

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
October 11, 2016

7:00 PM

Larry Smith called meeting to order at 7:00pm on October 11, 2016

Board of Adjustment/Planning Commission Members Present: Larry Smith, Barry Schultz, Trish Taylor, Ben Oleson (Zoning Administrator)

Absent: Charlotte Quiggle, Dick Naaktgeboren, Al Guck

Others in Attendance: Jeanne Kaiser, Beau Munsell, Bill Curran, Reed Kaiser, Ron Sheldon, Alec Olson, Tom Hall, Bruce Markling, Mel Dykhuizen, Jeff Danberg, Michael Staye, Tara Staye, Carol Niewenhuis, Randall Niewenhuis

Additions or Deletions to the Agenda: One deletion, CUP for Nick Pietsch 108th street. Taylor made a motion to approve with change. Schultz seconded the motion. Motion carried unanimously.

Public Hearings

(Tabled from 2015) Variance to replace the existing 591 sq ft home with a 1,092 sq ft home approx. 38 ft from Bass Lake (min. 75 ft required) and 22 ft from the centerline of a township road (min. 65 ft required).

Applicant: Jeanne Kaiser

Property address: 10608 117TH ST NW, Annandale

Sec/Twp/Range: 5-121-27

Parcel number(s): 206014000130

Present: Jeanne Kaiser & Beau Munsell

Oleson: Add the variance for the sewer system since it will be close to the road and the lake.

Munsell: I started with Jeanne about a year ago we had a surveyor come out and do a survey & design. The road was vacated last week. The question I have is the road, is it a driveway with an easement or is it from a road? The property line is somewhere in the wetland area. We are trying to get what we can do with the size of the lot and where the lake is. With the impact zone being at 37ft we are looking at being 38ft from the lake. We are well under the impervious there are also some parking area that will be turned into grass so we are under what is needed.

Kaiser: Last year I was looking going the length of the lot and that was larger, so we have changed it to be smaller and going up. We will be further back than the neighbor's house.

Munsell: I believe the impact zone is set by the DNR and that it is off limits. We will have septic that is compliant.

Kaiser: We will be putting in a new well in this year since we were sharing a well with the neighbors.

Oleson: (pulled up pictures of current home) there will be a raised bed for the septic with retaining walls and the tank is underground. Oleson indicated where the original platted road was which was vacated and where the new public road easement is which is the traveled road that is currently used. It is not maintained by the Township. The variance is needed for the

road set back since it is a public road easement. That is what held us up last year, after a long effort of time and expense that was taken care of. As Kaiser said she has changed the house plan it will now be further back and not run along the lake. So the variance needed is the Lake Setback, road setback, and septic setback. They have now met the impervious coverage and will be a better situation than it was. The main recommendation would be number 1 if you want it needs to be less than 25% impervious or not.

Audience: None

Schultz: As long as the sewer is acceptable I'm ok with it.

Taylor: I like that you changed the house and the septic. I would say under the 25% impervious.

Smith: For me the 37.5 ft from the lake is set even though it would look ok. For sure under the 25% impervious.

Oleson: I have them at about 20% with what they are doing. Well under 25% just being they are in such a small area and so close together I went by dimensions.

Smith: I'm good with it as long as we hit those numbers.

Taylor motion to approve the Variance to replace the existing 591 sq ft home with a 1,092 sq ft home approx. 38 ft from Bass Lake (min. 75 ft required) and 22 ft from the centerline of a township road (min. 65 ft required). Septic setbacks to lake and road with the following conditions:

1. Total impervious coverage on the lot, given the proximity of all impervious surfaces to the lake, shall be limited to the following maximums unless approved otherwise by the Board of Adjustment (provided such request does not exceed 25% impervious of the lot area between the lake and the ingress/egress easement):
 - a. Home and Entry approx. 1,142 sq ft
 - b. Patio/open deck 200 sq ft
 - c. Storage sheds 200 sq ft
 - d. Parking area 500 sq ft
 - e. Septic drainfield 300 sq ft
 - f. Other non-building misc. coverage (to be determined by the landowner) 200 sq ft
2. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between the area of disturbance and the lake as well as 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.
3. The applicant shall implement the permanent stormwater management plan as submitted or as otherwise approved to minimize the potential for ongoing erosion or sedimentation and to allow adequate time for infiltration or other treatment of runoff from the site prior to it flowing 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.

Schultz seconded the motion. Motion carried unanimously.

Variance to create two lots, separating 3-car garage from pole shed and subsequently doing a deed restriction to tie each back to independent lakeshore owners.

