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# CORINNA TOWNSHIP

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## BOARD OF ADJUSTMENT/ PLANNING COMMISSION

MEETING PACKET FOR  
**March 18, 2015**



CORINNA TOWNSHIP  
AGENDA  
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION  
March 18, 2015  
7:00 PM

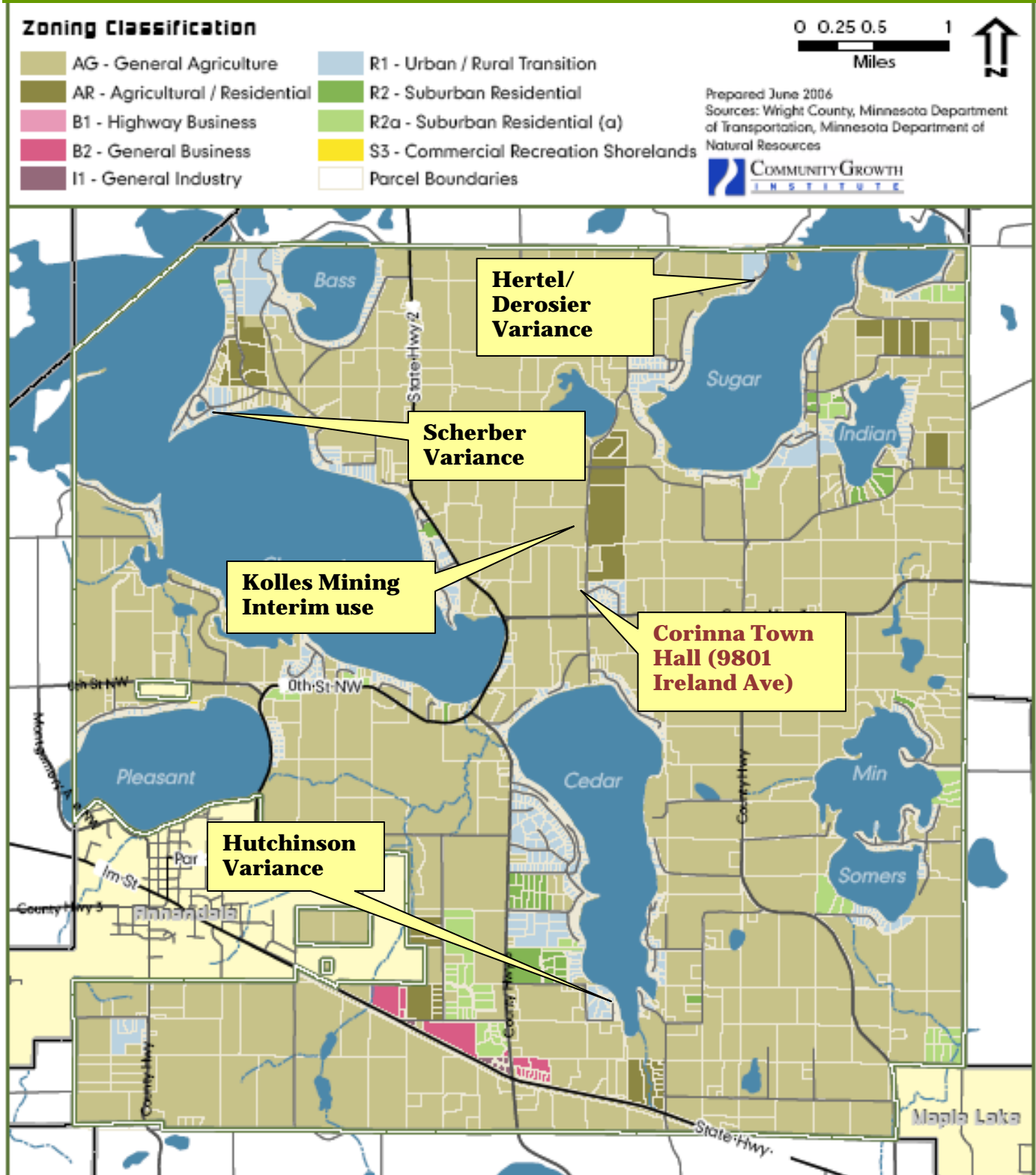
1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
4. Public Hearings
  - a. Renewal of Interim Use Permit for the operation of a mining pit involving mining, crushing and screening of sand, gravel and rock.
    - i. Applicant: Jason and Geri Ann Kolles
    - ii. Property address: 10171 Ireland Ave NW
    - iii. Sec/Twp/Range: 10-121-27
    - iv. Parcel number(s): 206000103400
  - b. ~~WITHDRAWN as of 3/2/2015 Amendment of a previously granted variance (October 2014) to allow for shifting of the proposed house 5 ft further to the north to be approximately 7.08 feet from the (north) side property line and 3 feet from the (south) side property line (min. 10 ft required), 50 feet from Sugar Lake (min. 75 ft required), 37 ft from the centerline of a township road (min. 65 ft required) and 1 foot from a septic holding tank (min. 10 ft required). The new location would allow for the house to eliminate an encroachment onto a neighboring property. Variance to rebuild an existing 14'4" x 20'4" single story garage to eliminate an encroachment onto a township road right of way. New location to be 1 ft from a road right of way (min. 20 ft required), 1 ft from a (south) side property line (min. 10 ft required) and 0-1 ft from an existing holding tank (min. 10 ft required).~~
    - ~~i. Applicant: Ruth A DE Rosier Revocable Trust, Ruth Derosier and J Hertel Trustees~~
    - ~~ii. Property address: 11760 Hollister Ave NW, Annandale~~
    - ~~iii. Sec/Twp/Range: 02-121-027~~
    - ~~iv. Parcel number(s): 206011002041~~
  - c. Variance to construct a 960 sq ft two-story single-family home with full basement, attached 432 sq ft garage and attached 6 ft open deck approximately 24 feet from the top of a bluff (min. 30 ft required), 49.5 feet from the centerline of a township road (min. 65 ft required) and 15 feet from a proposed septic system drainfield (min. 20 ft required).
    - i. Applicant: Robert Hutchinson (Property Owner: Chinmaya Mission Twin Cities)
    - ii. Property address: 6850 Inman Ave NW, Annandale
    - iii. Sec/Twp/Range: 34-121-27
    - iv. Parcel number(s): 206024000110

- d. Variance to construct an approximate 1376 sq ft 1.5 story single-family home with full basement and attached 2-car garage approximately 60 ft from Clearwater lake (min. 75 ft required).
    - i. Applicant: Steve Scherber
    - ii. Property Address: Not yet assigned – west of 11061 108<sup>th</sup> Street NW, Annandale.
    - iii. Sec/Twp/Range: 07-121-27
    - iv. Parcel Number(s): Not yet assigned – part of 206034000040 (Lot 6, De-O-Na-Ga-No Point).
- 5. Approve Previous Meeting Minutes
  - a. February 10, 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. Snyder/Tart Subdivision Resolution – condition of CUP approval met by other means
  - b. 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 March 18, 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

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**Application:** Interim Use Permit for the operation of a temporary mining pit involving crushing and screening of gravel.

**Applicant:** Jason and Geri Ann Kolles

**Agenda Item:** 4(a)

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### Background Information:

☐ **Location:**

- Property address: 10171 Ireland Ave NW
- Sec/Twp/Range: 10-121-27
- Parcel number(s): 206000103400

☐ **Zoning:** General Agriculture (AG)

☐ **Lot size:** 83 acres, approximately

☐ **Septic System Status:**

☐ **Natural Features:**

Floodplain: The property is within an identified floodplain.

Bluff/Steep Slopes: The property does not contain any natural bluffs or steep slopes, but obviously has created steep walls as a result of the mining activity.

Wetlands: A letter from the Wright Co SWCD dated 11/18/2010 indicates that "There are no wetlands located within the proposed mining activity. A wetland is located across Ireland Avenue East of the proposed mining. Inspection proved the hydrology and function of this surface water should not be impacted from further mining activity."

☐ **Permit History:**

- June 2009: Conditional use permit for gravel and sand mining. Expired December 2009.
- November 2009: Grain bin
- May 2010: Conditional use permit to continue operation of gravel and sand mining pit involving crushing and screening of gravel. Limited to use for 2010 Township road projects.
- June 2010: Interim use permit to continue operation of gravel and sand mining pit involving crushing and screening of gravel. Expired December 2010.
- December 2010: Interim use permit to continue operation of gravel and sand mining pit involving crushing and screening of gravel. Expired December 2011.

- December 2011: Interim use permit to continue operation of gravel and sand mining pit involving crushing and screening of gravel. Expired December 2012.
  - January 2013: Interim use permit to continue operation of gravel and sand mining pit involving crushing and screening of gravel. Expired December 2013.
  - January 2014: Interim use permit to continue operation of gravel and sand mining pit involving crushing and screening of gravel. Expired December 2014.
- **Proposal:** The applicant was last approved in January 2014 to continue operating a gravel pit through December 2014. The pit was originally opened in 2009. The applicant is seeking to keep their pit open on an ongoing basis via annual renewal of their interim use mining permit.

If approved, the interim use permit would allow the applicant to continue extracting sand and gravel and engage in some limited crushing and washing of the material. The interim use permit would expire on December 31, 2015 and either need to be renewed or the pit would need to be closed.

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

#### **Corinna Township Land Use Ordinance**

#### **507. INTERIM USE PERMIT**

##### **507.1 Purpose**

- (1) The purpose of an interim use permit is to allow a temporary use that is not otherwise prohibited, but is acceptable for a limited period of time subject to conditions set forth in this section. An interim use is granted to a particular individual or other applicant and does not accrue to the subject property.
- (2) An interim use is intended to allow a use that is presently acceptable but that, with anticipated development, will not be acceptable in the future, or will be replaced in the future by a permitted or conditional use allowed within the respective zoning district. Buildings and other improvements allowed by interim use shall be of a size and nature such that they can be easily removed from the property or will conform to zoning regulations for permitted or conditional uses should the interim use permit expire.

##### **507.2 Criteria for Granting Interim Use Permits**

In granting an interim use permit, the Township Board shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety and general welfare of occupants or surrounding lands. The

criteria used for reviewing conditional use permit shall also be used when considering interim use permits, along with the following additional considerations:

- (1) The use will conform to the applicable zoning regulations, including any dimensional restrictions the regulations may impose on buildings or uses; and
- (2) The use will terminate upon a date or event that can be identified with certainty and/or clarity; and
- (3) The use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- (4) The use will be subjected to, by agreement with the property owner, any conditions that the Town Board deems appropriate in allowing the proposed interim use, including a condition that the owner will provide an appropriate surety to cover costs that would be necessary to eliminate the interim use from the property, including removal of buildings, equipment, restoration of the landscape to a suitable condition or other appropriate and necessary costs.

#### 507.4 Termination of an Interim Use Permit

An interim use permit shall terminate upon the occurrence of any of the following events, whichever comes first:

- (1) Five (5) years from the initial approval of an interim use, unless a shorter time period is specified in the initial approval. After the initial approval period and if a renewal is approved by the Township, the interim use permit shall terminate upon the date or event stated in the permit approval; or
- (2) When the use has been discontinued for one year or more; or
- (3) When there is a change in ownership of the property of any kind, unless the Town Board approves such change in ownership as not substantially changing who is operating and/or managing the use and property. Such requests must be presented to the Planning Commission for a recommendation to the Town Board, but need not require a public hearing; or
- (4) Within 24 months of the date of an amendment to the Zoning Ordinance that no longer allows the use as an interim or permitted use.

