

CORINNA TOWNSHIP  
MINUTES  
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION  
July 9, 2013

7:00 PM

1. Call to Order - Charlotte Quiggle called the meeting to order at 7:00pm on July 9<sup>th</sup>, 2013
2. Roll Call - Board of Adjustment/Planning Commission Members Present: Charlotte Quiggle, Larry Thompson, Larry Smith

Absent: Barry Schultz, Patricia Taylor, Lee Parks

Others in attendance: Dick Naakgeboren, Mike & Cheryl Wurm, Melvin Dykhuizen, Barb & Michael Brandt, Carol Brandt, Ruth & Bill Westhoff, Jon & Judy Halverson, Steve & Barbie Berg, Roman 'Chip' Baur

3. Additions or Deletions to the Agenda - Oleson indicated he had one item to add under Other Business regarding fences, Smith made a motion to approve the amended agenda. Thompson seconded the motion. Motion carried unanimously.

4. Public Hearings:

- a. Variance to construct a 24' x 30' storage building approx. 30 ft from the centerline of a Township road (min. 65 ft required).
  - i. Applicant(s): Mike and Cheryl Wurm
  - ii. Property Address: 7814 - 106<sup>th</sup> Street NW, Annandale
  - iii. Sec/Twp/Range: 11-121-27
  - iv. Parcel Number(s): 206-000-113202

Present: Mike & Cheryl Wurm

**Mrs. Wurm:** We are looking to build a storage shed behind our house. When we built our house we were approved by the county for the sewer and shed at 800 sq ft on the back lot. We did not do the shed at that time. We are asking to build that 800 sq ft shed now.

**Oleson:** The applicant is proposing to construct a 24'x30' detached garage across a publicly maintained road from their lakeshore home. The garage would be located about 30 feet from the centerline of the township road instead of the required 65ft. The primary factor contributing to the garage being close to the road is the presence of a sewer system drainfield behind the proposed garage location. That sewer system was installed in 2006 at the same time they received a variance to build their home on the opposite side of the road. (parking area right now is just below the impervious at 25%). The small shed will be removed if approved. That is reflected in the impervious calculations. They will be about 30ft from the center of the township road. There is something on the other side of the road that is an issue; however, we are looking into that as a separate issue since they are two separate lots created at two separate times.

**Quiggle:** On the back lot I do not see the numbers for the impervious calculations. Do we know for sure? Do we have a survey?

**Oleson:** The numbers on 4a-1 that is for the back lot so the existing coverage is 2,380 sq ft which is slightly over 25%, however, when they remove the existing 80 sq ft building they will be slightly under 25%.

**Thompson:** Looks fairly straight forward to me, my only concern is to make sure we are meeting the impervious coverage and let that dictate the actual size of the garage or by cutting down the gravel parking area, and go with the recommendations.

**Smith:** My only concern is how close they are to the township road, is there any way it could be backed up a little

**Mr. Wurm:** Dean Flygare recommended that we stay 20 ft away and that is about where I have the back stake.

**Smith:** Parking in front is tight when plowing and doing maintenance. I am fine with everything else as long as were meeting the impervious.

**Quiggle:** As long as we have a survey and exact calculations to make sure that we meet the 25% impervious. If it is slightly over they would have to till up the gravel area and seed. The one thing I want to point out is what could become an issue in the future is the DNR property next door since the thought is it will become parking and people coming down and turning down at the end of the road. It could have more traffic on the road.

**Mr. Wurm:** So we can go ahead and build the shed the size we have indicated and plant grass seed on the other side.

**Oleson:** Yes my thought is that I would go with a tape and just make sure we are meeting the impervious coverage.

**Carlson:** Are we are still going to leave us a place to turn around?

**Mr. Wurm:** I will make sure there is a place to turn around.

**Quiggle:** Any other questions or comments from the Audience?

Thompson made a motion to allow the construction of a 24'x30' detached garage across a publicly maintained road from their lakeshore home with the following condition:

1. Total impervious coverage on the back portion of the lot (south of the road) shall not exceed 25% (2,344 sq ft).
2. Erosion and sedimentation control measures must be installed, where practical, and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences on downslope areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets 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. 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.

Smith seconded the motion. Any further discussion?

