

CORINNA TOWNSHIP  
MINUTES  
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION  
November 13, 2012

7:00 PM

1. Call to Order: Charlotte Quiggle called the meeting to order at 7:00 PM.
2. Roll Call: Board of Adjustment/Planning Commission Members Present: Charlotte Quiggle (chair); Dan Shay (vice chair); Lee Parks; Barry Schultz; Larry Smith

Absent: Steve Huff

Others in attendance: Jerry Bruns; Ron Mares; Elena Bohman; Todd Bohman; Don Linn; Dick Naaktgeboren; Justine Fisher; Mark Maas; Debbie Maas; Elizabeth Bauer; Mark Lampi; Trent Lampi; Dan Erickson; Bob Erickson; Rick Erickson; Trish Taylor; Myron Damberger; Craig Clark

3. Additions or Deletions to the Agenda: None

A motion was made by Smith, seconded by Schultz to approve the agenda. Motion carried unanimously.

4. Public Hearings

- a. Land Alteration/Conditional use permit for the movement of more than 50 cubic yards of earth and materials to fill and re-grade an existing slope. Variance for the excavation and placement of fill within a bluff (both tabled from October 2012 meeting). The project is for the purpose of re-grading a previously excavated area and creating a driveway to the top of a bluff.
  - i. Applicant(s): Gerald and Janet Schafer
  - ii. Property Address: Across from 6455 - 117<sup>th</sup> Street NW, Maple Lake
  - iii. Sec/Twp/Range: 1-121-27
  - iv. Parcel Number(s): 206080002010

Quiggle read request aloud.

Fisher: I'm Janet and Jerry's daughter and they are gone for the winter months. I went over this stuff and would like to try to get where we can with this so we had a bunch of questions that we got answered. Can you pull them up? (Directed at Oleson for overhead reference)

Oleson: Basically after the last meeting you guys had asked for more information regarding the timing of this and whether it was going to be done in stages or how it was and the materials that were going to be used. I laid out the questions in this letter. (Visual reference) And then Ron responded with this letter. (Directed to Mares) Do you want to try to summarize it?

Mares: The questions you asked I pretty much answered. It is something that would be done in the spring when the weather is such that you can do something. It would be two or three days once we start until it got done. We should be able to use the topsoil; salvage what there is and then use the material that there is there. The way the engineer had it drawn, he was importing quite a bit, but I think we just make work with what there is. I'm in at about 8 feet. (Drive-way width) There isn't that much room on top. You don't need as wide of a driveway so we'll just make it a little bit smaller. We will compact as we go.

Oleson: It is not something that is going to be settling over the winter or over a season.

Mares: I was out there yesterday and what we did two years ago has washed very little. That soil doesn't wash very easy. We'll get it compacted and put something on it. There shouldn't be any issues that way.

Fisher brought the planning commission's attention to a letter received from Wright County Soil and Water and apologized for her parents behavior at previous meetings.

Quiggle asked the audience for any questions or comments.

Smith: My concern is are you going to leave it as a clay top base on the road?

Mares: We're going to put con-bit on.

Smith: Approximately 6 inches of that?

Mares: Yes. There should be enough top soil that we can salvage.

Smith: Yes for that, but something on the very top just to kind of keep it from eroding is my concern. Clay will erode.

Mares: The top of the road would be con-bit and then the top soil we'd put on the slopes.

Smith: I assume grass and such for the side slopes and such?

Mares: Yes.

Smith: This mixture? (Referencing the plan)

Mares: That's what two different outfits recommend.

Schultz: So the drive-way will be going right about where it is now, right?

Mares: No, actually the drive-way would be to the upper right hand side (referencing the plan drawings).

Shay: Right where that hole is?

Mares: Yes, because according to the surveyors drawing they are showing it...

Some discussion took place along with a visual reference on the overhead regarding where the drive-way currently is and where the plans show it will be placed.

Parks: What's the grade on that?

Mares: Surveyor had 17%

Schultz: What we were concerned about was the erosion on the hill and your dad wasn't able to explain how it was going to be taken care of and what he was trying to say didn't seem to work in our minds.

Fisher: Okay, but now this makes more sense because it's all laid out?

Schultz: Yes.

Shay: Just with what Ron has provided makes me feel a little better than where we were last time, a month ago. The idea of the con-bit on top makes a big difference as far as erosion. If there is something that is going to hold it in place and not erode, that's probably as good as thing as there is. I think that's positive as far as what we are looking at here. My concern is that we're cutting back into that bluff again is kind of a no-no, but then again if you needed a road up onto the top there's not much else you can

do. I have some concern about the amount of the bluff that's being dealt with. I'm positive with what's laid out here between Soil & Water and what Ron's got and the con-bit and that it's probably going to hold pretty well, but it's just how much we're going to effect that bluff more than anything.

Parks: (inaudible) engineers up again? (Visual reference)

Mares: Actually, the bluff is more to the upper part to that drawing right in through there (visual reference) because where the road would be going now is actually through where it was kind of mined out so...I suppose maybe at one time it was a bluff, but now it isn't so the big part of the bluff will be undisturbed.

Shay: I was looking where that original, thinking it was going where that original one is and that does got it more into the bluff.

Mares: Right.

