

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
April 14, 2015
7:00 PM

Charlotte Quiggle called meeting to order at 7:00 PM on April 14, 2015

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

Absent: Jeff Lundquist

Others in Attendance: Randy Stelten, Jared Olson, Jim Schimelpfenig, John Jones, Jan Maynagh, C. J. Hrebal, Nancy Young, Terri Erickson, Bill Erickson, Dick Naaktgeboren, Ed Straeke, Bob DeBoer, Melvin Dykhuizen, Paul Fobbe, Fritz Ibs

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

Public Hearings

- a. Variance to construct a 20' x 24' dwelling addition and an approximate 27' x 30' attached garage addition approximately 47.5 feet from the centerline of a Township road (min. 65 ft required) and 10.5 feet from a side lot line (min. 15 ft required).
 - i. Applicant: David and Sandra Williams
 - ii. Property address: 8244 Irvine Ave NW
 - iii. Sec/Twp/Range: 22-121-27
 - iv. Parcel number(s): 206054000080

Present: Jared Olson on behalf of Williams who are in Arizona

Olson: They have owned the property for 25 years and they love the area and they would like to retire here. They are now living in Arizona for the last three years. They would like to have a little more room and a garage. They have talked to the neighbor John Kroll and he has written an email indicating they are ok with the side yard setback. We feel that the setback from the road is not out of line, this is a minimum maintenance road and a dead end. Dave & Mr. Oleson have talked several times and have some adjustments.

Oleson: The reason for the variance is for the road setback from the proposed garage to the centerline is 47.5 (65ft required), and the side yard is at 10.5 (15ft required). They are fine on impervious coverage, they are getting close but under 25%. Only question is the well and if it is going to be ok, on the other side is the septic so this is the best way to lay it out.

Audience: none

Thompson: Ben is the 10.5 side setback is that from the edge of the overhang or the dwelling?

Oleson: It is from the building foundation.

Thompson: What would be the height of the building?

Oleson: It is a standard 8 - 9ft side wall.

Thompson: So this is more of a Clarence issue of 8 – 8.5 ft.

Oleson: they have a 9" eve on the garage.

Thompson: So about 9.5 ft I am thinking that is an issue.

Olson: We did move it back 1.5ft as suggested. From the Foundation we moved from 8ft to 10.5 feet.

Thompson: The other thing would be the storm water plan with the additional roof area. Anything submitted yet.

Oleson: They talked about gutters, and it is a standard requirement of our approval.

Olson: Yes they would have gutters, and there is sufficient green space to help filter the water, they do have retaining walls and the bluff is native vegetation which slows it down as well.

Smith: Would like to see the 12ft from the property line and storm water mgmt. plan.

Schultz: I agree with what was already said.

Taylor: I have one other issue, is he going to do anything with the two smaller sheds? The one is inches from the property line.

Olson: He would like to reside it and keep the shed.

Taylor: He is within inches on the one and I would like to see moved so that it is further from the lot line. That was a concern that I have.

Olson: It is a little deceiving where the lot lines are. I am not sure what the history is and what is grandfathered in?

Quiggle: It has nothing to do with what they are asking for today.

Taylor: So with everything added in he will be ok with impervious?

Oleson: He will be at 23.7%

Parks: Is there any concrete proposed in for the garage. Is that calculated in?

Oleson: Yes that is counted it.

Quiggle: I agree with everyone that it comes another 1.5ft off the property line for access to the well.

Thompson: With that moving over another 1.5ft is he going to shrink the garage or move everything over?

Olson: My understanding is he is going to shrink the garage.

Thompson made a motion to approve the Variance to construct a 20' x 24' dwelling addition and an approximate 27' x 30' attached garage addition approximately 47.5 feet from the centerline of a Township road and 12 feet from a side lot line. With the following conditions:

- 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.
- The applicant shall submit a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation and to allow it flowing over the bluff and 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.

