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# CORINNA TOWNSHIP

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## BOARD OF ADJUSTMENT/ PLANNING COMMISSION

MEETING PACKET FOR  
**June 10, 2015**



CORINNA TOWNSHIP  
AGENDA  
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION  
June 10, 2015  
7:00 PM

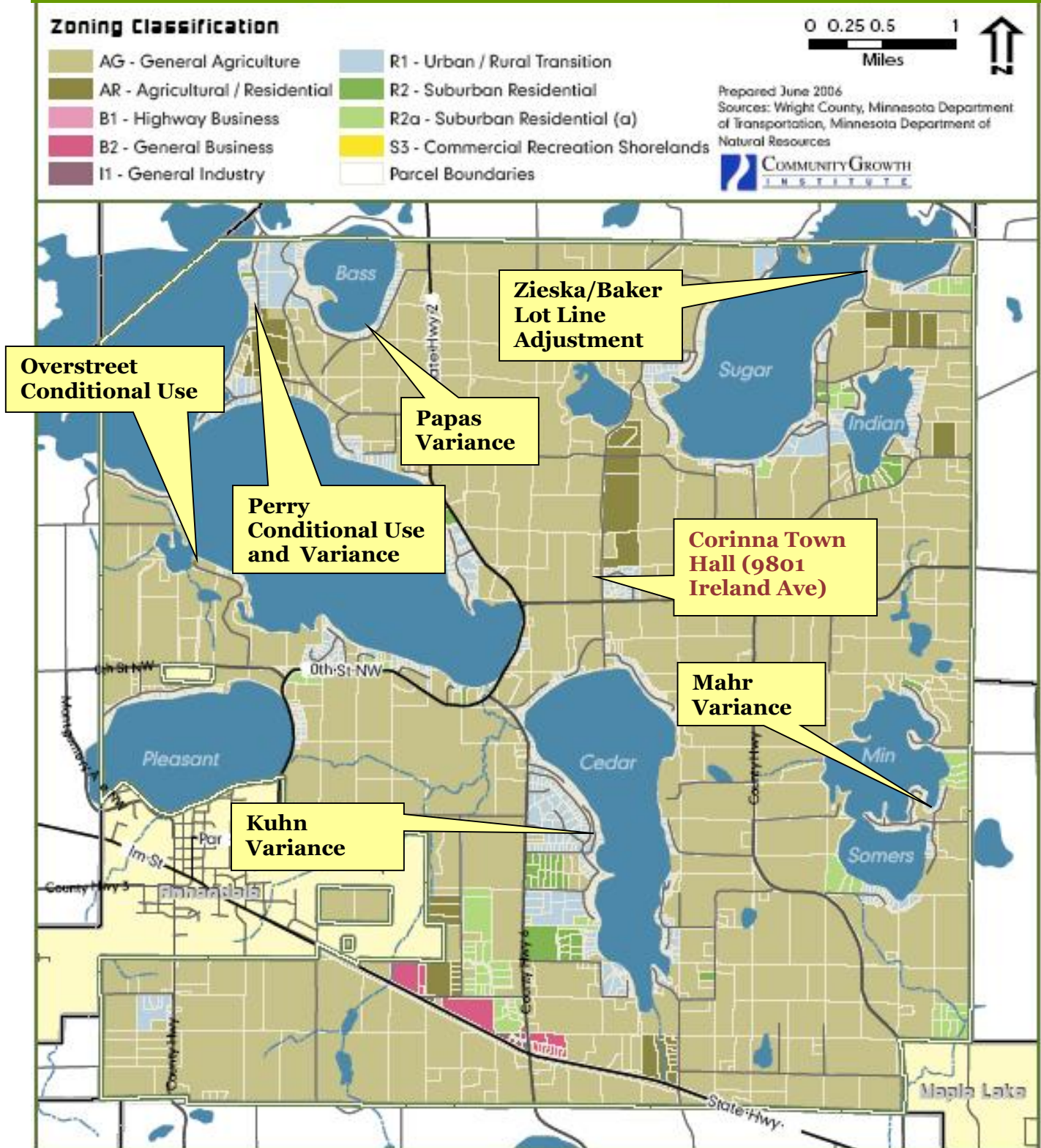
1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
4. Public Hearings
  - a. (Tabled from May 2015 meeting) Variance to replace an 8' x 28' open deck with a 12' x 28' covered screen porch addition to an existing dwelling approx. 38.2 feet from Cedar Lake (min. 75 ft required) and approx. 12.5 feet from a side lot line (min. 15 ft required). Building coverage will increase from 16.8% to 20.7%. Impervious coverage will decrease from 27.7% to 25.9% (max. 25% allowed).
    - i. Applicant: James Kuhn
    - ii. Property address: 8010 Irvine Ave NW, Annandale
    - iii. Sec/Twp/Range: 22-121-27
    - iv. Parcel number(s): 206075000020
  - b. Lot line adjustment to attach an approximate 14,500 sq ft portion of a 24 acre lot to an existing 17,358 sq ft lot. Request to allow the resulting enlarged lot to be considered a separate lot for the purpose of sale or development.
    - i. Applicant: Michael and Victoria Zieska and Floyd Baker/Jessica Moen-Baker
    - ii. Property address: 11804 Gulden Ave NW and 6559 117<sup>th</sup> St NW, Maple Lake
    - iii. Sec/Twp/Range: 1-121-27
    - iv. Parcel number(s): 206000012102 and 206000012100
  - c. Conditional use permit for the placement of over 50 cu yds (approx. ~~100~~170) of fill in a shoreland/floodplain area to elevate a storage building to the required flood protection elevation.
    - i. Applicant: Larry Overstreet (Owner: James Worcester Trust)
    - ii. Property address: 9650 Kramer Ave NW, Annandale
    - iii. Sec/Twp/Range: 18-121-27
    - iv. Parcel number(s): 206000184204
  - d. Conditional use permit for the placement of over 50 cu yds of fill in a shoreland/floodplain area to elevate a storage building to the required flood protection elevation. Variance for fill extending less than 15 ft out from the proposed building at the required flood protection elevation.
    - i. Applicant: Scott and Elizabeth Perry
    - ii. Property address: 11579 Kramer Ave NW
    - iii. Sec/Twp/Range: 06-121-27
    - iv. Parcel number(s): 206000061402

- e. Variance to enclose a 14' x 32' portion of an existing lakeside deck approx. 65 feet from Mink Lake (100 ft required) and approx. 10 ft from the top of a bluff (min. 30 ft required). Variance to construct a 20' x 30' two-story addition to the existing dwelling approx. 57 ft from the centerline of a township road (min. 65 ft required).
  - i. Applicant: Dennis Mahr
  - ii. Property address: 8071 Greer Ave NW, Maple Lake
  - iii. Sec/Twp/Range: 24-121-27
  - iv. Parcel number(s): 206020001010
- f. Variance to construct a 12' x 16' addition to an existing garage/shed approx. 7 ft from a side property line (min. 10 ft required).
  - i. Applicant: Jon Papas (Owner: William Papas)
  - ii. Property address: 11295 Kimball Ave NW, Annandale
  - iii. Sec/Twp/Range: 5-121-27
  - iv. Parcel number(s): 206087000190
- 5. Approve Previous Meeting Minutes
  - a. May 12, 2015
- 6. Zoning Administrator's Report
  - a. Permits
  - b. Correspondence
  - c. Enforcement Actions
  - d. Findings of Fact – Previous PC/BOA Decisions
- 7. Other Business
  - a. Review of previously granted variance requests (if time allows)
- 8. Adjournment

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

# Corinna Township

## Location Map for June 10, 2015 Public Hearing(s)



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

## STAFF REPORT

**Application:** Variance to replace an 8' x 25.8' open deck with a 12' x 28' ~~covered screen porch~~ pergola approx. 38.2 feet from Cedar Lake (min. 75 ft required) and approx. 12.5 feet from a side lot line (min. 15 ft required). Building coverage will increase from 16.8% to 20.7%. Impervious coverage will decrease from 27.7% to 25.9% (max. 25% allowed).

**Applicant:** James Kuhn

**Agenda Item:** 4(a)

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### Background Information:

- **Proposal:** *This application was tabled at the May 2015 meeting so that the applicant could revised their plans to ensure no net increase in building coverage beyond what is currently present. The applicant has submitted new plans that eliminates the covered screen porch and replaces it with essentially the same structure minus roof sheathing and shingles (there would still be rafters).*

The applicants have an existing dwelling and attached 8 feet open deck that were permitted in 1976. They are proposing to extend that deck by an additional 4 feet (12' feet total when completed) toward the lake and enlarge the decking surface from 25.8 feet in width now to 28 ft. The entire deck would be converted to a ~~covered screen porch~~ pergola ("A structure usually consisting of parallel colonnades supporting an open roof of girders and cross rafters"<sup>1</sup>). The existing deck is about 42 feet from Cedar Lake and the proposed screen porch would be about 38.2 feet (min. 75 feet required). The side yard setback for the proposed porch would decrease from 14.7 feet to about 12.5 feet (min. 15 feet required).

Neighboring properties on either side have existing setbacks to the lake of about 35 feet (open deck) and about 43 feet (dwelling).

Building coverage will ~~increase from~~ remain at the existing 16.8% ~~to 20.7% as a result of the proposal~~ (max. 15% allowed) provided the Board of Adjustment agrees that a pergola does not constitute additional building. The property as it exists today is at 27.7% impervious coverage overall and would be reduced to 25.9% (max. 25% allowed) by converting an existing sidewalk to pervious pavers and some reductions that will occur from replacement of the retaining wall and steps to the lake. State law arguably allows for existing nonconforming impervious coverage to remain without a variance so long as it is not expanded.

The project will also involve some alteration of the hillside leading to the lake, although that does not require any variances. Large boulders would be installed as well as vegetative plantings.

- **Location:**
  - Property address: 8010 Irvine Ave NW, Annandale
  - Sec/Twp/Range: 22-121-27

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<sup>1</sup> Definition, Merriam-Webster Online Dictionary (<http://www.merriam-webster.com/dictionary/pergola>).

- Parcel number(s): 206075000020
- **Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Cedar Lake (General Development lake)
- **Lot size:** 0.19 acres (8,645 sq ft) according to provided survey. The landowners also have a back lot across Isaak Ave that is about 4,100 sq ft in size.

Existing and Proposed Impervious Coverage:

- Buildings: About 1,455 sq ft (16.8%)
- Total: About 2,391 sq ft (27.7%)

Proposed Impervious Coverage:

- Buildings: About 2,076 sq ft (20.7%)
- Total: About 4,0422,076 sq ft (25.920.7%)

- **Septic System Status:** The property is served by an existing sewer system that was inspected and found compliant in October 2012. The system is designed for three bedrooms.
- **Natural Features:**
  - Floodplain: The existing and proposed structures are not within an identified floodplain.
  - Bluff/Steep Slopes: The lot does not contain a bluff. There is a steep slope in the last few feet before the lake. The proposed site of the construction is relatively flat.
  - Wetlands: There do not appear to be any wetlands that would impact this proposal.
- **Permit History:**
  - 1976 – House
  - 1976 – Septic system
  - 2012 – Septic inspection (found compliant)

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**Applicable Statutes/Ordinances:**

Minnesota Statutes

**462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.**

**Subd. 6.Appeals and adjustments.**

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

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

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

## Corinna Township/Wright County Regulations

### 302. DEFINITIONS

(18) Building - Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

## 502. APPEALS AND BOARD OF ADJUSTMENT

### 502.4 Findings

(1) The Board of Adjustment must review variance petitions and consider the following factors prior to finding that a practical difficulty has been presented. The applicant must provide a statement of evidence addressing the following elements to the extent they are relevant to the applicant's situation.

(a) The granting of the variance will be in harmony with the County Land Use Plan.

- (b) The property owner proposes to use the property in a reasonable manner not permitted by an official control.
- (c) The plight of the owner is due to circumstances unique to the property not created by the owner.
- (d) The proposal does not alter the essential character of the locality.
- (e) The practical difficulty cannot be alleviated by a method other than a variance; and.
- (f) The granting of the variance will not adversely affect the environmental quality of the area.

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

## 605. URBAN/RURAL TRANSITIONAL R-1

### **605.5 Performance Standards**

#### (3) Side Yard Regulations:

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

## 612. SHORELAND ZONING REGULATIONS

### **612.5 Shoreland Performance Standards**

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

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.

The minimum lot size of the underlying zoning district applies only where soil percolation tests indicate the lot is sufficiently large to provide for the drainfield and septic tank setbacks required by this Ordinance.

#### (a) General Development Minimum Standards:

Structure setback from OWHL 75 ft.

#### (3) Design Criteria for Certain Structures

- (c) 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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**Findings of Fact:** The following findings of fact are presented by Staff for consideration by the Board of Adjustment:

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

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

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

While the lake setback will not be met with this application, it will be out of the shore impact zone (the first 37.5 feet back from the lake). A lake setback of about 40.7 feet could be allowed for an open deck as per the “15% rule” in the ordinance, but the proposal is for a covered screen porch pergola, which is considered a new structure not subject to the 15% rule.

**No Needs discussion (building coverage):** The spirit and intent of the ordinance (building coverage limit) is to create uniformity in the percentage of a lot that is covered by buildings/roofed structures on a lot and to help ensure that, when added to necessary other impervious surfaces that typically come with development, the overall 25% maximum impervious coverage is not exceeded.

~~While the overall impervious coverage will be reduced from its existing 27.7% to 25.9%, the building coverage will be increasing from 16.8% to 20.7%. The~~

~~Township has not, to Staff's knowledge, previously allowed building coverage on a lot to exceed 15% or the pre-existing coverage and to do so could likely open a precedence for future requests to exceed the 15% coverage. The change of building plans to create a pergola instead of a roofed screen porch would appear to clearly mean that the structure would not be considered a "building" by the definition in the Township's ordinance (which states that a building is roofed).~~

**Needs discussion (side yard setback):** While the decking boards currently only extend to within 14.7 feet of the side yard (min. 15 ft required), the existing railings are constructed so that they tilt outward to almost the full length of the house – meaning that the closest part of the railing is about 12.5 ft. The request is to make the proposed screen porch with a full 28 ft floor and flat screen walls that would leave the proposed porch no closer than the closest part of the existing deck railings.

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

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

- Require on-site storm water retention and erosion-control plans for all new lakeshore development and redevelopment of existing sites, to ensure that storm water runoff is properly managed and treated before entering surface waters.
  - Staff Comment: The applicant has indicated that they will be installing rain gutters that would direct roof water to the sides of the lot. No indication is made as to whether this would involve rain gardens or simply running it into the existing yard, which is relatively flat but does drain toward the lake. Given the higher than allowed impervious coverage, a more detailed plan to allow for retention and/or infiltration of runoff could be required.
- 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: The application will not require the removal of any trees to accommodate the new porch.
- 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: See comments above.
- Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.

- Staff Comment: It does not appear that any significant grading will be necessary to construct the proposed deck. Some limited grading would occur on the shoreline slope, but is intended to help stabilize the slope.

**3. Is the proposed use of the property reasonable?**

~~**Needs discussion.** A lakeside screen porch pergola is not an unreasonable request for a residential shoreland property. ~~However, While~~ the property already exceeds its impervious and building coverage limits, the proposal would not add any coverage and it may be reduced somewhat if the sidewalk and landscaping portions of the project creates reductions. ~~and the proposal would add even more building coverage to the lot. Without removal of existing building coverage (presumably the boathouse would be the only practical option), it would seem that the request for additional building coverage would be less reasonable.~~~~

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

**Needs discussion.** The need for the variance is due largely to the small size of the lot, which was originally platted in 1933 prior to current zoning regulations, and the date of original construction of the house/deck (1976) prior to current shoreland setback requirements. Still, the applicants request to convert the open deck to a covered porch pergola represents a change that is under their control.

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

**Needs discussion.** While open decks are relatively common for the area, ~~covered screen porches pergolas~~ appear less so – especially at the proposed distance from the lake. The residential character of the area would not likely change overall however, as screen porches pergolas are not entirely uncommon for residential shoreland properties.

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

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

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

~~**Needs discussion.** The applicants have adjusted their original plans for a roofed screen porch to create a pergola instead. This is an attempt to minimize the need for variances. The “15% rule” in the existing ordinances would possibly allow the applicants to extend the deck to within about 40.7 feet of the lake without a variance, but it would need to remain an open deck rather than the proposed screen porch. The applicants could also remove the existing boathouse, and reduce the portion of the deck that was enclosed and roofed, which could result in no net increase in building coverage beyond what already exists, if not slightly less. For instance, removing the boathouse and converting only 200 sq ft of the~~

~~deck to covered screen porch would reduce building coverage from 16.8% to 16.7%).~~

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

**Needs discussion.** The proposal would maintain the lot's current status of being over its overall impervious coverage (about 25.9% compared to max. allowed 25%), but it would be less than what currently exists (27.7%). With proper permanent stormwater management practices, the environmental quality of the area could be improved from what exists now.