#### 507.5 Renewal or Amendment of Interim Use Permit

- (1) Renewal: An application to extend an interim use permit may be renewed within 24 months prior to the date or event upon which it is to expire. The application shall be processed and administered as if it were a new application. Should such application to renew be denied, the applicant shall be allowed to continue the use until the expiration of the interim use permit provided all conditions of the original approval are being met. If the application to renew is approved, the Township shall specify a new date or event on which the renewed permit will expire. There shall not be a limit on the number of times an interim use permit

may be extended. Application fees for renewal of an interim use permit shall be as established in the Township fee schedule.

- (2) Amendment: Any change in an approved interim use permit involving more than minor structural alterations, enlargement, intensification of use, or similar changes not specifically permitted by an interim use permit, as determined by the Zoning Administrator, shall require an amended interim use permit to be reviewed as if it were a new interim use permit.

#### 507.6 Procedure

- (1) An application for an interim use permit shall follow the same procedures applicable to a conditional use permit, as outlined in this Ordinance.
- (2) The township hereby reserves the right, upon approval of an interim use, to inspect the premises in which an interim use is being conducted to ensure compliance with the provisions of this section or any additional conditions imposed.

### 604. GENERAL AGRICULTURE AG

#### 604.1 Purpose

General Agricultural areas are established for the purpose of preserving, promoting, maintaining and enhancing the use of land for commercial agricultural purposes, to prevent scattered and leap-frog non-farm growth, to protect and preserve natural resource areas and to stabilize increases in public expenditures for such public services as roads and road maintenance, police and fire protection, and schools.

#### 604.405 Interim Uses

Mining, Sand and Gravel Extraction

### 727. MINING AND EXTRACTION

Purpose: Corinna Township recognizes that the mining and extraction of gravel, sand and other subsurface resources is necessary for their use by Township landowners and for public road and other projects. Given that close proximity to such resources helps lower the cost of obtaining them, the Township finds that it needs to both protect resources and provide opportunities for their removal, processing and use. At the same time, mining and extraction and its associated activities can create nuisances for neighboring property owners, congestion on and/or damage to local roads, public safety hazards and/or visual nuisances if they are not properly operated or reclaimed in a timely manner. The purpose of this section is to find a reasonable balance between the need to make use of



gravel, sand and other subsurface resources within the Township while protecting property values and the quality of life for nearby property owners.

Administration: In all districts where permitted, Mining and Extraction shall be permitted only as an Interim Use. Such permit shall include as a condition: site plan, a completion plan, and a haul route plan with provision for road restoration as provide below. An approved extractive use Interim Use Permit shall be used solely for the operations detailed in the permit.

Length of Permit and Extended Operations: Interim Use Permits for mining and extraction operations shall run for no longer than one (1) year and shall expire on December 31<sup>st</sup> of each calendar year, regardless of when they were issued. Permits may be renewed and applicants wishing to continue operations may apply for a new interim use permit within 90 days of the date their current interim use permit expires. There shall be no limit to the number of times an applicant may apply for an interim use permit. Applications for renewal shall follow the same procedure as a new Interim Use Permit application.

Stockpiling of Excavated Material: Excavated materials may be stockpiled on the site for no longer than twenty-four (24) months following the expiration of an interim use permit.

All excavation and extraction shall conform to the following:

- A. Minimum lot size. The minimum lot size required for an extractive use is 20 acres, unless the proposed extraction is contiguous to an active mining site operated by the same producer.
- B. Distance from property lines. No quarrying operation shall be carried on or any stock pile placed closer than 50 feet from any property line, unless a greater distance is specified by the Interim Use Permit where such is deemed necessary for the protection of adjacent property. This distance requirement may be reduced to 25 feet only with written consent of the owners of the affected adjacent non-residence property. Proof of said agreement shall be submitted as a part of the application and maintained in Township files for all approved Interim Use Permits for extractive uses. Without such agreement, the buffer area may be used only under the following circumstances:
  - 1. The buffer area may contain the haul road if the Township determines that, for safety purposes, the access to the use is best served in that area.
  - 2. The haul road may be located in the buffer area to avoid wetlands or other sensitive environmental resources.
  - 3. If authorized in an approved reclamation plan, one half of the buffer area may be used for the storage of topsoil and for final sloping. All topsoil storage areas shall be seeded to prevent erosion and dust. Berms, including those consisting of topsoil

to be used for reclamation, may be placed in the buffer area, but they shall be seeded and mulched in a manner that prevents dust from blowing onto adjacent properties.

- C. Distance from public right-of-way. In the event that the site of mining or quarrying operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than 50 feet to the nearest line of such right-of-way.
- D. Fencing. At the discretion of the Planning Commission, fencing may be required to be erected and maintained around the entire site, or excavated portions thereof, and shall be of a type specified in the Interim Use Permit.
- E. Equipment. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Power drives or power producing machinery, not including vehicles, shall not be housed or operated less than 500 feet from a residential use district.
- F. Processing. Crushing, concrete mixing, washing, refining, and other similar processing must be authorized by the Interim Use Permit as an accessory use, provided, however, that such accessory processing does not conflict with the use regulations of the district in which the operation is located. Processing shall not be permitted in any residential district. All processing equipment shall be located at least 500 feet from any residence, 200 feet from the OHW of any lake or stream, and outside of any wellhead protection area. The Township may not approve such accessory uses if they are found to be incompatible with the neighborhood, in conflict with the Township's Comprehensive Plan, or do not meet the review criteria for the interim use permit.
- G. Depth to groundwater separation. The applicant must indicate the estimated or actual depth to groundwater table based on site-specific evaluations, the Wright County Soil Survey, the Minnesota Geologic Atlas or other appropriate documentation. When such estimates indicate that excavation will be taking place within five (5) feet of such groundwater, the applicant shall provide a description of the steps it will take to protect such groundwater supplies from pollution during mining and extraction activities.
- H. Water quality. The extractive use operation shall not adversely impact the quality of quantity of surface or groundwater resources. Surface water originating outside and passing through the extraction site shall be of equal quality, at its point of departure from the site, to the water at the point where it enters the extraction site. The applicant shall perform the water treatment necessary to comply with this provision.
- I. Waste materials and debris. No waste materials shall be disposed of on site unless authorized by the Township. Stumps, brush, and other natural debris shall be removed or disposed of in accordance with local rules and

regulations. Sanitary facilities acceptable to the Township shall be provided for workers during the operation of the extractive use.

- J. Concurrent permits. All required permits applying to the proposed extractive use, which may include an NPDES permit for stormwater management, shall be obtained and copies submitted to the Township prior to the commencement of any extractive use or related activities.
- K. Shoreland areas.
  - a. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
  - b. Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes, sections 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, sections 93.44 to 93.51, are satisfied.

#### Extractive Use Standards.

Specific evaluation criteria. In addition to the criteria used in evaluating Interim Use Permits, the following specific criteria shall be used in evaluating an application for an extractive use:

- A. The ability of proposed haul routes to handle the additional traffic generated by the extractive use.
- B. Air quality, dust, and noise control measures and the ability to limit impact upon adjacent residential properties according to MPCA standards.
- C. The extent that the proposed extractive use, or its accessory uses, impact the groundwater.
- D. The ability of the applicant to control erosion and sedimentation that may result from the proposed use.
- E. The impact on the natural resources contained in the watershed in which the proposed extractive use is located and the ability of the applicant to avoid or mitigate any impacts.

#### Rehabilitation.

A mining and extraction site restoration plan must be developed, approved, and followed when the site, or portions of the site, are no longer in active use. The plan must clearly explain how the site will be rehabilitated after mining and extractive activities end.

All mining and extraction areas shall be rehabilitated by June 1<sup>st</sup> of the year following the expiration of the interim use permit. To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted an

extraction/mining permit as herein provided shall furnish a performance bond running to the Township or a cash escrow in an amount to be determined by the Township based on estimated costs of reclamation. The minimum amount of such bond shall be \$1,500 per disturbed acre with a minimum of \$5,000. The bond or escrow shall run for at least 36 months past the expiration or termination of an interim use permit, and shall serve as a guarantee that such applicant, in restoring, reclaiming, and rehabilitating such land and haul road, shall, within a reasonable time and to the satisfaction of the Township, meet the following minimum requirements:

- A. Removal of structures and equipment. Unless otherwise specified within an approved and current interim use permit, buildings, structures, machinery and plants shall be removed from the site within three (3) months of the date they are no longer in active use or from the date an interim use permit expires, is terminated or is abandoned. Removal shall be by, and at the expense of, the mining operator last operating such facilities. Equipment actively in use to remove stockpiled materials may be allowed to remain until the stockpile is exhausted or the site is reopened under a new interim use permit. Equipment shall be considered in active use provided they are used at least once in any thirty-day period of time. Equipment not in active use shall be removed from the site.
- B. Surface rehabilitation. All excavation areas shall be graded or backfilled to contour and shape the peaks and depressions thereof, so as to produce a gently drained surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. Reclaimed areas shall be sodded or surfaced with a soil of a quality at least equal to the topsoil of the land areas immediately surrounding, and to a depth of at least three (3) inches. Haul roads shall be restored to their condition prior to the beginning of the extraction operation.
- C. Vegetation. Vegetation shall be restored by appropriate seeds of grasses and planting of shrubs or trees in all parts of said mining area where such area is not submerged under water as herein provided.
- D. Banks of excavation not backfilled. The banks of all excavation not backfilled shall be sloped not steeper than a 23 percent grade and said bank shall require the establishment of vegetation.
- E. Reclamation of extractive use sites and designated haul roads shall be completed by June 1<sup>st</sup> of the year following the expiration of the interim use permit. Stockpile areas shall be reclaimed within thirty (30) months of the expiration of the interim use permit, or within six (6) months of the date the stockpile is exhausted if weather conditions allow, whichever comes first.

Site Development and Restoration Plan. A mining and extraction site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated

vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.

Application, contents, procedure. An application for such operation shall provide the following information in addition to that required by the Interim Use Permit process:

- A. Name of the person or corporation conducting the actual removal operation.
- B. Name of any specific project for which the excavation is related. If not for a specific project(s), expected use of excavated material and whether such use would be expected to generate significant hauling volume.
- C. Size of the area from which the removal is to be made and the volume of material to be removed.
- D. Type of resources or materials to be removed.
- E. Proposed method of removal and whether blasting or other use of explosives will be required.
- F. Description of equipment to be used, including any proposed accessory uses such as hot mix plants or crushing operations.
- G. Method of rehabilitation and reclamation of the pit area, including timeframe for rehabilitation.
- H. Identification of haul roads and amount of truck activity at highest and average levels on those routes, ADT (average daily total) counts.
- I. Hours of operation, no earlier than 7:00 AM and no later than 7:00 PM.
- J. Expected life of operation.
- K. Types of barriers to be used, if necessary, to ensure the safety of people and livestock residing within proximity to the proposed area of excavation.
- L. Proposed methods of avoidance or mitigation of the impacts on natural resources caused by the proposed use.
- M. Detailed plans indicating anticipated vegetative and topographic alterations.
- N. Other information as may be required by the Zoning Administrator.