Taylor seconded the motion. Motion passed unanimously.

- b. Conditional use permit to temporarily house a charter school within an existing organized group camp until spring 2018.
 - i. Applicant: Children's Disability Service Friendship Ventures (True Friends/Camp Courage)
 - ii. Property address: 8046 83rd Street NW
 - iii. Sec/Twp/Range: 22-121-27
 - iv. Parcel number(s): 206000224100, 206000233200, 206000233201, 206000233300

Present: Ed Straeke

Straeke: Basically what true friends is requesting is to Conditional Use Permit to temporarily house a charter school with in an organized group camp. With the school we see this as no different than what we have been doing for several years with other organizations including the St. Paul School District with a speech and hearing program, this program was transformational for those kids. There was environmental educational programs which provided 1,000 of students around the state with disability awareness modules. We have partnered with the department of education literacy programs and with training for teachers. Our program is closely tied to educational programs. With the school this is an opportunity to help benefit students with disabilities with hands on training, not all student will have disabilities, but many may, this is project based hands on education program. We are asking for the Conditional Use Permit to house the school and the camp for 3 years. They have approval to build in Silver Creek Township however they do not have the funds to build at this time, so we agreed to help and partner with them. It will house approximately 114 - 150. The capacity is under what we house in the summer. So we will not be over extending the capacity.

Oleson: The primary issue that came up with this was brought up by the county administer. The issue is are we comfortable housing for an interim use/conditional use when it is not in the ordinance to have a school outside of the city limits. This is different since it is charter school and it is temporary since they have a plan to build their own school. When I talked to the county regarding their feeling and he feels this is different since they are already established and this temporary. I have laid out a few conditions if it is allowed, such as length of time, set a limit of the number of students, what type of activities they are going to be involved in. I looked at the septic systems and it looks like they were not designed for 150 people so if it is not up to code it would have to be upgraded. I talked to Maple Fire/rescue and they are comfortable with providing service, they are fine they keep the roads plowed. Building codes, since it is a school it would have to be up to date with state codes and making sure they are up to code. Should not be a lot of need for additional parking, not talking about adding any new buildings and it is a facility to hold large events.

Audience:

Dykhuisen: What age group? And any issues with security?

Straeke: Grades 6 - 12 and not any more issues that what we deal with now, we house about 145 kids at any given time during the summer.

Smith: My concern is how we accommodate granting it being that the county prohibits it in that zoning. My other concern, funding on charter school?

Straeke: State funds the program just like any other school.

Smith: Upon approval I'm having difficulty understanding if you will be ready in three years? Is there is a dollar amount that you are trying to achieve?

DeBoer: Start the planning this fall

Smith: My concern is that 3 years will not be enough time.

Schultz: A couple of questions, will there be a fire lane open for the fire department, will their have to be sprinklers in the buildings, and do you know the capacity for each building.

Straeke: The buildings do have sprinklers. Regarding access we have many groups that use our facility throughout the year so there is room to get to each building. The fire marshal sets our building capacity and they are already set. We have gathering spaces that they will have access to them from time to time and there is enough capacity.

Schultz: You are asking for 3 years. If the school does not get built within three years you will have to come back and ask for additional years?

Quiggle: What if we say no after 3 years to extend it?

Straeke: We want to partner with the school at this time and if you say no in three years it is more of a school issue than a True Friends issue.

Schultz: I have a feeling we are twisting what you do and were pressing the line.

Straeke: Camps are struggling in order to stay relevant we need to move forward and look for ways to keep the camps going. Parents are looking for alternative education. That is the direction our organization is going. I do not consider it twisting but moving forward to adapt to what is needed. We started therapeutic riding, were providing something that they need, this just an extension and becoming more intentional in our program.

Schultz: The school will be run with courage staff?

Straeke: No however, there is a partnership with the facilities at the camp.

