

CORINNA TOWNSHIP  
Minutes  
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION  
March 15, 2017  
7:00 PM

Taylor called meeting to order at 7:00pm on March 15, 2017

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

Others in Attendance: Darwin Hoffman, Robert Strom, Meredith Voltin, Jesse Voltin, Mark Sprague, Westin & Wendy Nelson, Bernie Miller, Richard DeGrood, Don Schlegelmilch

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

Public Hearings

Conditional use permit to move more than 50 cubic yards of material in a shoreland zone (proposal is for approx 3500 cubic yards) for the purpose of grading around a proposed garage and construction of a driveway.

Applicant: Westin and Wendy Nelson

Property Owner: WESTIN W NELSON REV TRUST

Property address: 11110 108TH ST NW, ANNANDALE

Sec/Twp/Range: 7-121-27

Parcel number(s): 206034000070

**Present:** Westin & Wendy Nelson

**Nelson:** We would like to build a garage on the back side of our property across the road on 108 street. To maximize the sq footage we want to put it back into the hill. We want it to stay natural and forest looking and will do some landscaping in front of it.

**Oleson:** The reason is because it is more than 50 cu yards in a shoreland district. The property has the house on the lake side and it runs to the north. This is not directly on the lake however, it is within the shoreland area. The primary concern is the neighbors, road, and wetland area. The main concern is making sure they will not be directing water towards the road or the neighbors and protection of erosion during the construction. Talked with Soil & Water district and they are comfortable with what they are doing.

**Nelson:** I did talk with Dan at Soil and Water and the one concern was the driveway, we talked about putting some rock in there to make sure we keep the soil from coming down and washing away and also making sure that the silt fence is installed correctly.

**Quiggle:** Did we get drawings of the structure?

**Oleson:** That is not what the application is for, however, we do have drawings.

**Nelson:** Bottom of the structure would be completely in the hill and then building on top of that for additional storage and the driveway to the upper level would come around the back.

**Schultz:** Will you be putting in a retaining wall?

**Nelson:** Yes – we would start with bigger rocks to start and gradual slope onto 108<sup>th</sup> ending with small rocks towards the road. Nelson explained the survey and where things will be going.

**Naaktgeboren:** One question is about the driveway if you moved it over would you be able move less dirt?

**Nelson:** I don't think it would make that much of a difference and we wanted to make sure we have good vision and safety for pulling out onto the road. If we go more to the NE the terrain is about the same. No fill on the east side and gradual around the west side.

**Audience:** None

**Guck:** The only thing is the water coming off that driveway what is planned for that?

**Nelson:** Right now the entire property runs off and with the driveway we will have less of a slope which should run off slower.

**Schultz:** I'm good with it.

**Quiggle:** I'm good with it. As far as after construction is there a permeant storm water plan with swales to make sure that it does not add more run off to neighboring property

**Nelson:** Given the surface area we are talking about I think there is enough absorption area for the water to go. The wetland is further away and will be vegetated. I am confident this will not be an issue.

**Quiggle:** How long will this take to complete and get vegetation growing again?

**Nelson:** We plan on getting this done and re-landscaped as soon as the foundation is in.

**Quiggle:** You may want more than one line of silt fencing with kind of slope and make sure you have erosion blankets.

**Smith:** 3500 cubic yards seems like a lot is that all from the property?

**Nelson:** Yes that is all coming from the property.

**Smith:** It just seems like a lot of material. I think it looks like a good plan.

**Naaktgeboren:** I agree with Charlotte regarding vegetation as soon as you can get that done.

**Arendt:** I am fine with it too, along with all that has been said with the vegetation and control for water runoff.

**Taylor:** I am fine with it. I know it is a two story no living area that this is for storage only.

**Nelson:** We are looking at putting a deck mainly to so that it breaks up the look a little and helps with water in front of the garage doors. It will also be guttered.

**Taylor:** On the back side is there another driveway?

**Nelson:** There is a two track for 4wheelers/snowmobiles not a complete driveway. We will continue to use that.

**Oleson:** We did receive comments from Soil & Water and the Watershed District mainly noting the erosion control.

Quiggle motion to approve Conditional use permit to move more than 50 cubic yards of material in a shoreland zone (proposal is for approx. 3500 cubic yards) for the purpose of grading around a proposed garage and construction of a driveway with the following conditions:

1. Grading shall be done in such a manner that water runoff from rain events and coming off the eventual garage and excavated areas does not run toward the property to the east in amounts greater than what would currently be occurring.
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 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.

