

CORINNA TOWNSHIP
AGENDA
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
September 10, 2013

7:00 PM

Charlotte Quiggle called the meeting to order at 7:00 pm on September 10, 2013.

Roll Call: Board of Adjustment/Planning commission Members Present: Charlotte Quiggle (chair); Barry Schultz; Larry Smith; Larry Thompson; Trish Taylor; Ben Oleson (Zoning Administrator)

Absent: Lee Parks

Other in Attendance: Arthur & Kate Quiggle; Fred Quiggle; Ken VandeStee; Marilyn Anderson; Rick & Carol Kanninen; Jim Dearing; Bernie Miller; Kevin Kolstad; Greg & Joni Selle; Tom Neu; Leslie Kreutter; Mark Trostad; Stuart & Frances Ulferr

Additions or Deletions to the Agenda: Add: Charlotte Quiggle summary of Pervious Materials Workshop added to other business. A motion was made by Schultz to approve the Agenda with the one addition, seconded by Taylor. Motion carried unanimously.

Charlotte Quiggle recused herself from the 1st Public hearing and turned it over to Larry Smith, vice-chair.

Public Hearings

- a. Variance to adjust lot lines between two legal, nonconforming lots. Variance to replace the existing dwelling with a new 3 bedroom home with walkout basement and attached garage approximately 60 ft from Sugar Lake (min. 75 ft required), 42 ft from the centerline of a road (min. 65 ft required), and 9 ft from the south property line (min. 15 ft required) Variance to install a new sewer system approximately 2 ft from the north property line (min. 10 ft required), 2.5 ft from the edge of a road easement (min. 10 ft required and 13.6 ft from a new septic drainfield (min. 20 ft required).
 - i. Applicant(s): Gregory and Joni Selle
 - ii. Property Address: 10829 Hollister Ave NW, Maple Lake
 - iii. Sec/Twp/Range: 11-121-27
 - iv. Parcel Number(s): 206000111102

Present: Greg & Joni Selle, Bernie Miller, Jim Dearing, Tom Neu:

Joni Selle: We are going on a half century up here and we would like to continue to live at this location and be a contributing member to this community.

Bernie Miller: They approached us in the fall of 2011 trying to figure out what they could do, the current cabin needs to be torn down and rebuilt. First thing we suggested was to get a survey, which they did. We then looked where they could put a septic, did not take us long to

find out we needed more land. Part of this is the lot line adjustment and getting some property to the North. We laid out some different options we thought might work and went to the land owner to get an agreement to purchase some land. We then looked at designing a home that would fit with the septic and getting it down to 15% coverage. We had discussions with Ben through the process since we were not sure how to treat the road since it is an easement, not sure how that would be calculated. I am not sure if there has been a decision on how that is going to be treated for lot coverage and impervious. On the site plan the current was 12,515 sq ft, we looked at increasing that to 17,850 sq ft, so by increasing it by 5,335 sq ft, they wanted to have a garage attached to the house, they wanted to stay further away from the lake and we tried to mirror what was there. The square footage of the house is about the same as what is currently there - we are just adding the attached garage. There are a lot of other positives that we can talk about with the design. Tom Neu and Jim Dearing helped with the house design.

Tom Neu: When we looked at the design we had to cut it back like Bernie said. We looked at one large tree that we wanted to save, it's important that we save that tree. So we had to bring the garage over to this side. So the sewer originally was up in this area and so since this is an unbuildable lot now we believe that sliding the sewer up to this area creates no problem since it is not going to be built on. What happens is that when this road puts us over on our lot coverage, when I have been involved with a couple of these with the county, they have allowed going over on impervious coverage to allow access to the neighboring lots via shared driveways. We understand we are over on hard cover, but this hard cover could be attributed to the other lots because they need it for access not us and the hard cover is actually being decreased.

Oleson: They summarized most of it pretty well. We have two issues going on here one is the variance's relating to the house and the other is the lot line adjustment. The lot to the north which would have land taken from it would not be buildable on its own (just the lake side of that parcel). So if the variance were approved the two parcels would have to be tied together with deed restriction. We have all these different variances we need to discuss one thing that is not in there is building coverage & impervious coverage whether that needs a variance or not will be determined on how you calculate the lot size. Normally how Wright County has done it is if you have a road or easement going through a property you calculate impervious and building coverage on each side separately. In the staff report we laid out four different ways you could calculate the coverage. There is a mistake on 4a-2 in the last table under proposed impervious coverage (after lot adjustment) third line Entire Lot (including road) it should be 29.6% for total rather than the 21.1% indicated. As you look at those calculations you can see that there are a number of different ways you can calculate it. There is not really a hard and fast on how to calculate it. On all scenarios except 1 they are over 15% building coverage and they are over 25% total impervious coverage in two scenarios. The way that I recommend is scenario #4 which includes the entire lot minus the road surface but that is up for discussion. That is how I think we should calculate the lot size however; they are still over on the buildings by about 200 sq ft.