Schimelpfenig: I am a principle in Howard Lake, You indicate that you the charter school will help people with disabilities, but it is not just a school for children with disabilities, I want to clarify that. You talk about a three year plan, if you want to get this done the process needs to start now. Final thing, is funding, the state funding follows the student so if that student and if the student leaves let's say Annandale or Maple Lake that will affect the funding for the school.

Straeke: Some of the students about 30% range do have some type of disabilities. However, we cannot turn anyone away.

Quiggle: Tax questions are beyond the scope of what they are asking for.

Young: I am concerned it is going to draw from our home base Annandale school.

Straeke: All schools also benefit from open enrollment.

Thompson: How does a charter school differ from a public school?

DeBoer: Charter schools are a public school and they are authorized through the state, there is money from the federal government for startup and all are very different. You cannot discriminate. In our case we are looking for children that are out of the box and need the outdoor education. -

Thompson: So it's a more targeted education?

Straeke: Some are and they vary from community to community.

Taylor: What months of operation?

Straeke: Academic school year from September - May.

Taylor: Will it interfere with any programs offered at Camp Courage.

Straeke: No

Lee: What is your capacity?

Straeke: For the camp it is about 320 - 340.

Young: Why did it not go through with Wright County years ago?

DeBoer: It was turned down 3-2, they said they liked the idea come back with a new plan. We worked with the DNR to get land from them and when we went back it was approved. We just

got the Charter this last year. We have to start the school so that we can get going on raising funds to build the school.

Quiggle: My primary concern is the lack of what could happen in three years. What is the timeline in getting moved to Silver Creek so that there is a place for the school in three years?

DeBoer: We have plans for that site but will need to make some changes.

Quiggle: Do you know when you're going break ground?

DeBoer: No we do not, we need to raise the money, and there was no since in raising the money if we did not have a school.

Quiggle: Technically we do not allow schools in this zoning district. This is unique situation with it being temporary. My concern is that the temporary situation may turn into permanent. We need to make sure that it remains temporary.

Jones: We had 15 million by the major corporations in the state but at that time we did not have the charter set up and could not draw on it. Once the school up and running we will be working on getting funding and plans.

Quiggle: What is the likely hood that you will be up and running in three years?

DeBoer: I don't think we will have an issue. We do have plans that need a tweaking. We could look at a 1 year construction project if we have the funding.

Thompson: I think it is safe to say that you are not going to ready in 3 years, and if you come back to us and we deny in 3 years you will.

Quiggle: Personally I think it's a good use of the property. How does everyone feel about the school as temporary use at the group camp?

Taylor: Temporary for three years I am good with, however, plans need to be made and they need to know they only have three years and we may say no after the three years.

Schultz: I would like to see a plan in one year.

Taylor: If we set the three years it is in their hands to get it done and taken care of.

Parks: I think we need to see projections before we grant anything.

DeBoer: I raised five million in three years and opened up a building for a school previously. We have been getting things in place to get the teachers hired, and we have done the campaigning. If we fail that is our problem and would have to go into the city with the school.

Thompson: My questions can we allow for the school for three years, the rest of up to them.

Quiggle: I am willing to go with it but no more than three years.

Smith: I'm willing to go with three years

Schultz: I'm not for it.

Parks: I'm not for it.

Parks made a motion to deny the Conditional Use permit to temporarily house a charter school within an existing organized group camp, Schultz seconded: Motion 2 in favor, 4 against, motion failed.

Quiggle made a motion to approve the Conditional Use permit to temporarily house a charter school within an existing organized group camp until spring 2018. With the following conditions:

- That the approval shall be for no longer than three year period running from Fall 2015 through Spring 2018. Any extension of this time frame will require a new conditional use permit or otherwise be subject to the zoning regulation in force at the time.
- That the maximum number of students allowed to be attending the school shall be 150.
- That the permitted activities for students under this conditional use permit shall be limited to indoor school activities and outdoor recreation/learning activities that will not constitute a nuisance to neighboring property owners.

