

CORINNA TOWNSHIP  
MINUTES  
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION  
September 13, 2016

7:00 PM

Charlotte Quiggle called meeting to order at 7:00PM on September 13, 2016

Board of Adjustment/Planning Commission Members Present: Larry Smith, Charlotte Quiggle (Chair), Al Guck, Trish Taylor, Dick Naaktgeboren, Barry Schultz, Ben Oleson (Zoning Administrator)

Others in Attendance: Mary Ellen Wells, Bill Arendt, Darwin Hoffman, Peter Zielsdorf, Juli Zielsdorf

Additions or Deletions to the Agenda; Add James Schimelpfenig to other business; Taylor made a motion to approve the agenda with the one addition. Smith seconded. Motion carried unanimously.

#### Public Hearings

Variance to construct a roof over a previously open deck approximately 27 feet from Clearwater Lake (min. 75 ft required) and approximately 8 and 13 feet from both side lot lines (min. 15 feet required).

Applicant: Steven C. and Diane M. Maeyaert

Property address: 11559 KRAMER AVE NW, Annandale

Sec/Twp/Range: 5 and 6-121-27

Parcel number(s): 206000052304 and 206000061404

**Present:** Steve Maeyaert & Diane Maeyaert

**Maeyaert:** We bought cabin about 3 years ago, we are looking at getting rid of the awning and extend the roofline out over the existing deck keeping it open and just put a couple posts at the end. The reason we want to get rid of the awning is that it is difficult to put up and take down in the wind.

**Oleson:** The house/deck is about 27ft from the lake which is within the 75 ft lake set back. There are two other issues, one is that the impervious coverage on the lot is limited to 25% and without a survey it does look like they are close to that, however, they are not adding any impervious coverage with this. The other issue is that it is in a floodplain and they may need to have some fill brought in.

**Maeyaert:** We did just recently took care of some erosion problem. We are just trying to make some improvements and get something that looks nicer and not have to worry about taking the awning in and out.

**Audience:** Tim Hanson, we are the neighbors to the south and we thought they wanted to run the roof over the side deck, but now realize that they are only going out the front deck which is fine. The side deck was only 4 ft wide, and then it was added onto by the previous owner and it comes right to our property line. They have been doing a lot of work and happy to see it being updated. My concern is the property line. It looks like the stepping stones are on our property.

**Maeyaert:** It was not our intention to go over the property line and we can check that out.

**Smith:** You were talking about putting in a couple posts is that something you would be digging in?

**Maeyaert:** I'm assuming that we will have to put in property footings.

**Smith:** That is really close to the lake and closer than we have allowed and not having the survey to know where you are at with impervious is an issue for me.

**Maeyaert:** If we got a survey would that resolve your issue?

**Smith:** I think it is something that we need to know, however, I have a concern with having a roof that close to the lake.

**Schultz:** Is the deck going to be out any further than it is now?

**Maeyaert:** No we would not be going out any further and no overhang, roof would be even with the deck

**Guck:** The impervious is something that would need to be found out.

**Quiggle:** I am with those guys regarding the survey, I know that a deck is considered impervious, however, water can still get through a deck. I have a hard time approving when you are only 27 ft from the lake and in the shore impact zone. I also have a concern with the two drains and another pipe that goes to the lake.

**Maeyaert:** We are looking to do some irrigation and doing new draining systems.

**Quiggle:** Nothing should go into the lake it should go behind the house not towards the lake.

**Taylor:** I know the impervious is an issue and being close to the lake. Have you thought of a pergola instead of a roof?

**Maeyaert:** With all the windows it would block some of that.

**Taylor:** You talked about screening? Are you planning on that?

**Maeyaert:** Maybe over time, not something now.

**Oleson:** Are you talking permanent screening?

**Maeyaert:** No screen you can put up and take down which we have now with the awning.

**Naaktgeboren:** What is the deck 2x10?

**Maeyaert:** I am not sure what it is and we would have it designed and built by contractor.

**Naaktgeboren:** My concerns also are the encroachment to the lake and impervious coverage. What you did in the front is nice but you do not want water to pump to the lake.