Parks: At the bottom, how are you going to address how that water comes off of that or down that drive-way? Is that just going to go out onto the road?

Mares: The Township has a ditch there and there is actually a culvert where the drive-way is now.

Parks: So it will just be crowned and come down to ditches on the side of the new road that you build and go into the ditches that are...

Mares: Yes and then see right there (visual reference) is existing ditch. The township has a ditch there. So I mean the water has always come that way. We're not changing any directional flow. It's always come down the hill and out to the township so it's not...We're not changing, it's not going to get any more, it's not going to get any less. Everything from that hill has always come down over the hill.

Quiggle: As I said last time, in my mind we start with the variance before the CUP and I don't see that it is a reasonable request given the slope and the little amount of room there is to build up on the top. I don't understand why a storage shed wouldn't be built at the bottom instead of the top, but I'm not hearing any other discussion of the variance.

Smith: In my opinion, back in July when it was first presented. I was not in favor; I felt it was too much of a slope. I feel it is a problem with erosion. I still feel that way. I do feel better with some engineering; I'm with Dan on that on how we've gotten some ways to address this issue. I still feel that in the future there is going to be some major erosion with these heavy rains that we seem to be getting.

Quiggle: My feeling is...I've stated where I stand on the variance, I don't know about everybody else, we'll be voting on that first, but if the variance goes through, back in September Brian Sinsoski sent a letter saying that it would be preferable to use MNDOT's seed mix 350, as opposed to 250, which is the native seed mix which the native grasses have much deeper roots. They'll hold that hill a lot better. They'll also make infiltration areas with those long roots for water. I would feel more comfortable with the seed mix of 350. I also spoke with him on the phone today and he said, I don't see it in here, that he had talked about category three erosion control blanket and I just wanted to make sure that was what the plan was that you would be using a category three erosion control blanket.

Fisher: I thought I seen that somewhere, maybe not.

Quiggle: One is basically for flat things. He said "three" would be better able to hold both long stretch because it is a very long distance and the slope. I don't want that stunted out.

Quiggle asked for any further discussion.

Quiggle moved to deny the variance request for excavation and placement of fill within a bluff, motion was seconded by Smith. The motion carried unanimously.

Quiggle moved to deny CUP for the movement of more than 50 cubic yards of earth and materials to fill and re-grade an existing slope, Smith second. The motion carried unanimously.

Quiggle: One thing that the original letter from Sean Riley said was that when this work first started without either permit application or a plan that a CUP would have to be requested. That was when the county was doing it and that if it was either not requested or denied the land would have to be restored to its original state.

Oleson: Well, to restore it back to its original state would require moving more soil and was that hauled off site?

Mares: Nothing has been moved off of site, just pushed down.

Oleson: I think there is still potential for erosion when it's done. We should state that formally if it should be restored or left the way it is.

Parks: I think we should leave it the way it is.

Quiggle: Yes, maybe plant that gully, just vegetate it and leave the rest as is.

Oleson: Is there top soil on there?

Mares: I think down at the bottom there would be enough.

Oleson: Right now it is pretty much clay, right?

Mares: Yes.

Quiggle: And that whole cliff is all clay and touching that you might as well...

Fisher: Can I speak?

Quiggle: Yes.

Fisher: I guess I don't understand how this all works so if it's denied now, it was denied before, denied, denied, denied, is it just like done? Do you get so many denials? Because in all honesty I didn't want to come here because I knew I wasn't going to be the best representative for my Dad, but I wanted to after I talked to Ron and stuff like that. Okay it makes sense, I think he's jumped all of the hoops and talked to the right people and I'm not...I just don't think I'm going to call him and he's going to say "Okay it was denied. Well, it's just a done deal." And I don't want to have to go through the whole legal end of...but I just know that he's...I think he's doing the right thing. When you deny something can you say why it's denied or is it just denied because you feel it's not good or do I have more to go on?

Quiggle: For me, the reason I made the motion to deny the variance was one of the very first criteria for a variance is "Is this a reasonable request?" and this is a very steep hill, there is only a very small area at the top for a shed. There are other places to have a shed. You already have an attached garage and a garage. It's not reasonable to excavate a bluff which is against the rules. It's not reasonable and that's where I came out. The reason it's against the rules is because all of the erosion problems and drainage problems.

Fisher: Have you ever seen the property? Are you just going off pictures?

Quiggle: I have walked the property many times.

Fisher: So you've seen where they did do the work then?

Quiggle: I've been over; I was there within a week of the first time that it was dug up because I got a call on it. I've been looking at it for the last couple of years.

Fisher: And you don't think that nothing can be done to prevent the issues that you see? This is just not going to happen?

Quiggle: I don't see that it's a reasonable use of that property.

Fisher: Is that property not big enough to if you were going to build on top of the hill? Of you could never build up there? It's just...there's not enough room?

Quiggle: Ben, there's room for what? Like a 20' by 20' shed? And there's limited area for parking, correct, because the parking area has to meet the setback?

Oleson displayed a visual reference showing the buildable area of the property and explained the setbacks which would need to be met and as well as gave an explanation of the decision making process the Planning and Zoning Commission follows.