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

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**Staff Recommendation:** ~~Staff cannot recommend approval of the application as currently presented as it would make the building coverage on the lot more nonconforming than exists today and the Township has not previously granted requests to increase building coverage above 15% or what previously existed. However, the Board could consider allowing for a revised variance that would allow for a smaller screen porch/expansion toward the lake (i.e. a 2 ft expansion of the deck that would comply with the "15% rule" with an offsetting reduction in building coverage (presumably the boathouse – 214 sq ft) elsewhere on the lot. With the revisions to the plan (to build a pergola instead of a roofed screen porch), the variances related to building coverage would no longer be necessary. The remaining variance requests are to build a new structure within the lake setback and within the side yard setback. Staff would recommend approval provided the Board views the new pergola structure as an acceptable change over an already existing open deck. The main issue supporting a denial would be that the new structure would still represent a change out of character with the area and the setbacks of nearby properties.~~

If the application or some version of the application is approved, Staff would recommend consideration for the following conditions of approval:

- ~~1. That the existing boathouse is removed from the property or downsized such that there is no net increase in building coverage on the lot.~~
  - ~~a) NOTE: A near shore storage building could be constructed below a new screen porch as that area would already be considered building coverage – although that would block an egress window and would need to be confirmed that the egress requirements of the building code would still be met.~~

- 2.1. The conversion of the concrete sidewalk to a pervious paver walkway would need to be done such that it meets proper specifications and actually infiltrates water into the soil. Plans will need to be submitted by the applicant and approved by the Township Zoning Administrator (in consultation with Wright

County SWCD staff) to show the proper base and underlying soil types to ensure infiltration. Installation would need to be as per approved design.

3.2. 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 between any areas of disturbance (if there will be any) and the lake as well as to any neighboring properties which are downslope of the disturbed areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets, hydroseed or other forms of temporary cover until vegetation is re-established.

4.3. The applicant shall submit a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation and to allow adequate time for infiltration or other treatment of rainwater from the lot prior to it flowing into the lake. These may include directing rain gutters to appropriate areas, rain barrels, or other acceptable best management practices. Once approved, the plan should be implemented at the time of construction or within a reasonable time period after construction is completed and maintained indefinitely.



Application # <u>V15-005</u>	Date Application Rec'd <u>3/30/15</u>	Fee Collected \$ <u>400.00</u>
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(for office use only)

**CORINNA TOWNSHIP  
VARIANCE APPLICATION**

Name of Applicant James Kuhn Phone 952-250-5199  
 Property Address (E911#) 8010 Irvine Avenue NW, Annandale, MN 55302  
 Mailing Address 801 Patterson Drive Local Phone \_\_\_\_\_  
 (if different than above) (if different than above)  
 City, State, Zip Shakopee, MN 55379

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

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

Property ID # (12 digit # beginning with 206-XXX-XXXXXX) 206-075-000020

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

Sect-22 Twp-121 Range-027 SPRUCE GROVE ADDN Lot-002  
8,645 Square Feet

Zoning District R-1, Lake Name (if applicable) Cedar Lake

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

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

What are you proposing for the property? State nature of request in detail: Our proposal is to remove an 8' by 28' deck and replace it with a 12' x 28' screen porch. We would also extend the roof to cover the screen porch. The plan is attached. We would also upgrade the landscaping to improve stormwater management.

REVISED: APRIL 2012

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

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

Please complete all of the following questions:

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

This proposal would provide the most beneficial use of our property while conserving the natural beauty of the lake while maintaining the rural character of the township

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

This proposal includes upgrading the landscaping which will improve the stormwater management on the property to protect the lake water quality.

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

We would like to better utilize the property. With a lakeside screen porch, we will be able to enjoy the lake after sunset (without mosquitoes forcing us inside) and enjoy meals as well (without insects forcing us inside).

4. Describe what factors contributing to the need for a variance were not in your control. Address factors such as the lot size or shape, topography, location of existing buildings, sewer systems and wells, and any other factors you feel are relevant.

This house was built in 1976 which included the current 8' lakeside deck (original blueprint copies attached). In order to fully enjoy the lake, we would like to build a 12' screen porch lakeside. We are constrained by the current position of the house. We purchased the home a year ago and the hard-cover was 27.5%. We are proposing to upgrade the landscaping concurrently with the porch addition which will result in a 25.9% hard cover and improve stormwater management.

5. Describe the character of the area and why your project will not substantially change the character of the neighborhood or be a detriment to nearby properties.

The area has lake homes on smaller lots. The screen porch would not change the character of the neighborhood. The neighbor to the North has a screen porch on their lakeside boathouse and the neighbor to the South would still be closer to the lake after the screen porch addition (see attached pictures and survey). We plan to extend the home's roofline to improve the appearance of the home from the lake. It will look part of the home and not a porch that was added on.

REVISED: APRIL 2012

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

It would not be practical to move the existing home further back from the lake. We are proposing to upgrade the landscaping to improve the property's appearance and upgrade the property's stormwater management.

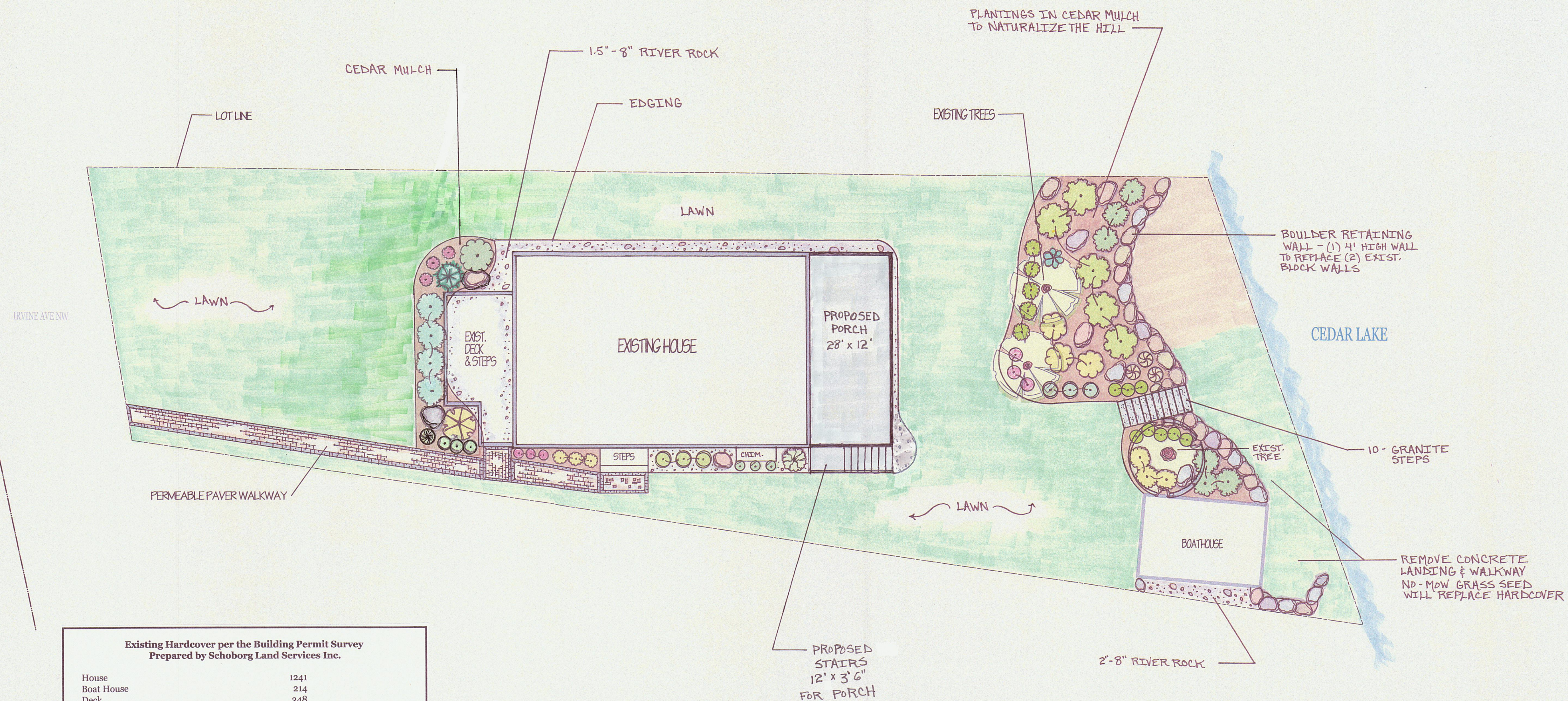
7. Discuss what impacts, if any, the requested variance may have on the environmental quality of the area. For any potential impacts, how do you intend to eliminate or minimize their effect?

As discussed in this application, we will be building a screen porch closer to the lake. We will be adding gutters to deflect water to the sides of the property as well as improve the landscaping to improve stormwater management. During construction we will use silt fences and earthen dams and all exposed dirt will have mulch and sod/seed blankets installed.

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

This property has been in our family since 1973. We would like to add this lakeside porch to be able to enjoy the lake after sunset and to enjoy meals outside. We are members of the Cedar Lake Conservation Club and we value the beautiful lake. We are confident our proposed addition along with the landscaping upgrades will significantly improve the stormwater management on the property leading to improved water quality.





Existing Hardcover per the Building Permit Survey Prepared by Schoborg Land Services Inc.		
House	1241	
Boat House	214	
Deck	348	
Retaining Walls	121	
Steps	79	
Concrete	388	
	2391	
Lot	8645	
Total Existing Hardcover	27.7%	
Proposed Hardcover per Backyard Reflections Landscape Plan		
House	1241	
Boat House	214	
Existing Deck & Steps (front entry)	180	
Proposed Deck Addn. & Stairs (lakeside)	378	
Proposed Boulder Retaining Walls	35	50% of the total 70 l.f.
Proposed Granite Steps to Lake	40	
Proposed Steps & Stoop (Side of House)	25	
Proposed Permeable Paver Walkway	126	50% of the total 252 s.f.
	2239	
Lot	8645	
Total Proposed Hardcover	25.9%	
Total Reduction of 1.8% Hardcover		

Revision #:

Date: 2/20/2015

Scale:

1/8" = 1'

Landscape Plan: 1

Kuhn Landscape

Landscape Design by:

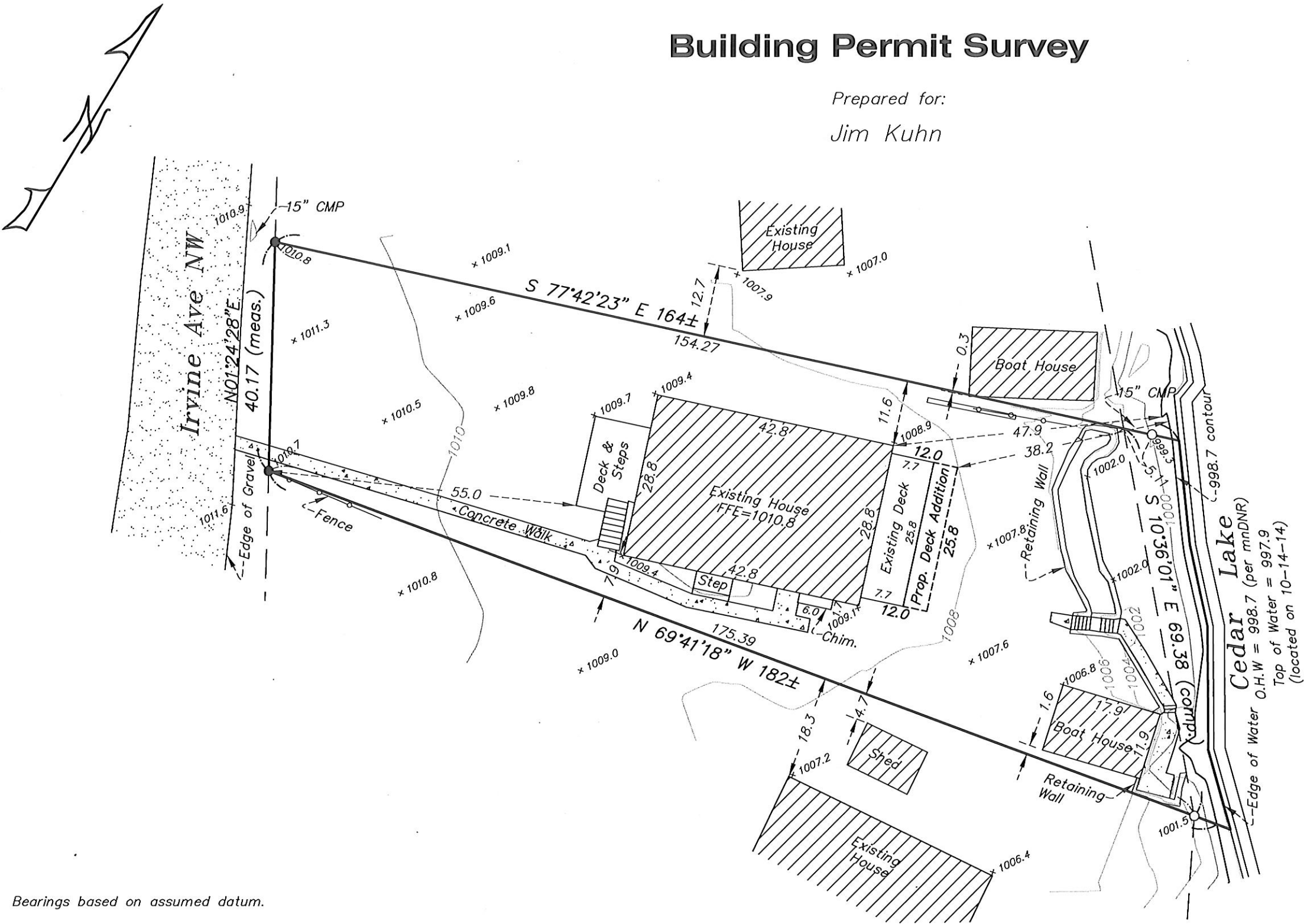
Backyard Reflections

# Building Permit Survey

Prepared for:  
Jim Kuhn

Site Address:  
8010 Irvine Ave NW  
Annandale, MN 55302

Boundary Description (supplied by client)  
Lot 2, SPRUCE GROVE ADDITION according to the  
recorded plat thereof Wright County, Minnesota.  
Subject to any and all easements of record.



Hardcover Existing: (sq. ft.)	
House	1241
Boat House	214
Deck	348
Retaining Walls	121
Steps	79
Concrete	388
	2,391

Lot	8,645
Total Hardcover	27.7%

Hardcover Proposed: (sq. ft.)	
House	1241
Boat House	214
Deck	348
Proposed Deck Addn.	112
Retaining Walls	121
Steps	79
Concrete	388
	2,503

Lot	8,645
Total Hardcover	29.0%

Bearings based on assumed datum.

**SCHOBORG**  
**LAND SERVICES**  
**INC.**

763-972-3221 8997 Co. Rd. 13 SE  
www.SchoborgLand.com Delano, MN 55328

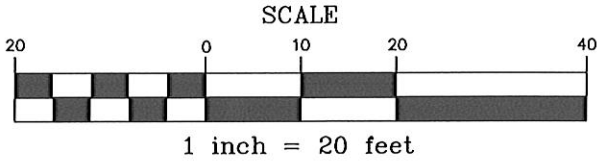
I hereby certify that this certificate of survey was prepared by me  
or under my direct supervision and that I am a duly Registered  
Land Surveyor under the laws of the State of Minnesota.

*Paul B. Schoborg*  
Paul B. Schoborg

Date: Oct. 28, 2014

Registration No. 14700

Job Number: 7884  
Book/Page: LL  
Survey Date: 10/14/14, 10/20/14  
Drawing Name: kuhn-10-23-14.dwg  
Drawn by: DMS  
Revisions:



(4) Allowances for Lots not Acceptable as Building Sites

When practical means of a lot adjustment cannot be made under Section 502.5 (1) above, and in other appropriate circumstances, the Board of Adjustment may declare a lot not acceptable as a building site. When the Board does so, no well, sewage treatment system, nor holding tank may be installed on the lot.

Lots declared not acceptable as building sites may be allowed, as reasonably determined by the Board of Adjustment:

- (a) One garage or other accessory building provided no living quarters nor plumbing are installed and all other Ordinance standards are met.
- (b) One travel trailer, excluding a park trailer; if it complies with all the conditions of Section 717.

