
CORINNA TOWNSHIP

BOARD OF ADJUSTMENT/ PLANNING COMMISSION

MEETING PACKET FOR
August 11, 2015



CORINNA TOWNSHIP
AGENDA
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
August 11, 2015
7:00 PM

1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
4. Public Hearings
 - a. Variance to construct a partial second story addition to an existing single story home that is approx. 50 ft from Cedar Lake (min. 75 ft required) and approx. 3 feet from a side lot line (min. 15 ft required) and a 10' x 12' single-story mud room addition to the southeast corner of the existing dwelling.
 - i. Applicant: Richard Suddendorf
 - ii. Property address: 8899 Ingram Ave NW
 - iii. Sec/Twp/Range: 22-121-27
 - iv. Parcel number(s): 206021000070
 - b. Conditional Use Permit/Land Alteration for the movement of approx. 1000 cubic yards of soil in a shoreland area.
 - i. Applicant: Mark and Pam Rentz
 - ii. Property address: 11877 Grant Ave NW, Maple Lake
 - iii. Sec/Twp/Range: 1-121-27
 - iv. Parcel number(s): 206000011111
 - c. Variance to construct a 30' x 80' storage building approximately 5 feet from a rear property line (min. 50 ft required).
 - i. Applicant: Lampi LLC
 - ii. Property address: 9094 64th Street NW
 - iii. Sec/Twp/Range: 33-121-27
 - iv. Parcel number(s): 206106001011
 - d. Variance to replace an existing dwelling with a larger 32' x 48' dwelling approximately 52.4 ft from Cedar Lake (min. 75 ft required) and 50 feet from the centerline of a township road (min. 65 ft required). Variance to allow for 16.2% building coverage (max. 15% allowed). Variance to allow for an enlarged dwelling to be served by a holding tank.
 - i. Applicant: Jeffrey and Leanna Rivers
 - ii. Property address: 6799 Ingram Ave NW
 - iii. Sec/Twp/Range: 34-121-27
 - iv. Parcel number(s): 206000341101
 - e. Variance to replace an existing one-story house with a two-story house on the same footprint approximately 11 feet from Sugar Lake (min. 75 ft required) and 0-1 feet from the side property line (min. 15 ft required). New attached garage to be 0-1 feet

from the side property line (min. 15 ft required) and 0-2 feet from the septic tank (min. 10 ft required). New attached screen porch to be approximately 54 feet from Sugar Lake (min. 75 ft required). Building coverage to be 20.1% (max. 15% allowed). Total impervious coverage to be 31.3% (max. 25% allowed).

