance and I have greater concern with the side wall height.

Nelson: We could bring in more fill.

Quiggle: In that case the 26ft is not out of line with others that we have granted. I would like to see the existing shed moved back.

Schultz: Keep in mind the 20 feet, so that is to an issue down the road.

Taylor: I would like to see it set back a little further, but I understand the reasoning. I would like to see with the road and the easement to work together to remove some trees to widen the road. The way it is now they would have an issue getting in. I would like to have the shed moved back. I would like the side wall at 12’.

Nelson: We are willing to take some of the trees and we could move the existing shed back a little further.

Arendt: What about the issue with the lower level being at 6ft.

Quiggle: What is the ordinance with the seconded level?

Oleson: If the bottom meets the definition of a tuck under garage then there is no limitation as long and no more than one side is 25% exposed. If they do that then the lower level is not an issue and there is no limitation. The issue that came up last month is if they do that it may require a CUP due to the amount of fill, and the question is that worth it, or are we better off giving them the variance.

Taylor: My understanding is that it only storage.

Nelson: Correct.

Oleson: They could do that, however, do you want more fill. You could add some conditions as to how it could you be used.

Quiggle made a motion to approve the variance to construct a 24’ x28’ single-story garage approximately 26.2 feet from the centerline of the road on a parcel less than one acre in size with a 6’6” lower level ceiling height and lot line adjustment to transfer approx. 6,588 sq ft of Parcel 206-000-092302 to Parcel 206-012-000-080 to accommodate proposed garage. Lot line adjustment would reduce road frontage on an existing lot of record from approx. 112ft to approx. 83ft. and deny the variance to construct a detached garage with sidewall height of 19.5 ft with the following conditions:

1. That the existing nonconforming shed be moved at least 20 feet from the existing traveled surface;
2. That the applicant clears trees to ensure a minimum passageway of 12 feet from the existing rock wall on the south side of the private drive;
3. Lower level storage not to be used for living space or larger vehicles
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; and
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, 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. Motion carried unanimously.

Variance to construct a 20' x 21' dwelling addition approx. 48 feet from the centerline of a township road (min. 65 ft required). Existing dwelling is approx. 110 feet from the centerline of a state highway (min. 130 ft required).

Applicant: Nick Cain

Property address: 7970 State Hwy 55 NW, Maple Lake

Sec/Twp/Range: 35-121-27

Parcel number(s): 206000353300

Present: Nick Cain

Cain: Looking for more space and our house is too close to the township road.

Oleson: They are coming about 20 ft closer to Illsley Ave. They are at 66.5 currently with the addition they would be at 46.5 and they are currently 110 feet from the centerline. The addition will be further from the state road even through the existing house does not meet the setback.

Taylor: When was the house built?

Oleson: Indicates it was moved on site in 1968.

Cain: There were a few additions to the home over time.

Audience: none

Quiggle: This is a reasonable use of the property. If the township has no issues I am happy to go with them and say that it's ok. They are constricted on where to go with the addition with the elements of the farm.

Arendt: They are compliant with the septic? The compliance would have to be done before the addition is applied for.

Cain: I did submit a septic design and it would allow for a third bedroom.

Schultz: I am good with it

Taylor: I am good with it.

Quiggle motion to approve variance to construct a 20' x 21' dwelling addition approx. 48 feet from the centerline of a township road. Existing dwelling is approx. 110 feet from the centerline of a state highway with the following conditions:

1. That a septic inspection be completed prior to the issuance of a permit for the addition, should it be deemed necessary by Wright County Environmental Health staff; and
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.

Arendt seconded the motion. Motion carried unanimously.

Variance to construct a septic system approx. 3 feet from a side property line (min. 10 ft required).

Applicant: Mark & Monica Raskob

Property address: 11702 Hollister Ave NW, Annandale

Sec/Twp/Range: 2-121-27

Parcel number(s): 206000021301

Present: Mark & Monica Raskob, Jack Schabel

Schabel: The septic currently on the property is non-conforming and therefore needs a new septic. The new design has been sent to the County and you have a copy of. It requires it to be three feet from the property line.

