

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION

May 8, 2012

7:00 PM

1. Call to Order: Chair Charlotte Quiggle called the meeting to order at 7:02 PM.

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

Absent: Lee Parks

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

Others in Attendance: Stuart E. Ulfers; Frances E. Ulfers; Leslie Kreutter; Janelle Dixon; Paul A. Mielke; Kevin Koktod; Richard Naaktgeboren; John Dearing; Patrick T. Martin

3. Additions or Deletions to the Agenda: None.

4. Public Hearings

- a. Variance to create two nonconforming lots not meeting the minimum size, width or depth for the purpose of encompassing existing sewer systems and possible construction of residential accessory buildings. Variance for septic system no meeting the required side yard setback. Lots to be created would be approximately 4,500 and 8,500 sq ft (43,560 sq ft required), 40 and 80 feet wide (150 ft required) and 105 ft deep (150 ft required). The new lots would put a side property line within about 5-6 feet from an existing septic drain field (10 ft required).
 - i. Applicant(s): Francis E. Ulfers Revocable Trust (Francis and Stuart Ulfers, Trustees)
 - ii. Property Address: Property west of 6862 Inman Avenue, Annandale
 - iii. Sec/Twp/Range: 34-121-27
 - iv. Parcel Number(s): 206024000124

Stuart and Frances Ulfers addressed the Planning Commission.

Oleson explained variance request.

Stuart Ulfers: I don't understand the reason for the variance. I did not intend to create a non-conforming lot. I just wanted to attach that portion to an existing lot – the lake lot.

Oleson: The starting point is that it is zoned for one acre minimum lots. So if you are going to create new lots they should be one acre minimum. That is assuming that you are going to put houses and sheds and whatever else on them.

Stuart Ulfers: We don't intend to do that.

Oleson: What I recommended in the staff report is that if this is approved – these 2 smaller lots – you would have to go through a process that is called an administrative order recorded to tie these two lots together.

Stuart Ulfers: We may want to sell the house part without selling the five acres. Thought it would be cleaner if the sewer system was part of the house.

Oleson: There is another term for lot line adjustment. Technically they are non-conforming lots.

Stuart Ulfers: Would that mean just one tax parcel?

Oleson: You have to work out with the County Auditor's Office.

Stuart Ulfers: Take sewer that was built several years ago – and our lot basically at that time – we were going to upgrade our home – at the time we moved back from Florida. We were going to live there permanently.

Oleson showed the proposal on the map.

Quiggle: Does anyone in the audience have comments or questions?

Leslie Kreutter: I am their neighbor to the north. I approached the township five years ago about building a garage on my property. They said no way unless you acquire more property. My drain field is on Ulfers' property. So I would be very much interested in getting one of those undersized lots so I can build a garage.

Quiggle: No other comments? (There were none.)

Shay: Has it been determined that if we do break off these two parcels – that there is potential for a compliant septic drain field site in the future – a second drain field site?

Oleson: As far as I know they have not done any designs for that. That is one of the comments I made in the staff report.

Shay: I think this is something we would want to be sure of before we split these off – that there is potential for a compliant second drain field.

Stuart Ulfers: On property number 1 – I think there is plenty of room.

Shay: Concern on property number 2 is not only the secondary drain field – but also the potential for a garage on it. Is it all going to fit on that 40 foot by 80 foot space? Depending on what size garage you want to put on there – we want to make sure that if you are going to split it that you do not have lot line problems with setbacks and everything else. If you want a 20 foot garage there is 10 feet on each side potentially. You should make sure you can fit a drain field...These are things to think about before we got too far along here.

Stuart Ulfers: We could shift that line slightly to the east.

Oleson: Drain field that is there now is two long trenches - would be within 10 feet of that if you go about 5-6 feet away from that line. That is the other variance they are asking for.

Stuart Ulfers: It is 105 plus feet deep – not 80 feet deep.

Shay: Width of property 2 – will all the things they potentially want to put on it – will they be able to fit in without running into problems with setbacks and so forth.