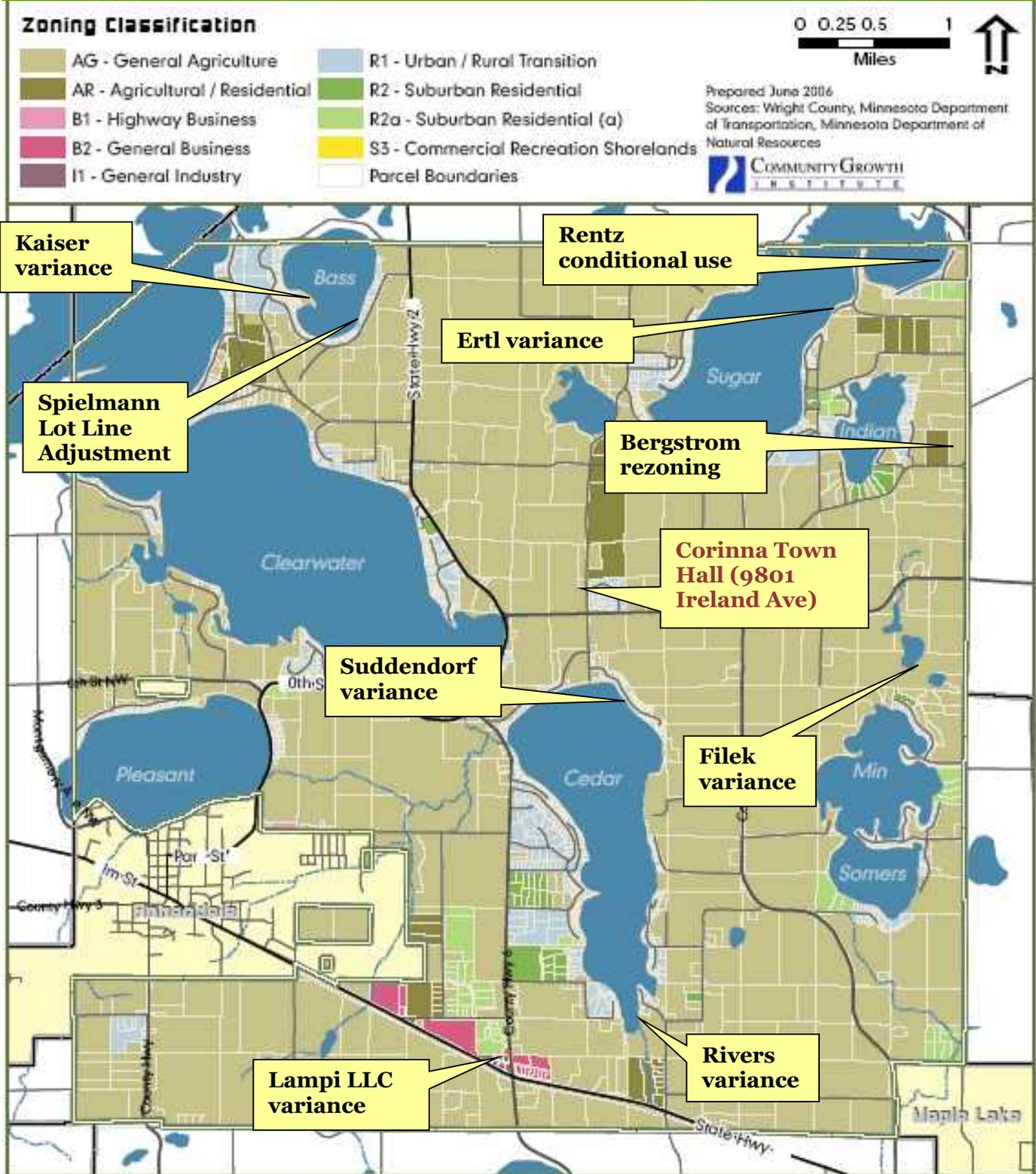
- i. Applicant: Mark Ertl and Martha Hurr Ertl
 - ii. Property address: 11543 Gulden Ave NW
 - iii. Sec/Twp/Range: 1-121-27
 - iv. Parcel number(s): 206085000310
- f. Request to rezone property from General Agricultural (AG) to Agriculture/Residential (A/R).
- i. Applicant: Derrick and Cheryl Bergstrom
 - ii. Property address: None
 - iii. Sec/Twp/Range: 12-121-27
 - iv. Parcel number(s): 206000121400
- g. Lot line adjustment to attach a portion of Lot 12 and attach it to Lot 11 of "Thompson's Bass Lake Park".
- i. Applicant: Joseph Spielmann (Owner: Spielmann Estate)
 - ii. Property address: 11441 Kimball Ave NW, Annandale
 - iii. Sec/Twp/Range: 5-121-27
 - iv. Parcel number(s): 206087000110 and 206087000120
- h. Variance to install an in-ground swimming pool approximately 180 ft from a Natural Environment lake (min. 200 ft required).
- i. Applicant: Chad and Jennifer Filek
 - ii. Property address: 9177 Gowan Ave NW, Maple Lake
 - iii. Sec/Twp/Range: 13-121-27
 - iv. Parcel number(s): 206000134400
- i. Variance to replace the existing 591 sq ft home with a 1,549 sq ft home approx. 31 ft from Bass Lake (min. 75 ft required) and 35 ft from the centerline of a township road (min. 65 ft required). Variance to construct a septic tank approx. 30 ft from Bass Lake (lagoon side - min. 50 ft required), a septic drainfield approx. 37.5 ft from Bass Lake (both sides - min. 50 ft required) and both within the required road setback. ~~Variance to construct a 600-sq ft detached garage approx. 31 ft from Bass Lake (min. 75 ft required) and 20 ft from the centerline of a township road (min. 65 ft required). Building coverage to be approx. 16% (max. 15% allowed).~~
- i. Applicant: Jeanne Kaiser
 - ii. Property address: 10608 117th Street NW, Annandale
 - iii. Sec/Twp/Range: 5-121-27
 - iv. Parcel number(s): 206014000130 and 206014000140
- j. Ordinance amendment to amend the Township fee schedule to reduce the state building code surcharge from \$5 to \$1.
- i. Applicant: Corinna Township

5. Approve Previous Meeting Minutes
 - a. July 14, 2015

6. Zoning Administrator's Report
 - a. Permits
 - b. Correspondence
 - c. Enforcement Actions
 - d. Findings of Fact - Previous PC/BOA Decisions
7. Other Business
 - a. Review of previously granted variance requests (if time allows)
8. Adjournment

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

Corinna Township Location Map for August 11, 2015 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 construct a partial second story addition to an existing single story home that is approx. 50 ft from Cedar Lake (min. 75 ft required) and approx. 3 feet from a side lot line (min. 15 ft required) and a 10' x 12' single-story mud room addition to the southeast corner of the existing dwelling.

Applicant: Richard Suddendorf

Agenda Item: 4(a)

Background Information:

- **Proposal:** The applicants are proposing to enlarge an existing single-story house (1940 construction) by adding on a partial second story over approximately the rear two thirds of the structure. They would also add a 10' x 12' single-story mud room addition to the southeast corner of the structure.

The existing home is about 50 ft from Cedar Lake at its closest point (the open deck), but the closest point of the proposed addition is about 20 ft further back or at about 70 feet from the lake. The mud room addition would be about 95 feet from the lake. The minimum lake setback on Cedar Lake is 75 feet.

The existing structure and the proposed second story addition would both be about 3 ft from the side lot line to the north.

