

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
January 13, 2015
7:00 PM

Charlotte Quiggle called meeting to order at 7:00 PM on January 13, 2015.

Roll Call: Board of Adjustment/Planning commission Members present: Trish Taylor, Larry Thompson, Larry Smith, Charlotte Quiggle (chair), Ben Oleson (Zoning Administrator)

Other in Attendance:

Additions or Deletions to the Agenda? Oleson would like to add an issue relating to the Snyder/Tart subdivision under zoning administrators report. Taylor made a motion to approve the agenda with the addition. Smith seconded the motion. Motion carried unanimously.

Public Hearings

- Variance to increase the existing roof pitch to 10/12 and add an approximate 12' x 13' loft/storage on an existing 24'5" x 28'5" dwelling located approximately 50 feet from Indian Lake (min. 100 ft required), 0-5 feet from both side lot lines (min. 15 ft required) and 22 feet from a public road turnaround right-of-way (min. 25 ft required).
 - i. Applicant: Christopher and Jennifer Harmoning
 - ii. Property Address: 10812 Gulden Ave NW, Maple Lake
 - iii. Sec/Twp/Range: 12-121-27
 - iv. Parcel Number(s): 206046000020

Present: Christopher Harmoning

Harmoning: As mentioned we are looking to modify the existing cabin, not changing the footprint, just changing the roof pitch for attic/loft space. Due to the small size lot we are limited and can only go up. Looking at keeping the primary 4 walls intact and through a new truss system building up 11x13 loft area that would be open to the lower level. We are already tied into a shared septic system with 6 or 7 other cabins and there are restrictions relating to that and we can only have two bedrooms and one bathroom so we are not changing that. The primary issue for the variance is the roof pitch which is considered an expansion.

Oleson: Because it is within the set back anything over a 6/12 pitch would be considered an expansion and require a variance. This lot is narrow and it would be difficult to meet side yard setbacks, it is within the late setback at approximately 50-52 feet. They are not changing the footprint. The road set back is normally a 65ft set back, however, since it is on a turnaround the road set back is 25ft and they are still too close to the road. They are on shared system for septic so they do not have to worry about drain field issues. Pretty tight situation that is the reason for the variance.

Opened to the Audience:

Naaktgeboren: That turnaround is not used by the township and we do not do any maintenance on it.

Brought back to the board:

Taylor: I am fine, my only concern was the foundation and if it was stable enough to handle the roof load. Make sure there are rain gutters or some sort of water management plan.

Harmoning: The foundation is a dry stack foundation. The plan would be to hand dig below the frost and put in footings and put in a pillar and peer foundation. There are currently gutters and we would do so again.

Smith: Make sure we have water management in place.

Thompson: I do not see that there would be any more water coming off than there would be right now. What is the lot to the north used for and is the corner of the deck over the line?

Harmoning: It is owned by the owner to the North and is just an open lot right now. The deck it is close but according to the stake it is on our property.

Thompson: I think it would be an upgrade to the property, just make sure the structure will handle the extra weight and the runoff.

Quiggle: One question - is the shed permanently there?

Harmoning: It is on blocks so it is movable.

Quiggle: I think everything has been discussed and no one has any real issues with the 10/12 pitch.

Thompson made a motion to approve the variance to increase the existing roof pitch to 10/12 and add an approximate 12' x 13' loft/storage on an existing 24'5" x 28'5" dwelling located approximately 50 feet from Indian Lake, 0-5 feet from both side lot lines and 22 feet from a public road turnaround right-of-way. Approval includes the following conditions:

- That the applicant submit written evidence from an engineer or other qualified professional that the existing foundation of the current dwelling is sufficient to handle the additional weight of the new roof on the house will not be likely to negatively impact the stability of the hillside.
- 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 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 adequate time for infiltration or other treatment of rainwater from the lot prior to 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 carried unanimously.

- (Tabled from December 2014 meeting) Request to allow the separation of a nonconforming lot of record from an existing parcel for the purpose of sale and development. Both resulting lots are located within a floodplain and would require fill to meet elevation requirements for new construction or substantial improvements

to the existing dwelling or other structures. The lot separation would result in an existing garage being located 1.2 feet from a side property line (min. 10 ft required) and a small shed straddling the lot line. One of the lots would not be suitable for a Type I sewer system.

- i. Applicant: Mary A. Miller
- ii. Property address: 10756 Lawrence Ave NW, Annandale
- iii. Sec/Twp/Range: 7-121-027
- iv. Parcel number(s): 206034000160

Present: Marci Segner, Rick Miller, Bernie Miller

Rick Miller: There was some question on the shed and we could move that.

Oleson: The applicants own Lots 16, 17 & part of 18, the house is on lot 17 and they want to split off 16 and sell it. There was question as to the state statute and that is the reason it was tabled. I talked to township attorney and he suggested we talk to the MN Association of Townships attorney and get their thought. They all felt that there was no firm case law or guidance on the matter, but that their opinion was that the state statute only applies to lots that are nonconforming with the minimum state standards – not those lots that meet state standards, but do not meet local – more restrictive – standards. So if we were to go with that recommendation the state statute would not apply, the requirement for a type 1 sewer would not apply and what we would fall back on is the section 404 of the Township ordinance which basically requires four things for a lot of record to be sold separately. First is that they have frontage on an existing public right-of-way or have frontage on an existing easement or other private roadway which they do. Second is that they have at least 20,000 square feet of area - both of these are over that. Third also refers to needing 20,000 sq feet of area. And four that all other requirements of this ordinance are met, including, but not limited to, setback standards and sewage treatment standards. The sewage treatment standards mean that they can put a sewer on the property whether it be a type 1, 2, 3 etc. and they have done that. And the setbacks standards come into play and the issues could be the garage which only a few feet from the side set back. The question is are you going to go with the attorney's opinion with this and if you are, will you be ok with the garage being where it is?

