

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
June 10, 2014
7:00 PM

Charlotte Quiggle called the meeting to order at 7:00 pm on June 10, 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: Teresa Zuehl, Jeff Zuehl, David Snyder, Tom Tart, Roger Milner, Dick Ransom, Ken VandeSteege, Fred Jude, Bob Lohn

Additions or Deletions to the Agenda: Taylor made a motion to approve the agenda with the addition of erosion control & Zoning Ordinance update. Thompson seconded the motion. Motion carried unanimously.

1. Public Hearings

- a. Interim use permit for a home occupation (hair salon).
 - i. Applicant: Teresa Zuehl
 - ii. Property address: 9167 Kilbury Ave NW
 - iii. Sec/Twp/Range: 17-121-027
 - iv. Parcel number(s): 206030001230

Present: Teresa & Jeff Zuehl

Teresa Zuehl: We are wanting to take the exiting attached garage split in half and turn it a hair salon for my home business with just one chair at approximately 15 - 20 hrs a week.

Oleson: It is an interim permit since it is a home base business. It has a time period and can be renewed. Default is usually 5 years, however, you can set for any time frame that you want. If they were to come back and ask for renewal you could at that time go longer. I listed out some conditions like hours, parking, signage, and septic. The applicants are proposing to convert a portion of their attached garage for use as a salon business. The salon portion itself would be approximately 10' x 13'. An additional area of 10' x 7' would also be created. There is also a detached garage on the property, which would not be used for the proposed salon. Thoughts from Wright County on the septic.

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

Lundquist: No questions, looked pretty self-explanatory.

Taylor: My one question would be if you will be using a lot of chemicals that would be going into the septic.

Zuehl: I printed off a report that indicated chemicals can be only slightly higher than normal domestic waste and most everything is bio-degradable, we are talking ounces when I do a hair color and a permanent most of it stays in the hair. I maybe do 1 perm a week.

Taylor: My other concern is if your septic is large enough for that added water usage?

Zuehl: Average sink uses 285 gal. of water a day. I am not going to be the average since I only have 1 chair and only work 15-20hrs per week. What I have indicates that it would be about 120 gal. of water a day. Talking to someone else that runs an at home salon with only one chair they indicated that they use less than 250gal. a day for the salon and the whole house hold combined. And it is just the two of us so it could equal out to having one more person in our household. I do an average of 7 shampoo's a week.

Taylor: My concern was more with the chemicals and how they would affect it.

Zuehl: In talking with Bernie Miller he could not say that it would not affect it, however, I had worked for 7 years at my previous home and the septic was just inspected and passed.

Quiggle: So your materials are not antibacterial sort of stuff that can interfere with the bacteria in the septic.

Thompson: As far as water usage I am assuming that the septic is large enough to handle a 3 bedroom home. So I do not see that volume wise would be an issue.

Parks: No issues or concerns

Thompson: No issues or concerns

Quiggle: No additional concerns for me. Are you familiar with the recommendations/conditions?

Zuehl: After the 5 years will that require a new entire application?

Quiggle: Yes, it gives a point to re-exam how things are going, so if the specific requirements are not being met we can address them.

Taylor made a motion to approve the Interim Use Permit with the following staff recommendations:

1. That the hours of operation shall be limited to 7:00 am to 8:00 pm (any day of the week).
2. That the applicant properly handles any chemicals or hazardous waste associated with the business.
3. That exterior signage associated with the business shall be limited to one freestanding sign, located outside of the road right-of-way, no greater than 8 sq ft in size and no more than 6 feet in height (measured to the top of the sign). Up to one additional sign, no greater than 8 sq ft, may be placed on the outside sidewall or window of the salon/attached garage.
4. That the interim use shall expire five (5) years from the date of approval. Any extension of this time frame shall be as required by applicable ordinance(s) in effect at the time.
5. That all customer and resident parking on the property shall be off-street.
6. That the salon shall be approved for one chair/customer at a time. Any expansion or changes to the salon to accommodate more than one customer at a time shall require a new application.
7. That the applicant meets all of the requirements of the Zoning Ordinance regarding the proper sizing and design of the septic system on the property.

Thompson seconded the motion. Motion passed unanimously.

