

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
June 14, 2016
7:00 PM

Charlotte Quiggle called meeting to order at 7:00 PM on June 14, 2016

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

Absent: Lee Parks

Others in Attendance: Ken Kotzer, Gary & Kathy Miron, Doug & Annette Steinborn, Shelly & Mike Lofgren, Christine Saurer, Bernie Miller, Adam Schultz

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

Public Hearings

Variance to replace an existing dwelling with a new dwelling on a lot not suitable for a Type I sewer system

Applicant: William and Shelly Lofgren

Property address: 11887 KRAMER AVE NW, Annandale

Sec/Twp/Range: 05-121-027

Parcel number(s): 206014000370

Present: Shelly & Mike Lofgren Bernie Miller

Lofgren: Basically our family is expanding and are looking to retire and move up here, would like to take the existing cabin tear it down and rebuild. Our issue is the type of septic, it is a filtration system. We could not expand it since the neighbors have a wells that are too close.

Miller: Drainfield is there and it is compliant it was permitted prior to the rule change and it was considered a suitable system. Based on the design information it had to be a -- sized for a two bedroom type 4 is if you were to add pretreatment. This is properly sized for a four bedroom home.

Oleson: The bottom line is that it does not need any variances for setbacks, the existing house was slightly in the lake setback, however, they will be moving it further back. From my understanding there was some conversation regarding if they could have a crawl space or not due to flood plain regulations but they will have to talk with the building inspector. The only reason for the variance is that they cannot have a type one sewer and they are rebuilding. The neighbors well is a shallow well and they have to stay 100' from that so this is the only place to put a sewer. They are going from a single story 2 bedroom to a 1 ½ story home doubling the living space. They have a system that is not a type 1 now. Impervious is over right now and they will be reducing to get under 25% and building coverage will be at 14.9%.

Audience: None

Guck: It seems what he is trying to do what they can without asking neighbors to entertain a new well? Would that Work?

Oleson: They still may not be able to get a type 1 sewer system.

Miller: There may be some issues with the flood plain and soils as you get closer to the lake. I've said this before that type 1 sewer is not always the best septic. A type 4 system using the filtration system has cleaner water and you are penalized for having a better septic.

Schultz: I feel if the pressure bed was tested and in compliance I am good with it.

Smith: I'm in favor of the variance.

Taylor: Is the deck at ground level?

Lofgren: Yes

Taylor: Just as a warning, if you ever go to remove the garage you will not get it in again.

Naaktgeboren: Will this be monitored?

Miller: Yes, it requires monitoring semiannually.

Naaktgeboren: If it will have a crawl space what will be the height of it?

Lofgren: We have talked about that yet but will work with the builder and the inspector.

Miller: The part that this is being built on is not in the flood plain and if there are a lot of restrictions we can make changes.

Oleson: They have to meet the building codes and the flood plain.

Naaktgeboren: You are going to get down in impervious what are you taking out?

Miller: All the side walk down to the lake will be removed.

Naaktgeboren: I am good with it.

Quiggle: I am fine with the non-type 1 sewer. One thing I want to mention that you are at your max with both impervious and building coverage. I just want you to be aware of that.

Schultz made a motion to approve the variance to replace an existing dwelling with a new dwelling on a lot not suitable for a Type I sewer system. Smith seconded the motion Quiggle asked to have as part of the motion they must stay within the 25% impervious coverage. Taylor seconded the motion. Motion passed unanimously.

Grading and fill for extending 2 retaining walls from adjacent property onto this property-approx. 150-200 cu yds of fill behind retaining

A p p l i c a n t : K e n K o t z e r

Property address:7987 IMHOFF AVE NW,Maple Lake

Sec/Twp/Range:27-121-027

Parcel number(s):206000271102

Present: Ken Kotzer

Kotzer: We have bought an adjacent lot and we are trying to level everything out and would like to bring the retaining wall and extend it over to the property so that it connects also trying to correct the drainage. On the back they never properly had the grade right everything runs back to the house. Our intention is to eventually build a garage. We did not realize that we needed a permit to do this. When we bought the property and we were tearing down the cabin I did not realize that I would need a permit to level out the lot so I apologize to the Township. We did not try to do anything down in the front of the lake. By doing this the retaining wall that was there was not done right so we are taking it out and redoing it correctly.

