

CORINNA TOWNSHIP
Minutes
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
May 9, 2017
7:00 PM

Taylor called meeting to order at 7:00pm on May 9, 2017

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

Absent: Larry Smith

Others in attendance: David Lamberger, Rhonda Hiler, Steve & Kelly Bruggeman, Chuck Carlson, Jim Kutzner, Maria Connelly

Additions or Deletions to the Agenda- Quiggle made a motion to approve the agenda with the addition of Hiler under other business. Guck seconded the motion. Motion carried unanimously.

Public Hearings

Variance to construct an open deck approximately 47 ft from Clearwater Lake (min. 75 ft required). Variance to construct a 30' x 44' detached garage approximately 5 feet from a side lot line (min. 10 ft required) and from a public road right-of-way (min. 20 ft required).

Applicant: CHARLES CARLSON

Property address: 9661 JESKE AVE NW, ANNANDALE

Sec/Twp/Range: 16-121-27

Parcel number(s): 206031000220

Present: Chuck Carlson

Carlson: I just want a small deck off the front of my place, 8 ft x 18, the stairs to come around and go to the back. The neighboring deck is out further than I would be.

Schultz: Was there a deck before?

Carlson: No

Oleson: The deck is within the lake set back and within the bluff. The garage it would be 5 ft from the side lot line and at the end of a road.

Carlson: Where the house that is 3 doors down I thought it was in the bluff and that I would not be in the bluff where I am at.

Oleson: when I first looked at I did not think so, however a bluff is a 25% rise and 30% slope. On the one side it is not as steep but on the one side it would be in the bluff. It appears the house was built in the 50s before zoning so the cut out of the patio has been there a long time. There is no excavation for the deck just getting the holes in for the posts.

Audience: Marcia Connelly - North side of Chucks. I'm curious on the deck will it be over the door to make sure the post will not be in front of the door. I agree with the 8ft coming out and I'm in favor of the deck.

Jim Kutzner – I am 3 houses to the north. We do not have a problem with it in our opinion it improves the value of the property. I understand in this situation since all are that way in the neighborhood it would make it more in tune with the neighborhood.

Taylor: Can you go garage information again.

Oleson: Keats Ave. was vacated last year, he is proposing a garage at the end of that. One is the side yard setback at 5ft and the other would be 65 from the center of the road and he will not meet that. His driveway now comes in from Jeske so he would like to have more room to turn into the garage which is a side entrance. There is a steep slope and then it would turn in.

Carlson: If you come from the north property line, keeping driveway 5 feet from the fence it only gives me 30 feet and would be tight to turn around in there.

Naaktgeboren: Garage that was originally your access to your lot and was not maintained by the township, you vacated and put in a new driveway. The neighbor to the south uses that access and your neighbor could vacate that portion if he choose too. As far as the part of the variance I do not see that as an issue. As far as being 5ft I am not in favor of that. I feel there are ways around it. Alternative is building a smaller shed. On the deck will you be replacing the patio and how far?

Carlson: Yes I will be doing cement, will be going to where the wall ends.

Naaktgeboren: Right now with 8ft deck you are about 17ft from the edge of the bluff. I do not have a problem with the deck, but I would like to see that when you redo the deck have a buffer to get the water to soak in and get gutters to move water elsewhere.

Schultz: I have to agree with Dick on the garage setback of 10ft. I am ok with the deck I would rather see pavers done than poured cement but just my opinion.

Guck: I agree with the garage needs to be 10ft from the property line. The house was it a single level without a deck?

Carlson: No it is the same there just was not a deck before.

Guck: You planned for a deck without knowing if you could have one. I see it would be nice to have something there but I have a hard time with the deck in the bluff and that close to the lake.

Quiggle: I am exactly where Al is. We have told other people that they can't have decks, therefore, for consistency I have a hard time saying yes. With the garage I am with them that you have to be 10ft from side yard.

Arendt: I have an issue with the deck, I feel there needs to be something that would hold water from going to the lake such as grass – garage to close.

Carlson: That water does not go very far before it soaks in.

Quiggle: It's not just a question of where the water goes, it having too much structure that close to the lake.

Carlson: I was look at what would be in uniform with others on the lake and everyone else is closer.

Connelly: Do you have any pictures of the patio that was there, I believe it came out to further to where the sand is.

Oleson: (pulled of pictures from PID) Patio does not have to meet set back weather it is grandfathered or not.

Taylor: I agree with the shed it needs to meet the 10ft on the side line set back. I am fine with the road. The deck I am still debating on since we have not allowed a lot of them in the past. I could live with it, however, then I would like to see something done below that is not hard surface.

Naakgeboren: How about keeping grass below the deck, or mulch with some shrubs since grass would not grow and have smaller patio.

Taylor: That would help.

Carlson: I plan on putting in some natural stairs coming down to the patio with a sidewalk.

Taylor: I would also like to see a buffer area.

Quiggle: It is all natural grass and it looks very nice.

Carlson: I do not see erosion being a problem with the native grasses.

Taylor: Under the deck I would like to see no concrete.