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

- 1) Are the proposed haul routes able to handle the additional traffic generated by the extractive use?**

- a) **Yes.** The immediate haul route is north or south on Ireland Avenue. The applicant had constructed a bituminous entrance to the gravel pit in 2010 in order to help protect Ireland Avenue during hauling. Ireland Avenue itself is a bituminous road with an adequate base for carrying heavy loads.
- 2) Are the air quality, dust, and noise control measures able to limit impact upon adjacent residential properties according to MPCA standards?**
- a) **Yes.** While the proposed activities will create some noise, dust and appearance issues, the impact is temporary and does not occur constantly. Hours of operation are required to be limited to normal daytime hours (not beyond 7:00pm or before 7:00am).
- 3) Will the proposed extractive use, or its accessory uses, adequately prevent negative impacts to the groundwater?**
- a) **Yes.** The Wright County Soil Survey does not indicate a high groundwater level that would be in the borrow pit area. Written comments from the SWCD (12/19/2012) indicate that three nearby wells indicate an approximate groundwater level of 984 feet. The depth of the excavation area is estimated at 10-30 feet (the excavation depth increases as it moves back from Ireland Avenue due to the natural topography).
- The SWCD also notes that there are no wetlands within the proposed mining area (see December 19, 2012 letter).
- 4) Will the applicant be able to control erosion and sedimentation that may result from the proposed use?**
- a) **Yes.** The applicant had previously stated (in the July 2009 application) that they will be stripping the topsoil, stockpiling, replacing it when excavation is complete, and seeding the area. The excavation area is buffered from the Ireland Avenue road ditch (which is the direction of water flow) by grassed area.
- Additionally, the applicant is required to obtain an NPDES permit from the MPCA, which addresses erosion and sedimentation issues. Staff is verifying that the NPDES permit is current.
- The applicant has indicated that the great majority of rainwater falling on the pit would remain within the pit.
- 5) Will the applicant be able to avoid or mitigate any impacts on the natural resources contained in the watershed in which the proposed extractive use is located?**
- a) **Yes.** The main concern with natural resource impacts would be from soil erosion and sedimentation. See #4 above. The 12/19/12 letter indicates there are no expected impacts on the wetland located across Ireland Avenue from the mining pit.
- 6) 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?**

- a) **No.** While the proposed activities will create some noise, dust and appearance issues, the limitations on hours of operation, the requirement to reclaim the site, and other performance standards should adequately minimize the impact.
- 7) 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?**
- a) **No.** The proposed use is temporary and should have no impact on the ability to develop surrounding vacant property in the future (although it may make adjacent properties somewhat less saleable in the near future while the pit is operating). The site will be restored to its previous condition (except that it will be lower in elevation).
- 8) Do adequate utilities, access roads, drainage and other necessary facilities exist or will they be provided?**
- a) **Yes.** All necessary access drives and drainage will be managed and maintained as part of the project. No public utilities are necessary for the project. A paved approach was constructed in 2009 to ensure that Ireland Avenue is not damaged as a result of the haul truck activity.
- 9) Have adequate measures been taken to provide sufficient off-street parking and loading space to serve the proposed use?**
- a) **Yes.** There will be temporary off-street storage and parking areas on the site during the project. These will end upon restoration of the pit.
- 10) Will the use conflict with the Policies Plan of Corinna Township and/or Wright County?**
- a) **No.** The Comprehensive Plan states that the Township should “ensure that reclamation of any gravel or other mining sites is conducted in a manner which restores mined areas as quickly as possible and within an appropriate time frame after the mining area is expanded on the site” and that the Township should “create an effective means of assuring and mandating compliance with developed standards and any other site specific conditions which may be imposed when approvals are granted”. Both issues are addressed in the Township’s ordinance relating to mining and excavation and the area will be subject to inspections by the Township.
- 11) 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?**
- a) **Yes.** While the proposed activities will create some noise, dust and appearance issues, performance standards required by the ordinance or suggested as specific conditions of approval by Staff should be enough to minimize any effects.
- 12) The use will conform to the applicable zoning regulations, including any dimensional restrictions the regulations may impose on buildings or uses;**

- a) **Yes.** Zoning regulations have been met. Several of the zoning requirements relate to ongoing operations and the eventual closure and reclamation of the pit. These will be monitored as the pit reaches those points.
- 13) The use will terminate upon a date or event that can be identified with certainty and/or clarity.**
- a) **Yes.** The interim use permit will expire on December 31, 2015 and need to be renewed at that time if the pit is to remain open. If the pit does not remain open, there are specific time frames for when reclamation will need to occur.
- 14) The use will not impose additional costs on the public if it is necessary for the public to take the property in the future.**
- a) **Yes.** The applicant is required to maintain a performance bond in sufficient amount to cover the costs of reclamation of the pit, should the applicant not do it themselves. The current reclamation bond expires in December 2018.
- 15) The use will be subjected to, by agreement with the property owner, any conditions that the Town Board deems appropriate in allowing the proposed interim use, including a condition that the owner will provide an appropriate surety to cover costs that would be necessary to eliminate the interim use from the property, including removal of buildings, equipment, restoration of the landscape to a suitable condition or other appropriate and necessary costs.**
- a) **Yes.** A reclamation bond is required as part of the approval.
- 16) 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?**
- a) **None.**

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

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**Staff Comments:**

1. The applicant previously submitted a \$7,500 bond to cover reclamation costs. This bond, in at least the same amount, will need to be kept in force as required by the Township ordinance. They have submitted documentation that the bond will continue in force for at least 36 months past the expiration of the interim use permit.
2. The applicant has been working within an approximate 5 acre area for mining operations up until this point. The long-term plan for the mining of the property involves about 16 acres and the rate at which it is mined will depend on market demand for gravel.



3. The applicant has previously indicated that some used asphalt was brought into the pit, but is being used only to add material to make Class 5 – not for the purpose of recycling asphalt.

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

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

1. The applicant shall maintain their NPDES permit with the MPCA.
2. Activities shall be limited to screening, crushing and stockpiling. Screening and crushing shall not be conducted on more than 21 days in a calendar year.
3. The applicant shall maintain a minimum separation of five (5) feet to groundwater at all times on this site.
4. Hours of operation for activities on the site shall not be outside of the hours between 7:00 am and 7:00 pm.
5. The contractor shall maintain a bond in sufficient amount to assure reclamation of the site. The bond shall remain in effect until all areas are reclaimed as required by the Ordinance or as specifically required by the Township. The minimum amount of the bond must be \$5,000 or \$1,500 per acre, whichever is more.

C15-002

Application # <u>C15-002</u>	Date Application Rec'd <u>1/29/15</u>	Fee Collected \$ <u>500.00</u>
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**CORINNA TOWNSHIP  
MINING AND EXTRACTION  
INTERIM USE APPLICATION**

Name of Applicant Jason Kolles Phone 320-963-6844

Property Address (E911#) 10171 Ireland Ave NW Annandale

Mailing Address 1405 Banyon Ave NW Local Phone 763-682-6609  
(if different than above) (if different than above)

City, State, Zip Buffalo, MN 55313

Applicant is:

Legal Owner ☒ X

Contract Buyer ☐ ()

Option Holder ☐ ()

Agent ☐ ()

Other \_\_\_\_\_


Title Holder of Property : (if other than applicant)

(Name)

(Address)

(City, State, Zip)

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.)

Property ID # (12 digit #) 206 - 000 - 103400

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

Sect-10 Twp121 Range 027 Unplatted Land  
Corinna Twp 80.00 Ac S- 1-2 SW

Zoning District Aq Homestead, Lake Name (if applicable) \_\_\_\_\_

- Location and species of vegetation to be planted
- Location and nature of any structures to erected in relation to the end use plan.

☐ A copy of MPCA/NPDES permit, or other evidence of MPCA permit coverage, if applicable.

*\* Under certain circumstances, the Planning Commission or Town Board may require photos of the site or buildings on the site, a professionally prepared property survey, stormwater management plan, landscaping plan, architectural drawings, construction plans or other detailed information when determined necessary to make an informed decision. In order to expedite your application and avoid delays, the Zoning Administrator may recommend the submittal of this information as part of the initial application or at least two weeks prior to the meeting.*

**Please complete all of the following questions to the best of your ability:**

1. Name of person or corporation conducting the actual removal operation.

Kolles Sand & Gravel, Inc.

2. Identify project(s) where excavated material will be used. If not for specific project(s), identify the expected use of excavated material and whether such use would be expected to generate significant hauling volume.

Local Projects

3. Expected life of operation (years): 10 + years

a. NOTE: Multi-year mining operations will require renewal of the interim use permit each year. Permits expire December 31<sup>st</sup> of each year.

4. Expected size (acres) of excavation area: 5 ac at a time

5. Total parcel(s) size on which excavation will take place (acres): 65 AC

6. Expected volume of material to be removed (cubic yards): 30,000

7. Type of resources or materials to be removed or processed:

Sand & Gravel & Rock

8. Proposed method for removal of materials:

Mining

9. Depth to groundwater (based on site-specific evaluations, the Wright County Soil Survey, the Minnesota Geologic Atlas or other appropriate documentation:

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10. Will blasting or other explosives be required (circle one)? Yes No

a. If yes, describe blasting activity:

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11. Describe how stumps, brush and other natural debris will be removed or disposed of in accordance with local rules and regulations (on-site disposal shall be specifically authorized by the Township).

None

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12. Describe equipment or buildings to be used in the operation (including crushing/screening equipment, hot mix plants, etc...)

Loaders, Crushers, Screeners

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13. Describe the method of rehabilitation and reclamation of the pit area, including timeline for rehabilitation. Note whether reclamation will take place all at once or on an ongoing basis as portions of the pit are exhausted of material.

Mine & reclaim as we go

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14. Describe location of haul roads from the site and expected amount of truck activity at both the highest and average levels. Note expected traffic in terms of daily trips to and from the pit.

Ireland Ave

Higher use during top work

Less use during private work

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15. What are expected hours and days of operation? (note: Ordinance requires not outside the hours of 7:00am – 7:00pm)

7-7

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16. Identify whether barriers will be used and where they will be located to ensure the safety of people and livestock in proximity to the excavation area. If no barriers to be used, describe why they are unnecessary.

*none*

17. What plans are in place for air quality, dust, and noise control measures and the ability to limit impact upon adjacent residential properties according to MPCA standards?

*Possible waterway of pit road*

18. How will the proposed extractive use, or its accessory uses, impact the groundwater?

*None*

19. What will be the impact on the natural resources contained in the watershed in which the proposed extractive use is located and the ability of the applicant to avoid or mitigate impacts.

*None*

20. What are the proposed methods of avoidance or mitigation of the impacts on natural resources caused by the proposed use?

*None*

21. 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*

22. 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*

23. 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?

Ireland Ave

24. 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

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

One Building, entitlement - no Lake shore

26. 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.

Dust & backup alarms

**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.

N/A

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

N/A

3. 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?

N/A

**Note the following are requirements of all mining operations:**

- All topsoil and berms shall be seeded to prevent erosion and dust.
- No part of the mining operation may be within 50 feet of a public right-of-way.
- No part of any excavation area may be within 50 feet of an adjacent property line (25 feet with written consent of adjoining landowner and Township approval).
- Fencing may be required by the Township to ensure public safety.
- All equipment and machinery shall be operated and maintained to minimize dust, noise and vibration. Power drives or power producing machinery, not including vehicles, shall not be housed or operated less than 500 feet from a residential use.
- Crushing, concrete mixing, washing, refining and other similar processing must be explicitly authorized by the Township in the permit. Processing shall not be permitted in any residential district (R-1, R-2, R-2a)
- Processing equipment must be located at least 500 feet from any residence, 200 feet from the OHW of any lake or stream and outside of any wellhead protection area.
- Surface water originating outside and passing through the extraction site shall be of equal quality, at its point of departure from the site, to the water at the point where it enters the extraction site. The applicant shall perform the water treatment necessary to comply with this provision.

## CONTINUATION CERTIFICATE

In consideration of premium charged,

Granite Re, Inc.

hereby continues in force

BOND No. GRMN32274A

Dated 2/16/2011

in the amount of \$7,500.00 Dollars

on behalf of Jason D. & GeriAnn K. Kolles

as Principal, in favor of Corinna Township, 9801 Ireland Ave. NW, Annandale, MN 55302

for the period beginning December 31, 2014

and ending December 31, 2015 subject to all terms and conditions of said bond;

This bond will run for 36 months past the expiration or termination of the interim use permit. The current Interim use permit has an expiration date of 12/31/15.