- **Location:**
 - Property address: 8899 Ingram Ave NW
 - Sec/Twp/Range: 22-121-27
 - Parcel number(s): 206021000070
- **Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Cedar Lake (General Development lake)
- **Lot size:** Approx. 21,780 sq ft (0.50 acres) according to Wright County GIS estimate
 - Existing Impervious Coverage: (not including a parking area)
 - Buildings: About 1,416 sq ft (6.5%)
 - Total: About 2,048 sq ft (9.4%)
 - Proposed Impervious Coverage: (not including a parking area)
 - Buildings: About 1,536 sq ft (7.1%)
 - Total: About 2,168 sq ft (10.0%)
- **Septic System Status:** The property is served by an existing septic system (with drainfield) that was originally installed in 1982. It has passed a July 2015 compliance inspection.
- **Natural Features:**

- Floodplain: The existing and proposed structures are not within an identified floodplain and the existing dwelling is located about 16-18 feet above Cedar Lake.
 - Bluff/Steep Slopes: The lot does not contain a bluff but does have a steep slope that leads from near the house to the lake and a gentler slope leading back to the road.
 - Wetlands: There do not appear to be any wetlands on the property that would impact the proposal.
- **Permit History:**
 - 1940 - Apparent construction of home (from Assessor's records)
 - 1982 - Septic System
 - 2015 - Septic System compliance inspection

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.

605. URBAN/RURAL TRANSITIONAL R-1

605.5 Performance Standards

(3) Side Yard Regulations:

There shall be a minimum side yard of fifteen (15) feet for principal uses (including attached decks or garages) and ten (10) feet for accessory uses unless the building is housing livestock, then the setback is 100 feet for livestock buildings.

612. SHORELAND ZONING REGULATIONS

612.5 **Shoreland Performance Standards**

(1) General Performance Standard for Lakes

(a) General Development Minimum Standards:

| | |
|---|------------------------|
| Structure setback from OWHL | 75 ft. |
| Height | 2 1/2 stories (35 ft.) |
| Elevation of lowest floor above highest known water level (livable structures only) | 4 ft. |
| Water Oriented Accessory Structure setback from OWHL | 10 ft. |

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 (lake setback): The spirit and intent of the ordinance (lake setback), according to the DNRs SONAR statement in 1989, is:

“In general, structure setbacks are needed to provide an adequate distance between the development of a shoreland area and the adjacent waterbody or near blufftops to control the resource damaging effects of non-point source pollution. Soil erosion and subsequent sedimentation in water bodies and the loading of nutrients, toxics and other pollutants to the water body from shoreland area surface water runoff are examples of non-point source pollution.”

The proposed setback for the second story addition would nearly meet the minimum required 75 ft setback and would not add any additional impervious coverage beyond what already exists. The additional coverage from the proposed mudroom addition would add impervious, but that structure would be approximately 15 ft further back from the lake than the minimum setback.

Needs discussion (side yard setback): 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. Its’ intent is also to maintain consistency from one property to the next in this setback.

The proposed addition would not go any closer to the side yard than what already exists, but would add a second story in that space that doesn’t exist now. It does not appear that it would significantly alter the neighbors’ view of the lake.

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

Needs discussion: The Comprehensive Plan states the following as strategies to “protect, preserve, and enhance lake water quality”:

- Require on-site storm water retention and erosion-control plans for all new lakeshore development and redevelopment of existing sites, to ensure that storm water runoff is properly managed and treated before entering surface waters.
 - Comment: The applicant will remain well below overall impervious and building coverage limits and the only additional hard space will be the mudroom addition which is partially over an existing sidewalk area and meets the required lake setback.
- Seek ways to ensure that new development, landscaping, or other alterations on lakeshore properties preserve and/or provide for the planting of native trees and shoreline vegetation.
 - Comment: The application may require the removal of one or more mature trees, or at least limbs on those trees, to accommodate the second story.
- Require the use of best management practices as outlined by the Minnesota DNR, University of Minnesota Extension, or other appropriate agencies during the development and re-development of all property in the Township to prevent erosion and sedimentation that eventually reaches area lakes and wetlands through ditches, direct runoff, or other means.
 - Comment: See comments above.
- Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.
 - Comment: It does not appear that any significant grading will be necessary to construct the proposed additions, with the exception of some very limited grading in the area of the proposed mud room addition.

3. Is the proposed use of the property reasonable?

Yes. The request to add additional living space is reasonable in that the existing home is small in size and the applicant wishes to make the new home suitable for year-round use. Adding upward and a small outward addition is the least impactful way of adding an addition in terms of impervious coverage and the extra bulk within the side yard setback is necessary to match up with the outside wall of the existing structure.

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

Needs discussion. The need for the variances is due largely to the location of the existing house (built in 1940) and the lot layout (platted in 1929).

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

Needs discussion. There are other homes in the area that are two-stories in their construction and others that are single-story. The two adjacent lots have single-story homes on them, but the neighborhood as a whole is a mix of one and two-story homes.

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: To avoid the need for variances, the applicant would need to tear down the existing home and move everything back or add on in a way where all additions met the lake and side yard setback. Doing so would add imperious coverage and arguably create a home with less aesthetic appeal and a less practical layout.

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

No. The proposal would increase impervious coverage beyond what already exists only slightly and that addition will be approximately 90 feet from the lake. The impact on the environment will be minimal compared to what is already occurring. Any effort to manage stormwater from the dwelling however, would improve the current situation.