Neu: County said you could add it in or you could take it out depending how you look at it. So if we add it in we are at the 15% but we are over on our hard cover because there is so much road.

Oleson: Other than that the house will be closer to the lake than it was, however, not closer than the existing deck, it will be further back from the road than the current house. It will be closer to the south lot line. For discussion - would it be possible to move the house over to the north or do we run into issue maintaining the septic?

Neu: Could shift it over a little to get to 12 feet so it is a little further away.

Quiggle asked if there was any public comment.

Arthur Quiggle: I own the property right next to it for the past 30 years. Went out on Sunday to see what was actually happening and met with the homeowner and others. I had some concerns, you are moving a lot line and the person on the other side is not named on the application, and the person that is applying for the lot line adjustment is not indicating how they were buying the property and it asks for that on the application. I believe that the application should be resubmitted with the correct information. The other thing that I worry about is that this road, I used to live out here and we had it built to be 33ft road so that it can be plowed. We put in the waterways to get the water to move away and I want to make sure the road is not moved. Reduction on the side view 9ft (40% reduction) why do they have 15ft set backs? As I look at this, the closer you are to the side lot line, you would have to ask for permission to go on someone else's land so that you can get through to the lake side of your home so I'm not so quick to give up that 15ft side line set back and what about the run off coming from their lot to mine. I am lower than the Selle's land and now you have less area for the water to flow and the snow is going to sit there. I am concerned that I will be compromised on my property when the snow melts and the run off from the fields come. I feel that the house will crowd what we currently have. I would ask do not grant that part of the variance and have it moved over to the north. The one thing that really bothers me is that no one approached me so that I could voice my concerns. I know what it means to live out here. I also ask that the application get resubmitted so that everyone's name is on the application.

Smith: The way it looks like we have three sets of variances here. Is that correct?

Oleson: You eventually you need to act on all them and you can say no on some and yes on others.

Smith: Let's first address the Variance on lot line adjustment.

Taylor: Is there a purchase agreement?

Joni Selle: We have a verbal, I have one written just not signed yet

Taylor: I would have liked to see a signed purchase agreement that way there is no question regarding the purchase of that additional property.

Tom: If they renege on it everything goes on the wayside

Miller: They can't buy it unless the variances get approved. This is all conditional on the lot line adjustment.

Taylor: The 2ft for the easement on the septic, is that going to be affected by the easement getting to the lake. If someone wants to drive through will the septic be affected?

Miller: [Oleson pulled up the site plan on the projector and Miller showed the board that it would not affect the easement].

Oleson: The septic would all be Selle's property and is not on the easement

Schultz: Is [the lot to the north] a buildable lot?

Oleson: You could not split this off based on current rules.

Miller: We looked at some options on what was a reasonable amount of square footage to get what they needed to get a house and septic on the property.

Schultz: I have no questions right now.

Thompson: Question about the large oak tree - do you really think it can be saved?

Tom: Yes, we think we can save it and have moved back from it to try and save it.

Smith: Ben, do we need the applicants name on the application. Is that necessary?

Oleson: To me the key thing is that if this is approved it is contingent on the purchase of the land and if that did not happen the variance would be null, something in writing that both parties are in agreement is not a bad thing to have.

Smith: What is your timeline to build?

Joni: In a perfect world, it would be this fall.

Taylor: How much more would you have to purchase to get to the 15 ft side line set back.

Miller: It kind of comes back to this – the line can pivot on a point, for better legal descriptions we kept it straight but it is possible we can move it.

Taylor: Can you shift the house to get to the 15ft?

Tom: If you took that 13.5ft from the garage and moved that over to 10 ft from the sewer we could get to 12 ft. There are lots of variances under 15ft for side line setbacks. We could slide that. We just may need variance to be closer to the sewer setback.

Schultz: Can we shift the property line to gain?

Smith: I'm sure you played with it enough is there any way to move it to give us a little more room?

Miller: There are certain things we can do but, in my opinion is it worth it? Is 2ft really making a difference? We don't gain a lot and to me it would be better to be 13ft from the garage. I could get maybe get a couple of feet.

Oleson: If were to shift the house only 10ft from the drain field is that enough room to maintain the tanks, etc.?