Oleson: This is a lot on Sugar Lake that is tight on space to work with. It is an existing system that needs to be updated. The only question is there a way to squeeze it to get it further away.

Schabel: The issue is the well and moving it would result in issues with the wells.

Arendt: With a type 4 does it need to be serviced every 6 months?

Schabel: It is an annual requirement.

Arendt: I'm good with it.

Schultz: I'm good with it.

Quiggle: I'm fine reason being the smallness of the lot and confinement with the wells.

Taylor: I'm am good with it.

Schultz made a motion to approve the variance to construct a septic system approx. 3 feet from a side property line. Quiggle seconded the motion. Motion approved unanimously.

Variance to construct a 30' x 40' walkout basement and 10' x 30' covered porch under and attached to an existing 30' x 30' dwelling approx. 59 feet from Cedar Lake (min. 75 ft required) and within the side yard setback (min. 15 ft required).

Applicant: Wayne H & Paula B Hoistad

Property address: 7330 Isaak Ave NW, Annandale

Sec/Twp/Range: 27-121-27

Parcel number(s): 206068000050

Present: Wayne & Paula Hoistad

Hoistad: We purchased cabin on Cedar Lake it is a log cabin so our options to create a little more living space are limited, we cannot go up so we would to do a basement. On the drawing we made an adjustment, we were looking at a 10' x 30' addition, however, due to where the septic is located we are now looking at a 16' x 10' to keep 10 ft from septic system. We talked about the side yard setback, the drawing that I did submit, shows some of the stakes, we did not find the markers, however, the power poles line up with the steal posts on Isaak. In looking at this if we go with the power poles that leaves us with 15.6 ft on the one corner, when we get closer to the lake there is more room.

Quiggle: Are there building plans for this? With the walk out there is excavation towards the lake, showing the four sides of the home and the elevations?

Hoistad: I did draw some plans, however, we do not have a full set of plans at this time. The side lot would be very close where we would put two small retaining walls, most of the excavation would take place on the south corner, and we currently have three to four feet that is showing so it would not be much elevation. We would try to minimize the amount we take out front. We did have Andrew from the County come out and stake the wet land area.

Taylor: How will the drainage go? That is a low area and your neighbors is low also.

Hoistad: The low spot would still be on our property and we would not be adding any fill there.

Quiggle: Do we have an impervious coverage calculation.

Oleson: We have this old survey form 1960s with the original site plan. I did some calculations and felt we were well under impervious and building coverage. Our focus was on the setbacks. What I typically do is see what the issue is, and the impervious is not an issue. They are lifting the house and putting it back down so they are not changing from the current setback and the impervious would not be changing. You could make the survey a condition of approval or you could table it for the survey.

Quiggle: My other question is the septic and we do not have an accurate survey and we do not see where the drainfield is. Without the drawing we do not know if the house could possibly move back. We do not have good records of where things are located. I am concerned is the excavating may be in the shore impact zone.

Schultz: How far would you need to move the deck back?

Hoistad: About 17ft which would put it in the drainfield.

Taylor: What are you using the basement for?

Hoistad: Living space, bedroom, laundry.

Taylor: What are you looking at for a walkout area?

Hoistad: We would be looking at 10 – 15 ft of walkout area.

Taylor: I would prefer to see a survey and a building plan. That gives a lot more design as to what is going on with the landscaping and amount of fill.

Quiggle: I feel it would be to your benefit to have the survey.

Schultz: Septic will need to be inspected.

Hoistad: It was inspected when we bought it.

Quiggle: I would like the topography on the survey so that we can see what those will be with the neighbor. Knowing where

Quiggle motion to table for the following:

1. A survey from a professional surveyor (including topography, location of existing sewer tanks and drainfield);
2. Elevation drawings of the proposed walkout basement; and
3. Elevation drawings indicating how the cutout for the walkout would look when completed.

Arendt seconded the motion. Motion passed unanimously.

Conditional use permit to place greater than 50 cu yards of fill from basement excavation in rear portion of lot for a potential future building pad.

