

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
July 12, 2016
7:00 PM

Charlotte Quiggle called meeting to order at 7:00 PM on July 12, 2016

Board of Adjustment/Planning Commission Members Present: Larry Smith, Charlotte Quiggle (Chair), Dick Naaktgeboren, Trish Taylor, Ben Oleson (Zoning Administrator)

Absent: Al Guck, Lee Parks, Barry Schultz

Others in Attendance: Judith & Ronald Libertus, Erik Lund, Al & Dorie Heinen, Larry & Vicki Greene

Additions or Deletions to the Agenda: Taylor made a motion to approve the agenda. Smith seconded the motion. Motion passed unanimously.

Public Hearings

Reconsideration of conditions imposed on a May 2016 approval of a variance application to replace one stairway, widen another by 1.5 feet, add a retaining wall and replace a sidewalk with stepping stones so as to create a small net reduction in impervious coverage on a lot with approx. 18-20% building coverage (max. 15% allowed) and approx. 39-41% total impervious coverage (max. 25% allowed).

Applicant: Allen and Dori Heinen

Property address: 11245 HOLLISTER AVE NW, Annandale

Sec/Twp/Range: 02-121-27

Parcel number(s): 206056003050

Present: Allen & Dori Heinen

Heinen: Thank you for reconsidering. We have had time to go back and look at things. What we requested in the first meeting is to replace the 2.5 ft steps to the lake with 4 ft steps, also to add a boulder retaining wall, however, were looking at small 2ft boulders and only about 2 ft high on one end down to nothing. This will make it a little safer and also help with water run off towards the lake as part of that we would give up some parking area which is currently paved and slopes towards the neighbors. We typically have 3-4 cars at any given time. The increase to enlarge the steps and put in the retaining wall would be a .28% increase and we would be giving up 160 sq ft area of the driveway so we are not talking a lot of numbers. We know our impervious is high and we are trying to work with that. This will give us a net reduction of almost 5%. We are giving up almost 7ft to 1ft that we are adding.

Quiggle: There is a lot of impervious

Oleson: This is a little unusual discussion since this is a reconsideration. There was confusion at the end of the last meeting about if we should table it or not table it so it got a little jumbled and taking that in consideration we decided to revisit. Originally talked about reconsidering the walk way down by the lake to 4ft rather than 3ft. The request is to have the 4ft walk way

down by the lake, to have the retaining wall, and to reduce the parking area by less than we talked about last time.

Heinen: We are looking at reducing the parking area 16ft rather than 30ft. From our perspective is that if the yard is more level it will reduce the amount of water going down to the lake. Our proposal meets what the intent of why you want to reduce impervious coverage which it keep it from going to the lake.

Quiggle: We are required to address impervious issues at the time of a variance request.

Audience: None

Oleson: Just to clarify there are a few options. The first option is to replace the stairway to 2.5 and they would not need anything and impervious would stay the same and not decrease. Second they could go to 3 ft stairway and reduce half of the driveway which is what you approved last time. Thirdly is what they are now asking for which is a 4ft stairway down to lake and retaining wall to be reconsidered and reduce driveway by 16ft.

Smith: Ben with their proposal what would their impervious be?

Oleson: They would reduce by 455 ft, which would bring them down to 37% impervious from 41.4%. Which is a 4% decrease.

Smith: I am going to let it go around at this point.

Taylor: I know Dick talked about doing something different other than the boulders?

Naakgeboren: I talked about not going as far out on the bank, just going from the flag pole and only go about an 8" rock. I know what you're trying to get and it would be nice to level it out but I think it is just a little too much.

Heinen: We are looking at about basketball size.

Naakgeboren: I suggest keeping it at 8" go out to flag pole and follow it out around. I don't think you need to go out as far as you originally requested

Taylor: I am fine with the smaller boulders and not going as far over.

Naakgeboren: I still think you don't go 8 - 12" and only going 1 or 2 high. Only going about a foot in height.

Quiggle: This is in the shore impact zone and we generally do not like to do things in the shore impact zone. Leveling that area out is not going to be a storm management plan for infiltration. The infiltration area you currently have with the habitat restoration area with native plants on the bank and that is functioning. I would do a rain garden like your neighbors for infiltration. Have you done a storm water management plan?

Heinen: We will be doing a storm water management plan as one of the conditions that were already given to us. The rain garden would defeat the purpose of what we are wanting to do.

Taylor: I would still like to see a little more of the parking area given up.