Applicant: Bruce Markling. Property Owner: Lester and Linda Cantin.

Property address: 10624 Hollister Ave NW, Maple Lake

Sec/Twp/Range: 11-121-27

Parcel number(s): 206137001010

Present: Bruce Markling & Tom Hall

Markling: The property in question is across the street from us and what we are looking to do is split the 3 car garage off to Tom and I would take the pole shed and the remaining property. It is 20ft from foundation to foundations. I feel it would be in the best interest to tie these lots back to the lakeside owners.

Oleson: you may remember we dealt with this property previously, this lot used to be tied to a lake lot, it was separated and sold separately. We had a condition they could not build on it as it is so low and tough to get sewers on. What they are asking that it would be like before and tied to the lake lot, however, they would like to split it. Needs variance because it does not meet the minimum 150ft width and not buildable. They are close to meeting the side yard setbacks you could as part of the motion specify if we are ok if they are closer than the 10ft. If you do approve we would do an administrative order. There is a recommendation in there about having a survey done if you feel necessary.

Audience: None

Taylor: I am ok with the lot split, I know Peterson Bogart did the survey and I would like to see the survey updated. Not concerned if there are only 9.5 feet on the side lot line since they are non-buildable lots. Really want to make sure they stay with the lake lots.

Oleson: This will be different. There will be an administrative order where last time there was not one.

Schultz: I agree get the survey and the administrative order is done I'm good with it.

Smith: I think it is a good deal. No dwelling on the lot.

Schultz made a motion to approve the Variance to create two lots, separating 3-car garage from pole shed and subsequently doing a deed restriction to tie each back to independent lakeshore owners with the following conditions:

1. That the use of the resulting parcels shall be limited to accessory buildings, septic systems, or other non-dwelling uses otherwise allowable under applicable ordinances. No dwelling shall be allowed on the site, except for temporary use of a recreational vehicle as a dwelling subject to applicable ordinances.
2. That the applicant(s) have the lots surveyed and Certificate of Survey recorded.
3. That the applicant and/or buyers of the lots, signs an Administrative Order indicating that the non-conforming lots must be combined with their respective lakeshore lot for the purpose of sale or development and that such Order is properly recorded.

Taylor seconded the motion. Motion carried unanimously.

Variance to install two septic holding tanks approximately 2.6 feet from a side lot line (min. 10 ft required) and 3.2 feet from a road right of way (min. 10 feet required).

Applicant: Ron Sheldon. Property Owner: Debra Sheldon and Sandra Bode.

Property address: 7425 INGRAM AVE NW, Maple Lake

Sec/Twp/Range: 27-121-27

Parcel number(s): 206065000170

Present: Ron Sheldon

Sheldon: We have been dealing an existing system which is called a cesspool. We had a burst pipe in the cabin last year and have decided to sell it as is. In doing that we need to bring it up to standard. We are looking at a holding tank with a sealed system in order to sell the property. Dean Flygare will be putting it in for us.

Oleson: This is pretty straight forward, the well is next to the home, and the only option is to get a variance based on where the well is. Variance is the side lot line and road right of way. We did receive one comment as long as it is underground and inspectors are ok with it he is ok with it.

Audience: Jeff Danberg and I'm Kales son who wrote the letter. In the southeast corner it would require a variance also?

Oleson: Yes

Danberg: There is nothing that would affect our lot in the future in reference to well or septic. We currently do not have a well and the tank is in front of the house.

Oleson: Any septic system does have to be 50 ft away from well. So if you are going to put in a well you will have to be 50ft from any septic. That is a department of health requirement. When a tank gets close to a property line it is to make sure you don't disturb the neighbor's property. When getting close to the road you want to make sure that no one is driving on the septic for your own protection. It can be part of the recommendations

Schultz: I'm ok with it, I feel that is his issue to if someone drives on it.

Taylor: I don't have an issue with it. I would like to a permanent barrier by extending the fence towards the cabin so that they know where the septic is. My other thing is to make sure when they do install they do not affect the neighboring property.

Smith: I'm good with that. Make sure that you talk to the township regarding the barrier if you change it so that you're not going to have an issue with the township. The other consideration is the trees along there.

Oleson: just for notice there is not a current survey but the corners are marked.

Trish made a motion to approve the Variance to install two septic holding tanks approximately 2.6 feet from a side lot line (min. 10 ft required) and 3.2 feet from a road right of way (min. 10 feet required) with the following condition:

1. That the applicant plan to protect the septic tanks from road maintenance activities, such as a permanent physical barrier or marker between the tank and the road.

