

To: Corrina Board of Adjustment  
Cc: Ben Oleson (staff), Jean Just (clerk)  
From: Charlotte Quiggle  
Date: 12/10/2018  
Subject: Arthur Quiggle variance request  
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I'm the sister of the applicant Arthur Quiggle; I also own the properties south and east of his property.

### **Lake Setback Variance**

Arthur's current house was built in 1965, well before any zoning ordinance was contemplated in the county/township. It's a small walk-out house (24 x 32, or 768 sq ft) and he'd like to rebuild it as a year-round home, adding 8 ft in length and 4 ft in width (28 x 40, or 1120 sq ft). The proposal is to keep the house (and the deck in front) at the same setback as the current house in order to use the current walk-out "hole" and minimize the excavation needed for the walk-out.

The house is currently 37 ft from the lake, with the deck being 8 ft forward from that. It would be preferable for the house to be shifted back as far possible, bearing in mind the location of the septic system. If possible, I'd suggest that the house be moved back by 8 1/2 ft (to 45 1/2 ft) so that both the house and the deck are out of the shore impact zone. If it can be moved further back without impacting the septic, so much the better.

That said, if the house is moved much further back from the lake, not only will more excavation be required, but the existing walk-out "hole" will remain in front of the house, creating a sort of "tunnel" in front that will require retaining walls that will be as long as any additional setback required. I'm also concerned about the impact that excavation further back will have on my mature trees that are near the property line.

Contrary to what the DNR says in its email dated 11/26, keeping the house in its current location won't have any impact on the visual site lines of the adjacent properties. The houses on the 3 properties have been situated in the same locations for over 53 years with no ill effect. The house to the north towers over the proposed house and the house to the south (my house) would be 83 ft from the proposed house, and not particularly visible due to the separation and trees between the properties.

Whether the new house remains at its current location or is shifted 8 1/2 ft back to be outside of the shore impact zone, the BOA should require that a native shoreline buffer be installed; it should be least 15 ft deep and cover at least 50 ft of the shoreline, leaving no more than 25 ft of "recreation" area. This buffer will help mitigate the short setback by preventing erosion and sedimentation from stormwater run-off from the roof; deep-rooted native plants will help infiltrate stormwater into the soil so that it does not go into the lake carrying associated pollutants with it. Such a buffer would also create important shoreline habitat for all sorts of amphibians, reptiles, insects, birds, etc, thereby helping to protect the lake ecosystem.

### **Side Yard Setback Variance**

The proposed house meets the side-yard setback on the north and would require a 3 ft variance for the setback from the south property line.

As Ben notes in the staff report, "the spirit and intent of the ordinance (side yard setback) is to require some space between buildings and other improvements and the adjacent lot and to maintain space between structures."

If the house is built in the proposed location, there will be 30 ft between it and the house to the north (15 ft setback from the property line on both sides). Since my house (the house to the south) is 65 ft from the property line, there will be 77 ft of separation between it and the southern walk-around deck on the proposed house, even with the 3 ft variance. I have no problem with that.

### **Septic Variance**

The ordinance requires that a drainfield be 10 ft from all *property lines* and is silent regarding setbacks from easements; there is no need for any variance here.

An easement does NOT establish a new property line; rather, it gives a person or entity the legal right to use that area for a specific purpose. In this case, the easement is an ingress/egress easement that gives me access to my property; I am at a dead end so am the only property owner who uses it. The drive that I use for that purpose is 13 ft wide and is situated within the eastern half of the easement.

The proposed septic system is approximately 20 ft from the edge of the drive and 39 ft from the rear property line.

If the house is shifted further back, it's possible that the drainfield could also be moved up to 6 feet back. This would keep it out of the easement and 14 ft from the graveled surface of the drive.

### **Calculating Coverages**

As noted in the staff report, the (official written) policy of Wright County and Corinna Township in situations like this is: "*When lakeshore property, combination of lots, or a lot is divided by an access easement or road, the individual portions on either side of the road shall be considered separately under performance standard calculations related to lot size and lot coverage.*"

To the best of my knowledge after having been a member of both the Corinna and Wright County Boards of Adjustment for many years, this policy has *always* been used for all properties in the county that are similarly situated (i.e. lakeshore properties intersected by an access easement or road) for calculating building and impervious coverages, with the sole exception that was made for the property to the north of Arthur and Kate Quiggle's property belonging to Greg and JoniSelle.

The only reason for deviating from the written policy in that case was because the Selles would have had to downsize their proposed house and they didn't want to do that. If the BOA had required that their lot area be calculated measured from the road surface, their building coverage would have been 16.8% and their house would have had to be downsized by 283 sq ft; by using the entire lot for the coverage calculations, the building coverage was 14.9%. However, in deviating from the county's policy, the impervious coverage on the Selle's property included the road surface and increased to 30.3%, up from approximately 24.1% on the same property (including the road) prior to the new construction.

If using the Wright County/Corinna Township's written policy of calculating the lot size as measured from the edge of the road, Arthur's proposed building and impervious coverages meet the required 15% and 25% requirements (per the staff report, they're 13.5% and 24.2% respectively).

There's no reason to penalize Arthur and Kate Quiggle merely because the BOA accommodated the Selles in 2013 by finding a way to allow them to keep their house at the size that they wanted, especially since this accommodation has not been extended to any other property owner in the county.