**Quiggle:** Add that Building can be no closer than 30ft from the center line of the road.

Thompson amended his motion accordingly. Smith seconded.

Motion passed unanimously.

- b. Variance to construct new 8' x 20' deck approximately 35 feet from Sugar Lake (min. 75 feet required), approximately 10.4 feet from a side lot line (min. 15 ft required), and which will increase impervious coverage on the lot to approx. 35 percent (max. 25 percent allowed).
  - i. Applicant(s): Michael and Barbara Brandt
  - ii. Property Address: 6375 - 117<sup>th</sup> Street NW, Maple Lake
  - iii. Sec/Twp/Range: 1-121-27
  - iv. Parcel Number(s): 206-080-001130

Present: Barbara & Michael Brandt

Mr. Brandt: We would like to build a deck on the lakeside of the house. I'd like to mention that we have taken down some impervious surfaces a couple years ago by removing steps from the deck to the ground and removing some beach area. We have removed at least as much, if not more, than what we'd like to add. We realize that there are issues with the setbacks and coverage, but our proposal doesn't change the nature of the property very much.

**Oleson:** The applicant is proposing to construct an 8' x 20' main level open deck over a lower level walkout. The deck would nearly match an 8' x 18' deck on the opposite end of the house that is approximately the same distance from the lake. Very close to the lake, distance to the lake is only 35ft. The variance's needed would be the lake set back, side lot line set back and Impervious coverage which is well over the limit with coverage of about 36% by my calculations based on previous permits issued and Ariel views not based on any surveys. This is what is out there now. It was higher a couple of years ago. The deck surface itself is considered impervious. The previous owners got a variance to add onto the house and I looked to see if there was discussion at that time about impervious service and there was no mention of impervious coverage according to the minutes of the 2003 Wright County variance hearing. Gravel driveways were not considered impervious at the time, although the 2003 survey submitted with the application indicates the driveway was bituminous. The other thing I noticed is that the existing deck only allowed for a 6' x 18' open deck while the current deck is 8' x 18' and was constructed by the previous owner.

**Quiggle:** Comments from audience?

With no comments it was brought back to the board for their comments.

**Smith:** I struggle with the overall impervious coverage, I wish you could give up something to gain some of that back but you would have to give up a lot to get back to the 25%. Not big on allowing it because of that and being so close to the lake.

**Quiggle:** I agree we are grossly over the impervious. With the deck encroachment the ordinance could allow for an exception, but it does not meet any of those exceptions. I'm sorry to say that I am against it.

**Thompson:** There was some talk that some of the impervious service could be taken out, however I am sure that it is convenient for you to get a car up their with a wheelchair. Is there anything we could do with a conditional use? I'm just throwing this out I'm not sure this can be done; where the deck could be allowed on the condition that if the property was sold or the owner passed away some of the bituminous surface has to be taken out?

**Oleson:** I would consult with the township attorney on if that was possible, it's a little unusual to have those types of conditions and the attorney has indicated that he could see some issues with these types of conditions down the line.

**Thompson:** my thoughts may be a little different if they were the ones that put the deck up; however, the previous owner is the one that put up the last deck and with the need to have the bituminous up to the house due to the wheelchair.

**Brandt:** If we change the driveway to gravel would that help?

**Thompson:** No because gravel is still impervious – it would have to be a non-driving service. Do you know what I'm saying with the conditional use that you would have to remove the deck if you were to sell or pass away?

**Brandt:** Yes. Removing the driveway would make it more difficult for me. We don't want to make it worse than it is. It would be your call.

**Oleson:** I think there is two ways to look at it; one is the end result which is if their still over 25% that's a problem, the other way is to look at it can we get and equal or great reduction than what they are adding and does that set some precedence for the future.

**Brandt:** One thing is that two years ago we could have offered to offset with the removal of the stairs and the beach, but since we did that on our own we kind of stepped on our own foot so that is maybe a third way to look at it.

**Quiggle:** The fact is that you are still at 35%

**Thompson:** I look at this as an opportunity to get this down closer to the 25%. I don't know what the driveway is [for coverage]?