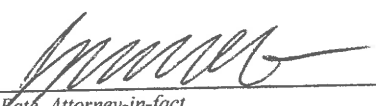
PROVIDED that the liability of Granite Re, Inc.

shall not exceed in the aggregated amount above written, whether the loss shall have occurred during the term of said bond or during any continuation or continuations thereof, or partly during said term and partly during any continuation or continuations thereof.

SIGNED AND SEALED THIS October 24, 2014.

Granite Re, Inc.

By:

  
Jonathan Pate, Attorney-in-fact



**GRANITE RE, INC.**  
**GENERAL POWER OF ATTORNEY**

**Know all Men by these Presents:**

That GRANITE RE, INC., a corporation organized and existing under the laws of the State of OKLAHOMA and having its principal office at the City of OKLAHOMA CITY in the State of OKLAHOMA does hereby constitute and appoint:

JONATHAN PATE; WANDA FRANZ; TOM LAHL; LISA M. FRANCOUR; JENNIFER BOYLES its true and lawful Attorney-in-Fact(s) for the following purposes, to wit:

To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said GRANITE RE, INC. a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said GRANITE RE, INC. through us, its Board of Directors, hereby ratifies and confirms all and whatsoever the said:

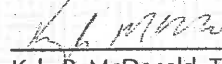
JONATHAN PATE; WANDA FRANZ; TOM LAHL; LISA M. FRANCOUR; JENNIFER BOYLES may lawfully do in the premises by virtue of these presents.

In Witness Whereof, the said GRANITE RE, INC. has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its President and Secretary/Treasurer, this 3<sup>rd</sup> day of July, 2013.

STATE OF OKLAHOMA     )  
                                      ) SS:  
COUNTY OF OKLAHOMA )



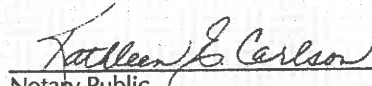
  
Kenneth D. Whittington, President

  
Kyle P. McDonald, Treasurer

On this 3<sup>rd</sup> day of July, 2013, before me personally came Kenneth D. Whittington, President of the GRANITE RE, INC. Company and Kyle P. McDonald, Secretary/Treasurer of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said, that they, the said Kenneth D. Whittington and Kyle P. McDonald were respectively the President and the Secretary/Treasurer of GRANITE RE, INC., the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their name thereto by like order as President and Secretary/Treasurer, respectively, of the Company.

My Commission Expires:  
August 8, 2017  
Commission #: 01013257



  
Notary Public

**GRANITE RE, INC.**

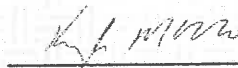
**Certificate**

THE UNDERSIGNED, being the duly elected and acting Secretary/Treasurer of Granite Re, Inc., an Oklahoma Corporation, HEREBY CERTIFIES that the following resolution is a true and correct excerpt from the July 15, 1987, minutes of the meeting of the Board of Directors of Granite Re, Inc. and that said Power of Attorney has not been revoked and is now in full force and effect.

"RESOLVED, that the President, any Vice President, the Secretary, and any Assistant Vice President shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the Company in the course of its business. On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the Company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

IN WITNESS WHEREOF, the undersigned has subscribed this Certificate and affixed the corporate seal of the Corporation this 24th day of October, 2014



  
Kyle P. McDonald, Secretary/Treasurer

## STAFF REPORT

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**Application:** Variance to construct a 960 sq ft two-story single-family home with full basement, attached 432 sq ft garage and attached 6 ft open deck approximately 24 feet from the top of a bluff (min. 30 ft required), 49.5 feet from the centerline of a township road (min. 65 ft required) and 15 feet from a proposed septic system drainfield (min. 20 ft required).

**Applicant:** Robert Hutchinson (Property Owner: Chinmaya Mission Twin Cities)

**Agenda Item:** 4(c)

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### Background Information:

- **Proposal:** The applicants are proposing to build a new home and attached garage on a lot that is currently undeveloped. The lot contains a bluff and the required 30 ft setback from the top of that bluff, combined with the required 65 ft setback from the centerline of the traveled road makes meeting both setbacks difficult or impossible while still meeting the minimum required width of 24 ft for a dwelling required by the ordinance.
- **Location:**
  - Property address: 6850 Inman Ave NW, Annandale
  - Sec/Twp/Range: 34-121-27
  - Parcel number(s): 206024000110
- **Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Cedar Lake (General Development lake)
- **Lot size:** 0.42 acres (18,294 sq ft) according to provided survey.

Existing Impervious Coverage:

- None

Proposed Impervious Coverage:

- Buildings: About 1,320 sq ft (7.2%)
- Total: About 2,355 sq ft (12.4%)

- **Septic System Status:** The property would be served by a new Type IV septic system. A Type I system could be installed, as required by MN Statutes 394.36 for the development of an existing nonconforming single lot of record (Staff is awaiting documentation of this from the licensed sewer designer).
- **Natural Features:**
  - Floodplain: The existing and proposed structures are not within an identified floodplain.
  - Bluff/Steep Slopes: The lot contains a bluff, which has been identified on the site plan and survey.

- Wetlands: There do not appear to be any wetlands that would impact this proposal.

☐ **Permit History:**

- None

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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

#### (2) Front Yard Regulations:

##### (a) Required Setback Distance

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

#### (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.
Structure setback from Bluff	30 ft.
Structure setback from unplatted cemetery	50 ft.
Lot Size	As per underlying zoning district
Lot Width	As per underlying zoning district
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level (livable structures only)	4 ft.
Water Oriented Accessory Structure setback from OWHL	10 ft.

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

##### **(a) Bluff Impact Zones**

Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

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

“The setbacks from bluff tops for structures in all shoreland classes is needed and reasonable to protect bluff tops from adverse environmental impacts of development and construction activities. These impacts can be measured in both physical and aesthetic terms. Physically, development encroachment on bluff tops can lead to accelerated soil erosion and in some cases, slope failure. Aesthetically, development encroachment on

bluff tops can compromise or eliminate the natural appearance of this topographical feature in shoreland areas. The 30 foot structure setback from the bluff top provides a minimum distance between the bluff top and the planned or proposed foundations, walls or eaves of a structure for the maneuvering of building materials during construction. Consequently, the preservation of soils can reduce or avoid erosion problems, and preservation and maintenance of vegetation can protect soils, screen development and maintain the natural appearance of bluff areas...It is noted for clarity that the bluff impact zone is established for preservation and management of shoreland vegetation and soils, and all structural development is excluded from this zone, except for stairways, lifts and landings."

In this case, the house would meet the required bluff setback; it is the proposed 6 ft deck that would extend into the bluff setback. As such, there would be less weight and visual impact within the bluff setback than there would be with a house. Still, the impact of the footings for the deck in the bluff and the visual impact should be discussed.

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.

In other zoning districts where development occurs more densely, the ordinance allows for setbacks from the right-of-way of a road as low as 20 feet. This is presumably to allow adequate space for a vehicle to park on the driveway without impinging on the road right-of-way. The proposed house/garage will be about 49.5 feet from the centerline of the road at its closest point, which should allow for adequate space for road maintenance activities. Further the topography of the lot is that the land slopes up from the road and as such the risk of people driving off the road and into the home is less likely – especially given the low speed of traffic in the area.

**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 submitted a stormwater management plan, although they indicate that they may have one prior to the meeting after they receive comments from Wright County SWCD.

- 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 does not appear to require the removal of any significant 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: Minimal changes will take place in relation to the existing ground and grade as a result of this project (outside of digging for the basement).

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

**Needs discussion.** The proposed home/garage does not appear to be significantly larger or closer to a bluff/road than other existing development in the area.

**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 small size of the lot and the presence of a bluff on the property. The lot was platted in 1925, prior to any zoning regulations.

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

**Needs discussion.** There is other development in this area of a similar nature to what is proposed. Some of that development sits closer to the bluff than in proposed. On the lots to the south, there are steep slopes leading to the lake but not bluffs.

**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 minimum house width required in the ordinance is 24 feet and the proposed house is 32 ft. Reducing the house to 24 ft would allow for the bluff setback to be met, but not the road setback.

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

**Needs discussion.** The proposal would be well under the impervious coverage limits for this lot. However, the proximity of the proposed deck to the bluff would raise some concerns about how the stormwater is managed off of the deck so that it doesn't erode the bluff.

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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 would recommend approval of the proposed variance provided that the Board of Adjustment is satisfied that the stormwater from the deck and house are managed in such a way as to protect the bluff. The Board may also wish to discuss the location of a potential Type I sewer on this lot (as is required by MN Statutes 394.36) and whether that area should be preserved or if a Type III or Type IV sewer in that location is acceptable.

If 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 over the bluff and 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>V15-001</u>	Date Application Rec'd <u>2/23/15</u> (for office use only)	Fee Collected \$ <u>400.00</u>
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**CORINNA TOWNSHIP  
VARIANCE APPLICATION**

Name of Applicant ROBERT HUTCHINSON Phone 612-207-8053

Property Address (E911#) 6850 INMAN AVE NW, ANNANDALE, MN 55302

Mailing Address 6432 URBANDALE LANE N Local Phone \_\_\_\_\_  
(if different than above) (if different than above)

City, State, Zip MAPLE GROVE, MN 55311

Applicant is:

Legal Owner ☐  
Contract Buyer ☒  
Option Holder ☐  
Agent ☐  
Other \_\_\_\_\_

Title Holder of Property (if other than applicant)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, Zip)

OWNER  
TO SEND  
VIA  
EMAIL

Signature of Legal Owner(s), 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): [Signature] \_\_\_\_\_  
(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) 206-024-000-110

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

SECTION-34, TOWNSHIP-121, RANGE-027, CEDAR LAKE HEIGHTS,  
LOT-005, LTS J & K

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 checked="" 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 checked="" type="checkbox"/> Undersized Lot      | <input type="checkbox"/> Side or Rear Line Setback | <input checked="" type="checkbox"/> Septic System Setback |
| <input type="checkbox"/> Appeal of Staff Interpretation | <input checked="" type="checkbox"/> Bluff Setback  | <input type="checkbox"/> Other _____                      |

What are you proposing for the property? State nature of request in detail: WE ARE PROPOSING  
A SINGLE FAMILY HOME WITH A FOUNDATION SIZE BETWEEN  
800 SF AND 1000 SF (EXCLUDING GARAGE). THE HOME  
WOULD INCLUDE A BASEMENT AND A LOFT OVER A  
PORTION OF THE MAIN LEVEL.

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)).

THE PROPOSED ROAD SETBACK VARIANCE WOULD ALLOW US TO CONSTRUCT THE HOME FULLY TO THE WEST OF THE BLUFF ZONE, WITH THE EXCEPTION OF A SMALL DECK EXTENDING APPROX 6 FT INTO THE BLUFF ZONE.

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)).

THE PROPOSED HOME SIZE IS CONSISTENT WITH OTHER NEIGHBORING PROPERTIES ALONG INMAN AVENUE IN THE R-1 ZONED AREA.

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

THE PROPOSED USE OF THE PROPERTY IS SIMILAR TO OTHER PROPERTIES IN THE AREA. OUR PROPOSED BUILDING AREA AND IMPERVIOUS SURFACE AREA ARE WELL UNDER LIMITS AND SIMILAR TO OR LESS THAN MOST AREA PROPERTIES.

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.

