

CORINNA TOWNSHIP  
AGENDA  
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION  
July 7, 2011

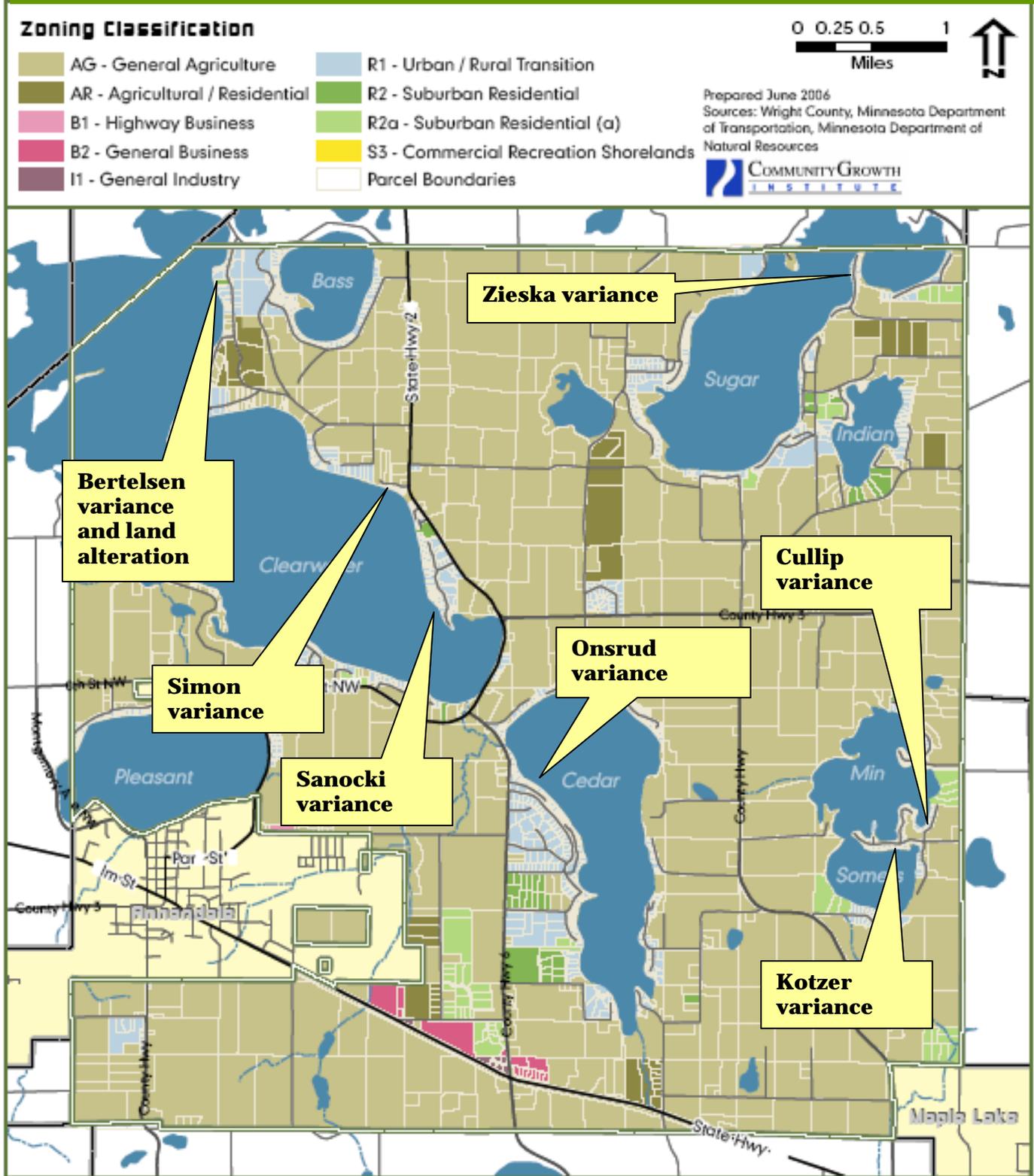
7:00 PM

1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
4. Public Hearings
  - a. (Tabled from June 2 meeting) Variance to add a second story (with a 6/12 roof pitch) to an existing dwelling, a second story open deck (over an existing three-season porch), a second garage stall to the existing garage, and a bonus room over the expanded garage (with a 12/12 roof pitch) on an undersized lot. Open deck and second story to be approximately 50 and 58 feet from Clearwater Lake (75 feet required), inside a bluff impact zone, and 8 and 13 feet from the side lot lines (15 feet required). Variance for building coverage to be 15.2 percent (15 percent max. allowed). Total impervious will drop from 33 percent to 29.9 percent (25 percent max. allowed). Applicant(s): Steve and Tammy Simon. Property Address: 9823 – 103<sup>rd</sup> Street NW, Annandale. Sec/Twp/Range: 9-121-27. Parcel Number(s): 206012000020
  - b. Variance to construct a 28ft x 28 ft detached garage approximately 33 feet from the centerline of a township road (65 feet required). Applicant(s): Mark and Holly Bertelsen. Property Address: 11469 Lathrop Ave NW, Annandale. Sec/Twp/Range: 5 and 6-121-27. Parcel Number(s): 206000064100 and 206000053312.
  - c. Land Alteration permit for the movement of approximately 350 cubic yards of earth and materials to be used as fill. Fill will be used to create a building pad for a detached garage to be located on a steep slope and to create a driveway leading to the garage. Applicant(s): Mark and Holly Bertelsen. Property Address: 11469 Lathrop Ave NW, Annandale. Sec/Twp/Range: 5 and 6-121-27. Parcel Number(s): 206000064100 and 206000053312.
  - d. Land Alteration permit for the movement of approximately 650-980 cubic yards of earth and materials to be used as fill. Fill will be used to create a building pad for a dwelling/garage and a driveway that will meet required floodplain elevations. Applicant(s): Stephen and Maria Sanocki. Property Address: Between 9531 and 9581 Jeske Ave NW, Annandale. Sec/Twp/Range: 16-121-27. Parcel Number(s): 206031000320
  - e. Variance to enlarge an existing dwelling by adding a second story loft under a 10/12 roof pitch approximately 60 feet from Somers Lake (100 ft required) and 7.5 feet from the east (side) lot line. Variance to construct a new, detached garage with a 10/12 roof pitch (max. allowed 6/12 pitch) approximately 48 feet from the centerline of a township road (min. 65 feet required) and approximately 15 feet from a septic drainfield (min. 20 feet required). Applicant(s): Travis Kotzer. Property Address:

6411 – 80<sup>th</sup> Street NW, Maple Lake. Sec/Twp/Range: 25-121-27. Parcel Number(s): 206017003060

- f. Variance to construct a new detached garage approximately 41 feet from the centerline of a township road (65 feet required) and with an 8/12 roof pitch and 6.5 feet of headroom (max. 6/12 pitch and 6 feet of headroom allowed). Applicant(s): Charles Onsrud. Property Address: 8338 Irvine Ave NW, Annandale. Sec/Twp/Range: 22-121-27. Parcel Number(s): 206000223201
  - g. Variance to construct a new 8.5 x 11.2 foot dwelling addition and replace existing roof with higher 8/12 pitch roof approximately 70 feet from Mink Lake (min. 100 ft required). Applicant(s): Dennis Cullip. Property Address: 8221 Greer Ave NW, Maple Lake. Sec/Twp/Range: 24-121-27. Parcel Number(s): 206020002050
  - h. Variance to convert an existing one-story storage shed into a 22' x 26' two-story dwelling (min. 24 ft width/length required) with a Type III sewer system (Type I system required) on an undersized lot. Applicant(s): Mike Zieska. Property Address: 11804 Gulden Ave NW, Annandale. Sec/Twp/Range: 1-121-27. Parcel Number(s): 206000012102
- 5. Approve Previous Meeting Minutes
    - a. May 5, 2011
    - b. June 2, 2011
  - 6. Zoning Administrator's Report
    - a. Permits
    - b. Correspondence
    - c. Enforcement Actions
  - 7. New Business
    - a. Discuss new meeting schedule – PC/BOA meetings (switch to 2<sup>nd</sup> Tuesday of each month)
    - b. Discuss maximum number of applications per scheduled public hearings
    - c. Discuss Wright County "Point of Sale" ordinance - proposed amendments
    - d. Discuss interpretation of "expansion" when applying MN Statutes 394.36, Subd. 4 and 462.357, Subd. 1e (Nonconformity statutes)
  - 8. Old Business
  - 9. Adjournment

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



**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:** (Tabled from June 2 meeting) Variance to add a second story (with a 6/12 roof pitch) to an existing dwelling, a second story open deck (over an existing three-season porch), a second garage stall to the existing garage, and a bonus room over the expanded garage (with a 12/12 roof pitch) on an undersized lot. Open deck and second story to be approximately 50 and 58 feet from Clearwater Lake (75 feet required), inside a bluff impact zone, and 8 and 13 feet from the side lot lines (15 feet required). Variance for building coverage to be 15.2 percent (15 percent max. allowed). Total impervious will drop from 33 percent to 29.9 percent (25 percent max. allowed).

**Applicant:** Steve and Tammy Simon

**Agenda Item:** 4(a)

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### Background Information:

**Location:**

- Property Address: 9823 – 103<sup>rd</sup> Street NW, Annandale
- Sec/Twp/Range: 9-121-27
- Parcel Number: 206012000020

**Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Clearwater Lake (General Development lake).

**Lot size:** Approximately 61.75 x 230 or 13,917 sq ft (0.32 acres) according to provided survey.

Existing Impervious Coverage:

- Buildings: Approx. ~~1,970 sq ft (14.1%)~~ ~~1,781 sq ft (12.8%)~~
- Total: Approx. ~~4,599 sq ft (33.0%)~~ ~~4,410 sq ft (31.7%)~~

Proposed Impervious Coverage:

- Buildings: Approx. ~~2,113 sq ft (15.2%)~~ ~~1,781 sq ft (12.8%)~~
- Total: Approx. ~~4,164 sq ft (29.9%)~~ ~~4,410 sq ft (31.7%)~~

**Septic System Status:** The existing sewer system was installed in 1990. A compliance inspection was completed in 2008 and again in late 2010 that found the system complaint each time. Those inspections indicate that the system was designed for 2 bedrooms. The system has been reviewed by a septic contractor, who indicates that the system is sized for 2 bedrooms under county regulations and 3 bedrooms under state regulations. A new 1,500 gallon septic tank is proposed for the site, which will bring the system into compliance for 3 bedrooms based on tank size (county regulations), but not for drainfield size.

The proposed floor plan shows a master bedroom on the main floor and two bedrooms on the second level, for a total of three (3) bedrooms. The current home contains two (2) bedrooms.

**Natural Features:**

Floodplain: The property is not within an identified floodplain. The property has a steep bank rising well above the lake.

Bluff/Steep Slopes: The property contains a bluff across the entire shoreline, based on staff measurements from a 2-ft contour maps provided by the Wright County Surveyor. The slope rises approximately 26-27 feet and has a slope between the house and the lake of greater than 41 percent (25 foot rise and 30 percent slope constitute a bluff). A detailed survey of the topography has not been completed as it appears clear that a bluff exists.

Wetlands: There do not appear to be any wetlands on the property that would impact the proposal.

- **Proposal:** The applicant is proposing to add a second story (with a 6/12 roof pitch) to an existing dwelling, a second story open deck (over an existing three-season porch), a second garage stall to the existing garage, and a bonus room over the expanded garage (with a 12/12 roof pitch). The garage addition would be the only increase in building coverage resulting from this project. to build a 12/12 pitch roof over the entire existing dwelling, except the existing three-season porch. There would be a second story above the first floor. Over the existing open deck, they would add another, second floor deck that would be roofed. No change to the footprint of the dwelling or to the width of the roof overhangs would be made as a result of these actions. The applicant has added back in the request for a garage addition since the 5/5/11 meeting.

□ **Requested Variance(s):**

- Lake setback: Open deck to be approximately 50 feet and second story addition to be approximately 58 feet from Clearwater Lake (min. required 75 feet).
- Side yard setback: Second story dwelling/deck addition to be 5 and 10 feet from the west side yard line (min. 15 feet required)
- Impervious coverage limit: Total impervious surface coverage currently is at 33.0% coverage (25% is maximum allowed). The current proposal, with a garage addition added back into the proposal, would increase building coverage from 14.1% to 15.2% (15% is maximum allowed). Total impervious coverage would drop from 33% to 29.9% after the driveway area is reduced.
- Bluff setback: From the 2 ft contour data Staff obtained from the Wright County Surveyor's office, it appears clear that there is a bluff that runs all the way up to the existing house. Exact setbacks to the top of this bluff are unknown, but it seems clear that the house is either in the bluff or in the bluff impact zone (20 ft from the top of the bluff).

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**Applicable Statutes/Ordinances/Court Decisions:**

MN Supreme Court – Stadsvold vs. Otter Tail County (2008)

“Given that we have recognized the different effects of use and area variances, *see In re Appeal of Kenney*, 374 N.W.2d at 274, we hold that area variances shall be permitted by a county zoning authority when the applicant makes a showing only of “practical difficulties” under Minn. Stat. § 394.27, subd. 7, whereas an applicant for a use variance must establish particular hardship as set forth in the statute. We further hold that the factors for consideration under the “practical difficulties” standard include:

- (1) how substantial the variation is in relation to the requirement;

- (2) the effect the variance would have on government services;
- (3) whether the variance will effect a substantial change in the character of the neighborhood or will be a substantial detriment to neighboring properties;
- (4) whether the practical difficulty can be alleviated by a feasible method other than a variance [economic considerations play a role in the analysis under this factor];
- (5) how the practical difficulty occurred, including whether the landowner created the need for the variance; and
- (6) whether, in light of all of the above factors, allowing the variance will serve the interests of justice.”

Noting that the legislature has limited the authority to grant variances to “exceptional circumstances,” Minn. Stat. § 394.22, subd. 10, we caution, as did the Wisconsin Supreme Court, that our adoption of a less rigorous standard for area variances “is not to say that area variances should be, or are, automatic or easy to obtain.” *Outagamie County Bd. of Adjustment*, 628 N.W.2d at 389.

(County Statute) MN Statutes 394.27, Subd. 7.

**Variances; hardship.** The board of adjustment shall have the exclusive power to order the issuance of variances from the terms of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control, and when the terms of the variance are consistent with the comprehensive plan. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; 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 shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance. Variances shall be granted for earth sheltered construction as defined in section [216C.06, subdivision 14](#), when in harmony with the official controls. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest. The board of adjustment may consider the inability to use solar energy systems a "hardship" in the granting of variances.