Miller: Yes

Thompson: By doing that you would go from 9 - 12 on the side set back, what is the existing now on the south side?

Miller: About 18 ft

Thompson: So if we look at shifting things and then possibly downsize the house we could look at getting away from the side lot line set back.

Oleson: If you are looking at meeting the impervious you would be looking at reducing the house size by approximately 205 sq ft – depending on how lot size is calculated.

Smith: I think we should go on to the next variance, the 60ft from lake and 42 ft from center line from road and 9ft side yard.

Thompson: From what I heard on the 60 ft from lake side you we would be going no closer than the existing deck.

Tom: They would actually be a couple feet further away.

Oleson: The stairs on the deck would be closer, but nothing else.

Thompson: If we look at the whole thing we could look at the 205ft again.

Neu: Unless you add the whole road in.

Oleson: That 200 sq ft is completely dependent on if you agree with what I was thinking we should calculate the lot size.

Thompson: When I'm looking at the whole issue it doesn't matter if we add the road in.

Neu: Well it does if we look at the whole road then our building is fine percentage wise.

Thompson: We still have the lot line issue

Tom: Right we can adjust some of that; we can keep our house size by moving it this way or that.

Thompson: I'm thinking someway we have to come down a little bit and then that takes care some of the other issues.

Tom: It depends on how you calculate the road. Maybe you need to start with the road.

Miller: If you approve it with some parameters and we can work with that.

Neu: So if you give us 13.6 on the side then we know where we have to be and will make it work.

Oleson: Do you want to talk about how to calculate lot size?

Smith: Yes

Oleson: So you have the 4 scenarios I gave you. What Tom is talking about, is if you include the road as being part of the lot, the lot size goes up and you can get under the 15%. They would then be at 14.9%

Neu: We suggest the road be included because it is an easement not a road.

Miller: Another thought is that you do not count the part that is not needed. Take the impervious and divide between all of the land owners because it is not necessary for the Selle's.

Oleson: There is nothing in the ordinance that says how to calculate lot size when a road runs through. It is based on County policy.

Schultz: Does the water flow down to Mr. Quiggle's home now?

Oleson: Yes - on the back side it runs south towards that home.

Schultz: My issues are the 15ft side lot variance; the impervious I'm not too worried about it.

Schultz: I would like to get to as close to the 15ft as we can for the side yard set back

Taylor: I agree I would like to stay closer to 15ft and at the at least 13.5 - 14ft.

Neu: If we can get us a parameter of what you want we will get it there. If we move a few things over we can get to the 13.6ft.

Thompson: I think we need to get to the 15 ft and no variance on the south lot line.

Taylor: If we go less than the 15ft I would like to see a storm water management plan to divert water from going to the south.

Neu: All the water goes on his lot now, so he will not be getting more water than he is now and in fact should be less with gutters etc.

Taylor: I can live with the 13.6 if there is a swale or some sort of storm water management so that the home to the south is not affected.

Thompson: I am still at 15 ft but if you address that and get to that point and if you don't have enough room you talk to the property owner on the left side to see about getting a little more property.

Schultz: Bernie mentioned the elevations may become a factor?

Miller: Would it be out of line to ask the property owner to the north about getting more land.

Oleson: I hesitate to get into negotiations over purchasing property here. I understand setting the parameters and if we set those then you can go to the property owner or change your plans to meet those parameters.

Thompson: We give you the parameters and Ben will have to make sure the parameters are met.

Thompson made a motion to replace the existing dwelling with a new 3 bedroom home with walkout basement and attached garage no closer than 60 ft from the lake, 20 ft from the edge of the ingress/egress easement where the road is located, must stay under 15% impervious coverage by calculating the lot size including the entire lot (including the road as impervious), must be 15ft or more from the south lot line and total impervious coverage must be less than 30.3%.

Schultz seconded the motion. Motion carried unanimously.

Taylor made a motion to approve the lot line adjustment with the submission of a signed purchase agreement no less than the amount proposed. Thompson seconded the motion. Motion carried unanimously.

Taylor made a motion to approve the following variances for the new sewer system; 10ft from the house to drainfield, 2ft from the north property line and 2.5 ft from the edge of the road easement. Schultz seconded the motion. Motion carried unanimously.