- b. Rezoning of entire 6+ acre property from General Agricultural (AG) to Suburban Residential (R2).
 - i. Applicant: David Snyder/Thomas Tart
 - ii. Property address: None (property bounded by 110th and 111th Street NW and Hollister Ave NW and Hart Ave NW)
 - iii. Sec/Twp/Range: 2-121-027
 - iv. Parcel number(s): 206000024400

Present: David Snyder & Tom Tart

Tart: We purchased in 1974 and since there are more people involved we want to split it into two parcels for the two families. My family would take the south side and Snyder's family would take the North half, I would end up with a little more since we would take it right down the property line. As long as we are alive we will keep the acres the way it is, however, for estate purposes we feel we need to do this.

Oleson: The applicants are proposing to rezone their existing 6+ acre property from its current General Agricultural (AG) classification to a Suburban Residential (R2) classification. They could get one additional home on this lot beyond what they already have. About 3.5 acres of the 6 acres is used for crop farming at the current time. The remainder is used for landscaped areas or small sheds. About 0.5 acres is a low area that collects waters after heavy rain events. The property is located across the road from seven lakeshore properties that are zoned R-1. The properties to the north is also zoned R-1 (1 ac minimum lot size required). The land to the south is zoned R-2 (2.5 ac minimum lot size required).

All rezoning requests that involve a higher allowance for dwellings must be ultimately approved by Wright County. As such, any recommendation by the Planning Commission on this item would go to the Town Board and then on to Wright County as a recommendation from the Township. The main question is if it conforms to our comp plan. This is not a plan to sub-divide.

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

Lundquist: When splinting will the north lot still get 2 ½ acres?

Tart: Yes, there is a little bit of low land but not bad. We also put some apple trees on the property and Snyder's property has more woods.

Quiggle: I have no problems with it, with the exception of Maple Villa, everything along that line seems to be longer lots so it seems it would be consistent with others in the area

Oleson: It is not spot zoning since there are other r1 & r2 properties around it.

Parks made a motion to approve the recommendation to rezone the 6+ acre property from General Agricultural (AG) to Suburban Residential (R2)

Lundquist seconded the motion. Motion passed unanimously.

- c. Conditional Use Permit for a 36' x 82' expansion of an existing bus garage on property zoned Highway Business (B1).
 - i. Applicant: Rk Holdings LLC/M&M Bus Service
 - ii. Property address: 10606 Hemlock Street NW
 - iii. Sec/Twp/Range: 20-121-027
 - iv. Parcel number(s): 206000203403

Present: Roger Milner

Milner: What we would like to do is add a 3 bay addition on the existing building to house buses.

Oleson: The applicant is proposing to construct a 36' x 82' addition on to an existing bus garage to accommodate additional buses. The size is zoned B-1 and has been a bus garage for many years. The addition would be built on to the east end of the largest building on the property. Everything you do on property's zoned B-1 needs to have a conditional use permit so that is why it came before the board.

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

Thompson: I do not have any questions. I did see one comment on fencing, but do not feel there is a need for that.

Lundquist: Refrained from voting

Taylor: Is there something with the State that indicates that you have to have them in the garage?

Milner: No and most do not have them housed, however, I do like to have them housed as much as possible.

Taylor: So will this only be for bus storage?

Milner: That is correct.

Lee: I am good

Quiggle: I am good and the only condition we have is regarding erosion control.

Thompson moved to approve the Conditional Use Permit for a 36' x 82' expansion of an existing bus garage on property zoned Highway Business (B1) 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 any downslope property, or as otherwise approved by the Zoning Administrator.

Taylor seconded the motion. Motion approved unanimously.

- d. Variance to construct an approximate 4' x 8', 11' x 4' and 10' x 6' expansion to the existing open deck ranging from approximately 45-50 ft from Cedar Lake (min. 75 ft required) and on a lot with existing impervious coverage of approximately 30-35% (max. 25% allowed).
 - i. Applicant: John & Kimberly Wernz
 - ii. Property address: 8841 Ingram Ave NW
 - iii. Sec/Twp/Range: 22-121-027
 - iv. Parcel number(s): 206021000140

Present: John Wernz

Wernz: We do not have the updated survey, however do have some of the measurements. The builder started the deck and that was our fault, we did not realize the deck would be considered coverage and we found that out when we applied for the permit. We are not making a big deck but we are trying to connect from the existing deck to our sliding glass door on the other end of the house with a walkway. The new coverage amount is about 84 sq ft. With Bens help and with talking to soil conservation district, he walked through a couple options, one was to get the

water from draining down to the lake, by put a rain barrel in and a catch pond so that the water is caught before it gets to the lake. The other option would be to take out some of the cement. I brought some pictures to show you the options. I am hoping for the first option but wanted to show you both. I purchased the property about a year ago.

