

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
September 9, 2014
7:00 PM

Charlotte Quiggle called the meeting to order at 7:00 pm on September 9, 2014.

Roll Call: Board of Adjustment/Planning Commission Members Present: Charlotte Quiggle (Chair); Larry Smith; Lee Parks; Trish Taylor; Jeff Lundquist, Ben Oleson (Zoning Administrator).

Absent: Larry Thompson

Others in Attendance: Melvin Dykhuizen, Les & Linda Cantin, Marty Ferguson, Jim Dearing, Charles Field, Bradley Stegeman, Jenna Potter, Dick Naaktgeboren, Alan Jude, Rhonda Hiler

Additions or Deletions to the Agenda: Smith made a motion to approve the agenda as presented. Taylor seconded the motion. Motion carried unanimously.

Public Hearings

- a. Variance to construct a 10' x 28' lean-to addition to existing garage approximately 41 ft from the center line of a township road (min. 65ft required).
 - i. Applicant: Karl Leslie
 - ii. Property address: 8783 Ingram Ave NW, Annandale
 - iii. Sec/Twp/Range: 22-121-027
 - iv. Parcel number(s): 206028002010

Present: Jim Dearing

Dearing: Leslies are looking to add a 10x28 open lean on the side of the garage. No side walls, no concrete floor, just the roof.

Oleson: When we put the notice out it was just the setbacks that we were looking at, however, when looking at this more in depth, the maximum coverage for accessory buildings is 1600 sq ft and they have 1812 right now. They would be adding 280ft. If you recall this was through a variance process last May. When we granted the variance one of the conditions is if the property is transferred out of the family the guest house needs to be taken down. So we are looking at 3 variance requests. The side & road setbacks & accessory building coverage issue.

Audience: None

Lundquist: So if I am understanding it correct, the variance that was granted before allowed them to be at the 1812 sq ft?

Oleson: Yes we allowed for the guest house and boat house to remain.

Lundquist: So we are looking at adding another 200 sq ft. I am not sure we can allow for another 200 sq ft. The County does indicate that a lean too is an accessory building?

Oleson: If was just a 3-4ft overhang with no post support may not, but this is 10 ft out.

Dearing: It is a nice looking place and they prefer not to just put up a shelter with a tarp over it.

Lundquist: My only concern is adding to what is already over what the ordinance says.

Dearing: The guest cabin does have to be removed when it is sold out of the family and then they would be under.

Oleson: The guest cabin is 800 sq ft so when it is gone it would bring it back under.

Taylor: I understand, but I know we made allowance for that guest cabin and they are over right now. I'm concerned about the 200 sq ft. How big is the pontoon?

Dearing: About 8x8 wide or less

Taylor: My concern is they are over and we already made allowances for the guest cabin.

Parks: I agree with you on the aesthetics, however, I do not know that we can do anything with that since they are already over until some of the coverage is reduced elsewhere.

Smith: I agree, there situation is about the pontoon and there are other alterative like offsite storage.

Quiggle: I agree they are already over, if at some time the guest cabin is torn down I would not have a problem with revisiting at that time.

Lundquist: Is this being attached to the attached garage or another accessory building? If was an attached garage would it be ok?

Oleson: It is being attached to a detached garage. If it was being done to an attached garage then it would have been ok. If wanted to give them some flexibility you could grant the variance with the condition that they meet the condition of the accessory building sq footage, whether they do that by removing one of the accessory building or attaching the garage they would have 3 years to decide what they want to do.

Quiggle: We can discuss the side yard and road setback and if we are OK with those we could say it is contingent on the total accessory structures not exceeding 1600 sq ft.

Lundquist: I am ok with the side yard & road set back as it is already farther back than the garage - no issue

Taylor: No issue with set backs

Parks: No issue

Smith: No issue

Quiggle: I have no issue

Lundquist made a motion to approve the side yard setback of 9.4 ft from the east property line, Road setback of 41 ft from the center line as long as they meet the accessory building restriction of 1600 sq ft with the following conditions:

1. 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 between the area of disturbance and the lake as well as to any neighboring properties which are downslope of the disturbed areas. 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 re-established.

Smith seconded the motion. Motion passed unanimously.

- b. Variance to construct a 3,200 sq ft addition on the northeast end of an existing commercial building approximately 127 ft from the centerline of County Road 6 (min. 130 ft required) and 38 feet from a rear property line abutting a residential district (min. 50 ft required) and a 2,484 sq ft addition on the southwest end of an

existing commercial building approximately 0.1 feet from a rear property line abutting a residential district (min. 50 ft required).

- i. Applicant: Fergsba LLC (Marty Ferguson)
- ii. Property address: 9030 64th Street NW, Annandale
- iii. Sec/Twp/Range: 33-121-027
- iv. Parcel number(s): 206114002040 and 206106001010

c. Conditional Use Permit for the expansion of an existing commercial building to be used for additional cold storage, office, and retail space related to an existing wholesale business.