MN Rules 6120.3900, Subp 3 (Variances)

Variances may only be granted in accordance with Minnesota Statutes, chapters 394 or 462, as applicable. They may not circumvent the general purposes and intent of the official controls. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties and the

public interest. In considering variance requests, boards of adjustment must also consider whether property owners have reasonable use of the lands without the variances, whether existing sewage treatment systems on the properties need upgrading before additional development is approved, whether the properties are used seasonally or year-round, whether variances are being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

### **502.3 Findings**

The Board of Adjustment shall not grant a Variance unless it finds the following facts at the hearing where the applicant shall present a statement of evidence proving the following:

- (1) The granting of the Variance will not be in conflict with the Comprehensive Plan;
- (2) The property will not yield a reasonable return if used in compliance with this Ordinance;
- (3) The conditions causing the hardship are unique and are not shared by neighboring property in the same zone;
- (4) The granting of the Variance will not essentially alter the character of the neighborhood; and,
- (5) The granting of the Variance will not adversely affect the environmental quality of the area.

If the appellant fails to prove only one of the conditions, the Board of Adjustment cannot legally grant the Variance. The burden of proof of these matters rests on the applicant. He is requesting a special privilege, and it is incumbent upon him to prove that the conditions necessary for granting of the privilege are satisfied.

### **403. LOT COVERAGE**

Not more than fifteen (15) percent of a lot may be covered by buildings and not more than twenty-five (25) percent of lot may be covered by impervious surfaces, including all structures, decks and pavement areas except as provided in Section 608, 609, and 610.

### **605. URBAN/RURAL TRANSITIONAL R-1**

#### **(3) Side Yard Regulations:**

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

### **612.5 Shoreland Performance Standards**

#### **612.5 (1) General Performance Standard for Lakes**

Performance standards in shoreland areas are additional to standards of the primary zoning district. In case of a conflict, the stricter standard shall apply as well as any additional requirements if flood plain elevations have been established.

(a) General Development Minimum Standards:

Structure setback from NOHW	75 ft.
Structure setback from Bluff	30 ft.
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level	4 ft.
Water Oriented Accessory Structure setback from NOHW	10 ft.

302. DEFINITIONS

(12) Bluff - "Bluff" means a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of a bluff):

- (a) Part or all of the feature is located in a shoreland area;
- (b) The slope rises at least 25 feet above the ordinary high water level of the water body;
- (c) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater;
- (d) The slope drains toward the water body.

(13) Bluff impact zone - "Bluff impact zone" means a bluff and land located within 20 feet from the top of a bluff.

612.5 (3) Design Criteria for Certain Structures

(b) Decks must meet the structure setback standards. Decks that do not meet the structure setback requirements from public waters may be allowed without a variance to be added to structures existing on the date the shoreland structure setbacks were established by ordinance, if all of the following criteria and standards are met:

- (1) a thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
- (2) the deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing shoreline setback of the structure from the ordinary high water level or does not encroach closer than 30 feet or does not encroach closer than the existing legally placed structures on adjacent property, whichever is more restrictive; and
- (3) the deck is constructed primarily of wood and is not roofed or screened.

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**Staff Findings:** 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 conflict with the Comprehensive Plan?**

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.
  - Staff Comment: No specific storm water retention or erosion-control plan has been submitted as part of the variance proposal. The applicant has proposed removing some of the existing driveway to compensate for the added garage. Overall, impervious coverage would drop from 33% to 29.9%.
- 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.
  - Staff Comment: No specific landscaping plans have been presented to plant native trees or preserve shoreline vegetation. One mature tree appears that it will need to be removed to allow for the construction of the garage addition.
- 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.
  - Staff Comment: No specific storm water retention or erosion-control plan has been submitted as part of the variance proposal. The Board could consider requiring this as a condition of any variance approval given the proposed house would be closer to the lake and steep slope/bluff than is normally required.
- Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.
  - Staff Comment: No major grading of filling of land is expected as part of this application. The home already has a partial basement and no new excavation is proposed.

**2) How substantial is the variation requested in relation to the minimum requirement of the Zoning Ordinance?**

Lake setback: The applicant is requesting to be about 50 feet from the lake with the second story deck addition and 58 feet with the second story dwelling addition (min. required is 75 feet).

Side yard setback: The applicant is requesting that the second story dwelling/deck addition be the same distance that the existing house is from the side lot line (5 and 10 feet for each corner - min. 15 ft required).

Impervious surface coverage: The proposed construction would increase the building coverage on the lot from 14.1 to 15.2 percent (15% max. allowed) but decrease the total impervious from 33% to 29.9% (25% max. allowed). These reductions would be accomplished by reducing the width of the driveway.

Bluff setback: Exact measurements have not been provided, but it appears that the proposed bonus room/roof addition would be located either in the bluff, or very close to the top of the bluff (min. 30 ft from top of bluff is required). With the change so that the second story will no longer be located above the existing three-season porch, the infringement on the bluff setback from the second story addition will be lessened, but still within the required setbacks.

**3) Will the granting of the variance have a negative effect on government services?**

The proposed variance would not appear to create any significant additional or negative impact on government services as the use of the property would remain single-family residential in nature. The home would increase in size however, could accommodate a larger number of people, and is intended for year-round use if approved. The road serving the property is not a dedicated road, nor is it regularly maintained by the Township. There is some possibility that there would be increased demand for public snow-plowing and road maintenance – if not now sometime in the future as-if other homes in the area are replaced with year-round homes. Still, the potential impact on government services would not be overly negative or out of the ordinary for the neighborhood.

**4) Will the granting of the variance effect a substantial change in the character of the neighborhood or be a substantial detriment to neighboring properties?**

The neighborhood where the property is located is a mix of mostly small, seasonal, single-story cabins and a few larger 1.5-2 story dwellings with the potential for year-round use. As with other areas of the Township's shoreland areas, the homes in this neighborhood are likely to experience pressure for conversion steadily be converted over from ~~the~~ small, seasonal cabins to larger year-round dwellings. The proposed home would add a new second story to the dwelling, which would significantly change the appearance of the home from the lake and road. The two adjacent homes in the neighborhood are one-story homes. The two nearest wo-story homes are located 2 lots to the north and 3 lots to the south.~~not change in the footprint covered by dwelling area (except for the conversion of the three-season porch to year-round construction) but would add a bonus room, effectively doubling the living space.~~

~~Overall, Staff does not feel that~~Whether the character of the neighborhood will be substantially changed depends on how one views an increase from a one-story home to a two-story home. Outside of the height difference and obvious visual impact, the neighborhood would remain single-family residential in character. The variance would not result in a substantial detriment to neighboring properties as it will be of sound construction and of customary design for a residential dwelling.

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

To avoid the need for the requested variances, the home would either 1) need to be reconstructed to exactly the same footprint and height, or 2) be moved to an alternate location that would meet the required 75 foot lake setback, ~~and~~ 15 foot side yard setback and 30 foot bluff setback. While not eliminating the need for a variance from the lake or side yard setback, removal of existing impervious coverage could improve the existing, non-conforming situation. It appears that removing or downsizing the existing boathouse, or some other structure, would ensure the property met the 15% building coverage limit.

The applicant has stated that the practical difficulty associated with meeting the setback is primarily that it would require a complete tear down and removal of the existing dwelling and that financially this would not be feasible for them. The location of the existing septic system would also, potentially, be a barrier to moving the house back if it infringed on the minimum required setbacks between the system and the dwelling/garage.

**6) How did the practical difficulty occur (including whether the owner created the need for the variance)?**

The need for the variances is created primarily by the existing location of the dwelling and the desire for additional living space (converting the house from a two-bedroom house to a three-bedroom house by adding a second story)~~three-season porch to living space and adding the bonus room above~~).

While the lot dimensions and previous house size/location were not the result of actions by the applicant, the desire for additional living space is primarily what is creating the need for the variance (side yard and bluff/lake setback).

**7) Will the granting of the variance adversely affect the environmental quality of the area?**

The most likely impact on the environment would come from an ~~in~~ the use of the shoreland areas. The impervious surface coverage will decrease overall, although a greater percentage will be from building coverage. The number of bedrooms is increasing from 2 now, to at least 3. This, plus the year-round nature of the home to be constructed, could increase the use of the lake.

The impacts associated with the impervious surfaces exceeding the maximum allowed could be addressed via a stormwater management plan, although it would still be contrary to the ordinance to exceed the maximum coverage allowed. Recreational use of the lake, even if it is at a higher level than previously, would not be significantly greater than what is typical of other homes around the lake and the near-shore area is not identified as having unique habitat or stands of aquatic vegetation.

**8) In light of the above factors, will allowing the variance serve the “interest of justice”?**

This criterion comes from the 2008 MN Supreme Court decision addressing the criteria for variances. Unfortunately, the Court did not seem to provide much direction as to what it means by “interest of justice”. As such, it is left to the local government to interpret “interest of justice” as it sees fit.

Staff would offer the following as issues relating to “the interests of justice”:

1. Many other homes and buildings within the area do not meet side the required side yard setbacks.
2. Nearly every home along Hollister Avenue within 500 feet of the property is not meeting the required 75 foot setback to the lake. Several are closer than the proposed home.
3. With a few exceptions, most homes in the immediate area do not appear to have garages at all.

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**Board of Adjustment Direction:** The Board of Adjustment may approve the variance request, deny the request, or table the request 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.

The applicant has submitted a written letter waiving the 120-day timeline for the Township to give a decision on this application – for up to an additional 90 days. The 120-day timeline expires mid-July.

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**Staff Recommendation:** Based on the findings of fact and discussion listed above, Staff would recommend approval of the request for a side yard, bluff and lake setback variance – given the most recent revisions to the original plan. Staff does not recommend granting the requested variance from the building coverage limit.

As conditions of approval, Staff would recommend the following:

1. The applicant shall find a way to reduce the building coverage to no more than 15%. Reducing the size, or eliminating, the boathouse, would appear to be possible options.
2. The applicant must install a 1,500 gallon tank so as to meet minimum tank size requirements. Timed dosing, or other suitable methods, shall be used to ensure that existing undersized drainfield is prevented from overloading.
3. The applicant should submit a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation. 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.
4. 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 on downslope areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets or other forms of temporary cover until vegetation is re-established.

Application # _____	Date Application Rec'd ___/___/___ (for office use only)	Fee Collected \$ _____
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**CORINNA TOWNSHIP  
VARIANCE APPLICATION**

Name of Applicant Steve + Tammy Simon Phone 612-363-1892

Property Address (E911#) 9823 103rd Street

Mailing Address 11255 53rd Street NE Local Phone \_\_\_\_\_  
(if different than above) (if different than above)

City, State, Zip Albertville, MN 55301

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

Legal Owner	<input checked="" type="checkbox"/>	_____
Contract Buyer	<input type="checkbox"/>	(Name)
Option Holder	<input type="checkbox"/>	_____
Agent	<input type="checkbox"/>	(Address)
Other	_____	(City, State, Zip)

Signature of Legal Owner, authorizing application (required) Steve Simon Tammy Simon  
(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.)

Property ID # (12 digit # beginning with 206-XXX-XXXXXX) R206-012-000020

Full legal description of property involved in this request, including total acreage (required - attach separate sheet if necessary):  
Sect-09 Twp-121 Range-027 Ahsebmacher's  
Addn Lot-002 1.00

Zoning District \_\_\_\_\_, Lake Name (if applicable) Clear Water

What type of variance are you requesting (check as many as apply)?

- Undersized Lot                       Setback Variance                       Lot Line Adjustment  
 1 per 40 Division                       Appeal of Staff Interpretation                       Other \_\_\_\_\_

What are you proposing for the property? State nature of request in detail: We would like to  
add a 2nd floor on the existing foundation. We also  
have a 1 car garage, we would like to make it into a  
2 car garage, and a covered deck

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.corinnaplanning.info](http://www.corinnaplanning.info).

**Please complete all of the following questions:**

1. The granting of the Variance will not be in conflict with the Comprehensive Plan;
  2. The property in question cannot be put to a reasonable use if used under the conditions allowed by this Ordinance.
  3. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
  4. The variance is proved necessary in order to secure for the applicant a right or rights that are enjoyed by other owners in the same area.
  5. The variance, if granted, will not alter the essential character of the locality.
  6. The variance will not allow any use that is prohibited in the zoning-district in which the subject property is located.
  7. The granting of the variance will not adversely affect the environmental quality of the area.
  8. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of this Ordinance.
1. Describe why the granting of the variance request would not conflict with the goals and policies in the Corinna Township Comprehensive Plan (Plan available at [www.corinnaplanning.info](http://www.corinnaplanning.info)).

I did not find anything in the Comprehensive Plan that would be a major conflict. By granting us the variance it would improve the property.

2. How will reasonable use of the parcel be taken from you if the variance is not granted? If the variance request were denied, how would you be able to use your property?

We would like to make it a year round home. By not granting us the variances it would not be in our best interest to improve or update the property. With out the added living space we could not use it for a year round family home.

3. What are the unique circumstances of the parcel size, shape, topography or other characteristics that make meeting the Ordinance requirements impractical?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Discuss whether you would be denied a right enjoyed by other landowners in the area if your variance request were denied. What right or rights would be lost?

Some of the other landowners can use their property year round and have 2 or 3 car garages with a 2nd floor.

5. Describe the character of the area and whether the variance, if granted, would change the character of the area.

By granting us the Variance For the garage and 2nd Floor we would not be blocking any one's view.

6. Discuss whether the variance, if granted, would allow for a use that is prohibited in the zoning district in which the subject property is located (see Appendix A, Section 6 of the Corinna Township Zoning Ordinance for uses allowed and prohibited in your Zoning District).

N/A

7. 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?