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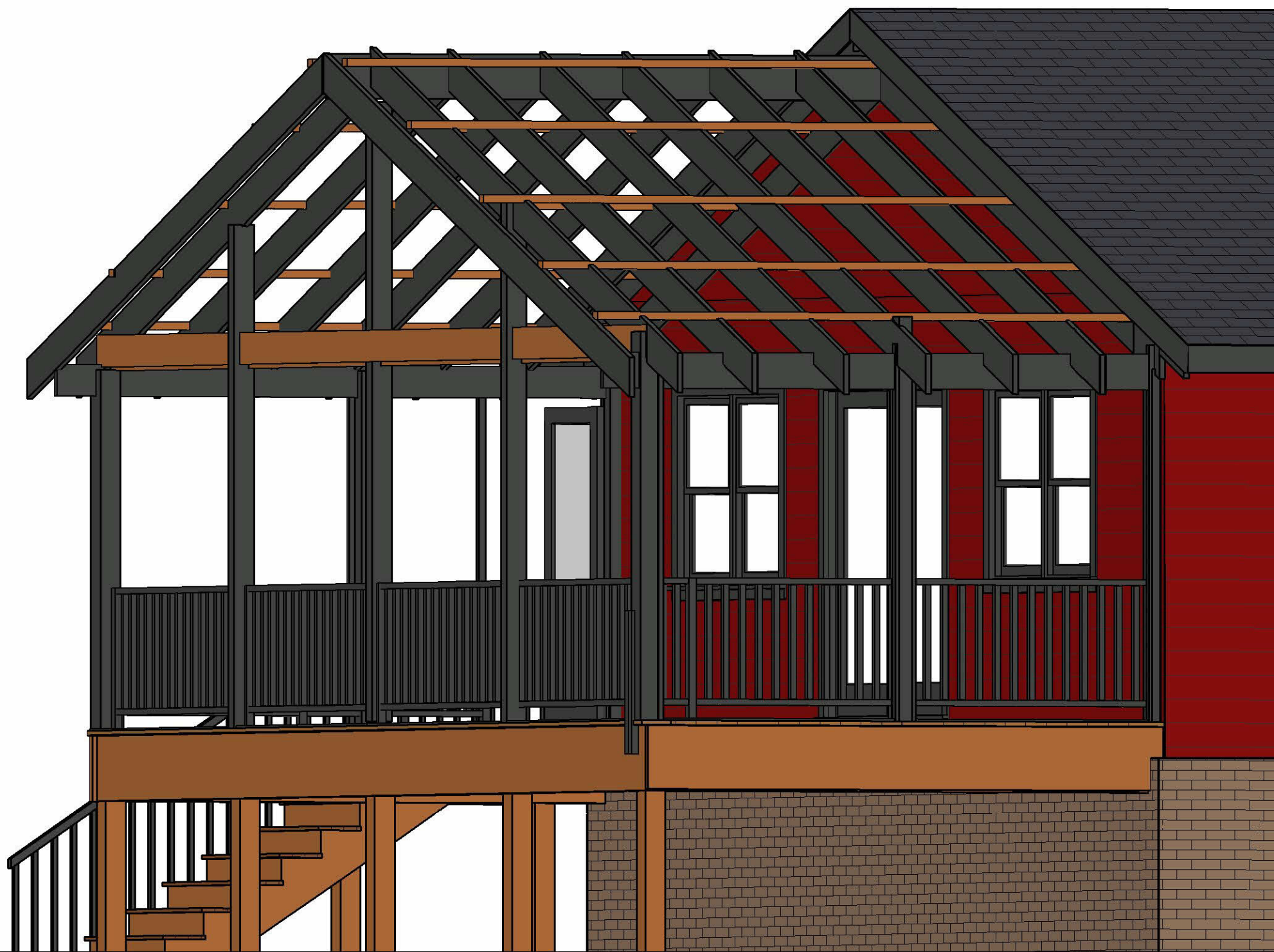
**Findings of Fact:** The following findings of fact are presented by Staff for consideration by the Board of Adjustment:

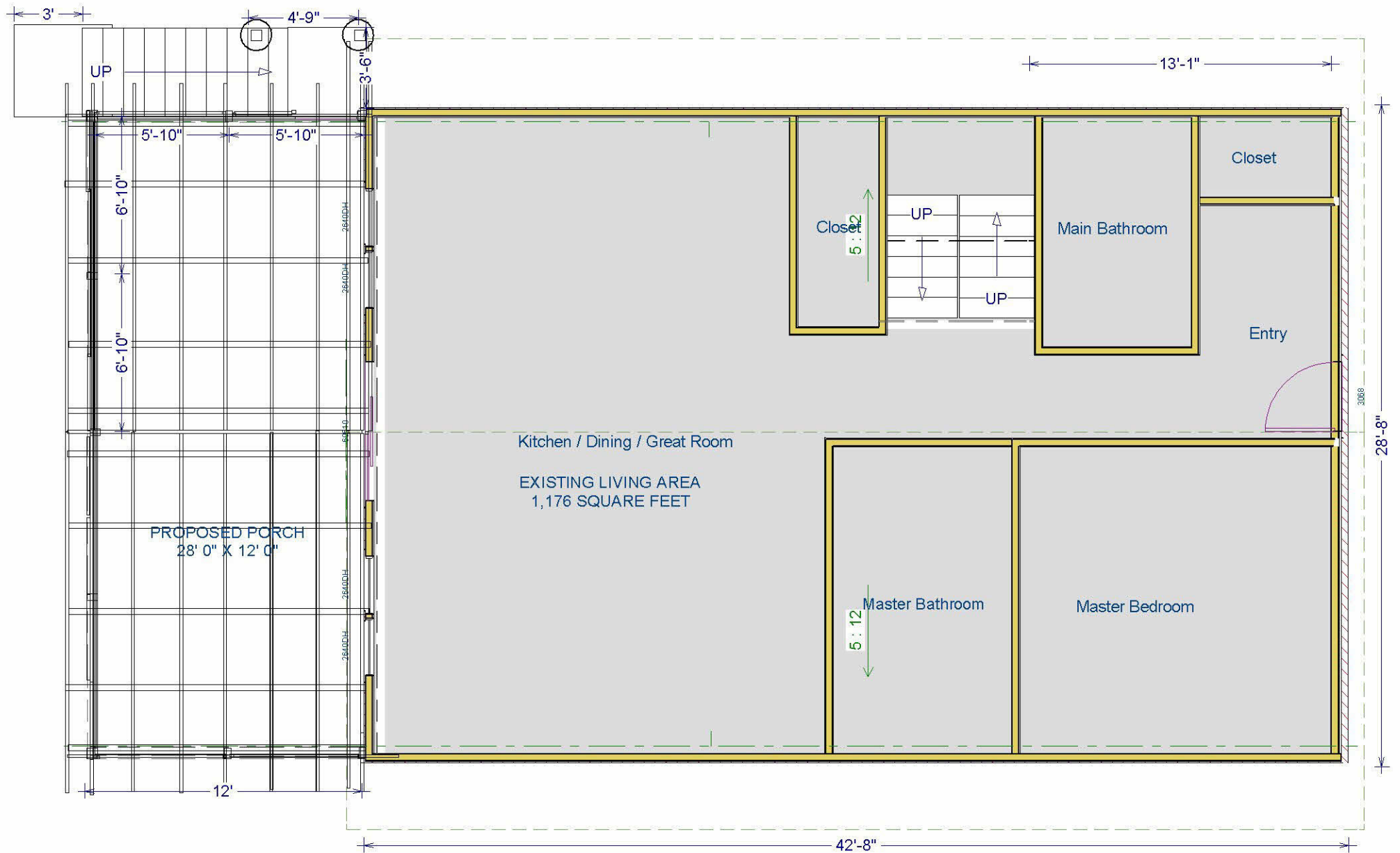
1. The resulting parcel, after the proposed adjustment, would not meet the required one acre minimum for a new lot that would be created on Sugar Lake. However, it would cause the resulting lot to exceed 20,000 sq ft, which is the minimum required for existing lots of record to be considered buildable.
2. All existing structures on the parcel would continue to meet required setbacks, or eliminate existing nonconformities by eliminating an existing lot line.
3. The Zieska lot would be considered a lot of record. It has previously been allowed as a building site for a guest cottage, but only on the condition that it be tied (for the purposes of sale and development) to Mr. and Mrs. Zieska's main dwelling lot across the road.
4. The addition of additional square footage to the Zieska lot brings it above 20,000 sq ft, which is a cutoff point for allowing more flexibility in building on lots of record.
5. The great majority of the lot to be added to the Zieska lot (all but about 2,600-2,700 sq ft, or more than 80 percent) appears to be wetland. The adjusted parcel, if they are combined, would have about 19,000 sq ft of non-wetland area. Minimum lot size requirements in the ordinance, however, allow for wetlands to be considered part of the lot area.

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











## STAFF REPORT

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**Application:** Lot line adjustment to attach an approximate 14,500 sq ft portion of a 24 acre lot to an existing 17,358 sq ft lot. Request to allow the resulting enlarged lot to be considered a separate lot for the purpose of sale or development.

**Applicant:** Michael and Victoria Zieska and Floyd Baker/Jessica Moen-Baker

**Agenda Item:** 4(b)

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### Background Information:

- **Proposal:** The applicants are proposing to split an existing approx. 14,500 sq ft portion of a 24 acre lot (Baker lot) and attach it to an adjacent approx. 17,358 sq ft lot (Zieska lot). The resulting lot would be approximately 31,800-31,900 sq ft in size.

The majority of the 14,500 acre portion is wetland. The applicant would not be able to fill this wetland without required permits (which are not guaranteed to be issued) from the Wright County Soil and Water Conservation District (SWCD).

- **Location:**
  - Property address: 11804 Gulden Ave NW and 6559 117<sup>th</sup> St NW, Maple Lake
  - Sec/Twp/Range: 1-121-27
  - Parcel number(s): 206000012102 and 206000012100
- **Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Sugar Lake (General Development lake)
- **Lot size:** 14,500 sq ft portion of a 24 acre lot (Baker lot); 17,358 sq ft lot (Zieska lot). The resulting lot would be approximately 31,800-31,900 sq ft in size.
- **Septic System Status:** The existing Zieska lot has a Type III sewer system on it approved in 2011 as part of a variance request to build a guest cottage on the lot.
- **Natural Features:**
  - Floodplain: There is no identified floodplain on this lot. The lowest floor of dwellings is required to be at least 4 ft above the highest known water level. No buildings are planned as part of this application. The previously approved guest cabin had been required to build at this elevation.
  - Bluff/Steep Slopes: The lot does not contain a bluff or steep slopes.
  - Wetlands: There is a wetland covering most of the lot that would be added to the existing Zieska lot. The existing Zieska lot also has some wetland on it.

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### Applicable Statutes/Ordinances:

## Corinna Township/Wright County Regulations

### 302. DEFINITIONS

- (86) Lot of Record - Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of any Auditor's Subdivision or a Registered Land survey that has been recorded in the office of the County Recorder for Wright County, Minnesota, prior to the effective date of this Ordinance. Lot of record shall also include parcels of land for which a deed or contract for deed has been recorded in the Office of the Wright County Recorder prior to August 2, 1978, provided that said parcel or parcels were legally created in accord with ordinances in effect at the time the deed or contract was recorded.

### 404. LOTS OF RECORD

Lots of record in the office of the County Recorder prior to the effective date of this Ordinance may be allowed as residential building sites provided:

- (1) They have frontage on an existing public right-of-way or have frontage on an existing easement or other private roadway existing prior to January 1, 1977.
- (2) They have at least 20,000 square feet of area.

Lots smaller than 20,000 square feet may be used as dwelling sites if the owner can prove that adequate sanitary facilities can be provided. Said sanitary facilities must be located on the same lot of record as the dwelling, or on adjacent land which is legally available to the owner. Extraordinary alteration of the lot through land filling or excavation shall not constitute proof of an adequate site for sanitary facilities.

The Board of Adjustment shall decide if lots smaller than 20,000 square feet may be used for dwelling sites in accord with Section 502.2. The expansion of the floor area of nonconforming residential uses on lots smaller than 20,000 square feet shall also be reviewed by the Board of Adjustment. Such expansion may be denied or limited by the Board when there is limited space for sewage treatment and/or no alternative sewage treatment site on the lot. The Board of Adjustment may note in its review that a nonconforming residential use should be used for seasonal use only, if adequate sanitary facilities for year-round occupancy cannot be provided. Holding tanks need not be considered as adequate sanitary facilities for year-round use. In no case shall the expansion of a nonconforming residential use exceed 50% of the assessed value of the original structure if a holding tank is the only available method for sewage treatment.

In determining if adequate sanitary facilities can be provided, the Board of Adjustment shall require that all standards in Section 716. Sewage Treatment and Disposal Standards be shown to be met. Due to the small lot size, and in areas where community water and sewer systems are not planned to be installed, the Board of Adjustment may require that

proposals include a second location for a sewage treatment system. Proposals which can provide for only one site, and require a mound system or other alternative sewage treatment system shall not be considered as adequate sanitary facilities on lots which are predominantly low (less than 6 feet) in elevation above the Ordinary High Water Mark or water table. The total square footage of any proposed residence shall be limited by the Board on any lot where there is no alternative sewage treatment site available.

- (3) In a group of two or more contiguous lots under the same ownership, if an individual lot has less than 20,000 square feet of area, no lot nor lots may be considered as a separate parcel of land for the purposes of sale or development unless each separated parcel and the remainder contains at least 20,000 square feet of lot area.
- (4) All other requirements of this ordinance are met, including, but not limited to, setback standards and sewage treatment standards.

## 502. APPEALS AND BOARD OF ADJUSTMENT

### 502.5 Other Duties of the Board of Adjustment

- (2) Lots of Record that do not meet the standards of Section 404 or 612.5(6)

The Board of Adjustment must decide if lots of record that do not meet the standards of Section 404 or 612.5(6) may be used as dwelling sites. The Board shall consider the following in making that determination:

  - (a) Extraordinary alteration of the lot through filling or excavation shall not constitute proof of an adequate site for sanitary facilities;
  - (b) When there is limited space for sewage treatment or no alternative sewage treatment site, the Board may limit the square footage of any proposed dwelling or expansion and may designate the site for seasonal use only; and,
  - (c) The existing or proposed sewage treatment system must conform with Section 716 of this Ordinance.
- (3) Lot Line Adjustments

The Board of Adjustment may review lots of record in the office of the County Recorder which do not meet standards established by this Ordinance for size, width, elevation, depth, or other provisions. The Board may require that such parcels be joined, combined, modified in size, shape, or other ways to more nearly achieve the standards of this Ordinance if the owner wishes to use such parcels as building sites. The Board may initiate such proceedings or may act upon request of the property owner. If the Board determines that the lot is not acceptable as a building site, the Zoning Administrator shall provide a copy of the Board's findings to the Wright County Assessor.

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**Staff Recommendation:** Staff recommends that the application for the lot line adjustment approved as presented, with the following conditions.

1. The applicants shall provide legal descriptions for each of the parcels and sign a deed restriction prepared by the Township that would tie each of the parcels together. The lots shall only be sold and developed as one unit unless a split is later allowed under applicable zoning regulations and procedures.
2. Only one dwelling shall be allowed on the combined parcels.

Staff recommends that the request to consider the resulting lot to be saleable and developable on its own be approved only if the Township is satisfied that the requirements of Section 404 for lots of record less than 20,000 sq ft can be met. As part of this review, the Board could consider the following types of limitations:

1. Whether adequate sanitary facilities exist for year-round use, and if not, allowing for seasonal use only.
2. Whether a secondary sewer site can be provided on the lot.
3. Limiting the size of any home on the lot to ensure it will not be larger than what a sewer system can accommodate or if the lot does not have a secondary sewer site.