Taylor made a motion to amend the first motion to include the staff the recommendations as follows:

- That the application submits a revised site plan prior to the issuance of a permit which complies with all aspects of the decision rendered by the Board of Adjustments.
- That the amount of excavation on the lakeside of the house to create the walkout be limited to no greater than 50 cubic yards
- The septic drainfields be marked in some permanent manner so that they are no impacted by pump trucks or other vehicles used in maintaining the septic tanks/components.
- 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 around the perimeter of the construction area as shown in the submitted plan and an additional silt fence within 5 feet of the lakeshore. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets, hydroseed or other forms of temporary cover until vegetation is reestablished.
- The applicant shall implement the permanent stormwater management plan as submitted with their application (or an alternative plan of equal or greater benefit - as determined by the Zoning Administrator in consultation with SWCD staff) so as to minimize the potential for ongoing erosion or sedimentation and to prevent water runoff along the south end of the new home from being directed onto the adjacent property to the south. These shall include, at a minimum, maintenance of the existing "rainwater gardens" at the bottom of the slope and the installation of a third such garden to the north of the boathouse. This third garden shall be installed no later than July 31, 2014.

Schultz seconded the motion. Motion carried unanimously.

Meeting was turned back over to Charlotte Quiggle:

- b. Conditional use/Land Alteration for the movement of approximately 150-200 cubic yards of earth and materials in a shoreland district to prepare a building pad and driveway for a new garage. Variance to construct a garage approximately 50 ft from the centerline of a Township road (min. 65 ft required) and 5 ft from a road right-of-way (min. 20 ft required).
 - i. Applicant(s): Leslie Kreutter
 - ii. Property Address: Across from 6868 Inman Ave NW
 - iii. Sec/Twp/Range: 34-121-27

- iv. Parcel Number(s): Split from 206024000124 that is tied by deed restriction to 206025000020

Kreutter: We own house on the SW corner of Cedar Lake and it started out as a cabin and remodeled as a house and they made no provisions for a garage on that lot. About a year ago our neighbor came to us and said he would sell us some land so that we could build a garage. Our current drainfield is currently back on that lot so we purchased additional land so that we could build a garage and closed on that a few weeks ago. We wanted a 3 car garage but it would not fit between the drainfield and the lot line. It is going to be a normal 2 car 24x33 one story garage. The lot is lower than the road and it requires fill and the further back I put the garage the more fill we will need to add. So we thought we would move it closer to the lot line and minimize the fill. Is a permit needed to bring electric back?

Oleson: You would work with the electric company.

Kreutter: It is a dead end road and almost no traffic on that road, there are other garages on the road that are also close to the road so it is not out of character to the others in the area.

Oleson: They are meeting a side yard setback and will be 20 ft from the drainfield. The variances are the road center line which would be 65ft normally and they are proposing 38ft. The other way to look at it is if there is an allowance in the ordinance to be 20ft from the right of way if that what the neighborhood tends to be, they are only 5ft from the right of way but they are 38ft from the edge of the road. The main reason for that ordinance is to make sure they is not a car out on the road and they do have enough room to stay off the road. They could move the garage back into the lot, but because it is a bowl they would have to add a lot of fill. They are asking for two different things here, a variance for the set back and a conditional use for the amount of fill they will be bringing in.

Audience: Nothing

Thompson: I don't have anything

Smith: I do not have anything

Schultz: I do not have any issues

Taylor:

Quiggle: I think it's a good plan and the set back is ok with me, if no one has anything else to say does someone have a motion?

Smith moved to approve the conditional use/land alteration for the movement of 150 - 200 cubic yards of earth and materials in a shoreland district to prepare a building pad and driveway for a new garage, not to exceed 225 cubic yards with the following conditions:

- All erosion control measures - temporary and permanent - shall be fully implemented until such time as the site has been stabilized, as determined by the Zoning Administrator in consultation with SWCD staff.
- The applicant shall ensure that all temporary erosion control measures are in place prior to placement of fill on the lot.

Taylor seconded the motion. Motion carried unanimously.

Taylor made a motion to approve the variance to construct a garage 50ft from the centerline of a Township road and 5 ft from the road right-of-way. Smith seconded the motion. Motion carried unanimously.

2. Approve Previous Meeting Minutes

- a. August 13, 2013: Taylor made a motion to approve the August 13, 2013 meeting minutes, Shultz seconded the motion. Motion passed unanimously.
- b. July 11, 2013: Taylor made a motion to approve the July 11, 2013 revised meeting minutes, Smith seconded the motion. Motion passed unanimously.

3. Zoning Administrator's Report

- a. Permits - Oleson asked if there were any questions on the list of permits. There were none.
- b. Correspondence
- c. Enforcement Actions: Oleson: Kobe is waiting for survey. I met onsite with Mr. Kobe and the building inspector who gave him information on what he needs to do., He does need to have footing put in and a few other items. He wants to do the footings this fall and would like some time to get it taken care of should we give him a time limit?
Taylor: Can we give him 9 months so that it is not in the middle of winter.
Oleson: I will let him know that he has 9 months

The Court Holman issue, he applied for variance for being over 25%. He is over by about 500 sq ft and that is what he is applying for. Things do look a lot better out there. Also, the neighbor to him, Charles Onsrud, has a similar driveway going down to the lake. His variance required that he stay under 25%. I looked through my notes and they indicated he wanted to keep the driveway and remove something else and he is still working on it. I will be meeting him next week to look at.

