

CORINNA TOWNSHIP
AGENDA
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
June 11, 2013

7:00 PM

1. Call to Order: Charlotte Quiggle called the meeting to order at 7:00pm
2. Roll Call: Board of Adjustment/Planning Commission Members Present: Charlotte Quiggle, Larry Smith, Patricia Taylor, Lee Parks, Larry Thompson

Absent: Barry Schultz

Others in attendance: Mark Mengelkoch, Keith Otto, Mike Mengelkoch, Ted Paukert, David Stein, David Snyder, Ken Vandesteeg, Dick Naakgeboren

3. Additions or Deletions to the Agenda
Taylor moved to approve the agenda as presented. Thompson seconded the motion. Motion carried unanimously.

4. Public Hearings

- a. Variance to construct a new half-story addition above an existing 20' x 24' garage that does not meet the regulatory flood protection elevation (RFPE), has a 14.5 ft sidewall (max. 12 ft allowed), and is approximately 58 feet from the centerline of a township road (min. 65 ft required).
 - i. Applicant(s): David Stein
 - ii. Property Address: 11844 - 103rd Street NW, South Haven
 - iii. Sec/Twp/Range: 7-121-27
 - iv. Parcel Number(s): 206042000170

Present: David Stein

Stein: The project is to add on top of the 20x24 double garage with a 7 ½ half foot side wall shop area. This will be the least invasive –no soil or trees will be disturbed and we will not be increasing the impervious coverage. We will not be disturbing anything and keeping the garage size the same and having a workshop above.

Oleson: The second level addition is the reason for the variance due to the sidewall height and the distance from the center of the township road. I talked with Mr. Stein and had initially noted that 50% of each sidewall would have to be covered to avoid that variance, but the ordinance requires 75% of the side wall would have to be covered. No single wall can be more than 25% exposed. One of the options we talked about in the staff report is to bring fill in to cover the exposed sidewall however, it would take more fill since at the requirement of 75% wall coverage. He needs a variance for being more than 12ft high on the side wall due to lot size.

Thompson: What is the 12ft vs the 14ft that need to happen? What is the purpose?

Oleson: Presumably, the intent is to keep the size of buildings relatively uniform based on the size of the lot so that a building does not stick out. As the lot size increases, the ordinance allows for larger and taller buildings. The issue with the flood plain is that the floor of the existing garage is above the flood elevation, but not the required 1 ft above the flood elevation. However, he can address that problem by installing flood vents. The last issue is the road setback – he is not coming any closer to the road than where the garage currently sits. I talked to the builder, regarding the roof trusses. One of the concerns expressed by Wright County is that they want to make sure the ceiling is part of the roof trusses so that they cannot be removed at a later date to increase the ceiling height. The staff report talks about a few different options regarding adding to the side rather than going up, however, that would require other permits/approvals due to the amount of dirt and the steep slope. The ability to add additional building space to this lot is limited.

Quiggle: This is intended to be a workshop not just storage?

Stein: Correct, with no space in garage – expanding out to the side I would need to remove soil & trees to add to the side and I do not want to do that.

Oleson: As you go down the road there are other lots that are lower and more of a flood plain issue than he would have. This lot is also unique in that it has the hillside to help cover the side walls.

Quiggle: Any issues from the audience?

Naaktgeboren: Looking at the picture and wondering if you are running a business?

Stein: No - no business is at property, trailers are there to move stuff out of the garage for this project.

Smith: Sounds like he is addressing the floodplain issue so that does not concern me. I do not see any issue with the road set back. The sidewall height I am struggling with/ Are you opposed to bring more fill in?

Stein: I am not opposed, however, the building is structurally sound now with mature trees around it and there is no soil erosion.

Oleson: You would have some options as to adding more fill and maybe another retaining wall to get the coverage needed along the sidewalls.

Parks: If he raised it 2 ft would he be ok?

Oleson: He would need to cover up 75% of the side wall, so not sure if that is just 2ft.

Smith: Will he need to get another variance for moving land?