- b. Variance to construct a 26' x 32' 1.5 story home (max. 24' x 30' one story allowed as per conditions of approval for planned unit development).
  - i. Applicant(s): Lampi LLC
  - ii. Property Address: 11229 - 89<sup>th</sup> St NW, Unit 5, Annandale
  - iii. Sec/Twp/Range: 19-121-27
  - iv. Parcel Number(s): 206109000050

Quiggle read request aloud.

Mark Lampi: We're looking to construct a 26' x 32' cabin, lot 5, Shady Lawn Development. The reason we're here for a variance is apparently when this whole development went on it said that only certain lots could have a 1.5 story home on them. Well, if you look at all of the homes on there now, they're all 1.5 story cabins with lofts above them. The reason we wanted to go a little bit bigger with it is we did meet with Tom Nye at Maple Lake Lumber and he said there is a building code change now with rise-run ratio on stairs. He said it wouldn't be unworkable, but by the time you turn the corner and went up some stairs you're going to be running into this wall coming down (Visual reference) and this wall coming this way, if you want to stay within that building size.

Oleson: Within the 24' x 30'?

Mark Lampi: Right.

Bruns: I'm here because of this here. More than likely I got voted in out of our little group to come and see what's going on of course.

Quiggle: Are you part of the association?

Bruns: Yes. I own the furthest one down. Mine was built 4 years ago and it is a 24' x 30'. At that time we were dealing with Buffalo and they told me to just put it out of your mind if you think you're going to go with anything other than a 24' x 30'. So that's part of the reason...some of the other neighbors said "Well, where do we go from here?" When it was designed in small lots and we...if anybody has been done there it's a pretty neat little area and we didn't want it all completely business so that's why it is. We know he can build and it will be a perfect spot. We're just wondering what the reason is that he could go a couple feet bigger than what I did.

Oleson: This was approved as a planned unit development (PUD) back in 1991 and they had a list of conditions and this is where it talks about the number and size it has to be

exactly as laid out to plan. That plan is right here. (Visual reference) We are talking about lot five. This is 24' x 30' which is actually smaller than that. It looks like the county was working with the developer at the time and had trading back and forth so that one lot the house got bigger and the other one got smaller, but in balance it was the same. Then, there were two of the lots that were allowed to keep their existing home's in the A-frame style and the rest were not supposed to be the A-frame/1.5 type story, but I'm not quite clear on that or current staff at the county is quite clear on why 1.5 story/A-frames were permitted on every lot that asked for it so basically this is the last lot to be developed.

Lampi: The Lot 1 is still un-developed.

Bruns: He might have his home closer to...

Oleson: (Visual reference) This is the original cabin?

Bruns: Yes.

Oleson: It's a tough situation to deal with now that there have apparently been violations in terms of the conditions, but it was permitted by the county.

Lampi: Actually Lot 3 was proposed 24' x 38' and the actual structure is 24' x 40' and it's got a 14' x 13' addition on the sunroom/patio off to the East side of it. That was not proposed in the original drawings.

Quiggle: Ben, do you know whether the ones that were supposed to be 1 story as per the PUD, did they have to get variances from the county when they built?

Oleson: As far as I can tell they just got permitted and got built. I asked Barry at the county about that and if there was any particular reason why that happened or variances that went through. He said there were no variances. He was not really sure why they were permitted. I don't know if he was around at that time.

Bruns: I have no variance what so ever, went to the courthouse got a permit. I think I asked them to come out and have a look because of the way the lots all face to the Southeast and we had asked that time, it'd sure look nicer, the one next to me is a 24' x 30' if we could at least put them parallel so everybody is looking at the same thing. They came out and said I agree with you, we're not going to have one cabin looking at the lake and the other looking off to the Southeast. That's part of the reason for the next question, I'm just curious what do you guys plan there as far as your corner stakes as far as your cabin because we'd like to see them...

Lampi: Line them up like they all are.

Quiggle: So you built relatively recently with an a-frame?

Bruns: Yes, four years.

Quiggle: And nobody said "Boo."? Was your lot one of the ones that was supposed to have a single story, no a-frame?

Bruns: Actually, I didn't even realize that until now. I had it drawn up, Maple Lake Lumber drew it up and we talked about the 24' x 30' and it was going to have a loft and we took it down to Buffalo and they looked at it and then he said he was going to come out and have a look. Because I said I would like to put it right parallel with the neighbor's which is a 24' x 30' also. He said "Yes, I don't see a problem with it."

Oleson referenced an email correspondence specifying what has been proposed, allowed or denied on the specified PUD and on which specific lots. Some discussion followed which included the sizes of the current buildings within the PUD.

Parks: Do you have a problem with the size of his proposal?

Bruns: I'm speaking for the rest of them. They said you got time you go down there. I don't think any of them are really opposed; they're just kind of curious why all of a sudden the size change which he has explained Maple Lake Lumber figured it out for the steps, but I know just the way the appearance is down there I'd much rather have them build similar to what we all have than what the county has originally talked about. Oleson gave a visual reference of the building permit from 1991 and some discussion took place regarding what was permitted and what was built.

Quiggle: What I am interested in is fairness and if everybody else has been kept to the size in the PUD then that should be applied across the board, but if they have been making exceptions without even having to have a variance.

Oleson: Here is an exception, ground level decks, but otherwise everything is supposed to be exactly as it was on this plan.

Further discussion took place regarding the PUD being followed by the properties within and where they may have gone astray.

