
CORINNA TOWNSHIP

BOARD OF ADJUSTMENT/ PLANNING COMMISSION

MEETING PACKET FOR
August 14, 2014

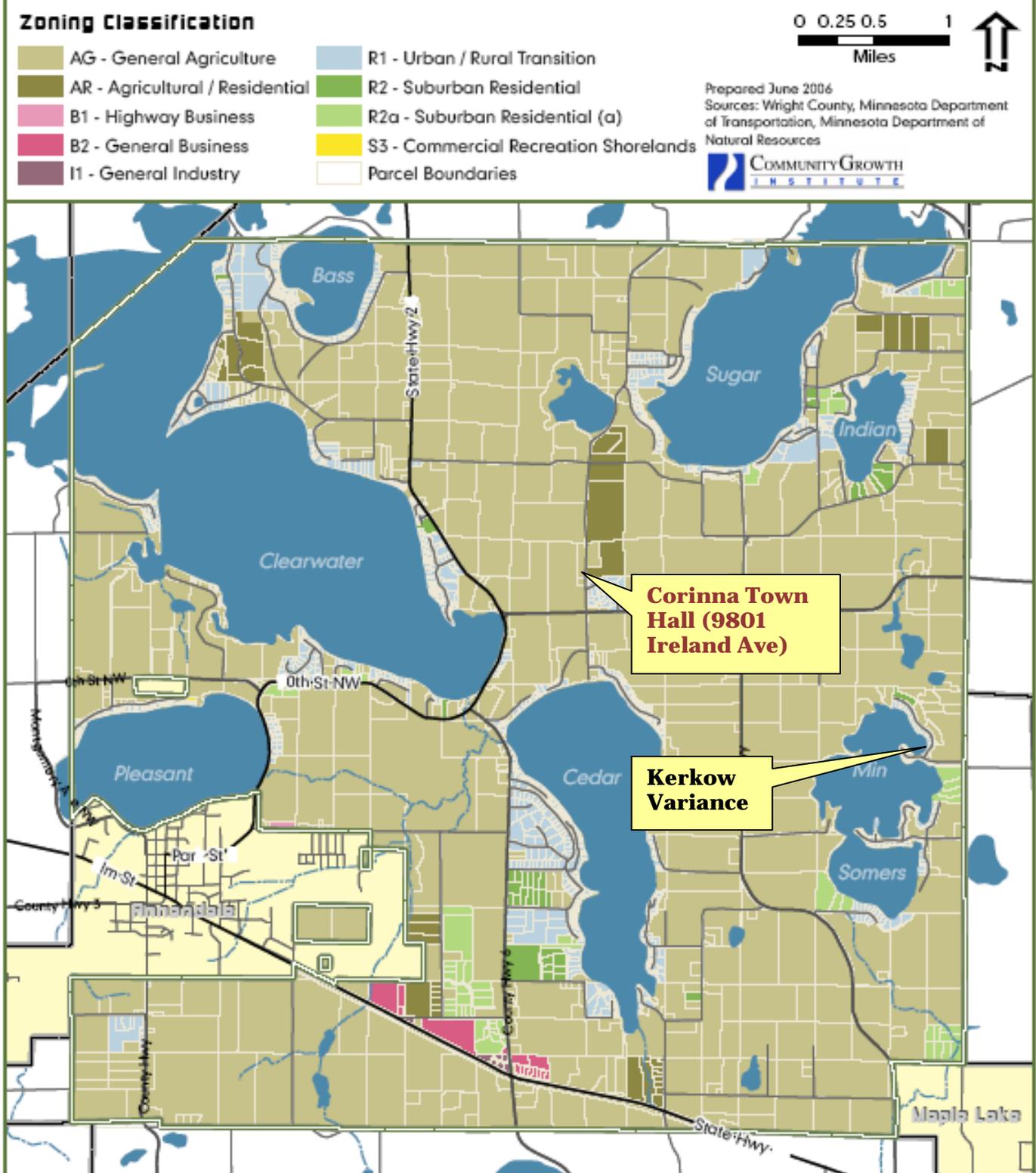


CORINNA TOWNSHIP
AGENDA
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
August 14, 2014
7:00 PM