Application # _____	Date Application Rec'd <u>5/4/15</u> (for office use only)	Fee Collected \$ <u>200.00</u>
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**CORINNA TOWNSHIP  
APPLICATION FOR  
COMMON PROPERTY LINE ADJUSTMENT**

Name of Property Owner #1 Mike & Vicki Zieska

Parcel # (9 digit # on tax statement) R206000-012102 Phone 320 282 1509

Mailing Address 11803 Gulden Ave NW

City, State, Zip Maple Lake MN 55358

Property Owner #1 is:	Title Holder of Property #1 (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)

Name of Property Owner #2 Floyd & Jessica Baker

Parcel # (9 digit # on tax statement) 20600012100 Phone 763-443-7238

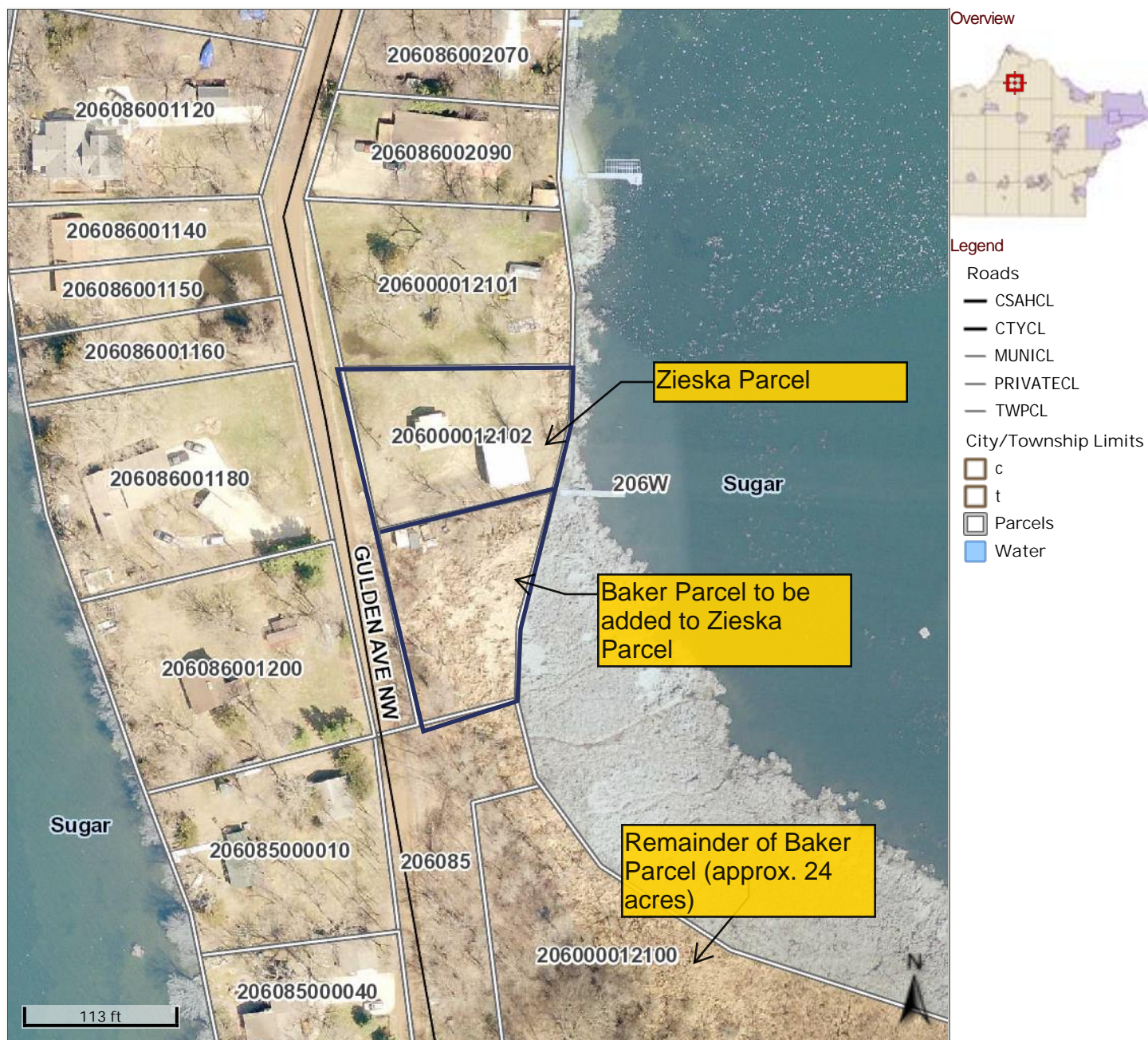
Mailing Address 6559 117<sup>th</sup> St NW

City, State, Zip Maple Lake MN 55358

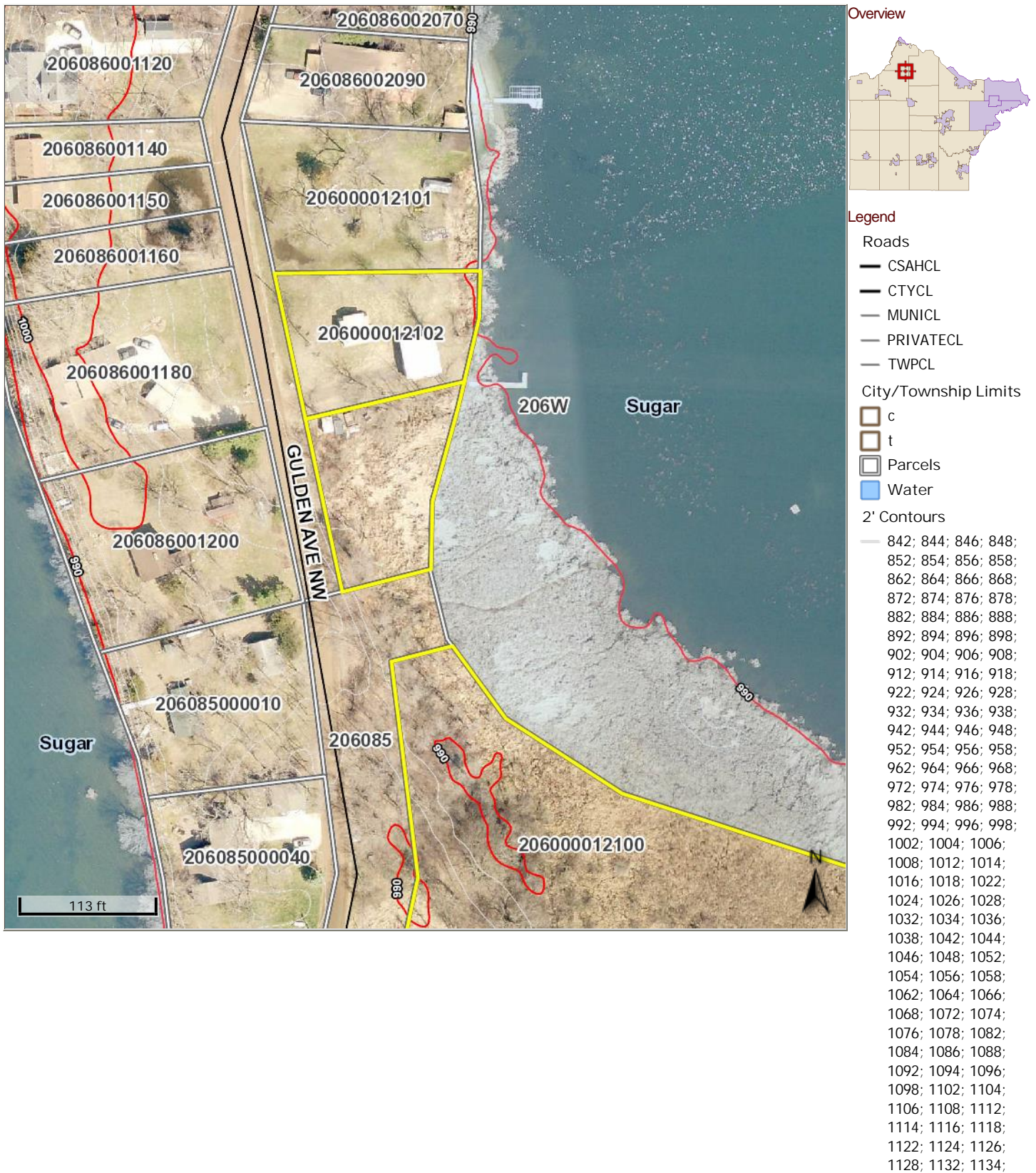
Property Owner #2 is:	Title Holder of Property (if other than applicant)
Legal Owner <input checked="" type="checkbox"/>	_____
Contract Buyer <input type="checkbox"/>	(Name)
Option Holder <input type="checkbox"/>	_____
Agent <input type="checkbox"/>	(Address)
Other _____	_____
	(City, State, Zip)

Signature of Property Owner #1 (Title Holder): [Signature]  
By signing the owner is certifying that they have read and understood the instructions accompanying this application.

Signature of Property Owner #2 (Title Holder): [Signature]  
(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)



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## STAFF REPORT

**Application:** Conditional use permit for the placement of over 50 cu yds (approx. ~~100~~170) of fill in a shoreland/floodplain area to elevate a storage building to the required flood protection elevation.

**Applicant:** Larry Overstreet (Owner: James Worcester Trust)

**Agenda Item:** 4(c)

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### Background Information:

- **Proposal:** The applicants are proposing to bring in approximately 170 cubic yards of fill to allow for a proposed storage building to be constructed. The fill is necessary to bring the lowest floor of the building up to the required flood protection elevation as the building site is located within a floodplain of Clearwater Lake. The natural elevation of the ground is at approximately 995 and the required elevation for flood protection is 997.7.
- **Location:**
  - Property address: 9650 Kramer Ave NW, Annandale
  - Sec/Twp/Range: 18-121-27
  - Parcel number(s): 206000184204
- **Zoning:** General Agricultural (AG) / Residential Recreation Shorelands (S-2) Overlay District, Clearwater Lake (General Development lake)
- **Lot size:** Approx. 10 acres according to Beacon GIS estimate
- **Impervious/Building Coverage:**
  - Existing and Proposed Impervious Coverage:
    - Buildings: Well under limits
    - Total: Well under limits
- **Septic System Status:** The property has had a cabin on the property for many years. A permit for use of a holding tank was approved in March 2015.
- **Natural Features:**
  - Floodplain: The property is within an identified floodplain of Clearwater Lake.
  - Bluff/Steep Slopes: The property does contain a bluffs and steep slopes, but not in the immediate area of the proposed fill and storage building. The bluff starts near this area and moves away from the lake.
  - Wetlands: There are significant areas of wetlands on the property, but they do not appear to be impacted by the proposed fill.
- **Permit History:**
  - 2015 – Holding tank

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

### **Corinna Township/Wright County Ordinances**

#### **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.
- (5) A Land Alteration Permit is also required from the County and from the Commissioner of Natural Resources for any alteration in the Flood Plain District and the Shorelands Districts. Such alteration shall include any filling, dredging, channeling, or any other work in the beds of public waters which would change the course, current or cross section of a public water.
- (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:

- (1) Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland (this evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised):
  - (a) sediment and pollutant trapping and retention;
  - (b) storage of surface runoff to prevent or reduce flood damage;
  - (c) fish and wildlife habitat;
  - (d) recreational use;
  - (e) shoreline or bank stabilization; and
  - (f) noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.
- (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;
- (8) Fill or excavated material must not be placed in bluff impact zones;
- (9) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, section 105.42;
- (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
- (11) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.

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**Staff Findings:** The following findings of fact are presented by Staff for consideration by the Planning Commission:

- 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.** The primary concern with this application is that any fill be properly placed, compacted and otherwise stabilized in the event of a flood and so that it doesn't impact wetlands on the property. The lot is about 10 acres in size and there is direct danger of the fill causing drainage problems for neighboring property owners as this is located on a point and downhill from adjacent properties.

- 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.** See discussion in 1) above.

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

**Yes.** The area is already served by utilities and a township road, although the road ends approximately 1000 feet from the building/fill site.

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

**Yes.** The fill requested does not create a need for additional off-street parking. The lot has a great deal of space for any off-street parking necessary.

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

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

- Require on-site storm water retention and erosion-control plans for all new lakeshore development and redevelopment of existing sites, to ensure that storm water runoff is properly managed and treated before entering surface waters.
  - Staff Comment: The applicant has indicated they will be seeding disturbed areas after work is complete to re-vegetate the area.
- 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: It appears that at least one or two large trees would need to be removed to accommodate the fill and proposed building site.
- 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: See comments above.
- Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.
  - Staff Comment: The proposal will obviously involve a significant amount of fill on the property. If this fill does not change drainage patterns and is properly managed with temporary and permanent stormwater management, it should not have any significant potential for erosion or sedimentation.

**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 have the potential to create temporary noise, dust, fumes, vibrations and other such characteristics during the construction process. These should not be excessive or unusual however and would not be present once construction is complete.

**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?**

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

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**Staff Recommendation:** Staff recommends approving the requested conditional use provided that the Planning Commission is satisfied that stormwater management and erosion control concerns can be adequately addressed through the conditions of approval.

If the applications are approved, Staff would recommend the following conditions:

1. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between the area of disturbance and the road and neighboring property to the west, seeding of all disturbed areas and installation of erosion control blankets as identified in the submitted erosion control plan, or as otherwise recommended by Wright County SWCD and/or approved by the Zoning Administrator.
2. The applicant shall implement a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation and to allow adequate time for infiltration or other treatment of runoff from the site prior to it flowing onto the township road and/or the neighboring property to the east. 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.



Application # <u>C5-007</u>	Date Application Rec'd <u>5/14/15</u> (for office use only)	Fee Collected \$ _____
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**CORINNA TOWNSHIP  
CONDITIONAL USE APPLICATION**

Name of Applicant LARRY OUBSTREET Phone LEO 320-980-1271

Property Address (E911#) 9650 KRAMER AVE

Mailing Address \_\_\_\_\_ Local Phone \_\_\_\_\_  
(if different than above) (if different than above)

City, State, Zip ANNANDALE MN

Applicant is:		Title Holder of Property : (if other than applicant)
Legal Owner	<input checked="" type="radio"/>	_____
Contract Buyer	<input type="radio"/>	(Name) _____
Option Holder	<input type="radio"/>	_____
Agent	<input type="radio"/>	(Address) _____
Other _____		_____
		(City, State, Zip) _____

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

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

Property ID # (12 digit #) 206 - 000-184204

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

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

What are you proposing for the property? State nature of request in detail:  
HAULING 100 YARDS OF FILL FOR PROPOSED  
BUILDING

What changes (if any) are you proposing to make to this site?

Building: 36x40

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

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

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?

NO

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?

NO

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

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.

NO

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

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.

NO

**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.

NO

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

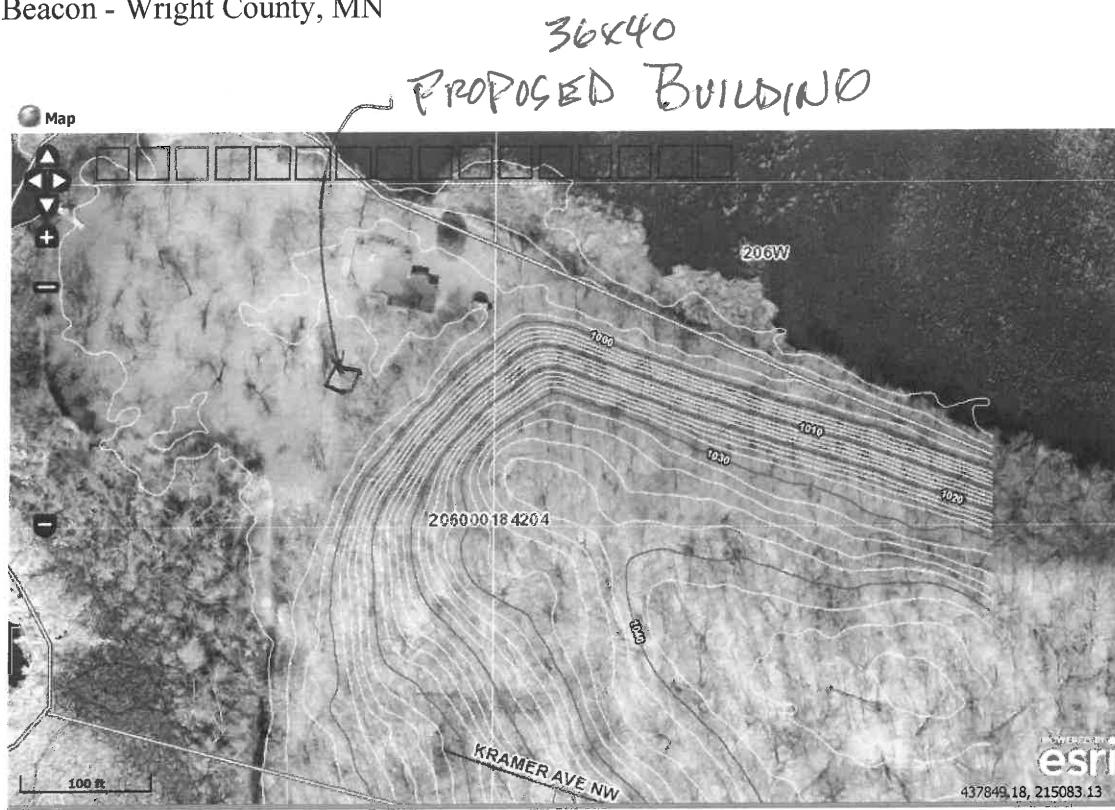
3. Will the proposed use involve any grading or filling of the natural or existing topography? If so, how will you minimize earthmoving, erosion, tree clearing and the destruction of natural amenities.