N/A

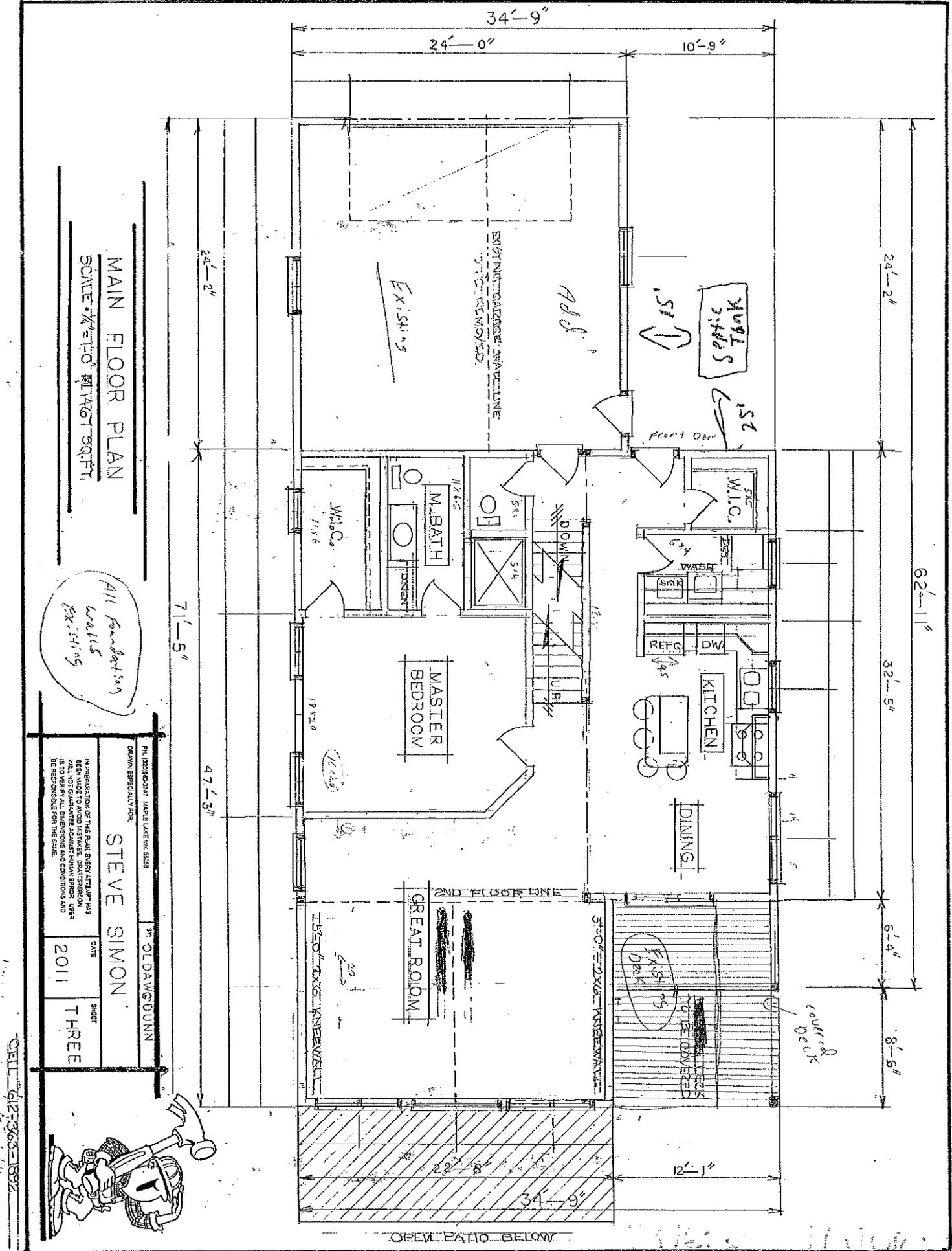
8. What considerations other than financial cost make this variance necessary? What other options have been considered and why were those options not chosen?

9. Please include any other comments pertinent to this request.

We would like to improve the property and increase the value of the property. By making the improvements we can use the property year round and our family would have enough space to be comfortable.

The septic design says it is designed for a two bedroom. We had Rusty Olson inspect it and he said that it was designed for a three bedroom. We can have Rusty draw up a plan explaining this. We have room to expand the septic if it fails in the future. If you need a detail plan of the ~~the~~ septic for the future if it ever did fail. Please let me know.

The total elevation will be under 35' including the walkout.



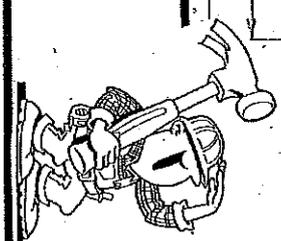
MAIN FLOOR PLAN  
 SCALE: 1/4" = 1'-0" PLANT 30'-0"

All foundation  
 walls  
 EX. 3/4" x 5"

STEVE SIMON

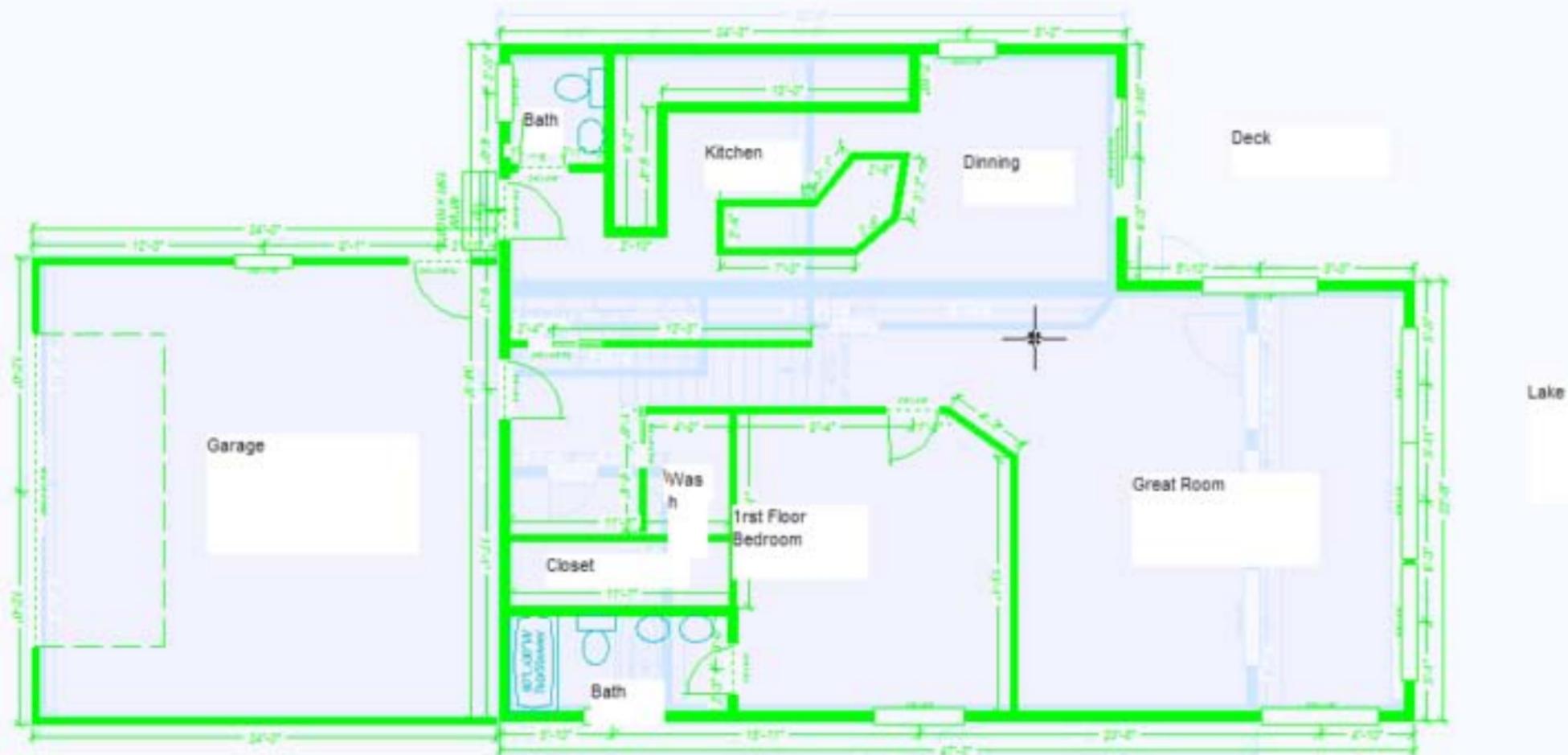
PREPARED BY: JAMES L. SIMON, P.E.  
 DRAWN BY: OLDAWG DUNN

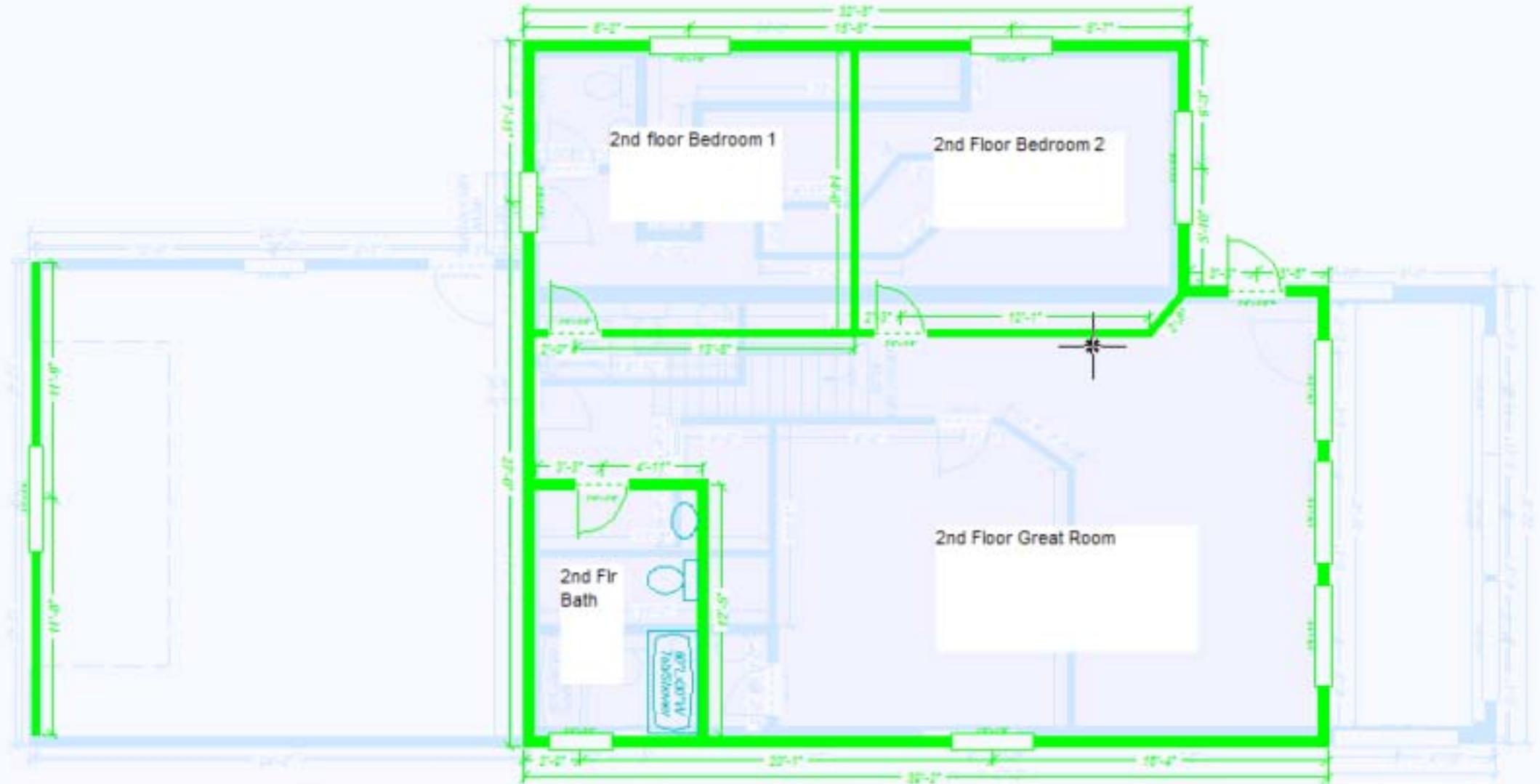
DATE: 2011  
 SHEET: THREE



CELL: 612-363-1892

71-5  
 21-2  
 37



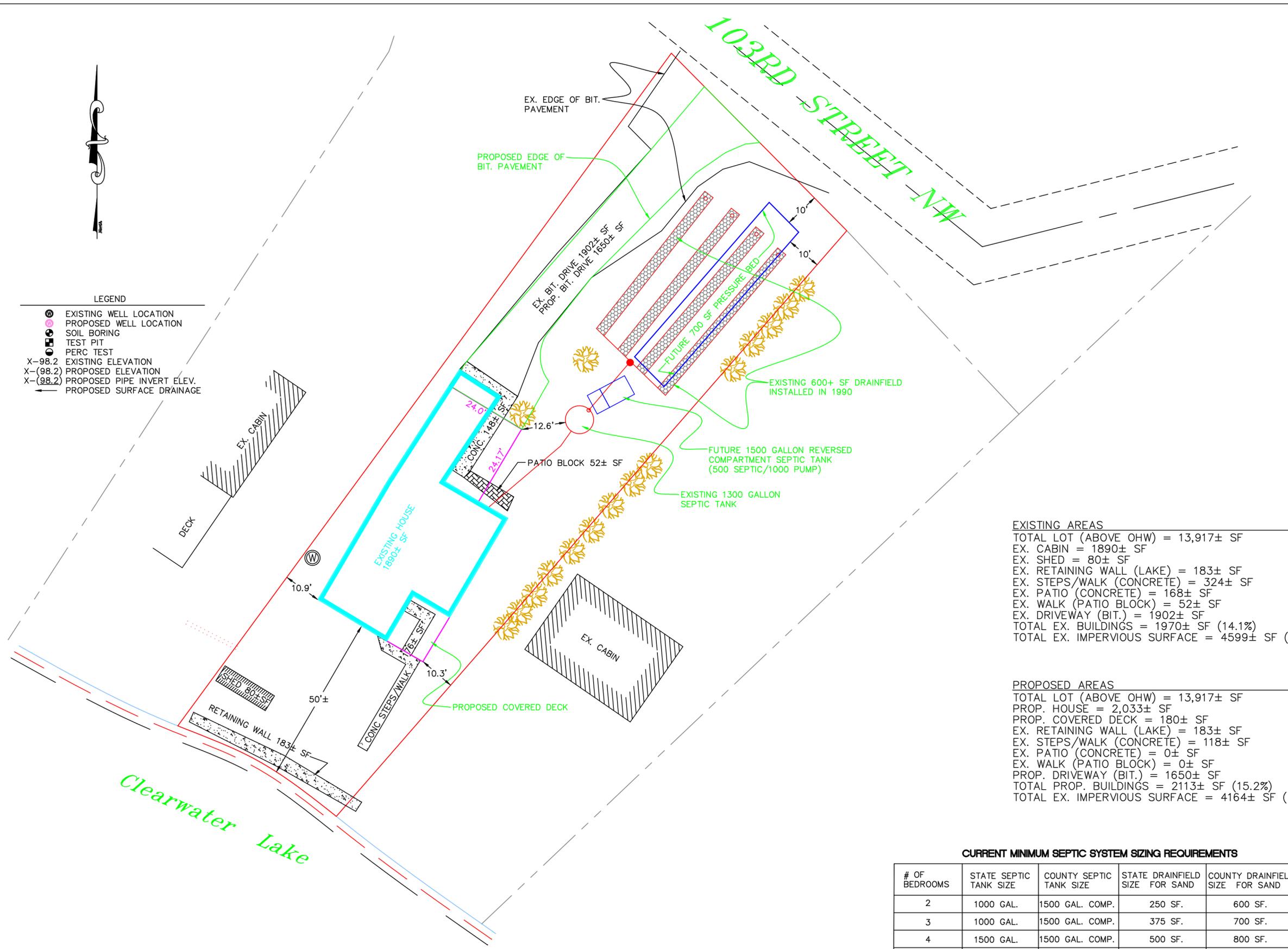








- LEGEND**
- EXISTING WELL LOCATION
  - PROPOSED WELL LOCATION
  - SOIL BORING
  - TEST PIT
  - PERC TEST
  - X-98.2 EXISTING ELEVATION
  - X-(98.2) PROPOSED ELEVATION
  - X-(98.2) PROPOSED PIPE INVERT ELEV.
  - PROPOSED SURFACE DRAINAGE