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 noted above, Staff recommends approval of the application as presented.

If the application or some version of the application is approved, Staff would recommend consideration for the following conditions of 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 any areas of disturbance (if there will be any) 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.
2. (For discussion) The applicant shall submit a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation and to allow adequate time for infiltration or other treatment of

rainwater from the lot prior to it flowing into the lake. These may include directing rain gutters to appropriate areas, rain barrels, or other acceptable best management practices. Once approved, the plan should be implemented at the time of construction or within a reasonable time period after construction is completed and maintained indefinitely.

| | | |
|---------------------|---------------------------------------|------------------------|
| Application # _____ | Date Application Rec'd ___/___/___ | Fee Collected \$ _____ |
|---------------------|---------------------------------------|------------------------|

(for office use only)

**CORINNA TOWNSHIP
VARIANCE APPLICATION**

Name of Applicant: _____

Property Address: _____

Mailing Address (if different): _____

City: _____ State: _____ Zip: _____

Phone (home/work): _____ Phone (cell/other): _____

E-mail (optional): _____

Applicant is:

Title Holder of Property (if other than applicant)

Legal Owner Name: _____

Contract Buyer Address: _____

Option Holder City, State, Zip: _____

Agent

Other Please specify: _____

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

Legal Description: _____
(attach if necessary)

Signature of Legal Owner, authorizing application (required): _____
(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)?

- | | | |
|---|--|---|
| <input type="checkbox"/> 1 per 40 Division | <input type="checkbox"/> Road Setback | <input type="checkbox"/> Building/Impervious Coverage |
| <input checked="" type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Lake or River Setback | <input type="checkbox"/> Height of Structure |
| <input type="checkbox"/> Undersized Lot | <input type="checkbox"/> Side or Rear Line Setback | <input type="checkbox"/> Septic System Setback |
| <input type="checkbox"/> Appeal of Staff Interpretation | <input type="checkbox"/> Bluff Setback | <input type="checkbox"/> Other _____ |

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.

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.

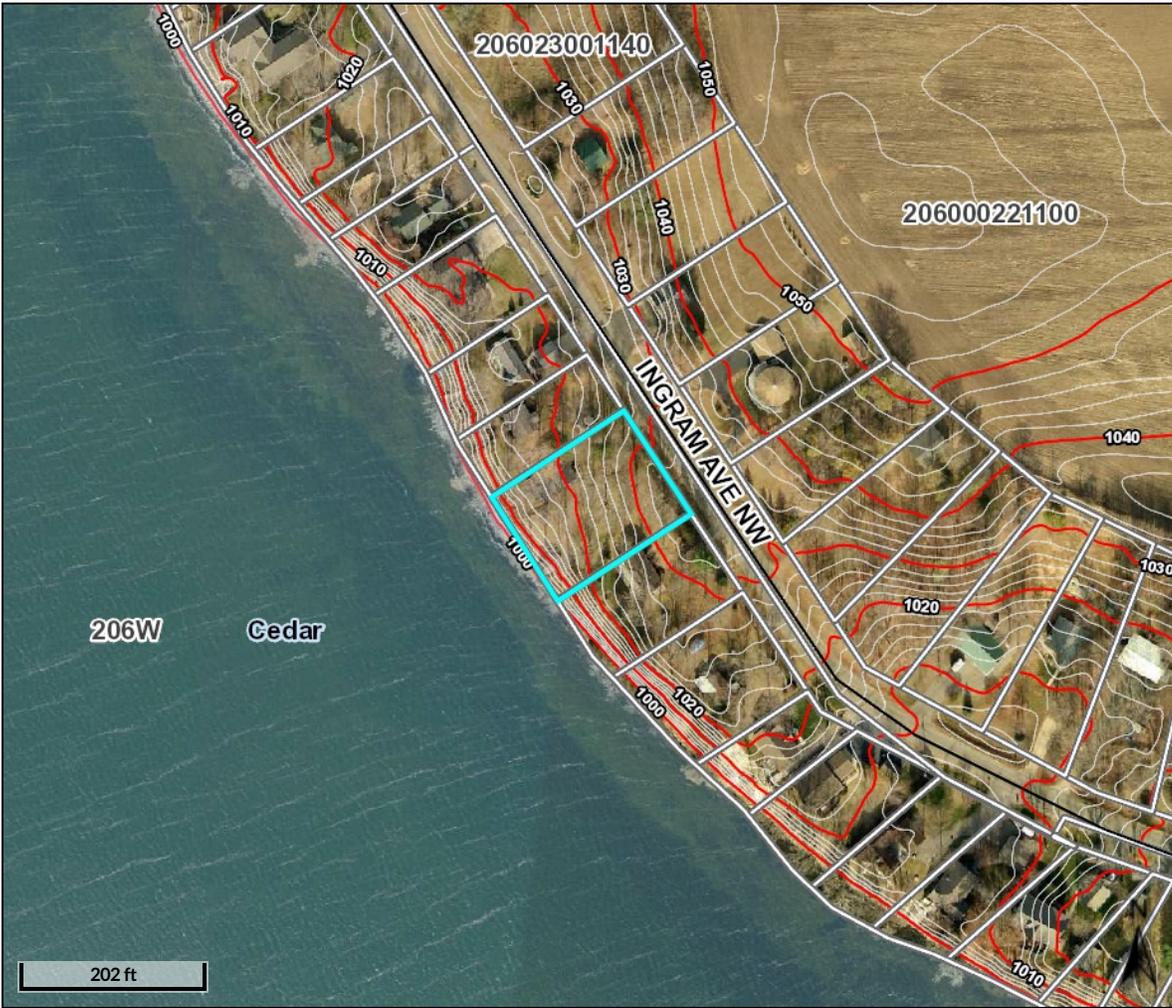
7. Describe why it is not feasible for your project to meet the minimum requirements of the ordinance. What options did you explore that would minimize the variance necessary and why did you determine these were not feasible alternatives?