- That the septic systems shall be upgraded as needed, as determined by the Township and Wright County Environmental Health staff, or otherwise maintained so as to be adequate to handle the number of students allowed.
- That the applications provide evidence that they have spoken with local emergency service providers and that any improvements or changes required have been addressed.
- That the applicants meet any applicable building codes required by the Townships Building Official & State building Official for schools.
- That the applicants provide adequate parking for the proposed use.

Taylor seconded the motion. Motion passed 4-2 with Parks & Schultz opposed.

- c. Interim use permit to allow for a rifle shooting range to be added to the existing organized group camp facilities.
 - i. Applicant: Children’s Disability Service Friendship Ventures (True Friends/Camp Courage)
 - ii. Property address: 8046 83rd Street NW
 - iii. Sec/Twp/Range: 22-121-27
 - iv. Parcel number(s): 206000224100, 206000233200, 206000233201, 206000233300

Straeke: What we are attempting to do is to upgrade what we are doing and this is not specifically listed and it is an additional activity we would be offering and it has been asked that we provide. It would air rifles, archery, sling slots it would be shot away from any populated area, it is heavily wooded area and we would be building a berm. Do not believe there would be any nuisance since it is centralized in our facility and they are not high power firearms.

Quiggle: what is the distance to the closest residence?

Ed: Nearest neighboring property would be about 600 ft & nearest dwelling 2000 ft

Oleson: From a zoning perspective we have something that is called Commercial Outdoor Recreation is listed in the ordinance, it is considered a interim use permit, we also have the situation that Camp Courage is considered it is an organized group camp and we have no definition of what is included and what is not included. So this is a gray area there, but the way we have advertised is that it would fit under the Commercial Outdoor Recreation and would need an interim use permit. Concerns are safety, noise etc. One comment in writing – other than that we have not received any others.

Audience: Jim Goeltz: I have been a neighbor to Camp Courage for years and I am against the rifle range. We have cattle all the way around and I am surprised they would even think about it.

Straeke: The largest caliber would be a 22, and it would be shot into a berm in a wooded area and it is going away from any properties.

Oleson: 600 ft is the nearest property which is the opposite direction of where the shooting area is.

Goeltz: You can’t control what the people who are shooting.

Quiggle: Since this all part of the camp will this be part of organizational training?

Straeke: Absolutely, only trained & certified instructors, campers can’t just come and get a gun and go shoot without instructors with them.

Taylor: What is the length of the shooting lane

Straeke: 25 yards,

Taylor: one of my concerns is it only open to campers, not other groups that come in?

Straeke: It would for group camper’s summer & fall

Taylor: Are the guns going to be placed in locked containers?

Straeke: According to the camping association they would have to be separate locked containers separate from the ammunition.

Dykhuizen: I have a place on Cedar Lake near the area. I am for this, I know how far a gun can shoot. Trap shooting is the fastest growing sport. It is a great sport for the kids.

Audience: I was wondering how much noise?

Straeke: The pop of a 22 is not as loud as a rifle that is used when deer hunting, the location on the camp property that most would not hear it.

Moynagh: Is this a common activity?

Straeke: We feel this is a benefit for kids, the majority are going to be adults and most of our campers are adults about 70%. If we had any concern that it would not be allowed.

Fobbe: I have been down there and my concern would be the noise with the cows. When there are lots of noise they go into the barn and the milk production goes down.

Thompson: Could you not accomplish the same thing with limiting it to air rifles & archery

Straeke: We could, we just want to provide activities that other camps provide.

Quiggle: Whether campers with disabilities should be using rifles is not the factor, the factor is should it be used near dairy farms.

Straeke: - the caliber of the guns we are using and the location the heavily treed area I don't think you will hear anything.

One written comment: From Adam Goeltz - Disagrees with the shooting range due to issues with his dairy farm.

