

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

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

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

Absent:

Others in Attendance: Pat Mittelstaedt, Russ Mittelstaedt, Mark Mengelkoch

Additions or Deletions to the Agenda: Taylor made a motion to approve the agenda with the addition of erosion control & Zoning Ordinance update. Smith seconded the motion. Motion carried unanimously.

Public Hearings

- a. Conditional Use Permit/Land Alteration for the movement of approximately 400 cubic yards of earth and materials in a shoreland district to level out the existing property.
 - i. Applicant: Russell & Patricia Mittelstaedt
 - ii. Property address: 11187 Hoyer Ave NW
 - iii. Sec/Twp/Range: 02-121-027
 - iv. Parcel number(s): 206-066-000510, 206-066-000491, 206-066-000492

Present: Russell & Patricia Mittelstaedt

Patricia Mittelstaedt: We are going to excavate the basement and the dirt will be used for the septic and to level the land without changing the contour so that water can flow away. Wright Hennepin came in this winter and took out some trees and the stumps were just removed today. We will not be moving additional dirt in just moving dirt around. The reason we are going with 400 cubic yards is because that is about what will be coming out for the basement. Will have to raise the basement up a little bit and will use the catch basin that is currently at the end of the driveway. We are very conscious of the water control.

Oleson: The applicant is proposing to move approximately 400 cubic yards of material that are being excavated out for a dwelling with lookout basement and spread the material out on the lower portions of their property to smooth out areas. This application is related to the variances that were granted in July 2013 for the construction of the proposed home within the required road setback. One of the conditions of the approval of that variance was that it was only valid if the land alteration/conditional use permit that is the subject of this staff report is approved. The thing that I talked to the board about is the road on the south side that does not have a culvert in the low area, so presumably the water soaks in. I wanted to see if they had any concerns and make sure they are not touching the area near the road so the water does not run across the

road. The board was fine with the way things are laid out as long as it was not affecting the flow of water.

Thompson: Ben just talked about the only thing that I had a question on.

Parks: Did Soil and Water have any concerns?

Oleson: They have not submitted any additional comments.

Smith: Looks good.

Taylor: The drainage was my only question with it going across the road.

Quiggle: Have you downsized your house?

Pat Mittelstaedt: Yes we downsized the house and the garage.

Quiggle: The impervious coverage amount is up - is that due to the driveway?

Pat Mittelstaedt: Yes we had to shift things around.

Quiggle: It does indicate you are still meeting the impervious numbers.

Pat Mittelstaedt: The only thing I wanted to bring up was the storage building. We thought the septic system was going to be in the front and that did not work out. So the storage building is very close to the septic tank, we planned to move it further back from the south road so our setback will not be an issue on that side, however, we have power lines right above us and we would like to know if we could move it 5ft closer to this road for safety reasons. That way they would not be constructing right under the power lines. It indicated approximately 50 feet in the approval we received. If we move it we will 45ft.

Quiggle: Did we specify which road?

Oleson: We are looking at the north road, because we did not have a survey we were estimating at that time. That is why we were going with approximately.

Parks: How is the adjustment on the garage going to go?

Russ Mittelstaedt: Indicated where it would be moved on the survey, moving it 5ft would bring it past the power pole where the line's run.

Quiggle: Can Wright Hennepin move that pole?

Russ Mittelstaedt: Being it is the trunk line they will not move the pole.

Taylor: If move it 5ft towards 113th street and it would be 45 feet from the center line of the road?

Oleson: It would be about 47 feet, so the question is since we were working with approximately numbers last time are you are ok with the 5ft move?

Taylor: If it is only 5ft I am ok with that.

Smith: I am ok with this one, however, there are other situations where 5ft would make a difference and I want to make sure we are consistent.

Lee: If we stay within the 45 ft I am ok with that.

Thompson: I like to look at things as percentage's and this less than a 10% difference.

Oleson: Do you want me or someone to go out to verify the measurements?

Quiggle: Yes

Taylor made a motion to approve Conditional Use Permit/Land Alteration for the movement of approximately 400 cubic yards of earth and materials in a shoreland district to level out the existing property with the following conditions:

- That the fill shall not change existing drainage patterns in terms of draining additional water to neighboring properties. Any excess fill that would begin changing drainage patterns if placed on the property shall be properly removed off-site.

