

STAFF REPORT

Application:	Requests related to the partial rebuilding of an existing screen porch, the raising of the height of the roof above that porch and extending the roof over an existing entry landing. Approvals required include variances to increase the height of an existing 9' x 20' screen porch by 3 feet and to extend that roof over an existing entry landing approximately 33 feet from Cedar Lake (min. 75 feet required).
Applicant:	Robert and Debra Wagner
Agenda Item:	4(b)

Background Information:

- **Proposal:** The applicants are proposing to rebuild the roof over top of their existing lakeside screen porch by raising the sidewall height about 4 feet and extending one side of the roof over what is currently an open landing outside of an entry door/step. The proposed alterations/expansion of the roof are located approximately 33 feet from Cedar Lake (min. 75 feet required).
- **Location:**
 - Property address: 7339 INGRAM AVE NW , MAPLE LAKE
 - Sec/Twp/Range: 27-121-27
 - Parcel number(s): 20606500090
- **Zoning:** R1 - Urban/Rural Transition/S2 - Residential-Recreational Shorelands, Cedar Lake (General Development lake)
- **Lot size:** Approx. 20,496 sq ft (0.47 acres) according to Beacon GIS estimate.
Existing and Proposed Impervious Coverage: Well under allowable limits.
- **Septic System Status:** The latest records of a sewer system are a 1989 mound septic system. The system is located between the road and the house and would not be impacted by the proposed construction. A compliance inspection may be required.
- **Natural Features:**
 - Floodplain: The existing and proposed structures are not within an identified floodplain.
 - Bluff/Steep Slopes: The lot does not contain a bluff or steep slopes.
 - Wetlands: There does not appear to be any wetlands that would impact this proposal.
 - Current Shoreline Conditions: Mowed grass with a few mature trees.
- **Permit History:**
 - 1930 - apparent date the existing home was constructed on the lot (from Assessor's records)
 - 1973 - septic system

- 1987 - Variance granted for 16' x 20' addition on back side of cabin 14' from side property line and to enclose existing deck and additional 8' x 20' on north side for a 3-season porch.
- 1987 - Dwelling additions as per variance
- 1989 - Septic system
- 1989 - Variance granted for 20' x 24' addition on north side of dwelling 36' from lake and existing 9' x 20' deck to be enclosed as screen porch only, including a 6' x 6' landing not to extend past screen porch.

Applicable Statutes/Ordinances:

Minnesota Statutes

462.357 (2016) 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.

612.5 Shoreland Performance Standards

612.5 (1) General Performance Standard for Lakes

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

- (c) General Development Minimum Standards:

Structure setback from OWHL	75 ft.
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Findings of Fact: The following findings of fact that would support either approval or denial 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?**

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

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

pollution."

Findings Supporting Approval

The proposed expansion of the roofline and increase in roof height are relatively minimal and should have no significant impact on the view of the home from the lake or obstruct views from neighboring properties.

Findings Supporting Denial

The proposed expansions are located within the shore impact zone and as such, will be inconsistent with the goal of not allowing structures (except water-oriented accessory buildings) within that area by allowing for an expansion of existing structures.

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

The Comprehensive Plan states a goal of ensuring "that any land use regulations adopted by Corinna Township meet the goals of the Comprehensive Plan and are understandable, fairly applied, and implemented in a clear, consistent manner."

- Comment: The primary issue related to fair and consistent application of the ordinance requirements with this application is whether a practical difficulty exists that justifies the granting of a variance for the expansion of a structure located within the shore impact zone of Cedar Lake.

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

- Require on-site storm water retention and erosion-control plans for all new lakeshore development and redevelopment of existing sites, to ensure that storm water runoff is properly managed and treated before entering surface waters.
 - Comment: If the proposed project is allowed, a stormwater plan to ensure protection of the lake and to manage stormwater in general is advised, although the additional impact on runoff beyond what already exists is minimal.
- Seek ways to ensure that new development, landscaping, or other alterations on lakeshore properties preserve and/or provide for the planting of native trees and shoreline vegetation.
 - Comment: The application would not appear to require the removal of any trees.
- Require the use of best management practices as outlined by the Minnesota DNR, University of Minnesota Extension, or other appropriate agencies during the development and redevelopment of all property in the Township to prevent erosion and sedimentation that eventually reaches area lakes and wetlands through ditches, direct runoff, or other means.
 - Comment: See comments above.
- Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.
 - Comment: It does not appear that any significant grading will be necessary for the proposed project.

Findings Supporting Approval

The proposed use would represent an anticipated use within the shoreland and floodplain zoning districts and is not inconsistent with the Comprehensive Plan.

Findings Supporting Denial

The allowance for the expansion of an existing structure already located within the shore impact zone when structures are normally not allowed at all would be inconsistent with the goal of consistent enforcement of ordinances.

3. Is the proposed use of the property reasonable?

Findings Supporting Approval

The desire to have a roof over an existing entry stoop is reasonable in that it is intended to improve the safety of and entry to the home. The proposed addition is what is minimally necessary to achieve that goal.

Findings Supporting Denial

The structures are already located within what is normally a no-build area and allowing that structure to expand further is not reasonable.

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

Findings Supporting Approval

The need for the variances is due largely to the location of the existing house (originally built in 1930).

Findings Supporting Denial

None

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

Findings Supporting Approval

The character of the property will remain residential in nature and not be changed by the proposed additions as the expansion to the existing dwelling is relatively minimal.

Findings Supporting Denial

None

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

Findings Supporting Approval

The need for the variance is due to non-economic factors mentioned above.

Findings Supporting Denial

None

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

Findings Supporting Approval

Because the home is so close to the lake, there is no way to make any additions to the home without need for a variance.

Findings Supporting Denial

The applicant could eliminate the need for a variance and achieve their goal of a covered entry by moving the entry under the screen porch rather than outside of it where it is now. The applicant could also add a smaller roof over the doorway only and not alter the screen porch, which would minimize the variances requested.

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

Findings Supporting Approval

The proposed increase in impervious coverage is minimal and should not have an appreciable impact on water quality from stormwater runoff. Any such impacts can be minimized with stormwater management practices.

Findings Supporting Denial

The proposal would place more building coverage in close proximity to the lake and options for treating stormwater before entering the lake are limited due the close proximity of the lake.

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

Staff Recommendation: Based on the relevant findings of fact noted above, Staff recommends approval of the requested variances as presented provided the Board finds that alternatives to achieve the same objective are not feasible.

If the application or some version of the application is approved, Staff would recommend consideration for the following conditions of approval (or tabling of the application to allow for review of revised plans consistent with the following):

1. 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, wetlands, road right-of-way or onto adjoining properties. These may include directing rain gutters to appropriate areas, rain barrels, establishing or maintaining a buffer of native vegetation along the shoreline, 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.