**EXISTING AREAS**

TOTAL LOT (ABOVE OHW) = 13,917± SF  
 EX. CABIN = 1890± SF  
 EX. SHED = 80± SF  
 EX. RETAINING WALL (LAKE) = 183± SF  
 EX. STEPS/WALK (CONCRETE) = 324± SF  
 EX. PATIO (CONCRETE) = 168± SF  
 EX. WALK (PATIO BLOCK) = 52± SF  
 EX. DRIVEWAY (BIT.) = 1902± SF  
 TOTAL EX. BUILDINGS = 1970± SF (14.1%)  
 TOTAL EX. IMPERVIOUS SURFACE = 4599± SF (33.0%)

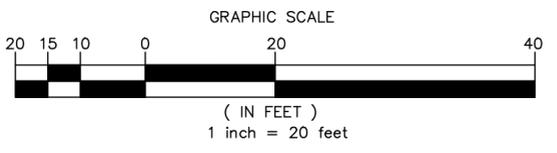
**PROPOSED AREAS**

TOTAL LOT (ABOVE OHW) = 13,917± SF  
 PROP. HOUSE = 2,033± SF  
 PROP. COVERED DECK = 180± SF  
 EX. RETAINING WALL (LAKE) = 183± SF  
 EX. STEPS/WALK (CONCRETE) = 118± SF  
 EX. PATIO (CONCRETE) = 0± SF  
 EX. WALK (PATIO BLOCK) = 0± SF  
 PROP. DRIVEWAY (BIT.) = 1650± SF  
 TOTAL PROP. BUILDINGS = 2113± SF (15.2%)  
 TOTAL EX. IMPERVIOUS SURFACE = 4164± SF (29.9%)

**CURRENT MINIMUM SEPTIC SYSTEM SIZING REQUIREMENTS**

# OF BEDROOMS	STATE SEPTIC TANK SIZE	COUNTY SEPTIC TANK SIZE	STATE DRAINFIELD SIZE FOR SAND	COUNTY DRAINFIELD SIZE FOR SAND
2	1000 GAL.	1500 GAL. COMP.	250 SF.	600 SF.
3	1000 GAL.	1500 GAL. COMP.	375 SF.	700 SF.
4	1500 GAL.	1500 GAL. COMP.	500 SF.	800 SF.
5	1500 GAL.	1500 GAL. COMP.	625 SF.	900 SF.

NOTE: THE TANK SIZE MUST BE INCREASED BY 50% AND HAVE MULTIPLE COMPARTMENTS IF A GRINDER OR EJECTOR PUMP IS USED PRIOR TO THE TANK



**MILLER'S SEWAGE TREATMENT SOLUTIONS**  
 A division of WRM Services Inc.  
 PO BOX 458 Kimball, MN 55353  
 (320) 398-2705 cell (320) 980-1737

**PROPERTY LOCATION**  
 Lot 2, Ahsenmachers Addition, Wright County, Minnesota.  
 pid#206-012-000020  
 REVISED 5/5/11

<b>Septic System Site Plan</b>		
DATE	JOB NO.	SCALE
5/5/11	2011-44	1=20

PREPARED FOR:  
**Steve Simon**

I hereby certify that this site plan was prepared by me or under my direct supervision.  
*Bernie Miller* 4/6/11  
 Bernie Miller D.R.P. M. P. C. A. License # 1921



## Duffy Engineering & Associates Inc.

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4 – 18 – 11

Mr. Steve Simon  
11255 53<sup>rd</sup> St. NE  
Albertville, MN 55301

Re: Foundation Inspection  
9823 103<sup>rd</sup> St.  
Clearwater, MN

Mr. Simon:

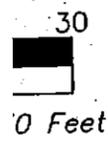
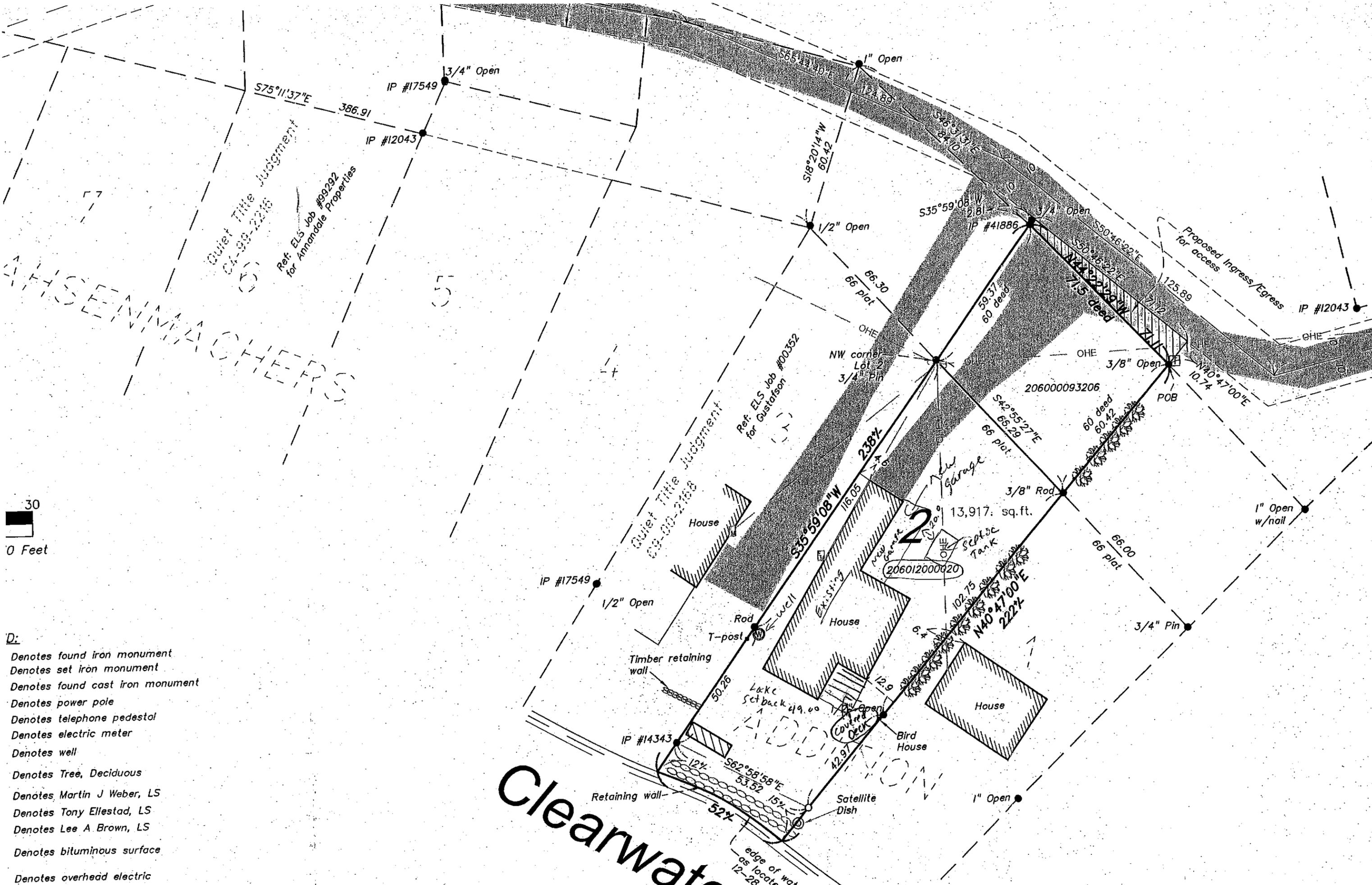
At your request, I made an on site inspection of the property at the above address to determine if the existing foundations and masonry walls are structurally sound enough to support the proposed second story addition to the home.

The structure has been modified twice since the original construction. The entire home is supported on foundations down to frost depth. The original portion has a full basement. One of the additions has a crawl space and the other has a full basement. My inspection found all the basement and crawl space masonry walls are in good structural condition. They will be able to support the proposed second floor addition. The area under the front porch is presently supported on post set a the existing concrete slab. This porch structure can be designed to support a new second floor but will need to have new drilled piers (16" diameter down 60") installed back under a main beam in order to support the existing floor and the new second floor and roof over this area.

Based on the depth of the existing foundations I feel they are have been built on the natural soils and I see no evidence that the homes foundation adversely affects the natural slope of the site. If you have any questions, please feel free to contact me.

Sincerely,

Terry W. Duffy P.E.  
President



- D:**
- Denotes found iron monument
  - Denotes set iron monument
  - Denotes found cast iron monument
  - Denotes power pole
  - Denotes telephone pedestal
  - Denotes electric meter
  - Denotes well
  - Denotes Tree, Deciduous
  - Denotes Martin J Weber, LS
  - Denotes Tony Ellestad, LS
  - Denotes Lee A Brown, LS
  - Denotes bituminous surface
  - Denotes overhead electric

Clearwater

edge of water  
as located  
12-28-10

April 29, 2011

RICHARD L. MCKENNEY /  
3304 CROFT DRIVE  
ST. ANTHONY, MN 55418

CORINNA TOWNSHIP  
WRIGHT COUNTY

DEAR ZONING COMMISSIONER / ADMINISTRATOR

Your notice of a public hearing regarding Steve and Tammy Simon's property variance was received. I am a property owner south of the property for forty-one years. I attended the last hearing on the Simon's requested variance. I was impressed on how well the township ran the hearing and how well they knew what was involved.

I would like to voice my objection to the variance request. The requested variances are way out of line with the requirements for this lot. The requirements for set-back, side clearances and impervious surfaces seem reasonable. Simon's want to build a layout that is too large for the lot. If they want this much as an exception to what the lot will contain, they should buy a larger lot. This is lake frontage property and not an urban development area.

Thank you for the notices and your request for other property owners input on variances and a chance to attend the hearings.

Richard McKenney  
9907 Jeske Ave. N.W

## Ben Oleson

---

**From:** Barry Rhineberger [Barry.Rhineberger@co.wright.mn.us]  
**Sent:** Tuesday, May 31, 2011 4:19 PM  
**To:** oleson@communitygrowth.net  
**Cc:** Sean Riley  
**Subject:** Simon Variance

Ben,

After reviewing the revised plan, Wright County's position is that the project not exceed the 15% building lot coverage requirement.

Sincerely,

Barry J. Rhineberger  
Assistant Planner  
Office of Planning & Zoning  
Wright County Government Center  
10 2nd Street NW RM 140  
Buffalo, MN 55313-1185  
(763)682-8947  
[Barry.Rhineberger@co.wright.mn.us](mailto:Barry.Rhineberger@co.wright.mn.us)

## Ben Oleson

---

**From:** Sanoski, Brian - Buffalo, MN [brian.sanoski@mn.nacdnet.net]  
**Sent:** Wednesday, May 04, 2011 3:21 PM  
**To:** oleson@communitygrowth.net  
**Subject:** May 5, 2011 Corinna Planning Commission Meeting

Ben,

I've reviewed the Agenda and revisions made to the variance request. The District supports the Staff recommendations and would favor their additional requirements.

Best Regards,

Brian Sanoski  
Urban Conservation Specialist

Wright Soil and Water Conservation District  
311 Brighton Avenue South, Suite C  
Buffalo, Minnesota 55313  
(763) 682-1970  
[brian.sanoski@mn.nacdnet.net](mailto:brian.sanoski@mn.nacdnet.net)

## Ben Oleson

---

**From:** Barry Rhineberger [Barry.Rhineberger@co.wright.mn.us]  
**Sent:** Thursday, May 05, 2011 3:46 PM  
**To:** oleson@communitygrowth.net  
**Cc:** Chuckqiii@aol.com; Sean Riley  
**Subject:** Comments

Ben,

Sorry for the late response, but here are staff comments regarding the 3 variance hearing tonight.

Schreiner - When reading the definition of a basement, at least half of the area from floor to ceiling must be underground. Based on the plans for this request, it is questionable whether that is the case here. From what we can see, the structure would be 3 stories, which is prohibited by ordinance. In addition, it seems very difficult to justify setback encroachments of the lake and bluff setbacks when none currently exists. It appears that the issues and difficulties related to this request and site are more a function of structure size and design than limitations of the lot itself. Some revisions to both impervious and lot coverage would also be advisable.

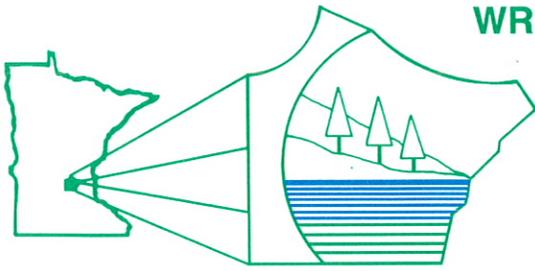
Simon - The building drawings that were submitted lack the detail needed to make concise comments. The site plan indicates additions that cannot be differentiated on the house drawings. A set of preliminary building plans with a floor plan showing existing and proposed construction would be very helpful, as would a proposed building cross-section. Aside from the plans, it does seem that adding a 1/2 story at side setbacks of approx. 7 feet and 10 feet, 50 feet from the lake, and overhanging a bluff/steep slope seems to exacerbate an already imposing structure. Although the impervious coverage figures proposed would be slightly reduced, any additional improvement in impervious coverage would be welcomed.

Anderson - The proposed rebuild and expansion does not appear to include any improvement in the existing setbacks. As such, we would recommend a minimum lake setback of no less than 60 feet from the lake to the deck and a fully compliant sideyard setback. Also, the plans appear to be incomplete as the drawings indicate a loft, but there is not an adequate cross-section to determine the added height associated with the loft or if this is livable space .

Again, sorry for the late response.

Sincerely,

Barry J. Rhineberger  
Assistant Planner  
Office of Planning & Zoning  
Wright County Government Center  
10 2nd Street NW RM 140  
Buffalo, MN 55313-1185  
(763)682-8947  
[Barry.Rhineberger@co.wright.mn.us](mailto:Barry.Rhineberger@co.wright.mn.us)



## WRIGHT SOIL AND WATER CONSERVATION DISTRICT

311 Brighton Ave. S., Suite C  
Buffalo, Minnesota 55313  
Telephone (763) 682-1933  
(763) 682-1970  
Fax (763) 682-0262

April 4, 2011

Corinna Township Zoning Administrator  
Ben Oleson  
9801 Ireland Avenue NW  
Annandale, MN 55302

**RE: NW ¼ of the SW ¼, Section 9, Township 121, Range 27, Wright County, Minnesota,  
(Corinna Township). Variance to add second story to an existing dwelling located approximately 49  
feet from Clearwater Lake and 8 and 13 feet from side lot lines on an undersized lot.**

Dear Mr. Oleson,

The Wright Soil and Water Conservation District (SWCD) has reviewed and inspected the above mentioned property and considered the proposal for the variance.