Oleson: This variance with the existing sewer system is unavoidable unless they are going to sell the existing garage with some land.

Stuart Ulfers: I don't want to sell the garage.

Quiggle: Does the garage go with your property?

Stuart Ulfers: I would like to keep the garage separate for other things. We have a garage at the house, under the house.

Shay: How much room from the existing garage to the potential property line?

Stuart Ulfers: Closest to proposed property line is 18 feet. The playhouse is more like 15 feet.

Huff: Can you build a garage on a drain field?

Oleson: No.

Stuart Ulfers: It would not be on the drain field.

Huff: Ms. Kreutter wants to build a garage on property number 2. Doesn't that basically split that?

Stuart Ulfers: The drain field right now is within 15 feet of the west edge of that proposed lot line.

There are two lines – one is only about 5 feet from the proposed line, the other is about 10 feet over.

Huff: She wants to build a garage right on top of it.

Stuart Ulfers: It wouldn't be on top of it.

Huff: Where would it be?

Stuart Ulfers: It would be just to the east of it.

Oleson: Pointed out the lines on the projector screen.

Stuart Ulfers: Explained sewer trench position.

Oleson: There is a little bit of a built up area for a potential garage, but likely would need to be built up more.

Stuart Ulfers: There would have to be some fill for that.

Oleson: It will be tight.

Shay: If trench is there and there has to be a setback from trench to garage, then you are pushing the other property line and you are not going to have a very wide garage.

Quiggle: And you have to have room for two septic systems.

Huff: Are you looking for a two-stall garage? I cannot imagine that that will fit.

Shay: You are talking 20 to 24 feet. If it is a 24 foot wide garage you only have 16 feet – 8 on each side or something like that to play with side yard setbacks, let alone put in your septic systems.

Quiggle: To create the lot you have to have location for two septic systems. They have one on each of them, but they need to each have a back up site for a back-up septic system.

Huff: I can't imagine how you are going to make that fit.

Stuart Ulfers: I am amenable to moving that line over so there would be like a 50 foot lot instead of a 40 foot lot. The other lot is plenty big. The west side of the existing sewer system on lot 1 is probably 50 feet from the other.

Huff: I just know that Ms. Kreutter is going to come to us a week after the sale and want to put a garage there and say that it is our fault because there isn't room for her to build a garage – and can we have a variance?

Stuart Ulfers: I am sure she would want to have approval before she buys the lot.

Huff: Where does Kreutter's house sit?

Oleson: Showed on map.

Huff: I just wondered if anyone did the math – on what the actual site would be, what the lines would be, where the septic would be? Is there a map that would say that this is OK? I would really like to see that map – because right now I do not get it.

Shultz: I am with Huff. It would be silly for us to approve this – without making sure she can get her garage.

Huff: I am not trying to be antagonistic.

Smith: I agree with Huff. I am assuming the garage is important, as well as the drain field. This could probably support a drain field, but probably not a very big garage, if any garage.

Quiggle: I agree with them. The basic concept is something we could work with – but throwing the garage into there...Each of these properties must have a plotted-out septic and a secondary septic planned for future use. This is a condition for the lot adjustment. Before you make a deal with her, it would be good to take her portion, figure out where the septic will go, where garage will go, how big is the garage, meeting setbacks and all that. Once you can figure out that configuration...

Shay: The way this is sitting now, you almost need to flip-flop the size of the two lots to make this work.

Huff: This is something that needs to be thought about a little more. I am not getting a good answer here.

Quiggle: My suggestion is that we table this. You are not hearing a lot of negative feedback here on the concept, it is just on the execution of it given the desires that everyone has.

Oleson: You will primarily have to work with sewer designers to lay out placement now.

A motion was made by Huff, seconded by Shay, to table this request. Motion carried unanimously.

Quiggle: So now you have a general direction and we are not shutting you down by any means.

Stuart Ulfers: We can live with the system the way it is right now. But...

Quiggle: And I understand that you want to get things finalized and in good shape for the future. You need to work with a sewer designer to get the placement figured out.

Stuart Ulfers: What about my first question - Does this have to be a separate piece of property or can it just be a part of the lake property?