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?

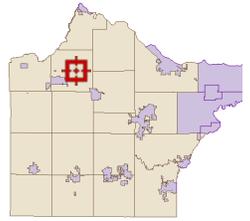
9. **Flood Insurance Notice:** If your variance request involves a request to construct a structure below the base flood level, you are hereby notified that this will result in an increased premium rate for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage. Such construction below the base or regional flood level increases risks to life and property.

****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.



Overview



Legend

Roads

- CSAHCL
- CTYCL
- MUNICL
- PRIVATECL
- TWPCCL

Highways

- Interstate
- State Hwy
- US Hwy

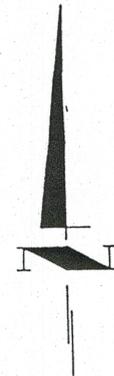
City/Township Limits

- c
- t
- Parcels
- Water

2' Contours

- 842; 844; 846; 848;
- 852; 854; 856; 858;
- 862; 864; 866; 868;
- 872; 874; 876; 878;
- 882; 884; 886; 888;
- 892; 894; 896; 898;
- 902; 904; 906; 908;
- 912; 914; 916; 918;
- 922; 924; 926; 928;
- 932; 934; 936; 938;
- 942; 944; 946; 948;
- 952; 954; 956; 958;
- 962; 964; 966; 968;
- 972; 974; 976; 978;
- 982; 984; 986; 988;
- 992; 994; 996; 998;
- 1002; 1004; 1006;
- 1008; 1012; 1014;
- 1016; 1018; 1022;
- 1024; 1026; 1028;
- 1032; 1034; 1036;
- 1038; 1042; 1044;
- 1046; 1048; 1052;
- 1054; 1056; 1058;
- 1062; 1064; 1066;
- 1068; 1072; 1074;
- 1076; 1078; 1082;

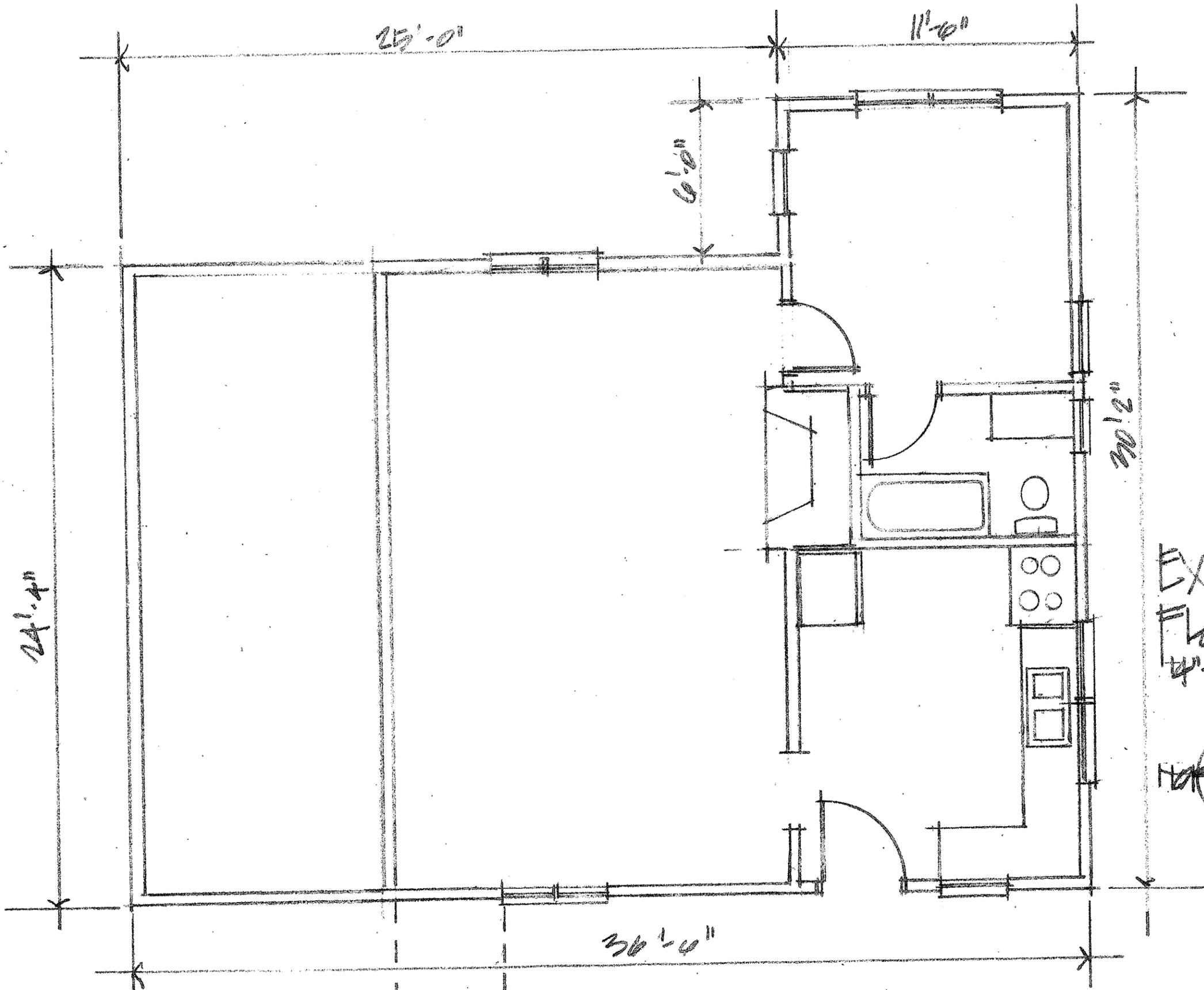
BENCHMARK ELEV. - 1000.00 (ASSUMED)
TOP OF WELL



