

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
November 19, 2015
7:00 PM

a 3-season porch approx. 85 feet from Mink Lake (min. 100 ft required), 4 feet from a side lot line (min. 15 ft required) and 10 ft from the top of a bluff (min. 30 ft required). Construct a 5'5" x 8' walkway to connect the existing house and garage approx. 57 ft from the centerline of a Township road (min. 65 ft required). Building coverage to increase from approx. 17.06% to 17.65% (max. 15% allowed). Expansion of livable space in a dwelling currently served by a Charlotte Quiggle called meeting to order at 7:00 PM on November 19, 2015

Roll Call: Board of Adjustment/Planning Commission Members Present: Larry Smith, Barry Schultz, Lee Parks, Al Guck, Trish Taylor, Charlotte Quiggle (chair), Ben Oleson (Zoning Administrator)

Others in Attendance: Arthur Quiggle, Kathleen Quiggle, Brian & Carol Carlson, Jeff Haus, Bernie Miller, Mike Mengelkoch, Joni Selle, Greg Selle, Charles Webb, Larry Purcell, John Peterson, Chuck Carlson, John Dearing, Rick & Carol Kannianen, Marilyn Anderson

Additions or Deletions to the Agenda; Taylor made a motion to approve the agenda with no changes. Schultz seconded the motion. Motion passed unanimously.

Public Hearings

Variance to replace an existing 28' x 36' dwelling with a 40' x 50' dwelling approximately 60 feet from Clearwater Lake (min. 75 ft required), 13.55 ft from a side lot line (min. 15 ft required) and on a holding tank (drainfield required) without 15 feet of fill meeting floodplain elevation requirements around all sides. Building coverage to increase from 12.6% to approximately 21% coverage (max. 25% allowed). Conditional use permit to elevate dwelling to meet floodplain requirements by alternative method than fill.

Applicant: Thomas A. and Lisa A. Dohmen
Property address: 11953 KRAMER AVE NW, Annandale
Sec/Twp/Range: 5-121-27
Parcel number(s): 206000052202

Quiggle indicated that the Dohmen's have asked that there hearing be tabled. Smith made a motion to table the Dohmen hearing. Parked seconded the motion. Motion passed unanimously.

Variance to convert an existing 10' x 13' open deck to holding tank (septic drainfield required).

Applicant: Brian and Carol Carlson
Property address: 8207 GRIFFITH AVE NW, Maple Lake
Sec/Twp/Range: 24-121-27

Parcel number(s): 206017001160

Present: Brian & Carol Carlson

Carlson: We would like to convert the deck to a three season screen porch adding a roof we would be changing the stairway to the side. The 10x13 porch was added years ago and it is the same depth so it is on the same footprint. The information indicates we are 10 feet from the bluff my understanding was that we are more like 25 feet. There is a rock wall built by previous owners and further out there is another rock wall about 15 feet. There is a septic holding tank at the end of the porch which is 15 ft away. There it was a survey done in 1992 or drawing that was provided was not the owners but someone else and we are using the calculations that this person provided. The garage is about 5 feet from the house and we would like to make a connecting walkway so that we can have a covered area. Where you see the window is where the door will you go. The garage looks like it was not built to what it was approved, we did not build the garage so we did not realize this until we started looking at what we could do to attach the garage to the home. Because of that we have removed a 10x12 shed. We are willing to put down spouts on and rain barrels and also we could do some lake restoration. We can see erosion started so we would like to get started on that.

Oleson: We have a number of issues; one is the lake setback at 85 feet instead of 100 feet, however, they are not going any closer. The side line is about 4 feet, these measurements are all approximate. It appears to be within the bluff setback and the addition to the garage would be within the road setback, however the addition is on the other side of the garage. The building coverage is the question at this time. The other thing is that they are on a holding tank right now and they are adding a 3 season porch, this is a gray area as to if this is an expansion since it is not a 4 season porch. There was a 1992 variance, they were allowed a 16x18 garage and it is large than that. Somehow they built it larger then it was supposed to be. If they are under 15% we are not sure without a survey. We did talk about that and they wanted to come before the board before they went ahead and had a survey done. If you talk about this and you are not going to allow regardless of the survey you would not need to table it, however, if you feel this is something you would allow you could table for that purpose.