Oleson: It is CUP due to more than 50 cu yards of fill that was brought in for behind the retaining wall. The retaining walls would get replaced and there would be fill to tier it down. The 150 – 200 yards was an estimate it is more than 75 cu yards by the time. We impervious is getting close to 25% but it does not put them over. I was including the existing gravel.

Kotzer: We did take down the one garage.

Oleson: The main thing is to make sure it is not going to create issues with the neighbors. The two adjacent lots which are not part of the hearing. It's about the 50 cu yards or more on the existing lot.

Audience: none

Schultz: I'm good with what he is trying to do.

Smith: Have started already? Will you need more?

Kotzer: We never brought any fill in, we took what was there and moved it. We want to make sure it goes back towards the wetlands so that it does not run towards the house.

Smith: I would like to see that capped and no more than the 75 yards.

Taylor: I don't have an issue however, if you are going to add a garage making sure you are not over impervious.

Naaktgeboren: Your evergreens how close are they to the line?

Kotzer: They are basically on the line. I let the neighbor know I was going to do that and he has not said anything.

Naaktgeboren: I don't see any issue however, there needs to be a silt fence, I don't think you should build too high and the concept is good.

Guck: I don't see a problem, just make sure you don't build it up too high for wash out.

Quiggle: For me I'm frustrated that it was started before permit was obtained and that storm water management was not taken care of. I would like to see a grading plan so that we do not get over 75 cu yards.

Naaktgeboren: Retaining walls are going to be 3-4 ft high so I do not see that you will need more than 75 cu yards

Kotzer: We are not trying to get a hill there.

Quiggle: All I am saying a plan is good.

Kotzer: We are waiting to get electric ran underground and the pole gets moved to finish up.

Oleson: You asked about silt fence there was one down by the lake.

Quiggle: There should be more next to the pine trees is all eroded.

Oleson: Dan with soil and water said there was silt fence and that he had no problem with fill for the retaining wall.

Quiggle: The retaining wall cannot be taller than 4ft correct?

Oleson: If over 4ft as you would need a permit.

Naaktgeboren: If there are any issues with hauling stuff in back there, make sure if road is ripped up it is fixed.

Kotzer: We will take care of that.

Taylor made a motion to approve CUP for no more than 75 cu yards of fill for extending two retaining walls from adjacent property onto this property with the following conditions:

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 road and neighboring property to the west, seeding of all disturbed areas and installation of erosion control blankets as identified in

the submitted erosion control plan, or as otherwise recommended by Wright County SWCD and/or approved by the Zoning Administrator.

2. The applicant shall implement 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 runoff from the site prior to it flowing onto the township road and/or the neighboring property to the east. 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. The applicant shall submit a stormwater mitigation plan that identifies additional best management practices that could be taken to address stormwater containment that may be necessary if the fill were to negatively impact the neighboring property or the lake if the approved plan proves to be inadequate.
4. If, at any time within five (5) years of the approval of the placement of the fill the Zoning Administrator determines, after consultation with the Wright County SWCD and the landowner, that significant erosion, drainage or other negative impacts from stormwater runoff are occurring as a result of this project, the applicant shall implement best management practices sufficient to mitigate those negative impacts, whether or not such necessary practices were contained in the original or mitigation plan identified in #3 and 4 above. This may include the removal of fill placed during this process to restore an area for flow or detention of water.

Smith seconded the motion.

Quiggle: First staff recommendation should be the neighboring property to the north not the west & are we requesting a grading plan.

Taylor amended the motion to include the need to submit a grading plan for Ben's review.

Smith seconded the motion. Motion carried unanimously.

Variance to add a second story addition approximately 7-8 feet from a side property line (min. required 15 feet). Existing building coverage is 20.3% (max. 15% allowed). Existing impervious coverage is 38% (max. 25% allowed).