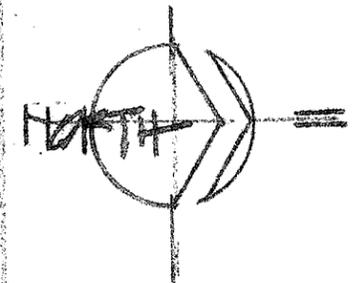
Lot 8, Lot 9 and the South 30 feet of Lot 7,
CEDAR LAKE BEACH, Wright County, Minnesota.

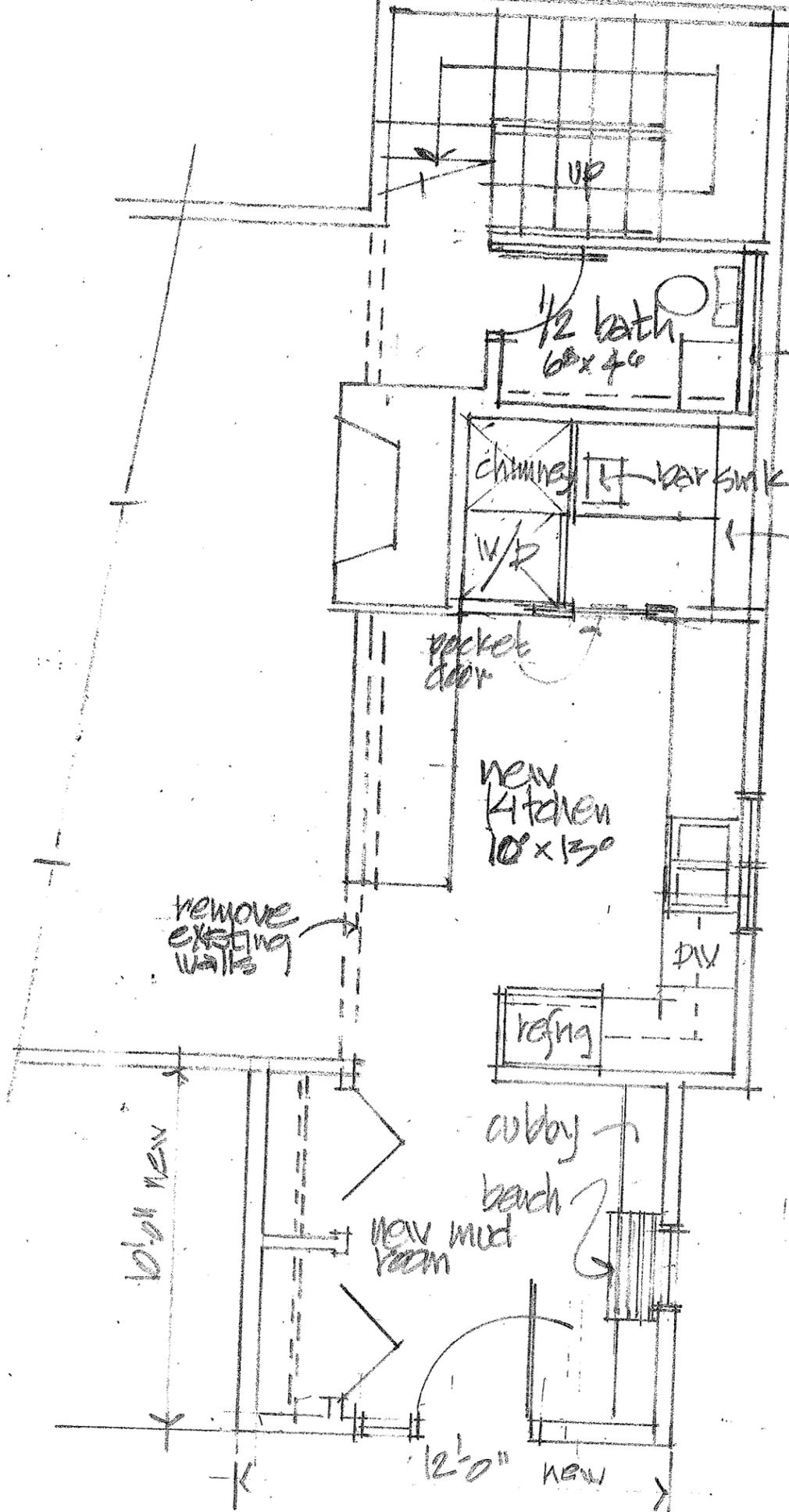


| | | | | | | |
|--|--|-----------------------|---------------------------------------|--|----------------------------|----------------------------|
| MEYER-ROHLIN, INC ENGINEERS-LAND SURVEYORS 1111 Hwy. 25N., Buffalo, Minn. 55313 | | | REVISIONS _____ _____ | | TOPOGRAPHIC DRAWING | |
| DESIGNED BY _____ DRAWN BY <u>RLW</u> CHECKED BY _____ | | | SCALE HORIZ. 1"=20' VERT. _____ | For Robert Hartshorn 17345 Hampton Court Minnetonka, Minn. | | FILE NO. <u>9-84256</u> |