The proposed activity will occur within a bluff on Clearwater Lake. The Ordinary High Water (OHW) level of Clearwater Lake is 991.3 feet. An unofficial grade of the slope was determined to be approximately 48%, from a height of 27 feet from the OHW over a 56 foot run. These areas contain highly erodible soils and disturbance of the existing conditions should be minimized as much as possible.

Given the undersized lot and close proximity to the neighboring parcel temporary sediment control devices should be used to ensure sediment remains on-site. The use of silt fence should be installed to contain potential sediment erosion into Clearwater Lake and neighboring parcels prior to any land disturbing activity. If land disturbing activity exposes barren soil, these areas may require the use of additional temporary sediment control devices. Once construction has ceased all exposed soils require permanent erosion control and seeding to ensure stabilization of the site. The silt fence installed should be removed once the vegetation has reached 70% cover over the entire disturbed areas.

The addition of the two stall garage will increase the overall footprint of the existing structure and impervious surface on the lot. Impervious surfaces are a surface that is incapable of being penetrated by water and thereby restricts percolation of water into the ground or does not maintain a vegetative cover. Impervious surfaces include but are not limited to the footprint of all structures or buildings, decks, stairways, lifts and landings, patios, sidewalks, and all driving and parking areas. The existing impervious surfaces account for approximately 30% of the lot size without taking into account the deck and stairway to lake. The additional impervious surface from the proposed garage will likely increase the impervious percentage by a couple percent.

Stormwater runoff from the impervious surface should be directed away from the lake if at all possible to offer some form of pretreatment prior to entering Clearwater Lake. In general soils in this area are permeable and the use of infiltration practices could be used to treat increased stormwater runoff from the impervious surfaces. Directly outletting stormwater runoff down the bluff could increase the runoff velocities and cause erosion problems.

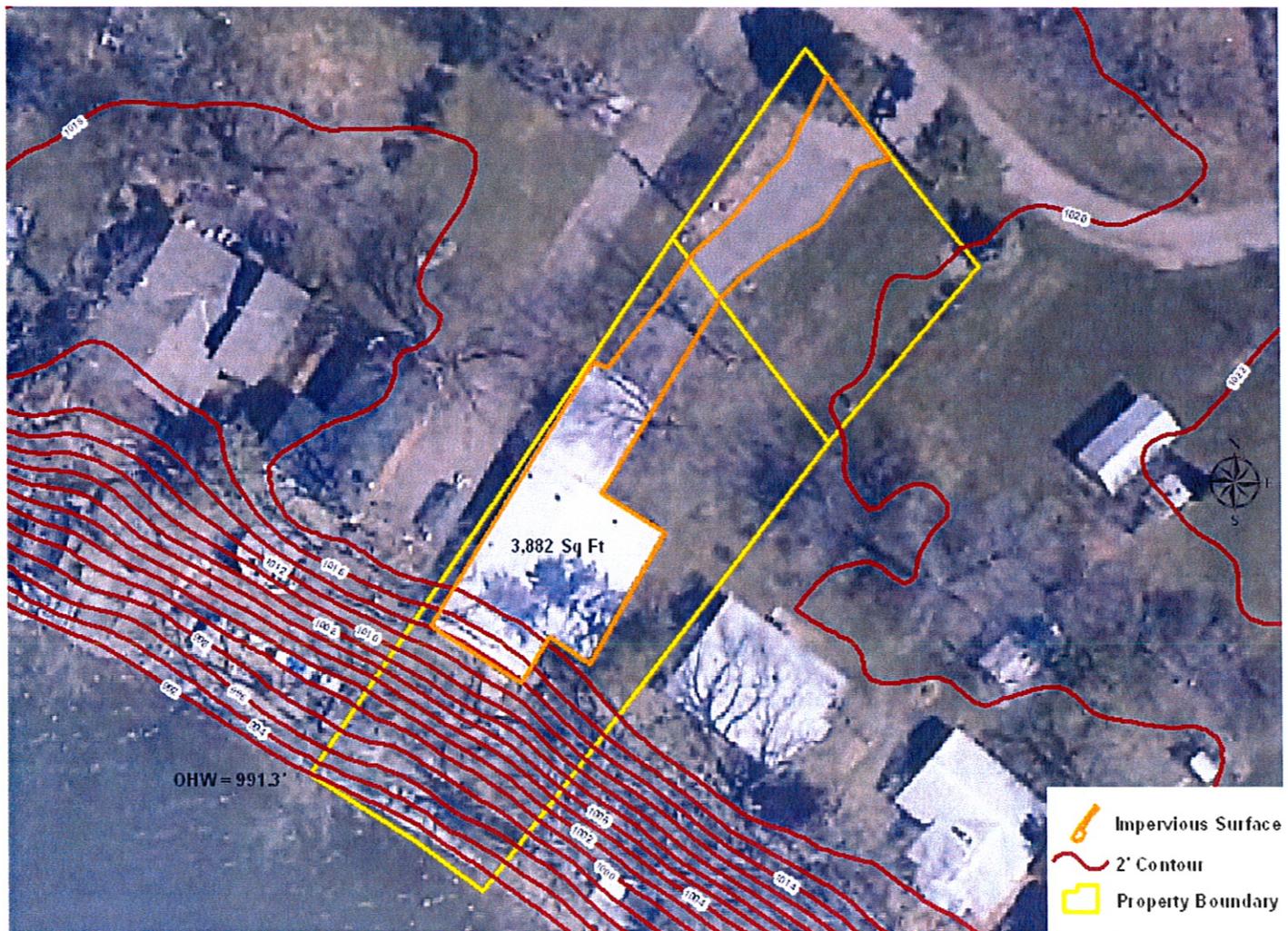
The Wright SWCD appreciates the opportunity to comment on the variance of the proposed project. Thank you for addressing our comments and if you have any questions or comments please feel free to contact myself or the District.

Kind Regards,



Brian Sanoski  
Urban Conservation Specialist

## Simon Property



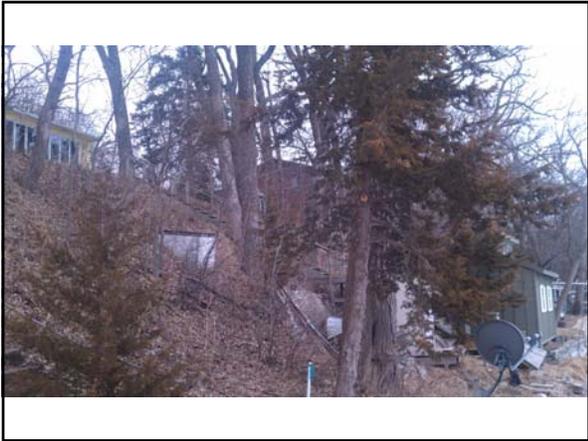
1 inch equals 33.4 feet

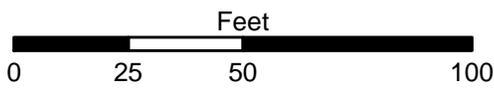
Produced By: Wright SWCD, April 4, 2011

Steve Simon  
Variance

March 21, 2011









## STAFF REPORT

**Application:** Variance to construct a 28ft x 28 ft detached garage approximately 33 feet from the centerline of a township road (65 feet required).

**Applicant:** Mark and Holly Bertelsen

**Agenda Item:** 4(b)

---

### Background Information:

□ **Location:**

- Property Address: 11469 Lathrop Ave NW, Annandale
- Sec/Twp/Range: 6-121-27
- Parcel Number: 206000064100

□ **Zoning:** General Agriculture (AG) /Residential Recreation Shorelands (S-2) Overlay District, Clearwater Lake (General Development lake).

□ **Lot size:** Approximately 110 x 409.5 or 45,045 sq ft (1.03 acres) according to provided survey (including approximately 4,700 sq ft of township roads). Without the roads, the lot size is approximately 40,350 sq ft (0.93 acres).

Existing Impervious Coverage (using only west portion of lot):

- Buildings: Approx. 2,000 sq ft (~9-10%)
- Total: Approx. 4,400 sq ft (~20-22%)

Proposed Impervious Coverage (only for east portion of lot):

- Buildings: Approx. 1,781 sq ft (~4%)
- Total: Approx. 1,920 sq ft (~10%)

□ **Septic System Status:** The existing sewer system was installed in 2001 and found compliant in 2005. Wright County sewer inspectors have indicated that the existing information is probably adequate to not require a full compliance inspection for the system at this time. During a site inspection, they would look to see if anything on-site changes their thoughts on this.

The use of the proposed garage, and its location, would not appear to have any impact on the existing sewer system.

□ **Natural Features:**

Floodplain: The property is not within an identified floodplain. The property has a steep bank rising well above the lake.

Bluff/Steep Slopes: The property contains a steep slope on the east side of the township road, where the proposed garage is to be built. The slope is about 22 feet in height and has an average slope of about 20 percent.

Wetlands: There is a wetland at the bottom of the steep slope where the garage is proposed.

□ **Proposal:** The applicant is proposing to build a 28' x 28' single story garage on the east side of the township road (the property is split by a township road). The garage would be located on a steep slope and would be constructed on a poured wall

foundation that would have about 11 feet of exposed wall at the lowest point due to the steep slope.

□ **Requested Variance(s):**

- Road centerline setback: 28ft x 28 ft detached garage approximately 33 feet from the centerline of a township road (65 feet required).

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**Applicable Statutes/Ordinances/Court Decisions:**

1.1A bill for an act

1.2relating to local government; providing for variances from city, county, and town

1.3zoning controls and ordinances;amending Minnesota Statutes 2010, sections

1.4394.27, subdivision 7; 462.357, subdivision 6.

1.5BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 394.27, subdivision 7, is amended to read:

1.7 Subd. 7. **Variances; hardship practical difficulties**. The board of adjustment shall

1.8have the exclusive power to order the issuance of variances from the ~~terms requirements~~

1.9of any official control including restrictions placed on nonconformities. Variances shall

1.10only be permitted when they are in harmony with the general purposes and intent of the

1.11official control ~~in cases when there are practical difficulties or particular hardship in~~

1.12~~the way of carrying out the strict letter of any official control, and when the terms of~~

1.13~~the variance variances~~ are consistent with the comprehensive plan. "Hardship" as used

1.14~~in connection with the granting of a variance means the property in question cannot be~~

1.15~~put to a reasonable use if used under the conditions allowed by the official controls; the~~

1.16~~plight of the landowner is due to circumstances unique to the property not created by the~~

1.17~~landowner; and the variance, if granted, will not alter the essential character of the locality.~~

1.18Variances may be granted when the applicant for the variance establishes that there

1.19are practical difficulties in complying with the official control. "Practical difficulties,"

1.20as used in connection with the granting of a variance, means that the property owner

1.21proposes to use the property in a reasonable manner not permitted by an official control;

1.22the plight of the landowner is due to circumstances unique to the property not created by

1.23the landowner; and the variance, if granted, will not alter the essential character of the

1.24locality. Economic considerations alone shall do not constitute a hardship if a reasonable

2.1use for the property exists under the terms of the ordinance practical difficulties. Practical

2.2difficulties include, but are not limited to, inadequate access to direct sunlight for solar

2.3energy systems. Variances shall be granted for earth sheltered construction as defined in

2.4section 216C.06, subdivision 14, when in harmony with the official controls. No variance

2.5may be granted that would allow any use that is prohibited not allowed in the zoning

2.6district in which the subject property is located. The board of adjustment may impose

2.7 conditions in the granting of variances ~~to~~. A condition must be directly related to and must  
2.8 bear a rough proportionality to the impact created by the variance insure compliance  
2.9 and to protect adjacent properties and the public interest. The board of adjustment may  
2.10 consider the inability to use solar energy systems a "hardship" in the granting of variances.  
2.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.12 Sec. 2. Minnesota Statutes 2010, section 462.357, subdivision 6, is amended to read:

2.13 Subd. 6. **Appeals and adjustments.** Appeals to the board of appeals and  
2.14 adjustments may be taken by any affected person upon compliance with any reasonable  
2.15 conditions imposed by the zoning ordinance. The board of appeals and adjustments has  
2.16 the following powers with respect to the zoning ordinance:  
2.17 (1) To hear and decide appeals where it is alleged that there is an error in any  
2.18 order, requirement, decision, or determination made by an administrative officer in the  
2.19 enforcement of the zoning ordinance.

2.20 (2) To hear requests for variances from the ~~literal provisions of the ordinance~~  
2.21 ~~in instances where their strict enforcement would cause undue hardship because of~~  
2.22 ~~circumstances unique to the individual property under consideration, and to grant such~~  
2.23 ~~variances only when it is demonstrated that such actions will be in keeping with the spirit~~  
2.24 ~~and intent of the ordinance. "Undue hardship" as used in connection with the granting of a~~  
2.25 ~~variance means the property in question cannot be put to a reasonable use if used under~~  
2.26 ~~conditions allowed by the official controls, requirements of the zoning ordinance including~~  
2.27 ~~restrictions placed on nonconformities. Variances shall only be permitted when they are in~~  
2.28 ~~harmony with the general purposes and intent of the ordinance and when the variances are~~  
2.29 ~~consistent with the comprehensive plan. Variances may be granted when the applicant for~~  
2.30 ~~the variance establishes that there are practical difficulties in complying with the zoning~~  
2.31 ~~ordinance. "Practical difficulties," as used in connection with the granting of a variance,~~  
2.32 ~~means that the property owner proposes to use the property in a reasonable manner not~~  
2.33 ~~permitted by the zoning ordinance; the plight of the landowner is due to circumstances~~  
2.34 ~~unique to the property not created by the landowner; and the variance, if granted, will not~~  
2.35 ~~alter the essential character of the locality. Economic considerations alone shall do not~~  
3.1 ~~constitute an undue hardship if reasonable use for the property exists under the terms of~~  
3.2 ~~the ordinance. Undue hardship also includes practical difficulties. Practical difficulties~~  
3.3 ~~include, but is are not limited to, inadequate access to direct sunlight for solar energy~~  
3.4 ~~systems. Variances shall be granted for earth sheltered construction as defined in section~~  
3.5 ~~16C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and~~  
3.6 ~~adjustments or the governing body as the case may be, may not permit as a variance any~~  
3.7 ~~use that is not permitted allowed under the zoning ordinance for property in the zone~~  
3.8 ~~where the affected person's land is located. The board or governing body as the case~~

- 3.9 may be, may permit as a variance the temporary use of a one family dwelling as a two
- 3.10 family dwelling. The board or governing body as the case may be may impose conditions
- 3.11 in the granting of variances ~~to insure compliance and to protect adjacent properties.~~ A
- 3.12 condition must be directly related to and must bear a rough proportionality to the impact
- 3.13 created by the variance.
- 3.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

**MN Rules 6120.3900, Subp 3 (Variances)**

Variances may only be granted in accordance with Minnesota Statutes, chapters 394 or 462, as applicable. They may not circumvent the general purposes and intent of the official controls. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties and the public interest. In considering variance requests, boards of adjustment must also consider whether property owners have reasonable use of the lands without the variances, whether existing sewage treatment systems on the properties need upgrading before additional development is approved, whether the properties are used seasonally or year-round, whether variances are being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

**502.3 Findings**

The Board of Adjustment shall not grant a Variance unless it finds the following facts at the hearing where the applicant shall present a statement of evidence proving the following:

- (1) The granting of the Variance will not be in conflict with the Comprehensive Plan;
- (2) The property will not yield a reasonable return if used in compliance with this Ordinance;
- (3) The conditions causing the hardship are unique and are not shared by neighboring property in the same zone;
- (4) The granting of the Variance will not essentially alter the character of the neighborhood; and,
- (5) The granting of the Variance will not adversely affect the environmental quality of the area.