Applicant: Gary and Kathleen Miron

Property address: 7950 IRVINE AVE NW, Annandale

Sec/Twp/Range: 27-121-027iv.

Parcel number(s): 206075000080

Present: Gary & Kathy Miron

Miron: We are looking to do is build up for a bath and a bedroom. It is a two bedroom now and it will remain a two bedroom home with one up and one down. We will not be adding any additional impervious coverage since we are going up. We did talk about how we could improve the impervious, we do have three parking spaces we could remove all but one of those and that will be about 770 sq feet. We do have a two car garage behind it.

Smith: Do you have a basement?

Miron: No we do not there is access through the boat house and it's just a crawl space. Over the long term plan we can look at others ways to make the impervious better. There are some wood steps we could look at improving upon. I realize I am way off on impervious coverage.

Oleson: The reason for variance is side lot line. They want to do the second story which is 7.9 ft at the furthest point from the side lot line and the minimum is 15ft. They are over on impervious however they will not be adding any more impervious. In 1984 there was a variance by the previous owners and they asked to be over 15% however, they did not have an impervious limit until 1992. As part of the request it was stated that a storage building be removed the owners at the time submitted showed a shed out the road. It seems like that shed should have been removed?

Miron: When we moved in there, there was another shed that I took down.

Oleson: The County issued the permit with no mention of it not being tore down.

Quiggle: Then they issued the permit larger than what was approved.

Oleson: (pulled up pictures of the proposed addition) so the question is if there was a condition put on it becomes a question of enforcement of that condition.

Oleson: The existing storage garage I talked to assessor and he started in 1992, the one by the road is being called a utility building not a garage so there may have been something else there thirty years ago.

Audience: None

Smith: I'm struggling with impervious, removing some driveway of over 700sq ft what will that get us?

Discussion about credit if use patio pervious pavers

Smith: Can we work on sidewalk now. With expansion we are way maxed on this impervious coverage.

Miron: The main thing is to have the walk way down to the house we can take out the asphalt parking area.

Schultz: Because they own property on the back does that help?

Oleson: To get down to 25% they would have to remove 1370 sq feet. If the shed was removed and the asphalt it would bring down but not to the 25%.

Taylor: When would you be looking at redoing the walk ways?

Miron: To be honest it would need a fair amount of funds since I just updated the walk way.

Taylor: I would like to see getting down to 30%.

Oleson: 840 sq ft would be 30%. Asphalt area is 704 sq ft.

Schultz: Personally I'm fine if taking out the asphalt area.

Quiggle: For me I would like the violation taken care of by removing the shed.

Miron: If that was the right building I think that is a question.

Quiggle: That was the only one on the plan when it was submitted.

Naaktgeboren: I say if you can remove the bituminous. They are two bedrooms and going to a two bedroom so I am fine with it if they remove the bituminous. They did not create the issue they bought it that way.

Taylor: What does it put it down to if they remove the bituminous?

Oleson: 31.3%

Guck: The only problem we get into is if we pass a variance when they are already over the impervious coverage.

Naaktgeboren: They are not adding more impervious and they are taking some out.

Guck: That is true.

Taylor: Could we put a condition maybe that you have to remove the shed if you were going to ever sell the home. So that will remove some impervious.

Schultz: I am ok with that. I like the idea of if they sell the shed has to be removed.

Oleson: We are treating this shed a condition of the approval instead of an enforcement matter.

Taylor: That way it rectifies the old issue and it will bring the impervious & building coverage.

Miron: If you ever sold the property?

Smith: If it is ever transferred.

Miron: How often do things from 30 years ago come up?

Smith: More often than you think

Naaktgeboren: They have a great piece of property and they are not adding to it.

Oleson: building coverage would be at 17.1% and impervious 28.1 for impervious.

Smith made a motion to approve Variance to add a second story addition approximately 7.8 feet from a side property line. Existing building coverage is 20.3%. Existing impervious coverage is 38% with the following conditions:

1. Bituminous parking area be removed
2. That at time of transfer the 337 sq ft storage shed will be removed.
3. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized for any areas that would be disturbed during construction. These shall include at a minimum silt fences between any areas of disturbance (if there will be any) and the lake as well as to any neighboring properties which are downslope of the disturbed areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets, hydroseed or other forms of temporary cover until vegetation is re-established.
4. 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.