| BOOK <u>WADDALE #2</u> PAGE <u>59</u> | | DATE <u>8-2-84</u> | SHEET <u>1</u> OF <u>1</u> SHEETS | | | |



EXIST'G
FLOOR PLAN
4" = 12"





double plumbing wall

pantry shelving

FIRST FLOOR
 PLAN 1/4" = 1/2"
 TWO SPRT OPTION

1/2 bath
 6'0" x 4'0"

chimney

1/2 R

packet door

new kitchen
 10'0" x 13'0"

refg

D.V.

cubby bench

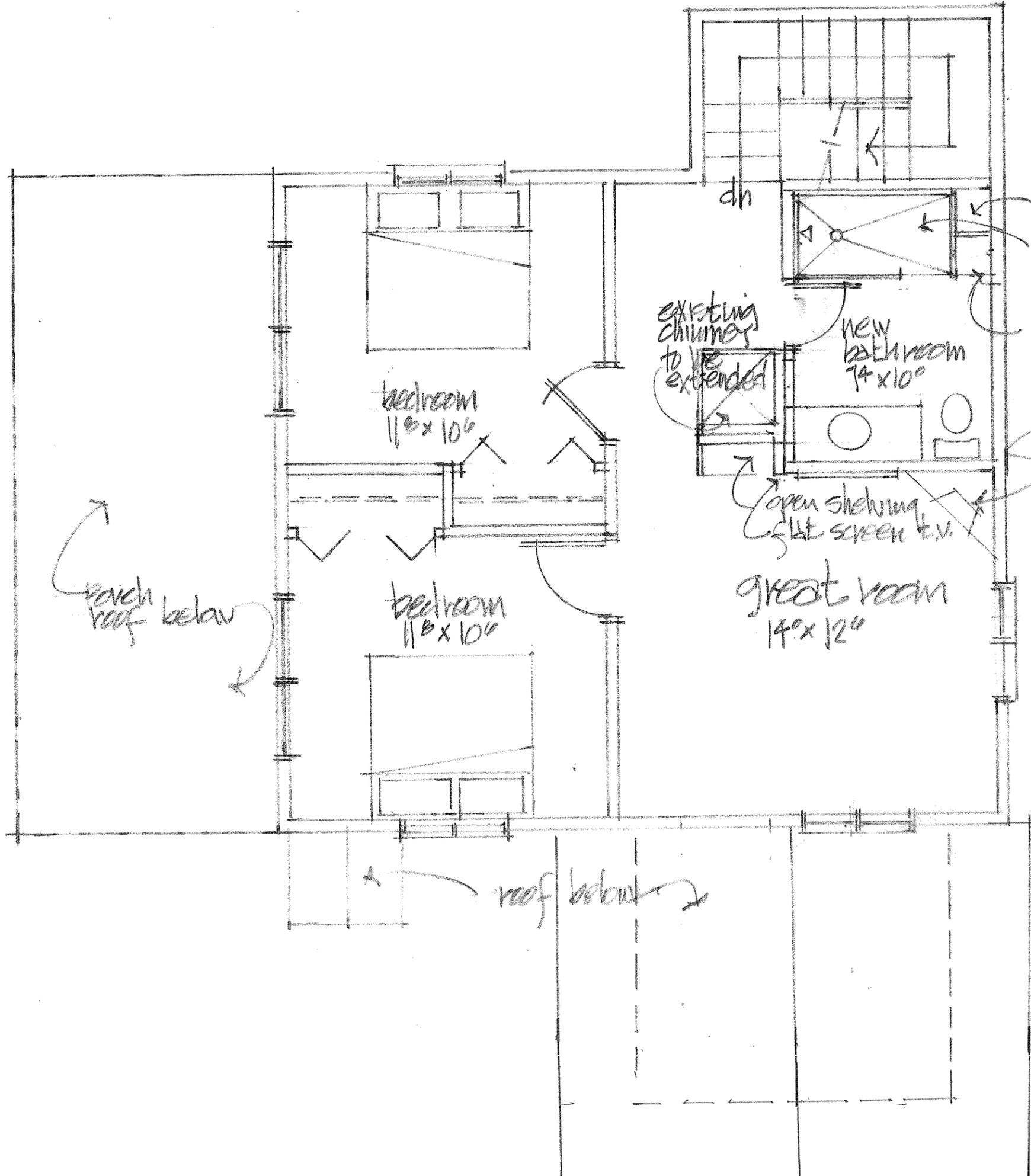
cubby bench

new mud room

12'0" new

remove existing walls

10'0" new



reach roof below

roof below

existing chimney to be extended

new bathroom 7'4" x 10'