Straeke: Shooting preserve & rifle range is not the same

Schultz: I would be willing to go along to go along with the air rifle & bow and go without the 22.

Taylor: I can handle that, do you know how many will be shooting?

Straeke: We have not make that the determination, however, another camp does 5 - 6 so I am thinking it will not be more than that.

Taylor: I could see trying it with just the air rifle, archery, and sling shot.

Parks: I think they should drop the 22. I think they can travel up to a mile.

Thompson: I agree.

Smith: I am not in favor of any of it. I think the farmer has a legitimate complaint and its his lively hood. Archery is fine and sling shot.

Quiggle: For me I do not know enough about the noise of guns except how loud it gets during hunting season. It has nothing to do with the ability of campers, but to do with the noise and the neighboring homes and lively hood.

Oleson: One reminder is that this is an interim and you can set a time line, the default is 5 years, you can set if for shorter or longer.

Thompson made a motion to approve an Interim Use Permit to allow for a rifle shooting range to be added to the existing organized group facilities with the following conditions:

- The interim to be reviewed in 1 year
- The range is limited to archery, air rifles & sling shots

Shultz seconded the motion. Motion passed unanimously.

- d. Conditional use permit to permanently relocate an existing residence to a different property.
 - i. Applicant: Randy Stelten
 - ii. Property address: 10592 Imhoff Ave NW, Annandale
 - iii. Sec/Twp/Range: 10-121-27
 - iv. Parcel number(s): 206083000020

Present: Randy Shelton & Chris Ferrell

Shelton: I purchased a lot on Sugar Lake, and bought a home that we would like to move to that property. It will have a permanent septic and it already has a well on it. There was a camper on it before.

Ferrell: I submitted a plan for a type 1 mound septic system which has been looked at by the county and they have approved.

Shelton: I have met with the county also and they have given me a list of items that need to be done when I move the house onto the foundation.

Oleson: The reason for the CUP is due to the house is exiting and being moved onto the property rather than a new construction. We look to make sure that it would fit in the neighborhood and not be a deterrent to it. This is a low spot in the neighborhood, there is a culvert there, and there is a ridge so that nothing runs to the lake. What happens is that these two lots hold water or it un - by state law the lot is buildable as long as it can get it a septic system on it, is over 20000 sq ft , lowest level needs to be 4ft above water level, they are estimating 250 yds. of fill. The question tonight is the house going to fit into the neighborhood.

Shelton: it has vinyl siding and a new roof. It will be a 3 bedroom 1 bath cabin on frost footings, no garage.

Audience: Young: All of our homes are stick built, and built after 1970, this is sitting the opposite direction of the rest of the homes in the development. We feel it is inconsistent with the rest of the neighborhood. **Moynagh:** I live three houses up from this, we were told the lots were non-buildable lots because they were so low, those lots are flooded and last year they were wet until June. We don't have cabins we have homes. **Schimelpfenig:** I have met with Randy and my main concern is drainage, the only water that is accessible for the culvert is the water in the road ditch. So getting water to the culvert is going to be tough. We diverted all of our water into a culvert so when that fills up it stops running. Is it consistent? I think his plan is very respectful and the placement on the lot is the best location. In regards to appearance, in our opinion is much better than what was there. It is the best case for what we can expect for that lot. This is a very manageable project if you can find a solution for that water. There are cabins all over the lake and this is an improvement from a trailer.

Naaktgeboren: Is the shed & holding tank staying?

Shelton: Shed is staying right now, hope to move eventually, holding tank is going.

Naaktgeboren: Where is the water going to go? That swamp fills up on the other side and it is not going anywhere.

Oleson: We had a written comment: Concern is the drainage with the lot being too low.

Quiggle: We have two things to discuss is the house in the neighborhood lets address that then the drainage; I have no concern with the house.

Smith: I have no problem with the house.

Schultz: I have no problem.

Taylor: I am fine with the house part as long as it meets the building codes.