If the appellant fails to prove only one of the conditions, the Board of Adjustment cannot legally grant the Variance. The burden of proof of these matters rests on the applicant. He is requesting a special privilege, and it is incumbent upon him to prove that the conditions necessary for granting of the privilege are satisfied.

**604. GENERAL AGRICULTURE AG**

**604.5 Performance Standards**

(2) Front Yard Regulations:

(a) Required Setback Distance

<u>Required Setback Distance From Road Centerline</u>	<u>Road Class</u>
130	State Highway
130	County Road State Aid
65	Local Street (Twp. Rd.)
25	From right of way of cul-de-sac or approved "T"

**Staff Findings:** 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 (road setback) for structures is presumably to help ensure the protection of those structures and motor vehicles from damage due to road maintenance activities, vehicles driving off the road, parking along-side roads or other such activities.

In other zoning districts where development occurs more densely, the ordinance allows for setbacks from the right-of-way of a road as low as 20 feet. This is presumably to allow adequate space for a vehicle to park on the driveway without impinging on the road right-of-way. Assuming a 33 foot right-of-way (the road surface is about 24 feet wide at its widest point and there is no established right-of-way), a structure would need to be 36.5 feet from the centerline of the road to meet this setback. The proposed garage will be about 45 feet from the centerline of the road at its closest point.

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

**Yes, with possible conditions addressing stormwater management and erosion control.** The Corinna Township Comprehensive Plan does not directly address road setback issues except to make statements about protecting lake quality in shoreland areas as land is developed. The Wright County Comprehensive Plan states "Development of lakeshore property shall abide by State Shoreland Management Rules to maintain, as far as practical, a natural shoreline and natural views of shoreland areas from the lake's surface."

The Comprehensive Plan states the following as strategies to "protect, preserve, and enhance lake water quality":

- o 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.

- Staff Comment: No specific storm water retention or erosion-control plan has been submitted as part of the variance proposal except for the planting of vegetation on disturbed areas. The proposed construction would not directly impact the lake, as all water from the garage would flow to the east into the wetland.
- 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.
  - Staff Comment: No specific landscaping plans have been presented except to plant grass seed on disturbed areas when the work is completed. A number of trees and shrubs will need to be removed in order to allow room for the garage.
- 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.
  - Staff Comment: No specific storm water retention or erosion-control plan has been submitted as part of the variance proposal except for the planting of grass seed on disturbed areas. The proposed construction would not directly impact the lake, as all water from the garage would flow to the east into the wetland.
- Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.
  - Staff Comment: Preparing a site for the garage will involve a substantial amount of fill. A separate CUP is required for that work (see next agenda item).

### **3) Is the proposed use of the property reasonable?**

**Yes.** The proposed use of the property is a residential garage/storage building. The ordinance allows for a residential property of this size to have accessory buildings 1,600 square feet in size in addition to any attached garages (this property contains an attached 24' x 26' garage). The proposed garage would be 784 sq ft in size.

Also, due to the location of the existing septic system, house and garage, there is limited space on the west side of the road for an accessory structure. While the proposed garage could be shifted further to the east to meet the required road setback, this would necessitate significantly more fill than is proposed.

### **4) Is the plight of the landowner due to circumstances unique to the property not created by the landowner?**

**Yes.** The need for the variances is created primarily by the existing location of the dwelling, garage and septic system on the west side of the road and the steep

slope on the east side of the road. These conditions are created by the required lake setback for structures and the natural topography – not the landowner.

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

The proposed 784 sq ft garage appears to be in character with the neighborhood, which includes detached buildings of similar or even greater size. The proposed use of the garage would be for storage of vehicles or other materials/equipment typical of a residential setting.

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

**No.** There are other considerations involved, including the location of the existing house/garage and septic system and the steep slope of the hill.

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

**No.** To avoid the need for the requested variances, the proposed garage would need to be 1) built on the west side of the road or 2) built further to the east on the lot. Building on the west side does not appear feasible given the location of the existing buildings/septic system and the required road and lake setbacks. Building further to the east would necessitate significantly more fill and more potential erosion/siltation.

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

The most likely impact on the environment would come from stormwater runoff from the garage and the fill around it. These could be reasonably addressed with proper planting of vegetation and/or other stormwater management efforts, although doing so is more challenging due to the steep slope.

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**Board of Adjustment Direction:** The Board of Adjustment may approve the variance request, deny the request, or table the request 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.

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**Staff Recommendation:** Based on the findings of fact and discussion listed above, Staff would recommend approval of the request for a road centerline setback as requested. The Board may also wish to allow for the garage to be placed even closer to the road – given that it would necessitate less fill and would not likely impact road safety since this is a short road with no through traffic.

As conditions of approval, Staff would recommend the following:

1. The applicant should submit a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation. 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.

2. 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 on downslope areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets or other forms of temporary cover until vegetation is re-established.



**STAFF REPORT**

**Application:** Land Alteration permit for the movement of approximately 350 cubic yards of earth and materials to be used as fill. Fill will be used to create a building pad for a detached garage to be located on a steep slope and to create a driveway leading to the garage.

**Applicant:** Mark and Holly Bertelsen

**Agenda Item:** 4(c)

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**Background Information:**

**Location:**

- Property Address: 11469 Lathrop Ave NW, Annandale
- Sec/Twp/Range: 6-121-27
- Parcel Number: 206000064100

**Zoning:** General Agriculture (AG) /Residential Recreation Shorelands (S-2) Overlay District, Clearwater Lake (General Development lake).

**Lot size:** Approximately 110 x 409.5 or 45,045 sq ft (1.03 acres) according to provided survey (including approximately 4,700 sq ft of township roads). Without the roads, the lot size is approximately 40,350 sq ft (0.93 acres).

Existing Impervious Coverage (using only west portion of lot):

- Buildings: Approx. 2,000 sq ft (~9-10%)
- Total: Approx. 4,400 sq ft (~20-22%)

Proposed Impervious Coverage (only for east portion of lot):

- Buildings: Approx. 1,781 sq ft (~4%)
- Total: Approx. 1,920 sq ft (~10%)

**Septic System Status:** The existing sewer system was installed in 2001 and found compliant in 2005. Wright County sewer inspectors have indicated that the existing information is probably adequate to not require a full compliance inspection for the system at this time. During a site inspection, they would look to see if anything on-site changes their thoughts on this.

The use of the proposed garage, and its location, would not appear to have any impact on the existing sewer system.

**Natural Features:**

Floodplain: The property is not within an identified floodplain. The property has a steep bank rising well above the lake.

Bluff/Steep Slopes: The property contains a steep slope on the east side of the township road, where the proposed garage is to be built. The slope is about 22 feet in height and has an average slope of about 20 percent.

Wetlands: There is a wetland at the bottom of the steep slope where the garage is proposed.

- **Proposal:** The applicant is proposing to build a 28' x 28' single story garage on the east side of the township road (the property is split by a township road). The garage would be located on a steep slope and would be constructed on a poured wall foundation that would have about 11 feet of exposed wall at the lowest point due to the steep slope.
- **Requested Land Alteration:**

Movement of approximately 350 cubic yards of earth and materials to be used as fill. Fill will be used to create a building pad for a detached garage to be located on a steep slope and to create a driveway leading to the garage.

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**Applicable Statutes/Ordinances/Court Decisions:**

505. CONDITIONAL USE PERMITS

505.1 Criteria for Granting Conditional Use Permits

In granting a conditional use permit, the Wright County Planning Commission shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands. Among other things, the County Planning Commission shall make the following findings where applicable.

- (1) That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity;
- (2) That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area;
- (3) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
- (4) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use;
- (5) The use is not in conflict with the Policies Plan of the County; and,
- (6) That adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

505.2 Additional Conditions

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which

the Planning Commission considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

- (1) Increasing the required lot size or yard dimension.
- (2) Limiting the height, size or location of buildings.
- (3) Controlling the location and number of vehicle access points.
- (4) Increasing the street width.
- (5) Increasing the number of required off-street parking spaces.
- (6) Limiting the number, size, location or lighting of signs.
- (7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- (8) Designating sites for open space.

Any change involving structural alterations, enlargements, intensification of use, or similar change not specifically permitted by the Conditional Use Permit issued shall require an amended Conditional Use Permit and all procedures shall apply as if a new permit were being issued. The Wright County Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the Planning Commission; time limits, review dates, and such other information as may be appropriate.

## 728. LAND ALTERATIONS

### 728.1 Permit Required

- (1) A Land Alteration Permit shall be required in all cases where excavation, grading and/or filling of any land within the county would result in a substantial alteration of existing ground contour or would change existing drainage or would cause flooding or erosion or would deprive an adjoining property owner of lateral support and would remove or destroy the present ground cover resulting in less beneficial cover for present and proposed development, uses and enjoyment of any property in the County.
- (2) Substantial alteration shall be defined as the extraction, grading, or filling of land involving movement of earth and materials in excess of fifty (50) cubic yards in the Shorelands Districts and in excess of five hundred (500) cubic yards in all other districts except drain tiles and ditch cleaning in agricultural areas. Such substantial alteration shall require a conditional use permit.

- (6) A Land Alteration Permit shall be valid for a period of six (6) months from the date of issue. A Land Alteration Permit shall be administered in the same manner as a Conditional Use Permit.

## 728.2 Requirements

Before the issuance of a Land Alteration Permit or an Administrative Land Alteration Permit, it must be established that all of the following conditions are met. These conditions must also be adhered to during the issuance of construction permits, permits, conditional use permits, variances and subdivision approvals:

- (2) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
- (3) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
- (4) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
- (5) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
- (6) Fill or excavated material must not be placed in a manner that creates an unstable slope;
- (7) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
- (10) Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and

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

- 1) Will the Conditional use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the immediate vicinity?**

**No, if erosion and stormwater management concerns are addressed.**  
The potential impact of any fill on this lot would be if it were to erode onto adjacent property, or if the stormwater runoff were to be re-directed to neighboring properties. From the plans submitted, it appears that the likelihood

of these is minimal – largely because of the natural topography. The proposed garage itself meets all requirements of the land use ordinance in terms of height, size, etc... The road setback location is being addressed via the variance process.

**2) Will the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area?**

**No.** The fill is only required for the proposed garage, and most of the fill will be located within the walls of the poured wall foundation. Thus, it should have very little impact on the orderly development of surrounding vacant property.

**3) Do adequate utilities, access roads, drainage and other necessary facilities exist or will they be provided?**

**Should be discussed.** The area is already served by utilities. Drainage issues should be discussed, to ensure that the fill in this area will not substantially change drainage patterns from the road, in particular.

**4) Have adequate measures been taken to provide sufficient off-street parking and loading space to serve the proposed use?**

**Yes.** The proposed garage is being set back from the surface of the road at least 33 feet, which should provide adequate space for off-street parking in front of the proposed garage.

**5) Will the use conflict with the Policies Plan of Corinna Township and/or Wright County?**

**No, provided there are conditions addressing stormwater management and erosion control.** The Corinna Township Comprehensive Plan does address issues related to fill – particularly in shoreland areas. The Wright County Comprehensive Plan states “Development of lakeshore property shall abide by State Shoreland Management Rules to maintain, as far as practical, a natural shoreline and natural views of shoreland areas from the lake's surface.”

The Corinna 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.

Staff Comment: No specific storm water retention or erosion-control plan has been submitted as part of the variance proposal except for the planting of vegetation on disturbed areas. The proposed construction would not directly impact the lake, as all water from the garage would flow to the east into the wetland.

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.

Staff Comment: No specific landscaping plans have been presented except to plant grass seed on disturbed areas when the work is completed. A number of trees and shrubs will need to be removed in order to allow room for the garage.

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.

Staff Comment: No specific storm water retention or erosion-control plan has been submitted as part of the variance proposal except for the planting of grass seed on disturbed areas. The proposed construction would not directly impact the lake, as all water from the garage would flow to the east into the wetland.

Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.

Staff Comment: Preparing a site for the garage will involve a substantial amount of fill. The further back in the lot the garage is placed, the more fill is required. The Commission may wish to discuss whether it would actually be preferable to move the garage closer to the road so as to minimize fill – as long as the garage is not placed closer than 20 feet from the right-of-way of the road.

**6) Have adequate measures been taken, or will they be taken, to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result?**

**Yes.** The proposed project would not be expected to create any long-term or ongoing nuisance such as are listed above.

**7) Are there any other conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the community as a whole?**

Staff's primary concern with this application is whether there is a way to reasonably reduce the amount of fill and ensuring that stormwater management on the property is addressed so as not to create new problems for this property or nearby properties. In order to ensure this, Staff has recommended conditions addressing stormwater management. Still, there should be some discussion of this by the Commission to ensure that at least the framework of a stormwater management plan is determined sufficient for the Commission.

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**Planning Commission Direction:** The Planning Commission may approve the conditional use request, deny the request, or table the request if the Commission should need additional information from the applicant. If the Commission should approve or deny the request, the Commission should state the findings which support either of these actions.

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**Staff Recommendation:** Staff finds that the conditions for approval of a Conditional Use permit have been met and recommends approval as presented, subject to the following conditions:

1. The applicant should submit a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation. 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.
2. 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 on downslope areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets or other forms of temporary cover until vegetation is re-established.