3. 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.
4. 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.
5. 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. Motion passed unanimously.

Variance to replace the existing home and buildings on the property with a new home approximately 57 ft to the center of a Township road (min. 65 ft required) and to install a Type IV septic system (Type I required).

Applicant: Robert Strom

Property Owner: MEREDITH J VOLTIN

Property address: 6257 117TH ST NW, MAPLE LAKE

Sec/Twp/Range: 1-121-27

Parcel number(s): 206080001020 and 206080001030

**Present:** Darwin Hoffman, Bernie Miller, Robert Strom

**Miller:** Looking at rebuilding a home, we started out last summer and worked on designing what they wanted for a house that would fit with a septic. There is a 1300 sq foot home now, proposal is for 2706 sq ft house not additional buildings. There is an allowance for a walkway, driveway, larger overhangs leaving impervious at 22%. Lot has some unique features as far as grade where the house sits it is 4ft lower than the road elevation. Some of the challenges had to do with the crawl space which needs to be 4ft above the OHWM. We have revised that and made sure we were 4ft above OHWM. We moved the utility room up and dropped the whole house down.

**Naaktgeboren:** Do know how much fill you're going to put in there?

**Miller:** We have a new grading plan, it is complicated since you take out the septic & the driveway, and so around the house about 2 - 3 feet it is less than 100 yards. That will depend if you count from the house to the septic.

**Naaktgeboren:** On the north side water running off that way you can control and keep on the property?

**Miller:** Yes there is a retaining wall and room to put in a swale. We need to determine where the water goes to the east.

**Oleson:** There are two variances; one is for the road set back and one is for the septic not being a type I. We did talk about the utility room w/ elevation. Just to clarify on that one, is the floor of the crawlspace going to be 4ft above?

**Miller:** The crawl space is the lowest floor and it is 4/1 above the OHWM.

**Oleson:** The other thing is the fill, the ordinance is to exempt the septic, driveway and house. It has never been real clear as to what we can consider the home. Does it stop at the foundation or is there some distance around the house so that it can slope down? Something you may want to discuss. Other than that it is pretty straight forward.

**Miller:** I did talk to Barry & Darwin Hoffman and in the 23 year I have only seen a CUP unless it is in a flood plain. I would say that 70% of the houses require more than 50 cubic yards and the County has never requested a CUP. We could build without filling around the house, however, you would have to build to the garage and leave the block stick out of the ground. I don't think we should need a CUP just for the doing the grade. It would be nice some clarification, Stearns County has a 15ft grace around the house.

**Oleson:** I did check with Douglas County and they give 10 ft grace area since you want to make sure there is a slop away from the house. The concern is someone went out 5-10 ft do you want them to put in a retaining wall? What I did throw out 5ft – practically speaking is in the end we want to make sure that water management and keeping water away from the neighbors are covered during a hearing. This is standard house project and no drastic change you can cover the grading during the conditions. I am not concerned that we need to do a CUP on this one since we are addressing this tonight. It would be good to set some boundaries. The only other question is the neighbors well, do we know that yet?

**Miller:** We need to determine if the neighbor has a shallow well or not and it has been agreed on that a new well will be drilled if needed.

**Audience: Richard DeGroot:** I am the house to the NE my concern was the side yard setback and that was taken care of. I wanted to say thank you for the changes to the drain situation that took place. It works great. I have no issues and I am supportive of what they are trying to do.

**Don Schlegelmilch:** I am to the west the one that might need a well. Can you explain the type of septic that is going in?

**Miller:** A type one is a system on undisturbed soil; Type IV is an advanced treatment system so it is cleaner before it hits the drainfield. There are arguments either way but the water coming the drainfield is cleaner it is of less risk. It will be a raised drainfield.

**Don Schlegelmilch:** The only other concern is the drainage and making sure water does not come back onto my property and that the berm will remain and with the raised septic bed could they continue the berm to that septic bed.