Parks: I don't have a problem with the a-frame. It's the...

Quiggle: It's the 2 feet and 2 feet.

Parks: ...which seems to have gotten kind of lax. Nobody else in the addition seems to have a problem?

Bruns: No. They just asked. The good thing is there are no more lots after they build other than that first one which is owned by the neighbor. Nobody is going to be here asking for "Can I build mine 28' x something?" because there's just not room to put it.

Quiggle: Will any of the people resent?

Bruns: When they came to me they definitely said "Go see why." well part of it was because I was the latest one to build and I know at that time it was 24' x 30' and they said why couldn't you have been? Which I never even really questioned it. I went in and listed what I could build and that's what I built because I wasn't that fussy if it was two feet wider.

T. Lampi: When we got your plan Jerry (Bruns), we brought that in to Tom and we sat down with him and he said here's one of your problems and that's when he went over the stair things and this-n-that. He said "Well, we gotta address that."

Smith gave an explanation in the change of the building code which lead to a better understanding as to why the plans from the previously built cabins didn't work for the Lampi's.

Shay: Under the septic system it says appears to have originally sized to accommodate the homes on the lot. Are we okay? The septic system is handling everything? That's one thing to make sure we got covered, too, before we get too far down the road.

Oleson: It is common sewer system with multiple tanks. Every house is piped into the tanks and there are three tanks in series and then it goes to the drain-field. When I talked to the Wright County staff about what they had on record and the answer was that it appears it is sized right.

Shay expressed his concerns have been addressed with the request.

Smith stated he had no problem with either the 1.5 story or the 2 feet and 2 feet.

Schultz verified the setback would be as far as Bruns' to which Lampi indicated he will be back slightly further.

A motion was made by Smith to approve the variance as presented, citing the fact that other homes in the area had been permitted in violation of the conditions of the PUD

approval and the change in building code requirements for the stair tread width, which makes it more difficult to install stairways within the allowed footprint with the following condition: 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 down-slope 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. The motion was seconded by Shay. There was some discussion regarding future requests within this PUD being handled on a case by case basis and the alignment of the cabins being according to the PUD. Motion passed unanimously.

- c. Variance to construct a 5' x 32' attached open walkway/deck approximately 68 ft from Clearwater Lake (75 ft required) and an 8' x 8' open deck and 4' x 12'3" walkway approx. 6 feet from a septic drainfield (10 ft required).
  - i. Applicant(s): Patrick and Debra Erickson
  - ii. Property Address: 11496 - 103<sup>rd</sup> St NW, South Haven
  - iii. Sec/Twp/Range: 7-121-27
  - iv. Parcel Number(s): 206000073402

Quiggle read request aloud.

Patrick Erickson: The existing home is there. What I am trying to do is come with a walkway by way of the sliding door on what would be the West side of the house and then also the entrance door on the back. I'd like to gain better access to that. I've got an existing stairway roughly 3' x 5' now in that area going into the entrance door so the reason I'm going for the 8' x 8' is because of the walkway. (Visual reference) What I am trying to do is put an elevated walkway back around back to the back and then move the set of stairs over just 4 feet so that then creates that 8' x 8' foot area and then gaining access to the sliding door on the side.

Oleson: (Visual reference of the site plan) We've a 68' setback from lake; it's supposed to be 75' setback and then we've got a setback that is supposed to be between the deck and the drain-field/sewer system of 20' and there is an allowance to get it down to 10' if there is no other reasonable option. We are within about 6' or so. Those are the two variance requests. If you look at the impervious coverage I know Brian's letter from the Soil & Water District said that they are over 25% and I have what I feel are pretty concrete numbers that suggest they are under. We know what the house is from a previous variance that was granted for this house. We know what the shed is. We know what the patio is and some retaining wall block. So really the only variable is the driveway and he had mentioned it was 10' x 60' and that's what I got. (Visual reference) It looks like people have parked beyond that in that past. It's not quite grass and it's not quite driveway. I would say if you're comfortable with not having that be parking are then have some kind of barrier put up or else just restore it to grass. But as long as it's 10' x 60' for a driveway and everything else is the way it is then I get about 23-24%. In terms of the setback to the lake it is obviously no closer than the house is right now and in terms of the setback to the drain-field the concern is just making sure that you can access the tanks to get them pumped out and replaced someday if they ever have to be replaced. It's going to be tough or impossible to get through here (Visual reference)



without impacting the drain-field. You'd have to go around or you might have to use the neighbor's property?

Erickson: Yes and I've got a letter from the neighbor stating that's perfectly fine.

Oleson: That would probably be the closest way to get there is through the neighbor's property. The septic system is monitored on a regular basis. This is in flood plain, but I've had a number of conversations with the building inspector about that whether this deck would meet flood plain requirements or not and we determined that it did. It's not really an issue. His main thing is that it's not a building. It's not something that's lived in. It's not really going to be affected if there is water.

Quiggle asked the audience for questions or comments.

Schultz: One of our main concerns is that we're too close to the lake, right? Bring up (the picture of) that side of the house again.

Oleson: Yes, 68' instead of 75' - 7' closer.

Schultz: You wouldn't really have to go all the way out to the front if you are impacting on the distance, right?

Oleson: You mean cut the deck short?

