

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
May 14, 2013

7:00 PM

1. Call to Order: Charlotte Quiggle called the meeting to order at 7:04
2. Roll Call: Board of Adjustment/Planning Commission Members Present: Charlotte Quiggle, Barry Schultz, Patricia Taylor, Lee Parks, Larry Thompson
 - a. Absent: Larry Smith
 - b. Others in attendance: Dave & Kay Arver, Steve Ostrom, Jim & Sandi Martin, Jim Dearing, Karl Leslie
3. Additions or Deletions to the Agenda:

Trish Taylor moved to approved the agenda as presented. Barry Schultz seconded the motion. Motion carried unanimously.

4. Public Hearings: Charlotte read the statutory requirements regarding a variance
 - a. Variance to construct a new dwelling 10 ft from the side (east) property line (min. 15 ft required) and 72 ft from Sugar Lake (min. 75 ft required).
 - i. Applicant(s): James & Sandra Martin
 - ii. Property Address: 7642 - 106th Street NW, Annandale
 - iii. Sec/Twp/Range: 11-121-27
 - iv. Parcel Number(s): 206088001070

Present: James & Sandra Martin & Jim Dearing

Mr. Martin: We Inherited cabin and on lake for 53 years, looking at tearing down and rebuilding, neighbors are ok with coming closer to property and have drafted a letter indicating they have no objections for them coming 10 ft from their property line. The seconded request is to be 72 from the Ordinary High Water Mark (OHW), that is where the cabin is at now. The new home with have 14ft that will be at the 72ft and the other 32 ft of the cabin will be 76ft from the OHW which is beyond the minimum requirement. Cabin to east are 10 ft closer than they are plus a deck. We are not asking go any closer than we are currently and we feel that if we go any further back with will lose some of our view.

Schultz: Are you further back than property to west?

Mr. Martin: No we are about even and we own the property to the West

Taylor: When I was out at property, looks like to the west the AC encroaches by a few inches.

Mr. Martin: Yes it is pretty close. Property to the West is only about 18" and I own both properties.

Quiggle: Open to the public - no other comments

Oleson: Reviewed information and outlined issues: A few questions are: It appears the house could be shifted back from the lake another 3 feet to meet the required setback without much difficulty although this would limit view. The other question was the walkout/lookout, however, when talking with Jim it looks like they will not be moving more than the allowed 50 cubic yds and will not require a CUP. Looks like only a portion will be a walk out and the other a look out.

Quiggle: To clarify it is only the walk out part that will not meet the 75ft, the rest of the look out area will meet the 75 ft?

Oleson: Yes.

Taylor: You're proposing to move the septic across the road?

Martin: There will be a two parts tank where it is currently and the drain field will be on the back lot and will be a larger septic field.

Quiggle: The property to the west does have a separate septic?

Martin: Correct: would like to keep the back lot nature

Schultz: No comments.

Parks: Could we avoid that little jog [on the lake side of the proposed house]?

Martin: 2 reasons - cosmetically was one - patio will be on the west to give us little privacy and do not want to restrict their view by going back any further.

Schultz: Will you have anything coming out of the French doors?

Martin: Only a walkway to the Patio

Thompson: As I reviewed I was wondering why when there is room you were asking for the 72ft, however, you have answered my question and I understand you do not want to limit your view of the lake.

Quiggle: How big is that area?

Dearing: 4x14ft

Quiggle: I do take your point about the look of the home cosmetically. Not sure that the 3ft will change your ability to view, however, I do know that it is only 4x14.

Parks: The height going to be pretty close to the one next door? I know the one to the east is a two story.

Dearing: It will be pretty close about 27ft.

Quiggle: How high are the neighbors?

Martin: It's a full two story so it is about the same and it will not stand out because both houses on either side are high.

Quiggle: Ben - what were your concerns for the walk out?

Oleson: It is a pretty steep bank and a few trees may have to come down

Martin: 2 trees

Quiggle: Will be under the 50 CU Yards?

Dearing: Yes and will be using silt fence etc....

Quiggle: Any additional comments? Do I hear a motion?