- i. Applicant: Fergsba LLC (Marty Ferguson)
- ii. Property address: 9030 64th Street NW, Annandale
- iii. Sec/Twp/Range: 33-121-027
- iv. Parcel number(s): 206114002040 and 206106001010

Present: Marty Ferguson

Ferguson: I am looking to extend the roof line to the front and back to have more of the product inside rather than outside and a better entryway coming into our office area of the building. It would give us a buffer zone from the cold weather.

Quiggle: For the CUP - is that because you're adding retail space?

Ferguson: We do not have much for retail, however, when customers come in we have a few tools that if they need they could buy. That would move to the addition area which will be a larger area, however, that is not our primary business.

Audience: Al Jude - I live down County Road 6 and I go by a few times a week and you can see that he takes care of it and if he is trying to cover things up. It means he is taking pride in his place. I do not see this as much of a change and it is a good tax base for the township.

Oleson: The County highway department said they have no concerns. It is fairly straight forward and they would be very close to the setback on the west property line, it is wetland, and would not quite meet the road setback on the east side. We had a number of conditions last time and they were all met. Just the two variances for the setbacks and the CUP.

Taylor: I have no concerns.

Parks: Where does the 38ft from the property line come into play?

Oleson: 38 feet from the residentially-zoned property in the back. However, the building is already closer than what the addition will be.

Parks: Ok - I just wanted to clarify.

Smith: We talked about water issues last time - how did you address that?

Ferguson: Gutters, flexible tubing, erosion control net and ran it into the wetland.

Smith: You will do that again?

Ferguson: Absolutely.

Taylor: Is that your supplies that are encroaching on the other property (referencing the area on the south property line of the north property)?

Ferguson: Yes and the neighbor is fine with that. We have their permission.

Taylor: Just wanted to confirm since it is encroachment.

Lundquist: I have no concerns and the residential area is far enough away.

Quiggle: I agree and you have enough screening with the tree coverage, I understand the reason for all the doors. My one concern is the CUP with the retail. My only reason is that it goes with the property not with the owner can it be limited to certain square footage so that it does expand more than it is right now?

Parks made a motion to approve variance to construct a 3,200 sq ft addition on the northeast end of an existing commercial building approximately 127 ft from the centerline of County Road 6 (min. 130 ft required) and 38 feet from a rear property line abutting a residential district (min. 50 ft required) and a 2,484 sq ft addition on the southwest end of an existing commercial building approximately 0.1 feet from a rear property line abutting a residential district (min. 50 ft required) with the following staff recommendations:

1. The applicant shall install necessary materials to ensure that rainwater running off of the roof does not create an erosion problem on the hillside leading to the wetlands on the west or the east or on any other part of the property or adjacent properties.
2. Any outdoor storage areas shall be screened consistent with the requirements of the Township Zoning Ordinance.
3. The applicant shall adequately mark and protect the area of the septic drainfield and tanks so that no equipment or materials or vehicles are stored or parked on top of them.

Taylor seconded the motion. Motion approved unanimously.

Parks made a motion to approve Conditional Use Permit for the expansion of an existing commercial building to be used for additional cold storage, office, and retail space related to an existing wholesale business with the following staff recommendations:

1. Retail use shall be limited to 360 sq ft with no advertising via signage on the property as being a retail business

Taylor seconded the motion. Motion approved unanimously.

- d. Variance to construct a 30' x 26' dwelling addition to an existing dwelling approximately 33.7 feet from Cedar Lake (min. 75 ft required).
 - i. Applicant: Bruce and Cathleen Campbell
 - ii. Property address: 8433 70th Street NW, Annandale
 - iii. Sec/Twp/Range: 34-121-027
 - iv. Parcel number(s): 206024000121

Present: Cathleen Campbell

Campbell: I have an addendum that mentions I would put gutters on the home and addition and this will be done as well as rain barrels on our hard surface patio. We will direct rain water with rain gardens on the north side of the house or slope to the low end of the property to the west which is on the back side of the property. The addition would be added to the north end of the house and match up with the existing house. The addition would come out 30 ft from the north end of the house. The south is where we added on previously. We would be adding a master bedroom and bathroom in the addition and changing the other side to a one bedroom and bathroom so there would be no increase in bedrooms.

Oleson: We do have a stormwater plan. The variance is necessary due to the setback. The setback for the addition would be at 33.7 ft from Cedar Lake, closest is 36.2ft at this point for the existing house. We have a shore impact zone in the DNR regulations which is ½ of the setback requirement which would be 37.5 ft. Typically the intent is to restrict any kind of development in that area. They have a unique lot, with a channel coming through on one side. Home was built in the 1970's, variance in 1998 to build an addition on south side and that was 40 ft from the lake. In 1999 applied to enlarge the bump out which was denied, however, a 5ft bump out

was approved and not completed. It drains pretty well and it would come away from the lake naturally but if not it could be managed.

