

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
March 13, 2014
7:00 PM

Charlotte Quiggle called the meeting to order at 7:00 pm on March 13, 2014.

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

Absent: Barry Schultz

Others in Attendance: Bill Arendt, Denise Froehlich, John Dearing Kelly Bruggeman, Steve Bruggeman, Kathryn Brevik, Julie Ann Christian, Carol Schomacher, Patrick Schomaker, Jim Miller, Jack Christian

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

Public Hearings

- a. Variance to construct a dwelling addition approximately 120 ft from the centerline of a county road (min. 130 ft required).
 - i. Applicant: Julie Christian
 - ii. Property address: 8482 County Road 6 NW, Annandale
 - iii. Sec/Twp/Range: 22-121-027
 - iv. Parcel number(s): 206000223204, 206040001010

Present: Julie Christian, John Christian

Mrs. Christian: My husband was disabled and when caring for my husband I realized the house is not set up for someone that is disabled. Our proposal is to add a 4 season porch on the lower level and a larger master bedroom & master bathroom on the upper level so they can accommodate a wheel chair.

Jack Christian: We would like to get started by the spring and finish up by the summer if allowed. It's a functionally type thing, we have some issues with the size of the bathroom so we wanted to set up the home for the long term.

Oleson: Applicant is looking to construct a 17' x 26' addition to their existing home. The reason for the variance is because the addition is within the road set back, however the existing house is already within the road setback, they will be 120 ft from the centerline of the road and 130 ft is required. They are able to meet the required lake and side yard setbacks. Very little impervious coverage would be added to the property as the addition would be off the main level, but constructed mostly over an existing patio that exists on the ground level of the walkout basement. There were statements on the application regarding directing water to the south which is a vacant currently. Would like to make sure that the water is managed on to their own property.

Audience: Bill Arndt: I live about 3 houses down and purchased property to the south, our intention to build on that property. So our concern would be the water coming to the south and on to our property. We would like to make sure that they have a plan in place to make sure the water would slowly come down or gutters that come down to the north to ensure that it does not come onto our property.

Taylor: Do you have any plans for water coming off the home?

Jack Christian: I believe that is a misunderstanding from something that I wrote. Currently there are gutters with downspouts on the house and they currently go to the south. I did not mean to say that we are going to put the water down to the neighbor's property and we intend to do what we need to make sure the run off is on our property. The entire east side has gutters that exit on the south side and we have not had any issues and no erosion at this time with the gutters going towards the south. We understand the concern and we are open to do what is needed to make sure we are not affecting other properties.

Smith: Nothing

Lee: The way the roof is laid out it would direct more water to the inside of the L because there is going to be a valley, the only water that will come off is on that side, where does it go now?

Christian: It comes from the south side of the house and the grade goes towards the lake, if anything there will be less coming off the roof with the change.

Lee: That's what I thought.

Thompson: Only concern was the run off so just making sure there is plan in place.

Quiggle: Erosion and sedimentation are my concern - you indicated bio-logs. Is that in addition to silt fencing?

Christian: Yes. We will do whatever is necessary to make sure we are exceeding the requirements.

Quiggle: Just one thing that I wanted to mention is that since you have a good amount of area in the front of your house have you thought about a rain garden for storm water management. It is designed to drain within 48 hours. There are different designs that you can do to make sure that it does not go to the neighbors or to the lake. You can check with Wright County Soil and Water to help you with design.

Smith motion to approve the variance to construct a dwelling addition approximately 120 ft from the centerline of the county road (min. 130 ft required) with the following staff recommendations:

- The Township Zoning Administrator shall verify that the lake setback will be met prior to the beginning of construction. The applicant shall schedule a time for such inspection with the Zoning Administrator before the issuance of a permit to begin work.
- 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.
- 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 roof water from the addition

prior to it flowing onto the neighboring property to the south. These may include directing rain gutters to appropriate areas, rain barrels, or other acceptable best management practices. The plan shall be submitted and approved prior to the issuance of a permit. The plan should be implemented at the time of construction or within a reasonable time period after construction is completed.

Parks seconded the motion.

Oleson: For Mr. Arndt's sake - Christian would have to submit a plan that would be approved administratively.

Motion passed unanimously.

- b. Variance to construct up to a 1,000 sq ft detached garage (max. allowed 800 or 1,000 sq ft depending on interpretation) on a parcel previously created primarily for septic system purposes and not allowed for buildings at the time.
 - i. Applicant: Steve Bruggeman
 - ii. Property address: Across from 11815 - 89th Street NW, Annandale
 - iii. Sec/Twp/Range: 19-121-027
 - iv. Parcel number(s): 206000192205, 206048000050

Present: Steve Bruggeman, Kelly Bruggeman

Bruggeman: We live on the North side of Pleasant Lake and what we would like to do is build a 1000 sq foot garage on our back lot. Our house is on the south side of the road and is zoned residential, the lot is on the north side of the road and is zoned AG, according the AG zoning requirements you can build up to a 1000 sq foot garage. We are trying to blend it into the area by tucking it into the hill and having the garage driveway across from the current driveway so the garage look like it is ours. We will be doing some boulder landscaping work.

