

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
July 8, 2014
7:00 PM

Charlotte Quiggle called the meeting to order at 7:00 pm on July 8, 2014.

Roll Call: Board of Adjustment/Planning Commission Members Present: Charlotte Quiggle (Chair); Larry Thompson; Lee Parks; Trish Taylor; Jeff Lundquist, Ben Oleson (Zoning Administrator).

Absent: Larry Smith

Others in Attendance: Andrea Smith, Lesa Roy, Ron Jensen, Cori Duffy, Stacy Pietrowski, Linda Daas, Dan Duffy, Craig Pietrowski, Wesley Daas

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

Public Hearings

- a. Variance to construct two additions to an existing attached garage approx. 95 ft and 90 ft from the centerline of a County Road (min. 120 ft required). Additions to be an approx. 2'4" x 2'6" dormer, supported by posts, and a 1' x 10' "bump out".
 - i. Applicant: Brady and Andrea Smith
 - ii. Property address: 7051 - 102nd Street NW
 - iii. Sec/Twp/Range: 11-121-027
 - iv. Parcel number(s): 206000114400

Present: Andrea Smith

Smith: What we are doing is an addition to the back of the house so it is all encompassing, we are looking to add to the front of the garage 2' 6" to match the front of the house and then adding a bump out to add to the curb appeal to the house.

Oleson: Correction minimum set back should be 130ft. from the center of the road. The applicants, as part of a larger remodeling of the existing home on this property, are reconfiguring the roof over the house and attached garage. A portion of these changes to the buildings - on the attached garage - will be within the 130 ft required setback to the centerline of County Road 120. The changes within this setback would be 1) extending a portion of the roof over the garage door entrance by 2.5 feet and supporting this with posts (a 2 ft overhang is allowed without needing to meet setback requirements but when larger and/or when supported by posts, it is considered an expansion to the structure) and 2) creating a 1' x 10' "bump out" window that would have a foundation on the side of the garage toward the road. The home/garage on which these additions are being made appears to have been constructed in 1980. No concerns from the County Highway Department.

Quiggle asked for public comment, with no public comments it was brought back to the board.

Lundquist: I do not have any questions and I think it will look nice

Taylor: My question is if the septic system will be up to code.

Smith: We updated that last year to bring it into compliance.

Parks: I think it will add to the property.

Thompson: I think it looks really nice.

Quiggle: I do not see any issues.

Lundquist made motion to approve the Variance to construct two additions to an existing attached garage approx. 95 ft and 90 ft from the centerline of a County Road. Additions to be an approx. 26'4" x 2'6" dormer, supported by posts, and a 1' x 10' "bump out" window on the east side of the garage with the following condition:

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 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.

Thompson seconded the motion. Motion passed unanimously.

- b. Variance to replace an existing above-ground holding tank with a new above-ground holding tank to be located approx. 1-3 feet from a dwelling (min. 10 ft required) and with alternate cover/insulation methods.
 - i. Applicant: Craig & Stacy Pietrowski
 - ii. Property address: 11932 Hollister Ave NW, Maple Lake.
 - iii. Sec/Twp/Range: 02-121-27
 - iv. Parcel number(s): 206011000025, 206011000027

Present: Stacy Pietrowski, Russ

Pietrowski: We purchased the property just over two years ago and unfortunately we were told that the septic was 50ft from our well and it is not. We have had lots of freezing issues. The cabin is a 4 season cabin, our holding tank is gravity fed and that works. The problem is that where the holding tank is it comes out and then makes a 90 degree turn. The slope is good, however, the 90 degree turn is where the problem is. We took apart the back side of where the holding tank is and found that part of the pipe is outside and not under the heated part of the cabin. So what we would like to do is extend it 2ft so that we can get it totally enclosed and run it into a custom made tank removing the 90 degree turn and enclosing and heating the tank area. Moving this tank does not seem to be an option as we only have 1/8th of an acre, if we move 10 ft south we are too close to the well, 10 ft west we are too close to the water, 10 ft north we are in the middle of the driveway. We are only 1 ft above the water level, they will not guarantee that it will not freeze by moving it elsewhere. So we are asking to keep holding tank where it is and extend it 2 ft. We did not even question the distance to the well because the disclosures indicated it was 50ft. The distance is only 27.5 ft, after talking with Curtis at the MN Department of Health we have the option to drill a new well and we are planning on doing that. We are getting bids on that. We will need a variance from the state since we will be within 35 ft of the lake. Dean Flygare requested 15 ft from the lake from the Curtis at the MN Department of Health.

Quiggle: Is there any well setbacks from property lines?

Oleson: It is a Department of Health setback not a township or county setback. I do believe there is a minimum property line setback.