Schultz: Yes.

Erickson: The only problem with that is I've got a faucet there, an electrical outlet and also a window down into the crawlspace and floodplain door so to come back 7' and then drop down I'm going to be right on top of that faucet.

Quiggle: You mean if you just took it to the window?

Schultz: Yes so it wouldn't go past the corner.

Smith: I'm thinking I don't have a big problem with it going all of the way out to the corner of the house. I don't think we're encroaching and area that not...it's not a building it's a deck so I don't have a problem with it going out to the edge of the house. I'm good with it.

Shay: I would say likewise. The patio didn't require anything to build. It's closer to the lake than the deck is going to be. As long as the short deck, the 8' x 8' on the other side is set in there to where you know you can get in to service your tanks and that whether through the neighbor or around the other way. As long as that's okay, I'm fine with that.

Parks: That's my opinion.

Quiggle: I'd agree, since the house already has the variance to be at the 68' feet, it seems silly to artificially cut off the deck instead of bringing it all the way to that patio.

Parks moved to approve the variance requests as presented, citing the small lot size, the location of the existing dwelling and the sewer system, the continued ability for maintenance of the septic system, and the fact that it is a deck addition rather than a building addition with the following condition: Erosion sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at the minimum silt fences on down slope 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. The motion was seconded by Shay and passed unanimously.

- d. Variance to rebuild the existing cabin with an 8/12 roof pitch approximately 72 feet from Cedar Lake (min. 75 ft required), 6.2 ft from the south lot line and 9.6 feet from the north lot line (min. 15 ft required) and approximately 57 feet from the centerline of a township road (min. 65 ft required). Building coverage to remain at approximately 17.5% and impervious coverage to be reduced to 30.1% (max. 15% and 25% required). Conditional Use Permit to replace soil under existing home with approximately 600 cubic yards of material.
- i. Applicant(s): Donald and Holly Linn
  - ii. Property Address: 6941 Ingram Ave NW
  - iii. Sec/Twp/Range: 34-121-27
  - iv. Parcel Number(s): 206069000050

Quiggle read request aloud.

Linn: I'm looking to rebuild the current cabin that's there. Replace it basically with the same footprint. For the variance we're requesting to do an 8/12 pitch. There won't be a loft. It's only one level and then the conditional use permit is for the removal of earth underneath because it is bad soil so we need to replace that. It's a low area. It would have to come up about 7/10<sup>ths</sup> to meet the 4' ordinary high water mark. (Visual reference) It is an undersized lot with a holding tank so that's why we're just looking to rebuild what we have.

Quiggle: With the expansion?

Linn: Yes, if you consider the 8/12 an expansion.

Quiggle: Yes, we do consider that an expansion.

Oleson: I do need to make a correction that Mr. Linn pointed out earlier. The setback that I noted from the South property line was 6.2' that I had in there. That's actually where the existing cabin is and the new one will be 8' away. The existing cabin is this line here (Visual reference) so you'd actually go closer to the North line which would be 9.6' to this (Visual reference) which is actually just posts and an extended roof over an entry 12-12.5' away from the line. So actually, when we had talked about our policy on expansion and what people could do with existing non-conformities and talked about as long as they're not going closer to any line. I would say that this you don't need to issue this as a variance if you're okay with it because they're going to be a little bit closer, but further away from the South line. He mentioned that the finished floor elevation is going to be a little bit higher than shown on the survey so that it meets that 4' above highest known water level. You had brought up that question about whether the impervious coverage would be reduced or not?

Quiggle: Yes, because your calculations showed it that way.

Oleson: The only way I was thinking it would be reduced a little bit is because of this driveway area, a little bit.

Linn: And on the North side of the cabin it is currently all tar right now and that will be removed as part of it.

Quiggle: Are you going to be keeping those two sheds at the back?

Linn: Well they're there. I don't know what for sure is going to happen with them, but they're there right now.

Quiggle: You don't have plans to get rid of them?

Linn: No.

Shay: But if that tar is going away we're gaining some at least that way.

Parks: How far off are they?

Oleson: They are at about 30% right now.

Parks: With that tar removed?

Oleson: No, with it there.

Linn: the tar runs the entire length, 28' x 8'.

Shay: That's quite a bit.

Oleson: The septic system is a holding tank. It's an existing situation. They're not expanding. It's not an issue from an ordinance perspective.

There was some discussion about a typo in the report regarding an escrow account for a septic system.

Parks: So the 8/12 pitch is just for aesthetics?

Linn: Yes.

Quiggle asked the audience for comments or questions.

Shay: That would have been my question, the 8/12 pitch. Technically we consider that an expansion which gets you into the gray area as far as the holding tank to where it is probably something we need to discuss a little bit. We're not changing square footage and that sort of thing.

Quiggle: We're changing the volume of the structure.

Shay: The volume of the structure is where we're getting it. I guess I would have some questions about that.

Quiggle: Yes, I have a problem with that. Ben, it's at about a 4/12 right now?

Oleson: That's what I estimated.

Quiggle: In our discussions we said that we allowed to go to a 6/12 without considering that an expansion, but this is going beyond that and when I looked at the neighboring properties everything else seemed to be 4/12 to 6/12 not greater so that's my concern.

Smith: Mine is as well, 8/12 I have a problem with.