Oleson: Yes, if he gets over 50 cubic yards he will need a variance and it could come into an issue with the retaining wall.

Thompson: I do not have an issue with that side wall since it is still going to be same size as the garage.

Taylor: Where is the access to the upstairs workshop/storage area?

Stein: There will be a door on the back side only so no stairs in the garage.

Smith: What is the total interior height? Is it 6 ft? How do you get in a door?

Stein: 6ft high door on the back end of the garage

Taylor: I still would like to see some fill

Parks: What is the height of the retaining wall now? 2ft? Would he need a permit?

Oleson: He would need a land alteration permit and that is an over the counter permit. The permit would be reviewed to ensure erosion was being prevented. He would need a building permit if retaining walls were over 4 ft in height.

Stein: The retaining wall is currently 2ft or less

Quiggle: What I have a problem with is the definition of adding living space not storage space.

Definition for accessory building states that a garage on a lot less than an acre shall not have a second story with no more than 6ft side walls in a rafter storage area and this is a workshop not a rafter storage area. We are looking at a living space, not storage. This is one thing that Wright County has prohibited and I feel we are opening up something that we do not want to do. It is no longer a rafter storage area. I see that as a bigger concern than the 14ft sidewalls.

Stein: Basically looking for space, could I operate by having the workshop in the garage. Yes, I could do that, however, my understanding is that it is not a living space when it is 6ft or under head room.

Oleson: Living space is not defined in the ordinance; it is defined by head space more for building code.

Quiggle: They changed this at the county several years ago and I would be more comfortable if it was a storage space. So if you were able to change things so that you could have the workspace on the lower level and make the upper area storage space I would be more comfortable.

Taylor: If Wright County does not allow I am thinking we cannot allow for workspace.

Stein: When I talked with Wright County they seemed ok with it as long as you stayed under the 7' 11" peak

Oleson: That may be for building code – I guess it is a gray area, I believe the thinking was at 6ft or less the ceiling would be uncomfortable enough that you would not be up there for a long period of time.

Quiggle: As far the 14ft side walls I'm not sure about. However, bringing in more fill is not necessarily the answer.

Oleson: Two letters one from Soil & Water and one from a neighbor in support of the request.

Quiggle: So are you ok with keeping the workshop downstairs and having the upper level as a rafter storage area?

Stein: You're asking that I keep it as cold storage?

Quiggle: Yes, you could still store tools, but you could not have a workshop.

Smith: Could you then change the side wall?

Stein: If I am going to spend the money to do an addition I would like every inch I can get.

Parks: Looks like Soil & Water would rather not have any more fill brought in. So I think keeping it storage and leaving the side walls alone.

Thompson made a motion to approve the variance to construct a new half-story addition above an existing 20' x 24' garage that does not meet the regulatory flood protection elevation (RFPE), has a 14.5 ft sidewall, and is approximately 58 feet from the centerline of a township road with the following conditions:

1. Addition is used only as rafter storage area not a workshop
2. Roof Trusses need to be non-removable
3. 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 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.

Taylor seconded the motion. Motion passed by a unanimous vote.

- b. Variance to construct a 16' x 24' dwelling addition 60 ft from Sugar Lake (min. 75 ft required), within a bluff (min. 30 ft setback required), 35 ft from the centerline of a township road (65 ft required), 6.9 ft from a septic tank (10 ft required) and which will increase building coverage of the lot to 15.5% (max. 15% allowed). The existing dwelling is nonconforming in relation to side yard, road, bluff and lake setbacks. Variance to install a septic tank and drainfield 5 ft from the road right-of-way (min. 10 ft required). Variance to construct a new 1080 sq ft garage (max. 800 sq ft allowed) 12 ft from the centerline of a township road (min. 65 ft required).
- i. Applicant(s): Mark Mengelkoch
 - ii. Property Address: 11325 Hollister Ave NW, Maple Lake
 - iii. Sec/Twp/Range: 02-121-27
 - iv. Parcel Number(s): 206056004130, 206057001020, 206057001030, 206000024103, 206000024102

Present: Mark Mengelkoch, Bernie Miller

Mengelkoch: We plan on moving out here and we need more room, we would like to add on a bedroom to the side of the cabin and a garage on the back lot. We thought the garage was within the ordinance. We were hoping to have a 3 car garage rather than a smaller one to accommodate all of our cars, boats, etc....