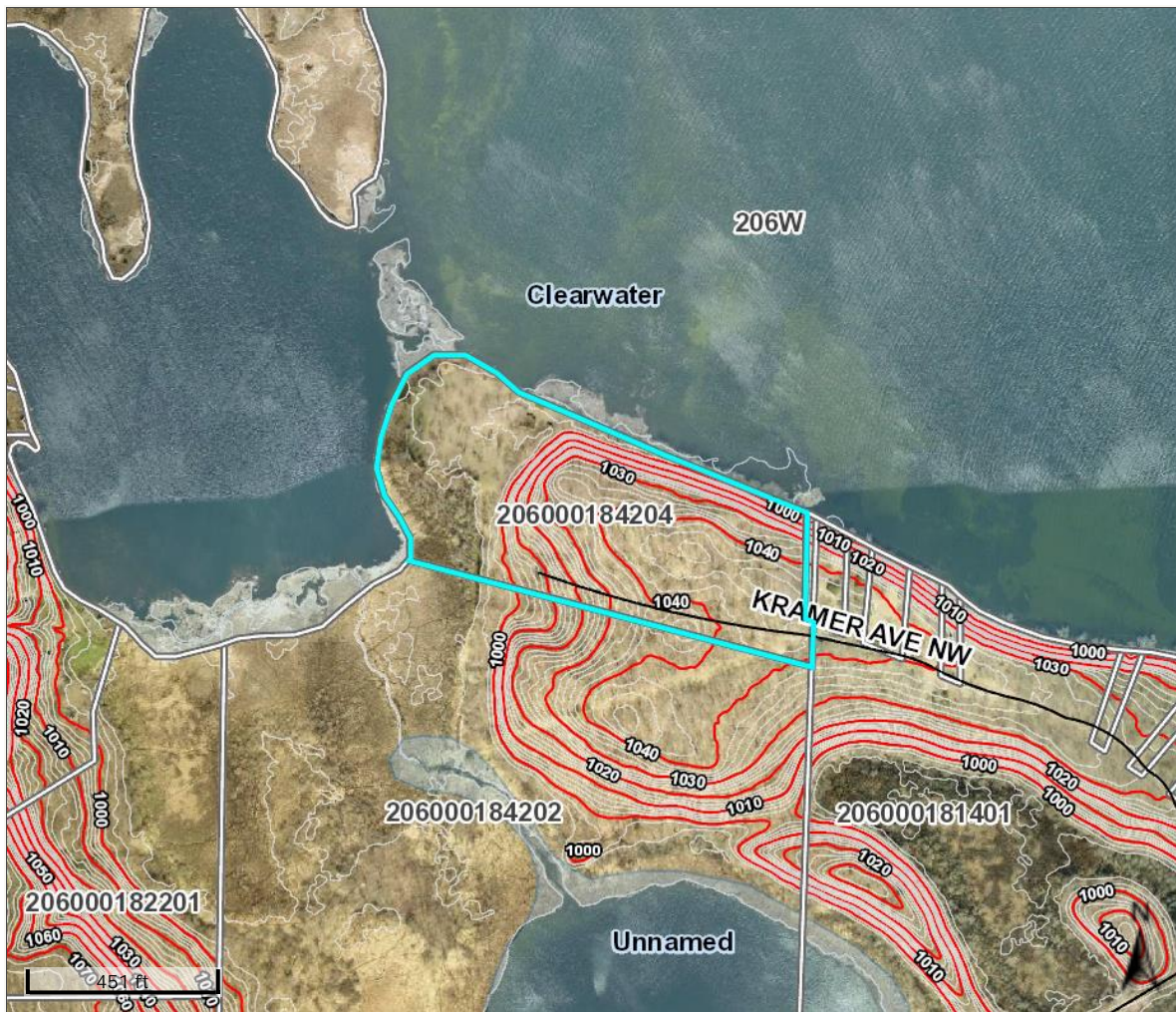
YES

- EROSION FENCE

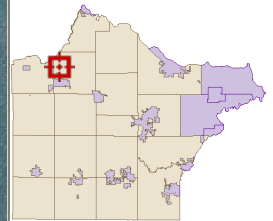
4. Will the proposed use involve any connections to public waters, such as boat slips, canals, lagoons, or harbors? If so, has the MN Department of Natural Resources approved the connection?

NO





## Overview



## Legend

### Roads

- CSAHCL
- CTYCL
- MUNICL
- PRIVATECL
- TWPCCL

### City/Township Limits

- c
- t
- Parcels
- Water

### 2' Contours

- 842; 844; 846; 848;
- 852; 854; 856; 858;
- 862; 864; 866; 868;
- 872; 874; 876; 878;
- 882; 884; 886; 888;
- 892; 894; 896; 898;
- 902; 904; 906; 908;
- 912; 914; 916; 918;
- 922; 924; 926; 928;
- 932; 934; 936; 938;
- 942; 944; 946; 948;
- 952; 954; 956; 958;
- 962; 964; 966; 968;
- 972; 974; 976; 978;
- 982; 984; 986; 988;
- 992; 994; 996; 998;
- 1002; 1004; 1006;
- 1008; 1012; 1014;
- 1016; 1018; 1022;
- 1024; 1026; 1028;
- 1032; 1034; 1036;
- 1038; 1042; 1044;
- 1046; 1048; 1052;
- 1054; 1056; 1058;
- 1062; 1064; 1066;
- 1068; 1072; 1074;
- 1076; 1078; 1082;
- 1084; 1086; 1088;
- 1092; 1094; 1096;
- 1098; 1102; 1104;
- 1106; 1108; 1112;
- 1114; 1116; 1118;
- 1122; 1124; 1126;
- 1128; 1132; 1134;

## STAFF REPORT

**Application:** Conditional use permit for the placement of over 50 cu yds of fill in a shoreland/floodplain area to elevate a storage building to the required flood protection elevation. Variance for fill extending less than 15 ft out from the proposed building at the required flood protection elevation.

**Applicant:** Scott and Elizabeth Perry

**Agenda Item:** 4(d)

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### Background Information:

- **Proposal:** The applicants are proposing to construct a 24' x 30' garage on the property. As part of the review of that permit request, it was noted that at least part of the proposed building pad was located within the floodplain of Clearwater Lake (elevation 996.2). The site plan and topography map submitted by the applicant indicates that the entire area of the proposed garage would be at an elevation of between about 994.2 and 995.9.

The Township's floodplain ordinance requires that when buildings, including accessory structures, are built in the floodplain, they must have their lowest floor elevated to the required flood protection elevation – in this case an elevation of 997.7. The ordinance also requires that fill be placed at least 15 ft around the entire building at an elevation of at least 996.7 for Clearwater lake. As the applicants lot is only about 50 feet wide, there is not enough room to place a 24 ft wide garage on the property and have 15 ft of fill on either side (the proposal would have 13 ft on one side of the building and 13.4 feet on the other). The applicant is requesting that the fill around the building be allowed to be less.

Required fill for just raising the building itself is estimated at 48.5 cubic yards. If fill were placed for 15 ft around all sides (13 and 13.4 ft on the north and south sides), fill required is estimated at 151.5 cubic yards. This would include a 2 ft high retaining wall along both the north and south property lines. If the fill on the north and south sides were reduced to 10 ft out from the building, the total fill needed would drop to an estimated 126.5 cu yds.

- **Location:**
  - Property address: 11579 Kramer Ave NW
  - Sec/Twp/Range: 06-121-27
  - Parcel number(s): 206000061402 and 206000052302
- **Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Clearwater Lake (General Development lake)
- **Lot size:** Approx. 16,970 sq ft according to provided survey.
- **Impervious/Building Coverage:**

#### Existing and Proposed Impervious Coverage:

- Buildings: About 5% (existing) and 9% (proposed)

- Total: About 9% (existing) and 12% (proposed)
- **Septic System Status**: The property has a septic system on it originally installed in 1977 that was found compliant in 2004.
- **Natural Features**:
  - Floodplain: Portions of the property are within an identified floodplain of Clearwater Lake.
  - Bluff/Steep Slopes: The property does not contain any bluffs. The land slopes gradually down from the road and then slightly back up again before sloping back down again to the lake.
  - Wetlands: There do not appear to be any wetlands on the property that would impact the proposal.
- **Permit History**:
  - 1970 – Single Family Dwelling
  - 1977 – Septic System
  - 2004 – Septic System inspection (compliant)
  - 2009 – Replace existing lakeside deck

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

##### **Minnesota Statutes**

##### **462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.**

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###### **Subd. 6. Appeals and adjustments.**

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

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

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic

considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

### **Corinna Township/Wright County Ordinances**

#### **502. APPEALS AND BOARD OF ADJUSTMENT**

##### **502.4 Findings**

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

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

#### **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.

#### 611.4 Flood Fringe District

##### (1) Permitted Uses

Permitted Uses shall be those uses of land or structures listed as Permitted Uses in the primary/underlying zoning district, subject to the standards set forth in Sections 611.4(3) and 611.4(5) .

##### (2) Standards for Flood Fringe Permitted Uses

- (a) All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.
- (b) As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at the greatest outside dimension may be internally flood proofed in accordance with Section 611.3(4)d.4
- (c) The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.

#### 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.

- (5) A Land Alteration Permit is also required from the County and from the Commissioner of Natural Resources for any alteration in the Flood Plain District and the Shorelands Districts. Such alteration shall include any filling, dredging, channeling, or any other work in the beds of public waters which would change the course, current or cross section of a public water.
- (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:

- (1) Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland (this evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised):
  - (a) sediment and pollutant trapping and retention;
  - (b) storage of surface runoff to prevent or reduce flood damage;
  - (c) fish and wildlife habitat;
  - (d) recreational use;
  - (e) shoreline or bank stabilization; and
  - (f) noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.
- (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;
- (8) Fill or excavated material must not be placed in bluff impact zones;
- (9) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, section 105.42;
- (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
- (11) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.

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**Findings of Fact (Variance):** 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?**

**Needs discussion (fill around building):** The spirit and intent of the ordinance requirement for fill at least 15 feet around an entire building, according to the DNRs "Variance Guidance Series", is:

"There are two main reasons for the requirement that fill extend at least 15 feet from an elevated building in the floodplain at no lower than 1 foot below the regulatory flood protections elevation (RFPE). (1) During times of rising waters and flooding, there needs to be at least

one side of the building such that emergency crews can load/unload during times of flooding. (2) The fill protects the structure's foundation by minimizing higher velocities and wave action immediately adjacent to the foundation, and water pressure against the foundation."

The DNR's variance guidance series notes that during variance hearings regarding the 15 ft of fill requirement, there be consideration as to whether emergency crews can load/unload during times of flooding from at least one side of the building and whether the proposal will provide protection for the structure's foundation during times of flooding.

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

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

- Require on-site storm water retention and erosion-control plans for all new lakeshore development and redevelopment of existing sites, to ensure that storm water runoff is properly managed and treated before entering surface waters.
  - Staff Comment: The applicant has not provided a specific plan for erosion control or stormwater management. One should be required prior to issuance of any building permit of placement of fill.
- 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: A limited number of trees may need to be removed to allow for the placement of fill.
- 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: See comments above.
- Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.
  - Staff Comment: A significant amount of fill would be necessary to raise the lot to the required elevation – especially if fill is required around all four sides at least 15 feet out.

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

**Yes.** A garage on a residential property is certainly a reasonable use. There are other potential locations for a garage, although these would require cutting down significantly more trees and likely a fairly large amount of fill.

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

**Needs discussion.** The primary need for the variance is due to the natural topography of the area and the fact that Clearwater Lake floods. However, the applicant could move the proposed garage to a different location on the lot that would not require as much fill and avoid some of the floodplain requirements.

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

**Needs discussion.** The essential character of the area would remain residential in nature. However, the placement of so much fill could create issues with natural water flow that exists now from one property to the next. Further, if other lots in the area were to bring in fill similar to what would be needed here, it could arguably change the character of the area in that the landscape would change.

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

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

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

**Needs discussion.** The applicants could move the garage further back in the lot as the elevation naturally increases to above the floodplain. However, this would require the removal of significant numbers of trees and cause potential conflict with certain goals of the Comprehensive Plan.

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

**Needs discussion.** The proposal would not create any issues with impervious coverage (the lot would remain below its maximum allowed amounts), but the fill could create issues with reducing storage area for future floodwaters, potentially change drainage patterns in the area, or create more potential for erosion hazards if not properly managed.

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**Staff Findings (Conditional Use):** The following findings of fact are presented by Staff for consideration by the Planning Commission:

**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?**

**Needs discussion.** Placing the fill necessary to meet the floodplain regulations could cause a number of problems if not properly addressed. It could block receding floodwaters on properties to the north and it would reduce the storage area for floodwaters. Placing fill around the proposed building site could also

change how water drains onto the property to the south. If these issues are properly addressed however, it may be that they would not be an issue.

**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?**

**Needs discussion.** See discussion in 1) above.

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

**Yes.** The area is already served by utilities and a township road. The road meets elevation requirements for floodplain areas.

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

**Yes.** The fill requested does not create a need for additional off-street parking. The lot has adequate space for off-street parking.

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

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

- Require on-site storm water retention and erosion-control plans for all new lakeshore development and redevelopment of existing sites, to ensure that storm water runoff is properly managed and treated before entering surface waters.
  - Staff Comment: The applicant will need to adequately stabilize any areas of fill.
- 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: It appears a small number of trees may need to be removed to accommodate the fill and proposed building site. If the garage were moved further back in the lot, it would require the removal of many trees.
- 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: See comments above.
- Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.

- Staff Comment: The proposal will obviously involve a significant amount of fill on the property. If this fill does not change generally existing drainage patterns and is properly managed with temporary and permanent stormwater management, it should not have any significant potential for erosion or sedimentation.

**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 have the potential to create temporary noise, dust, fumes, vibrations and other such characteristics during the construction process. These should not be excessive or unusual however and would not be present once construction is complete.

**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?**

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

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**Staff Recommendation:** Staff recommends that the PC/BOA address the requested variance (for amount of fill required around the building) before addressing the requested conditional use (for fill) as the former obviously impacts the latter.

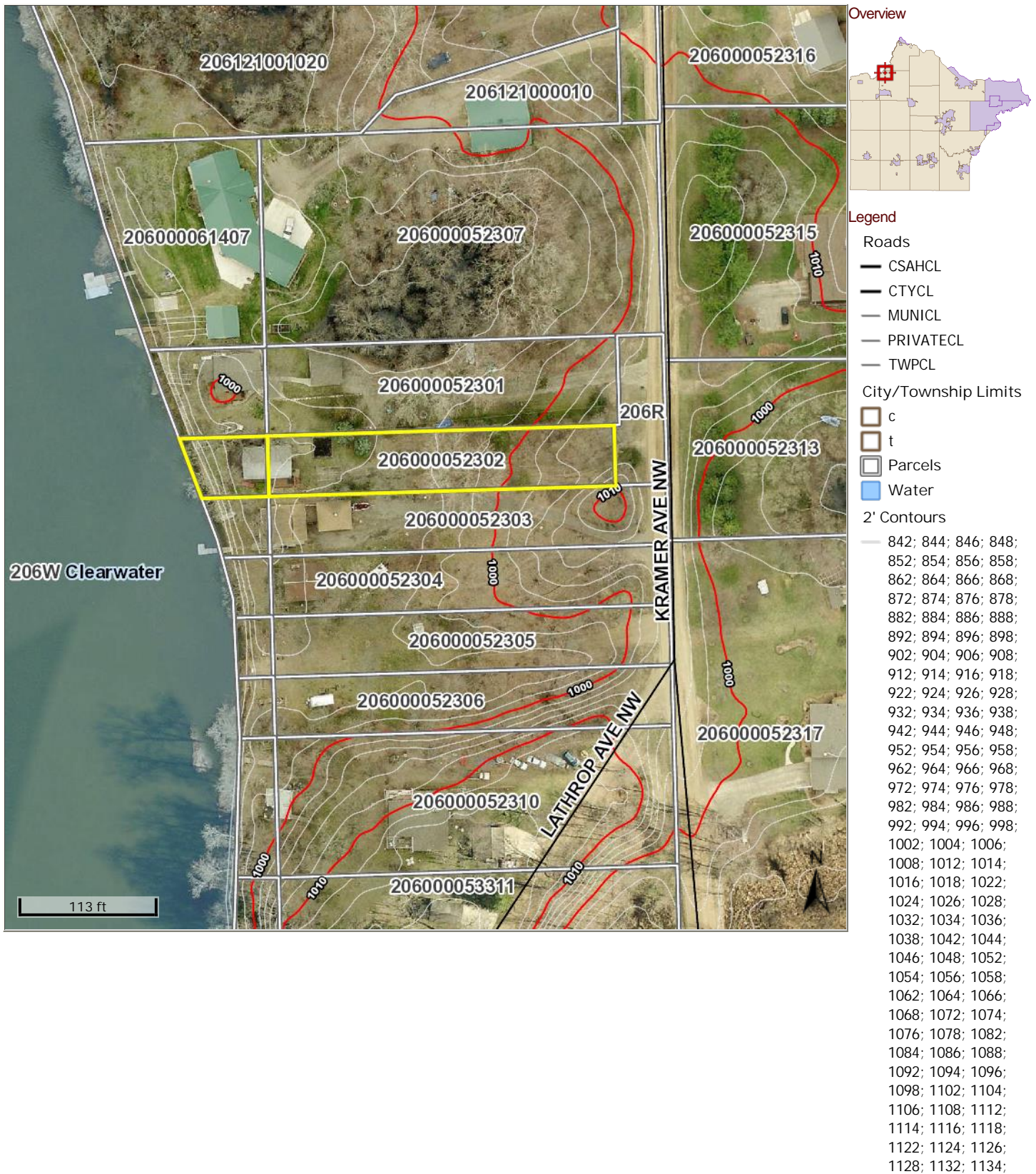
In order to maximize the storage area for floodwaters, minimize the impact on existing water flow patterns in the neighborhood, and minimize the potential for erosion of fill, Staff would generally recommend that the amount of fill be minimized. In conversations with DNR Floodplain Staff, it seems that they support variances in situations where there is not enough space for the required fill if at least one side of the building has access at the required elevation. In this particular case, the floodwaters would be only from the water backing up from the south and would not have high velocities. Fill could be placed at the required elevation on the east side of the proposed storage building (road side) so that there was access for emergency services. So long as the applicant can adequately protect the foundation from floodwaters, there should be minimal risk for damage to the building.