Open to Audience: No Response

Smith: A lot changed from last month with the two opinions, Bernie as far as a septic system it would not be a type 1 but a type 3 for the one for the lot the house is on and the lot for sale will be a type 1?

Oleson: The lot for sale could be a Type 1 or a Type 2 depending on the location of the sewer. And if we are not following the state statute it does not need to be a type 1.

Bernie Miller: Basically it will meet the requirement for separation, it just a matter of how you design, a lot of type 3 system are better or just as good as a type 1 system. We just need to be out of the flood elevation.

Quiggle: I am wondering if we should first go around and see what we think about the septic system and then address the building setback separately.

Smith: I am ok with the type 3 septic system.

Quiggle: Based on the feedback we received from the Attorney's I'll defer to their recommendation.

Thompson: Can you explain the difference of a type 1 vs a type 2 or 3.

Bernie Miller: Type 1 (natural soils, above flood plain, no work). Type 2 system is flood plain or holding tank so you have a situation where there are things that need to be done to recycle the

water. Type 3 is when you have situation with disturbed soil that needs to have sand brought in to create of the drain field. It allows you to make a better system with what you have.

Taylor: I have no concerns.

Quiggle: Based on that it sounds like we are ok with the splitting of the lots on the septic side, now let's talk about the shed and garage. You already indicated that the shed can be taken down.

Miller: We will take down or move to a different location.

Smith: Bernie you said you have a thought on the garage?

Bernie: I am looking at others down the road and I understand that this is a new lot, however it is an existing building and what are you gaining by moving it? If it is moved you are looking at adding impervious and if you look at the neighbors around there most of them have garages that are at the same location along the road. To move it over 7ft is it worth it?

Smith: My feeling is that it should move off the lot line and meet the side yard setback.

Quiggle: I'm less concerned with the road set back than I am concerned with the side lot line set back. And it is well off the road.

Thompson: I think that now is the time to get it right.

Taylor: The shed is being moved, from the site plan will the septic be an issue if the house is moved back. On the site plan for the proposed house down the road could the house be moved somewhere else?

Bernie: Yes it could be moved, this is just an example.

Taylor: Shed moved and off the lot line and the garage needs to meet the setbacks.

Quiggle: I think that we are all in agreement that the lots can be turned into 2 separate lots and they could use any type of septic, along with the garage needs to meet the side lot setbacks but not necessarily the road setback and shed moved to meet the setbacks.

Smith: I am ok with that.

Quiggle- How far back is it from the traveled surface of the road now?

Bernie: Its about 15 feet.

Miller: It is not a township road.

Naaktgeboren: Correct it is not a township road.

Quiggle: I am ok with meeting only the side lot set back.

Segner: Do you make exceptions for old buildings?

Oleson: It used to be that way, but that has changed in the past years.

Miller: My mother is selling the other lot so that she can continue to have a cabin otherwise she would not be able to keep the cabin.

Quiggle: I just don't like creating a new lot that already has a lot line issue. I am ok with the road set back if we make sure the make the side lot setback whether that be by moving the lot line or tearing down the garage.

Thompson: Personally I would like to see it done right.

Smith: If we approve it with a type 3 system they would not have to come back to us correct?

Oleson: Correct as long as it met a septic systems standards they would not have to come back. Essentially what you're approving is the lot line adjustment. Not a variance.

Taylor made a motion to allow for a lot line adjustment with the following conditions:

- Existing Shed must meet all setbacks
- Existing garage must meet side lot line setback, not Road setback
- Lot 16 must meet all building codes and setbacks

Smith seconded.

Quiggle: Would like to add a findings of fact that we are basing our reasoning for allowing the separation of the lots according to the attorney's opinions.

Motion carried unanimously.

Taylor made a motion to approve the December 9, 2014 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

Oleson: Snyder/Tart, when we approved one of the conditions was that the ¼ acre had to be attached to lake lot. When the surveyor and the attorney were looking at it they asked that we call it an outlot. The auditor's office does not like to combine platted and unplatted land. I have seen this in other counties also. They would like to have it called it an outlot. Main concern is that it is attached to the lake lot and that we do not run into what we have in the past. To me we could have them sign off on a document that shows that these two are tied together and have them sign off.

Quiggle made a motion that we change the condition of the Tart/Snyder division, revised so that the .24 acre parcel will be called outlot A and will be combined with lots 1 & 2 of Sugar Lake Heights for the purposes of sale & development and this will be recorded on all of the parcels. Taylor seconded the motion. Motion carried unanimously.

Other Business

- Review of previously granted variance requests

The board reviewed several previously granted variance requests to looking to see if conditions had been met.

- Comprehensive Plan Update (if time allows) No Discussion

Smith made a motion to adjourn. Taylor seconded the motion. Motion carried unanimously at 9:16pm.