Schultz: I've got nothing to add.

Linn: Can I ask a question about the 8/12?

Quiggle: Sure.

Linn: The one thing when I was looking at was I saw where you had a draft report of conditions on this type of situation that you submitted to the county and one of the things they commented on and I read before was where I know and I saw where you limit it to 6/12 and so I didn't know why I was really going to apply for it and then and the one thing with the county too it says that the county when they reviewed it Rineberger he said these include the limit on the roof pitch increases to 6/12 or less. The county does not necessarily limit it. I understand you're not the county and stuff like that, but I know one of the things you're comparing it to is what the county does. In talking/looking at doing this one of the things I was told is that one of the things you're looking for is how does it fit. Is it a possibility that he's going to try to slip a loft in there at some point? Site lines...is it going to do anything to effect the neighbors? I don't know about the front on the screen porch what pitch that would be. I don't know if somebody is better at looking at pictures than I am, but on the screen porch I would think the 4/12 might be on the side. Would that be closer?

The PC decided it looked to be 6/12.

Linn: The other thing was, as far as the 8/12 is I was told that there was a lot of concern where you've looked at it in the past was on garages where you didn't like to see it on a garage.

Quiggle: We're dealing with a non-expansion situation here which means that you can stay the same distance from the lake. It's one of those things that you're allowed to do otherwise you're not allowed to build on a holding tank. You can replace without expansion. That's the concern.

Parks: It's not totally non-conforming. The houses directly next to him are...they get pretty good sized down.

Quiggle: Right, everything in the immediate neighborhood is similar to this if you go 8 houses up or something or down. Is there any other discussion?

Quiggle: I have no problem with the fill underneath the house to bring it up to the 4' above the highest known.

Schultz: I'm good with it.

Smith: Good with it.

Shay: Get it to flood plain. That is good.

A motion was made by Shay to approve the side yard setback variance to be increased from 6.2 to 8.0 feet to the south lot line and decreased to 9.6 feet from the north lot line (min. 15 ft required) with the small size of the lot and the existing setback nonconformities noted. The motion was seconded by Smith. The motion carried unanimously.

A motion was made by Shay to deny the variance to rebuild the existing cabin with an 8/12 roof pitch approximately 72 feet from Cedar Lake (min. 75 ft required) based on the applicant's statement that the 8/12 pitch was primarily for aesthetic purposes and the Township's policy to allow for up to 6/12 pitch without being considered an expansion.

A motion was made by Shay to approve the Conditional Use/Land Alteration Permit (CUP) to replace soil under existing home with approximately 600 cubic yards of material citing the need to improve the soil for foundation purposes with the following conditions: 1) That the area of driveway/pavement identified on you survey as "Bituminous Driveway (to be removed)" be removed so as to reduce the impervious surface coverage on the lot closer to, or below, the 25% limit. 2) That the lowest floor elevation of the cabin meet the required 4 ft above highest known water level. 3) That the 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. 4) 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 down-slope 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 storm-water 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. The motion was seconded by Schultz and carried unanimously.

- e. Conditional Use Permit to replace existing dwelling with a new dwelling elevated to the regulatory flood protection elevation via piers. Project may also require a conditional use permit to move more than 50 cubic yards of material to elevate the driveway to the required flood elevation.
  - i. Applicant(s): Todd and Elena Bohman
  - ii. Property Address: 11365 Lathrop Ave NW, Annandale
  - iii. Sec/Twp/Range: 5 and 6-121-27
  - iv. Parcel Number(s): 206000064104 and 206000053307

Quiggle read request aloud.

T. Bohman: We're replacing an existing cabin. We're going to maintain the existing setbacks on the north property line. We're going to maintain the setback from the lake. We're going to maintain the 15 feet from the south property line.

E. Bohman: And the same square footage. Actually, smaller square footage than what is currently there.

T. Bohman: So there's no expansion. No 8/12 pitch. We have to raise it up approximately 3 feet to get above the flood plain requirements so we would like to do that on piers instead of fill. Obviously we have issues trying to fill 15 feet out from that. The second issue was building up the driveway. There is actually two lots. Our garage and our parking area is on the second lot so we didn't have any intention of having a driveway on this lot with the structure, but Ben had suggested we include that in case we have to do something in that regards.

Quiggle asked for comments or questions of the audience.

E. Bauer: I'm adjacent to this property that is in question here and I'm wondering about (how) it states they're going to move a minimum of 50 cubic yards in for fill. Are we talking 51? Are we talking 600? What is the variance on that? The concern is if they do bring this land up, this area the draining issues are going to be towards me. The runoff will then be created on my side which it already has issues there as it is. I'm wondering what this effect is going to cause on the existing trees that are there in the area along with I'm just adjacent to where they're thinking of building, my septic, my drain is all there so if they heighten this up it's all going to come to me.

Oleson and Quiggle gave some explanation of the ordinance requirements for vehicular access and flood plain requirements as it pertains to a home.

C. Clark: How far will they be off the lot-line now on the north side?

Oleson: The same as they are now.

