

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION

April 7, 2011

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); Steve Huff; Larry Smith; Lee Parks; Barry Schultz

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

Others in Attendance: Bernie Miller; Steve Simon; Michael Lease; Charlotte Schreiner; Peter Schreiner; Betty Johnson; Richard Wagner; Steven Anderson; Lynnae Anderson; Kevin Blohm; Veda Vary; Mark Lease; Darcy Lease; Chick Lease; Sarah Goelz; Andrew Fink; Mark Fahey

3. Additions or Deletions to the Agenda: Quiggle asked for a discussion about complete applications to the Corinna Planning Commission.

1. Public Hearings

- a. (Tabled from March 3, 2011 meeting) Variance to enlarge an existing cabin approximately 46 feet from Clearwater Lake (75 feet required) on an undersized lot. Home length will be increased by about 5 feet and roof to be replaced with a higher pitch. Home will also be raised approximately 1 ft to meet floodplain requirement with a new foundation
 - i. Applicant(s): Michael Lease
 - ii. Property Address: 11510 – 103rd St NW, South Haven
 - iii. Sec/Twp/Range: 7-121-27
 - iv. Parcel Number(s): 206000073401

Mark and Michael Lease addressed the Planning Commission.

Oleson: This Variance request was tabled last month for five things: information regarding distance from proposed house to trees; information regarding distance of proposed house to septic; letter from the septic designer about why they cannot put in a drain field septic system; feasibility of the trees surviving; and a permanent storm water mitigation plan. They have addressed the first three in writing. The last two should be addressed tonight.

Mark Lease: Introduced Michael Lease. He passed out information. He pointed out that on page 2 of his written response there is a diagram of the trees distances and the septic system distances. I answered questions posed at last meeting. I sent crucial information from Watab as to why septic alternatives are an issue. Everyone already had a copy of that letter.

Michael Lease: I "Googled" run-off. If we channel the roof line to the back of the property it should address the water run-off problem.

Mark Lease: We would have some sort of plan in place once we know what the cabin structure would be. Another item is the 2 oak trees. There was concern expressed at the last meeting because trees were black.

Mike Lease: I called Fred – he owns Stockman’s Nursery in Litchfield. He is an arborist. He thinks they are red oaks. Black branches and bark are probably a natural occurrence. If it does not have black sap – it is a natural occurrence – no problem. He cautioned about getting too close to the trees and tamping down the soil. He says they may even be black oaks.

Mark Lease: The two trees in question, with black on them, are furthest away from the cabin. The rest of the trees have no discoloration at all.

Quiggle: Do you have a construction plan to present to us that will protect the trees?

Mark Lease: When I talked to the DNR – they said we will have to put a plan in place to do that. It is difficult to know how much stress the trees will take. They would like to have us preserve the trees. There is a possibility they may all survive. We plan to have our crew put together a plan to buffer the trees during the work.

Quiggle: The DNR said you have to put a snow fence up around the drip line of the house. This will be over the drip line of the house. He said absent that, the trees will be unlikely to survive over 5 years. I had asked you to come back with that plan. I don’t see how you can do construction there without cutting the roots for the foundation, and without compaction.

Michael: The portion of the drip line is a very small proportion for that. I have found that oak trees can have part of roots taken off and can survive.

Quiggle: You do not have a plan in place?

Mark Lease: That is correct.

Mark Lease: It seems like the septic is the major issue. If we could put in a different septic – we would have flexibility. We cannot do this, according to Watab. If the other 5 foot addition is the big challenge – we know we want to bring the cabin up to flood level stage. What if we leave the footprint exactly as it is – instead of a 5 foot addition – what if we just go up instead of out? He passed out plan to keep footprint exactly as is. We will go up. The roof has to be replaced anyway. Our plan will not be over 2 bedrooms. We wanted to add 5 feet to have a reasonable sized bathroom and utility room. The second page is drawing of 2nd floor would look like. This is an approximation of look we would be after. This plan would not be adding the five feet to the width. It seemed like that was one of the biggest concerns last meeting.

Quiggle: Increasing the volume of the structure is still expansion.

Mark Lease: We thought this would be a good alternative to adding the 5 feet to the footprint.

Michael Lease: Put in a 2 bedroom loft – it would still be very conducive to the lake.

Oleson: Refer back to the section on holding tanks. They can be used for expansions if the value of the work is not exceeding 50 % of the structure. Holding tanks may be used for the exact replacement. The other issues - sewer, storm water and trees - We are going off the information that we have. We have to decide if we need more information.

Parks: On the original plan, how was the roof line? Would it have gable ends or would it have had all hip roofs so it can gable to the back?