Quiggle: I would too and given that neighborhood most of the people do not have room for three cars.

Heinen: Could we go to 20ft?

Taylor: I could live with that.

Quiggle: I could do that if you gave up the boulders.

Heinen: We could do the 4ft steps?

Naakgeboren: I am ok with the 4ft steps, and I'm ok with 8" boulders and no further out than the flag pole. I feel you are doing your due diligence to get the impervious down.

Smith: Your intent is to have the grass in the area you are removing?

Heinen: Yes we will sod it.

Quiggle: You will not be removing any of the trees on the shore line or removing any of the native grasses?

Heinen: No we would not be touching any of that.

Quiggle: I would like to know what the plan is for stormwater management.

Heinen: The gutters that come off of the roof that ran into the shore line and the other goes into the public walk way, which have taken off so that it would not run into the lake. As far as the Stormwater management plan that was a condition of the variance.

Taylor: Fine with giving up 20 ft of the parking area.

Smith: Fine with the 4ft steps; No more than 8" boulders.

Oleson: Just to clarify, whatever distance between the flag pole to the patio would be maintained parallel with the flag pole.

Naakgeboren: Correct, it would stay parallel with the fence and going into the trees.

Smith made a motion to approve variance to widen the stairway leading from the home to the lake to 4 ft in width and install retaining wall with a maximum height of 12 inches with the following conditions:

1. That the existing parking area be reduced in size to no greater than 40 feet wide and a depth to the existing retaining wall on the road side of the septic drainfield (approx. 18-20 feet). The applicant shall have the freedom to choose what parts of the existing parking area to reduce to meet this condition.
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.
3. 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 or to other 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.

Taylor seconded the motion. Quiggle added stipulation that the trees and vegetation on the lake side need to be maintained.

Smith added the condition. Taylor seconded the motion. Motion passed 3 to 1 with Quiggle opposed.

Variance to construct a 6' x 30' open deck onto the lakeside of the existing dwelling approximately 42 feet from Clearwater Lake (min. 75 ft required) and 15 feet from the top of a bluff (min. 30 ft required).

Applicant: Larry and Victoria Greene
Property address: 9781 Jeske Ave NW
Sec/Twp/Range: 16-121-27
Parcel number(s): 206031000160

Present: Larry & Vicki Greene

Greene: We were here in 2007 to put a deck on, it was originally designed for a wraparound deck and were approved for 4ft on the lake side and 6ft on the side. At that time we did not want to put more money into the house so we did not do the deck. We now would like to put one on the front only as we do not need one on the side.

Oleson: This is sort of a reconsideration of a different kind. They came to the township for a recommendation and then to the county and were partially approved and some changed from what they asked for. They asked for a 6ft wide deck on the front and the side, they were approved for 4ft on the front and 6ft on the side. Now they are asking for just the 6ft on the lake side. The history on this lot is that the house was granted a variance in 1993 to be 45 ft from the lake. In 2007 they asked for the variance for the 6ft wraparound deck and were given the 4ft on the lake side; There is a survey that was done in 2007 that is measured to the water's edge at the time which should be pretty close now and even though they were granted a 45ft set back it was built at 54 ft. There was no mention of that at the 2007 hearing with the county. (Oleson pulled up the picture of home for board to review)

Greene: The reason for the 6ft is because the 4ft is really useless.

Oleson: It is not going to add any additional impervious to the lot, it will be going closer to the lake, however, not closer than what was granted in 1993. There is a bluff however, it is further away than where the proposed deck is. They have a patio that is on the survey as well.

Audience: None

Taylor: I do not have a problem with the length, I'm still wondering on the 6ft vs the 4ft. Have you looked at other options? Live putting it in with the patio down below?

Greene: It would higher and we need a lot of stairs down to that patio. It was designed to be on there and they must have decided not to put the deck on.

Taylor: Is it really a bluff on the side?

Oleson: We would have to have a survey to be sure, however, according to the contours it seems to be a bluff.

Naaktgeboren: When did you do the patio?

Greene: In 2006

Naaktgeboren: Did you decide on the patio instead of the deck?

Greene: Because the cost of a 4ft did not make since at the time. Ascetically 6ft would look better.

Naaktgeboren: The problem was in 1993 when they allowed the house to be built on the same foot print. If you're worried about the post could you put the back ant 4ft and extend it out to the 6ft? Just looking at how close you are to the bank.