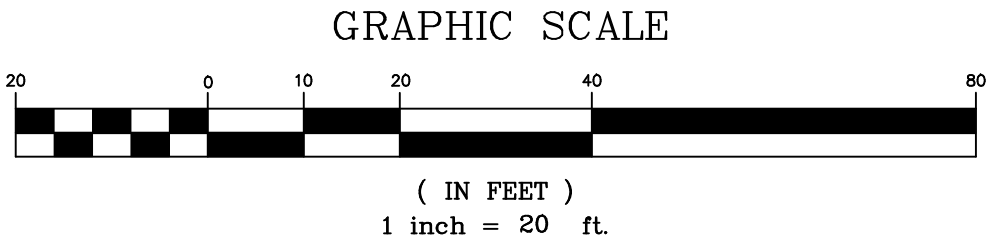
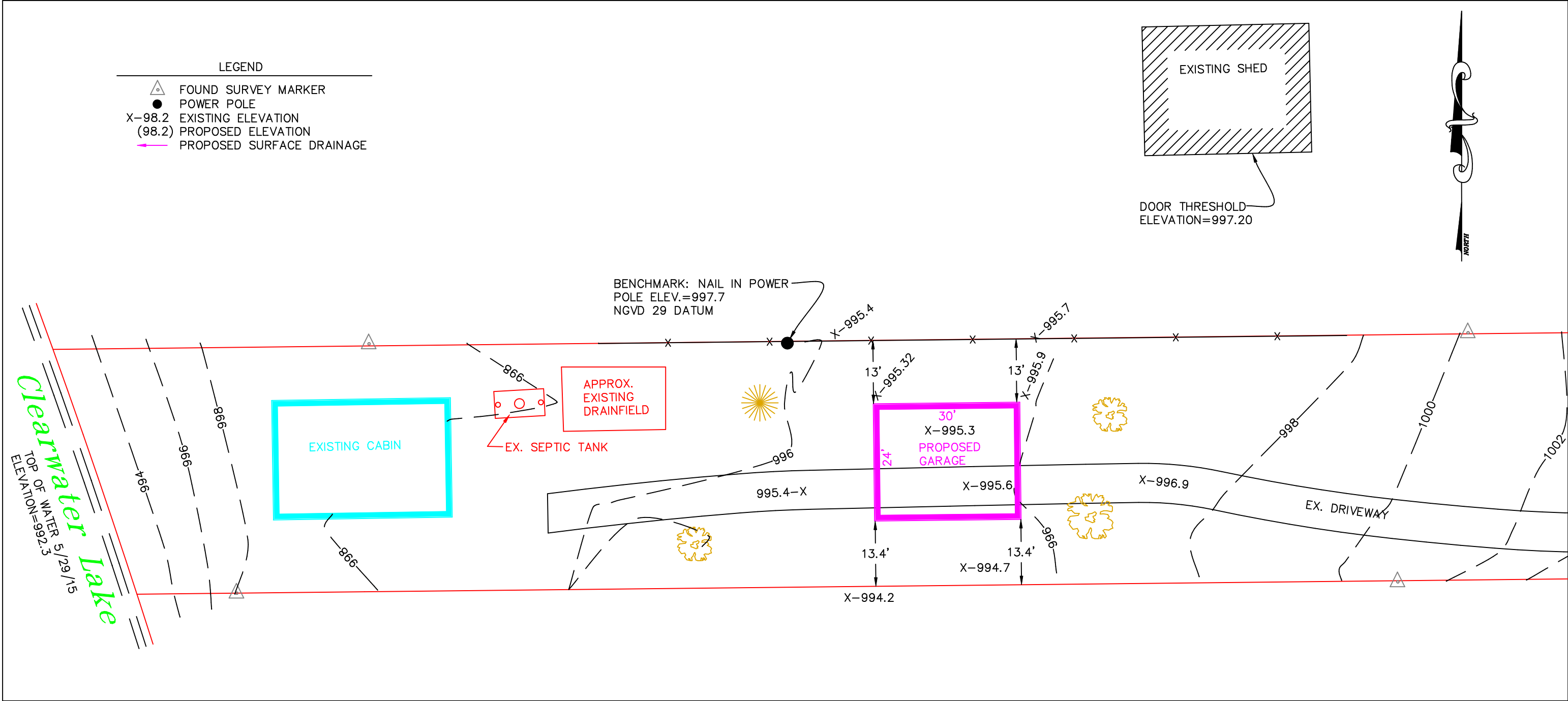
If the applications are approved, Staff would recommend the following conditions:

1. That if fill is required around the building and would block floodwaters from receding from the north side as they do now, that a culvert be installed so as to

allow for water to flow from the adjacent property to the north across the applicant's lot and back to the south.

2. That if fill is not required around the building, the foundation be of a type to withstand damage from floodwaters, as determined by the Township's building inspector.
3. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between the area of disturbance and the road and neighboring property to the west, seeding of all disturbed areas and installation of erosion control blankets as identified in the submitted erosion control plan, or as otherwise recommended by Wright County SWCD and/or approved by the Zoning Administrator.
4. The applicant shall implement a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation and to allow adequate time for infiltration or other treatment of runoff from the site prior to it flowing onto the township road and/or the neighboring property to the east. 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.





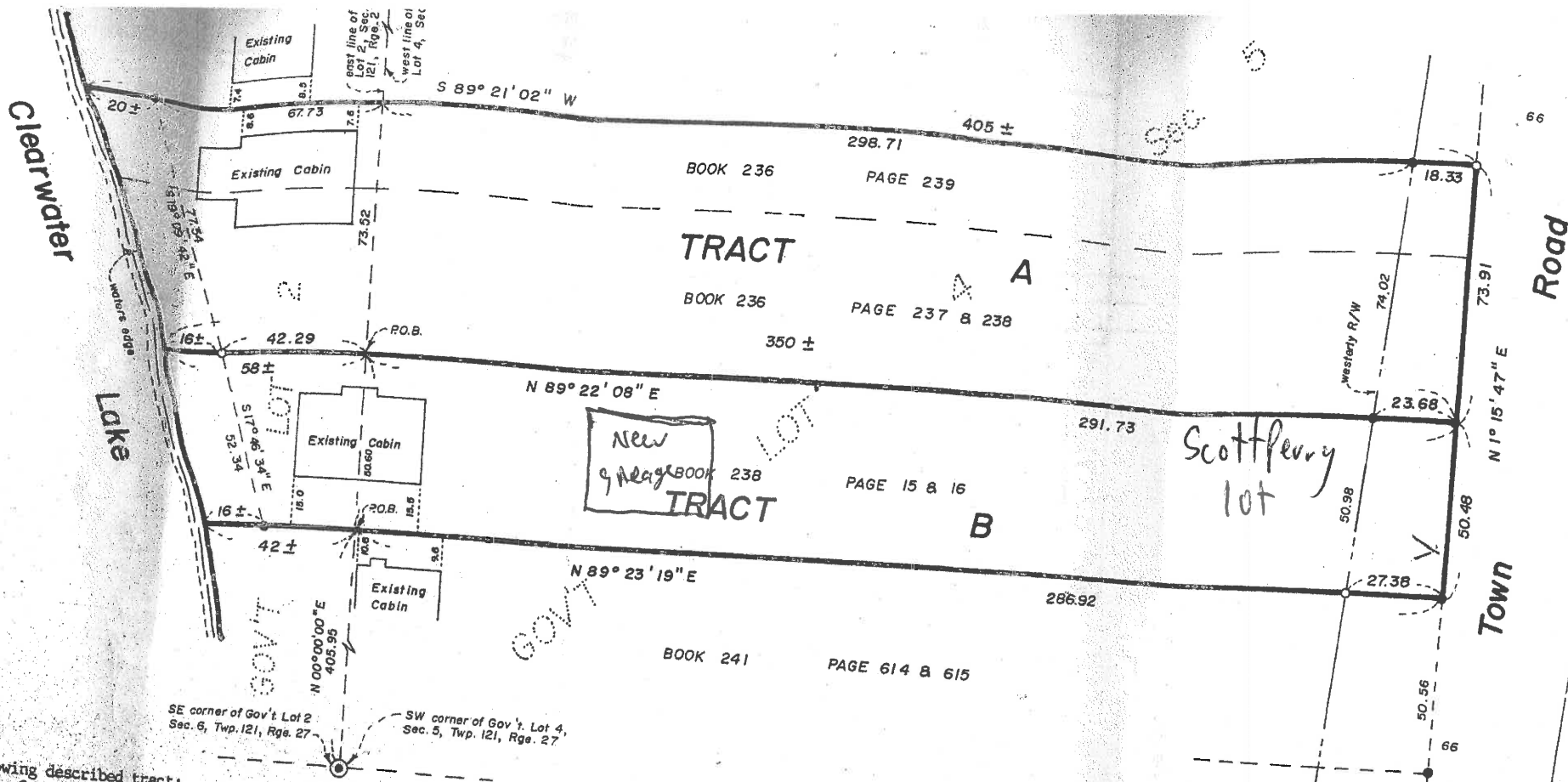
ELEVATIONS
OHW = 991.3
10YR FLOOD = 994.1
100YR FLOOD = 996.2
REGULATORY FLOOD PROTECTION = 997.7
PROPOSED 1ST FLOOR ELEV. = 998.0

MILLER'S SEWAGE TREATMENT SOLUTIONS  
A division of WRM Services Inc.  
9075 155th Street, Kimball, MN 55353  
(320) 398-2705 cell (320) 980-1737

PROPERTY LOCATION  
Part of Gov't lot 2 & 4, Section 6,  
Township 121, Range 27, Wright  
County, Minnesota.  
PID#206000061402 & 206000052302

Septic System Site Plan		
DATE	JOB NO.	SCALE
6/1/15	2015-177	1=20

PREPARED FOR:  
**Scott Perry**



following described tract:  
 at the South 208 ft. of the  
 of the South 1320 ft. of Govt.

ollowing described tract:  
 the South 208 ft. of the West 330 ft.  
 Govt. Lot 2, Sec. 6, all in 121-27,

LEGAL DESCRIPTION OF RECORD, TRACT B:  
 The North 50 ft. of the South 250 ft. of the following described tract:  
 The West 10 acres, of Govt. Lot 4, Sec. 5, exc. the South 208 ft. of the West  
 330 ft. thereof, and the North 1112 ft. of the South 1320 ft. of Govt. Lot 2,  
 Sec. 6, all in 121-27.

SUGGESTED LEGAL DESCRIPTION, TRACT B:  
 That part of Government Lot 4, Section 5, Township 121, Range 27, and Government  
 Lot 2, Section 6, Township 121, Range 27, all in Wright County, Minnesota, described  
 as follows:

## STAFF REPORT

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**Application:** After-the-fact variance to enclose a 14' x 32' portion of an existing lakeside deck approx. 65 feet from Mink Lake and add a new open deck approximately 57 feet from Mink Lake (min. 100 ft required). Variance to construct a 20' x 30' two-story addition to the existing dwelling approx. 61 ft from the centerline of a township road (min. 65 ft required).

**Applicant:** Dennis Mahr

**Agenda Item:** 4(e)

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### Background Information:

- **Proposal:** This application is an after-the-fact variance for the conversion of a previously existing open deck to a year-round addition to the home. In further discussing the application with the applicant, they are also asking for an after-the-fact variance to construct a new open deck extending out 10 feet from what previously existed toward the lake/bluff. The applicant is also requesting a two-story addition the rear of the home toward the road that would not meet the required road centerline setback.
- **Location:**
  - Property address: 8071 Greer Ave NW, Maple Lake
  - Sec/Twp/Range: 24-121-27
  - Parcel number(s): 206020001010
- **Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Mink Lake (Recreational Development lake)
- **Lot size:** Approx. 21,987 sq ft (0.50 acres) according Beacon GIS estimate.

#### Existing and Proposed Impervious Coverage:

- Buildings: About 1,520 sq ft ( 6.9%)
- Total: About 4,299 sq ft ( 19.6%)

#### Proposed Impervious Coverage:

- Buildings: About 2,585 sq ft ( 11.8%)
- Total: About 5,148 sq ft ( 23.4%)

- **Septic System Status:** The property is served by an existing sewer system that was installed in 1982. The applicant applied for a permit to replace the sewer on June 2, 2015.
- **Natural Features:**
  - Floodplain: The existing and proposed structures are not within an identified floodplain.

- Bluff/Steep Slopes: The lot does not contain a bluff, although the steep hillside is close to meeting that criteria. The remainder of the site is relatively flat.
- Wetlands: There do not appear to be any wetlands that would impact this proposal.
- **Permit History:**
  - 1968 – 24' x 32' dwelling
  - 1982 – Sewer
  - 1987 – 22' x 22' detached garage.
  - 1994 – Land Alteration Permit
  - 2015 – Sewer permit (pending)

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#### **Applicable Statutes/Ordinances:**

##### **Minnesota Statutes**

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#### **462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.**

##### **Subd. 6. Appeals and adjustments.**

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

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

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

ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

## **Corinna Township/Wright County Regulations**

### **502. APPEALS AND BOARD OF ADJUSTMENT**

#### **502.4 Findings**

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

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

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

#### **605.5 Performance Standards**

- (2) Front Yard Regulations:
  - (a) Required Setback Distance

<u>Required Setback Distance From Road Centerline</u>	<u>Required Setback Distance From Road Centerline for Livestock Buildings</u>	<u>Road Class</u>
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- (c) Within existing developed areas, the above front yard setback requirements may be adjusted to coincide with average setback occurring on either side of the proposed building within three hundred (300) feet except that no building shall be located less than twenty (20) feet from the right-of-way line. The calculation of the average setback shall not count lots without a permanent building on the lot. All measurements shall be to the building location even where such buildings exceed the required setback.

## 612. SHORELAND ZONING REGULATIONS

### **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.

#### (b) Recreational Development Standards:

Structure setback from OHWL

100 ft.

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

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

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

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

While the lake setback will not be met with this application (subject to verification from survey to be provided prior to the hearing), it will be out of the shore impact zone (the first 50 feet back from the lake). However, the lakeside open deck addition extends closer to the lake than the previously existing open

deck by about 10 feet. The previously existing open deck would be enclosed, effectively enlarging the dwelling closer to the lake by about 14 feet than what previously existed. Generally the addition of living space where none existed before has been discouraged within setbacks.

**Yes (road setback):** The spirit and intent of the ordinance (road setback) for buildings is to help ensure adequate space for road maintenance activities (i.e. snowplowing, road grading, ditch spraying, etc...), to prevent damage to property and promote public safety should a vehicle drive off the road and to allow adequate space for parking of vehicles on driveways without endangering public safety.

The proposed location of the house addition on the road side of the house nearly meets the required road setback. There would be ample room for snow plowing and other road maintenance activities and other buildings within the immediate area are closer to the road than what is proposed for the house addition.