Schultz seconded the motion. Motion carried unanimously.

Conditional use permit to place approximately 800 cubic yards of fill to create a parking space and camping area.

Applicant: Nick Pietsch

Property address: None, Annandale

Sec/Twp/Range: 8-121-27
Parcel number(s): 206000082209

Taylor made a motion to table the Conditional Use permit for Nick Pietsch. Schultz seconded the motion. Motion carried unanimously.

After-the-fact variance to construct a 4' x 36' lean-to addition to an attached garage approx. 11 feet from a side lot line (min. 15 ft required).

Applicant: Michael and Tara Staye
Property address: 8813 GRIFFITH AVE NW, Maple Lake
Sec/Twp/Range: 24-121-27
Parcel number(s): 206058001100

Present: Michael & Tara Staye

Staye: I Messed up and did not get a permit. The reason we built is to fit my work truck and her car. This will allow us to keep the roof, the last time I was hear you asked about moving the wall. This will leave us with a 4ft walk way with an awning.

Oleson: So this came before us earlier last winter. It was a full garage and it was 4 ft into the side yard setback which was denied. They are proposing to move the wall in and use posts to support the roof. When something is allowed into the setback it is normally a 2ft overhang and this will be 4ft into the side yard setback which needs a variance. I had put a recommended condition in there about checking if they could do a pergola, I talked to the building inspector and that does not look like an option. Second recommendation is that it would be done by a certain date June 2017 and same with the other one they install a stormwater management plan. We do have 2 comments from the neighbors both are in favor of the variance. One is the neighboring property owner and felt there was no intrusion on her living space since it would be garage to garage.

Audience: None

Taylor: I guess I would like the roof line cut down a little more but as long as it is there, did you know where the property line was?

Staye: There was a survey done years ago. I was thought the setback was 10ft I did not realize that was for a detached not an attached. The reason is that the roof is tied into the house roof and it would be an entire tear down.

Taylor: I can live with the lean-to part if you use the minimum posts that are needed and you will need a storm water management plan with you being that close to the neighbors.

Schultz: I'm ok with it as long as it is never screened in.

Smith: I'm with Barry I would like condition that it is open and not closed in at any time.

Taylor made a motion to approve the After-the-fact variance to construct a 4' x 36' lean-to addition to an attached garage approx. 11 feet from a side lot line (min. 15 ft required) with the following conditions:

1. That the structure allowed within the side yard setback shall be the minimal necessary to support the existing roof. Provided it can be shown to meet the requirements of the building code and to ensure structural integrity, the resulting structure within the side yard setback.
2. That the reconstruction of the area within the side yard setback be completed by no later than June 1, 2016.

3. The applicant shall submit a permanent stormwater management plan designed to minimize the potential for water running off the roof of the garage onto the neighboring property in a way that would negatively impact the neighbor. This plan shall be approved by the Zoning Administrator and implemented by no later than June 30, 2016. Schultz seconded the motion. Motion carried unanimously.

Variance to construct a 24' x 27' addition to an existing detached garage approx. 54 feet from the center line of a Township road (min. 65 ft required).

Applicant: Alec Olson

Property address: 6938 INGRAM AVE NW, Maple Lake

Sec/Twp/Range: 34-121-27

Parcel number(s): 206070001021

Present: Alec Olson

Olson: Depth wise we have two boats going in there so we were hoping to not have to do just a bump out where the motor is. We are willing to do that if it is necessary. With the setback to the road every house is closer than that.

Oleson: We are just dealing with the road set back, lake & side yard are fine. They are putting an addition to the existing detached garage it is about 3 ft further out than the existing. Are you changing that?

Olson: We can change that we would have to put two one foot bump outs to the back.

Oleson: that would be fine as far as the lake set back. So the road and they are over the 1400 sq feet for detached accessory building. Maximum size is 1400 sq ft. and this is a little over so we have to address that either by adding it to the variance. It was not part of the original request.

Audience: None

Schultz: You are talking about the bump out the back side and he would need a variance for that?

Oleson: The way it is proposed now he would be at 1416 sq feet which is over the maximum allowed. So he has to either remove 16ft or he could do two 1ft bump outs.

Olson: We could make the 1400 sq ft by just doing 2 1ft bump outs.

Oleson: If it is cantilevered I don't believe it would not be counted as additional sq ft. So if you want to stick with the 1400 we can work that out with him.