Michael: Original plan was triple vault – one toward front of cabin and two running along lakeshore. You can see where vault goes – rainwater would run off the gutters and gutters would run to the back.

Parks: There would be a gable end facing the lake?

Lease: Yes.

Quiggle: I see two very serious issues - the house is 46 feet from the ordinary high water mark. I noticed your grass is underwater right now. The holding tank was put in last fall – knowing that you were going to be building. The township and county have adhered to the rule – there is no expansion on a holding tank. I am against any expansion except raising the grade to the flood plane and increasing the slope of the roof from 4/12 to 6/12. Otherwise – I see most of the practical difficulties as being self-imposed.

Putting in the holding tank where you put it, you want to keep parking but want to keep shed, trees are

a limiting factor. Only roof and flood plane would be allowed in my opinion – with otherwise exact replacement.

Mark: Watab made it clear that the practical difficulty is that even without putting the holding tanks in - we still had the same problems with putting in the other systems because it was not practical to put in other systems.

Quiggle: That limits you to no expansion, in my opinion.

Huff: Would the 2 story and the loft – going up instead of out – raise it up on floating slab?

Mark Lease: If we were allowed to go up – we would replace the slab, leaving the same footprint.

Huff: I have no problem with that.

Schultz: Saving trees has not usually turned out well. I like the plan if you stay within the footprint.

Smith: I also like that idea. I am in favor of that as well. Stay within the footprint – but going up.

Smith: How do you stay within 50 %of the value?

Oleson: You are granting a variance to that. This is a practical difficulty, or why an exact replacement would not be a reasonable use.

Mark Lease: For 96 years it has had an outhouse in the back. We just want to make it a little bit usable for our family.

A motion was made by Huff, seconded by Schultz, to recommend approval of a variance for a replacement dwelling to be constructed approximately 46 feet from Clearwater Lake (no closer than the existing dwelling). The new dwelling is not to expand on the existing footprint, but is allowed to be raised to meet floodplain elevation requirements and is allowed to have a lofted area above the main floor. The following, additional conditions were recommended by the Board of Adjustment:

1. The replacement dwelling shall not contain more than two (2) bedrooms unless a drain field designed to accommodate additional bedrooms is added to the property.
2. The applicant should submit a permanent storm water management plan designed to minimize the potential for ongoing erosion or sedimentation. 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.
3. 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 on down slope areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets or other forms of temporary cover until vegetation is re-established.

The following findings of fact reflect the reasoning for the granting of the variance discussed by the Board of Adjustment:

1) Will the granting of the variance be in conflict with the Comprehensive Plan?

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

- o 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.

- BOA Comment: The recommended conditions of approval require temporary and permanent storm water retention and erosion-control practices to be employed on site.
 - 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.
 - BOA Comment: One of the stated reasons for not moving the house back closer to the setback is to preserve existing mature oak 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.
 - BOA Comment: The recommended conditions of approval require temporary and permanent storm water retention and erosion-control practices to be employed on site, given the proposed house would be so close to the lake.
 - Limit the amount of grading and filling in the shore land area so as to minimize the disturbance of soil and prevent erosion.
 - BOA Comment: If the home were moved further back in the lot, it appears slightly more fill would be needed to meet floodplain elevation requirements. The proposed location minimizes the need for fill and grading.

2) How substantial is the variation requested in relation to the minimum requirement of the Zoning Ordinance?

The applicant is requesting to be about 29 feet closer to the lake than is required by the minimum setback of 75 feet. Given that the house is not increasing in its footprint, the location of the existing sewer system and mature oak trees prevents the house from moving further back and the height increase will not make the resulting house out of character with the neighborhood, the BOA does not consider this application to be a substantial variation.

3) Will the granting of the variance have a negative effect on government services?

The proposed variance would not appear to create any significant additional or negative impact on government services as the use of the property would remain single-family residential in nature and the size of the home would not substantially increase so as to allow for a greater number of people living in the home. Further, the proposal is to raise the dwelling so that it will be less likely to flood, and therefore less likely to require the additional public safety or other services that may be necessary in the event of a flood. While the proposed rebuilding of the home will make it more suitable for year-round use, there are many year-round homes in this neighborhood and it should not increase the need for government services significantly beyond what is already provided.

4) Will the granting of the variance effect a substantial change in the character of the neighborhood or be a substantial detriment to neighboring properties?

The proposed home would not be significantly larger or otherwise out of character with the other dwellings in the immediate area. As viewed from the lake, the visual impact would likely

be greater than it is now, but not substantially – especially when considering the rest of the neighborhood contains multi-story homes. The variance would not result in a substantial detriment to neighboring properties as it will be of sound construction, meet floodplain elevation requirements and of customary design for a residential dwelling.

