

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
October 10, 2017
7:00 PM

Taylor called meeting to order at 7:00pm on October 10, 2017

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

Absent: Trish Taylor, Dick Naaktgeboren

Others in Attendance: Westin & Wendy Nelson, Nick Pietsch, Bernie Miller, Paul & Wayne Hoistad, Tom Neu, Tom Gullifer.

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

Public Hearings

(Tabled from September 12 meeting) 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

Mr. Hoistad: We completed the survey, currently the structure is within the 15ft setback and would like to add a small addition to the back of the structure. The distance of the lot line would be 12.7. The septic tank would be 10ft from the cabin and drain field goes out from there. We had asked to lift the structure and put in a basement walk out towards the lake, retaining walls at each side that would be right at 3.5 feet and lift it up a little more so that we would not need as much fill. We would step that retaining wall back. With the elevation slopes we would have little disruption on the one side.

Audience: None

Oleson: They provided the survey so we have greater clarity of the setback. The existing house meets the side yard setback, the addition would be at 12.7. The basement would be 53.7 feet from the lake at its closest point. They would like to use the fill from the basement and bring it to the back side of the lot, some would be for a garage pad some would be some slope. Soil and Water was out and marked the wetland area so they would have to make sure they stay out of the wetland.

Schultz: I like what you have done and I'm ok with it.

Smith: Do you know how much fill you will be moving?

Mr. Hoistad: Estimated at about 125 cubic yards.

Smith: I missed last month so getting caught up, I will defer for now.

Quiggle: Is the gravel driveway covering part of the drainfield?

Hoistad: We found that out, we not aware until we have the survey done. We are looking on making changes to that.

Quiggle: Wondering if there would be room for an alternate drainfield should the current one fail, one of the concerns I have is that if you are going to put a garage in the future that may be where the drainfield would go. Since you have been driving on the current drainfield I think you just need to be aware of that. As far as the fill up by the shed where you want to put the garage, I just want to know about the drainfield possibility.

Miller: We did do the inspection originally. But my thought is that where the possible garage is would be within the well set back so it could not go there. Looking at what could be done seems like it would be a type 3 and away from the proposed garage.

Quiggle: With the 50 ft setback for the well, I am fine with the fill for the proposed garage, I am not sure I am ok with the fill by the road and feel it does not need to be mowed and thinking that you could do other grasses. My only other request would be a native buffer along 75% of you shoreline 20 feet up from the lake.

Arendt: I have some concern with the foundation will be poured concrete?

Hoistad: They are insulated block and then poured inside.

Arendt: Ok that sounds better my concern was that with poured walls you have to excavate much further than the size of the foundation.

Guck: I was not hear last month either, however, I did want to mention that septic which you have addressed.

Quiggle: Do you know how old that septic is?

Hoistad: On the previous survey it showed the drainfield elsewhere so thinking it was put in after the survey but not sure.

Miller: Looks like it was just drawn out on the survey, it is not necessarily what the actually did. I'm pretty certain that this is the original septic. How long the driveway I have no idea.

Quiggle: How compromising is that?

Miller: I have seen garages, driveways etc. It may cut some life off of it but I do not see it as a huge issue.

Quiggle motion to approve Variance to construct a 30' x 40' walkout basement and 10' x 16' covered porch under and attached to an existing 29.6' x 33.8' dwelling approx. 53.7 feet from Cedar Lake (min. 75 ft required) and with a 12.7 ft side yard setback (min. 15 ft required). 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.

3. That a vegetative buffer of native vegetation be established on 75 percent of the width of the shoreline for a minimum depth of 20 feet from the shoreline.

Schultz seconded the motion. Motion passed unanimously.

(Tabled from September 12 meeting) 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

All concerns were address previously with no additional concerns addressed.

Quiggle made a motion to approve Conditional use permit to place greater than 50 cu yards of fill from basement excavation to be placed on survey shown as exhibit A, not to implead on areas marked as wetlands with the following conditions:

1. That the area of fill be limited to approximately 125 cubic yards to allow for creation of a pad for a reasonably sized garage and for leveling out the area near the road to allow for easier lawn maintenance as indicated on the handwritten sketch (Exhibit A). This will allow for reasonable areas of fill while minimizing the loss of stormwater storage area. No fill is allowed in the wetland area.