Quiggle: Do I recall we received a public comment?

Oleson: Public comment asked about building out to the back of the house to not encroach on the shoreline.

Campbell: It would come out towards my septic and we want the house to function as it is. If you look at it you do not really see that end of the house.

Audience: Dick Naaktgeboren - my only comment to stay further from the lake - maybe to angle the addition more.

Campbell: It would not match to the roof line and does not do what we want it to do.

Parks: That plan you just handed out, is that different than what you already presented? Are you deleting the porch?

Campbell: Not sure - we may but it would not change the amount of sq ft. We are adding 30' x 26' and depending on the room needed the inside rooms may change slightly.

Talyor: This one shows 30'x30' addition?

Campbell: We are looking at 30' x 26' addition. Depending on the size of the bedroom and bathroom will determine if we have anything else in there.

Quiggle: No basement under this?

Campbell: We would like to if we can.

Quiggle: We need to know that. In order to be a basement it needs to be 4ft above the high water table.

Campbell: It will be matching the house currently and it is a split entry with 5 or 6 ft above the water level now so when you come in that you only go down 5 steps.

Oleson: Highest known is 999.3. It may be that your existing basement is grandfathered in.

Parks: My opinion is that we adjust to have the addition meet the 37.5 ft.

Smith: I think we have to meet the 37.5 ft.

Lundquist: That is the same issue I have is to meet the 37.5 ft weather you angle or jog it back.

Taylor: I agree.

Quiggle: I agree and even 37.5 is closer than we have allowed, but due to the uniqueness of the lot...our concern is the impact to the shoreline.

Oleson: Do you want to table it or approve on that condition?

Quiggle: I am thinking we would like to see it with building plans to know what they are planning on doing to make sure that it is able to be done.

Parks made a motion to table until the October 14, 2014 meeting to see house plans meeting the 37.5 feet or more setback. Lundquist seconded the motion. Motion passed unanimously.

- e. Variance to remove a condition on a 1999 lot line adjustment that requires the lake lot and the back lot to be treated as one for the purposes of sale and development.
 - i. Applicant: Lester and Linda Cantin
 - ii. Property address: 10611 Hollister Ave NW, Maple Lake
 - iii. Sec/TWP/Range: 11-121-027
 - iv. Parcel

Present: Les Cantin, Linda Cantin, Jenna Potter

Mr. Cantin: Back in the year 2000 I split the lot and sold some off to Chuck Barry leaving 2.79 acres left where the garage and shed are. At that time nothing was said that it was attached to the property on the lake side. We do have two tax statements. When it came time to sell the

couple wanted to buy the lake lot only. When asked to get an address for the back lot we were told it was annexed to the lake lot. We never received anything on in and when the title search was done nothing was found. So what we are asking is to have the two lots separated again.

Oleson: The 1999 variance proceedings was splitting off 2.79 acres of the back lot and it was granted with the two to be owned under common ownership. A few month before in 1998 they went to see about splitting the property in to 5 lots, however, Mr. Barry apparently asked to buy some of the land and instead of going through the cost to split they sold some to Mr. Barry. In early 1999 they went to the County to split into two lots. The concern was that they cannot allow two homes on this lot so in they assigned the building entitlement to stay with the part sold to Barry and they tied the Cantin's remaining portion to his lake lot so that it would not have another home on it. The condition states they allowed lot line adjustment to be owned under common ownership. When you have two non-conforming lots next to each other they could not be split. If we do allow to separate it, we need to be sure we decide what can or cannot be done on that lot. As per this condition it is not a buildable lot, however, it has had sheds on the lot for several years.

Mr. Cantin: There was a garage about 10 ft off the road and it was starting to fall down so I proposed to build a new shed and they wanted us to move it back away from the road. That was in 2005.

Oleson: Variance in 2005 allowed to build a 30' x 60'. In 1999 there was one that burnt down that was rebuilt. The County was not making it unbuildable for storage buildings - just for a house. So the question is - are we comfortable splitting when the County has tied them together, and if we do that do we put a deed restriction on this lot. If it was platted it could make it a buildable lot.

Mr. Cantin: The plan is to not sell it at all right now. We live south in the winter so we would only back in the summer and we stay at Linda's folks place in the summer.

Audience: Brad Stegeman - My concern was if this was going to end up being a second tier of homes.

Naaktgeboren: I look at it that if we put deed restrictions on the lot it takes care of it.

Oleson: If someone came in and said they want to plat this then you are implying that it could be built on. If you platted it as an outlot it could be noted that it cannot be built on.

Lundquist: I think putting a deed restriction solves the problem.