Bernie Miller: To accommodate a septic, we looked at what we could do to add a septic that would accommodate a 2BR home. With no basement under the addition of the house we are not concerned with only being 10ft from the home. He does meet most of the setbacks, we could remove some of the drainfield to meet the set back, but I feel strongly that we need this size drainfield. Septic area is 456 sq ft.

Oleson: Part of lot has a bluff and this addition would be within the 35 ft bluff set back, or even in the bluff. The addition does not meet the 75ft lake setback required. However, it is further back than the existing cabin. It does not meet the road set back & septic tank requirements and will increase building coverage of the lot to 15.5%. He would have to reduce the size of the addition by 40 sq ft to meet the 15% building coverage. On the back lot, where the garage would be, it is proposed to exceed the 800 sq ft allowed by ordinance. Basically our thoughts or concerns are that it is over the 15% building coverage which is something we tend to be pretty strict on and the garage over 800sq ft.

Quiggle: Is there wetland delineation?

Miller: The green line on the site plan indicates where the wetland is approximately. It is not officially delineated.

Audience: Getting back to the 15.5 % coverage seems to be a gray area as to where the high water mark is and what the plat says; maybe he is not going to cover 15.5%.

Miller: The drawings indicate the size of the lot as measured to the high water mark.

Oleson: We have always gone with the high water mark as the official and based on that it is 15.5%

Parks: My only opinion would be to hit the 15% and drop the garage size down to meet the 800sq ft. What is the new size you talked about?

Mengelkoch: 28 x 32

Parks: As far as the bluff the rest of the house already is in the bluff so I am fine with that.

Taylor: Only 10ft from the septic & what type of sewer?

Miller: Drain field is 10 ft from the addition, however, no basement and it is modified mound.

Taylor: Would it be tough to cut down the addition to meet the 15%

Miller: Would have to remove approximately 4x10 area

Mengelkoch: Could we get the 40ft somewhere else?

Thompson: Was the guest cabin already taken out of the equation when calculating the 15%? I thought there was something that it was to be removed

Mengelkoch: My understanding is that it was to be taken down when they rebuilt the cabin. However, we will be taking down now.

Oleson: That was already figured in when calculating the coverage. The only practical way to meet it seems to be to reduce the size of the addition or change the screen porch.

Miller: If you took 2.8 ft of the length of the addition it would get you right at the 15%

Thompson: I would like to get the coverage to 15%

Smith: I am stuck at the 15%, I would like to see it come out from the bluff area and a 800 sq ft garage

Quiggle: I agree with Larry that we need to stick with 15% and 800 sq ft for the garage. I do not like being in the bluff area; however, I understand that you do not have a lot of options. If you have an 800 sq foot garage how would that change where you are at with the road and the wetlands? I am thinking I would like to have it further form the wetlands.

D. Naaktgeboren: That road is already narrow and if he has a car parked in front of the garage it could get hit by the township maintenance trucks.

Quiggle: So Ben could you sq in what it would be with a 28x29 garage

Miller: He could go 2 ft further back from the road it would be 17 - 19ft from the [traveled center line](#).

Thompson: If the size of that addition is important to him could he reduce the size of the screen porch to meet the 15%

Oleson: Yes. However he wants to do it to meet the 15% coverage

Quiggle: To summarize I think we are all ok with the addition in the bluff impact zone, reduce the dwelling to meet the 15% coverage area somehow, ok with the sewer variances, and most of us would like to see you stay with the 800 sq ft for the garage. You are aware that no construction is allowed in the wetland, and I noticed when I went out to the property there was a lot of junk going down the hill towards the wetland and that all needs to be cleaned out.