Oleson: The applicants had a previously permitted 10' x 14' open lakeside deck that was constructed in 1998. They propose to replace and enlarge that deck to the side (no closer to the lake) with a walkway to connect the existing deck to a new deck that would extend out from another portion of the home. The current deck was permitted as part of a home that was granted a variance in 1998 to be no closer than 50 ft to the lake (the deck itself is closer than 50 ft to the lake). The proposed deck would have a lake setback of approximately 45-50 feet. The lot also appears to be well over its impervious limit. A good share of this overage may be due to the change in the County's ordinances regarding gravel driveways which began counting these as impervious in 2007, although that is unclear. Also related to impervious coverage, there was a permit issued in 2008 by Wright County to construct a 5' x 9' front stoop on the road side of the existing house. As a condition of that permit, the applicant was required to remove a 9' x 15' concrete area at the end of the driveway and a 3' x 24' area along the SE side of the house (a net decrease in impervious of 162 sq ft). It does not appear that the 9' x 15' area was ever removed, but the applicant states that he spoke with the previous landowner about this and was told that "he removed the 3x24 and did not remove the 2nd area drawn, but did remove a large amount of concrete from the patio and stairs to the lake so they happily signed off." From 2008 vs 2011 aerial photos, this does appear to be the case (that they removed a fairly large amount of impervious from the patio area on the lakeside of the house). The deck would be built mostly over surfaces that are either impervious (about a 4' x 4' area is above an existing concrete patio and all but about a 2' x 10' area would be above rock landscaping (although this rock landscaping is considered pervious in the ordinance as it has fabric underneath the rock that is supposed to allow water to go through). The bottom line is that he is over impervious and I am not sure how as a group you want to handle. If you want to work it like Wright County handled and do a trade off or working with Soil and Water to create better runoff areas. There are options out there and can be handled on a case by case situation..

Quiggle asked for public comment:

Next door neighbor indicated that he feels he is trying to meet all the requirements the best that he can. With no other comments is was brought back to the board.

Audience – next door neighbor he is trying to meet all the requirements he can

Parks: What exactly are you looking at for with the permanent storm water management?

Wertz: Dan from Soil and Water contacted me because the previous owner had some natural grasses, he suggested fixing the drain pattern on the lake side by adding drain pipes into a rain barrel and adding a rain garden.

Quiggle: In regards to Dan he mentioned that the previous owner received a grant, do you know what that was for?

Wertz: He had shoreline restoration grant, I believe the project was about \$6000 and there was a list of plants. It goes along the hill at the shoreline.

Quiggle: I believe that it has to be maintained for 10 years.

Wertz: We have been starting to replant. Dan indicated upon sale that it is not enforceable, however, we plan on keeping up with whatever needs to be done.

Quiggle: I don't believe the plants that are there are on the list of plants that need to be planted in that area and I recommend that you get a list of the plants that need to be planted.

Wertz: We will check that and make sure we get the right plants.

Thompson: Obviously my concern is that we're not in a position to grant additional coverage. So we need to make some deals somewhere if we grant anything at all.

Lundquist: Was it not ok to use the back lot as square footage for impervious coverage so was that why they got here without the variance? I know that this property at one time did own the back lot so I am just trying to get some background as to how we got here.

Oleson: I am not sure when that changed. It could be a possibility but I am not sure. In 1998 is when they built the house and it was a variance and they were looking at the 15% coverage rule, however, no mention of 25% overall limit. In 2007 is when they changed the driveway to count towards impervious and if in 1998 the driveway was gravel I am not sure.

Wertz: In 2009 when he applied for the stoop they allowed with the removal of other items.

Lundquist: To me we are going to look at taking some of asphalt or cement out. I am just looking for ideas for you to get the deck without adding impervious coverage. It depends on what your preference would be but my thoughts would be to remove some of the asphalt and do the storm water management or remove some of the cement. Asphalt seems like it would be easier to remove.

Wertz: If I had to I would take from the lake side which would be the cement area. There are 3 sections that would be part of option 2 and it would be about 215 sq ft.

Thompson: So if you took two sections of concrete and gaining 144 sq ft and putting in turf grass you would be improving the property. I would be ok with that.

Oleson: Just for clarification you were talking about taking that out and replacing it with pavers.

Wertz: Yes that was our thought

Oleson: The way pavers are considered you would only get 50% credit. If you put in grass you would get 100% credit.

Wertz: We are adding 84 sq ft of new coverage.

Quiggle: I would still like to get the numbers, it does make a difference. But, we can still come up with a percent that needs to be removed and we need to come up with a storm water management. I want to make sure that native plants are being used, they have longer roots so that it stabilizes the dirt and the hill so that it does not go anywhere.