THE EXISTING BLUFF CREATES THE NEED TO SHIFT THE HOME WEST TOWARD THE ROAD. THE SEPTIC LOCATION IS LIMITED BY THE ADJACENT PROPERTY WELL LOCATIONS.

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.

OUR PROPOSED HOME MATCHES CLOSELY WITH THE SIZE AND SCALE OF NEIGHBORING PROPERTIES. WE PLAN TO CLOSELY MATCH ADJACENT GRADES AT PERIMETER OF HOME, AND WE HOPE TO SALVAGE ALL EXISTING TREES.

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?

WE LOCATED THE HOME TO MEET THE BLUFF SETBACK AS CLOSE AS POSSIBLE. THEN WE SET THE SHAPE OF THE HOME TO BEST FIT THE LOT WITH SEPTIC LOCATION, KEEPING THE FOOTPRINT OF THE HOUSE AS SMALL AS WE COULD WHILE MAINTAINING A SIZE THAT FITS THE NEIGHBORHOOD.

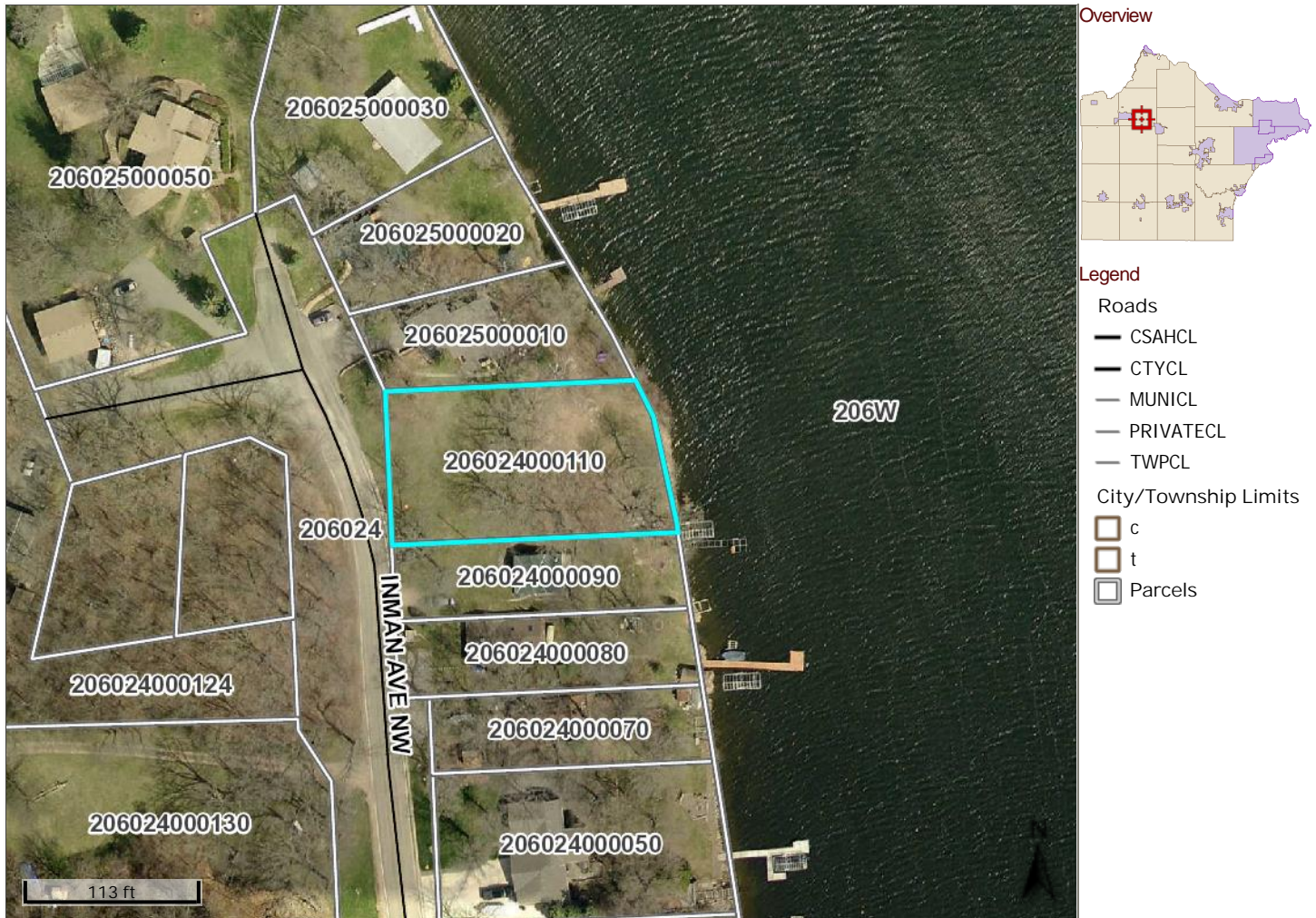
7. Discuss what impacts, if any, the requested variance may have on the environmental quality of the area. For any potential impacts, how do you intend to eliminate or minimize their effect?

WE DO NOT FEEL THERE WOULD BE ANY NEGATIVE IMPACT ON THE ENVIRONMENTAL QUALITY. AS THE POTENTIAL OWNER, AND AS A STRUCTURAL ENGINEER, IT IS VERY IMPORTANT TO ME TO MAINTAIN THE STABILITY OF THE EXISTING BLUFF.

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

I HAVE ATTACHED THE CURRENT SURVEY AND THE SEPTIC SYSTEM DESIGN WITH SEPTIC SYSTEM SITE PLAN. I HAVE ALSO ATTACHED PROPOSED FLOOR PLANS AND AN ELEVATION IN HAND SKETCH FORM. I WOULD LIKE TO WAIT TO PRODUCE CAD BUILDING PLANS AND SITE PLANS UNTIL LEARNING THE STATUS OF OUR VARIANCE APPLICATION, SINCE OUR PURCHASE OF THE LOT IS CONTINGENT ON VARIANCE APPROVAL.

Date Created: 3/4/2015



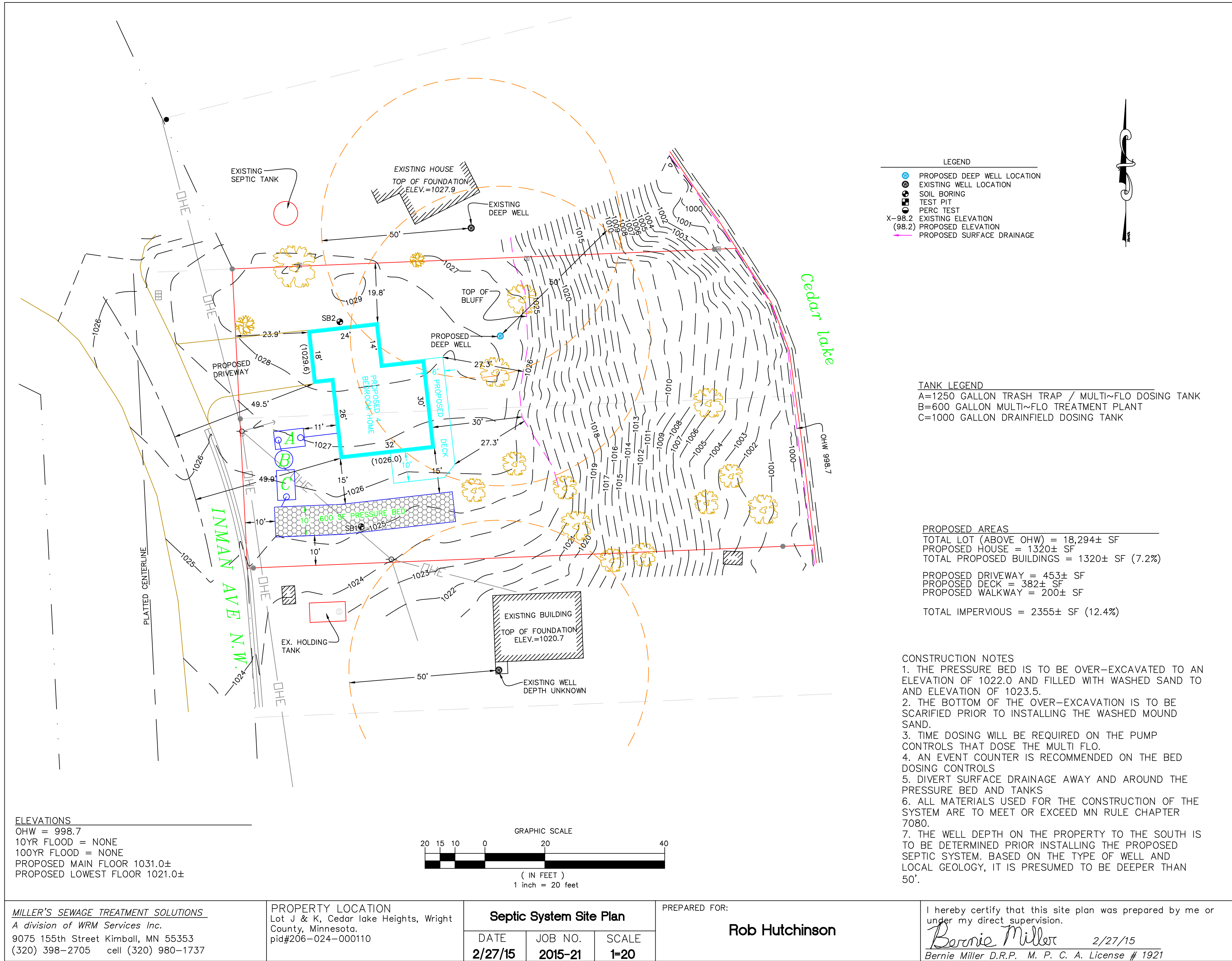
Parcel ID	206024000110	Alternate ID	n/a	Owner Address	CHINMAYA MISSION TWIN CITIES
Sec/Twp/Rng	34-121-27	Class	151 - SEASONAL RES REC		12575 COUNTY ROAD 43
Property Address	6850 INMAN AVE NW ANNANDALE	Acreage	n/a		CHASKA, MN 55318

District	n/a
Brief Tax Description	Sect-34 Twp-121 Range-027 CEDAR LAKE HEIGHTS Lot-00J LTS J & K

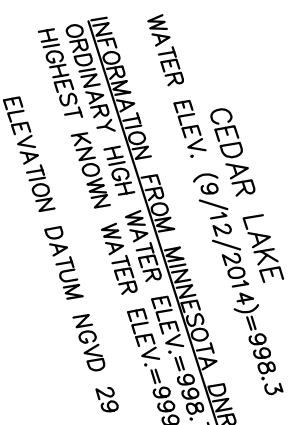
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CEDAR LAKE HEIGHTS  
FIRST ADDITION