Oleson: It can be done so that they are tied together. We record that. You go to the County Auditor's Office and talk to them about making one parcel out of it.

- b. Variance to replace and expand and existing dwelling foundation and construct an attached garage within the required lake setback. Additions to be lower level living space (12' x 12' on NW corner of home) and 8' x 17' lower level storage area. Both additions will have open decks over top. Garage addition to be 19' x 22' with open deck on top. Additions to be approximately 63 feet from Mink Lake (100 feet required). Applicant(s): Janelle Dixon
 - i. Property Address: 8067 Griffith Avenue NW, Maple Lake
 - ii. Sec/Twp/Range: 24-121-27
 - iii. Parcel Number(s): 206017001020 and 206017001010

Janelle Dixon and Paul Mielke addressed the Planning Commission.

Oleson showed an aerial photo and explained the variance request.

Huff: Both of those properties are yours?

Mielke: Correct. A guy tried to fix the existing foundation and tuck point it. He took a backhoe in both sides and dug too close and caved in the existing foundation. That is what is driving the new foundation. As long as we are doing that we want to make it more symmetrical.

Oleson: Mink Lake has a 100 foot setback requirement. The closest point is 63 feet away.

Mielke: Nothing is going any closer to the lake.

Quiggle: You are proposing new construction on a holding tank.

Oleson: It does have a drain field installed in 1997. It was inspected and passed inspection in 2004 but did not really inspect the drain field at that time. It was re-inspected 2011 when the property transferred, and it failed inspection as drain field was too deep in the ground. So they got a permit to convert it to a holding tank at that time. The comment I made in the staff report was that the Ordinance requires that if you expand a house on a holding tank, you have to either put in the drainfield or else obtain a variance for the expansion.

Quiggle: This is considered new construction because the value of the structure, according to the assessment records is \$9,900.00.

Oleson: We are recommending you get a statement from a sewer designer that you cannot get a drainfield on the parcel or some kind of design where you can get a drainfield on there, even if it is not a standard one – one that may need pretreatment of the effluent in the drain field. You had talked to Bernie Miller about some options.

Mielke: Miller said there were possible some options that could be done at a later time. Then he had conveyed to us that it would be fine to be on holding tanks.

Oleson: When you talk expansion – you start talking drain field. Side yard setbacks are just fine. Because these are two lots side by side, it is just the lake setback and the sewer issue.

Quiggle: Do we or don't we – because if both of them could sustain a septic system they could be sold separately.

Oleson: We should probably do an administrative order on this one to combine them. Three lots used to be together. They got a variance for this one to be split off. It limited how much expansion could be done. Arguably that took care of the fact that they are combined, but I think it would be cleaner or more concrete at least.

Mielke: We have already applied at the County Auditor's Office.

Quiggle: So this is not an issue.

Mielke: New foundation – we are not expanding any bedrooms. Just a 12 foot by 12 foot. The foundation needs to be addressed right away. We aren't adding bedrooms, so were hoping not to get into the septic area. The excavators caved in the foundation walls.

Quiggle: Any comments from the audience? (There were none.)

Smith: We need to address the septic issue first. They are pretty important. This is what we need to know before we can make this go forward.

Schultz: I like the idea that you are going to combine the two lots. Until you go through the hoops with the sewer – the sewer plan at least...

Huff: Why did it fail?

Oleson: It was too deep in the ground.

Mielke: Property was sold twice after that. It was not installed property. It is about a foot too deep, so it cannot percolate. It has 3 tanks and a lift pump. All the tanks passed. It was just too deep.

Huff: You cannot just replace the drain field?

Mielke: I have asked but have not gotten a direct answer.

Dearing: You can put a pressure bed in the same spot where the old drain field was. That is something new I just put in. But it has to be inspected every year. It pumps up from the tanks into the pressure bed.

Oleson: Bernie Miller can give you all the options.

Mielke: Is this something that can be done – the foundation and the pressure bed at the same time?

Huff: Yes.

Quiggle: You have to have the sewer plans when you start.