1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
4. Public Hearings
 - a. Variance to place a new septic holding tank approximately 44 feet from Mink Lake (min. 75 feet required), 0-2 feet from a detached garage and 6-8 feet from a dwelling (min. 10 ft required)
 - i. Applicant: Loren Kerkow
 - ii. Property address: 8583 Griffith Ave, Maple Lake
 - iii. Sec/Twp/Range: 24-121-027
 - iv. Parcel number(s): 206090002030
5. Approve Previous Meeting Minutes
 - a. July 8, 2014
6. Zoning Administrator's Report
 - a. Permits
 - b. Correspondence
 - c. Enforcement Actions
 - d. Findings of Fact - Previous PC/BOA Decisions
7. Other Business
 - a. Planning Commission/Board of Adjustment Training Session (if time allows)
 - b. Comprehensive Plan Update (if time allows)
8. Adjournment

This agenda is not exclusive. Other business may be discussed as deemed necessary.

Corinna Township Location Map for August 14, 2014 Public Hearing(s)



**The parcels identified on this map are subject to public hearing.
The public hearing will be held at Corinna Town Hall
at 7:00 pm.**

STAFF REPORT

Application: Variance to place a new septic holding tank approximately 44 feet from Mink Lake (min. 75 feet required), 0-2 feet from a detached garage and ~~0-4~~ ~~6-8~~ feet from a dwelling (min. 10 ft required)

Applicant: Loren Kerkow

Agenda Item: 4(a)

Background Information:

- **Proposal:** The applicants have a year-round home which is currently served by a nonconforming cesspool septic system. They are proposing to replace this with a 2000 gallon holding tank to be placed in close to the same location.

During staff review of the application, based on measurements by the applicant, it was discovered that the proposed tank would need to be moved several feet to the south/west so as to be 50 feet from the neighbors well to the north. The tank would also need to be 50 feet from the well on their own property, which the application indicates that it is. These measurements will be verified by staff prior to the hearing as a survey has not been submitted with the application.

Setback variances are required due to the tank being about 56 feet from the lake (min. 75 ft required), about 4 feet from the applicant's home (min. 10 ft required) and 0-2 feet from the applicant's detached garage (min. 10 ft required).

If the tank were to be moved elsewhere on the property, it appears the only place that it could be moved, while still meeting setbacks to the wells in the area, would be closer to the lake. This would likely be true even if the applicant were to drill a new well in a different location on the lot.

Staff will be verifying all measurements on site prior to the public hearing and will provide any updates to the above measurements as they are available.

- **Location:**
 - Property address: 8583 Griffith Ave, Maple Lake
 - Sec/Twp/Range: 24-121-027
 - Parcel number(s): 206090002030
- **Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Mink Lake (Recreational Development lake)
- **Lot size:** Approx. 9,350 sq ft (0.21 acres) according to Beacon GIS estimate.

Existing and Proposed Impervious Coverage:

- Buildings: 1,584 sq ft (~16.9%)
- Total: 2,265 sq ft (~24.2%)

- **Septic System Status:** There are no records of the install date for the existing holding tank, although the house permit was issued in 1970. The replacement of this tank with a new holding tank is the subject of this variance request.
- **Natural Features:**
 - Floodplain: The property is not within an identified floodplain.
 - Bluff/Steep Slopes: The property does not contain steep slopes or a bluff.
 - Wetlands: There do not appear to be any wetlands that would impact this proposal, although the water table is high in this area. There are wetlands to the west of the road.
- **Permit History:**
 - 1970 - New house
 - 2014 Septic inspection (non-complaint cesspool)

Applicable Statutes/Ordinances:

Minnesota Statutes

462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.

Subd. 6. Appeals and adjustments.

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section [216C.06, subdivision 14](#), when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be,

may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Corinna Township/Wright County Regulations

502. APPEALS AND BOARD OF ADJUSTMENT

502.4 Findings

- (1) The Board of Adjustment must review variance petitions and consider the following factors prior to finding that a practical difficulty has been presented. The applicant must provide a statement of evidence addressing the following elements to the extent they are relevant to the applicant's situation.
 - (a) The granting of the variance will be in harmony with the County Land Use Plan.
 - (b) The property owner proposes to use the property in a reasonable manner not permitted by an official control.
 - (c) The plight of the owner is due to circumstances unique to the property not created by the owner.
 - (d) The proposal does not alter the essential character of the locality.
 - (e) The practical difficulty cannot be alleviated by a method other than a variance; and.
 - (f) The granting of the variance will not adversely affect the environmental quality of the area.

The Board of Adjustment may grant a variance if it finds that all of the above factors have been established. The Board of Adjustment must not approve a variance request unless the applicant proves all of the above factors and established that there are practical difficulties in complying with official controls. The burden of proof of these matters rests completely on the applicant.