Parks: So if he takes out twice what he is adding can we live with that?

Quiggle: If he takes out twice what he is adding and he is adding native grasses and see if there anywhere you can put in a rain garden. Gutters from the back side look like they go underground and towards the ditch. There has to be away to get some of the water from the cement area's and boat house away from the lake.

Oleson: Do you want the survey before you make a decision or go on off a percentage.

Quiggle: I would like to see what the real numbers are but, maybe I'm the only one.

Lundquist: I would be comfortable with the 2 for 1 and storm water management plan.

Taylor: I would like the survey, but I could live with the 2 for 1 with water management plan.

Parks: I would be fine with that.

Thompson: I would feel comfortable with that.

Quiggle: It would have to be in conjunction with the storm water management plan, with a plant list submitted to Ben.

Oleson: My only question is with the native planting if the DNR requests something different are you ok with what the DNR requires?

Quiggle: Yes the DNR will have the list of what needs to be used.

Quiggle made a motion to approve the expansion of the deck by 84ft new coverage

1. That the applicant removes an area of existing impervious on the property at least 2 times the amount being added (at least 168 sq ft) on the lake side.
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 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.
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. 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. This includes having native plants on the lake side and shoreline using native grasses that are on the approved native plant list.
4. All rain gutters be routed to road side or rain barrels.

Lundquist seconded the motion. Motion passed unanimously.

- e. Preliminary plat of a Rural Planned Unit Development (PUD) involving the creation of five buildable lots ranging from 3.7 acres to 10 acres and one 9.6 acre outlot to be commonly owned open space.
 - i. Applicant: Frederick Jude
 - ii. Property address: 8120 113th Street NW
 - iii. Sec/Twp/Range: 3-121-027
 - iv. Parcel number(s): 206000034100

Present: Fred Jude

Jude: Nothing has changed.

Oleson: The proposed subdivision of land is related to a rezoning of the property that was recommended by Corinna Township earlier this year and approved by Wright County in May (from General Agricultural - AG to Agriculture/Residential - A/R.) The plan for subdividing the land here is the same as was presented to Wright County during the rezoning process, but different from what was originally presented when the Planning Commission last reviewed the application in January 2014. The current proposal is for five buildable lots and one unbuildable outlot. Timeline summary - when we first looked at this we did not have the formal drawing, the county did have the formal drawing, with creating some open space and then 5 lots. Not proposing to develop any of the lots right now except for one that would be developed at this time for himself.

Oleson: The reason for the 10 acres is due to the building coverage. The PUD does not say anything about minimum lot size and it does not indicated what the common area has to be. It does talk about the purpose and the definition of a PUD which is basically flexibility from the 10ac

lot minimum. Any time there is a sub-division of land you have to indicate you have two septic locations, in cases of larger lots this is not as much concern. Sometimes you would want this before you make a recommendation so the question is do we need to see that. We are here for you to make the recommendation to the town board and they make the final decision.

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

Thompson: Ben can you clarify something, on page 4e-1 the calculation comes up with is 38 acres * 15% 5.7 = 5 allowable dwelling units. If you go look at 4e-5 should be round to the nearest whole # that is not going to the nearest whole number it went down rather than up.

Oleson: I am not sure where Wright County is going with that. I think I made an assumption and we usually round down.

Quiggle: I have a problem because these lots are not clustered, basically I feel that it is not fulfilling what a cluster is supposed to be and our plan was that we wanted to keep the lots smaller not larger acre lots. I put together something that would more practical. Our comp plan indicated that we wanted to keep the lots smaller and more manageable. Otherwise you are more of an R2 zoning and that is not what we wanted.

Jude: This is my thought, we just talked about getting 2 septic systems per lot. If we go smaller you are going to fight that, with smaller lots you may have issues.

Quiggle: The one I am proposing should not have any problems with septic and you would have more of an open area.

Lee: You saying this is not a PUD?

Quiggle: Yes

Lundquist: Why

Quiggle: The reason they get credit for bonus density is so that they can get smaller lots. This is not a cluster. Definition of PUD involves the clustering.

Lee: But nothing indicates the size of the lots.

Quiggle: No that's why they can be smaller.

Lee: But nothing indicates they have to be smaller.

Jude: If you take this property and put some common sense to it that is what we came up with. I took it to the surveyor and he said it makes a lot of sense.

Quiggle: I'm looking at lot 5 where do you put a house?

Jude: Maybe there will not be a house there? My two sites that I am looking at for myself is lot 3 or lot 5.