**Quiggle:** how would you get that into a title?

**Oleson:** You would have to indicate that if they go to transfer title certain conditions would have to be met.

**Quiggle:** What if the property doesn't transfer out of the property?

**Thompson:** We are looking at extenuating circumstances and a way to get the impervious coverage reduced.

**Quiggle:** But the deck is not a necessity and there is not a hardship.

**Thompson:** I look at this as a chance to get closer to 25%.

**Oleson:** Assuming that the deck would be allowed and they removed the driveway up to the house it would bring it down to about 30.2%. They would need to take out another 1000 sq ft, roughly.

**Brandt:** Thank you for taking the time.

Smith made a motion to deny the variance request. Quiggle seconded the motion. No further discussion. Motion denied unanimously.

- c. Variance to convert an existing screen porch to a 3-season porch approximately 45 feet from Cedar Lake (min. 75 ft required).
  - i. Applicant(s): Bill and Ruth Westhoff
  - ii. Property Address: 7898 Irvine Ave NW, Annandale
  - iii. Sec/Twp/Range: 27-121-27
  - iv. Parcel Number(s): 206-000-272102

Present: Bill & Ruth Westhoff

**Mr Westhoff:** The existing house was build in 1994, and at that time it had a variance due to the lake setback, however, it was in line with other properties. After 18 years the screen porch

needs some repairs and thought it would be a good time to add windows & doors. We are not increasing the size or changing the roof.

**Oleson:** The applicant is proposing to convert an existing screen porch into a 3-season porch. The porch is currently approximately 45 feet from the lake and would not be changed in size from what it is now. As noted in the April 2012 policy regarding what constitutes an expansion, "Screening in an existing open-sided porch or other open-sided roofed area will not be considered an expansion. If the addition is such that windows can, or are required to be installed, it is considered an expansion." Impervious is about 23% so they are fine on that.

**Quiggle:** Anything from audience?

Oleson: We did receive one comment from neighbor in favor of it.

**Thompson:** Straight forward. I have no issues with it

**Smith:** I agree. I'm in favor of it

**Quiggle:** I agree it is existing there already and they are just putting windows in.

Quiggle made a motion to approve the variance to convert an existing screen porch to a 3-season porch approximately 45 feet from Cedar Lake on the condition that if any soil is exposed during the construction erosion and sedimentation control measures must be installed. Smith seconded the motion. Motion carried unanimously.

- d. Variance to add a second story and a 10' x 16' entry addition to the existing dwelling approximately 81 ft from Indian Lake (min. 100 ft required).
  - i. Applicant(s): Stephen and Barbara Berg
  - ii. Property Address: 10929 Grover Ave NW, Maple Lake
  - iii. Sec/Twp/Range: 12-121-27
  - iv. Parcel Number(s): 206-029-001070

Present: Stephen and Barbara Berg

**Mr. Berg:** We have a nearly 2 acre lot, small 2 bedroom 1 bath home that is on a high grade. Basically we just want to go up and add a mud room; Variance is because we are expanding on the one corner of the house that is over the 100ft setback.

**Oleson:** The applicant is proposing to expand the existing dwelling by adding a second story and adding a 10'x16' entryway addition. A variance is needed because a portion of the existing house and the 2<sup>nd</sup> story addition are within the required 100 ft setback from the ordinary high water level of Indian Lake. The entryway additions will meet all required setbacks.

**Quiggle:** Any questions or comments from the audience?

None

**Quiggle:** I don't have any issues with this, the house is existing with the 81ft set back and we usually allow up to 75ft and the mud room is not an issue.

**Thompson:** I agree

**Smith:** Looks good - I agree

Thompson made a motion to grant the variance to add a second story and a 10' x 16' entry addition to the existing dwelling approximately 81 ft from Indian Lake with the following condition:

- Erosion and sedimentation control measures must be installed, where practical, and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences on downslope areas. Once disturbed areas are no longer being used

for construction purposes, these shall be covered with mulch, erosion control blankets or other forms of temporary cover until vegetation is re-established.

Smith seconded the motion. Motion carried unanimously.

- e. Variance to construct a new 2,992 sq ft single-story dwelling with attached garage approximately 55 feet from the centerline of a township road (min. 65 ft required). Variance to construct a new 32' x 40' detached garage approximately 50 ft and 64 ft from the centerline of two township roads (min. 65 ft required).
  - i. Applicant(s): Russell and Patricia Mittlestaedt
  - ii. Property Address: 11187 Hoyer Ave NW, Annandale
  - iii. Sec/Twp/Range: 2-121-27
  - iv. Parcel Number(s): 206-066-00491, 206-066-000492 and 206-066-000510

Present: Russell and Patricia Mittlestaedt

**Mr Mittlestaedt:** We are looking for the variance because we are land locked by roads on three sides if we met all the road setbacks there would not be any more room for a house. We will be removing all the existing structures once completed. We will live in the existing home until the new one is done and then move it off or tear it down.