- 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.
- 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 garage and driveway 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.
- 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 reduced storage capacity is negatively impacting the Township road or other downstream properties to a greater extent than had been occurring previously if the stormwater management plan identified in #3 proves to be inadequate.
- If, at any time within five (5) years of the approval of this application, the Zoning Administrator determines, after consultation with the Wright County SWCD and the landowner, that significant erosion or other negative impacts from stormwater runoff 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 detention of water.
- The proposed garage is not less than 45 ft from the centerline of 113th street.
- If any additional comments come from soil and water you will consult with them.

Smith seconded the motion.

Motion passed unanimously.

- b. Variance to add a 12' x 13' bonus room with a 10/12 roof pitch, and dormer above a recently approved dwelling addition 60 ft from Sugar Lake (min. 75 ft required), within a bluff (min. 30 ft setback required), 35 ft from the centerline of the township road (65 ft required), and 6.9 ft from the septic tank (10 ft required).
 - i. Applicant: Mark Mengelkoch
 - ii. Property address: 11325 Hollister Ave NW, Maple Lake
 - iii. Sec/Twp/Range: 02-121-027
 - iv. Parcel number(s): 206-056-004130

Present: Mark Mengelkoch

Mengelkoch: Storage trusses up on top and that is where the room is going to be, there will be stairs going up like the plans indicate. It will be used for storage only.

Taylor: So no living quarters?

Mengelkoch: No living quarters.

Oleson: The applicant is proposing to construct a 12' x13' bonus room addition above a 16' x 21.33' addition that was granted a variance in June 2013. The bonus room addition requires a variance as it is considered an expansion to what was approved in 2013 – which was only proposed as a single-story addition with a 4/12 roof pitch. The variances necessary to allow for this addition include the lake setback, the bluff setback, a road setback and the setback to the septic tanks. The addition that was approved by the variance in 2013, nor the septic system that was designed at the time, have been installed. The need for the variance was discovered when the applicant's building plans submitted this spring included the extra bonus room and higher roof pitch than what had been submitted with the June 2013 variance application.

Taylor: I am just wondering on the pitch, do we have any concerns on the visual?

Mengelkoch: It will be 5ft higher than what we orig. thought. Builder indicated they thought it had to be 10/12 for code according to Craig Bojan if we go a 6/12 your head will hit. The larger the pitch the more room we will have.

Smith: Not sure why that would be code.

Oleson: In terms of the sounding homes most are 4/12 or 6/12 except for Barry's which is a higher pitch.

Thompson: Once I drove out there I was surprised at the pitch of Barry's while others are not that high.

Lundquist: There are a few down the other way that are higher pitch.

Taylor: The other question is that the change is the foundation sufficient in strength?

Mengelkoch: It's just going to trusses and not an entire 2nd floor.

Oleson: This is different since there will be footings and it is new construction and it will have to meet code so it will not be an issue.

Smith: I don't feel it fits the area.

Mengelkoch: The other one is just 2 doors down and there is nobody behind me.

Parks: You have a 10/12 pitch on 22ft wide area?

Mengelkoch: Yes, it will be 5ft higher than a 4/12, and 2-3 ft higher than a 6/12 pitch

Thompson: I think the main concern is the surrounding area and there is one just 2 doors away that is higher so I don't see an issue

Quiggle: I am with Larry Smith and I think the height is too high, just because the allowed it before doesn't mean we should do it again.

Mark: There was one that was just done two years ago.

Quiggle: Every lot and request is different. You're in the bluff and is this something that looks natural on the lake side?

Smith: If you go with 6/12 a dormer does not come into place but with a 10/12 it does and it sticks out from the lake view.

Quiggle: I would rather go with a 6/12.

Smith: if you go with a 6/12 you will not need the dormer out towards the lake and with the 10/12 that dormer stick out further towards the lake. It will be more visible and stick out.

Taylor: What about an 8/12 pitch?

Oleson: Could you lose the dormer on an 8/12?

Lee: As long as you can walk down the center so that you can get to items is all you really need.

Oleson: Only if you go above the 6/12 will it require the variance.

Quiggle: While people are thinking about this I would like to go off track a little bit about the erosion control, we need to get something on the dirt to make sure it is not washing away. Need to get something done to make sure that it is taken care of right away. There is open dirt there so we need to get something put down so that it is not washing away to the wetlands area.

Smith made a motion to deny the Variance to add a 12' x 13' bonus room with a 10/12 roof pitch, and dormer above a recently approved dwelling addition 60 ft from Sugar Lake (min. 75 ft required), within a bluff (min. 30 ft setback required), 35 ft from the centerline of the township road (65 ft required), and 6.9 ft from the septic tank (10 ft required).

Quiggle seconded the motion.

Motion passed 3-2.