Naaktgeboren made a motion to deny the variance to construct a 30' x 44' detached garage approximately 5 feet from a side lot line (min. 10 ft required) and to approve the variance to construct a 30' x 44' detached garage 5 ft from a public road right-of-way (min. 20 ft required). Schultz seconded the motion. Motion carried unanimously.

Naakgeboren motion to approve the variance of a 8' x 18" ft deck approximately 47 ft from Clearwater Lake (min. 75 ft required) within in the bluff with the following conditions:

1. No patio or other impervious surfaces allowed under the deck except for the area approx. 8-10 inches beyond the doorway from the walkout basement, a sidewalk extending from the edge of the retaining wall toward the lakeside patio and the lake stairway (sidewalk shall be setback from the bluff edge as much as possible).
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. 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.

Schultz seconded the motion. Motion carried 3 - 2 with Quiggle & Guck opposing.

Pre-Application meeting for two lot sub-division; this is not a public hearing and no action will be taken. This has been through a re-zoning earlier this year for the purpose of a new sub-division. This is a Planning Commission Review of Sketch Plan for Subdivision on Cedar Lake - Steve Bruggeman (Parcels 206024000010 and 206000341201);

Bruggeman: It has changed, we were approved at Wright County for an R2 on both of the properties, it will 2.5 acres on the lake and the back lot is about 3.5.

Oleson: When they first applied it was going to be R1 for the front and R2 for the back, however, the county changed and made the decision to go with R2 for both lots. The only thing it did for me was making sure it met the lot depth and that should be fine.

Bruggeman: We hope to have the survey done, however, they have not finished. We just want to make sure we are on the right page. They both can take septic's and has already been done. The question is regarding the wetland and if we needed the delineation. In looking at the property information you can see where the wetlands are. There is a lot of depth there where if someone was to build they would be high.

Taylor: The survey should show all of that.

Bruggeman: Yes the survey will show the topo.

Taylor: I don't feel we need wetland delineation. It may be different if the lot is smaller or if it was in the middle of the lot.

The board was in agreement that a delineation would not be needed.

Naaktgeboren made a motion to approve the April 11, 2017 meeting minutes. Schultz seconded the motion. Motion passed unanimously.

Zoning Administrator's Report

- Permits

- Correspondence

- Enforcement Actions

- Findings of Fact - Previous PC/BOA Decisions

Other Business

- Rhonda Hiler

Oleson: Last month we discussed Hiler's lot. The question is they are replacing their current home, they are already over impervious coverage, however, they are reducing it by a considerable amount. My question to you last month was would that still require a variance since they are still over impervious and the response was we felt it would since they are still over on impervious. I conveyed that to the surveyor who let the Hiler's know. I have since had some conversation with Tim Young who received a call from Hiler's attorney asking if that was the correct interpretation or not.

Taylor: What percentage are they going from and to?

Hiler: We are going from 39% to 29%. The existing house & screen porch are going away and rebuilding the new home.

Quiggle: The back garage, boat house, guest house will stay?

Hiler: Yes, we are at about 1200 sq ft of cement.

Oleson brought up the statute;

Oleson: Tim's comment was is does this statute really apply since it talks about lots that do not conform to lot size. This lot is actually three lots and should we consider it to be one lot which he believes we should. When you add up all three lots it is more than 20,000 but not quite an acre.

Hiler: We purchased all the lots as one.

Quiggle: When you get to F & G it talks about a conforming lot. Tim's comment was that if it meets the minimum size this statute does not apply.

Quiggle: I am not sure if they are mixing up conforming and non-conforming.

Oleson: We agree that is not very clear. Even if F does apply we have to require them to address it but it does not have to come back to conforming. So the question

is how far do they need to come down he did not feel they need to come back all the way to 25%. Is that something I should decide administratively or something that needs to come in front of the board? They are meeting all of their setbacks and there is no variance needed.

Hiler: Right now we are dropping 10% which is 4200 sq feet and that is a considerable amount of money. Our house is currently 67ft from the lake, we are moving that back to meet the lake setback and we are taking out concrete to get us better than what we were.

Oleson: So I am having a hard time on how to be consistent or how are you going to be consistent. At one time we thought we should use ratio.

Board discussed further and reviewed the survey taking note that nothing else could be added to the lot unless it was placed on top of the concrete and agreed that they have addressed the non-conformities to their satisfaction by bringing the impervious down to 29%.

The board had further discussion on ways that this could be looked at and reviewed other areas that have systems in place. With permits that need a variance or cup it can be addressed at that meeting with the board. Size of lot could make a lot of difference on what can be done therefore doing a percentage could work differently. Will look at ways that we can give parameters so that we can be more consistent. The idea is to have them be less non-conforming. The administrator can work with the Board Chair and Vice Chair to make some determinations when they are meeting all other setbacks and improvements.

Discussion - Erosion protection requirements and enforcement (None)
Review of previously granted variance requests (if time allows)

Quiggle made a motion to adjourn. Guck seconded the motion. Motion approved unanimously at 9:02pm.

Prepared by Jean Just