716. SEWAGE AND WASTEWATER TREATMENT AND DISPOSAL STANDARDS

716.3 Site Evaluation and Design Requirements

**Table 3
Minimum Setback Distances (Feet)**

	Sewage or Holding Tank	Soil Treatment or Absorption Area	Building Sewer or Supply Pipes
Water Supply Wells* (50 feet of continuous casing or encountering 10 feet of impervious material)	50	50	50**
Water Supply Wells* (less than 50 feet of continuous casing)	50	100	50**
Buried water suction pipe*	50	50	50**
Buried pipe distributing water under pressure*	10	10	10
Buildings***	10	20	-
Property Lines****	10	10	-
Subsurface drainage systems such as field tile lines	50	50	-
Surface drainage systems such as open ditches	30	30	-
The ordinary high water mark of the following types of lakes:			
Natural Environmental Lakes and Transitional River Segments (North Fork of the Crow)	150	150	-
Recreational Development Lakes, Mississippi River, Agricultural Rivers and Tributaries as defined in Section 612.4	75	75	-
General Development Lakes	50	50	-
All public water wetlands as defined by Minnesota Statutes, Section 103G.005, Subd. 15a or successor statute	50	50	-

* Setbacks from buried water pipes and water supply well as governed by Minnesota Rules, Chapters 4715 and 4725, respectively.

** The setback can be reduced from 50 to 20 feet if the building sewer or supply pipe is air tested by holding 5 pounds of air pressure for 15 minutes.

*** For structures other than buildings these setbacks may be reduced if necessary due to site conditions, but in no case shall any part of the individual sewage treatment system be located under or within the structure. For this provision to be employed there shall not be interior space below the structure. For the new construction of a structure without interior space below the structure no part of the absorption area shall encroach closer than 10 feet.

**** The setback from the treatment area to the platted road may be reduced with written approval from the road authority. The Board of Adjustment shall review variance requests, including those from common property lines, per 502 Appeals and Board of Adjustment in the Wright County Zoning Ordinance.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Board of Adjustment:

1. Will the granting of the variance be in harmony with the general purposes and intent of the Corinna Township Land Use (Zoning) and/or Subdivision Ordinance?

Yes: The spirit and intent of the ordinance is that all homes have some kind of septic treatment. For newly developed lots, service by a holding tank only is not allowed without Board of Adjustment review (and restrictions such as seasonal use only), but for existing dwellings there is a need to allow for whatever septic system can be reasonably installed.

2. Will the granting of the variance be consistent with the Corinna Township Comprehensive Plan?

The Comprehensive Plan does not directly address this situation, except to make general statements about adhering to septic requirements.

3. Is the proposed use of the property reasonable?

Yes. The replacement of a holding tank which is nonconforming with a conforming holding tank is a reasonable request. The proposed location is reasonable given the various setback requirements.

4. Is the plight of the landowner due to circumstances unique to the property not created by the landowner?

Yes. The need for the variance is due largely to the location of the well on the property and on adjacent properties, the lake on both sides of the property, and the small dimensions of the lot.

5. Will the variance, if granted, alter the essential character of the locality?

No. The appearance and use of the lot will not change.

6. Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?

No. The need for the variance is due to other factors mentioned in #4 above.

7. Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?

Needs discussion. It appears that the only place the tank could be moved would be closer to the lake if it were to meet the required well setbacks.

8. Will the granting of the variance adversely affect the environmental quality of the area?

No. The installation of a new holding tank would help to properly manage the sewage generated on-site and prevent pollution of the groundwater or lake.

Board of Adjustment Direction: The Board of Adjustment may approve the variance request, deny the request(s), or table the request(s) if the Board should need additional information from the applicant. If the Board should approve or deny the request, the Board should state the findings which support either of these actions.

Staff Recommendation: Based on the findings of fact and discussion above, and subject to confirmation of the various setbacks (particularly the setback in relation to the well on the applicant's property and adjacent properties), Staff recommends approval of the requested variances.

If the variance is approved, Staff recommends consideration of the following conditions of that approval:

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.