Smith seconded the motion. Motion Carried unanimously.

(Tabled from September 12 meeting) Conditional use permit to place approximately 400 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: I had Hendricks Sand & Gravel come out and look at it, and measured where it is marked and came up with the 400 cu yards.

Audience: None

Arendt: I am glad he went from 800 – 400 cu yards and that it is marked out. Just making sure you are making sure you are staying away from the property lines.

Pietsch: I did talk to the neighbor and if he wanted me to put that in writing I would. I will be staying away from the property line along where the drainage area. I want to make sure that we keep the swale that is already there. I will be staying away from the trees.

Smith: I am good with it.

Quiggle: We received a letter that you can park cars now so why is it needed.

Pietsch: It is really uneven.

Quiggle: 400 cu yards still seems like a lot of fill to me. One of the elements of the Wright County plan is that we should stay in harmony with the natural landscape and not give into the development of property. Given that I have trouble see where this is consistent.

Schultz: I am good.

Guck: The fill would be outside of the wetland areas and covering 7500 sq ft. If it is under 400 cu yards will you quit?

Pietsch: Yes I don't think it will take that much and if I do not need it I will not use it.

Guck made a motion to approve Conditional Use permit to place approximately 400 cubic yards of fill to create space for parking and possible future storage building with the following conditions:

1. That the fill shall maintain a minimum 10 foot setback from side property lines and wetland areas.
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 the area of disturbance and the road and neighboring property to the west, seeding of all disturbed areas and installation of erosion control blankets as identified in the submitted erosion control plan, or as otherwise recommended by Wright County SWCD and/or approved by the Zoning Administrator.
3. The applicant shall implement 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 runoff from the site prior to it flowing onto the township road and/or the neighboring property to the east. 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.
4. If, at any time within five (5) years of the approval of the placement of the fill the Zoning Administrator determines, after consultation with the Wright

County SWCD and the landowner, that significant erosion, drainage or other negative impacts from stormwater runoff are occurring as a result of this project, the applicant shall implement best management practices sufficient to mitigate those negative impacts, whether or not such necessary practices were contained in the original or mitigation plan identified in #3 and 4 above. This may include the removal of fill placed during this process to restore an area for flow or detention of water.

Schultz made a second. Oleson clarified that 10ft setback will work. Motion passed 4-1 with Quiggle opposed.

Variance to construct a new dwelling with open deck (to replace the existing dwelling) approx. 65 ft from Clearwater Lake (min. 75 ft required).

Applicant: Westin and Wendy Nelson

Property Owner: Westin W Nelson Rev Trust

Property address: 11110 108th St NW, Annandale

Sec/Twp/Range: 7-121-27

Parcel number(s): 206034000070

Present: Westin & Wendy Nelson, Bernie Miller

Nelson: We are going to take down the old home and build a new one. We would like to build a new home 75 ft from the lake with the deck at 65 ft from the lake. Right now the house is about 49 ft from the lake and deck about 38 ft from the lake.

Miller: There is a ridge that runs along the lake side and the house is in the middle of that ridge. Ideally putting the house in the same place would be great, but realizing how close we are and looking at a different style house we had to make some adjustments. Currently about 75% of the shoreline is native. The new proposal pull the house back 26ft it is about as far as we could possibly do it to get the septic system to work along with the grading. The property has a natural depression. I have a preliminary storm water management plan, the majority of the water would go to the basin and it infiltrates nice. All the other setback are met.

Oleson: Variance is for the lake setback only for the deck. The main question is can it move back to meet that.

Audience: None

Quiggle: What is the practical difficulty to not meet the setback?

Miller: We cannot meet the septic set back, and with the contours of the land it would create a drainage issue.

Quiggle: We could give a variance to the septic rather than the lake.

Miller: The contours of the land the drainage will not work to keep the water away. We did look at being able to move it back further. Miller pulled up the site plan showing where the water will flow and what is needed to keep the water going where it needs to go.

Quiggle: If it not possible can we shorten up the deck?

Nelson: It is a matter of we are currently 38 ft from the lake and have a panoramic view now were looking down this tunnel.

