

CORINNA TOWNSHIP
AGENDA
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
April 25, 2013
7:00 PM
Call to Order at 7:00 PM

Roll Call: Board of Adjustment/Planning Commission Members Present: Charlotte Quiggle (chair); Trish Taylor; Larry Smith; Lee Parks; Barry Schultz, Larry Thompson.

Others in Attendance: None.

Update to Wright County Ordinance – Rural Commercial Tourism

Oleson: Wright County will be holding public hearings regarding this Ordinance on May 9th, 2013. Presumably if it goes through we would have to adopt it if we agree with it or be more restrictive.

Quiggle: I've seen things come before them in the past such as a winery, social gathering. I think that is what drove this, primary issues being traffic, road conditions, parking. There may be a public gathering permit for personal gatherings if it exceeds so many people, however, this ordinance is more for those that are renting or leasing it out to others. More for a Commercial use Conditional Use Permit.

General Discussion: As to what would and would not fit into this type of ordinance – Mol's Pumpkin Patch with hay rides, corn maze etc would? Carlson's just selling pumpkins would not? Wineries would? someone renting out land and building for social gatherings would?

Oleson: We can provide input if we want or I can call Sean Riley at Wright County if we have any questions. If there is something that we want addressed we should let the Town Board know. Otherwise we will just wait and react to whatever they pass.

Quiggle - I think they cover most if not all of the downsides. Conditional Use permits usually run with the land not with the owner of the property. However, this will be with the owner not the property and if sold someone cannot take over the business.

Oleson: Typically I think you should make it more of an interim use permit if it is to only last for an individual owner.

Quiggle: That would be my only concern

Oleson: We could do that and make it an interim use permit if the County makes it a conditional use permit. That would allow us to put a time limit on it, or if it sells the new owners have to re-apply or if would get re-zoned.

Quiggle – how does the pumpkin patch differ from the person selling eggs?

Oleson – Can see where there may be some concern as to who will fall under this ordinance. It seems that the key for them if they are going to hold an event or sell items, food sold. Maybe that is our concern for them to be more descriptive within who is subject to the ordinance.

Quiggle – Aside from the Interim vs Conditional use I do not have a problem with it I think it is a good thing.

Oleson – Is it fair to say that some of the discussion has to do with the definitions - what qualifies what does not?

Schultz – Who is going to police it? Are they going to have fines?

Quiggle – I think this not for one time deals. More for when it is an ongoing occurrence.
Parks – This is for ongoing and advertising that you are having ongoing events on the property
Oleson – I will bring this to the town board meeting on May 7th with the main concern being what is subject to the ordinance and what is not.

Public Hearings: None.

Approve Previous Meeting Minutes

A motion was made by Barry Schultz, seconded by Trish Taylor, to approve the March 14, 2013 meeting minutes. Motion carried unanimously.

Zoning Administrator's Report **Permits**

Correspondence

206023001070 & 206023001080 (expired 2002 lot line adjustment)

Oleson: The property owner owns the two lots and was approved for the lot line adjustment in 2002 and did not realize that he had to record the change. Since then the laws have changed.

In 2002 he requested that the lines be adjusted so that each lot would have at least 20,000 sq ft and be considered buildable on their own. At the time, Wright County ordinance required that adjacent lots under common ownership could not be sold or developed separately unless each was at least 20,000 sq ft in size. Prior to lot line adjustment lots were 21,771 sq ft and 19,919 sq ft in size. After the adjustment, the lots would have been 20,771 sq ft and 20,919 sq ft. While the request was approved the landowner apparently did not realize that they needed to formalize the change in lot boundaries by drafting and recording new deeds.

Since 2002 the state statutes have changed regarding how adjacent, nonconforming lots are handled when they are owned by the same person. It now states that such lots can be developed or sold separately only if the width and size are within 66 percent of the sizes required under current DNR rules. In this case the lots would need to be 99 feet wide and 26,400 sq ft in size. The lots do not meet these requirements.

Oleson – He does have them listed to sell as two lots that why this has come up. I have talked to the DNR & Wright County and their feeling is that he is subject to the new statutes regarding adjacent lot and therefore would not be able to sell them separately without a new variance since he did not actually follow through when the lot line adjustment was granted and sell one of the lots separately. I agree.

Thompson – So he could not sell them separately, he would have to sell as one lot.

Oleson – The issue is can he sell them separately and I am thinking the answer is no. They would be treated as one lot for development purposes too.

Quiggle – I think that is correct

The consensus of the Board of Adjustment was that the owner, in this situation, could not sell or develop the lots separately without a new variance being approved.

Enforcement Actions

Other Business

Discuss ordinance updates/clarification

Update/review ordinance to ensure that the Township's ordinance language regarding shoreland zoning matches with the minimum requirements of the state law. While the current Wright County language is not necessarily inconsistent with the state requirements, there are areas where it could be confusing. When we started the review process the DNR related changes were not part of the review, so some of this is to make sure we cover what the DNR will approve.

