

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION

February 14, 2012

7:00 PM

1. Call to Order: Chair Charlotte Quiggle called the meeting to order at 7:00 PM.

2. Roll Call: Board of Adjustment/Planning Commission Members Present: Charlotte Quiggle (Chair); Dan Shay (Vice-Chair); Lee Parks; Larry Smith; Steve Huff; Barry Schultz

Staff: Ben Oleson, Zoning Administrator; Mary Barkley Brown, Township Clerk/Treasurer

Others in Attendance: Richard Naaktgeboren; Doug Smith; Brady Smith; Ethan Smith

3. Election of Officers – 2012

A motion was made by Smith, seconded by Schultz, to nominated Charlotte Quiggle for Chair. There were no other nominations. Motion carried unanimously.

A motion was made by Huff, seconded by Schultz, to nominated Dan Shay as Vice-Chair. There were no other nominations. Motion carried unanimously.

4. Additions or Deletions to the Agenda: None.

A motion was made by Shay, seconded by Smith, to accept the agenda. Motion carried unanimously.

5. Public Hearings

- a. Variance for a lot line adjustment between two undersized lots to increase one lot from 65 to 75.5 feet of shoreline and decrease the other lot from about 85 feet to about 74.5 feet of shoreline. Lot width at the road would increase from 80 feet to 90.26 feet for one lot and decrease from 80.3 feet to about 70 feet for the other. The lot line adjustment would decrease the setback for the existing septic system on one lot from about 12 feet to about 2 feet.
 - i. Applicant(s): Philip Trout (Sue Burke Trust) and William and Delores Burke.
 - ii. Property Address: 7364 and 7384 Isaak Ave NW, Annandale.
 - iii. Sec/Twp/Range: 27-121-27.
 - iv. Parcel Number(s): 206068000030 and 206068000020.
 - v.

(Note: No one was present to represent the landowners.)

Oleson: On August 9, 2011 we had approved a lot line adjustment for the same properties involved in this request. That adjustment would have created a pie-shaped adjustment between the two lots. When the documents formalizing that approval were sent to the County Recorder, they were returned – noting that because the two properties were Torrens properties, the legal descriptions could not be changed without a registered survey. A registered survey is essentially the equivalent of what is required of plats/subdivision - requiring more work and more expense. The applicants' surveyor apparently talked to the title examiner and was told that if they adjusted the lot lines in more of a "straight line" fashion (i.e. the new lot line would be roughly parallel to the old lot line), then a registered survey would not be required.

The applicants have chosen to take that route and are now asking for a different lot line adjustment that makes the new lot line parallel to the old lot line – about 10 feet further east/southeast. This will place the new lot line a bit closer to the septic system than it was to be under the previously approved lot line adjustment. As such, the septic setback to the side lot line will require a variance. The lot line adjustment is to be reviewed by the Board of Adjustment.

Oleson noted that the intent of the side yard setback for septic systems was to provide some space between neighbors, but that the SONAR document prepared by the MPCA as part of creating the rule noted that with neighbor approval, there was not as much concern about the side yard setback. Since the side lot line involved with the septic setback is one of the applicants, we can presume that both landowners involved do not object to the proposed septic variance.

Oleson also noted that the newly proposed adjustment will make the lot line slightly further away from the existing garage and two sheds that previously were very close or over the lot line. He stated that Mrs. Trout (owner of the J. Sue Burke property) had called him earlier in the day to make sure that everyone knew that they may not end up removing those three buildings if they decide not to build the attached garage that was approved by variance in August 2011. She did not want the lot line adjustment to be approved contingent on removal of those three buildings.

Staff noted that we agreed the lot line adjustment should not be approved contingent on removal of the three buildings and suggested removing the last finding of fact under the lot line adjustment section in the staff report so that there would be no confusion on this matter.

A motion was made by Smith, seconded by Shay, to approve the lot line adjustment as presented, citing the Findings of Fact in the Staff Report, except for #7 – regarding the sheds and garage.

Motion carried unanimously.

A motion was made by Smith, seconded by Shay, to approve the variance for the septic system setback (side yard) as presented, citing the Findings of Fact in the Staff Report.