Schultz seconded the motion. Motion passed unanimously.

Miron asked if he decides not to do the addition we the board come after him for the variance violation from 30 years ago. Quiggle indicated that would be up to the town board. When I read it any conditions that are not fulfilled need to be rectified before coming to the planning commission. The violation will remain with the property.

Oleson: Go through me at first - if it is gray I would bring it to the town board.

Construct a 14' x 16' open deck on lakeside of home with 4' x 16' and 4' x 23' walkways on either side. Deck to be approx. 86 feet from Mink Lake (min. 100 feet required)
Applicant: Daniel and Christine Saurer
Property address: 8175 GREER AVE NW, Maple Lake
Sec/Twp/Range: 24-121-027
Parcel number(s): 206020002030

Barry Schultz recused himself from the hearing.

Present: Adam Schultz, Christine Saurer

Schultz: Last year the Saurer's bought this cabin and looked at different options as to what they could do with remodeling the cabin and many of them would need a variance. So instead we decided to remove the cabin and move it back out of the lake set back and made sure we were able to meet all setback requirements. We ran into some issues with the septic and ended up with the house being deeper rather than wider which ended up causing us to raise the cabin higher than anticipated. The plan was to have the cabin sitting level and having a patio. After we got started building and a few changes with the excavator and the surveyor to make sure water flowed properly the cabin is sitting higher and a patio is unrealistic without bring in lots of dirt and building retaining walls we thought the deck would be the better option and flows better with the natural grade of the property.

Oleson: The variance is exclusively due to the lake set back. The old cabin was not meeting the set back and the new cabin does. So anything built on the lake side except a patio or a landing (32 sq ft or less) or a stairway (4ft wide) would be in the setback and need a variance.

Quiggle: Was the original plan going to have a basement?

Schultz: No it did have a crawl space for utilities. (Schultz showed how the home was going end up originally on picture) Because we had to change the width of the building so it would not be as deep due to the change of where to put septic and where road was.

Quiggle: You knew there was going to be issue, there is no way you could get a patio in there.

Schultz: We thought we could do a retaining wall and get one put in, however, once it was dug it was not going to happen. We would have to bring in a lot of fill.

Audience: None

Taylor: Where the deck comes out the 4 ft walk way area you're going to be 96ft from the lake and how high will the deck be.

Schultz: The far left corner where it sits now will be about 18 inches off the ground and the right corner will be about 6 ft off the ground the stairs would be about 5 feet.

Taylor: Why did you decide on the 14x16?

Schultz: No real reason just that it is a good size deck and the original patio was going to be 12x length of the house and we were still well under the impervious.

Quiggle: One of the criteria for granting the variance is that it cannot be a self-created difficulty and this is a self-created difficulty. It does seem like any planning on how it was going to sit on the property. Not sure how that could have happened. If this

Schultz: We could have dropped it down however it would create a larger swale and to make things flow as natural we decided to keep it up higher.

Quiggle: I feel this was self-created and I feel that you need to only do the stairway.

Taylor: Have you thought about doing a cat walk out to the side by the trailer? They have 22 ft out there. Then you are only being 96 ft from the lake.

Oleson: In my staff report number one talks about a 32 ft landing and steps down to a patio/freestanding platform that setbacks from the lake are not required.

Naaktgeboren: You do a catwalk across the top and then have stairs going down to a patio until I'm looking and it now and would dig it down? Now you are digging up more soil. I like the catwalk going and have a deck on the other end off from the screen porch.

Schultz: Were just asking for permission and we went through the proper channels to get everything done. The staff report permits it to that and if we do not get it we could put in a bigger patio closer to the lake. This is not a large deck and it does not create any issues on either side of the neighbors and it does not affect any drainage issues. We would prefer the elevated deck but could do a patio.