There was further discussion regarding the road setback for the garage. Miller noted that by moving the garage more to the center of the lot, it could be brought back 14-15 ft from the road right-of-way.

Smith made a motion for the following variance: Approval to construct a 16' x 24' dwelling addition 60 ft from Sugar Lake, within a bluff, 35 ft from the centerline of a township road, 6.9 ft from a septic tank, however, must meet the 15% building coverage either by reducing the size of the addition or reducing the size of the existing dwelling. Approve the new septic tank with a drainfield 5 ft from the road right-of-way. Denial to construct a 1080 sq ft garage. Approval to construct a new 800 sq ft garage approximately 15 ft from the [centerline-road right-of-way](#) of a township road [\(to be worked out with the Township and SWCD to balance out the needs for parking and wetland preservation\)](#). The following conditions must be met:

- 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 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.

- 2) 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.
- 3) That any excavation/fill/grading necessary for the garage that will involve more than 50 cubic yards of material shall require a separate conditional use/land alteration permit.

Taylor seconded the Motion. Motion passed by a unanimous vote

- c. Variance to construct a 14 ft x 24.3 ft single story addition to the existing attached garage 12.5 ft from a side property line (min. 15 ft required).
 - i. Applicant(s): Ted Paukert
 - ii. Property Address: 6574 - 75th Street NW, Maple Lake
 - iii. Sec/Twp/Range: 25-121-27
 - iv. Parcel Number(s): 206074001090

Present: Ted Paukert

Paukert: The garage now is a standard double door and we would like to make a mud room into the existing garage and add 14ft on to the existing garage putting in 2 single garage doors. I did not realize I was only 12.5 ft from the side property line. On the back side (lake side) of the addition it would be 14ft. This is a large lot over an acre and will not be going any closer to the lake. My neighbor is the township so I am asking the township allow me to come a little closer.

Oleson: Nothing much to add since they are not moving any soil and changing any of the impervious coverage.

Quiggle: Open to audience - no comments.

Thompson: No issues

Taylor: No issues

Parks: No issues

Smith: No issues

Quiggle: It sounds like reasonable request

Thompson made a motion to approve the variance to construct a 14 ft x 24.3 ft single story addition to the existing attached garage 12.5 ft from the side property line with the following conditions:

- 1) That the buildings and any fill be placed such that drainage patterns onto adjacent properties are not substantially changed in a way that would direct more water onto neighboring properties.
- 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 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 passed by a unanimous vote.

- d. Variance to construct a 14' x 16' open deck 44 ft from Sugar Lake (min. 75 ft required).
 - i. Applicant(s): Keith and Karen Otto
 - ii. Property Address: 7285 - 120th Street NW, Annandale
 - iii. Sec/Twp/Range: 02-121-27
 - iv. Parcel Number(s): 206011001050

Present: Keith Otto

Otto: Intention was to build a 14' deck out from the house, 16' wide with 3' landing with steps going down over an existing cement slab so that I was not taking up any more space.

Oleson: Deck off second level currently has a 4 x 5 deck which will be removed. The reason for the variance is due to the lake set back. Impervious coverage is fine and sheds that needed to be removed has been taken care of. The staff report notes that the ordinance gives an option for an open deck that goes 15% closer than the current dwelling, which would be 8 - 9 feet out from the house. You can look at the neighborhood and see there are a number that are closer.

Quiggle: Open to the public - no comments

Taylor: Has anything changed since the survey in 1992? The garage to the west and in the back are gone?

Otto: Yes the garage to the west and back are gone. One closer to the lake is still there.

Parks: Where does the deck come off of?

Otto: It comes off of the living room area

Taylor: My concern is the size coming out the front of the house.

Thompson: I am concerned with it coming out 14' in front

Smith: How is that determined?

Oleson: You take the setbacks from the lake to the house as they are now and take 15% of that. So based on the measurements I took at the site approximately 8-9ft.