Carlson: We checked into the cost of a survey and it was around \$1200 - \$2500. We would rather spend that on the lake restoration.

Audience: None

Parks: Do we know where the bluff is?

Oleson: I was estimating it being in the bluff area based off the beacon/county site. However, they are approximate contours so to know if it is a bluff we would need a survey which is much more accurate to determine if it is a bluff.

Parks: Did you look into a septic?

Carlson: If you are talking a drain field maybe, however, there is no place for a mound system.

Guck: Nothing at this time.

Schultz: If you are thinking of making this a full time home, I think that a septic system is a definite need. I don't have a problem with the 3 season porch.

Oleson: It is an expansion if it is a three season. Any expansion is a roof and/or a wall.

Schultz: Is there a roof now?

Carlson: No

Oleson: Screen porch is not and expansion, but a three season would be.

Carlson: When we bought the place there was another tank there and it was closed off.

Smith: I am kind of hung up with the maximum building coverage and the holding tank. Not knowing where we are at with the building coverage is an issue for me.

Taylor: I have a real hard time with the holding tank especially if you plan on living there full time. How many bedrooms?

Carlson: It is a two bedroom and there were 3 people out there living full time before we bought it.

Taylor: Is there any consideration in making a smaller covered area between the house and garage?

Carlson: We could go just the size of the door if we had too. We were looking for a place for shoes and coats.

Taylor: I would rather see the smaller one and get the building coverage down. I would like to see a survey. This is just a drawing done on graph paper.

Quiggle: I have been going around and around on this because you have a lot of challenges on this small of a lot. Basically you are too crowded, however, on the other hand you are under impervious coverage so you are not in a situation that you have too much hard coverage.

Carlson: That is another reason we added the gutters and rain barrels to help with that.

Quiggle: It's not so much the storm water management although that is necessary, your already doing the natural grasses, your already mitigating much of the storm water runoff. On the holding tank I am also going both ways. Generally we can indicate that it is only for seasonal use that's why it is important to know what your plans are. I am less concerned with the small amount of expansion on a holding tank because the ordinance says that you can't have new construction and this is not new construction and that it cannot be expanded any more than 50% of the value or 50% of the footprint and you're not doing that. My biggest concern is the holding tank for a year round house. It's not the expansion that is stopping me.

Schultz: Is there some kind of type 4 septic that would work?

Oleson: It would have to be reviewed by a septic designer since you have well setback to work with and the only way around that is a variance from the department of health.

Taylor: You have already removed the 10x12 shed?

Carlson: Yes

Taylor: Is that already factored in?

Oleson: I think that would offset what they are adding with the porch. I think the bottom line is we do not know if they are over or under 15%. If they can stay under 15% with everything they are adding that they would be ok.

Carlson: What I'm hearing that you would prefer a survey to have some definite numbers. At the same time if that survey shows that the previous owners have already used up the 15% we would have spent the money for nothing to gain what we would like to do.

Guck: Looking at this there is a vehicle parked in the road way is there any issues with plowing in that area?

Dearing: There are many vehicles that are often in the road way.

Taylor: I would like to see if you could talk to a septic person to see if that is possible or any options for a septic.

Carlson: We can discuss that with a septic person. Are we limited?

Oleson: You can have any system that meets state requirements. There are many systems that range from a type 1 to a type 4 systems which are special type systems.

Carlson: If we are willing to get talk to a septic person to look at a septic and spend the money on a survey and if have to delay the restoration project would that alter the decision?

Quiggle: From my vantage point I would like to see the lake restoration. You could do something at some point on your own. I don't it would be a deal breaker for me.

Parks: I don't know that we should increase the structure coverage. We are already over on that. I don't have a problem with the 3 season porch but really need to know what the coverage is.

Oleson: We have talked in the past about doing a 1 for 1, so if they add they have to remove something else so for instance the shed was removed for the 3 season porch. So no net increase.

Taylor: I don't mind the covered porch. But I think by adding the covered walk way as large as they have it is too much.

Quiggle: So what we are hearing is we should table.

Oleson: Just to clarify are we saying at least no net increase in building coverage or not over 15% & see what they can do for septic coverage.

Board indicated no net increase in building coverage & see what options on they have for sewer.