Greene: Issue with going 4t is where the post will be and needing a larger beam to bring it out but we can talk to the builder.

Naaktgeboren: I was not sure on the bluff. So I wanted to make sure it would be ok. I do not have a problem.

Smith: I do not have a problem on the 6ft.

Taylor: I do not have a problem with the 6ft but having the post at 4ft

Quiggle: In theory I do not have a problem with it. I kind of want to respect the decision from the township and the county from 2007, however, if everyone is ok I am ok with it.

Taylor: The originally approved 45 and they are 54 ft.

Taylor made a motion to approve Variance to construct a 6' x 30' open deck onto the lakeside of the existing dwelling approximately 42 feet from Clearwater Lake and 15 feet from the top of a bluff with the following conditions:

1. That the posts to support the deck shall be 4 ft out from the home, with the remaining 2 feet cantilevered over the posts.
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, 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.

Naaktgeboren seconded the motion. Motion passed unanimously.

Lot line adjustment of an approximate 18' x 95' area between two nonconforming lots of record. Adjustment will result in a 6' x 12' storage building being 0.4 feet from the new side lot line and an approx. 240 sq ft accessory building being approx. 5 feet from the new side lot line (min. 10 feet required).

Applicant: Judith and Ronald Libertus/Erik Lund
Property address: 11945 and 11967 Gulden Ave NW
Sec/Twp/Range: 1-121-27
Parcel number(s): 206086001011 and 206086001012

Present: Ron Libertus/ Erik Lund

Libertus: We are looking at acquiring 1600 sq ft of property from Erik Lund. We are not changing anything.

Quiggle: You are ok where the buildings are?

Libertus: We are good with everything is at.

Taylor: Why?

Libertus: We need more space to put dock and lift. Erik has been good enough to allow us to put stuff in there in the past, however, we would like to have it on our own property.

Oleson: The lot line adjustment requires your review what we are looking for typically is to make sure that something that is conforming does not become none conforming. These are both small lots and do not meet the size by todays standard. The main thing her is the impervious coverage on the Libertus lot and based on my figures they are at 37% and they would go down to 34.3%. Mr. Lund lot would not be over on impervious or building coverage so in theory it would be making things better. The small shed would go to the Libertus and it would be about ½ ft from lot line and the other shed would be on the Lund property about 10 ft from the lot line. So in the big picture is not making anything better or worse.

Naaktgeboren: Parcel A; who owns that?

Lund: It is owned by 7 of us in the family

Naaktgeboren: Is there an egress getting in and out to that property?

Libertus: It is an easement on the survey.

Naaktgeboren: That was my only concern. I have no problem with it.

Smith: I'm good

Taylor: I have no problem

Quiggle: Sounds good to me

Naaktgeboren made a motion to approve Lot line adjustment of an approximate 18' x 95' area between two nonconforming lots of record. Adjustment will result in a 6' x 12' storage building being 0.4 feet from the new side lot line and an approx. 240 sq ft accessory building being approx. 5 feet from the new side lot line. Taylor second the motion. Motion approved unanimously.

Approve Previous Meeting Minutes

Quiggle made a motion to approve the April 28th, 2016 meeting minutes. Smith seconded the motion. Motion approved unanimously.

Quiggle made a motion to approve the May 10th, 2016 meeting minutes. Taylor seconded the motion. Motion approved unanimously.

Quiggle made a motion to approve the May 18th, 2016 meeting minutes. Naaktgeboren seconded the motion. Motion approved unanimously.

Quiggle made a motion to approve the June 14, 2016 meeting minutes. Smith seconded the motion. Motion approved unanimously.

Zoning Administrator's Report

Permits - No discussion

Correspondence - No discussion

Enforcement Actions - No discussion

Findings of Fact - Previous PC/BOA Decisions. Oleson indicated that he made a correction on Stacks and have updated a few items on that were older. As long as you are ok with changes we can go ahead and get those recorded. Smith made a motion to approve the findings of fact of previous PC/BOA Decisions. Taylor seconded the motion. Motion passed unanimously.

Other Business

Continued Discussion - Planning Commission Training - No Discussion

Discussion - Erosion protection requirements and enforcement; Quiggle asked if Oleson had some information/packet from other county's/townships for all board members so that everyone could have a chance to read over. Oleson reviewed information from another township with the board and will get information out to the board.

Smith made a motion to adjourn. Taylor seconded the motion. Motion passed unanimously at 9:15pm.

Prepared by: Jean Just