Otto: The reason is I was going with this size is to match up with the current patio and I would like to have a table out front.

Otto: Here is another option (handed out a new drawing), coming out 8.5 feet from the front of the house and going around to the side of the house so I can have a table on the side. For that I would not need a variance?

Oleson: I would say that he would not need a variance if he went with the new plan as long as we meet the setbacks and meets the impervious coverage.

Smith made a motion to deny the variance as requested due to the revised plan being submitted which meets the ordinance requirements. Thompson seconded the motion. Motion carried by a unanimous vote.

- e. Variance to place a 20' x 26' garage approximately 8 feet from a side (west) property line (min. 10 ft required) and approximately 58 feet from the centerline of a township road (min. 65 ft required). Conditional use permit required for the permanent relocation of an existing garage.
 - i. Applicant(s): David Snyder and Tom Tart
 - ii. Property Address: East of 11083 Hollister Ave NW, Maple Lake
 - iii. Sec/Twp/Range: 02-121-27
 - iv. Parcel Number(s): 206000024400

Present: David Snyder

Snyder: I am looking at moving an existing garage from two doors down to my property.

Oleson: This is a vacated portion of the road and needs a variance because of the setbacks.

It requires a CUP because it is used - not new. The setback that applies is either as a rear yard setback or a side yard setback. Since this is a large lot with road frontage on three sides, it is unclear whether the nearest lot line is a rear or side lot line.

Quiggle: What is the smallest setback that is required?

Oleson: 10 ft for the R1 zoning

Snyder: I don't have a problem changing the side set back from 8 - 10ft, then it is only the center line and it is a vacated road.

Quiggle: That takes care of one. So then it is just the township road and it is a vacated road so really a non-issue. Everyone good with this one?

Parks made a motion to approve the variance to place a 20'x26' garage approximately 58 ft from the centerline of a township road and deny the request to be approximately 8' from the side property line. Taylor seconded the motion. Motion carried by a unanimous vote.

Parks made a motion to accept the CUP for the permanent relocation of an existing garage. Taylor seconded the motion. Motion carried by a unanimous vote.

5. Approve Previous Meeting Minutes
 - a. May 14th, 2013

Taylor made a motion to approve the previous meeting minutes of May 14, 2013, Smith seconded the motion. Motion passed unanimously.

6. Zoning Administrator's Report

- a. Permits
- b. Correspondence
 - i. Expansion policy - converting screen porch to 3-season porch - Oleson: We had an application come in for converting a screen porch to a 3 season porch, it is within the lake set back. I read through the expansion policy that we wrote. When I read through our information we indicate that once you add windows it's an expansion. I talked to the builder and he wants to know if he is going from a screen porch to a 3 season porch is that an expansion that would need a

variance? **Taylor:** Adding windows is an expansion because it adds living space. When screened in it is not since it is not living space year round.

Oleson: The way it is written: If you screen in an open sided porch it is not an expansion. If you add windows it is an expansion. This is not a written policy not an ordinance so we can change it. All members agreed that converting from a screen porch to a 3-season porch would need a variance if it is within a setback.

c. Enforcement Actions

7. Other Business

- a. Discuss Wright County Proposed Ordinance Amendments - Oleson explained the two amendments being proposed by the County and asked if there were any questions or concerns that the Township should pass on to the County. There was discussion that allowing Town Halls in residential zones may not be appropriate for Corinna Township, but that we can always decide to be more restrictive if the County adopts this change. The Commission felt there was no need to pass on any comments to the County.
- b. Oleson also explained that Sean Riley has reviewed the draft shoreland ordinance changes we had submitted previously and doesn't see any major issues, but has asked to meet with Oleson regarding several areas that he wants to discuss.
- c. Discuss possible update to 2007 Comprehensive Plan. This item was tabled until a future meeting.

8. Adjournment - Taylor made a motion to adjourn. Smith seconded the motion. Motion carried by a unanimous vote at 9:19 p.m.

Minutes respectfully submitted by Jean Just