Russ: On her behalf, it is a tank and selfishly it is covered by a deck so that we do not have to look at it. The new tank is designed so that it will drop freely with less distance will keep maintenance down.

Oleson: The applicants have a year-round home which is currently served by an above-ground holding tank located under the open deck adjacent to their roadside entry door. This tank appears to have been constructed in 1971 and has a pipe leading from the house to the tank with a 90 degree bend. In the winter months, the homeowners have had problems with the pipe freezing and needing to be repeatedly thawed. They would like to replace the tank in the same location with a new larger tank, use a pipe without a 90 degree bend and provide greater insulation of the tank and pipe to prevent freezing. The project requires a variance as the tank would be located under a structure (the deck). There are provision to allow for a zero setback for a tank is approved by the sewer inspector so that does not need a variance, what ends up needing a variance is the well which is a Department of Health issue not ours and the fact that it is under a structure. So if it was not under the deck they would not be here. I talked to Troy at the county and he talked about if they could do a retaining wall, however, due to a variety of reasons with it being a tight lot that did not seem to work. The setback to the lake is 50 ft for a holding and they meet that. If this was a bare lot the ordinance talks about limiting the use to RV's or seasonal use, however, the home is already there and has been used as year round.

Pietrowski: The previous owner did live there year round.

Quiggle: They did not have any of the septic issue's that you are having?

Pietrowski: Nothing that was told to me.

Russ: Constant use may have kept it more open.

Oleson: Three of the properties down the line also have above-ground holding tanks.

Quiggle asked for public comment, one person stated they have no objection. With no additional public comments it was brought back to the board.

Taylor: One question I have is you talk about adding to the deck, how much are you adding.

Pietrowski: We will be adding 2ft to the deck to cover the holding tank.

Taylor: I question that because it shows the deck going almost to the end of the home.

Pietrowski: It is only 2 ft more from what is already there.

Quiggle: Right now you are over impervious, is there any other areas that could be removed so you do not go over any further than you are currently.

Pietrowski: If I have to I will not add the 2ft and let it stick out. The shed is not permanent, it is floating so that is not impervious.

Quiggle: It is impervious because it's there and is covering the ground.

Oleson: Those numbers are just estimations.

Quiggle: Because we do not have a survey, I would like to see a survey.

Pietrowski: Is that necessary? I'm sorry I am just trying to make my place usable in the winter and we're talking 2 ft.

Quiggle: The 25% impervious coverage limit is strictly looked at. I am not disagreeing with what you are trying to do, however, in doing so you are creating additional concerns.

Pietrowski: I want to know what the damage is at being over 25%.

Quiggle: The state rules limit the impervious coverage to 25%. If you had a survey that shows you are under, that is where a survey may help you. If you were to stay at 25.4% I think we would be ok with that, however, you are looking at increasing that. Is there any pavers, sidewalk, driveway that could be removed to bring you back to the 25.4%?

Oleson: I counted both lots and again that is based on the Beacon estimates.

Pietrowski: We could remove some of the driveway if we need too.

Thompson: How much room do you have from the edge of the door and the edge of the deck on the end where the steps are?

Pietrowski: About 2 ft

Thompson: If you don't increase the size of the tank and just slide it down?

Lundquist: How about removing the existing well house, would take care of it?

Taylor: If you remove the well cover that would take care of it.

Oleson: So you are looking at removing 1 for 1 on impervious?

Pietrowski: We can remove that since we are going to be getting a new well.

Taylor: I am ok as long as we remove the well cover and then add the two feet.

Quiggle: As long they remove what they are adding.

Parks: I do not think there is anywhere else to put the tank.

Thompson: How do you know when it is time to pump the tank?

Pietrowski: We have an alarm and we have a stick to check where it is at.

Taylor: The tank will be all covered by the deck?

Pietrowski: It will be to code and will look nicer and be covered, it is open now because we have been working on it.

Quiggle: Is there something that has to be monitored or a management plan?

Oleson: It requires a management plan.

Pietrowski: I do have the invoices that I have paid indicating it was pumped.

Quiggle: Does it say it has to be a scheduled thing?

Oleson: It says that current pumping contract signed by the owner and a contractor and records must be kept.

Quiggle: I think we covered everything I do not have anything to add.

Thompson made a motion to approve the variance to replace an existing above-ground holding tank with a new above-ground holding tank to be located approx. 1-3 feet from a dwelling (min. 10 ft required) and with alternate cover/insulation methods with the following conditions:

1. Make sure whatever increase in square footage that is added to the deck the same amount must be removed to maintain the same impervious coverage.

Taylor seconded the motion.

Discussion: Add condition that the MN Department of Health must approve well set back.

Thompson amended the Motion to add the above condition.

Taylor seconded the amended motion. Motion passed unanimously.