**Oleson:** The applicant is proposing to remove the two existing dwellings that are currently located on these three parcels (one has already been removed) and construct a new 2,992 sq ft dwelling in the center of the three lots. They have also requested that the three lots be combined into one for tax purposes. The existing detached garage on the north end of the property would also be removed and replaced with a new, larger garage in the same location, except that it would be wider along the road. The lots on which the house would be constructed is surrounded on three sides by public roadway. As such they have requested variances from one road for the house and two roads for the garage. One thing we are waiting on is the sewer design to know what that will be placed. Do you have the design yet?

**Mittlestaedt:** It will be on the southwest corner of the property, however, we do not have a copy of the design yet and they have not done the soil borings.

**Oleson:** One thing would be to make sure that the sewer is going work where they think it will work because if it does not it could change the location of the house.

**Mittlestaedt:** There are already two existing sewer systems on the property so we could use one of those systems, however, that is not our desire.

**Oleson:** I had discussed this with them at the start of the process. The issue there is if it didn't work where they wanted it then we would be allowing a type 3 system instead of a type 1 system. The Board can handle that as a condition that they must be able to get a type 1 system in.

**Quiggle:** Would the placement of the sewer system meet all setbacks?

**Mittlestaedt:** Yes it would meet all the setbacks, we did go over that with the designer tonight

**Quiggle:** Hard to make a decision without knowing if the sewer is going to meet all the requirements.

**Oleson:** We thought we were going to have it by tonight

**Mittlestaedt:** We have been working on trying to get everything completed, we will do the silt fences, and we may have to bring in fill because we are in a bowl.

**Quiggle:** Do you know how much fill?

**Mittlestaedt:** Not at this time.

**Oleson:** We discussed this on-site. If over 50 cu yard it would be a separate application and we can add that as a condition.

**Quiggle:** We will need the actual data

**Smith:** I would like some information. One I need to see where the sewer is going to be and that it will be a type 1. I'd like to see how much fill. I'd like to see more before we go forward. The road set backs do not worry me or the coverage area.

**Thompson:** I agree with Smith

**Quiggle:** I agree. We need more information as to where the sewer is going to be and also how much fill and that the structure cover of 15% is met.

**Oleson:** There are two ways to handle either table it for next month or approve it providing they meet all the requirements.

**Smith:** I'm leaning towards tabling it.

**Thompson:** I am ok to allow Ben to make the checks and balances and make sure they meet all the requirements.

**Quiggle:** I agree. If there were only one thing, but with many interconnected items...

**Oleson:** If you would allow it to go through, I would be very conservative about all items being met. If I was not sure of it I would come back to the board. We would need a survey, a preliminary sewer design showing borings, all setbacks being shown, detailed calculations of fill needed.

Thompson made a motion to grant variance to construct a new 2,992 sq ft single-story dwelling with attached garage approximately 55 feet from the centerline of a township road. Variance to construct a new 32' x 40' detached garage approximately 50 ft and 64 ft from the centerline of two township roads with the following conditions:

- The applicant shall provide a survey of the lot, or other sufficient evidence, to show that the building coverage will not exceed 15 percent of the lot.
- The applicant shall provide a preliminary sewer design, based on soil borings, indicating that Type I sewer system can be installed that will not create the need for any additional variances.
- The applicant shall provide detailed calculations of the amount of fill that would be placed around the new home. If such calculations indicate that more than 50 cubic yards are necessary, a separate conditional use permit shall be required.
- That applicant shall sign a statement indicating that they will remove the existing dwelling upon completion of the new dwelling.
- Erosion and sedimentation control measures must be installed, where practical, and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences on downslope areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets 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. 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.

Smith seconded the motion. Motion passed unanimously.

5. Approve Previous Meeting Minutes

a. June 11, 2013

Smith made a motion to approve the previous meeting minutes of June 11, 2013, Quiggle seconded the motion. Motion passed unanimously.