**Miller:** There are two choices, we could block this off so that nothing could go that way, however, it could push through. My suggestion is to create a swale with a discharge. Naaktgeboren explained how the drainage was designed to run to the catch basin. The water issue with the new pipes and swale the problem is eliminated.

**Schultz:** I'm ok with it. As far as the sloping of the dirt you have to what you have to do to make it work.

**Quiggle:** I'm ok with the type 4 septic system, however, I have a problem with practical difficulty for the road setback. There are no topographical difficulties with a bluff or wetlands.

They should be able to build without a variance. I don't think there is anything unique about this except the home owner wants it. We have to go by criteria and I don't think in my mind we meet the criteria of practical difficulty. The other thing with the drainage, is everything is turf grass down to the lake, I would like to see them address the installation of native vegetative buffer so that the sediment will not go into the lake.

**Smith:** I am ok with type IV septic and do not have a problem with the road set back. You had calculated 100 cubic yards, how far out from the house?

**Miller:** That is everything outside the footprint.

**Smith:** I don't that that is a big amount to add or is an issue.

**Naaktgeboren** I like the way it is laid out. I don't have any concern with water flow. I do not see a problem with the septic or the set back to the road. There is plenty of room. I agree with Charlotte with putting in some native grasses towards the lake.

**Arendt:** I am fine with it. I agree with native grasses towards the lake or rain garden.

**Guck:** I'm good with Septic & Road set back. Is there an issue with two lots or are they already combined.

**Ben:** Normally we record and administrative order that ties the two lots together.

**Quiggle:** What practical difficulty others are finding for this?

**Arendt:** I think that is not that big of a deal and it is a practical difficulty for him.

**Naaktgeboren:** They could be asking to go closer to the lake so I like the road setback.

**Taylor:** Just want you to be aware that you are close to your impervious limit.

**Miller:** We added an allowance of 300+ sq ft to allow for patio or side walk.

**Quiggle:** They are close on building coverage.

**Taylor:** I would like to make sure you have native grasses towards the lake. The fact you're staying away from the lake is a plus.

Schultz made a motion to approve the variance to replace the existing home and buildings on the property with a new home approximately 57 ft to the center of a Township road and to install a Type IV septic system with the following recommendations:

1. That if the applicant is moving around more than 50 cubic yards of material (fill and excavated areas combined) – not counting that associated with the driveway, the septic system, the foundation of the home and a 5 ft area around the perimeter of the home and driveway, a separate conditional use permit shall be required.
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 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.
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. The plan shall also ensure that rainwater will not be directed to neighboring properties in an amount significantly more than what occurs currently. These may include directing rain gutters to appropriate areas,

rain barrels, establishing or maintaining a buffer of native vegetation along the shoreline, 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.

4. 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.
5. 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.
6. An Administrative Order shall be prepared and recorded by the Township Zoning Administrator tying the two parcels involved in this application together for zoning purposes.
7. The applicant shall install a native vegetative buffer along no less than 75% of the shoreline of the two parcels involved in this application to a minimum depth of 15 feet. Such buffer shall be maintained indefinitely.

Guck seconded the motion. Motion carried 4 - 1 with Quiggle opposed.

Variance for Richard & Mary Ward - Tabled at the February meeting. Oleson indicated that they have decided to withdraw their application.

Quiggle made a motion to accept the withdrawal of the Ward Variance Request. Smith seconded the motion. Motion passed unanimously.

Schultz made a motion to approve the February 14, 2017 meeting minutes. Guck seconded the motion. Motion passed unanimously.

#### Zoning Administrator's Report

Permits

Correspondence

Enforcement Actions:

Oleson: Grunwald Ave, one of the lakeshore lots brought in sand on the lake shore the DNR is making him pull it out just wanted to make you aware. Judy Bryant is looking at coming back for her preliminary plat, town board had tabled to allow them time to put in a cul-de-sac, and they had title problems and have now cleared those up.

Findings of Fact - Previous PC/BOA Decisions

Smith made a motion to approve the findings of fact for Kolles, Schoelkoph & Nimmo. Guck seconded the motion. Motion carried unanimously.

Other Business

Discussion - Erosion protection requirements and enforcement

Review of previously granted variance requests (if time allows)

Smith made a motion to adjourn. Quiggle seconded the motion. Motion approved unanimously at 8:54pm.

Prepared by Jean Just