Oleson: Thoughts on garage larger than it should have been is that included in building coverage?

Board indicated it should be included in building coverage.

Taylor made a motion to table the variance application to gather additional information. Smith seconded the motion. Motion passed unanimously.

After-the-fact variance to allow a new dwelling 9 feet from a side property line (min. 15 feet required). Variance was previously granted for lake and road setbacks.

Applicant: Greg and Joni Selle

Property address: 10829 HOLLISTER AVE NW, Maple Lake

Sec/Twp/Range: 11-121-27

Parcel number(s): 206000111102

Quiggle recused herself from the hearing. Smith took over meeting.

Present: Greg & Joni Selle, Jeff Haus

Haus: As far as the after the fact variance goes we have some bigger issues. I think the biggest reason that we are here is that the building permit was issued regardless if it was intended to or not the site plan that was given to the township did not have the changes on it and was issued a building permit off of that. When we went to start digging everything was based on the site plan that was given and permit that was issued. We did not catch this until everything was back filled when meeting with the Selle's. We were going through some of the items and they mentioned the variance and at that time we stopped the process. One of the items that I did notice is that when the inspectors were out there they wrote in there that the setbacks were ok. (Copy given to the board to review) The problem is that once the permit is issued we follow the information that is given with the permit.

Selle: This was completely unintentional and we were taken back as everyone else was and we were in complete agreement to stop the process until we get this taken care of.

Oleson: Quick summary; in September 2013 variance was requested some of which was approved except the side yard setback. In early 2015 Joni started letting me know that they were going to start moving forward and we discussed what some of the various conditions were and talked a lot the storm water and conditions. In July submitted permit application. I reviewed the permit application, and one of the conditions was that they provide a new site plan. When I issued the permit my approval letter did indicated that it was approved as per there variance but not specifically what that was. The building inspectors were given a copy of the variance showing that the side yard setback was denied. Not sure if they were looking at

the site plan rather than the variance requirements. So between the owners, the contractors, myself, and the inspectors it was not caught. When Mr. Haus contacted me we started looking at the options it was either move the foundation or come for a variance. I outlined some factors from the supreme court in the staff report, these were not exactly the same in the sense they had not come for a variance previously and been denied. If you consider it an after the fact variance then I think you need to use the Supreme Court cases as noted in the staff report. One talks about if they acted in good faith another talks about if the benefits to the township outweigh the department to the applicant again a balancing act that you can discuss tonight. Beyond that there are some other issues that we need to address regarding the building coverage and various impervious coverages that are part of the current plan. Making sure they are compliant with impervious and how much dirt moved around.

Audience: None

Arthur Quiggle: Mr. Quiggle had e-mailed everyone on the board & supplied copies of his concerns. I am the property owner to the south of the Selle's. I urge the board to deny this request. I feel this is not an after the fact variance. (Quiggle read the letter which was submitted & part of the public record) The reality is that they did not comply with the variance that was denied. It's not an after the fact variance, it is putting a building where it was not supposed to go.

John Peterson: I feel that this is not an after the fact since they were already denied the variance.

Rick Kanniainen: I read parts of the letter, has anyone looked at the Quiggle property. It looks terrible.

Charlotte Quiggle: I am not going to address the side yard setback and I have spoken with Ben and the Selle's & the contractor regarding the limit of 50 cubic yards for the garage and house and walk out, and my calculations indicate they exceed that. Also, it show that impervious coverage exceeds that they are limited to. It's a concern for me as those were conditions addressed prior to any construction.

Larry Purcell: The question I have is we are taking 6 ft away from Mr. Quiggle what happens to building size for him later?

Smith: He would not be losing 6 ft the set back is based on the property line not where the next house is located.

Bernie Miller: If we go back to the original meeting or talk about an after fact variance. It is very common for a 9ft side yard setback, especially when going pushing up to a sewer. But because you were trying to make people happy. I was asked if we could make the sewer work being 10 ft from the house and 2 ft from the property line and I said yes so that made them go to 15 feet. If I would have said I couldn't do it would you have granted 9 or 10 feet? I think the request was very reasonable from the start. I was never asked to redo the site plan and I did not even know they had started to build.

Dearing: I just don't believe that changing our minds on a variance is a good idea.