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

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

- Require on-site storm water retention and erosion-control plans for all new lakeshore development and redevelopment of existing sites, to ensure that storm water runoff is properly managed and treated before entering surface waters.
  - Staff Comment: If the additions are allowed, particularly the one on the lakeside of the existing dwelling, a stormwater plan to ensure protection of the steep hillside and lake is essential.
- 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: The application will appear to require the removal of one tree on the road side of the existing house.
- 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: See comments above.
- Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.
  - Staff Comment: It does not appear that any significant grading will be necessary to construct the proposed additions. Some

earthwork will be necessary for the foundation and the septic system.

**3. Is the proposed use of the property reasonable?**

**Needs discussion (lake setback).** Providing an enclosed space for additional living space is certainly a reasonable request for a shoreland home. However, additions within a lake setback are generally discouraged when they go closer to the lake than what already exists or is allowed.

**Yes (road setback).** The addition to the road side does represent a reasonable attempt to add living space to the property given the relatively small existing house and the constraints of the property.

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

**Needs discussion.** The need for the variance is due largely to the location of the existing house, which was constructed prior to zoning regulations, and the layout of the lot in relation to the road. The applicant could also add on to the rear of the home (as is proposed) for additional living space and possibly to the side of the existing dwelling, which are factors over which the applicant has some control.

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

**Needs discussion (lake setback).** While open decks are relatively common for the area, and it is not uncommon for homes built prior to zoning to be within a bluff setback on area lakes, this lot is unique in the neighborhood in that neighboring lots do not appear to have a bluff on them. As such, a year-round addition in the bluff setback where one did not exist before could change the character of this area.

**Needs discussion (road setback).** The proposed addition to the road side should not have a significant impact on the character of the area as two story homes are not uncommon in residential shoreland areas and are generally allowed. However, the majority of homes in the immediate area are one-story homes.

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

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

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

**Needs discussion (lake setback).** It appears the applicant could build to the side of the existing home to provide additional space for viewing the lake, although it is not known whether this would be practical given the interior layout of the home and the need to replace the septic system in that area. Further, such an addition would still require a variance from the lake setback.

**Needs discussion (road setback).** To alleviate the variance, the applicant would need to reduce the size of the addition. This would make for a less useful addition in that it would not be deep enough for a new room on its own.

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

**Needs discussion.** The proposal would place more year-round building in close proximity to a steep slope and closer to the lake than the existing structure (which is already not meeting the required 100 ft setback. As such, it presents several challenges that would need to be addressed – managing stormwater runoff so it doesn't destabilize the bluff or pollute the lake, ensuring that the additional weight of the addition does not destabilize the bluff and generally adding impervious within a sensitive area.

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

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**Staff Recommendation:**

Based on the intent of the ordinance to limit the expansion of existing nonconformities, Staff would recommend denial of the addition of any structure within the lake setback or the expansion/conversion of any such structure from what previously existed. (Note: This would require removal of the work already completed to enclose the previously existing open deck and add the new open deck).

Staff would recommend approval of the road setback request as it appears to meet the criteria for granting of a variance.

If the application or some version of the application is approved, Staff would recommend consideration for the following conditions of approval:

1. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between any areas of disturbance (if there will be any) and the lake as well as to any neighboring properties which are downslope of the disturbed areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets, hydroseed or other forms of temporary cover until vegetation is re-established.
2. The applicant shall submit a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation and to allow adequate time for infiltration or other treatment of rainwater from the lot prior to it flowing into the lake. These may include directing rain gutters to appropriate areas, rain barrels, or other acceptable best management practices. Once approved, the plan should be implemented at the time of construction or within

a reasonable time period after construction is completed and maintained indefinitely.

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

Name of Applicant: DAN + RUTH MAHR

Property Address: 8071 Greer Ave. NW

Mailing Address (if different): \_\_\_\_\_

City: Maple Lake State: MN Zip: 55358

Phone (home/work): \_\_\_\_\_ Phone (cell/other): 952-210-3702

E-mail (optional): Dmahr@Graco.com

**Applicant is:**

**Title Holder of Property (if other than applicant)**

Legal Owner ☒

Name: DAN MAHR

Contract Buyer ☐

Address: 8071 Greer Ave NW

Option Holder ☐

City, State, Zip: Maple Lake, MN 55358

Agent ☐

Other ☐

Please specify: \_\_\_\_\_

Property ID #:

(12 digit # on tax statement)

206-020-001010

Lake Name

(if applicable)

MINN LAKE

Legal Description:

(attach if necessary)

1.25 NOBS DECK G DET GAR G

Signature of Legal Owner, authorizing application (required):

(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)



Signature of Applicant (if different than owner): \_\_\_\_\_

(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

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

☐ 1 per 40 Division

☐ Road Setback

☐ Building/Impervious Coverage

☐ Lot Line Adjustment

☒ Lake or River Setback

☐ Height of Structure

☐ Undersized Lot

☐ Side or Rear Line Setback

☐ Septic System Setback

☐ Appeal of Staff Interpretation

☐ Bluff Setback

☐ Other \_\_\_\_\_

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

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

Please complete all of the following questions:

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

ENCLOSE EXISTING DECK AND MAKE  
IT PART OF DWELLING

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

IT WOULDN'T CHANGE  
FOOTPRINT OF HOME, JUST ENCLOSE WHAT IS  
THERE. IT WOULD MATCH EXISTING HOMES NEARBY  
& WOULD NOT BE ANY CLOSER TO LAKE OR LOOK  
OUT OF PLACE WITH NEIGHBORING HOMES

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

BECAUSE IT WOULD KEEP THE HOME  
AND LOT NOT CROWDED LOOKING. IT WOULD KEEP  
OUR COMMUNITY NICE AND RELAXED LOOKING. NOT  
JAMMED TOGETHER

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

IT WOULD ADD NEEDED SQUARE FOOTAGE  
FOR LESS COST AND WOULD NOT LOOK  
AWKWARD OR OUT OF PLACE.

5. Describe what factors contributing to the need for a variance were not in your control. Address factors such as the lot size or shape, topography, location of existing buildings, sewer systems and wells, and any other factors you feel are relevant. *MOST THINGS ON THE LOT DO NOT MEET SETBACKS, THE DECK IS ALREADY THERE, IT IS 60'-OR 70' BACK FROM LAKE, EVERYTHING ON LOT WAS SET UP TO PAST ZONING RULES*
6. Describe the character of the area and why your project will not substantially change the character of the neighborhood or be a detriment to nearby properties. *THE DECK IS THERE ALREADY AND THE SETBACK FROM THE LAKE IS STILL FURTHER THAN ALL HOMES IN SURROUNDING NEIGHBORHOOD, THE LOOK FLOWS WITH WHATS THERE AND DOES NOT LOOK AKWARD OR OUT OF PLACE.*
7. Describe why it is not feasible for your project to meet the minimum requirements of the ordinance. What options did you explore that would minimize the variance necessary and why did you determine these were not feasible alternatives? *BECAUSE THE DECK IS ALREADY THERE, THE PROJECT SAVES MONEY BECAUSE FOOTINGS ARE ALREADY EXISTING.*
8. Discuss what impacts, if any, the requested variance may have on the environmental quality of the area. For any potential impacts, how do you intend to eliminate or minimize their effect? *WE DO NOT SEE ANY ENVIRONMENTAL IMPACTS ON THE PROJECT.*
9. **Flood Insurance Notice:** If your variance request involves a request to construct a structure below the base flood level, you are hereby notified that this will result in an increased premium rate for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage. Such construction below the base or regional flood level increases risks to life and property.

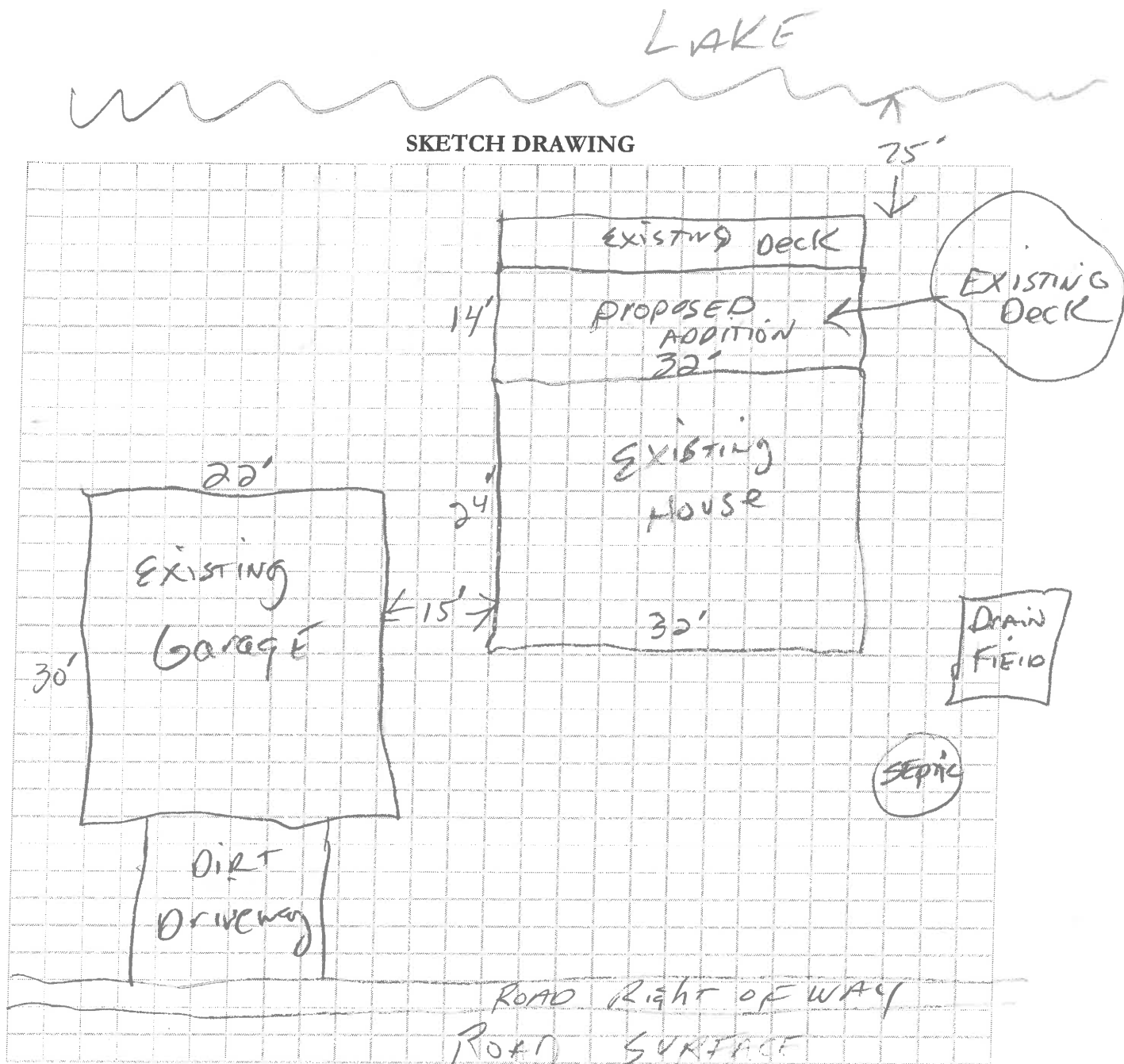
***\*If you are requesting to construct a structure below the base flood level, please initial here that you have read and understand the above notice:*** \_\_\_\_\_

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

*WE WOULD APPRECIATE your help on this project. IT WOULD GIVE US MORE SQUARE FOOTAGE, THE HOUSE IS ONLY 728 Sq. FT. WE WOULD LIKE TO RETIRE HERE AND A LARGER HOUSE WOULD BE HELPFULL*

REVISED: DECEMBER 2013

*THANK YOU FOR YOUR CONSIDERATION*



### Impervious Surface Calculation

List all <b>existing structures*</b> or other improvements on the property and their outside dimensions		List all <b>proposed structures*</b> or other improvements on the property and their outside dimensions:	
Type of Structure or Improvement	Footprint – incl. eaves (sq ft)	Type of Structure or Improvement	Footprint – incl. eaves (sq ft)
1. DWELLING	28' X 36' 1008	DWELLING	15' X 36' 540
2. GARAGE	24' X 32' 768		
3. DECK	10 X 32		
4.			
5.			
Total		Total	540

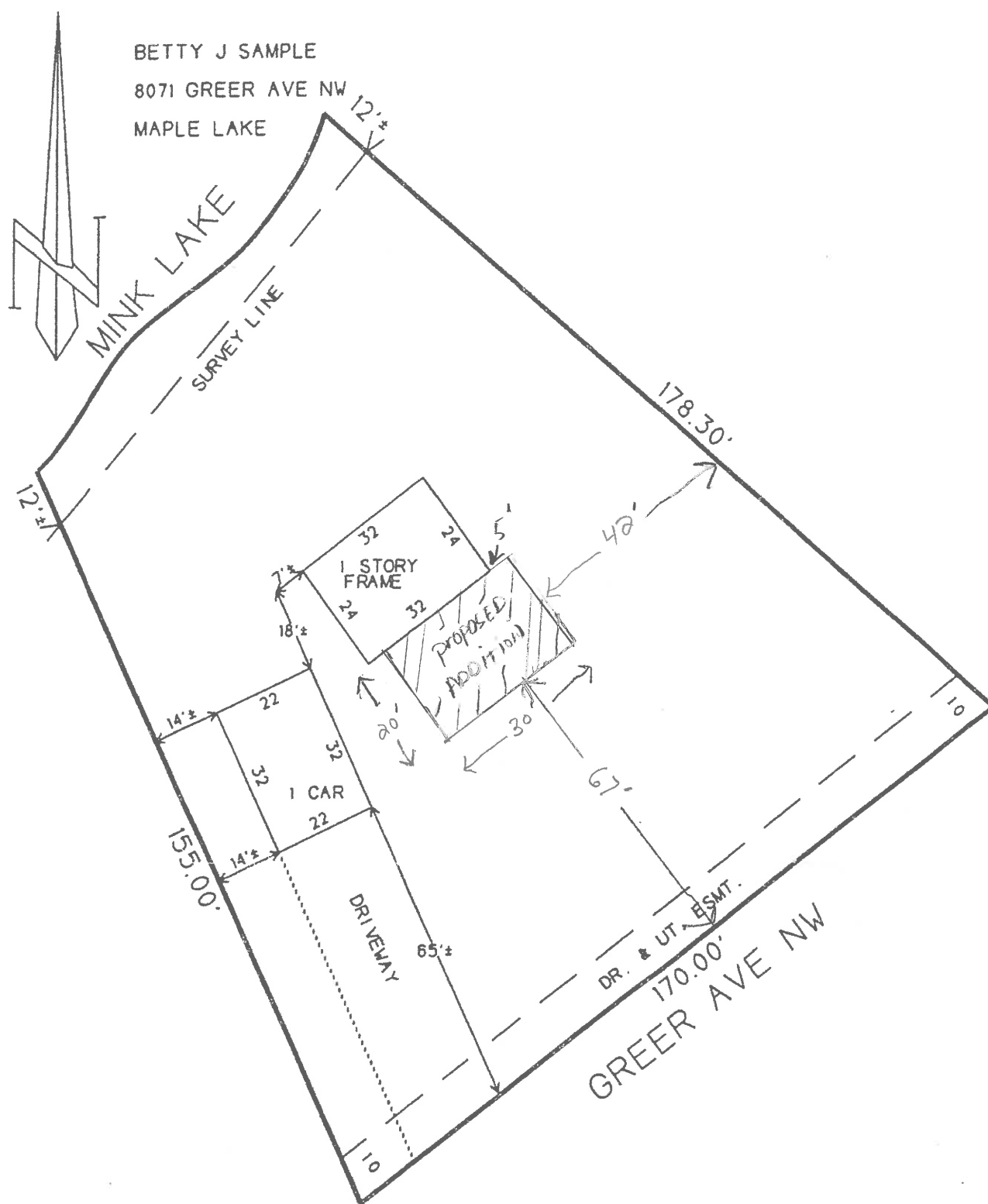
**\*Note:** Include all roofed structures (including eaves), patios, decks, driveways, parking areas, retaining walls, stairways, sidewalks, propane tanks, landscaping underlain with fabric/plastic, etc...

Total Lot Size = 1.5 sq ft or acres

Total Impervious Coverage (Total Impervious / Total Lot Size) \* 100 = \_\_\_\_\_ %

File # 062-14

Date MAY 30, 2014



Northland Title Company certifies that this plat drawing illustrates all improvements and encroachments visible by inspection of the property, and that all easements of record (if any) are indicated. This is not a survey which can be obtained from a professional land surveyor licensed by the state of Minnesota.