Quiggle: I would like to see the deck shortened, those are my thoughts as with 75% of shoreland as a native buffer 20 ft back.

Smith: Personally I do not feel that 10ft is that big of a deal. I am good with it.

Schultz: I agree it is good.

Arendt: I like they are moving the house back and getting a new drainfield which are all positive. I am fine with it.

Guck: I too feel that you have done what you could. I am in favor.

Smith made a motion to approve the Variance to construct a new dwelling with open deck (to replace the existing dwelling) 65 ft from Clearwater Lake (min. 75 ft required) 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 the area of disturbance and the road and neighboring property to the west, seeding of all disturbed areas and installation of erosion control blankets as identified in the submitted erosion control plan, or as otherwise recommended by Wright County SWCD and/or approved by the Zoning Administrator.
2. The applicant shall implement 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 runoff from the site prior to it flowing onto the township road and/or the neighboring property to the east. 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.
3. Recommend that a vegetative buffer of native vegetation be established on 75 percent of the width of the shoreline for a minimum depth of 20 feet from the shoreline.

Schultz seconded the motion. Motion passed unanimously.

Conditional use permit for the placement of approx. 500 cu yds of fill for the construction of a new driveway and adjacent retaining wall.

Applicant: Westin and Wendy Nelson

Property Owner: Westin W Nelson Rev Trust

Property address: 11110 108th St NW, Annandale

Sec/Twp/Range: 7-121-27

Parcel number(s): 206034000070

Present: Westin & Wendy Nelson

Nelson: So moving the house back takes it out of the bluff we need to bring in fill around the house. So we need to bring in fill around the structure so the water is not running towards the house.

Miller: If we would have gone where the house was we would have less fill but with moving it back we are dropping back from the hill that is there. There is no need for fill on the lake side all the fill will go on the road side. The only real area is sculpting some of that down with some fill on the right side, west side cutting it out. 90% of the fill will be on the road side, very little potential for erosion getting into the lake. We will have silt fence around the east side, will have a rock entrance to keep the sedimentation off the road.

Oleson: Everything has been said.

Schultz: I'm ok with it.

Smith: It sounds like a lot of fill is there any way to get that down.

Miller: We look at steeper slopes but then we get more erosion and I feel that this is a better solution.

Quiggle: I think this is good

Arendt: I am fine with it.

Guck: I am good with it.

Smith made a motion to approve the Conditional use permit for the placement of approximately 500 cu yards of fill for the construction of a new driveway and adjacent retaining wall 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 the area of disturbance and the road and neighboring property to the west, seeding of all disturbed areas and installation of erosion control blankets as identified in the submitted erosion control plan, or as otherwise recommended by Wright County SWCD and/or approved by the Zoning Administrator.
2. The applicant shall implement 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 runoff from the site prior to it flowing onto the township road and/or the neighboring property to the east. 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.
3. The applicant shall submit a stormwater mitigation plan that identifies additional best management practices that could be taken to address stormwater containment that may be necessary if the fill were to negatively impact the neighboring property or the lake if the approved plan proves to be inadequate.
4. If, at any time within five (5) years of the approval of the placement of the fill the Zoning Administrator determines, after consultation with the Wright County SWCD and the landowner, that significant erosion, drainage or other negative impacts from stormwater runoff are occurring as a result of this project, the applicant shall implement best management practices sufficient to mitigate those negative impacts, whether or not such necessary practices were contained in the original or mitigation plan identified in #3 and 4 above. This may include the removal of fill placed during this process to restore an area for flow or detention of water.

Quiggle seconded the motion.

Quiggle: The storm water management plan is preliminary, do we need to state as per the plan?

Oleson: I would review and make sure we have before the permit is issued.

Motion passed unanimously.

Variance to construct a 15' x 17.5' dwelling addition to replace a portion of an existing lakeside deck approx. 9.8 ft from the north side lot line (min. 15 ft required).

Applicant: Triangle Construction, Inc.