Mengelkoch: If I get rid of the dormer can I go with a 10/12 pitch.

Quiggle: So that would mean that you can do up to a 6/12 pitch

Oleson: You're asking to do a 10/12 without a dormer, does the board want to discuss doing an 8/12 or 10/12 without a dormer?

Taylor: I could see an 8/12 without the dormer.

Mengelkoch: I thought there was not a restriction for the pitch of the roof

Smith: If you meet all the setback requirements there is not a restriction, however, you do not meet those requirements.

Oleson: You need a variance and therefore this comes into place. My question is do you want to explore the possibility of an 8/12 to give you the most flexibility, not sure if that will work for you, however, do you want the board to explore that option.

Mengelkoch: Yes

Taylor: Do you feel like you have to have the dormer?

Mengelkoch: No

Taylor Made a motion to approve an 8/12 pitch without the dormer above a recently approved dwelling addition 60 ft from Sugar Lake (min. 75 ft required), within a bluff (min. 30 ft setback required), 35 ft from the centerline of the township road (65 ft required), and 6.9 ft from the septic tank (10 ft required) with the following conditions:

- As previously required inherent to the 2013 variance, the existing "guest house" and shed near the lake must be removed to ensure that building coverage is reduced to no more than 15 percent.
- 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 sod, mulch, erosion control blankets or other forms of temporary cover until vegetation is re-established.
- The applicant shall implement a permanent stormwater management plan at the time of construction designed to minimize the potential for ongoing erosion or sedimentation. The previously submitted plan to install gutters directed toward the rear of the property (either directly or via buried drain tile from downspouts) is acceptable

Thompson seconded the motion.

Discussion regarding what it would look like, reviewed the plan online. Oleson asked to clarify in regards to the findings and why an 8/12 works is that 1) the pitch is lower and 2) the dormer is gone.

Motion passed unanimously.

Approve Previous Meeting Minutes:

Taylor made a motion to approve the April 8, 2014 meeting minutes. Smith seconded the motion. Motion carried unanimously.

Zoning Administrator's Report

- c. Permits – board reviewed Permits that are coming up
- d. Correspondence
- e. Enforcement Actions
- f. Findings of Fact – Previous PC/BOA Decisions – Reviewed and OK'd

Other Business

- Discussion – replacing two nonconforming buildings with other nonconforming building of the same or lesser size. Oleson indicated that someone came to him with the question that if there three non-conforming buildings they would like to take them down can he replace them with one of the same combined size? Quiggle asked what was non-conforming about these buildings. Oleson indicated that there are limits on how much accessory building you can have on a lot. They have a large shed on the lot that would exceed that alone and they are going to leave that building. Quiggle indicated she would be in favor of the removal of the three buildings and building one that is no larger than the combined buildings, however, how are they on impervious? Oleson indicated that they are fine on impervious it is relatively large lot. Taylor indicated that one would be better than three. Quiggle indicated the statute indicates that they can replace but not expand and does not indicate that they have to replace in the same position. Oleson indicated that there is a twist on that when we indicate you can replace and not expand we are usually dealing with setbacks or building coverage, in this case it has to do with the accessory building coverage. In that sense you can say that they are not expanding or you can look at as individual buildings. Quiggle stated that in general I would like to see them get down to be conforming, however, it states that you can replace and we do not state that they have to be in the same position, in my mind it would meet the criteria. Oleson I am comfortable with saying that if they had x amount of building coverage before and they have the same x amount after they replace with one building. Board discussed height of side walls and had debate regarding whether such a replacement would be limited in sidewall height of ir they could increase provided the sidewalls met the requirements of the ordinance. Some felt the sidewall height should be able to be increased to that allowable in the ordinance (on the combined building). Others felt that that would be considered an expansion. The majority of the Board was in agreement that they can remove the three buildings and combine to one building of the same square footage and the side wall height to be an average of the three existing building.
- Update – F. Jude Wright County Rezoning Application –Sean Riley indicated they have recommended the approval of the rezoning. If the County approves it will come back to us for the sub-division. **Quiggle:** if it is approved, he no longer has the problem with building entitlements and could build a home without

having to go through the sub-division if he wants correct. **Oleson:** That is correct.

- The ordinance change thought is that we would be looking at having two alternates and that is what the board would like to see. Simple ordinance amendment to change from 1 - 2. Board is in favor.
- Comprehensive Plan Update - Tabled
- Erosion control - Tabled

Thompson made a motion to adjourn at 8:59 pm, Smith seconded the motion. Motion passed unanimously.

Minutes prepared by: Jean Just