Applicant: Wayne H & Paula B Hoistad

Property address: 7330 Isaak Ave NW, Annandale

Sec/Twp/Range: 27-121-27

Parcel number(s): 206068000050

Present: Wayne & Paula Hoistad

Quiggle made a motion to table for the following:

1. More detailed information about the location of fill placement on the lot in relation to the wetland; and
2. Elevation drawings indicating how the cutout for the walkout would look when completed.

Arendt seconded the motion. Motion passed unanimously.

Variance to construct a 24' x 24' detached garage approx. 3 feet from a side lot line (min. 10 ft required) and 48 ft from the centerline of a township road (min. 65 ft required).

Applicant: Nick L & Lexi M Pietsch

Property address: 10955 108th St NW, Annandale

Sec/Twp/Range: 8-121-27

Parcel number(s): 206051001050

Present: Nick Pietsch

Pietsch: There is no garage on site, would like one for storage. There is a shed there now and it is ½ the size that were looking at. I talked to the neighbor and he is fine with it. I would like to keep it over as much as possible with the septic over there and the underground power line. The cup for the fill on the lot across the road was tabled last year for the wetland delineation we have that done now and the previous owner put in a culvert to relieve the water from the lake side. To the left is a blue line where the fence is so the water drains properly.

Quiggle: There are no requirements for elevation on an accessory structure are there?

Oleson: Yes anything over 576 sq ft. have to meet elevation. The variance for the garage within the side yard and road set back what prevent it from meeting the setbacks. With the CUP he did have the wetland delineation done and the history as he mentioned was he did not have wetland delineation and now we do. We have one concern from a neighbor indicating there was another permit this one is the same as last one last year. On the variance, the side yard and they are very close to impervious, so we asked for an as built survey and when we talked about that he would be staying under the 25%. He will do whatever it takes to stay under the 25%.

Pietsch: I am looking at the driveway and may be cutting some of that back

Quiggle: Why don't you move the garage over from the side yard and then just bring the driveway into the garage which will eliminate some impervious.

Audience: Richard Hilgers – we own the property the across the street where he wants to put 800 yards of fill. That is a lot of fill, one of the things that you have mentioned is to use it for parking, two things you can park vehicles, if they allow you to put fill in there what are you going to put on that?

Pietsch: The idea for now would be to reseed it. The idea is to get the fill in to bring it to the elevation needed to build a garage someday.

Hilgers: As long as you can park on it now, why not wait until you know what you are going to do.

Pietsch: I started this last year thinking we were going to put a garage on it right away, however, now we are looking at putting one on the lake side. As long as we started the process I felt it would be good to finish it.

Tom Zumwalde: Couple of things I think this his third request in a short period of time and alarms are going off. The original variance was to remodel and existing building, it was gotten larger and raised the building about twice as high as it was before. As far as the garage goes, it makes since and there is plenty of room. I am not sure it makes since to be that close to the property line. It enhances his property at the cost of his neighbors and I do not see any hardship. The other thing that he did submit was a photo of the garage with a 4x12 pitch is that truly the roof pitch or will it be higher. As far as across the road, it has gone from a camping site to a parking site to a possible pole shed site. Initially he was talking about 1500 cu yards of fill and now he is talking 800 cu yards. That is 70 – 80 truckloads that is incredible. I know what happens when we get a lot of rain and it is wet, that water has to go somewhere. The staff recommended 1,000 sq feet which is still larger than what he needs it over there.

Quiggle: I do not see any practical difficulty on the side yard setback. I can see having it 10ft off the property line. I would rather see it closer to the road than the side lot line.

Pietsch: Part of the garage would then be going over the powerline.

The board and Pietsch had discussion on where to move the garage so that he could meet the side yard setback.

Nick: I could meet the side yard if we can go 25 from the road right of way.

Taylor: I feel we have to meet the 10 ft side yard setback.

Oleson: There is a setback to the septic of 20 feet.

Quiggle: But he could get closer?

Oleson: Yes that is an Administrative permit.

Arendt: Will you be able to meet the 25% impervious?