Oleson: You want to be careful that you do not have backhoes going over the sewer.

Shay: I am on the same page as everybody. If we can figure out the septic – then we can go forward.

Quiggle: You should sit down with Bernie Miller and figure out where and what type of system. A holding tank is not going to fly if you want to expand your house. Once we know where the sewer is going, we can move on with the other things. The lake setback at 63 feet – since you are redoing the foundation anyway – see if you can back the house up so you get a better lake setback.

Huff: There is quite a fall there. If you are going to have a walkout – everything else is above it.

Mielke: It is deceiving. It is pretty steep.

Shay: If you back it up – you are going to have to go higher.

Huff: If you get a chance – and they can push it back 10 feet – that is great.

Mielke: I will talk to Bernie Miller and get on the agenda for next time.

Quiggle: Do they need a survey?

Oleson: They are well within the guidelines on impervious. Side and road setbacks are good with lots combined.

Quiggle: Safety issue?

Oleson: There was before they started to clean it up.

Quiggle: Your plan at this point is to leave it until you have your sewer plan and when he does the sewer design – he will do a fairly good site plan.

Oleson: Yes – he could, with measurements. Barry Rhineberger had called with comments – no written ones. Where are doors coming out? Upper level – how are you going to access?

Mielke: On the deck. Sliding door comes out on the lower level. Now there is a French door that comes out on the 12 by 12.

Quiggle: The trailer requires a permit.

Oleson: Are the flooring and windows in the trailer going to be used in the construction?

Quiggle: So it is not a permanent thing? It is temporary and going to be used in the construction?

Mielke: Yes.

A motion was made by Huff, seconded by Smith, to table the request and come back with sewer and site plan. Motion carried unanimously.

5. Approve Previous Meeting Minutes

c. April 10, 2012

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

6. Zoning Administrator's Report

- d. Permits
- e. Correspondence
- f. Enforcement Actions
 - i. Interpretation of "fence"

Patrick Martin addressed the Planning Commission.

Oleson: I handed out the definition of a fence in the Wright County Zoning Ordinance. The issue is that there is a requirement that if you are going to put up a fence, it cannot obstruct another's view within the lake setback. Mr. Martin is concerned that the shrubs or trees planted by the neighbor obstruct his view.

Martin: I am sure he intends to replace them. They are dying. I do not want him to replant them. I want him to get them out of there. Mr. Martin distributed photos he had taken.

Quiggle: Are trees considered a fence?

Martin: Ordinance 704 states that any partition, fence, this to me is a hedge. It is not in their hedge. Webster's Dictionary - Dense row creating a barrier. I paid a lot of money for the view and he is obstructing it. I have put up with it for 9 years. When I presented this case to Corinna in 2003 – they did not have authorization to do anything. I got a response from Tom Salkowski. His letter says that they do not agree that shrubs are a fence. In there you can see what they look like when they are green. Tell him to move them 75 feet back.

Oleson: Is 2008 when they were first planted?

Martin: Initially he asked if he could put up a cyclone fence. His whole intent is that he had to create a barrier. He has an in-ground trampoline. He had to create a barrier between me and the trampoline.

Quiggle: I do not see how trees...

Martin: Look at this paragraph – definition of a hedge.

Quiggle: But Wright County does not define a hedge as a fence. Partition structure wall or gate which is erected as...

Martin: You can use shrubs as a fencing material to obscure things from a county road. This is a millionaire doing whatever he wants.

Quiggle: Is this something for Tim Young? It is a legal interpretation of the language.

Oleson: Basically – I made an interpretation that this is not a fence. I told Mr. Martin if he did not agree it could be brought before this Board. I did a little bit of research – none of the counties I have worked in regulate hedges. I did some internet research and found that some communities consider hedges a fence and they regulate them.

Martin: The son of a gun tried closing off the well when he bought the well – he partitioned the county to close off the road. Then he called in to complain about my trailer. We agreed that the trailer was parked too close to the lake and I put a license on it. I had a license at the time I talked to him. There is a park model on Lawrence. That individual is a banker. The only outlet to the pond is through his property. He filled it in. He put a garage there. He filled a trench. The DNR came in. I am real sensitive about that property. That pond usually floods out my property.