Taylor: The bump outs would go out the back side, I don't have a problem as long as you stay approx. 54 ft from the road and no problem with the bump out as long as you stay under the 1400 ft

Schultz: I'm good with that.

Smith: I am good with that. I like the bump out.

Taylor make a motion approve the Variance to construct a 24' x 27' addition to an existing detached garage approx. 54 feet from the center line of a Township road (min. 65 ft required) with the following conditions:

1. That the building addition be reduced in size such that the total square footage of the resulting detached garage does not exceed 1400 sq ft. Alternatively, the garage dimensions proposed could be constructed as an entirely new detached garage and no variance would be necessary regarding maximum building size.
2. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between any areas of disturbance (if there will be any) and the lake as well as to

any neighboring properties which are downslope of the disturbed areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets, hydroseed or other forms of temporary cover until vegetation is re-established.

Schultz seconded the motion. Motion carried by a unanimously.

Variance to allow for 1,668 sq ft of detached accessory buildings (max. allowed is 1,600 sq ft).

Applicant: Randall J and Carol M Niewenhuis

Property address: 8832 Jenks Ave NW, Annandale

Sec/Twp/Range: 21-121-27

Parcel number(s): 206000212105

Present: Randal & Carol Niewenhuis

Niewenhuis: We had a 45x54 shed which had all our lake toys that we had bought only to find out it was sold illegally and we had to sell it back. So we lost our storage shed. I had a design that was more than 30x40 so we took the lean-to off since Ben let me know what the requirements were, however, I really need a 30x40 shed so we decided to pursue the variance. There may be some options. Sounds like if we declare the existing residence a dwelling we could make it. It is currently set up as a camper lot so nothing is designated a dwelling. We consider it non-buildable because of soil issues. So if you allow this variance someone else would have to destroy that. We are under the impervious and we are a distance from the neighbors.

Oleson: This one is similar to the last one. This one is 1600 because the lot size is larger. They are over by 68 sq ft not because of the building itself but due to the fact that none of the buildings are considered a residence. If we don't call them dwellings then they are accessory buildings and added together they are over. The only argument you could go with is that none of them are considered a dwelling. They could take down one of the other buildings. Setbacks are all fine.

Audience: None

Taylor: Under your recommendations would you explain the second paragraph.

Oleson: (pulled up picture) since this is a screen house with sleeping area, game room area the other holds the bathroom & kitchen. Normally a dwelling needs to have all three in one building it would be a dwelling and we would not be here tonight, so is that a unique situation that you could give the variance or not?

Niewenhuis: This is a building that is an open space game room and bunk beds in screen house and the little building has a small kit and bathroom which was there.

Taylor: Would you consider reducing the size of the building?

Niewenhuis: I looked at that, however, then you get into customizing if we consider one of the others a dwelling I would like to increase my footprint.

Taylor: I think you have to keep it at the 1600 sq feet.

Schultz: I'm trying to figure out how we can do this so that we can accommodate for the next person. Have you considered building?

Niewenhuis: We had thought about it but at this time we did not want that expense.

Smith: I am having a hard time giving a variance for the extra footage. You're looking at 28x40 building that would make it under 1600 sq ft. I know you're looking at a steal building and two

feet should not make that much of a difference. Myself I can't see us giving it when you have other buildings or could look at make one of them a dwelling.

Oleson: In one sense adding a bedroom space to the kitchen building they would have the minimum size to deal with which is 24 x24. Obviously you can take one of the other buildings down. If that is direction you're going we could deny or you could withdraw your request. The only difference is recording with the county.

Smith: Could we table and they can make that decision later?

Oleson: We could do that but either way they will get the same result.

Niewenhuis requested to withdraw the application Taylor made a motion to accept the withdrawal of the application. Schultz seconded the motion. Motion approved unanimously.

Taylor made a motion to approve the September 13, 2016 meeting minutes. Schultz seconded the motion. Motion passed unanimously.

Zoning Administrator's Report

- Permits

- Correspondence

- Enforcement Actions

- Findings of Fact - Previous PC/BOA Decisions

Other Business

- Review of previously granted variance requests (if time allows)

Oleson reviewed the new ordinance for the county regarding Solar Energy Farms and asked for any recommendations. Once question may be the length before it is renewed, Smith indicated that it should be renewed every 10 years. Smith made a recommendation that these should be Interim uses permits and reviewed every 10 years. Taylor seconded. Motion passed unanimously.

Schultz made a motion to adjourn. Smith seconded the motion. Motion approved unanimously at 9:01pm

Prepared by: Jean Just