Pietsch: We have worked on the lake side of the home, now we are working on the backside and the driveway to make sure we hit the 25% impervious.

Schultz made a motion to approve variance to construct a 24' x 24' detached garage 25 feet from the property line along the south side of the public road and deny variance to be 3 feet from the side lot line with the following Conditions:

1. That the minimum side yard setback of 10 feet be met;
2. That an as-built survey be submitted upon completion of the garage;
3. That the lot not exceed the 15% building coverage or 25% impervious surface coverage limits;
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; and

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 onto neighboring properties. 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.

Quiggle seconded the motion. Motion passed unanimously.

Conditional use permit to place approximately 800 cubic yards of fill to create space for parking and possible future storage building.

Applicant: Nick L & Lexi M Pietsch

Property address: None

Sec/Twp/Range: 8-121-27

Parcel number(s): 206000082209

Present: Nick Pietsch

Pietsch: The 800 is a mathematical thing, I don't know that I want to pay for 800 yards of fill. I want to raise that up a little bit, it would be nice to have a roundabout in there to pull in the boat and trailer. The channel is what relieves the water in there.

Schultz: You would like to bring it up to the road.

Pietsch: Yes I believe the road is at the 996.

Oleson: With the fill, first there is the wetland delineation that was done so are we really still looking at 800 yards of fill?

Pietsch: You're right I did not refigure that so it would be down some maybe 600 yards or 400, could we just state bring it up to the 996. I would keep the channel stretch of water flow. There would be fill just on the one side.

Oleson: They are taking out of the wetlands and he is dealing with the DNR, and making sure he is not impacting neighbors. If he is going to build a building it is going to need to meet elevations.

Taylor: How many feet is it across, depth and width

Pietsch: I do not have the map in front of me.

Quiggle: Disturbing the area and I do not see putting in fill where there is standing water. There is wetland and then drainage area. I do not see where if you are bringing in 3 feet of fill that it will not be draining onto their neighbors. I would leave it as it currently is.

Schultz: What is required to put a garage on the property?

Oleson: The floor of the garage has to meet the required elevation unless under 576 sq ft.

Schultz: I do not see any more of an issue as long as he leave the ditch there it will still drain as it has been.

Arendt: I have to side with Quiggle that it is holding water and it will create a drainage issue.

Taylor: I have an issue with 800 yards. I could see if you want to do an area by the road for parking a vehicle.

Arendt: Will you have to take down some trees?

Pietsch: The trees would stay, and keep the trench where it is. The fill would be past the trees and back. I would not be adding fill where the trees are. It could be 400 yards of fill.

Taylor: I have an issue with 800 yards.

Quiggle made a motion to deny the CUP for 800 yards of fill. The reason being it is not reasonable to put that much fill in an area that will create a drainage issue. Arendt seconded the motion.

Arendt: Could we say that he could put in no more than 400 yards and has to be on the far side to avoid the drain trench and away from the trees.

Oleson: You could do that.

Quiggle: I would like to see something drawn out and plotted out before we approve anything with an exact amount of fill.

Schultz: Could we could withdraw or table for a better plan?

Oleson: Yes

Motion failed: Quiggle & Arndt for; Schultz & Taylor against.

Schultz made a motion to table the request for a more detailed layout of where fill will be located on the property and more detailed calculation of necessary fill. Quiggle seconded the motion. Motion carried.

Approve Previous Meeting Minutes – No motion

August 8, 2017

Zoning Administrator's Report

Permits – No discussion

Correspondence:

Oleson: Question regarding easement separating lake property from back lot. The driveway easement is for a driveway only to one property. Would we include both for impervious coverage? In other areas I work in they do not have a separation like we do. If we allow that, people put all their impervious on the lake side and that affects to the lake. When talking with the county they kind of said it is up to you guys. The board discussed that they should be looked at separate and they would have to come in for a variance.

Enforcement Actions – No discussion

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

Other Business

Discussion - Erosion protection requirements and enforcement – No discussion

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

Quiggle made a motion to adjourn. Schultz seconded the motion. Motion approved unanimously at 9:46pm.