Property Owner: Bradley E Bakken Rev Trust

Property address: 7885 Imhoff Ave NW, Maple Lake

Sec/Twp/Range: 27-121-27

Parcel number(s): 206084000090

Present: Tom Neu, Tom Gullifer

Neu: What we have is an existing deck and we would like to enclose a portion of it. The deck is already at the 9.8 we are not going to increase our impervious just our building coverage. There are already two rain gardens that kept water coming from the other side and there is a drain that is under the driveway that runs into a basin. There are no water control problems. We added this deck about 8- 10 years ago. We did take out some of the driveway and some other items to keep us under impervious.

Oleson: So the variance is for the side yard. The lake setback is being met. Talked about I received something from the County on what was going to be removed and those items have been removed as stated.

Audience: None

Schultz: Are you going to be adding a foundation?

Neu: Yes we will be. A little more and on post and beam. No excavation on the outside.

Schultz: I'm good.

Smith: Looks like you are doing little impact there.

Quiggle: I am fine with the creation of the enclosed addition. The one thing that does concern me is the drainage. There is a drain going straight into the lake and one thing we are supposed to address when variances is requested is a shore line buffer 75% of the shore 20ft back. I would like to see that pipe in the lake then pulled back into the native grass area.

Gullifer: Asked what type of buffer.

Quiggle: It is native grasses, not turf grass, not hosta's.

Gullifer: The basin infiltrates the water before it goes to the lake. You want us to pull the nice yard and ruin the look all along the lake shore.

Neu: The front yard holds the water, it's not shedding the water.

Quiggle: it is not ruining the lake shore its protecting it.

Arendt: I am fine with it.

Guck: I do not see a problem with it. I feel the 75% is a recommendation not mandated.

Guck: I do not have a problem

Quiggle motion to approve the Variance to construct a 15' x 17.5' dwelling addition to replace a portion of an existing lakeside deck approx. 9.8 ft from the north side lot line (min. 15 ft required), as per your variance approved on 10/10/2017 by the Corinna Township Board of Adjustment. With the following conditions:

1. That the addition must meet the required 4 ft elevation above the highest known water level of Cedar Lake.
2. That there be no increase in impervious coverage beyond what exists now, without providing a current survey to prove that it would be

under the required limits.

3. If there is to be disturbed soil, 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.

4. The applicant shall submit a permanent stormwater management plan designed to ensure that stormwater runoff from the addition does not increase 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 and away from neighboring properties. 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.

5. That a vegetative buffer of native vegetation be established on 75 percent of the width of the shoreline for a minimum depth of 20 feet from the shoreline.

With no second the motion was dropped.

Smith: Could we could make a recommendation rather than a mandatory for the 75%, 20 feet back.

Oleson: Recommendation number 4 addresses some of that but it is not specific. To me there are times to require this more so then others such as when they are in the lake set back.

Quiggle: But one of the things you see is that turf grass is the worst thing that you can have near the lake.

Smith motion to approve the Variance to construct a 15' x 17.5' dwelling addition to replace a portion of an existing lakeside deck approx. 9.8 ft from the north side lot line (min. 15 ft required), as per your variance approved on 10/10/2017 by the Corinna Township Board of Adjustment. With the following conditions:

1. That the addition must meet the required 4 ft elevation above the highest known water level of Cedar Lake.
2. That there be no increase in impervious coverage beyond what exists now, without providing a current survey to prove that it would be under the required limits.
3. If there is to be disturbed soil, 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.

4. The applicant shall submit a permanent stormwater management plan designed to ensure that stormwater runoff from the addition does not increase 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 and away from neighboring properties. 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. A vegetative buffer of native vegetation established on 75 percent of the width of the shoreline for a minimum depth of 20 feet from the shoreline is recommended.

Schultz seconded the motion.

Oleson: So if they don't do this they should look at them doing.

Smith: They should look at rain gardens or other things to create infiltration.

Motion was carried 4-1 with Quiggle opposed.

Quiggle made a motion to approve the August 8, 2017 and September 12, 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; One change in Lenarz,

Quiggle motion to approve - FOF, including the Lenarz as amended. Smith seconded. Findings of fact approved for Pietsch, Terry Nelson, Raskob, and Cain passed unanimously.

Other Business

- Discussion - Erosion protection requirements and enforcement

- Review of previously granted variance requests (if time allows)

Smith made a motion to adjourn. Arendt seconded the motion. Motion approved unanimously at 8:40 pm.