Taylor: What is the depth of lot 5?

Jude: 340ft W x 540ft deep 4.088 acres

Quiggle: If we wanted this type of sub-division we should have went with an R2

Jude: I think you have to look at every property and see what would work I do not feel that smaller lots would work here.

Quiggle: They are all smaller lots of different size's, taking lot 5 and lot 1 adding them to the open space.

Lundquist: I would rather see it spread out more I feel it looks better. I guess it depends it depends on what you consider a cluster.

Quiggle: They are not clustered, PUD is smaller lots that are clustered together. When doing the comprehensive plan it was expressly stated that we did not want the 5 – 10 acres as they are not as manageable.

Lundquist: There is no definition as to what a cluster is and what the size of the lot needs to be. I do not agree with the manageable part.

Taylor: I have mixed emotions. I understand the PUD, however, I see where Jeff is coming from.

Lee: I feel it is clustered to me.

Thompson: What is the ordinance?

Oleson: This is one ordinance that could be more defined, there is nothing in the ordinance that gives us direction as what to do.

Thompson: For lack of definition in the ordinance I don't see how we can change it.

Quiggle: I just do not feel that it meets the definition of a Cluster.

Thompson: I think they are clustered.

Oleson: Sean said that most of the PUD's have required a road and they want all of them close and smaller. So they have not seen one like this and normally not this small of a property. This is a recommendation to the town board.

Taylor: I understand what Quiggle is saying on the Clustering but I also see that they are larger but still somewhat clustered lots and fit in the area.

Oleson: What is the purpose of the open space, is it recreation, is it nature areas, what you want it used for, the ordinance does not get into that.

Taylor: Are you are looking at keeping the one 10 acre parcel?

Jude: Yes and possibly I would build on Lot 3.

Taylor: If I were to buy the one lot I would not have access to the community ground. Maybe put in a trail.

Lee made a motion to recommend the approval Preliminary plat of a Rural Planned Unit Development (PUD) involving the creation of five buildable lots ranging from 3.7 acres to 10 acres and one 9.6 acre outlot to be commonly owned open space.

Lundquist seconded the motion.

Motion passed 4 approved 1 against.

Oleson: It will go to the town board and they will make the final decision.

Ordinance Amendment to Section 503.1 (Planning Commission: Creation and Membership) of the Corinna Land Use Ordinance to increase the allowable number of alternate members from one to two.

Applicant: Corinna Township

Quiggle: Will they both come to the meetings if they can make it

Dick: Yes we recommend they both come to as many meetings as possible and we are ok with paying for 2 alternates if they both come.

Taylor made the motion to increase the allowable number of alternates from one to two. Parks seconded the motion. Motion passed unanimously.

Approve Previous Meeting Minutes

Thompson made a motion to approve the May 8, 2014 meeting minutes. Parks seconded the motion. Motion carried unanimously.

Zoning Administrator's Report

Permits

Correspondence: Someone that owns property on hwy 24 along Clearwater Lake, he wants to put a privacy fence between the lake and the road. The ordinance talks about the fence to block views. He wants some privacy on the beach for his grand kids. The ROW is narrowed along Clearwater and Pleasant Lake. Even if it's private property there is some type of a setback. Sean's concern if we allow it will encourage others to do it. Does he need a variance if he wants to do this or is it a case by case? After board discussion it was decided that he would need a variance.

Sonicki on Clearwater lake really flat lot and issues with drainage towards the neighbors added some fill and variance to have a sewer system that is not a type 2 system. Originally the plan was to have a driveway all the way in to the attached garage, then he decided not to have the attached garage and driveway and the sewer was placed over near the neighbor and there are concerns about water not flowing. He is asking if he has to cut tree's down and if it will even work? After board discussion it is ok for Ben to work with soil and water to figure out the best solution.

Christian was in a few months ago, the addition is going to be within 10 ft of the drain field can this be an administrative decision? If Wright County is ok with going closer than 10ft are we ok with it? In the end he thinks he can meet the meet the 10ft or 9ft. After board discussion he would need a variance to get closer.

John Kobe: The survey done is way over 25% but could meet it with removing some of the driveway. Wait to see what he can take out and then lets discuss again next month.

Enforcement Actions

Findings of Fact – Previous PC/BOA Decisions – carried over

Other Business

Planning Commission/Board of Adjustment Training Session (if time allows)

Comprehensive Plan Update (if time allows)

Thompson made a motion to adjourn at 10:05 pm, Taylor seconded the motion. Motion passed unanimously.