There is one area under guest cottages where the County is less restrictive. The DNR came out with new rules and Wright County did ask for flexibility for one area: DNR had the classification for the 2 lots side by side rule indicating that it was 20,000 sq ft for general developmental lake, 40,000 sq ft on recreational lakes and 80,000 sq ft on natural environment lakes. What Wright County asked for is to allow 20,000 sq ft lots to be considered buildable on all lakes. In talking with the DNR it was an exception for the County, however, it would not carry over to the Township. Not an issue at this time since we are technically not the Shoreline authority, however, maybe once we become the shoreline authority. I have not found any similar written evidence of flexibility granted to Wright County on the guest cottage issue, but there may be some and I will continue researching with Wright County and the DNR.

Reviewed Zoning Ordinance – highlights:

Pg.. 2 – Quiggle: shouldn't the accessory use structure information also be in the rules/standards?

Oleson: Yes, we can add this to the rules or standards area. I generally feel that regulations should not be part of definitions.

Pg.. 7 – Quiggle: #62 Guest cottages – The DNR allows for kitchens, however, Wright County does not – we should be as restrictive as the County and not allow kitchens. Oleson: I agree. We may want to better define what we mean by “kitchen” – is it a microwave? A refrigerator? A small refrigerator? Hotplates? Consensus: The Township should add a definition for kitchen as including any large appliances (refrigerator, stove/oven) but not small appliances such as microwaves, small refrigerators, hotplates.

Pg.. 8 – Oleson: Are we OK with the county's definition of impervious – Yes

Pg.. 10 – Quiggle: Nonconforming: Would like to have more clarity for how to handle the nonconforming regulations – the definition is OK, but in the other sections. Oleson: Will make a note, however, we may have to work closely with Wright County to make sure we are as restrictive as them.

Pg.. 17 – Quiggle: Can we clarify that retaining walls over 4ft and fences over 6ft do need a permit? Oleson: Yes, these are in the building code and we don't spell out all the specific building code requirements, but these are perhaps unique cases that people might not realize are part of the building code.

Pg.. 19 – Quiggle: Should the parts about adjacent nonconforming lots be updated for more than two contiguous with the new laws? Oleson: Yes, will coordinate with Wright County on this, but likely will need to be updated.

Pg.. 33 – Quiggle: For buildings structures under 120 sq ft that do not need permits, but do need to meet set back etc.... Should we be having some kind of permit needed or no cost review that needs to be done? Consensus: After discussion it was decided to leave as is since it would be more work and cost involved than the amount of issues that arise.

Pg.. 51 – Oleson: Noted his previous conversations with Barry Rhineberger at Wright County about how they do this. They leave out any empty lots from the calculation and use actual setbacks of neighboring properties even if they exceed the minimum setback required.

Consensus: We should discuss this more. Prefer generally to use the minimum setback in the calculation when actual structures are further back. Generally agree that bare lots should not be used, but in cases where most of the lots are empty, they should maybe be included assuming the minimum setback.

Pg.. 88 – Oleson: The language regarding structures not being allowed in bluff impact zones is not in Wright County language (although it is somewhat implied). Do we want to follow the DNR? Consensus: Yes

Pg.. 134 – Oleson: On holding tanks, the draft language may be less restrictive than Wright County – county’s policy is that if there is ANY increase in sq. footage they have to remove the holding tank. Draft would say any increase in livable space. I put this in here for discussion because I believe there was some debate about this with a previous varainace application. Do we want to follow Wright County or push for somewhat less restrictive wording? Consensus: Follow Wright County and landowners can apply for a variance.

Pg.. 160 – Quiggle: I would like to clarify that a permit is required for projects moving in excess of 10 cubic yard and less than 50 cubic yards – having the parameters would be helpful.

Oleson: Since we were able to get through everything do you want to move forward and go to public hearing and make these changes?

Board was in favor of moving forward

Oleson: We will send it over to Wright County first to review – a minimum 30 day review period. Consensus: Once we have their feedback we can move to a public hearing. Oleson should give an overview to the audience of the changes, but it would not be necessary to go through in detail for the Planning Commission’s purposes since we already have.

Discuss possible update to 2007 Comprehensive Plan

Tabled until a future meeting.

County assessor data – Seasonal/Recreational housing data

Oleson: I was asked to research the breakdown of seasonal vs recreational around the lakes in the Township. Interestingly, it has been pretty steady with a 45/55 seasonal/year-round break down – fairly static.

The previous discussion had been whether an updated comprehensive plan should treat the conversion of seasonal homes to year-round as a significant issue affecting the demand for Township services, road maintenance, etc.... Comments made that even if they are not year-round homes, the updated homes are often much larger, although this does not necessarily affect demand for services. The issue will be reviewed, but the data suggests that there is not a large-scale trend towards more year-round homes as might have been thought.

Adjournment

A motion was made by Larry Smith, seconded by Barry Schultz, to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:00 PM.

Minutes respectfully submitted by Jean Just.