- c. Temporary use permit to allow for use of an accessory building as a dwelling while the primary dwelling is rebuilt.
 - i. Applicant: Lesa Roy
 - ii. Property address: 10389 State Highway 24 NW, Annandale.
 - iii. Sec/Twp/Range: 09-121-27
 - iv. Parcel number(s): 206000092304

Present: Lesa Roy, Ron Jensen

Roy: We had a fire that completely destroyed our home, I had been there 35 years. We have a large pole shed 48x28 we would like to turn that into a temporary living area while we rebuild. We would be adding one bedroom, one bath, and kitchen/living area. Once the new structure is complete we would take out the kitchen, bedroom. We would like to keep the bathroom, we do lots of crafts/woodworking. We would remove some of the walls so we could use as a

garage area and keep the shop area open to the garage stalls. Our hope is to be done by October 1st. We will not be building as big of a home, we would like to build a smaller one level home.

Quiggle: What is the septic situation?

Roy: That was updated in the early 90's and we have not had any problems.

Quiggle: Ben do you know if it is sufficient for what they are proposing?

Oleson: I talked to Troy at Wright County and he will have to review the design or records that they have from when it was updated. There would be codes that would have to be met depending on number of bedrooms, bathrooms etc.

Taylor: What is the trench? Is that electric?

Roy: Yes it came off the house to the shed so now without the house it will have to be redone and we will be responsible to get that done. It was all above ground and we would like to get it underground now.

Oleson: One of the conditions indicates the septic has to meet code.

Jensen: Have the codes changed from 1991?

Oleson: Yes there have been updates, mostly to do with sizing. I think you should be ok. The applicants are seeking to use an existing 1,296 sq ft shed on their property (identified as "Pole Bldg." in the attached site plan - the northernmost building on the property) as a temporary dwelling while they rebuild their home that was recently destroyed by fire. They expect the new home to be completed by October 2014. The applicant would install several interior walls in the existing shed, plumbing, sewer and other improvements. When the new home is completed, they would be removing the kitchen and bedroom areas and looking to use the shed as a partial garage (two stalls) and a hobby/craft/workshop area with a bathroom.

Quiggle asked for public comment, with no public comments it was brought back to the board.

Parks: as long as the septic is ok I do not have a problem.

Thompson, Lundquist, Taylor - same

Quiggle: Septic and making sure that it is converted back to a garage with a workshop and bathroom, not for sleeping/housing.

Oleson: That 6 month is just a thought, however, you could make it a longer time frame if you want. You can go longer if you don't want them to have to come back to extend it.

Jensen: We hope to have it done in 6 months.

Lundquist made a motion to approve the temporary use permit to allow for use of an accessory building as a dwelling while the primary dwelling is rebuilt for a period of up to 1 year or until a certificate of occupancy is issued for the new home whichever comes first with the following conditions:

1. Any extension of the initial 1 year timeframe will require a new application.
2. Any kitchen & bedroom facilities (kitchen sink, stove top, oven) must be removed within 30 days from the certificate of occupancy.
3. The sewer system must be reviewed by the Township's inspector to ensure that it is adequate to accommodate any additional bedrooms in the new home plus any bathrooms or other wastewater generating facilities in the shed that are to remain after the temporary use as a dwelling ends.
4. The applicant must meet building code requirements for all improvements made to the shed, and once the temporary use as a dwelling ends, removal of any improvements that would constitute a dwelling as per the building code.

Taylor seconded the motion. Motion passed unanimously.

Taylor moved to approve meeting minutes from June 10, 2013. Parks seconded the motion. Motion approved unanimously.

Zoning Administrator's Report

Permits: **Oleson:** Kobe Permit - one of the conditions was that he had to meet the impervious, met with him today and he came up with what he would remove. Most of that would driveway and that would bring him under 25%. He wanted to know if he could keep the deck at 12 ft and not bring it back to 10 ft, since he would be under 25%. He said he could cut back more impervious if that would help. He asked if he could apply for another variance. Technically he could apply for another variance after a year. **Quiggle:** These are two different issues, the deck is a setback from the lake issue not an impervious issue. The board agreed that this is a lake set back issue not impervious and it should be brought back to the 10ft. He is welcome to re-apply for a variance, but not sure that anything has changed.

Correspondence

v. Vacation Rental concern - Somers Lake (County does not regulate these).

This was requested to be tabled for future discussion.

Enforcement Actions - no discussion

Findings of Fact - Previous PC/BOA Decisions - none to review

Primary Elections are being held on August 12 so we will need to change the August meeting. August meeting will be change to August 14th at 7pm.

Other Business

Planning Commission/Board of Adjustment Training Session (tabled)

Comprehensive Plan Update (tabled)

Parks made a motion to adjourn at 8:35 pm, Taylor seconded the motion. Motion passed unanimously.

Minutes prepared by Jean Just