Charlotte Quiggle: Is the only option to rip out everything, can the one side be moved?

Haus: My issue is cutting into the foundation and try to patch it. You could then be dealing with water issues and I would not stand behind that.

Taylor: I have a few questions, you knew you had to get a new site plan did you do that.

Selle: We did have one done and it was a team of errors. I do not want to be any closer to Arthur Quiggle property. (Passed out some photos). When we saw it for the first time it was a big hole and we did not notice it until after the wall was up.

Taylor: I understand that. Are you still doing the walk out and how much fill has been shifted around so far?

Selle: I have a letter from the excavator, to establish the walk out he indicated 35 cu yards was moved.

Taylor: What is the building coverage?

Oleson: In the 2013 variance shows it at 14.9% with the adjusted lot. The only thing I am aware of is the covered porch on the front. The site plan did not show that and building plans did in 2013.

Taylor: If we decide not let this go through how much are we talking about.

Haus: It was written in the report we are looking at \$50,000 just to remove the foundation.

Taylor: I know accidents happen you should have tossed the site plans and none of this happens.

Parks: My question is when did you do the revised the new site plan?

Selle: I have it here.

Guck: This is new to me I was not here before. In the previous hearing we were worried about 4 ft and now we are looking at 9 ft why the difference? Can't you get together work things out?

Schultz: I feel for you, I'm in the construction business and mistakes get made but we have to follow the rules. We have to stop it.

Haus: What would have happened if we would have found this years from now rather than catching it now?

Smith: It would have been tougher.

Haus: I stop this as soon as we found it. Should we be penalized because we stopped it rather than continuing on? It is going to tough to get equipment in there to take it out with jack hammer its 400,000 pounds of concrete.

Taylor: I understand your point but the new site plan should have been done.

Haus: I agree.

Taylor: Fact remains that we granted that variance and the law states that if it is not complied with the whole variance could be denied.

Haus: Where are the checks and balances to keep this from happening?

Taylor: The correct site plan should have been submitted.

Haus: It should not have been issued when it was not submitted correctly. I am wondering what needs to be done to make sure this does not happen.

Smith: I would assume that the inspector used the same site plan that was there.

Haus: That is what we did.

Smith: We all make mistakes and it's not a pretty thing. I'm with Barry that it has to be corrected. I have a hard time going against what we already denied.

Taylor made a motion to deny After-the-fact variance to allow a new dwelling 9 feet from a side property line. Schultz seconded the motion. Motion approved unanimously.

Smith made a motion to approve the October 13, 2015 meeting minutes. Schultz seconded the motion. Motion passed unanimously.

Taylor made a motion to approve the October 28, 2015 meeting minutes. Schultz seconded the motion. Motion passed unanimously.

Zoning Administrator's Report

Permits

Correspondence:

Oleson passed out revised plans for Rachel property re-zoning. There are a few changes. Oleson asked if the board would still recommend the approval of re-zoning based on the new plan. After brief discussion the board felt they would still recommend the approval based on the new plan.

Oleson indicated that the Lesa Roy property was granted a temporary permit to live in shed while house was being built and the permit has expired. However, the house is now down and at this time not being rebuilt. Oleson will continue to work with the as to what their next steps are. This is just for your information.

Oleson indicated that Jeff Rivers contacted him regarding the permit/variance from a few months back. His house is ready to be moved in, however, they are not sure if they can get the sewer in. Can he hook up to the old until they can get the new one in possibly spring? After brief discussion the board indicated that he should not be able to get a certificate of occupancy until the new septic is installed.

Oleson indicated that the Carl Enghauser received a CUP to move garage would have to be under 50 cubic yards of fill and if over would he need another CUP? After discussion the board felt that if he is over the 50 cubic yards he would need a CUP.

Enforcement Actions; no discussion

Findings of Fact - Previous PC/BOA Decisions; no discussion.

Other Business

Stormwater management plan requirements; no discussion

Wright County proposed ordinance amendments; no discussion

Review of previously granted variance requests (if time allows); no discussion

Discussion - RDNT LLC v. City of Bloomington (MN) and impact on conditional use permits (if time allows); no discussion

Smith made a motion to adjourn. Schultz seconded the motion. Motion passed unanimously at 9:30 pm.

Prepared by: Jean Just