Parks made a motion to approve the variance to replace the existing 882 sq ft single-story cabin with a 1,540 sq ft 3 bedroom home and a 336sq ft attached garage with a portion of the home located 72ft from Sugar Lake and 10 feet from the east side lot line based on the following conditions:

1. That the buildings and 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.
3. 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.
4. That any excavation necessary for the creation of a walkout/lookout basement or other earthmoving beyond that needed to install a full basement that will involve more than 50 cubic yards of material shall require a separate conditional use/land alteration permit. However, it is noted that you will not exceed the 50 cubic yards.

Schultz seconded the motion.

Taylor: Will you be following the Wright Soil and Water Conservation recommendations?

Quiggle: That information is in the conditions

Motion passed by a unanimous vote

- b. Variance to construct a new dwelling to be 25.3 feet from the top of a bluff (min. 30 ft required). Variance to install a new sewer system to be approximately 4 feet from a side property line (min. 10 ft required). Variance to use the existing 792 sq ft dwelling as a guest house (max. 700 sq ft allowed) on a lot with a width of approximately 110 feet (min. 135 ft required).
 - i. Applicant(s): Karl & Mary Beth Leslie
 - ii. Property Address: 8783 Ingram Ave NW, Annandale
 - iii. Sec/Twp/Range: 22-121-27
 - iv. Parcel Number(s): 206028002010

Present: Jim Dearing, Karl Leslie

Quiggle reviewed the variance notes from above, however, this indicates that a min. of 135 ft is required and I believe that 180 ft is required by the DNR (a duplex lot)

Mr. Leslie: Family property inherited 9 years ago and they owned for 40yrs prior to that. Looked at building in 2005 and had all the variances approved, however, decided not to build for various reasons. So they are now coming back to ask for the same items that were approved previously only this time the home will be a little smaller. In regards to the variances I'll start with the septic it does not meet the 10ft requirement and my neighbor did send a letter indicating he has no objection to it being 4 ft from the property line and this was approved previously. Existing cabin is 92sq ft [over what is allowed for a guest cabin] but if you take it from the length of the house its 4ft off the end of the cabin which to me has been in the family for almost 50 years and extreme to take 4ft of the cabin. Regarding the set back from the bluff, they cannot push back any further due to the existing building that is currently standing and according the builders you cannot attach the house to the existing structure. I wish that when

they built they would have planned for that, however, they did not and we would like to continue to use the garage.

Public Comment: Steve Ostrom, Neighbor just wanted to give his general support
Same question regarding why they could not move back -

Oleson: Gave a brief description as to what they are asking and what the concerns are: If only doing a partial walk out we will be less than the 50 cu. yards for land alteration and no need for a CUP if going with a full walkout will need a CUP. Sewer is going to be too close to the property line. There are different rules from DNR vs Wright County guest homes. DNR is more restrictive on size, less restrictive on allowing for kitchens. When the variance was approved 5 years ago at Wright County it was a larger home and closer to the bluff. They also were approved to keep the guest house with the condition that the kitchen be removed. If we do approve we recommend that the kitchen be removed and the Board could consider cutting down the size of the guest house. Also recommend addressing the hill and erosion potential and making sure they take care of that.

Dearing: Will only be doing a partial walkout so will be under the 50 cu yards

Leslie: Will follow all the erosion control precautions and they also do not want to lose any of the bluff either.

Oleson: Noticed that some of that is discussed in the SWCD information and may be a good contact as to what you need.

Thompson: No comments.

Parks: It looks like it slopes off where the septic is going to go and the drainage area, who designed the sewer and are they worried it might be kind of tight and then it slopes off.

Dearing: Bernie Miller designed the sewer and said it was tough to design but, was able to get it to fit.

Quiggle: Has that design been approved by the County?

Oleson: Same design as before just a little small with less bathroom and it was approved last time.

Schultz: No comments.

Taylor: I only question the future deck - based on standards not sure that will pass. It will encroach further on the bluff set back.

Dearing: We discussed this and looked at possible just doing a walk way and doing the deck around the side of the house

Quiggle: So nothing that will encroach further on the bluff

Dearing: Just the walk way

Oleson: If it is attached to the house you may want to address this walkway in your variance decision.

Naakgeboren: Question on the existing cabin, are you going to use the existing septic or are you going to use the new septic? And what is the current septic?

Leslie: It is currently a holding tank and we plan to continue to use that for the existing cabin.