Application # <u>V14-008</u>	Date Application Rec'd <u>7/3/14</u> (for office use only)	Fee Collected \$ <u>400⁰⁰</u>
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**CORINNA TOWNSHIP
VARIANCE APPLICATION**

Name of Applicant: Loren Kerkow

Property Address: 8583 Griffith Ave N.W

Mailing Address (if different): 20283 26th Avenue, Belle Plaine mn 56011

City: Maple Lake State: MN Zip: 56011

Phone (home/work): 952-873-6188 Phone (cell/other): 612-237-7483

E-mail (optional): butch21@frontiernet.net

Applicant is: **Title Holder of Property (if other than applicant)**

Legal Owner Name: SAME.

Contract Buyer Address: _____

Option Holder City, State, Zip: _____

Agent

Other Please specify: _____

Property ID #: (12 digit # on tax statement) 206-090002030 Lake Name (if applicable) mink lake

Legal Description: (attach if necessary) sect 24 Township 121 Range-027 Vans Island Beach 1st Addn Lot 003 Block 002

Signature of Legal Owner, authorizing application (required): [Signature]
(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): _____
(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

- What type of variance are you requesting (check as many as apply)?
- 1 per 40 Division
 - Road Setback
 - Building/Impervious Coverage
 - Lot Line Adjustment
 - Lake or River Setback
 - Height of Structure
 - Undersized Lot
 - Side or Rear Line Setback
 - Septic System Setback
 - Appeal of Staff Interpretation
 - Bluff Setback
 - Other _____

Please read the variance application in its entirety before submitting the application. See the attached schedule of public hearings for relevant application deadlines. The full land use ordinance is available at the Town Hall and online at www.hometownplanning.com/corinna-township.html.

NOTE: Incomplete applications, as determined by the Zoning Administrator, will not be accepted or scheduled for a hearing. It is recommended that you work with the Zoning Administrator well before the application deadline to ensure that you have all required information so as to avoid delays in the hearing of your application.

Please complete all of the following questions:

1. What are you proposing for the property? State nature of request in detail:

Replace Non-compliant cesspool ~~3~~ replace with
2000 gallon sealed tank with Alarm System
which will be pumped regularly.

Tank
only

2. Describe why you believe the granting of the variance request would be in harmony with the general purposes and intent of the Corinna Township Land Use and/or Subdivision Ordinance (available at www.hometownplanning.com/corinna-township.html).

TO protect lake water from contamination

3. Describe why you believe the granting of the variance would be consistent with the Corinna Township Comprehensive Plan (Plan available at www.hometownplanning.com/corinna-township.html).

TO bring as closely into compliance
as we can to the ordinances based on size &
location of lot.

4. Describe why you feel that your proposal is a reasonable use of the property.

New System is required to bring property into compliance
& will improve quality of environment.

5. Describe what factors contributing to the need for a variance were not in your control. Address factors such as the lot size or shape, topography, location of existing buildings, sewer systems and wells, and any other factors you feel are relevant. *Size of lot, location of lot, Non compliant sewer system - purchased property "As is" and bringing it to compliance.*
6. Describe the character of the area and why your project will not substantially change the character of the neighborhood or be a detriment to nearby properties. *once New septic is in there will be NO changes to the character of the neighborhood. Change will improve Environmental Quality & bring property into compliance with Township ordinances.*
7. Describe why it is not feasible for your project to meet the minimum requirements of the ordinance. What options did you explore that would minimize the variance necessary and why did you determine these were not feasible alternatives? *LOT SIZE, Lot Location No other options are available - new septic must be put in to make ~~this~~ the system compliant.*
8. Discuss what impacts, if any, the requested variance may have on the environmental quality of the area. For any potential impacts, how do you intend to eliminate or minimize their effect? *Variance will actually improve environmental quality*
9. **Flood Insurance Notice:** If your variance request involves a request to construct a structure below the base flood level, you are hereby notified that this will result in an increased premium rate for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage. Such construction below the base or regional flood level increases risks to life and property. *NA*
- *If you are requesting to construct a structure below the base flood level, please initial here that you have read and understand the above notice:*** _____
10. Please include any other comments pertinent to this request.