PROPERTY ADDRESS  
6850 Inman Avenue NW, Annandale, MN



Date 09/19/14   
Trace C. McCoy  
License No. 44531

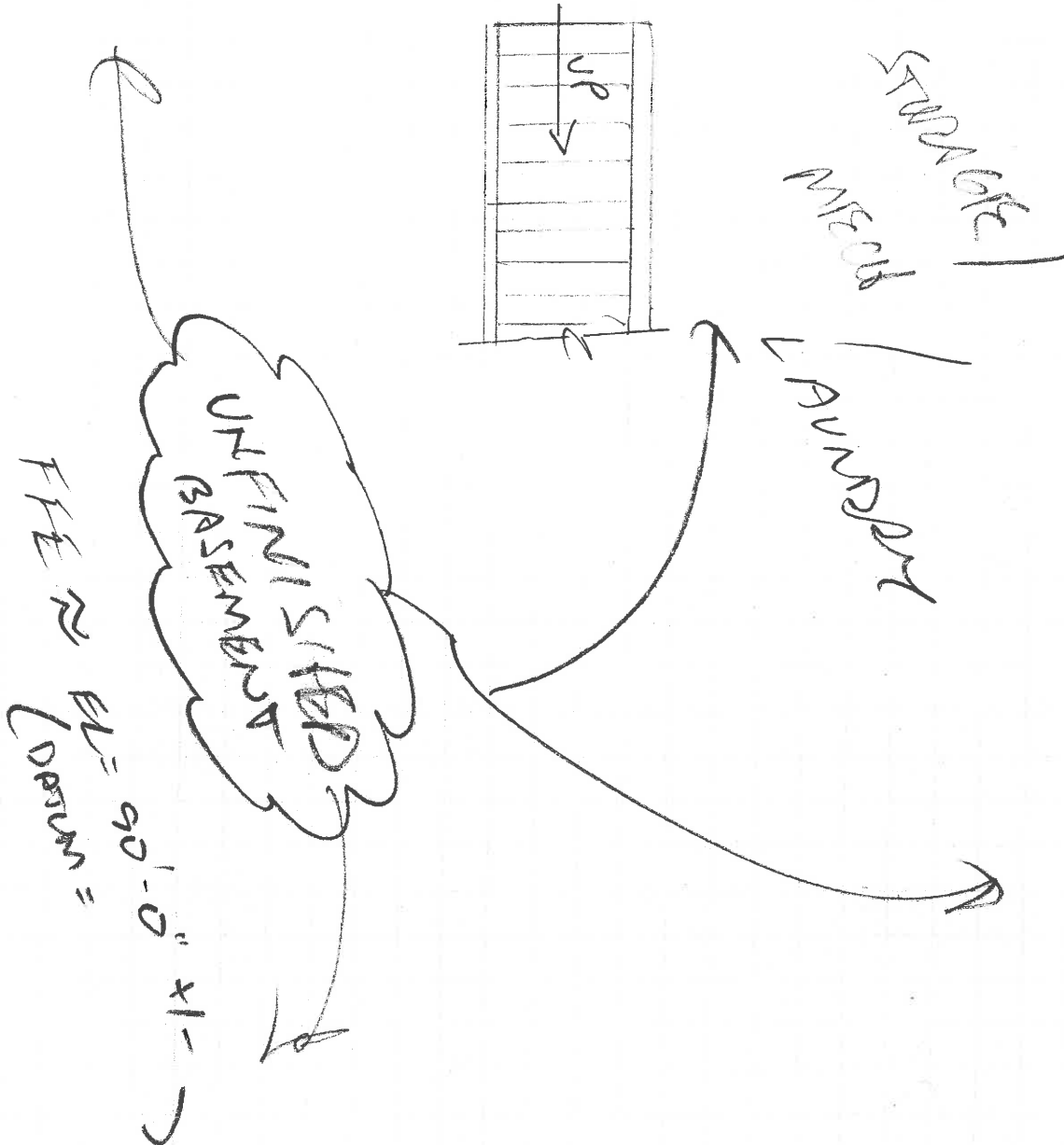
REVISED 10/09/14 - CHANGED MINIMUM  
FRONT BUILDING SETBACK LINE PER ZONING  
ADMINISTRATOR COMMENTS

 <p><b>Meyer-Rohlin</b> <b>LAND SERVICES</b></p> <p>708 1st Avenue NE, #1 Buffalo, MN 55313 Ph. 763.682.1781    <a href="http://www.meyerrohrlin.com">www.meyerrohrlin.com</a></p>	REVISIONS _____ <u>10/09/14</u> _____ _____ _____			
	DATE _____ <u>09/19/14</u> _____			
DRAWN BY _____ AAN	BOOK _____ PAGE _____	SEE FILE _____ -	SHEET <u>1</u> OF _____ <u>1</u> SHEETS	FILE NO. _____ 14283

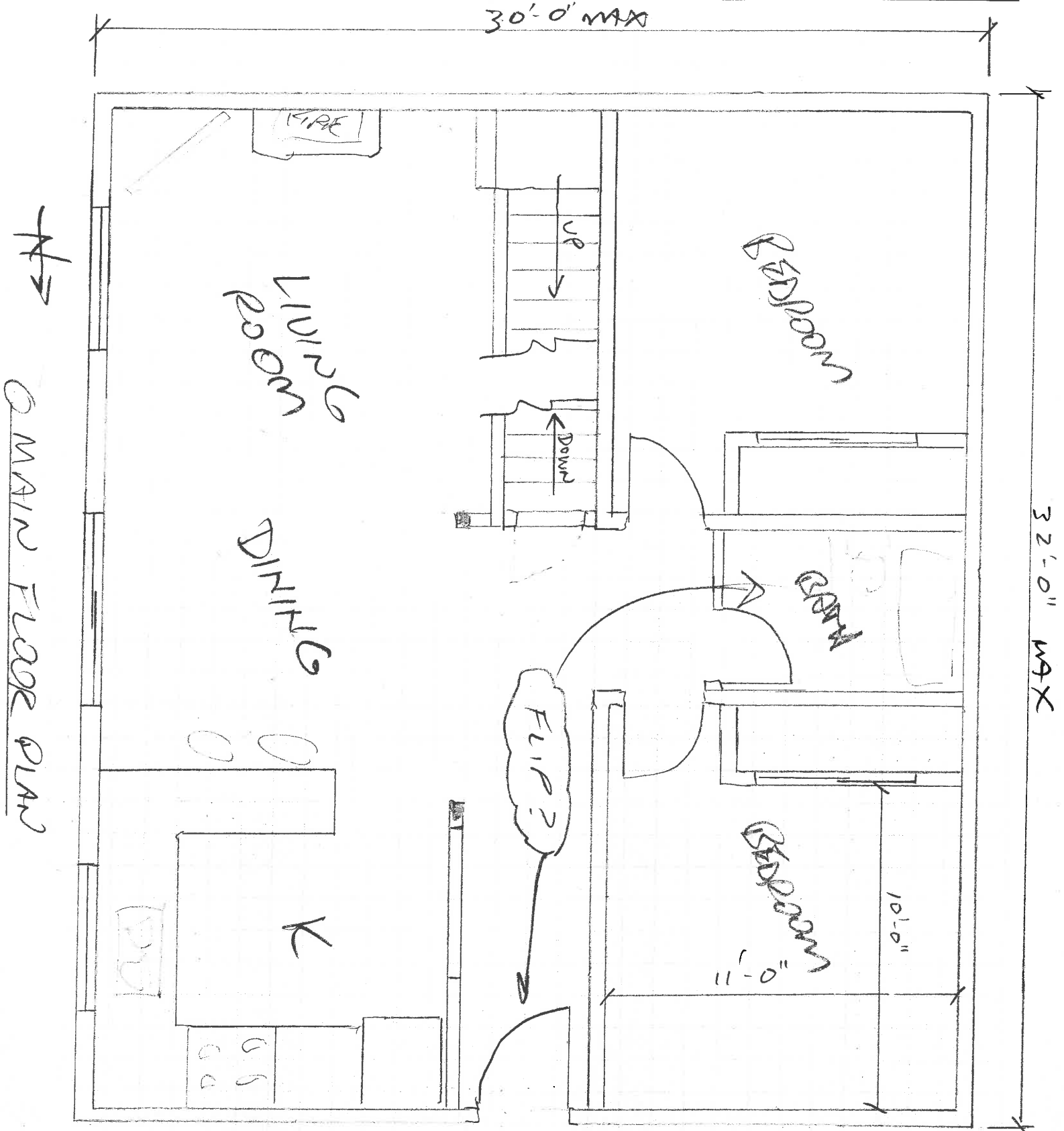
30'-0" MAX

32'-0" MAX

BASEMENT PLAN









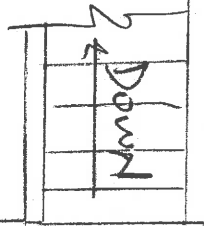
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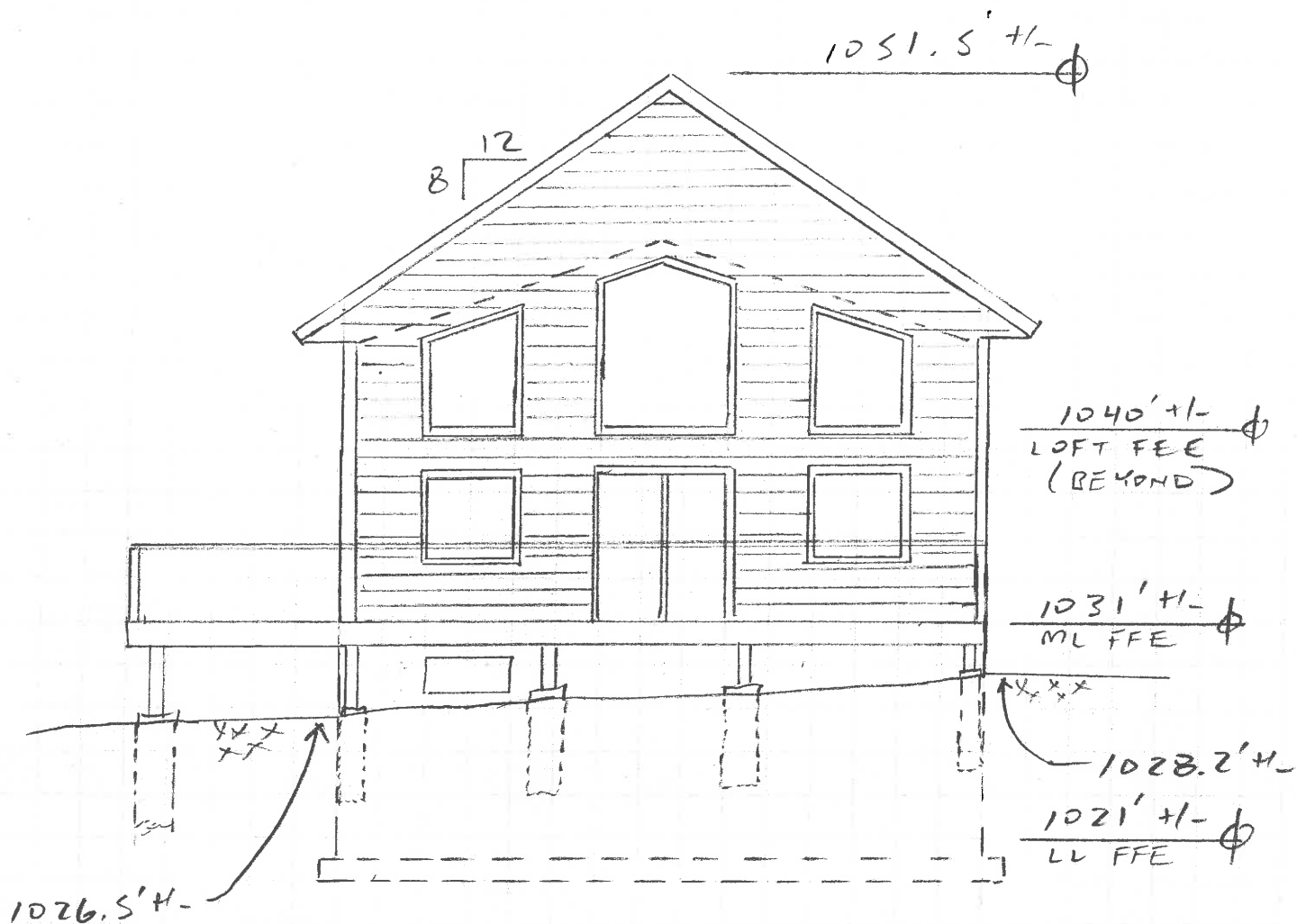
32'-0" max

LOFT PLAN

OPEN TO  
DOWN

UNFINISHED  
LOFT  
LIVING ROOM  
& GRABROOM





EAST ELEVATION

## STAFF REPORT

**Application:** Variance to construct an approximate 1376 sq ft 1.5 story single-family home with full basement and attached 2-car garage approximately 60 ft from Clearwater lake (min. 75 ft required).

