

To: Zoning Administrator and Board of Corinna Township
From: Dr. Raymond Weiss and L. Star Butterson-9935 103rd Street NW; Annandale, MN 55302
Re: Additional Input for Proposed garage of Mr. and Mrs. Terry Nelson

Dear Mr. Oleson and Members of the Board:

We will be adversely affected by the applicant's requests for variances regarding both height of their garage and proximity to the road. We have made previous statements on record, and we would like the following additional points to be considered in your decision:

- J The Nelsons are asking to be allowed to break the law. Our understanding is that it is the mission/duty of the Board to enforce the law unless there is a compelling reason to break the law. This duty includes the exclusion of economic reasons as a basis for breaking the law. We do not believe that the Nelsons have met that standard in that they have a second plan (Plan B) which requires no variances. It costs more, but an alternative exists.
- J A decision in favor of the applicant's request will be at our expense. We believe we should have some consideration in this matter as the Nelsons are not the only party involved. We are also homeowners and taxpayers in Corinna Township.
- J This situation triggered further investigation and a conversation with the Annandale Volunteer Fire Chief. This led to our discovery that because of their shed, surrounding yard decorations, and their rock wall (which encompasses their septic drain field), emergency vehicles would have difficulty, **if not impossibility**, in getting to our property. The easement road is now only 8 feet 7 inches at its narrowest point. **Per §721.4 of the Ordinance "All driveways shall have a minimum width of ten (10) feet with a pavement strength capable of supporting emergency and fire vehicles.** The drain field rock wall is eroding onto the road and potentially could be draining onto our property. This is a problem for us and them. We will be surprised if this erosion situation meets the code for septic systems. Allowing another permanent structure to further encroach on our easement and limit any resolution of their drain field erosion creates a dangerous situation for us should we have an emergency or a fire. We should not be put at-risk by others creating a situation that would inherently make rescue or protection so time-consuming that it could cost us lives or property. Permitting a condition which will not allow the Annandale Fire Department to access our property is a direct violation that could cost us our lives and/or property. As stated by the June 21, 2016 Corinna Township Zoning Ordinance, you are entrusted with enforcing an Ordinance:
 - o **REGULATING THE USE OF LAND IN CORINNA TOWNSHIP BY DISTRICTS, INCLUDING THE REGULATION OF THE LOCATION, SIZE, USE AND HEIGHT OF BUILDINGS, THE ARRANGEMENT OF BUILDINGS ON LOTS AND THE DENSITY OF POPULATION FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, ORDER, CONVENIENCE, AND GENERAL WELFARE OF CORINNA TOWNSHIP.**
- J They own a cabin on the lake and now wish to buy property to create a large storage facility for something other than the purpose of the cabin. They desire to purchase the minimal amount of land necessary to create a storage facility, which causes the need for variances. This does not meet the Board's parameter of the "plight of the owner is due to circumstances unique to the property not created by the owner." They are creating the situation for themselves. The fact that they currently don't own enough land to build a storage facility at one of their vacation homes, and not their primary residence, isn't relevant. Using that logic, anyone whose lake property is small could argue it isn't sufficient acreage to build a large home, garage, or outbuildings and thus need variances.
- J In addition, we were unable to respond to statements made at the August 8, 2017 Board meeting based on the forum but disagreed with some of what was said. For example, the Nelsons said our road is barely used and used this point as a justification of how minimal the impact of their proposal will be. **THIS STATEMENT IS INACCURATE.** We use it with high frequency currently from May to October as do many friends, guests, a multitude of family members (especially those living in the Twin Cities), service providers, and delivery people. The Nelsons also cannot speak to future use of our property or future year-round use by one of our family members should they choose to retire there. Future use of

their garage also cannot be established based on the Nelsons' current plans. Established codes exist for this reason. Current codes have a long-term focus on planning.

- J We also noted that they made a statement about snow plows being a non-issue and not needing to use the road because no one is there in the winter. At the same time, they claimed it would be dangerous to have a long driveway for themselves in the winter. One cannot have it both ways. Although we cannot speak to future use of their property, they currently do not plan to be there in the winter either, which is why they wouldn't worry about a snowplow. If one doesn't need to worry about plows, one also doesn't have to worry about a driveway in the winter. Anyone who lives there year-round, as some on the road do, need snow removal whether private or public. Should they or we use our property in the winter, a plow would need to have the space to get to our portion of the road. Trying to minimize our use of the road, in consideration of what they want to build, is unfair to us.

- J We have a guaranteed right to the easement road in the original deed for their property. **Our easement over and across the Nelson property is a property right.** Although because the deed is nearly a hundred years old, the size of the easement wasn't specified. In Corinna Township, an easement is typically some 20 feet wide. It is reasonable to assume that as times have changed, the expectation would be that an easement should at the very least be sufficient to support necessary services and protections. **Any variance grant must be conditioned on the accessible easement area road width over the applicant's property being restored to a width of 20 feet, or such other width as required by the Annandale Fire Department to access our property. Additionally, any additional impairment or reduction of our easement area consented to by the Corinna Township Zoning Board could constitute an unconstitutional taking of our property by Corinna Township. We would encourage you to consult with your Township Attorney as to this, as well as what rights we would have as to any unconstitutional taking.**

- J Mr. Nelson sent us an email stating he would lower the height of his proposed garage by 5.5 feet. We do not yet see that adjustment on the Corinna Township website. The Nelsons may lower the height, but we are still concerned about further crowding of the road and restricting resolution of the drain field issues.

Please understand, we wish we were not involved in this situation with the Nelsons. We have no personal grievances with our neighbors. We are involved because they are asking to break township codes that directly affect us. Thank you for your considerations of our concerns.

Signed: Raymond B. Weiss
and
Laurel Star Butterson