Oleson: This is a unique variance request as the reason for the variance is due to a specific requirement when these lots were approved last year by the Board of Adjustment that no buildings were allowed at that time. As you know, the BOA listened to the recording of that meeting several months ago and determined that the restriction on no buildings was with the understanding that the owner could come back later and make such a request if they chose. One question was how much material would be moved around and it is all cut not fill, it is 93 yards for building, 102 yards for the driveway so about 200 yards total. They would need a CUP to move that much material. I have recommendations regarding a retaining wall and they would need a building permit if greater than 4 feet in height. The plan does indicate that it would be 6ft in height, therefore needing a separate building permit. Need discussion regarding the appropriate size of the garage. The lot on which the garage would sit remains zoned AG, as it had prior to the lot being created. As such, the maximum size building allowed is 1,000 sq ft. However the lot - when it was created - was required to be tied for the purposes of future sale to the lake lot across the road, which is zoned R-1. In the R-1 district, the maximum size building for a lot less than 20,000 sq ft in size is 800 sq ft. Staff would suggest that the starting point for what is allowed on this lot must be 1,000 sq ft since the lot is zoned AG. However, the board may reduce the size allowed as a condition of the variance if granted if the topographic conditions or some other factor justifies it. The County will often determine maximum garage size when they create a lot so I think this up for discussion since it is tied to the R-1 property.

The main questions are the size of the garage, if allowed, and the erosion control measures that would be required.

Quiggle: Open up to Audience - Note that we received an email from JoAnn Olson.

Audience: Denise Froehlich – Read the letter from her mother JoAnn Olson which is part of the record. I feel no ill will towards the Bruggeman's in wanting to build a garage on this property, However, I do feel that it could reduce the value of my mother's property.

Pat Schomaker: My property is on the NE corner of this property, this original variance it did not fit in the R1 or the AG it is not even an acre. They needed a variance to get the lot because they needed a septic system. It was stated that he was not going to come back and we knew where he was going with this and we were upset, therefore, he should have only been able to put his septic system on this property. The only reason to create the lots at all was for a septic system. I feel he used a variance to create an opportunity to get another variance to do something he indicated he was not going to do. If you go west and a little south there is wetland and if I understand you are removing dirt and you're creating a deeper slope down to the wetland and more erosion. I have less than two acres and cannot split mine. The only reason there is a possibility to put a building there at all is the fact he was allowed to create the lot in the first place. I am opposed.

Jim Miller: I own the other lot that was created and we did put our septic in last fall and we appreciate allowing us to create the lot. Our system was failing and we needed a new septic.

Quiggle: Is there an easement through the property if in the future if additional land is acquired?

Oleson: That was a condition that there is an easement and legal description that was created it just needs to be recorded. That should be a condition that it needs to be recorded.

Closed public:

Smith: My biggest concern would be the driveway area is it going to require a culvert and where is the water going to go. Looks like it goes down the black top now and goes down to the wetlands. Also how much fill you will have to take out and moved to get the garage in there.

Bruggeman: We will have a landscape design and make sure we address that.

Lee – the west side of the garage will be all block and you will be able to step off the hill to the roof?

Bruggeman: There will be 6 ft of block on that side of the garage.

Lee: On the south side the water will wrap around that you will have tile in place to direct the water and on the east side will be door and frame and then step down to block.

Thompson: Nothing at this time.

Quiggle: If we approve one thing we need to do is look at size and I looked at the minutes and discussions from the last meeting and it was said that this lot is tied to the main lot administratively for sale and development purposes. The main lot is zoned R-1 and I would like to see that maintained as an R-1 - which would limit it to a 800 sq ft garage. It is a residential area and it is a small area and I do not want to burden with a large building. It would bring the size down by 20% and would minimize some of the fill. My feeling is if we give you a variance I would like to see it limited to the 800 sq ft. My next question is regarding the CUP and you were talking about landscaping, and bringing in boulders etc... you will need to add to the totals. I think it is a reasonable request to have a garage on this land, it not creating a back lot it is tied to the front lot. There cannot be any residential structure be there. You meet all the setbacks - it is a reasonable request.

Taylor: It will be strictly garage no living area or loft? Going back to some of the questions from the Joann Olson letter you will not be sharing with Millers Septic. Also, if you went 1000 sq ft what would be the dimensions of the garage?

Bruggman: It will not have a loft and I will not be able to hook into Millers septic, The size of the garage would be 28x34 at the 1,000 sq ft size, and 28x28 would be 784.

Quiggle: Just to address a couple of the points that Mrs. Olson made - there was never any plan for anyone connecting to Mr. Millers septic, it was not conducive for a community service. It was set up only one septic from the start.