Quiggle: We're dealing with somewhat different criteria on the guest cottage then they were with the county. The DNR requires the guest cottage be on a duplex lot of 40,000 sq feet and this is about $\frac{3}{4}$ of that and it is supposed to be 180ft wide and the reason for that is so that you don't have increased density of homes. I have a hard time with this when the house that is 100sq ft greater than the maximum size allowed is on a lot $\frac{3}{4}$ of the size that it is supposed to be. Most people that build a new home they tear down the existing and build a new one. They

[DNR] say in their SONAR that's it suppose to be for extra space for guests, not as living quarters. How would you be using this & do you own this with other siblings?

Leslie: We do not own this with other siblings and it would primarily be used for when we have a family reunion for guests to stay.

Quiggle: I worry about overuse of the lot

Leslie: We are private people and do not have a lot of parties etc... However, it would nice to be able to accommodate guests.

Quiggle: Is there something that we can indicate that when the existing house falls into disrepair it could not be rebuilt?

Oleson: We could add this but would have to talk to attorney if it would be enforceable.

Quiggle: Is there any way to decrease the size?

Leslie: We talked about that however, on one side you have the well and the other side you have the gas - you would have to change the foundation and rewire the house.

Thompson: not sure what you would gain since you still have the dwelling

Quiggle: Can we put it in as a condition and you can run it by the attorney?

Oleson: It would somewhat read that if the attorney says no the condition would go away

Quiggle: Can you read the statue regarding non-conforming?

Oleson: Statue indicates that it applies to homestead and non-homestead and is not just limited to the dwelling - so any nonconformity .

Taylor: Could you put it more to the fact that if they ever sell the property the cabin has to be removed.

Leslie: If it transfers outside the family I'm ok

Oleson: It is not uncommon that if you put a condition on a cottage coming down and we make them sign something. It's like an interim use. We have to look at what could happen in the future, not that we feel there will be extra usage now but how it could be used later.

Taylor made a motion to grant the variance to construct a new dwelling to be 25.3 feet from the top of a bluff, install a new sewer system to be approximately 4 feet from a side property line and use the existing dwelling as a guest house with the restrictions:

1. The 2nd story of the existing boat house is removed prior to completion of the proposed house and that the kitchen is removed from the existing cabin.
2. The existing holding tank shall have an approved maintenance (pumping) plan on file and shall be pumped by a licensed septic maintainer as necessary.
3. If the property is transferred outside the immediate family the guest cabin will be removed prior to sale
4. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include 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.
5. 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.
6. That the excavation necessary for the creation of a walkout basement or other earthmoving beyond that needed to install a full basement that will involve more than

50 cubic yards of material shall require a separate conditional use/land alteration permit.

Thompson seconded the motion.

Quiggle - Just want to point out that the future deck as drawn on the plans is not being approved now and that you will have to apply for variance for any further set back requirements.

Dearing: Put a 6ft wide walk way - otherwise we are allowed to put a 4 ft landing with steps come down.

Oleson: You are allowed 32 sq ft landing steps down walkway over to the deck steps up you would be fine as long as the deck meets the bluff requirements.

Leslie: Another option is to come off where the dining room is on the west side of the house.

Quiggle: If at some time you want to do a deck out front you would have to come back and ask for another variance or you could do a patio or deck off to the side.

Thompson: We changed our thinking regarding if there are any sale the cabin would have to come down. Should we also note that if it becomes in disrepair it has to come down?

Taylor: I amend my motion to add that if the guest cabin becomes in disrepair the guest cabin would be removed.

Thombson seconded the motion. Motion passed unanimously

- c. Variance to construct a new dwelling approximately 47 ft from Cedar Lake and a 10' x 16' lakeside deck approx. 37.1 ft from Cedar Lake (min. 75 ft required)
 - i. Applicant(s): David and Kay Arver
 - ii. Property Address: 7081 Imhoff Ave NW, Maple Lake
 - iii. Sec/Twp/Range: 27-121-27
 - iv. Parcel Number(s): 206032002060

Present: David & Kay Arver

Kay Arver : We have had the property since 1975 and they have had campers at the property for many years and as things are starting to deteriorate and we've decided we would like to have a cabin built on the property. We would use this as a seasonal property and are not looking to move up here year round. We have enough property width however, it is shallow. The camper was parked next to the holding tank and was approximately 75ft from the lake. We would be taking some of the pine trees down and taking the small shed down.