Parks: No issue with house.

Thompson: I am fine with the home.

Quiggle: Moving to the storage and drain water.

Oleson: Just a reminder that if they are adding more than 50 cubic yards they will have to come back for that condition. You can choose to discuss that then or can discuss now.

Quiggle: I would personally like to see the grading and what can be done for the drainage issues and until we have that information I'm not sure we can move forward on this.

Ferrell: We thought we would come back for that part and you tell me what do you need from us when we come back?

Quiggle: I want it detailed, I think it can be done, I just want to make sure that there is not impact to the neighbors & the lake.

Taylor: I want to see that it is not going to the lot to the north. We need some plans on how that is going to be diverted.

Quiggle: We need to see the plans before the house comes on the property.

Ferrell: What kind of plans do you want?

Quiggle: We need grading plans, drainage plans.

Oleson: Do you need it to be engineered, or can they just show us how it will be diverted. What is the level of detail of the plan?

Quiggle: Can't they work with Soil & Water to come up with a plan?

Taylor: Surveyor can do the topographical plan.

Parks: As long as we have topographical it should give us everything we need.

Quiggle suggested to work with soil & water on how the water flow is going to go along with submitting the Conditional Use for the fill.

Smith made a motion to table until next month to get drainage plans. Quiggle seconded the motion. Motion passed unanimously.

- e. Variance to reconfigure an existing open deck to remove a 6' x 20' portion approximately 31 feet from Cedar Lake and expand the remaining deck to the side approximately 37 feet from Cedar Lake (min. 75 ft required). Expanded deck to be approximately 2 feet from an existing sewer drainfield (min. 20 ft required) and 2-3 feet from an existing holding tank.
 - i. Applicant: William and Terri Erickson
 - ii. Property Address: 8835 Ingram Ave NW
 - iii. Sec/Twp/Range: 22-121-27
 - iv. Parcel Number(s): 206021000160

Present: Terri & William Erickson

Terri Erickson: We just bought the property in July and what we are trying to do is rebuild the same size deck just reconfigure it. We are going to take the lake side off which is 6x20 and move the sq footage on the east side of the house. Further from the lake than we were. It is not meeting the set back now.

Oleson: the 6x20 on the lake side that they would move to the side they are close now this would make it a little closer, the lake set back would be 37 feet to the existing deck and they would be further away. The distance from the septic is 2ft, environmental does not have an issue with it being a deck. Impervious coverage looks like they are over, they are not proposing any changes, to what is already out there in 1994 the owners got a variance to build the house and they had to reduce the size of the garage to stay at the 15% building coverage or less. I should mention, the ordinance does allow for the 15% rule for open decks.

Audience: none

Parks: I think it is better since it is further from the lake and I have no concerns with the septic.

Thompson: Is it really moving further from the lake? I'm good.

Erickson: The closest point to the lake will stay there on the side.

Smith: Good.

Schultz: Good.

Taylor: I have no problems with it.

Quiggle: Do I hear a motion?

Taylor made a motion to approve the Variance to reconfigure an existing open deck to remove a 6' x 20' portion approximately 31 feet from Cedar Lake and expand the remaining deck to the side approximately 37 feet from Cedar Lake. Expanded deck to be approximately 2 feet from an existing sewer drain field and 2-3 feet from an existing holding tank with following conditions:

- 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.
- The applicant shall submit a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation and to allow it flowing over the bluff and 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.

Taylor made a motion to approve the March 18, 2015 meeting minutes. Smith seconded the motion. Motion carried unanimously

Zoning Administrator's Report

Permits; no discussion

Correspondence

Enforcement Actions

Findings of Fact - Previous PC/BOA Decisions

Other Business

Review of previously granted variance requests (if time allows)

Schultz made a motion to adjourn. Parks seconded the motion. Motion carried unanimously at 9:44 pm.

Prepared by: Jean Just