Taylor: You can do a plat of the outlot. There needs to be a statement that it is a non-buildable lot, but restricting that it has to be tied to another lot is a larger restriction.

Smith: I think everyone wants a back lot to their house and this one has one I think that it should stay tied to the lake lot.

Mr. Cantin: Right now it is due to money for the current buyers.

Potter: We had it listed together and no one wanted both. We tried it for two years and could not sell them together, for some it was money for others it was the amount of work to take care of the two lots.

Quiggle: I have a problem with untethering it because generally accessory structures are adjacent or tied to a home. Generally you don't have accessory structures just kind of floating out there. It would change the nature of the neighborhood and that is a concern of mine. And because this was a variance we have statutory questions we have to address for allowing a variance and one of them is was this situation caused by the property owner.

Mr. Cantin: They did that at the county level and we did not find that out until 3 or 4 days before we closed on the house that this lot was attached.

Quiggle: The application states that the applicant (Mr. & Mrs. Cantin) applied to add 2.79 acres as a back lot to lot 9 which is the lake lot. Your request was to add the acres and the variance hearing indicated it would be in common ownership. It cannot be just for economic reasons that we grant the variance.

Mr. Cantin: Say another neighbor wanted to buy it. If we do not get this variance you are saying we would not be able to sell to anyone else.

Quiggle: If one of other neighbors wanted to buy it I would not have a problem with that kind of transfer. In my mind it would have to be tied to a residence. That would have to happen simultaneously as your lake lot.

Mr. Cantin: A neighbor could not find a lot near him so he bought a piece of lot a ½ mile down the road to store his pontoon etc. However your telling me that I cannot do that, I 'm restricted.

Lundquist: I disagree that there are not a lot of parcels out there with accessory buildings only on them so I do not have a problem with it. I think if you put a deed restriction it will cover the issue of not having a home on it. Technically it is a separate lot since there is a road in between it. What did the Title Company say?

Potter: It went to a reviewer and went into deeper searches to make sure there was no issues and they told us we were in the clear.

Oleson: There was some conversations last year when I talked to the County about the history of this application, around September 2011 when I asked the history on it and then then again this past May. However, I am not sure what all the discussion was with the landowners or realtor at that time.

Potter: We asked about what could be done with the back lot and we had thought all along that they were separate.

Mr. Cantin: We were asked if we could take off a portion of the back lot and sell it to a neighbor. Someone told me that you would have to sell them an acre.

Oleson: It was a recorded document so it should have been caught in the title search and it didn't.

Taylor: It is a tricky situation when we reverse what was already done. I would like to know what the township attorney would have to say about reversing and if we could do deed restrictions. The cleanest way may be to have it platted and put restrictions in the platting.

Parks: I'm with Jeff I do not have a problem with having it separated with deed restriction.

Quiggle: Looks like we have two that are OK with it as long as we have a deed restriction, two that are not for splitting it off and one that wants to check with the attorney.

Taylor: I don't have an issue with platting it off as long as we have it restricted as a non-buildable lot. I don't see an issue with selling it to someone further down the road if he has a buyer.

Quiggle: How do you answer the statutory questions?

Taylor: I would like having it tabled and ask the attorney some questions.

Mr. Cantin: We had meetings regarding platting, and I did realize that they were attached.

Potter: I think what is worded on the recorded document is worded differently. My understanding was that it did not have a building entitlement not that the lots were joined.

Mr. Cantin: I have a chance to sell our home and keep the property across the road for myself. When I put a new sewer in there they would not allow me any of the property across the road for my sewer.

Oleson: When I talked to the county staff they said to make that back lot separate or buildable, they could either come here or have the original decision changed or if you deny it, they could

come back in and plat it so that it was clear that they could be separate. It is zoned R1 so it would allow for subdivision subject to all the requirements.

Quiggle: If you come in to plat the property it will then need to have two places for a sewer.

Oleson: Yes there are things that would have to happen, however, there is a way to separate these lots and it would release them from having the lots tied together. I will have to check for sure but my understanding is that they could plat the back lot.

Oleson: These are your options: Deny, approve it on conditions of the deed restrictions with township attorney approval, or table for further information.

Taylor made a motion to table it until the October 14, 2014 meeting to gather some further information. Quiggle seconded the motion. Lundquist asked Ben to check on if they plat the lot does that remove the condition. Motion passed unanimously.

Smith made a motion to approve the previous meeting minutes of August 14, 2014. Taylor seconded the. Motion passed unanimously.

Zoning Administrator's Report

Permits: Federated Co-op permit was issued because it was part of the original CUP that was issued. .

Correspondence: No discussion.

Enforcement Actions: No discussion.

Findings of Fact - Previous PC/BOA Decisions: Reviewed and approved.

Other Business

Comprehensive Plan Update - Tabled due to the length of the meeting.

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

Minutes prepared by Jean Just