open shelving light screen tv.

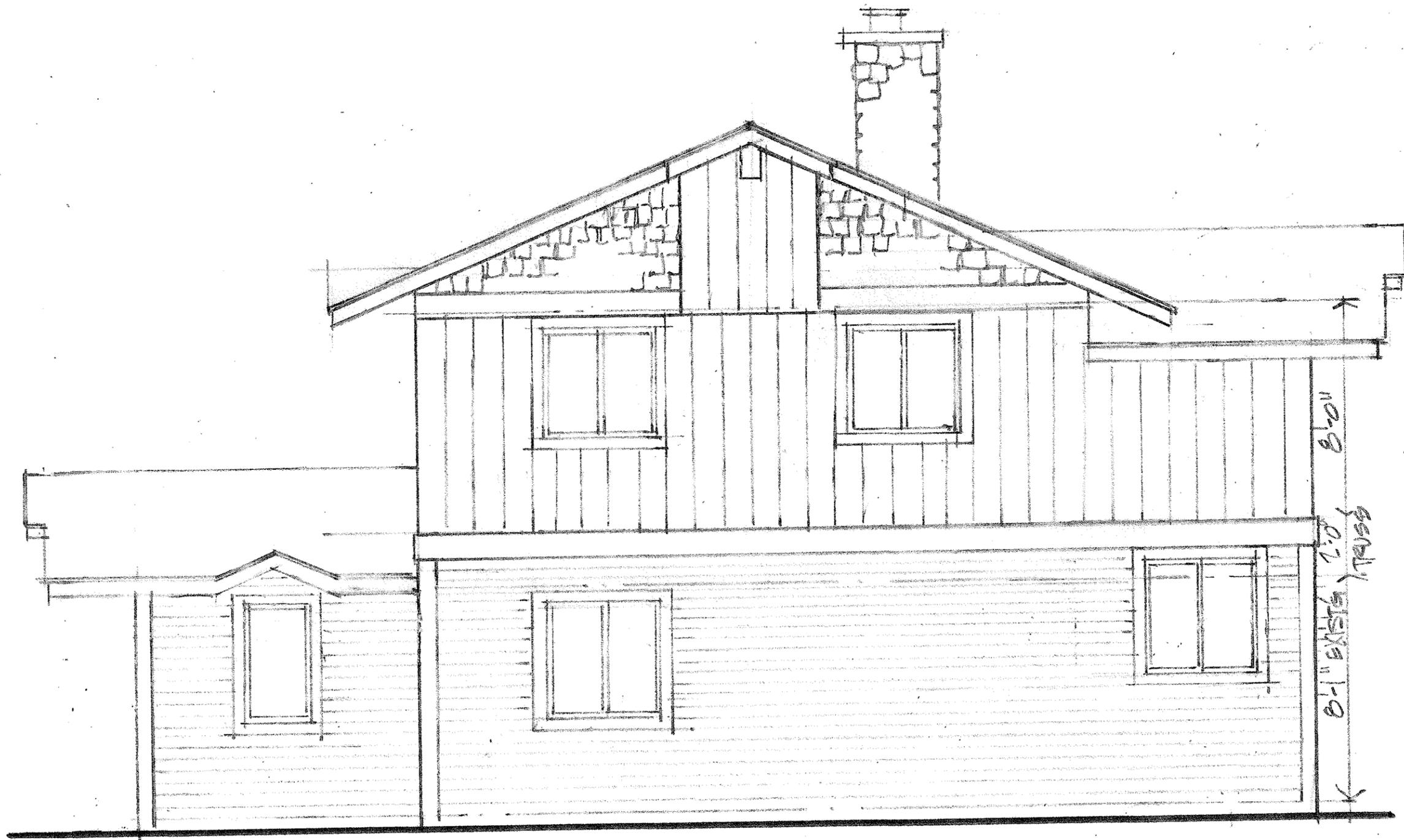
great room 14'0" x 12'0"

walk-in shower 6'0" x 3'0"

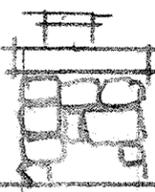
open linen closet

gas fireplace

SECOND FLOOR PLAN 4" = 12" TWO STORY OPTION



NORTH ELEV. $\frac{1}{4}'' = 12''$



reside existing porch no other work

29'-0"

24'-4"

6'-0"

2'-0"

6'-1"

TRUSS

EXISTING

12

15

EAST ELEVATION 1/4"=12"