**Applicant:** Steve Scherber (Property Owner: Bette Braasch)

**Agenda Item:** 4(d)

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### Background Information:

- **Proposal:** The applicants are proposing to build a new home and attached garage on a lot that is currently undeveloped. The lot contains some rolling topography which the applicant states makes fitting in a conforming house, garage, driveway and septic system somewhat difficult without altering the topography in some significant ways. They are proposing that the house/garage be allowed to be about 60 feet from Clearwater Lake instead of the required 75 feet.

- **Location:**

- Property Address: Not yet assigned – west of 11061 108<sup>th</sup> Street NW, Annandale.
- Sec/Twp/Range: 07-121-27
- Parcel Number(s): Not yet assigned – part of 206034000040 (Lot 6, De-O-Na-Ga-No Point).

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

- **Lot size:** 0.61 acres (26,387 sq ft) according to provided survey.

Existing Impervious Coverage:

- None

Proposed Impervious Coverage:

- Buildings: About 1,707 sq ft (6.5%)
- Total: About 4,177 sq ft (15.8%)

- **Septic System Status:** The property would be served by a new Type I septic system.

- **Natural Features:**

- Floodplain: The existing and proposed structures are not within an identified floodplain.
- Bluff/Steep Slopes: The lot does not contain a bluff, but does have steep slopes extending back about 35-40 feet from the lake.
- Wetlands: There do not appear to be any wetlands that would impact this proposal.

□ **Permit History:**

- None (on this portion (Lot 6) of 206034000040)

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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**

**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.

## 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.
Structure setback from Bluff	30 ft.
Structure setback from unplatted cemetery	50 ft.
Lot Size	As per underlying zoning district
Lot Width	As per underlying zoning district
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level (livable structures only)	4 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:** 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.”

In looking at the depth of the lot, there does not appear to be any impediment to moving the house back to meet the full 75 ft setback required. The topography of the lot does pose some challenges, when considering the need to also place a driveway on the lot and a sewer system (although there is also land across 108<sup>th</sup> that could be used for a sewer). The Board will have to hear the various arguments as to why the house could not be moved back closer to the 75 ft required setback – if not all the way back to 75 feet. In any case, it would appear possible – given the topography of the lot – to have any stormwater from the proposed home/garage be directed away from the lake and allow adequate time for infiltration or other management.

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 submitted a stormwater management plan, although they have indicated that they can (and that it would likely involve simply directing water away from the lake and toward the center of the lot).

- 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 require the removal of several trees to accommodate the new home/garage.
- Require the use of best management practices as outlined by the Minnesota DNR, University of Minnesota Extension, or other appropriate agencies during the development and re-development of all property in the Township to prevent erosion and sedimentation that eventually reaches area lakes and wetlands through ditches, direct runoff, or other means.
  - Staff Comment: 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 is designed to minimize grading on the lot, although there will need to be some significant alterations to accommodate the driveway and buildings. A new retaining wall is indicated on the site plan.

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

**Needs discussion.** The question of reasonableness depends largely on the final setback required from Clearwater Lake. Neighboring properties do have structures closer than 60 feet to the lake (the adjacent home to the west is about 49 feet from the lake and there is an old guest house/shed on the property to the east that is about 35 feet from the lake). However, as stated before, there does not appear to be any particular reason why the house could not be moved further back in the lot – even if not to the full 75 feet.

**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 topography of the lot and the need to fit in the house/garage, a driveway and a sewer system.

There would appear to be some other options for accommodating all these improvements without needing to make unusual alterations of the topography, although this can be discussed at the hearing in more detail.

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

**Needs discussion.** The proposed use is similar to that which already exists in the area and there are other homes in the area which are closer to the lake than what is proposed here. Still, new development – when feasible – is intended to be built in compliance with current zoning regulations.

**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.** As stated before, it would appear feasible to build the home/garage further back in the lot so as to minimize the variance, if one is needed at all.

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

**Needs discussion.** The proposal would result in impervious coverage well below what is allowed for the lot. The main concern would be management of stormwater so as to minimize the potential for erosion and sedimentation into the lake – or destabilization of the hillside leading to the lake.

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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.

---

**Staff Recommendation:** Staff would recommend denial of the proposed variance, unless the applicant can provide adequate evidence of the practical difficulty that would exist if they were to build at the required 75 ft setback (or at least closer to that 75 ft setback).

If 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 # <u>V15-002</u>	Date Application Rec'd <u>2/23/15</u> (for office use only)	Fee Collected \$ <u>                    </u>
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**CORINNA TOWNSHIP  
VARIANCE APPLICATION**

Name of Applicant Steve Scherber Phone 763-355-0174  
Property Address (E911#) Not 11061 108<sup>th</sup> ST NW  
(will change)  
Mailing Address 1571 Jackson Ave NE Local Phone                       
(if different than above)(if different than above)  
City, State, Zip St. Michael, MN 55376

Applicant is:

Legal Owner ☐  
Contract Buyer ☒  
Option Holder ☐  
Agent ☐  
Other ☐

Title Holder of Property (if other than applicant)

Estate of Bette Braasch  
(Name)  
6443 Irving Ave. S.  
(Address)  
Mpls. MN 55423  
(City, State, Zip)

Signature of Legal Owner(s), 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): Steve M. Scherber  
(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) Not Available  
206-034-000040 (will change)  
Full legal description of property involved in this request, including total acreage or square footage  
(required – attach separate sheet if necessary):  
Lot 6 DE-D-NA-6A-NO Point

Zoning District R1-Lakeshore Lake Name (if applicable) Clearwater 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 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 <u>                    </u> |

What are you proposing for the property? State nature of request in detail: Our proposal is to build a well-designed, yet modest year-round single family home with an attached garage on the above mentioned lot. The site plan is attached.

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)).

The proposed site plan respects the goal of maintaining the quality of the lake and rural character of the area, while making the best use of the unique topography of this lot.

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)).

Our proposed plan recognizes the goal to protect and preserve the natural watershed + minimize soil disturbance to prevent soil erosion.

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

We feel it is reasonable and vital to do everything we can to preserve as much natural beauty as possible. This design allows for the best location for the septic system while needing to move the least amount of soil.

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.

The unique topography of this site limits the location of the septic system, structure, and driveway without significantly disturbing the natural watershed + storm water run-off.

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.

Building a well-designed, but modest single family home in this specific location will enhance this neighborhood while maintaining a rural atmosphere. At the same time it will respect the natural topography of the site.

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?

In working with the site planner and designer, we determined that having a 60 ft setback from the high water mark best preserves the natural watershed and limits the amount of topsoil moved.

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?

The proposed plan will minimize the disturbance of soil, protect the shoreline, and preserve the natural topography, while still meeting most nearly all building restrictions and allow for strict septic and drainfield restrictions.

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

In addition to being in harmony with the Corinna Township Comprehensive plan, this allows for an understanding of the significant obstruction to the site lines of the lake because of the buildings on either side of this lot that are setback at 49 feet and 35 feet respectively.

## CORINNA TOWNSHIP

County of Wright  
Mailing Address: 9801 Ireland Avenue NW  
ANNANDALE, MN 55302  
Phone: (320) 274-8049  
FAX: (320) 274-3792

December 2, 2014

Estate of Bette Braasch  
6643 Irving Ave S  
Minneapolis, MN 55423

To Whom It May Concern:

I am writing in regards to your realtor's (David Perry, Coldwell Banker Burnet) request for a statement on the zoning regulations affecting Lots 4, 5 and 6 of De-O-Na-Ga-No Point and their ability to be sold separately.

By state law, existing lots of record can be sold and developed separately if they meet a certain number of criteria. These are:

### 394.36 NONCONFORMITIES.

#### Subd. 5. Existing nonconforming lots in shoreland areas.

(a) This subdivision applies to shoreland lots of record in the office of the county recorder on the date of adoption of local shoreland controls that do not meet the requirements for lot size or lot width. A county shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in shoreland areas according to this subdivision.

(c) In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:

(1) the lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;

(2) the lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls;

(3) impervious surface coverage must not exceed 25 percent of each lot; and

(4) development of the lot must be consistent with an adopted comprehensive plan.

(d) A lot subject to paragraph (c) not meeting the requirements of paragraph (c) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.

Lots 4, 5 and 6 of De-O-Na-Ga-No Point each meet conditions (1)-(2) above. Conditions (3) and (4) would need to be met at the time construction is proposed. If any setbacks could not be met, the applicant would have the right to apply for a variance.

As such, Lots 4, 5 and 6 of De-O-Na-Ga-No Point may be sold separately. Note however, that the existing building that crosses the lines between Lots 3 and 4 and would be on another person's property if Lot 4 were sold separately from Lot 3 and no longer in the family.

If you have any questions, please do not hesitate to contact us at 888-439-9793 or the Township directly at 320-274-8049.

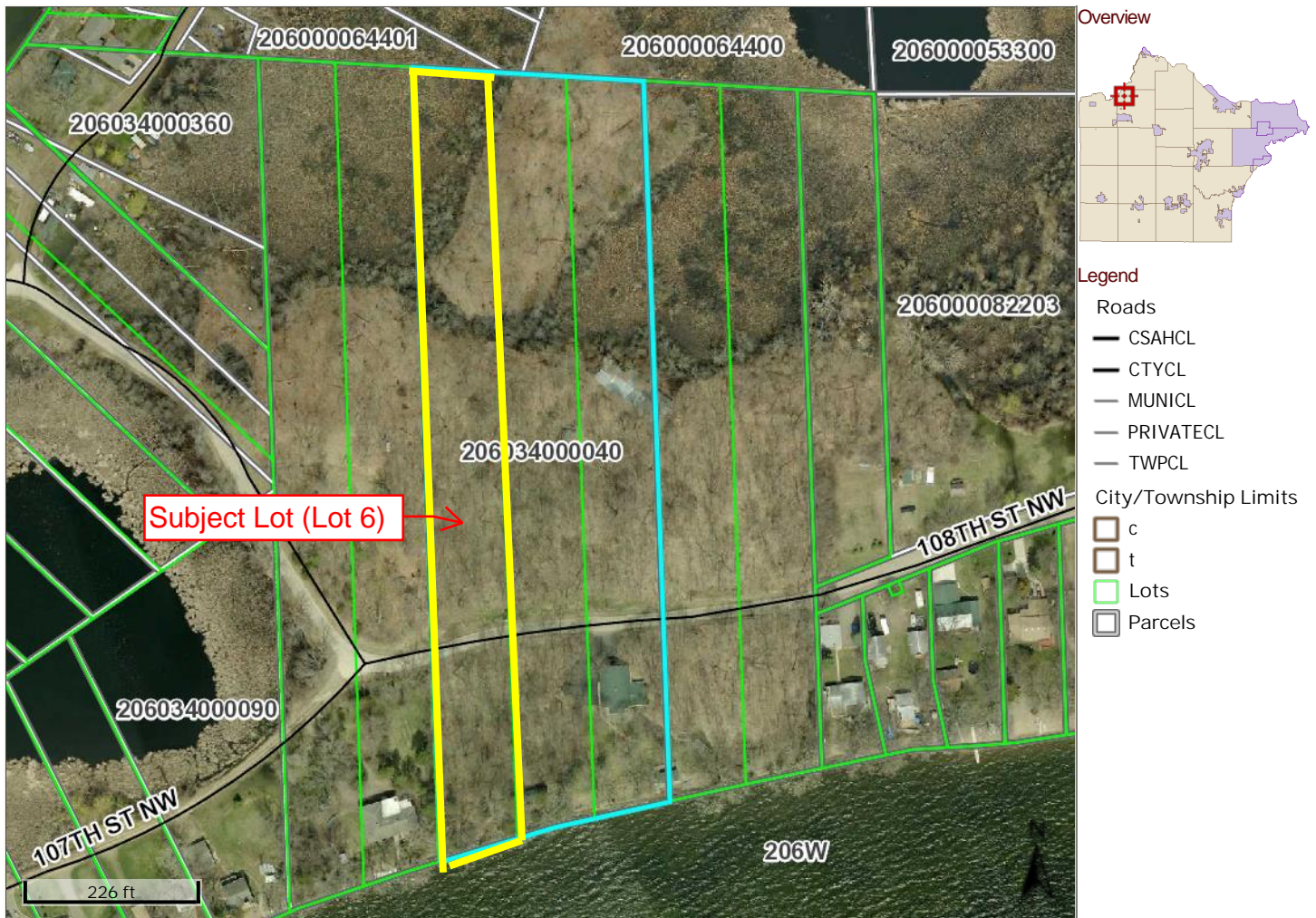
Sincerely,

A handwritten signature in black ink, appearing to read 'Ben Oleson', with a stylized flourish at the end.