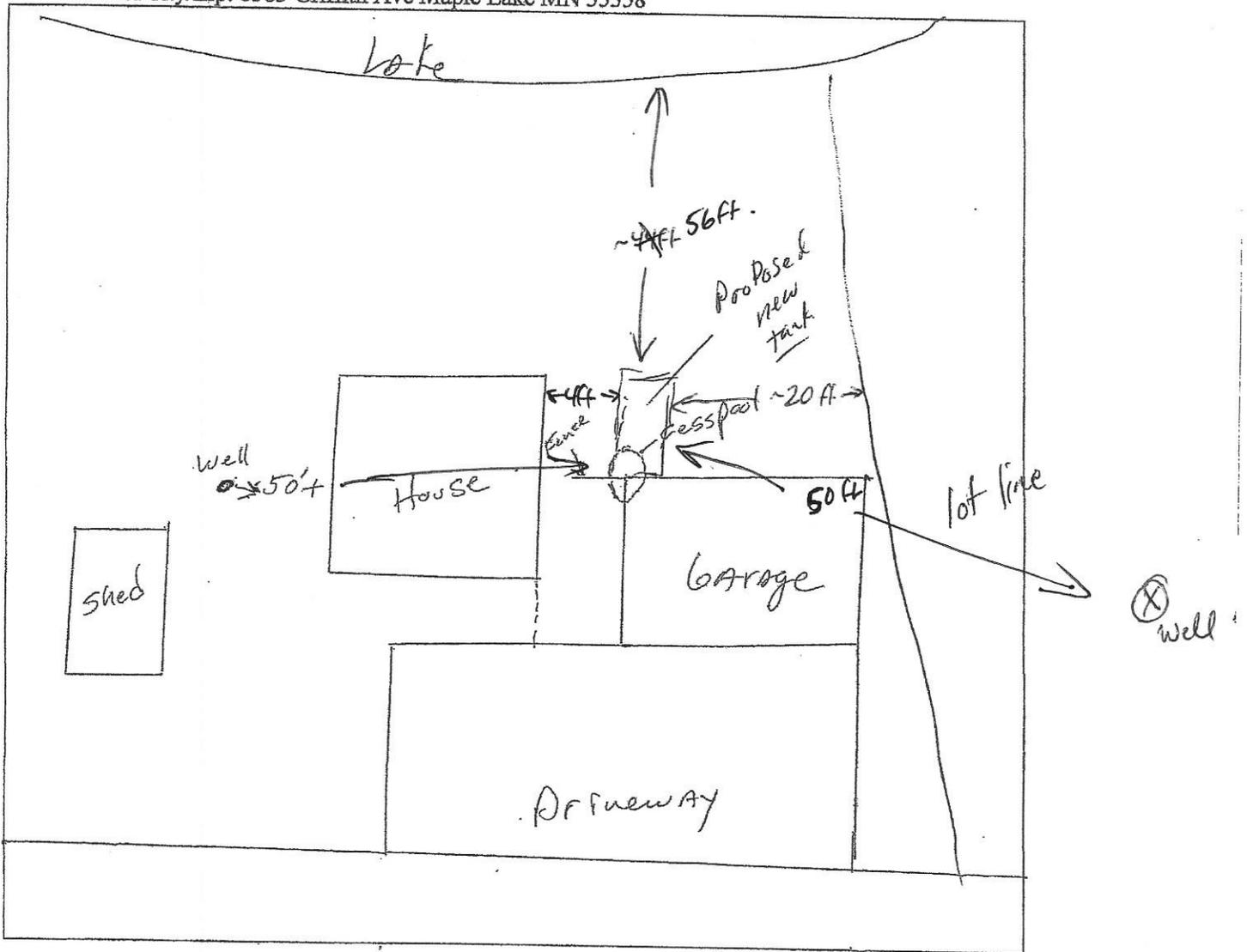


Parcel ID	206090002030	Alternate ID	n/a	Owner Address	HIETANEN FAMILY TRUST
Sec/Twp/Rng	24-121-27	Class	201 - RESIDENTIAL		HERBERT&DOROTHY HIETANEN TRTEE
Property Address	8583 GRIFFITH AVE NW MAPLE LAKE	Acreage	n/a		8583 GRIFFITH AVE NW MAPLE LAKE, MN 55358

District n/a
Brief Tax Description Sect-24 Twp-121 Range-027 VANS ISLAND BEACH 1ST ADDN Lot-003 Block-002
(Note: Not to be used on legal documents)