Application # _____	Date Application Rec'd ___/___/___	Fee Collected \$ _____
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(for office use only)

**CORINNA TOWNSHIP  
VARIANCE APPLICATION**

Name of Applicant Deering Const, Inc Phone 612-685-5169

Property Address (E911#) 11769 Lathrop Ave N.W. Annandale, Minn

Mailing Address 8937 Ingram Ave N.W. Annandale Local Phone 320-274-5584  
(if different than above) (if different than above)

City, State, Zip Annandale, Minn 55302

Applicant is:

Title Holder of Property (if other than applicant)

- Legal Owner ( )
- Contract Buyer ( )
- Option Holder ( )
- Agent ( )
- Other Contractor

Mark + Holly Bertelsen  
(Name)  
11216 Woods Trail N.  
(Address)  
Champlin, Minn, 55316  
(City, State, Zip)

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

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

Property ID # (12 digit # beginning with 206-XXX-XXXXXX) 000064100

Full legal description of property involved in this request, including total acreage (required – attach separate sheet if necessary):

~~Sect-06 Twp-121 Range-027 UNPLATTED LAND CORINNA TWP .40 AC TH PRT OF SEC6DES BEG AT PT ON SEC LN BET  
SEC5&6 128.26FT S OF E-W1/4LN TH OF TH E PAR/W1/4LN365.64FT TH S AT R AGL110FT TH AT R AGL  
W&PAR/W1/4LN446.63FT M/L TO LK TH NLY ALG SD SHR LN110FT M/L TO PT W OF POB TH E84FT M/L TO POB.~~

Zoning District \_\_\_\_\_, Lake Name (if applicable) Cleowater

What type of variance are you requesting (check as many as apply)?

- Undersized Lot
- Setback Variance
- Lot Line Adjustment
- 1 per 40 Division
- Appeal of Staff Interpretation
- Other \_\_\_\_\_

What are you proposing for the property? State nature of request in detail: Construct  
28' x 28' detached garage 35' from centerline of road

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.corinnaplanning.info](http://www.corinnaplanning.info).

**Please complete all of the following questions:**

1. The granting of the Variance will not be in conflict with the Comprehensive Plan; *No*
2. The property in question cannot be put to a reasonable use if used under the conditions allowed by this Ordinance. *Yes*
3. The plight of the landowner is due to circumstances unique to the property and not created by the landowner. *Yes*
4. The variance is proved necessary in order to secure for the applicant a right or rights that are enjoyed by other owners in the same area. *Yes*
5. The variance, if granted, will not alter the essential character of the locality. *No*
6. The variance will not allow any use that is prohibited in the zoning-district in which the subject property is located. *No*
7. The granting of the variance will not adversely affect the environmental quality of the area. *No*
8. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of this Ordinance.

1. Describe why the granting of the variance request would not conflict with the goals and policies in the Corinna Township Comprehensive Plan (Plan available at [www.corinnaplanning.info](http://www.corinnaplanning.info)).

*Road setbacks for resident detached garage*

2. How will reasonable use of the parcel be taken from you if the variance is not granted? If the variance request were denied, how would you be able to use your property?

*No useable*

3. What are the unique circumstances of the parcel size, shape, topography or other characteristics that make meeting the Ordinance requirements impractical?

*Property grade drops off rapidly*

4. Discuss whether you would be denied a right enjoyed by other landowners in the area if your variance request were denied. What right or rights would be lost?

*Neighbors have garage closer to road than we are requesting*

Application # <u>C11-002</u>	Date Application Rec'd <u>6/13/2011</u>	Fee Collected \$ <u>250.00</u>
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(for office use only)

**CORINNA TOWNSHIP  
CONDITIONAL USE APPLICATION**

Name of Applicant Deering Const, Inc Phone 612-685-5169  
 Property Address (E911#) 11469 Lathrop Ave N.W. Annandale, Minn  
 Mailing Address 8937 Ingram Ave NW, Annandale Local Phone 320-274-5584  
 (if different than above) (if different than above)  
 City, State, Zip Annandale, Minn. 55302

Applicant is:	Title Holder of Property: (if other than applicant)
Legal Owner ( )	<u>Mark A Holly Bertelsen</u>
Contract Buyer ( )	(Name)
Option Holder ( )	<u>11216 Woods Trail N</u>
Agent ( )	(Address)
Other <u>Contractor</u>	<u>Champlin, Minn 55316</u>
	(City, State, Zip)

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

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

Property ID # (12 digit #) 206 - 000-064100

Full legal description of property involved in this request, including total acreage (attach separate sheet if necessary):

Sect 06 Twp-121 Range-027 UNPLATTED LAND CORINNA TWP .40 AC TH PRT OF SEC6DES BEG AT PT ON SEC LN 1/4 ET SEC 8 & 6 128.26FT S OF E-W1/4LN THOF TH E PAR/W1/4LN365.64FT TH S AT R AGL110FT TH AT R AGL W&P R/W1/4LN446.63FT M/L TO LK TH NLY ALG SD SHR LN110FT M/L TO PT W OF POB TH E84FT M/L TO POB

Zoning District \_\_\_\_\_, Lake Name (if applicable) Clearwater

What are you proposing for the property? State nature of request in detail:  
Construct 28'x28' detached garage 35' from centerline of road

What changes (if any) are you proposing to make to this site?  
 Building: 28'x28' detached garage  
 Landscaping: \_\_\_\_\_  
 Parking/Signs: \_\_\_\_\_

Pursuant to the Corinna Township Zoning Ordinance, Appendix A, Section 505.1, the Planning Commission will consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands. Among other things, the Planning Commission shall make the following findings where applicable:

Please complete all of the following questions to the best of your ability (some questions may not apply, depending on the nature of your request):

1. Would the proposed use would be harmful to the use and enjoyment of other property in the immediate area (for uses that are permitted)? Why or why not? Would the property reduce or otherwise diminish property values in the immediate area? Why or why not?

*No, not harmful to property, improve appearance of property value*

2. Will the proposed use prevent other landowners in the area from developing their property in a normal and orderly way? Why or why not?

*No, doesn't affect other adjacent owners*

3. Will the proposed use require any utilities, access roads, drainage or other public or semi-public facilities? If so, are these already provided in the area? If not, how will they be provided?

*Requires none of the above*

4. Will the proposed use require off-street parking or loading space? If so, what actions will you take to provide sufficient space and where?

*Yes, will provide off street parking*

5. Discuss how the proposed use will be in conformance with the Comprehensive Plan of the Township and Wright County.

*Residential area will provide covered so things aren't sitting outside*

6. Will the proposed use create any odors, fumes, dust, noise, vibration, or involve any lighted signs or other lights? If so, how do you intend to control these so that they do not create a nuisance for neighboring properties? Discuss how the proposed use will be in conformance with the Comprehensive Plan of the Township.

*Will create none of above*

7. Will the proposed use involve any exterior storage of materials? If so, how will the storage prevent reducing nearby property values, impair scenic views or threaten habitat or other living amenities?

*No, that's ~~one~~ reason for garage*

8. Will the proposed use involve any harvesting of timber or other clearing of forest land? If so, how will exposed soil be stabilized or prevented from eroding? Please attach an erosion and sediment control plan developed and approved by the local soil and water conservation district.

*Removal of couple trees install stile fence during construction & reseed area when job is completed*

If in Shoreland Areas, please complete all of the following questions:

1. Describe any aspects of the proposed use that could harm the lake or stream. Discuss how you will reduce or prevent any impacts.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Discuss why the proposed use is suited to a shoreland area.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Will the proposed use involve any grading or filling of the natural or existing topography? If so, how will you minimize earthmoving, erosion, tree clearing and the destruction of natural amenities.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Will the proposed use involve any connections to public waters, such as boat slips, canals, lagoons, or harbors? If so, has the MN Department of Natural Resources approved the connection?

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5. Describe the character of the area and whether the variance, if granted, would change the character of the area.

*Granting the variance would not change character of area*

6. Discuss whether the variance, if granted, would allow for a use that is prohibited in the zoning district in which the subject property is located (see Appendix A, Section 6 of the Corinna Township Zoning Ordinance for uses allowed and prohibited in your Zoning District).

*No zoning prohibited*

7. 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?

*No environmental quality impact*

8. What considerations other than financial cost make this variance necessary? What other options have been considered and why were those options not chosen?

*low wall exposed to character of lot*

9. Please include any other comments pertinent to this request.

# MAPLE LAKE LUMBER CO.



MAPLE LAKE, MN 55358  
PHONE 963-3612

DATE \_\_\_\_\_

JOB \_\_\_\_\_

A large grid of small squares, typical of graph paper, used for drawing or estimating. The grid is bounded by a decorative border with a wood-grain pattern.

*18' x 8' overlead*

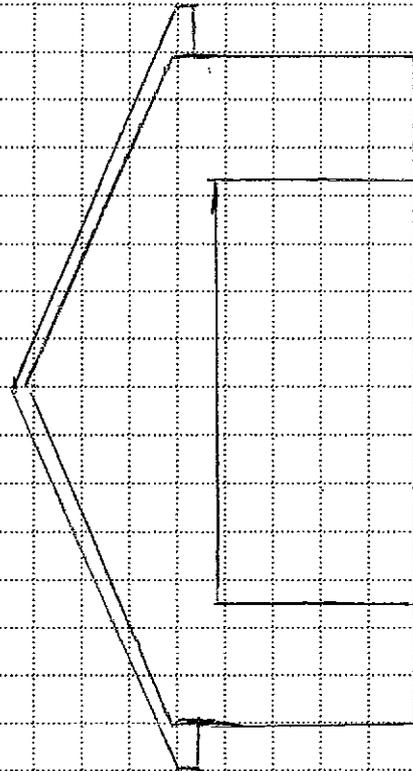
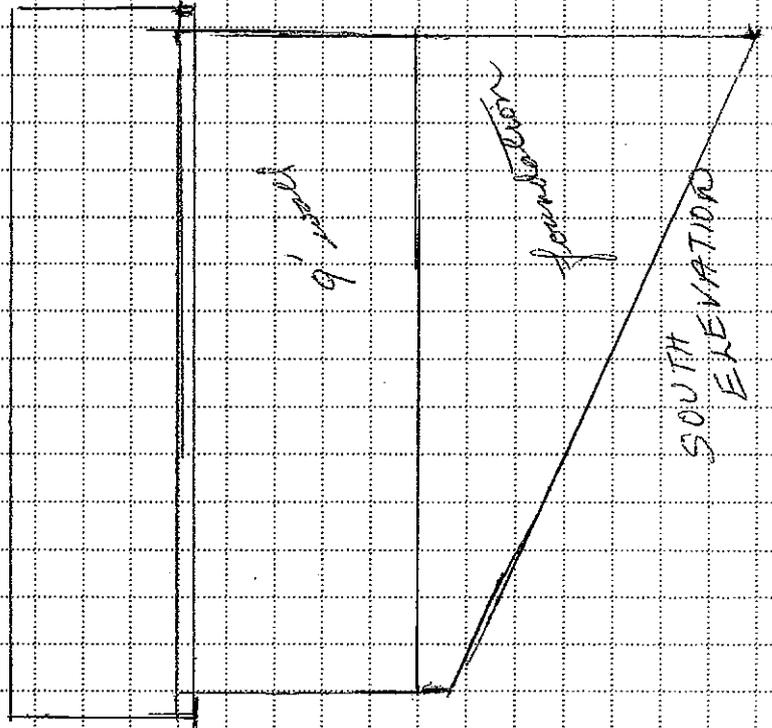
# MAPLE LAKE LUMBER CO.