**Maeyaert:** If we get a survey could we continue?

**Quiggle:** Speaking for myself only even if under 25% I am not in favor of the roof that is too close to the lake for me.

**Smith:** I don't think we have approved anything that is under 37.5 feet.

Smith made a motion to deny the request for a variance to construct a roof over a previously open deck approximately 27 feet from Clearwater Lake and approximately 8 and 13 feet from both side lot lines. Schultz seconded the motion. Motion passed unanimously.

Smith recused himself from the board for the next hearing.

Variance to construct a 56' x 60' equipment storage building approximately 37 feet from a rear property line (min. 50 feet required). Total square feet of accessory building on property (12,512) to exceed 4,000 square feet.

Applicant: Corinna Township

Property address: 9801 IRELAND AVE NW, Annandale

Sec/Twp/Range: 15-121-27

Parcel number(s): 206000152103

**Smith/Dearing:** Asking for variance to construct a shed for storage of township material.

**Oleson:** The reason for the variance is that the rear yard setback is 50 ft and it's only going to be 37-38 feet. The total sq feet is something that applies to residential so I do not feel that this applies here. The interesting history is that there were several permits issued for other buildings and the County has never required a variance for the rear yard setback, however, we felt that we should do things correctly and require the variance. To move closer to the road it would require more fill.

**Audience:** None

**Schultz:** I'm fine with that.

**Guck:** I'm fine.

**Taylor:** Fine

**Naaktgeboren:** This just makes since and you do not want to bring more dirt and you have a holding pond there and you do not want to move that.

**Quiggle:** When they applied the County they never required a new CUP?

**Oleson:** They have not required that in the past.

Taylor made a motion to approve the Variance to construct a 56' x 60' equipment storage building approximately 37 feet from a rear property line. Schultz seconded the motion. Quiggle wanted to note that that this is now maxed out for impervious coverage. Motion approved unanimously.

#### Approve Previous Meeting Minutes

Guck made a motion to approve the August 10, 2016 meeting minutes. Schultz seconded the motion. Motion passed unanimously.

#### Zoning Administrator's Report

Permits

Correspondence

Enforcement Actions

Findings of Fact - Previous PC/BOA Decisions

#### Other Business

Review of previously granted variance requests (if time allows)

Jim Schimelpfenig: I'm hear regarding concerns regarding CUP that was granted in May 2016 to the property to the north of me. They were give a CUP to move dirt and to move a dwelling onto the property. My biggest concern is regarding the drainage. (Oleson pulled up the property on the screen) My concern at the initial meeting was the lower left hand corner there is a road ditch and there is a two to three foot ridge that prevents the water from going into that

road ditch. It was determined by a number of people that the pond could not hold any more water; At the May meeting there were several items that were pointed out. Stelten had commented that it would not be putting any more water through the culvert, there would not be any additional water going onto neighbor's property. We talked about that berm remaining so no net change and no more water going into that pond. Since that was granted the water has been being pumped over the ridge and into the ditch by the land owner. The issue is that it raises the level of that pond and now I am getting water. When that pond is overflowing it causes water to back up on my property. He also raised the level of the driveway and my understanding was that it would not be raised. Raising that driveway creates damming, it has not been is big issue yet however, my other concern is if the property is sold will the new owners be aware of the issue. I don't feel that should come from me. My other concern is that there is supposed to be a backup plan if the first plan does not work and what is that?

**Oleson:** The backup plan was to have it pipe through the ridge and it flow towards the lake.

**Schimelpfenig:** Going back to the driveway it shows it as grass driveway, my concern is if they add more gravel and then what if it gets paved.

**Oleson:** I am not sure that we received a formal plan and if this does not work we are going to have to work with Soil & water.