## STAFF REPORT

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**Application:** Variance to construct a 12' x 16' addition to an existing garage/shed approx. 7 ft from a side property line (min. 10 ft required).

**Applicant:** Jon Papas (Owner: William Papas)

**Agenda Item:** 4(f)

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### Background Information:

- **Proposal:** This application is an after-the-fact variance for the conversion of a previously existing open deck to a year-round addition to the home. In further discussing the application with the applicant, they are also asking for an after-the-fact variance to construct a new open deck extending out about 10 feet from what previously existed toward the lake/bluff. The applicant is also requesting a two-story addition the rear of the home toward the road that would not meet the required setback.
- **Location:**
  - Property address: 11295 Kimball Ave NW, Annandale
  - Sec/Twp/Range: 5-121-27
  - Parcel number(s): 206087000190
- **Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Bass Lake (General Development lake)
- **Lot size:** Approx. 31,040 sq ft (0.71 acres) according Beacon GIS estimate.

Existing and Proposed Impervious Coverage: Well under limit
- **Septic System Status:** The property is served by an existing sewer system that was installed in 1988 and found compliant in 1995.
- **Natural Features:**
  - Floodplain: The existing and proposed structures are not within an identified floodplain.
  - Bluff/Steep Slopes: The lot does not contain any bluffs or steep slopes.
  - Wetlands: There do not appear to be any wetlands that would impact this proposal.
- **Permit History:**
  - 1949/1950 – Original development of lot (Assessor records)
  - 1988 – Septic system
  - 1995 – Septic compliance

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### Applicable Statutes/Ordinances:

## Minnesota Statutes

### 462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.

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#### **Subd. 6. Appeals and adjustments.**

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

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

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

## Corinna Township/Wright County Regulations

### 502. APPEALS AND BOARD OF ADJUSTMENT

#### 502.4 Findings

- (1) The Board of Adjustment must review variance petitions and consider the following factors prior to finding that a practical difficulty has been presented. The applicant must provide a statement of evidence addressing the following elements to the extent they are relevant to the applicant's situation.

- (a) The granting of the variance will be in harmony with the County Land Use Plan.
- (b) The property owner proposes to use the property in a reasonable manner not permitted by an official control.
- (c) The plight of the owner is due to circumstances unique to the property not created by the owner.
- (d) The proposal does not alter the essential character of the locality.
- (e) The practical difficulty cannot be alleviated by a method other than a variance; and.
- (f) The granting of the variance will not adversely affect the environmental quality of the area.

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

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

##### **605.5 Performance Standards**

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

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

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

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

**Yes:** The spirit and intent of the ordinance (side yard setback) is to require some space between buildings and other improvements and the adjacent lot and to maintain space between structures. Its' intent is also to maintain consistency from one property to the next in this setback.

The proposed addition will be to building that appears to have been in its current location for many years. The addition will enlarge the building, but not put it any closer to the lot line than exists now.

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

**Yes:** 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: The proposed addition is small and impervious coverage will remain well below the maximum allowed for this lot. The primary issue would be to ensure that the neighboring property owner is not negatively impacted by runoff from the new addition.
- 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: The application will not appear to require the removal of any trees.
- 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: See comments above.
- Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.
  - Staff Comment: There will not be a need for any significant grading as a result of this project.

**3. Is the proposed use of the property reasonable?**

**Yes.** A request to enlarge a relatively small garage to allow for more storage with easy access from the existing driveway is reasonable for a lot of this size.

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

**Yes.** The need for the variance is due largely to the location of the existing shed and the driveway that serves the property.

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

**No.** The addition is relatively small and will not create a significantly different look or feel to the property.

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

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

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

**Needs discussion.** In order to avoid the variance, the applicant would either need to move the existing shed over as it is being enlarged, or tear it down and rebuild in a conforming location, or construct an entirely new shed somewhere where setbacks can be met. All of these options would appear feasible unless the applicant identifies reasons why they are not.

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

No. Impervious coverage on the lot will remain well below the maximums allowed and there are no significant environmental impacts expected.

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

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**Staff Recommendation:** If the Board is convinced that there are not feasible alternatives for providing additional storage on the property without need for a variance, Staff would recommend approval of the requested variance.

If the application or some version of the application is approved, Staff would recommend consideration for the following conditions of approval:

1. (For discussion) That the applicant provide a survey of the east boundary line of the property to verify the existing setback. The addition to the shed must not be any closer to the lot line than the original shed.
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 between any areas of disturbance (if there will be any) and the lake as well as to any neighboring properties which are downslope of the disturbed areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets, hydroseed or other forms of temporary cover until vegetation is re-established.



Application # <u>V15-008</u>	Date Application Rec'd <u>5/21/15</u> (for office use only)	Fee Collected \$ <u>400<sup>00</sup></u>
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**CORINNA TOWNSHIP  
VARIANCE APPLICATION**

Name of Applicant: JON PAPAS

Property Address: 11295 KMBALL AV NW

Mailing Address (if different): 4839 NASON PWY NE

City: ST. MICHEAL State: MN Zip: 55376

Phone (home/work): 763-497-8819 Phone (cell/other): 612-247-8718

E-mail (optional): \_\_\_\_\_

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

Legal Owner ☒ Name: \_\_\_\_\_

Contract Buyer ☐ Address: \_\_\_\_\_

Option Holder ☐ City, State, Zip: \_\_\_\_\_

Agent ☐

Other ☐ Please specify: \_\_\_\_\_

Property ID #: \_\_\_\_\_ Lake Name BASS LAKE  
(12 digit # on tax statement) 206-087000190 (if applicable)

Legal Description: SECT-05 TWP-121 RANGE -027 THOMPSON'S BASE LAKE PARK LOT-019  
(attach if necessary)

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

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

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

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

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

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

Please complete all of the following questions:

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

SEVERAL YEARS MY FATHER BUILT A SHED SEVEN FEET FROM THE PROPERTY LINE.

NO ONE EVER COMPLAINED ABOUT IT, THATS THE WAY THING WENT BACK THEN.

MY WIFE AND I ARE ENTENDING TO DO SOME UP GRADES INORDER TO RETIRE HERE SOON.

WE HAVE NO GARAGE FOR OUR CAR AND WOULD LIKE TO ADD A GARAGE ON TO THE SHED

MY NEIGHBOR SAID HE IS GOOD WITH THE IDEA OF ADDING THE GARAGE NEXT TO HIS PROPERTY LINE. HE HAS WRITTEN A LETTER STATING THAT CLAIM.

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

THE SHED WOULD ALSO BE IMPROVED COSMETICALLY

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

CURB SIDE IMPROVEMENT

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

I CAN PARK MY CAR INSIDES THE GARAGE

5. Describe what factors contributing to the need for a variance were not in your control. Address factors such as the lot size or shape, topography, location of existing buildings, sewer systems and wells, and any other factors you feel are relevant.

TOWNSHIP RULE

6. Describe the character of the area and why your project will not substantially change the character of the neighborhood or be a detriment to nearby properties.

THE SHED IS ALREADY THERE AND IS SECLUDED AND IS IN AN AREA OF THE PROPERTY WHERE IT WILL NOT BLOCK ANY VIEW

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

ATTACHING TO A STRUCTURE THAT ALREADY EXISTS

8. Discuss what impacts, if any, the requested variance may have on the environmental quality of the area. For any potential impacts, how do you intend to eliminate or minimize their effect?

IT DOESN'T

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

***\*If you are requesting to construct a structure below the base flood level, please initial here that you have read and understand the above notice:***

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

Jon Pappas  
Bass Lake  
11295 Kimball ave. NW  
Annandale, MN.

May 10, 2015

Jon,

This letter is to inform you that I have no concerns with you building an extension to your existing shed along the lot line currently located on your property. The lot line is on the southwest side of my property and the northeast side of your property.

I can provide additional information if necessary.

Thanks,

Greg Jaeger  
Bass Lake  
763-592-9466  
11307 Bass Lake Road  
Annandale, MN.



# Site Sketch & Limiting layer Determination

**Owner:** Papas

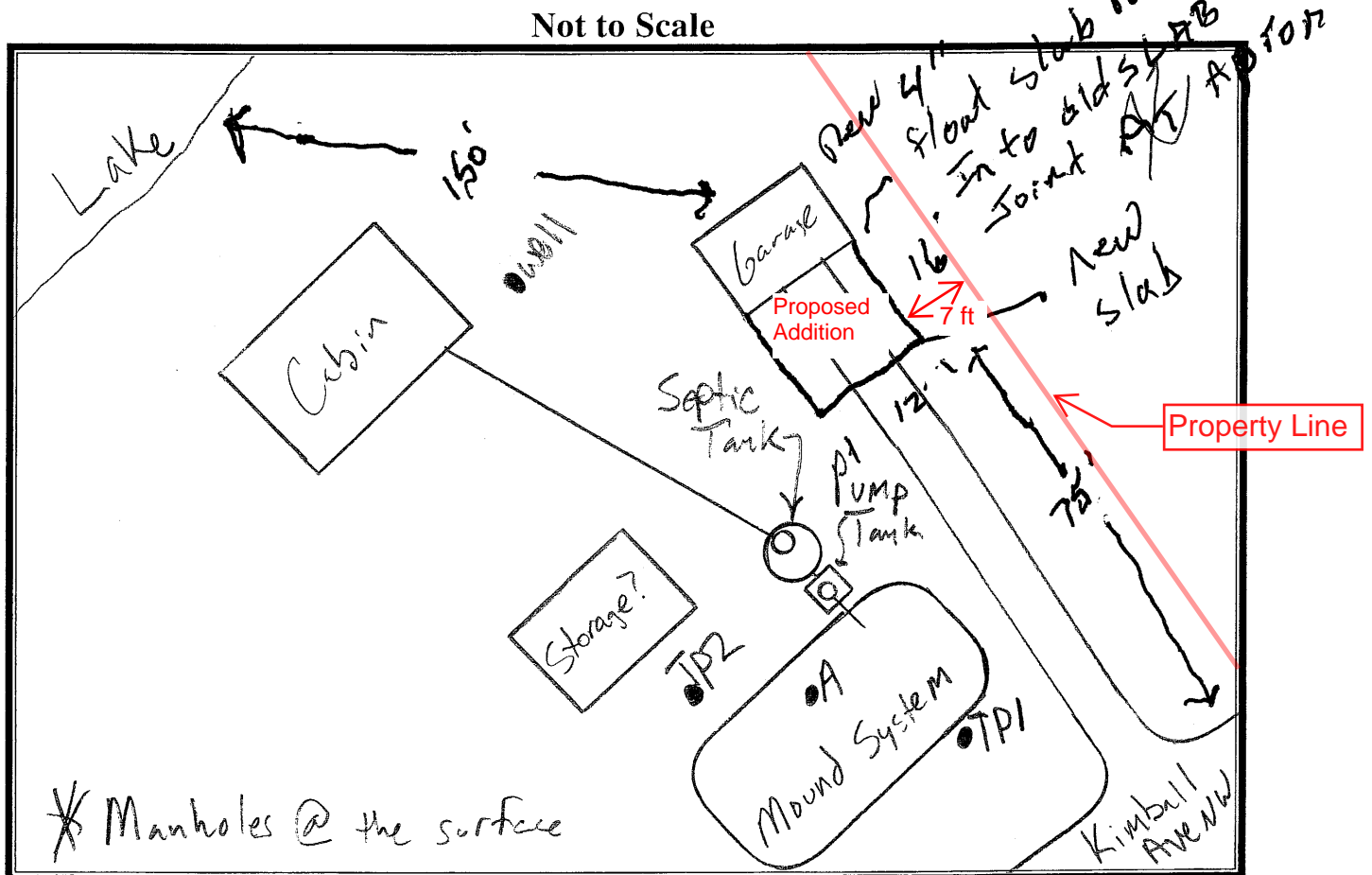
**Location:** 11295 Kimball Ave NW, Annandale

**Date:** 8/29/2014

Method used to determine seasonal water table: **Test Pit(s), Elevations**

Test Pit	1	2			
Ground elevation @ pit	100.0	100.0			
Depth of Pit	1.5 ft	1.5 ft.			
Seasonal water table depth or elev.	.75 ft.	.75 ft.			
Standing water table depth or elev.	1.0 ft.	1.0 ft.			
Limiting layer depth or elev.	99.25	99.25			

Sampling Location	A				
Ground elev. @ sample location	105.0				
Depth to bottom of drainfield media	3.0 ft.				
Elev. of bottom of drainfield media	102.0				



MSTS

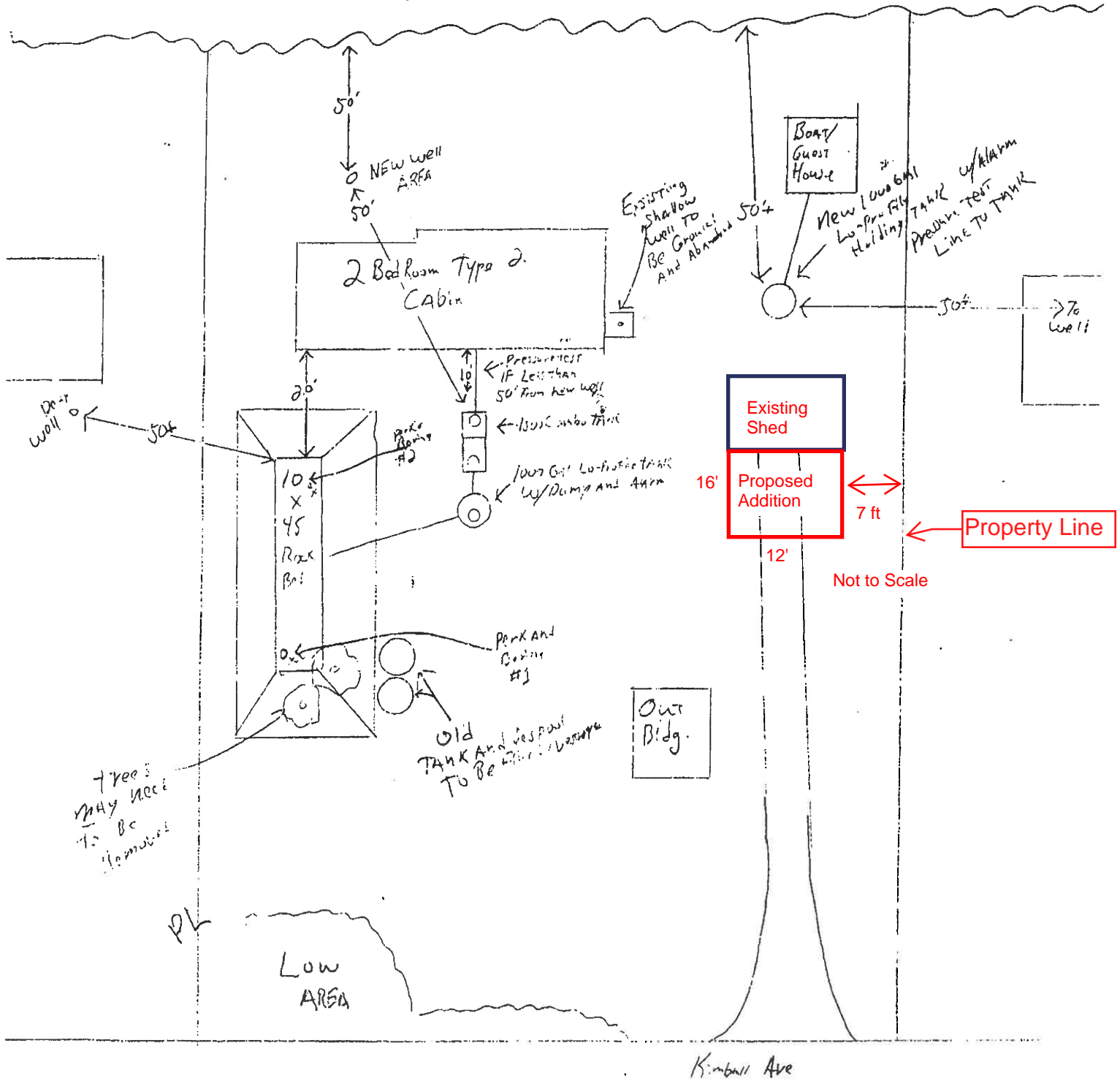
a division of WRM Services, Inc.

Phone: (320) 398-2705

Fax: (320) 398-2075

[www.millerssewage.com](http://www.millerssewage.com)

# BASS LAKE



Drawn By: *Karl Loggins*  
April 98

DAVE LOGGINS PROPERTY  
11307 KIMBALL AVE.  
ANNANDALE, MI 48106  
WRIGHT COUNTY

North →

Scale By  
Dimension