Naaktgeboren: I am looking at conditions regarding the walkway and go down to where it was low and you could put the patio in front of that.

Guck: I do not see a problem with it and it goes well with the plan of the house.

Schultz: What if we go 12 ft instead of 14 ft towards the lake.

Naaktgeboren: So it would be 12 x 16 – how many steps?

Shultz: Roughly about 8

Naaktgeboren: In the big scheme it almost makes more sense than doing landings and a patio that is even closer to the lake.

Taylor: I am ok with that.

Naaktgeboren made a motion to approve the variance to construct a Construct a 12' x 16' open deck on lakeside of home with 4' x 16' and 4' x 23' walkways on either side. Deck to be approx. 88 feet from Mink Lake with the following conditions:

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 any areas of disturbance (if there will be any) and the lake as well as to any neighboring properties which are downslope of the disturbed areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets, hydroseed or other forms of temporary cover until vegetation is re-established.
2. The applicant shall submit a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation and to allow adequate time for infiltration or other treatment of rainwater from the lot prior to it flowing into the lake. These may include directing rain gutters to appropriate areas, rain barrels, or other acceptable best management practices. Once approved, the plan should be implemented at the time of construction or within a reasonable time period after construction is completed and maintained indefinitely.

Guck seconded the motion. Motion approved 4 to 1 with Quiggle opposed.

Ordinance amendment to add a \$50 fee for certain permits not requiring building code compliance.

Applicant: Corinna Township

Oleson: We talked about this before where the building code changed that a building code permit is not needed for 200 sq ft or less, however, you wanted a zoning permit for anything over 100 sq ft. the problem we did not have a fee for that.

Audience: None

Quiggle asked board if anyone had any questions.

Naaktgeboren: The only question I have is why are we changing to 100 sq ft rather than the 120 sq ft, I would like to keep it at 120 sq ft.

Quiggle: I would rather stay with the 100 sq ft that we just changed it to.

Oleson: You have already made the recommendation to go to the 100 sq ft this only has to do with the fee.

Smith made a motion to approve a \$50.00 fee for permits not requiring building code compliance. Schultz seconded the motion. Motion passed unanimously.

Taylor made a motion to Table meeting minutes. Smith seconded the motion. Motion approved unanimously.

Table April 28, May 10 & May 18th

Zoning Administrator's Report -

Permits - no discussion

Correspondence: **Oleson:** Heinen was a variance that was in last month and they have emailed all of the board members asking if we would reconsider. I have talked with the Association of MN Townships & League of Cities attorneys about if we can reconsider something and it depends what our area rules are and we do not have any. Usually a motion to reconsider would be made at the same meeting the other option you could have a motion to rescind the prior decision and have a new public hearing and there is nothing that says you can't reconsider it. There was a motion to table and then there was another motion to approve with limitations. So if this is something that you want reconsider based on the discussion that took place at the end of the hearing. If what they are asking for something that you would like more information. How do you want to handle it? Board discussed information from the previous meeting minutes and recording.

Quiggle made a motion rescind and reconsider the variance request by the Heinen May 10 2016, do to confusion and lack of clarity. Taylor seconded the motion. Motion passed unanimously.

Staye after the fact variance; Oleson informed the board that he has talked to Tim Young it is being discussed between him and Staye's attorney at this time.

Enforcement Actions - **Oleson:** Wiltermuth variance hearing you asked that I look into the original variance and see if this was an enforcement matter. I did go down to the County and listened to tapes and my conclusion is that is that there were several times they talked about staying under 15%, there was once they talked about

three buildings and the final motion they did not say anything. When it is an enforcement issue they either fix it or they don't and if they don't at that point we would turn it over to the town board and their attorney. It will be up to the Township attorney to decide if there is a case and they may decide not to spend money on it. Quiggle made a recommendation to bring it to the board to see if this should be an enforcement issue and if they have a time period they want to go back on.

Findings of Fact - Previous PC/BOA Decisions

Other Business - None

Taylor made a motion to adjourn. Quiggle seconded the motion. Motion passed unanimously at 9:58 pm.

Prepared by: Jean Just