Ben Oleson  
Hometown Planning  
Corinna Township Zoning Administrator

CC: Coldwell Banker Burnet  
700 Hwy 55 East  
Buffalo, MN 55313  
Attn: Dave Perry

Date Created: 3/4/2015

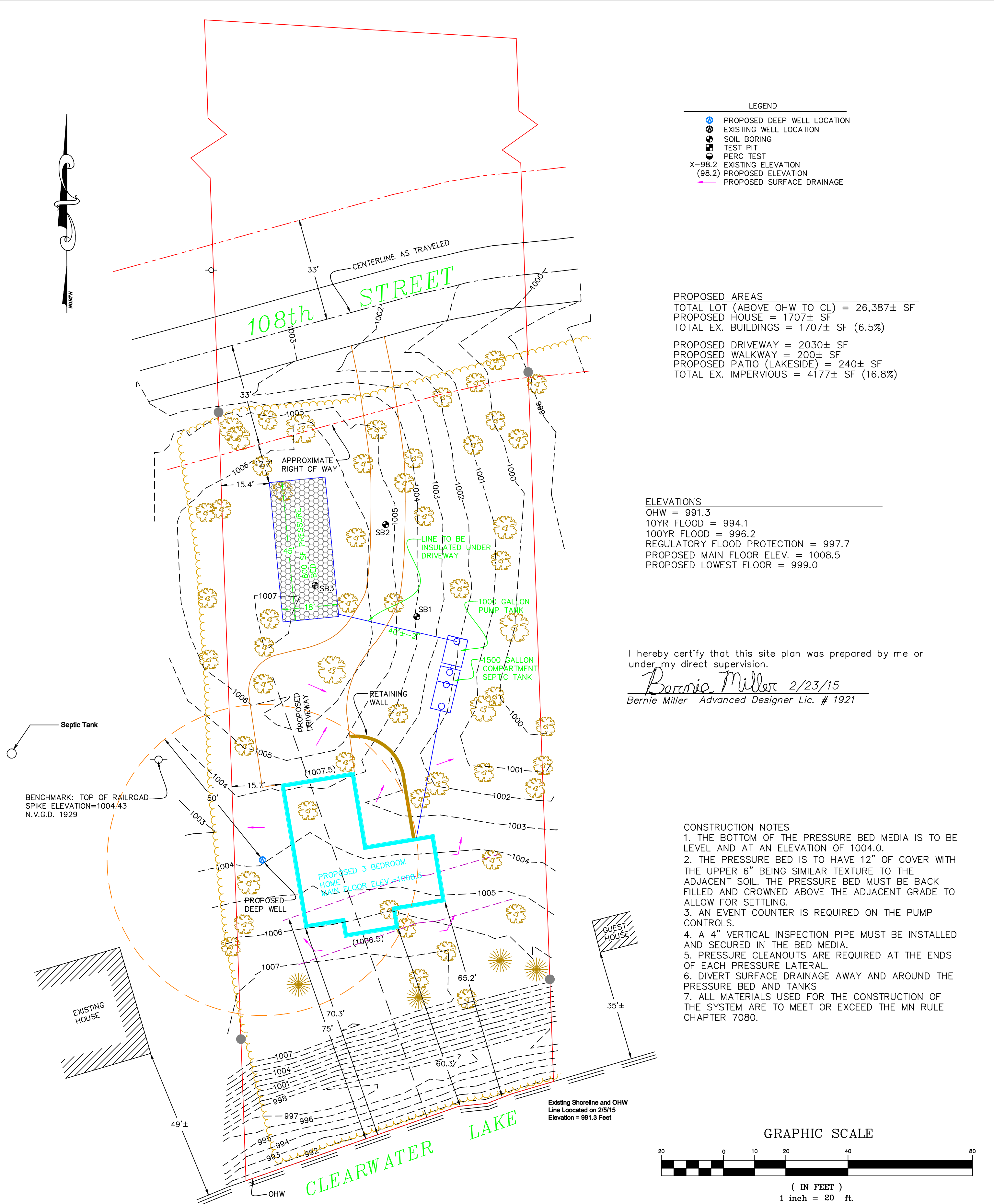


Parcel ID	206034000040	Alternate ID	n/a	Owner Address	BRAASCH,BETTE E
Sec/Twp/Rng	7-121-27	Class	151 - SEASONAL RES REC		6643 IRVING AVE S
Property Address	11061 108TH ST NW	Acreage	n/a		MINNEAPOLIS, MN 55423
	ANNANDALE				

District	n/a
Brief Tax Description	Sect-07 Twp-121 Range-027 DE-O-NA-GA-NO POINT Lot-004 LTS 4,5&6
	(Note: Not to be used on legal documents)

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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  
Lots 6, DE-O-NA-GA-NO Point,  
Wright County, Minnesota.  
pid#206-034-000040

Septic System Site Plan		
DATE	JOB NO.	SCALE
2/23/15	2015-10	1=20

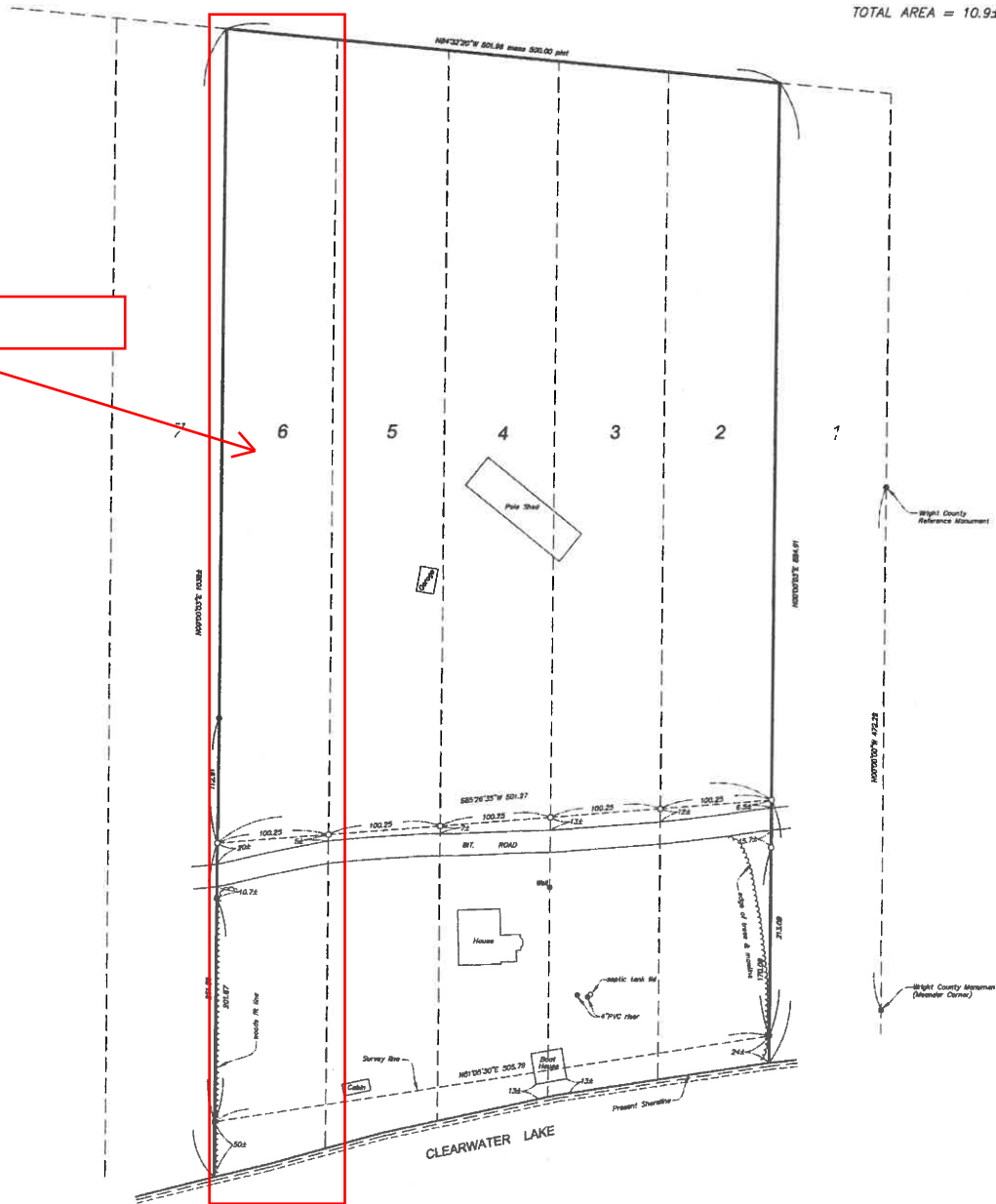
PREPARED FOR:  
**Steve and Colleen Scherber**

# Certificate of Survey



TOTAL AREA = 10.9± ACRES

Subject lot



PROPERTY DESCRIPTION:  
Lots 2, 3, 4, 5, & 6, DE-O-NA-GA-NO POINT, Wright County,  
Minnesota, according to the record plat thereof.

- denotes iron monument found
- denotes iron pipe set and marked R.L.S. No. 14343
- denotes soil boring
- denotes percolation test hole

Survey Lots 2, 3,  
4, 5, & 6,  
DE-O-NA-GA-NO POINT,  
Wright County, Minnesota

Requested By:

**Bette Braasch**

Date: 11/13/00

Drawn By: D.N.M.

Scale: 1"=50'

Checked By: PEO

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
Paul E. Otto  
Date: 11/14/00 License # 40062



Web Site:  
www.ottosurvey.com  
3 West Division St.  
Buffalo, NY 14203  
Ph: (763)882-4727  
Fax: (763)882-3822










Revised:

Job No.

0617



3) Area Centerline of Road to O.H.W - 26387.5 SqFt 0.61 Acres

LEGEND	
	Coniferous Tree
	Power Pole
	Septic Tank
	Deciduous Tree
	Set 1/2 Inch Iron Monument 41226
	Found Iron Monument
	Spot Elevation
	Well
	Soil Boring



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

Charles E. Webb, Jr. Date 2-16-15  
 License No. 43226

Drawn by CEV III      Checked by CEV Jr

JOB NO
15009
SHEET
1 OF 1