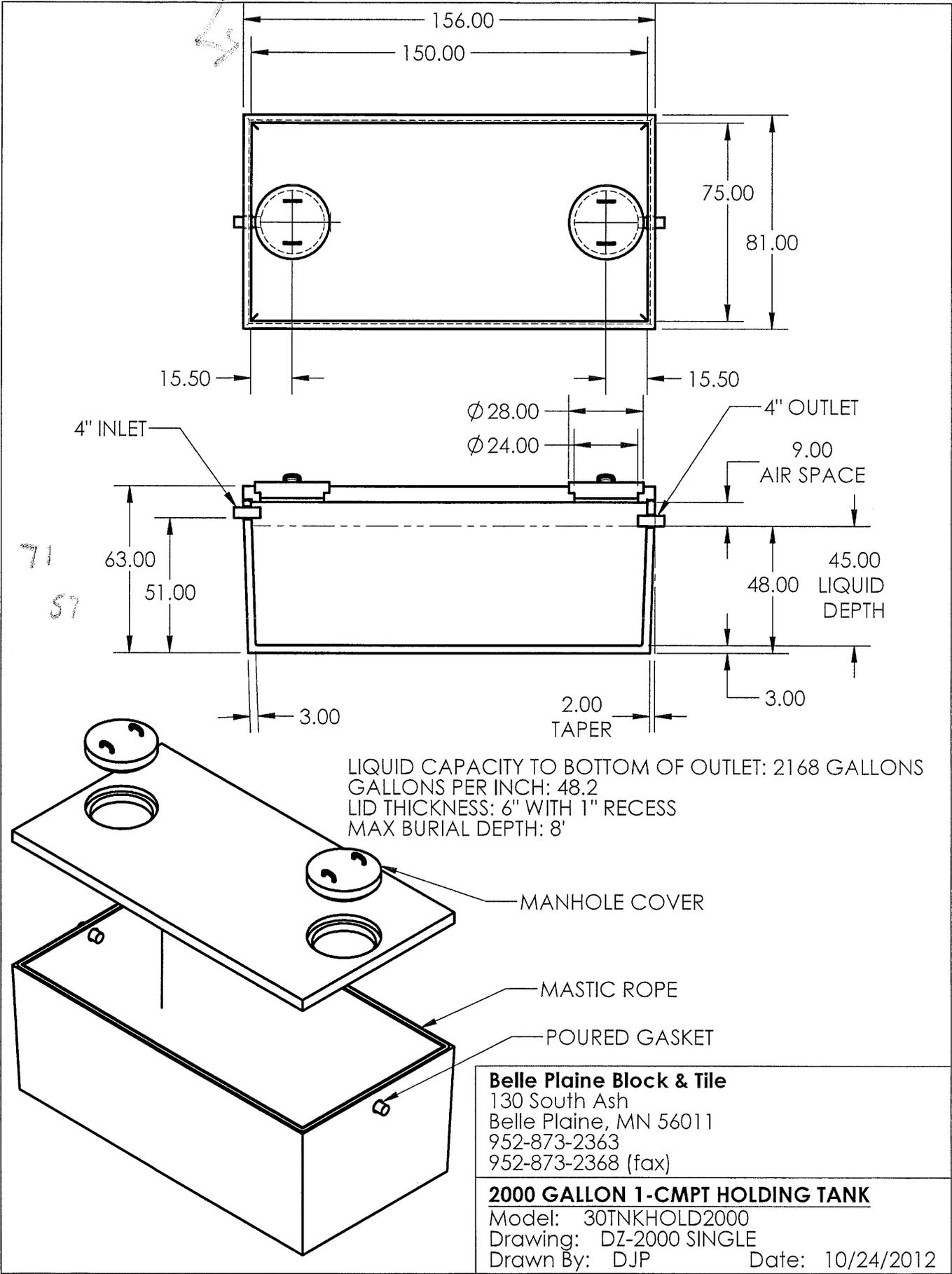
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Owner: Dorothy Hietanen
 Street/City/Zip: 8583 Griffith Ave Maple Lake MN 55358



Boring 1		Elevation:	Location:	
Soil Horizons Depth (inches)	Texture	Color	Structure	
NA	Cesspool			

146" 175 box 2500
126



LIQUID CAPACITY TO BOTTOM OF OUTLET: 2168 GALLONS
 GALLONS PER INCH: 48.2
 LID THICKNESS: 6" WITH 1" RECESS
 MAX BURIAL DEPTH: 8'

MANHOLE COVER

MASTIC ROPE

POURED GASKET

Belle Plaine Block & Tile

130 South Ash
 Belle Plaine, MN 56011
 952-873-2363
 952-873-2368 (fax)

2000 GALLON 1-CMPT HOLDING TANK

Model: 30TNKHOLD2000
 Drawing: DZ-2000 SINGLE
 Drawn By: DJP

Date: 10/24/2012