Looked into an issue/complaint on clear cutting on Cedar Lake and looks like there was some. I was not able to talk to property owner so will be sending a letter.

4. Other Business

- a. Ordinance Updates
 - i. Options/Ideas for erosion control requirements;
Oleson: We had talked about this in regards to Holman; what can we do in our procedures to prevent such severe erosion from happening. We talked to Sean Riley at the County and Craig Schultz the building inspector and they are willing to give us more forewarning if they see something that does not look right. On our end we would make sure that we require more detail and are receiving plans to make sure these items are being taken care of. We can talk about this. It may not be necessary on every permit. Other things we talked about was putting something in the ordinance, doing some education, we did send a letter out to contractors, excavators, & landscapers with general information and reminders. We talked about licensing landscapers and providing training each year, and performance bonds. Those are some of the options I see. We are going to do some things internally to take care of the issues. We do not need to decide this tonight.
Quiggle: We did at one time go some training at Stearns County with some presentations and was good information.

Naaktgeboren: We can stop some of this by making sure we have a plan in place and are doing a site inspection. I think we had a good conversation with Wright County to make sure they are getting out and letting us know when they something is wrong.

Oleson: I am hearing that you like the education idea, handling internally, and possible license.

Quiggle: Can we get more information on the web site? Get list of contractors who have been through training and we advertise who has gone through the training.

Schultz: I like guidelines not license.

Oleson: I will bring something back next month.

- ii. Shoreland ordinances – update from County P&Z review;

Oleson: we are getting to the point in the year that we go back to the county. We are anticipating going to a committee of the whole meeting in October and sometime after October 15th we will go back to the county with the request. If that goes through we will have to make the shoreland ordinance changes.

- iii. Pool covers – Ordinance change:

Oleson: Right now the ordinance only requires a fence around a pool.

Apparently, a lot of the pool companies are asking for an allowance to do a hard pool cover instead of the fence. Craig said that when he has seen them they are ok and would be in support of it.

Taylor: I am hesitant of the pool cover because what if the property owner does not put it on.

Oleson: I will research more about how the covers work.

- iv. Status update - Proposed county ordinance changes (Commercial Agriculture Tourism, Town Halls). Public hearing scheduled for July 18, 2013. They did make those changes, we need to decide if we want to make these change in our ordinance as stated or be more restrictive. If we do nothing we are accepting them. I just want to know if that is what we want to do. No comments from the board.

- b. Draft update to Township’s “expansion” policy:

Oleson: Someone wants to add a storm shelter under their cabin with an enclosed stairway outside. Is that an expansion to create a crawl space and expand the house to enclose the stairway to it?

Thompson: I think it an expansion.

Quiggle I think if it is just out side and the door going down is the only expansion the foot print is only expanding by the size of those doors?

Schultz: How is a storm shelter different than a basement?

Oleson: This is a situation where someone does not have a basement, and they are digging a 120sq ft storm shelter/seller which we have stated is not an expansion.

Taylor: I think it is an expansion if enclosing the stairs.

Oleson: So is it fair to say at this point we consider this an expansion and they would have to apply for variance?

Board confirmed that it would be a variance at this point.

Oleson: the other question I had is someone who would like to add utility space upstairs, change the roof line so that they can put furnace, water heater, etc. in attic. We did not want to add living space. The one way I look at it is like the storm shelter 120 sq ft and 6ft ceilings. The way it is written is anything less than a 6/12 pitch is not an expansion would we allow an 8/12 pitch that has ceilings under 6ft? Board indicated it would then be an expansion.

Oleson: So if they have a 6/12 pitch and put their utilities in that area it is not an expansion.

Board confirmed that would be ok.

- c. Discuss possible update to 2007 Comprehensive Plan. The contract that [Hometown Planning] and the Town Board worked out included 40 extra hours for special projects. I could use that to work on the Comprehensive Plan update, however, I may use up much of that time with the shoreland discussions with the county and some additional Town Board meetings. Our next step would be to develop an outline of what the Township would like done in an update of the Comprehensive Plan.

Adjournment: Schultz made a motion to adjourn. Smith seconded the motion. Motion to adjourn at 9:24 carried unanimously.