Dearing: We put in a new culvert there last fall.

Martin: Right next to there is a person that put in three sheds. They put fill in there. The guy is logging in there.

Dearing: I reported every one of them. Wright Soil and Water did not do anything about it. I asked if they ever saw a swamp with Class 5 gravel in it? There are people who get by with it and others who do not.

Martin: He has had a travel trailer. He upgraded – it does not have a holding tank.

Quiggle: Can you check this out Ben? Can Ben get in contact with Tim Young about the fence? We can be more restrictive than the county. If our Planning Commission feels that a hedge of a certain height constitutes a barrier, we can do that. If he plants new ones, he is grandfathered. There is a process.

Martin: You should contact an attorney. It is a hedge. Webster's dictionary definition.

Quiggle: The Wright County definitions are the definitions that we have to follow.

Oleson: That is why we we'll get the interpretation from Tim.

Martin: He had a gentlemen's agreement that he would provide a turn around.

Dearing: It was his private road. He gave us permission to turn around there.

Naaktgeboren: We need a place to turn around.

Martin: He took off the easement. It was a dedicated road.

Dearing: It was his own private driveway.

Martin: He presented a statement to Wright County. He had an attorney draw it up. He had a surveyor come out.

Quiggle: That is not a Corinna Planning Commission issue. You should look up the paperwork and address it with the Corinna Town Board. We will have Oleson check with Tim Young on the definition of a fence.

Oleson: I will bring it back to you next month.

Martin: I will be out of town for a while so I will give you my cell phone.

I appreciate you guys for listening to me and I apologize to you, Ben, for being short on the phone with you.

7. Old Business

- g. Discuss end-of-year ordinance updates/clarifications - tabled.

Tabled until next month.

- h. Discussion – Potential update of 2007 Comprehensive Plan – tabled.
- i. Update on status of Corinna Township request for recognition as shore land and floodplain zoning authority – tabled.
- j. Training (if time allows) – “Understanding Legal Requirements for Granting/Denying Requests” – tabled.

Oleson: Steve Anderson got a variance. He came back again for a different variance. Now he has two variances. He can choose from them. He is going to push the cabin back to the place we requested. Then he will pick up the existing cabin and put it there. Anderson thought the interpretation was that a 6 by 30 foot deck would be allowed. When I looked back, he had a 6 foot by 24 foot deck in his building plans.

Huff: The 6 foot on the end was part of the landing?

Oleson: I don't think so. I do not know that I can approve a 6 foot by 30 foot deck without bringing it before the Board of Adjustment. I can approve a 6 foot by 24 foot deck. He is complying with the setback we recommended either way.

Quiggle: He is just doing 6 feet more of a deck.

Oleson: It is not any more setback than we approved. It is a change.

Huff: Does he have any windows or anything on that end of the house?

Oleson: It is not like I am opposed to this. It is that I did not think I could issue it as a permit since it was larger than what had been proposed in the variance hearing.

Quiggle: Do you have the actual language of the variance?

Huff: Personally I don't think it is a big deal.

Quiggle: I don't either.

Quiggle: It does not violate what we gave.

Oleson: It does not make anything worse. It would be my intent in the future to be more detailed.

Shay: His original plan had a 6 foot by 24 foot deck.

Oleson: His hand sketches initially showed a deck across the front of the whole thing.

Schultz: Should we have an ordinance that once you have a variance and want to change it – shouldn't he have to sign away the first variance?

Quiggle: Is anyone opposed to letting him to do the 30 foot deck?

No one was strongly opposed.

Shay: But the east deck, when we OK'ed this, was the 12 feet by 16 feet?

Oleson: 12 x 15. There were different versions throughout the process.

The Board agreed that a 6 x 30 deck could be allowed under the existing variance since it did not encroach any further on the lake setback than what was allowed.

8. New Business (There was none.)

9. Adjournment

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

Minutes respectfully submitted by Mary Barkley Brown