**Thompson:** Can we talk about Brandt's and the impervious and what about the existing deck, is anything going to be done?

**Oleson:** I would treat that as a separate issue along with Wurm's impervious on the lake side lot. The issue with Wurm's is that they are over impervious on the lake side, they were granted a variance for the road set back when they built in 2006, however, nothing was said with the impervious. I did talk to Barry regarding the shed by the lake and he said that was there previously and just moved closer to lake, looks like it would meet the lake set back, however, maybe not the side set back. In 2006 the driveway would not have been considered impervious so they could get credit for that, however, the deck and fire ring area are impervious. I will have to check when the deck & fire pit area were put in. They are not required to get a permit for a patio so hard to enforce when a permit is not required.

**Thompson:** It is evident that the Brandt's deck did not meet the variance requirement.

**Oleson:** I would treat that as separate enforcement issue. In talking to another county attorney in the past, he indicated that he would not prosecute if over 3 years old. Other attorney's have told me different time lines and depending if they did it or did the previous owners do it? Do you make them tear it down and rebuild? Ultimately it is up to the board and every situation is different.

**Quiggle:** I would be more likely to go back if it was the original owner rather than if it was the previous owner. Every situation is different and I have a hard time giving a time frame. I think with the Brandt's it was the previous owner and they did not know that the deck was built incorrectly.

**Oleson:** So we are saying that we will leave the Brandt issue alone. Wurm's still look into the extra impervious.

6. Zoning Administrator's Report

- a. Permits
- b. Correspondence
- c. Enforcement Actions

7. Other Business

- a. Ordinance Updates

- i. Shoreland ordinances – update from County P&Z review
  - ii. Solar farms – people are asking if they can have a solar power farms. Wright County indicates they are not allowed in the county, so they would have to change ordinance. Do we have any thoughts – some issues are that it is an eyesore, property maintenance, and clean up. You could make conditions. Some discussion because this company that is going around and buying up or leasing land and in total they are getting big enough that they may not have to go through local government and they could go through the State.
  - iii. Pool covers - Tabled
  - iv. Status update - proposed county ordinance changes (Commercial Agriculture Tourism, Town Halls). Public hearing scheduled for July 18, 2013. – Tabled.
- b. Draft update to Township’s “expansion” policy
  - c. Discuss possible update to 2007 Comprehensive Plan.

Oleson detailed a significant erosion problem occurring on Cedar Lake. The Commission and Oleson discussed the permitting process and the inspection process for erosion control. The Commission asked Oleson to bring some options for discussion at the August meeting.

**Oleson:** We have a section on in the ordinance on how we handle fences in the shore land area. It says that fences cannot impede visual site within the lake setback. A couple questions that come out of that. Is that the existing building set back or the 75ft set back? The intent is not to block views. It is a situation where two neighbors want to build this together and if we go by the 75 ft setback they could not have a fence since the lot is not 75 ft deep. The other questions is the requirement to not impede visual site lines. Does that mean they drop it down to 4ft or 3ft and if it’s on a slope can it be taller? They would like to go about 10 ft from the lake with a 6ft fence.

**Quiggle:** I would say that you cannot go any closer than the existing building.

**Oleson:** I guess the third question would be do we ignore this if the two neighbors are in agreement?

**Smith:** What happen if one sells and the new owners are not happy with it?

**Thompson:** How far is the house from the lake?

**Oleson:** About 30 ft

**Quiggle:** What kind of fence? Is it a privacy fence not any closer to the lake than the house itself?

**Oleson:** So is a 4ft fence not obstructing view? Is it a site line from the house or from the lakeshore? My thought was if you take it from the house you’re not blocking anyone’s view so you can go 6 ft at that point and beyond that if they want to put a 3 ft or 4 ft, or chain link?

**Smith:** So if we put all these stipulations would they still want a fence? Not sure what their looking for or what the reason for the fence is.

**Oleson:** So should I say at this point we are ok with them going to the midpoint between the fronts of the two houses. After that they could do a chain link or no higher than 3ft.

Quiggle, Smith, Thompson were all in agreement.

- 8. Adjournment – Smith made a motion to adjourn. Thompson seconded the motion. Motion passed by unanimous at 9:20pm

Minutes respectfully submitted by Jean Just