C. Clark: Which was too close before. Do they know where the lot-line is?

T. Bohman: Yes, it's a survey drawing.

Oleson: The survey is showing them 4 feet away on the lakeside and 3.9 feet on the rear side is what they're new house will be so about 4 feet from the line according to the survey. And then just to highlight the driveway issue/vehicular access issue, these numbers (Visual reference) are the elevation points that the surveyor took. The vehicular access is supposed to be at 995.7 so this is a fairly steep hill going down. They're at 999 and 1004 up here so they're meeting it all of the way down until they get to about here. (Visual reference)

C. Clark: And that's the natural water way to the slough right now from all of the houses to the north. All of the water comes through our driveway through there into the slough. If they raise it up we're screwed.

Oleson: That's why we noticed the request so it could be if you wanted the vehicular access to come closer to the house it would require fill and a good chance of it being over 50 cubic yards, maybe not. Either way [interrupted]

T. Bohman: If the flow is coming from the north and we built that up, that would restrict the flow toward your property, right?

Oleson: (directed to C. Clark) Your concern is that things that drain this (Visual reference) way now would be stopped? And held back onto their property and your property?

C. Clark: Yes, us and the people on the other side of us.

E. Bauer: Right, it would affect my septic and my drain tile if more water is coming towards me along with affecting my underneath crawl space area which is already getting enough water so that the sump pump runs now as it is.

T. Bohman: Which property are you? On the north side?

C. Clark: On the north side.

E. Bauer: Along with this diagram it appears that they'll be closer to the lake than the existing little mobile home that was there prior to the demolition.

E. Bohman: No, the setbacks are the same for the existing cabin. The footprint just gets a little bit wider and longer.

C. Clark: But have you had a survey of the property to see where the line was? Where are the stakes?

E. Bohman: Yes.

C. Clark: Just recently?

T. Bohman: That's the survey drawing. (Indicating the visual reference being used)

C. Clark: On the property?

T. Bohman: Yes, on the property.

E. Bohman: We know we can't bring any fill to raise the cabin up because it's too narrow. That is why we're going with the piers so we don't have to bring in all of the dirt.

Oleson: On the vehicular access issue I called Annandale Fire Department just to ask them. Part of the reason for requiring that is so emergency service vehicles can get in so in case it floods that they would have a fighting chance at driving through it. I asked them how much hose do you have on a truck and how close to a house to you have to be if it were to catch fire or you need to get in there for some reason. He said their standard house that's pre-hooked up is 200 feet long and then they have the extra house that they can use if they need it. So he said "We'd like to have it a little closer than 200 feet so that we can have some hose to work with if we have to go in the house." So if you look at this (Visual reference) 150 feet would be back in the middle of their garage.

T. Bohman: But there's an access road that runs, Lawrence Ave NW, you can go right to that corner (Visual reference).

Oleson: I don't know that this road meets that elevation requirement, though. 200 feet is back in here (Visual reference). There is nothing in that rule that says you have to be 200 feet or 100 feet or 500 feet or anything. It just says you have to have vehicular access. If you think its fine the way it is and there's no extra fill needed then it sounds like your concerns would be addressed because there's not fill going in. They wouldn't be changing drainage patterns at all. Then it's more just an issue of if they wanted to add more fill because they

felt like they wanted the vehicles to be closer to the house in case of a flood. They could ask for that, but if it goes over 50 cubic yards it would require a hearing.

Parks: Did you want the driveway built up?

E. Bohman: No. We're okay with the driveway right where it is. Just the way it is.

E. Bauer: Why are we needing a CUP rather than just a building permit? What about the setback issues? They're stating that it's going to be the same line, but on this you can't tell on this little drawings, I can't tell anything. Now, if it is ahead it will affect my view of the lake from my cabin. If they go forward from where the little yellow place was at all which they're wanting to expand that it will in fact affect me and the other neighbors.

Oleson: This lighter gray is the existing trailer. These darker lines is where the cabin is going. It's not going any closer to the lake forward. It's going closer to the south or further to the south than the old one did. It's not going to go as far back as [inaudible]. In terms of the setback to property line it's exactly the same as it is now.

E. Bauer: And how about where they are putting the mound system? How is that going to affect my septic?

E. Bohman: It's not a mound system. It's a holding tank. We're replacing an existing holding tank. That's the escrow account that was put in place when we purchased it.

T. Bohman: That meets the setback requirements as well. It's 10 feet off the back of the cabin and I believe it's 15 off both the property lines, I think is the code.

Oleson: So, when it says mound here, that's actually the old mound?

E. Bohman: That's the mound.

Oleson: Is this where the tank is going to go?

T. Bohman: Right.

Oleson: That would all be obviously underground, isn't it?

T. Bohman: Yes.

Oleson: So you're replacing the tank that's there now with a new tank?

T. Bohman: Right, that will meet the requirements. That's why we had to put the escrow account into the purchase.

Oleson: Right, and that's what the county was asking is what's going on with that?

Shultz: So you have to have vehicle access just to pump your tank out, right?

Oleson: The vehicular access is in the case of a flood.

E. Bauer: So if this is an actual structure building that's going to be put there permanent versus the one that was there before, the mobile home. How is that going to affect my property? Because I was told when that first went up for sale that was not a buildable lot. You could only bring in a 5<sup>th</sup> wheel-type trailer to put there to replace what was there if it was taken away and that was through Wright County. I'm just wondering how this got changed or why?

Oleson: What year was that?