Motion carried unanimously.

- b. Construct new 36 ft grain bin approximately 114 ft from the centerline of a county road (min. 130 ft required).
 - i. Applicant(s): Doug and Michelle Smith
 - ii. Property Address: 7051 102nd St NW, Maple Lake

- iii. Sec/Twp/Range: 12-121-27
- iv. Parcel Number(s): 206000123300

Doug, Brady and Ethan Smith addressed the Planning Commission.

Oleson explained the application to construct a new grain bin and that the bin would be within the required road centerline setback. He noted that the 114 foot figure given in the application was from the edge of the road – not the center. This would put the actual setback at about 124 feet or so.

The Smiths noted that the location of the proposed bin was to make it reasonable to auger from the other bins and buildings into the new bin. Any further away and it would become impractical.

Quiggle noted that the farm had been in place for a very long time – more than 100 years? She asked if the farm buildings pre-dated the road being a County Road. Smith agreed that it was an old farm. There was discussion that Hart Avenue was not in place until the 1940s. Naaktgeboren also stated that the farm was very possibly there before the road.

A discussion was held regarding future bins, room for expansion on the property. The Smiths indicated that future expansion would be toward the east and would meet the required road centerline setback.

A motion was made by Huff, seconded by Smith, to approve the variance as presented, citing the Staff Findings of Fact and noting that the setback will actually be about 124 feet – not 114 feet (it is a 6 foot variance rather than a 16 foot variance).

Motion carried unanimously.

6. Approve Previous Meeting Minutes

- c. January 10, 2012

A motion was made by Shay, seconded by Parks, to approve the January 10, 2012 Meeting Minutes. Motion carried unanimously.

7. Zoning Administrator's Report

- d. Permits- Reviewed.
- e. Correspondence – Reviewed.
- f. Enforcement Actions – Reviewed.

8. Old Business

- g. Discuss interpretation of “expansion” when applying MN Statutes 394.36, Subd. 4 and 462.357, Subd. 1e (Nonconformity statutes)

The Commission continued its discussion about how the Township can continue moving toward a clearer definition of “expansion” when dealing with nonconforming structures. Staff presented some draft thoughts, to which the Commission added its comments. Generally, the Commission wanted to keep the situations where an alteration is not considered an expansion limited and simple to enforce.

While there may be some circumstances where a review by the Board of Adjustment would indicate no problem with an “expansion” – it was better to be limited in what could be done without Board review.

Staff was directed to prepare a revised version for consideration by the Commission at the March meeting. Such changes would need to be reviewed by County staff to see if there were any concerns about the Township being less restrictive than the County.

- h. Discuss end-of-year ordinance updates/clarifications.

Staff was directed to bring this discussion back in March.

- i. Update on status of Corinna Township request for recognition as shoreland and floodplain zoning authority.

The Board of Adjustment/Planning Commission heard an update from Staff on the status of the issues surrounding the Township’s desire to administer shore land zoning authority.

Oleson: On February 7, 2012 this was on the Wright County Board’s Meeting Agenda. They sent it back to the Committee of the Whole Meeting, which will be held on February 21, 2012. The idea is to provide more information and give everyone the opportunity to review this once again. I am going to provide info on why we are at least as restrictive as the county and meet DNR-requirements for township zoning. What comes out of that will go to the full county board meeting for the final decision.

9. New Business

- j. Discussion – Potential update of 2007 Comprehensive Plan.

The Commission heard a report from Staff as to its general recommendation that Comprehensive Plans should be reviewed about every five years to ensure that they are still reflective of the mid- and long-term planning goals of the Township. The current Township Comprehensive Plan was adopted in 2007. The Commission agreed to take the issue under consideration and discuss further at the March meeting.

- k. Training – “Developing Effective Motions and Findings of Fact”

A training session for the Board of Adjustment/Planning Commission entitled “Developing Effective Motions and Findings of Fact” was tabled due to a lack of time. It will be scheduled for the March meeting.

10. Adjournment

A motion was made by Schultz, seconded by Huff, to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 8:45 p.m.

Minutes respectfully submitted by Mary Barkley Brown