Taylor: I just wanted to state that when we made the motion for the lots the first time it was indicated that we were not allowing *at this time*.

Lee: The only thing that concerns me about it is that you are blocking a lot of water that will have to be addressed.

Bruggeman: We could look at turning it so it will create a valley and it would flow from there.

Quiggle: Bernie is involved and would be working with Ben.

Taylor: Looking at the draining again for any erosion and retaining some of the natural would you consider in a rain garden, maybe that would ease some of the drainage from going down to the wetland area.

The board reviewed the Plan that was brought up on the screen.

Taylor: If we slope the driveway into a possible rain garden area it will help with the flow.

Quiggle: I think a storm water management plan is key. Did we decide on size of the building?

Smith: With the CUP we will need a stormwater management plan and I feel that 800 sq ft would help with that.

Oleson: Just a comment on the CUP process - I think we need to let Mr. Bruggeman know what more information you want if any so that he knows what he has to provide.

Quiggle: What I would like to see is an estimate of how much material you are bringing in for the landscaping, along with the stormwater management plan.

Thompson: No doubt in my mind they are doing what they were asked to do, the stormwater is a concern and we need to see a plan for that and will need to have the as part of the CUP, as far as the garage is concerned as much as I see the need for a larger garage, I feel we have to go with the 800 sq ft. garage.

Lee: Are we at minimum setbacks?

Quiggle: He is meeting all of the setback requirements.

Quiggle made a motion to approve the variance for a garage on a parcel previously created primarily for septic system purposes with the following conditions:

- The size of the garage be limited to 800 sq ft and meets all the setbacks requirements. This is Variance is for an accessory building only with no living space.
- 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.
- 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 roof water from the addition prior to it flowing onto the neighboring property to the south. 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.

- Conditional Use Permit is applied for and granted prior to the issuance of any permits to construct the garage. Plans received indicating amount of material to be moved (earthwork, grading, excavation) in constructing the garage and driveway, along with the amount of material that is to be brought in for landscaping (boulders ect).
- That any use of a retaining wall in the construction of the garage that would be greater than four (4) feet in height shall require a separate building permit in accordance with the building code.
- The Easement is recorded at Wright County if garage is completed or not.

Taylor seconded the motion.

Discussion to ensure that there is enough room for a septic on the property by way of letter from Miller Sewage Treatment Systems that the designed septic drainfield sites will not be impacted by the proposed garage and driveway.

Motion passed unanimously.

Approve Previous Meeting Minutes:

Taylor made a motion to approve the February 11, 2014 meeting minutes. Smith seconded the motion. Motion carried unanimously.

Zoning Administrator's Report

- c. Permits
- d. Correspondence
- e. Enforcement Actions
- f. Findings of Fact - Previous PC/BOA Decisions - Reviewed and OK'd

Other Business

- g. Discussion - Policy on Impervious Coverage of Rock Retaining Walls

Oleson: If you remember the Court Holman issue where we granted 50% on his boulder retaining wall. The question is if we are going to grant that for everyone or was that a onetime thing. I just want to clarify going forward. If we do not give credit for everyone we should justify the reasoning.

Discussion was held by the Board as to if we should be giving 50% credit for the boulder retaining wall. Consensus was that we need to be consistent with decision that was given in the past. Decision was made by the board to allow 50% credit for a boulder retaining wall as long as there was not plastic underneath that would inhibit infiltration.

h. Discussion – Escrow for sewer upgrades at property transfer

Oleson: This is something came up at a town board meeting. Wright County currently has an ordinance (separate from zoning) that requires property owners transferring the property to have the sewer system inspected. In cases where a system does not pass this inspection, and a new system cannot be installed due to weather conditions or for some other reason, an escrow is required to cover the cost of installing the replacement system. The county currently requires the escrow amount to be 1.5 times a reasonably calculated bid to meet all septic system inspection, upgrade or replacement costs.

The Town Board, in trying to ensure that septic systems are upgraded properly when necessary has asked the commission to discuss whether a higher escrow amount should be required – perhaps 2 or 2.5 times the “reasonably calculated bid”. There have been several instances where systems that were supposed to be upgraded and had escrows in place, have not been upgraded. A higher escrow requirement may provide a greater incentive to install the systems and to recover any amount in excess of what is needed to update the system.

Discussion was held by the board as to how it could be enforced and if we are more restrictive than the County would we have to administer or would they administer for us. Should time limits be put in place? Can we make them time sensitive? Consensus by the board is that we update the ordinance requiring the septic has to be in compliant before a permit is issued or an escrow at 1.5 times the “reasonably calculated bid”. We will have to decide how the escrow will be handled administratively.

Comprehensive Plan Update – The Planning Commission reviewed several portions in Section 3 and noted proposed updates. Review will continue at future meetings.

Thompson made a motion to adjourn at 9:03 pm, Smith seconded the motion. Motion passed unanimously.