C. Clark: Maybe three years ago?

E. Bauer: And it had some issue to do with Wright County was in control of all of this and now Corinna Township is in control of all of this and I contracted Wright County when this demolition was happening on that property and they had no permit or anything issued through Wright County. They had no idea and didn't know so they sent me to Corinna Township to try to get the answers so I'm not sure who is in control of what or who I am supposed to be talking to or what. I'm a little lost.

Schulz: Do you need a permit to demo?

Oleson: Not a zoning permit. When I talked to building inspector about building code, he said "No."

C. Clark: So are you in charge of that area and Wright County is out of it right now?

Oleson: For zoning, the County is still somewhat more involved in floodplain issues. Basically, they have to sign-off on anything that happens in a floodplain. If they issue a building permit, because they issue our building code permits that's them signing off on it. Oleson stated he saw nothing in the record regarding it being unbuildable and gave an explanation of the agreement between Corinna Township and Wright County as well as an explanation of a change in state law which took place in 2008 regarding replacement of existing nonconforming structures.

There was some discussion about the current set of plans regarding the setbacks.

M. Damburger: How high will this cabin be?

T. Bohman: The floor level will be about 3 feet from existing ground level because we have to do that to meet the floodplain requirements.

M. Damburger: I was just curious.

Oleson: In the letter from the building inspector, he had some concerns about their original plan, about the style of piers you were using and now you've sent a letter back to them addressing them. It has to meet building code.

Quiggle: If it meets building code does it have to be engineered?

Oleson: I believe, that was the statement.

T. Bohman: I'm assuming he didn't get those approved so that's why he's going with the alternative.

Oleson: Have you gotten a word back from the building inspector?

T. Bohman: All I have done is sent my information on through.

C. Clark: Other than if there is no footings it's still considered a building, huh? There was no footings under it, it was a trailer home.

Oleson: Before?

C. Clark: Yes. That doesn't make any difference?

Oleson: Not based on what they're asking for.

Oleson gave an explanation of what qualifies as a dwelling.

Quiggle asked the audience if there were and further questions or comments.

Shay: Question being in the area it's in, on the piers, do we need to be concerned about soil stability?

Oleson: That would all be something that Craig would review.

Shay: They are going ahead with switching it to a new tank. In theory we're making a smaller unit than we were so we're probably okay there as far as there's no expansion. I'm okay with what we're looking at in that regard.

Quiggle: What do you think about vehicular access?

Shay: To me if you're going to require anything at all you'd take it up to 995.7 and call it good. It looks like it still allows the fire department to get their hoses in an emergency unless it is flooding they're going to be able to get closer than that anyhow. I would say if we have to have a vehicular access we wouldn't require it to go any more than the 995.7 to where we don't have to bring in any more fill. We don't have to mess with water flows and that sort of thing. It would be better off.

Schultz: I would say it's small enough.

Parks: I would say to leave it natural so the water can drain.

Smith: I think it's a win win situation. I like it.



Schultz: I think the piers are the best situation here so I'm for it.

Quiggle: The vehicular access that they have is adequate?

Smith: Leave it alone.

Quiggle: We don't think that they need to bring in any more fill so that shouldn't affect any of the drainage in the neighborhood.

Shay moved to approve the conditional use/land alteration request as presented, citing the existing location of the cabin, the decrease in footprint from what previously existed and the preference that floodplain requirement be met without fill on the lot that could affect drainage from neighboring properties and also the feeling that the requirement for "vehicular access" was already met on the lot and no additional fill on the driveway was necessary. The following conditions are to apply to the approval: 1) That the applicant replaces the existing, non-conforming holding tank on the property. 2) That the applicant obtains approval from the Building Inspector for all construction material, practices and other requirements of the building code. 3) That the applicant submits an "As-Built" certification that the final construction meets all of the required floodplain elevations. 4) That any fill used on the site be placed such that drainage patterns onto adjacent properties are not substantially changed in a way that would direct more water onto neighboring properties. 5) 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 down slope 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. 6) The applicant shall submit a permanent storm water 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. The motion was seconded by Smith and passed unanimously.

5. Approve Previous Meeting Minutes
  - a. October 9, 2012

A motion was made by Schultz, seconded by Smith to approve the minutes as written. The motion carried unanimously.

6. Zoning Administrator's Report
  - a. Permits
  - b. Correspondence
  - c. Enforcement Actions

The Commission discussed the submittal of proof of insurance by a contractor as required in a previous variance request (Westhoff - October 2012) and agreed that it was sufficient. No separate bond would be required.

7. Other Business

a. 2013 Meeting Schedule

The planning commission was in agreement to continue meeting on the second Tuesday of the month during the year 2013 with a couple conflict dates where the meeting will need to take place on an alternate date.

b. Discuss end-of-year ordinance updates/clarifications.

8. New Business

a. Planning Commission appointment

There was some discussion regarding Dan Shay having sold his property within Corinna Township. The alternate, Barry Schultz, will be stepping in as his replacement until a new appointment can be put in place.

Naaktgeboren introduced a candidate, Trish Taylor, as a possible replacement for Dan Shay.

9. Adjournment

A motion was made by Smith, seconded by Parks, to adjourn the meeting at 9:16 PM. The motion carried unanimously.

Minutes respectfully submitted by Jennifer Kemp.