Oleson: Indicated on the drawing where the road set back is at & the lake setback.

Arver: We would like to move the house a little more towards the west so that the patio door would not come out right by the garage.

Thompson: So going that direction - is their enough for the set back?

Oleson - This is a small lot. It would meet the road set back and the side setbacks. Our questions are: Can we can have the home shift back further, can it be a patio other than a deck so that we can be closer to meeting the lake setbacks? The house will be built on piers to meet

the required elevation above the highest known water level. We have the comments from Soil and Water and we did receive one letter from neighbors indicating they are opposed to the variance due to not meet the lake setbacks.

Quiggle: Did you build the garages?

Arver: No, they were there when they bought the property

Quiggle: The limiting factor to moving the home back is the garage. Can that garage be taken down? Or how close can we get to the garage?

Arver: We could look at taking the lean too off? I do not want to take the garage down as we need the storage.

Quiggle: Could we get to 60 ft if we took the lean too off and moved the house back?

Oleson: We would be close since it is adding 12 more feet.

Thompson: Any requirements on how far apart the garage and home has to be?

Oleson: I talked to the building inspector and he said not really – they would need to put a fire wall in the garage. I did talk to the septic designer and there is some flexibility with how they configure the tanks.

Thompson: I feel they should push it back and move it to the left so the end of the house lines up with the end of the garage we should gain the 12 – 13ft.

Arver: We were told we only need to be 6ft from the garage? Is that correct?

Oleson: I believe it is 10ft without fireproofing the wall or closer with a firewall. You would have to meet the building codes.

Quiggle: If we get the 60ft set back from the lake where are we at with the road setback?

Parks: Yes, we would still meet that.

Thompson: What about the deck?

Arver: We can forget about the deck, if we need steps and a patio that would be fine with us.

Parks: I think we need to have some look at the depth of the piers. They may need to be deeper than 42 inches?

Quiggle: Would have to meet code and the inspector would let them know what is needed to be done.

Arver: They did do some soil samples for the sewer and indicated the water table was high

Parks: Do we need to see if the sewer can be done?

Oleson: It is a mound and we do have a sewer design.

Quiggle: One thing that I notice that since you have grass all the way to the lake your bank is going away.

Arver: Can we put in rock to help the erosion?

Quiggle: You may want to look at some riprap and or native grass that can grow in the sand talk to the soil and water

Naaktgeboren: I am looking at RVs – are they both leaving?

Arver – the little pop up will be staying and only used once in a while, the bigger one will be gone. We are getting dumpster and removing shed, pump house and deck area.

Quiggle made a motion to approve the variance for a new dwelling with the following changes and conditions:

1. The dwelling will be no closer than 60ft from the OHW, with no deck, the lean too will be removed from the existing garage in order to move the home back and meet the 60'ft set back,
2. Remove the existing pump house, deck, and large camper,
3. Existing pop-up camper will meet the 75ft set back requirement from the lake

4. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include 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.
5. 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.

Taylor seconded the motion.

Arver: Can move it to the west?

Thompson: As long as you meet the set back requirement of 15 ft

Motion passed unanimously

5. Approve Previous Meeting Minutes
 - a. April 25, 2013

Taylor made a motion to approve the previous meeting minutes of April 25, 2013, Schultz seconded the motion. Motion passed unanimously.

6. Zoning Administrator's Report
 - a. Permits

Quiggle: On Galibrath they had one approved and one not approved?

Oleson: They have a concrete slab under the proposed deck and they wanted to go the entire size. We originally denied the permit as it required a variance application. As we researched this historical records, we discovered that there was a previous variance allowing for a deck that did not extend out as far and that variance was still valid. We then approved a deck consistent with that variance.

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 - b. Correspondence
 - c. Enforcement Actions

7. Other Business
 - a. Discuss possible update to 2007 Comprehensive Plan.
Do you want to discuss possible update? Oleson said it will be busy next month too, the comprehensive plan is just what do you want to update and then bring it back to the board. John Dearing mentioned updating the future land use plan to be more in line with the county. Consensus was to discuss at a future date.

8. Adjournment

Taylor made a motion to adjourn. Shultz seconded the motion. Motion carried unanimously.

Minutes respectfully submitted by Jean Just