**Schimelpfenig:** I am not saying it doesn't work. I think it's an issue with the pumping of the water.

**Naaktgeboren:** If I understand correctly it has flooded on a regular basis.

**Schimelpfenig:** Correct it does flood. After one rain when it filled up and they pumped it, I measured it and it raised the pond 2.5 inches. So if you have a couple of rains and they are pumping it would raise even further. Our system was designed to work and it did work until they started pumping water to the pond.

**Oleson:** (showed the list of conditions) the question is if this is a violation of the conditions; is this a township issues or is it a private issue?

**Quiggle:** I think that when we design these conditions we would not want to have someone pumping water so I think it is a violation of the conditions.

**Naaktgeboren:** The issue is that we had conditions on this and I feel we need to talk to them.

**Schimelpfenig:** When the water gets that high it runs back the other way until they level out. That water should not naturally run over there unless the berm was removed. My number one concern is the pumping, the second concern is the driveway, I can handle the way it is now, however, want to make sure it is not altered further.

**Oleson:** My question is the pumping a violation of the conditions.

**Taylor:** have they turned in the mitigation a culvert to -

**Oleson:** if they have to do something different and make sure it is on file

**Taylor:** I would like to make a recommendation that Ben talk him regarding the pumping.

**Schultz:** can we add a conversation regarding the driveway? He can't raise the base of the driveway.

**Oleson:** So you are saying it is a violation of the conditions?

**Quiggle:** I think that is a negative impact which relates to number five of the conditions.

**Oleson:** I will go ahead and send a letter to the property owner.

**Oleson:** Rick Suddendorf was in for a variance for a side yard setback in 2015, he had two lots; he had a cabin and wanted to add a second story over the back half and what he is asking now is that he has been finding more issues, and is wondering if he tears it down completely could

he do a full basement; My thought is that it would be an expansion although it not a change in the footprint.

**Quiggle:** It was a side yard setback variance so why is that an issue for an expansion?

**Oleson:** It is a grey area.

**Quiggle:** I was thinking that was if it was a holding tank and he has a full septic system so I don't see why that's an issue since we have already approved the side yard setback.

**Naaktgeboren:** Is there a problem with adding to the sewer?

**Oleson:** I think you would have to confirm that when the building plans come in.

**Quiggle:** I don't feel it's an expansion.

**Smith:** You're going from a 6ft to a full basement.

**Quiggle:** I don't see the expansion issue. It's not non-conforming and it's not on a holding tank. I think there is a difference between goings up vs going down.

**Oleson:** I think it would be a modification to the variance.

**Smith:** It's adding a living space so it would be a modification to the variance.

**Quiggle:** I think it is a review of the exiting variance not a new variance and would recommend a \$50 fee for review. Board agreed.

**Oleson:** We have a Mr. Mahr on Mink Lake came through for a variance after the fact on lake side addition. The house is within the lake set back. He has a house and a detached garage is further away. He wants to add a breezeway to connect the two and add a second story to the garage. However, his garage is within the side yard setback. When someone adds on to something that does not meet the setback, however, what is being added does meet the setback, I believe that we said it would need a variance. Board agreed.

**Oleson:** I had someone contact me regarding a home that is over impervious and would like to rebuild so she is proposing a driveway that is impervious. (Copies were passed out) My understanding was that the County does not give credit for this on a driving surface. However, she indicated that she contacted them and they stated they do give credit. I contacted the County about this and Barry indicated there policy is to not give credit on any driving/parking area, however, what the township does is up to us. What I'm asking is do we want to give credit for something like this.

**Naaktgeboren:** I have seen these and they work, I would take this over the previous pavers.

Where I have seen it, it works just like a lawn. Installation and maintenance could be an issues.

**Quiggle:** If we are going to allow it we would have to make an ordinance change. I would like to research it further.

Wright County ordinance changes – do we have any recommendations? Naaktgeboren indicated that it looks good. Smith agreed.

Taylor made a motion to adjourn. Smith seconded the motion. Motion passed unanimously at 8:40pm.

Prepared by: Jean Just