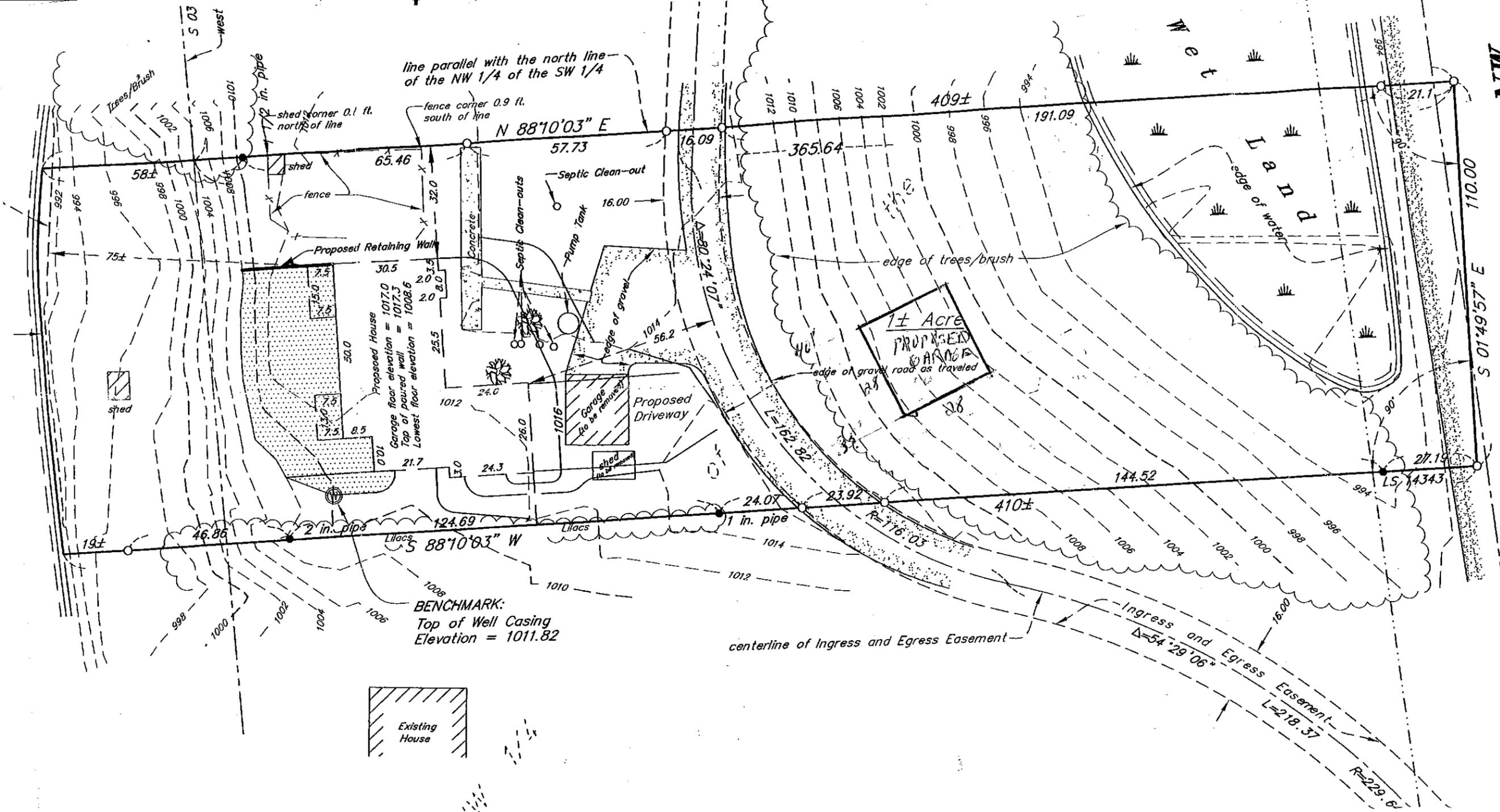
**FREE**  
Building  
Estimate

MAPLE LAKE, MN 55358  
PHONE 963-3612

DATE \_\_\_\_\_

JOB \_\_\_\_\_

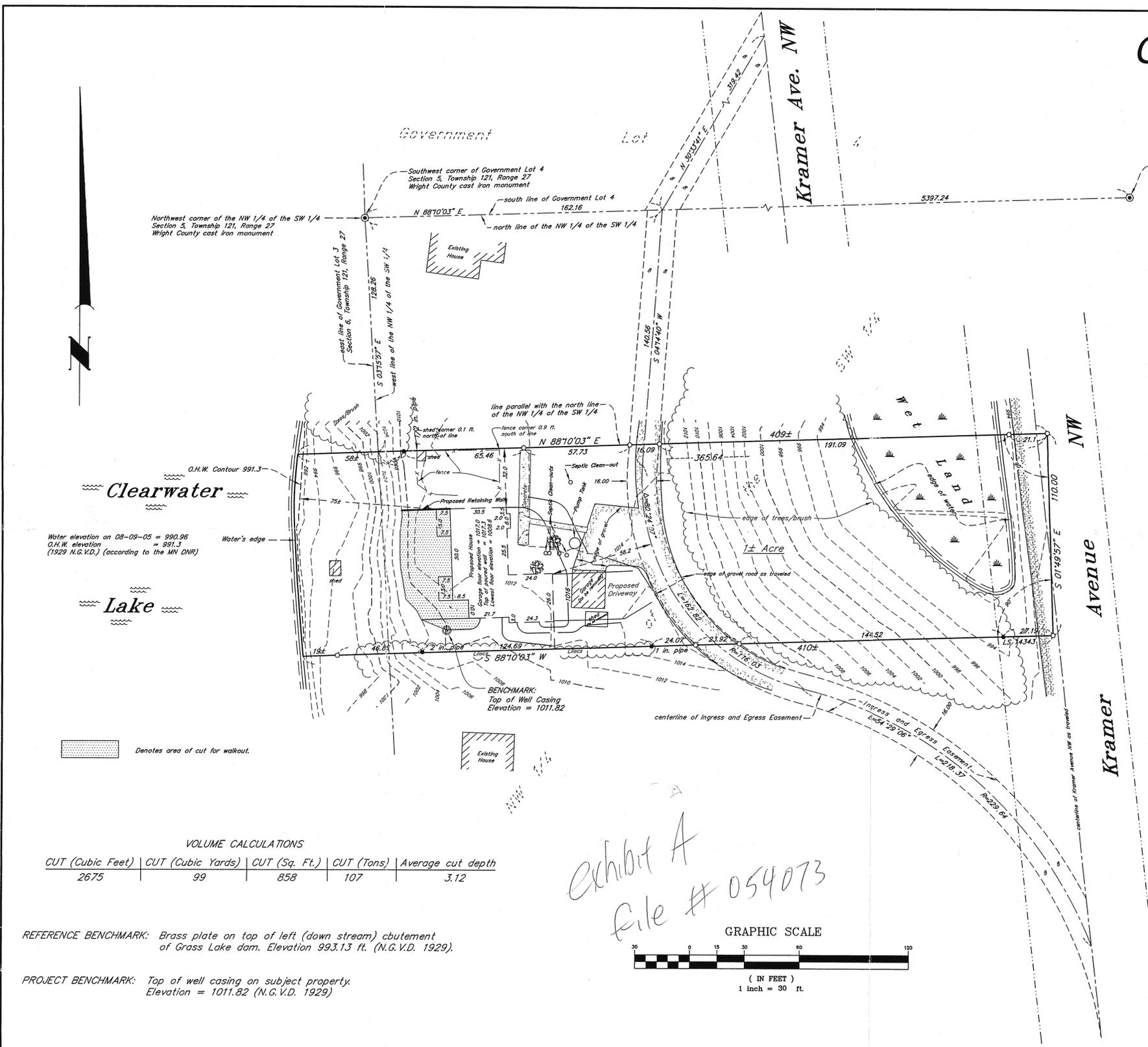




Kramer Avenue NW  
 Kramer  
 centerline of Kramer Avenue NW as traveled  
 Ingress and Egress Easement  
 $\Delta=54^{\circ}29'06''$   
 $L=218.37$   
 $R=229.6$

# CERTIFICATE OF SURVEY

DRAWING NUMBER 08-09-05  
 Mark Bertelsen  
 SAFCO PRODUCTS • NEW HOPE, MINNESOTA  
 REGISTERED BY PART NUMBER 6582  
 DRAWING NUMBER 08-09-05  
 Mark Bertelsen  
 SAFCO PRODUCTS • NEW HOPE, MINNESOTA  
 REGISTERED BY PART NUMBER 6582  
 NUMBER 08-09-05  
 NEW HOPE, MINNESOTA  
 SAFCO PRODUCTS • NEW HOPE, MINNESOTA  
 REGISTERED BY PART NUMBER 6582



LEGAL DESCRIPTION SUPPLIED BY CLIENT per Certificate of Title No: 5685

All that part of Section Five (5) and Six (6) Township One Hundred Twenty-One (121) North, Range Twenty-Seven (27) West, Wright County, described as follows: to wit: Beginning at a point on the Section line between said Sections 5 & 6, Township 121, Range 27, 128.26 feet South of the East-West Quarter line thereof; Thence East parallel with said quarter line (356.64) feet; thence south and at right angles 110 feet; thence at right angles West and parallel with said quarter line 446.63 feet more or less to shore line of Clearwater Lake; thence Northerly along said shore line 110 feet more or less to a point West of The point of beginning; thence East 84 feet more or less to point of beginning and there terminating. Subject to existing easement for road purposes.

*Should be 365.64*  
*per Lee Ellestad/Bogart*

INGRESS AND EGRESS EASEMENT per of Survey prepared by Ellestad Land Services, dated 4/02/01

Subject to and together with a 16.00 foot wide Ingress and Egress Easement over and across that part of the Northwest Quarter of the Southwest Quarter of said Section 5, Township 121, Range 27, Wright County, Minnesota, the centerline of said easement is described as follows:

Commencing at the northwest corner of said Northwest Quarter of the Southwest Quarter; thence on an assumed bearing of North 88 degrees 10 minutes 03 seconds East, along the north line of said Northwest Quarter of the Southwest Quarter, a distance of 162.16 feet to the point of beginning of the centerline to be described; thence South 04 degrees 14 minutes 40 seconds West a distance of 140.56 feet; thence southeasterly, a distance of 162.82 feet along a tangential curve, concave to the northeast, having a radius of 116.03 feet and a central angle of 80 degrees 24 minutes 07 seconds; thence southeasterly, a distance of 218.37 feet, along a reverse curve, having a radius of 229.54 feet and a central angle of 54 degrees 29 minutes 06 seconds to the centerline of Kramer Avenue and said centerline there terminating.

The sidelines of said easement shall terminate at the intersection with the centerline of Kramer Avenue and at the intersection with the north line of said Northwest Quarter of the Southwest Quarter.

Also together with a 16.00 foot wide Ingress and Egress Easement over and across that part of Government Lot 4, Section 5, Township 121, Range 27, Wright County, Minnesota, the centerline of said easement is described as follows:

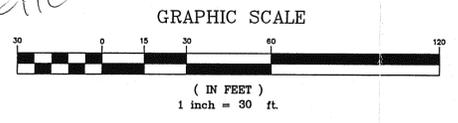
Commencing at the southwest corner of said Government Lot 4; thence on an assumed bearing of North 88 degrees 10 minutes 03 seconds East, along the south line of said Government Lot 4, a distance of 162.16 feet to the point of beginning of the centerline to be described; thence North 30 degrees 33 minutes 41 seconds East a distance of 319.42 feet to the centerline of Kramer Avenue and said centerline there terminating.

The sidelines of said easement shall at the intersection with the centerline of Kramer Avenue and at the intersection with the south line of said Government Lot 4.

VOLUME CALCULATIONS

CUT (Cubic Feet)	CUT (Cubic Yards)	CUT (Sq. Ft.)	CUT (Tons)	Average cut depth
2675	99	858	107	3.12

*Exhibit A*  
*file # 054073*



REFERENCE BENCHMARK: Brass plate on top of left (down stream) abutment of Grass Lake dam. Elevation 993.13 ft. (N.G.V.D. 1929).

PROJECT BENCHMARK: Top of well casing on subject property. Elevation = 1011.82 (N.G.V.D. 1929)

○ Denotes iron monument set  
 ● Denotes iron monument found  
 Bearings based on Ingress and Egress Easement

NW 1/4 of the SW 1/4/Government Lot 3  
 Sections 5 and 6, Township 121, Range 27  
 Corinna Township  
 Wright County, MN

ELLESTAD/BOGART, PEDERSON & ASSOCIATES, INC.  
 LAND SURVEYING  
 CIVIL ENGINEERING  
 MAPPING  
 311 Division Street West, Maple Lake MN 55358  
 TEL: 320-963-6900 FAX: 320-963-8060

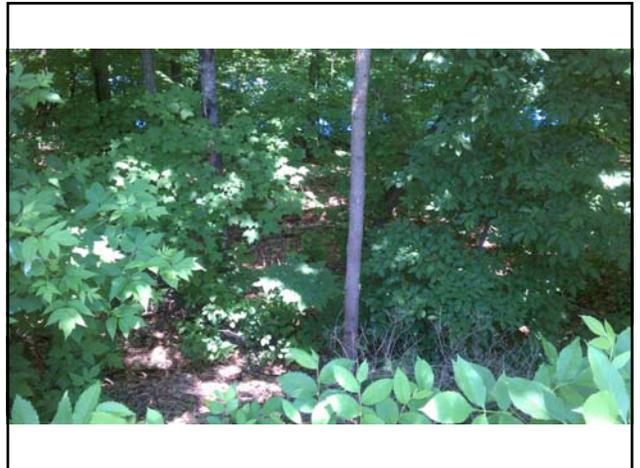
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

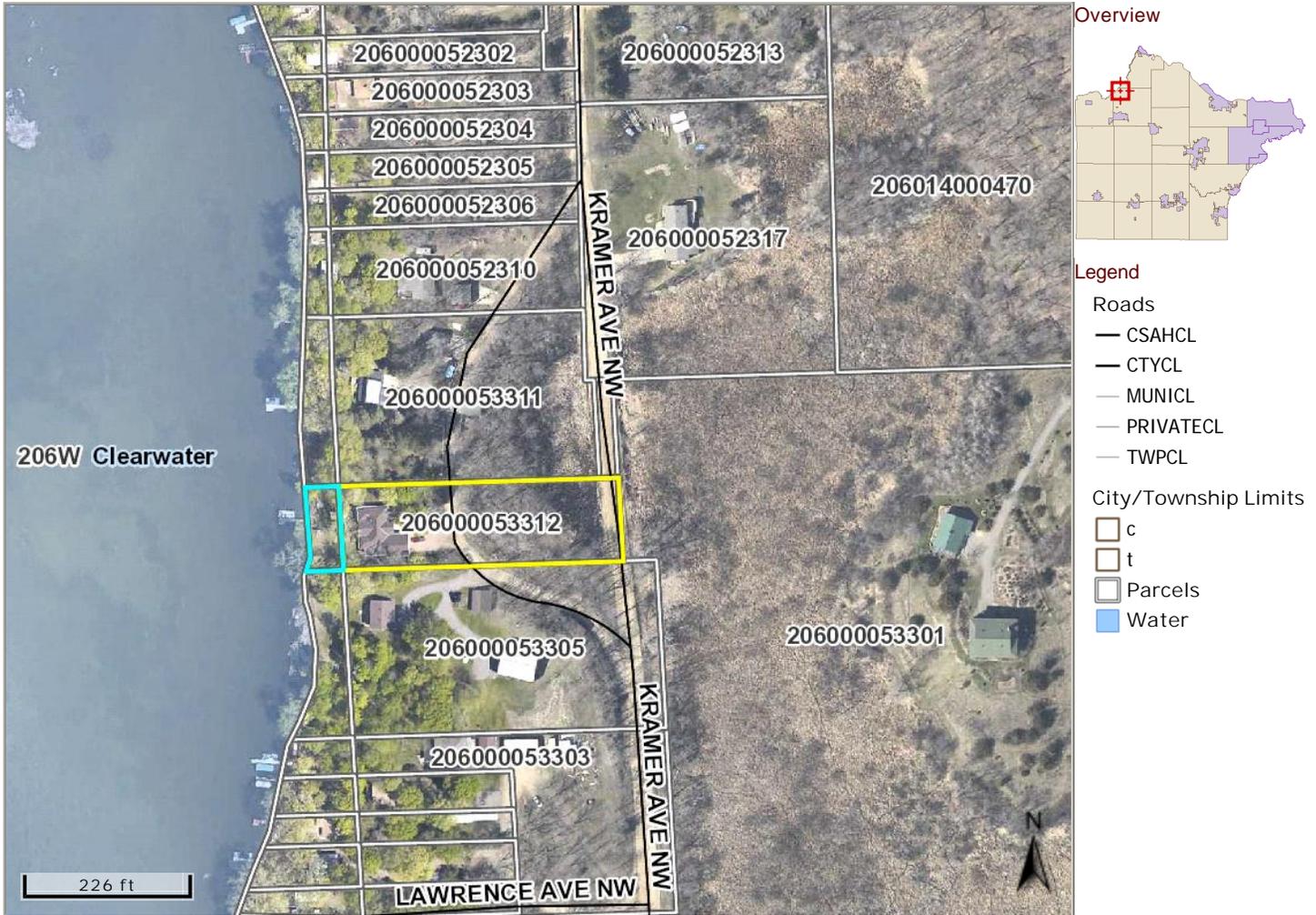
Signed: *Lee A. Brown*  
 Lee A. Brown  
 Date: 9/1/05 Lic. No. 41886

SURVEY DATE: 08-09-05  
 FB/PG: 44/69  
 DRAWN BY: RKR  
 CHECKED BY: LAB  
 DWG FILE: 05-0450.dwg  
 FILE NO.: 05-0450.00

Requested by:  
**Mark Bertelsen**

REV NO.	DATE	DESCRIPTION
1	08-30-05	Added proposed house, calculated volumes





Parcel ID	206000064100	Alternate ID	n/a	Owner	MARK BERTELSEN REV LIV TRUST
Sec/Twp/Rng	6-121-27	Class	151 - SEASONAL RES REC	Address	MARK J & HOLLY J BERTELSEN TRE
Property Address	11469 LATHROP AVE NW ANNANDALE	Acreage	0.40		11216 WOODS TRAIL N CHAMPLIN, MN 55316

District: n/a  
 Brief Tax Description: Sect-06 Twp-121 Range-027 UNPLATTED LAND CORINNA TWP .40 AC TH PRT OF SEC6DES BEG AT PT ON SEC LN BET SEC5&6 128.26FT S OF E-W1/4LN THOF TH E PAR/W1/4LN365.64FT TH S AT R AGL110FT TH AT R AGL W&PAR/W1/4LN446.63FT M/L TO LK TH NLY ALG SD SHR LN110FT M/L TO PT W OF POB TH E84FT M/L TO POB  
 (Note: Not to be used on legal documents)

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