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

To avoid the need for the requested variances, the home would either 1) need to be reconstructed to exactly the same footprint and height, or 2) be moved to an alternate location that would meet the required 75 foot setback.

To construct the home to the same footprint and height would not be feasible because it would not allow for the home to be raised to meet floodplain standards and the existing dwelling space is insufficient for a typical two bedroom dwelling with space for kitchen facilities, utilities and living area. The proposed expansion will result in only a height increase and not an increase in the footprint of the existing dwelling.

To move the home back would not be feasible because it would result in the loss of mature trees and require the moving of a septic tank that was installed just last year.

6) How did the practical difficulty occur (including whether the owner created the need for the variance)?

The need for the lake setback variance is primarily due to the fact that the existing holding tanks, installed in 2010, were installed between the existing home and the road – in the location where a home would need to be constructed if it were to meet the required setbacks from the lake and the road centerline. In addition, the location of the existing mature trees, which have been there for many years, presents a practical difficulty over which the current owners had not control. The home was originally constructed prior to current setback regulations.

7) Will the granting of the variance adversely affect the environmental quality of the area?

The most likely impact on the environment would come from an increase in impervious surfaces and/or an increase in the use of the shore land areas. Given that the increase in impervious surfaces is relatively small and remains under the allowable ordinance limits, the proposed structure would not likely degrade water quality simply due to the larger home. Given that the proposed replacement house will have the same number of bedrooms as the previous home and that the primary impact on lake quality occurs in summer months, when the existing cabin is used anyways, there is not likely to be a significant increase in use of the lake over what already occurs.

In terms of impacts on the environmental quality of the area during a possible flood, the impact of the proposed building would likely be less than what currently exists given that the dwelling does not meet floodplain elevation requirements and a flood would likely carry pollutants inside the home (i.e. cleaning products, heating fuel, etc...) and into the environment.

8) In light of the above factors, will allowing the variance serve the “interest of justice”?

The Board of Adjustment noted the following as issues relating to “the interests of justice”:

1. At the time of their install (September 2010), the holding tanks were allowed by ordinance because there was no expansion, alteration, addition or improvement to the existing dwelling in excess of 50 percent of the assessed value of the home and because

there was not a proposal for exact replacement of the dwelling. The applicant's sewer designer has submitted a letter indicating why, in their professional opinion, a drain field for the proposed home is not feasible.

2. Nearly every home along 10^{3rd} Street NW within 1000 feet of the Lease property is located within 50 feet of the lake. Many are closer than the proposed Lease home. The adjacent home to the east is located 68 feet from the lake, as allowed by a 2005 variance.

Oleson: If this passes – you have to submit building plans that meet with all stipulations.

Parks: The building will be brought up above the flood plain.

Four voted in favor. Quiggle voted against. The motion carried.

This recommendation will go before the Corinna Town Board. The Town Board can accept the recommendation of the Board of Adjustment, render a modified decision on the application, or send the request back to the Board of Adjustment for further review if additional information is needed.

The following variance request will have to be tabled, because we did not have sufficient information.

- b. Variance to construct a replacement dwelling, deck, porch and attached garage approximately 67 feet from Sugar Lake (75 feet required) and 17 feet from the top of a bluff (30 feet required) on an undersized lot.
 - i. Applicant(s): Peter and Charlotte Schreiner
 - ii. Property Address: 11095 Hollister Ave NW, Maple Lake
 - iii. Sec/Twp/Range: 2-121-27
 - iv. Parcel Number(s): 206056001030

Peter Schreiner, Charlotte Schreiner and Bernie Miller addressed the Planning Commission.

Oleson: There were two comments from neighbors.

Quiggle: They need to have additional variances that were not noticed in the newspapers in order to construct the replacement dwelling, deck, porch and attached garage 12 feet from the side lot line (15 feet is required) and 53.5 feet from center line of township road (65 feet is required on an undersized lot). A variance is also needed to construct a septic drain field 5 feet from the property line (a minimum of 10 feet required) and 10 feet from a building (a minimum of 20 feet is required).

Oleson: The main thing was a question about the original survey – did it include stairs and deck and concrete patio at the bottom of the stairs in the impervious coverage. Bernie Miller said stairs and deck were not included. A new plan was submitted including all the impervious. Issue is that this is right up against the 15 and 25 percent impervious coverage limit. There is the bluff setback to deal with. The other question is the location of the proposed sewer system. Are there alternate locations so that the house can be moved further from the lake and further from the bluff? It is already too close to road. This road is barely a road.

Quiggle: Is it a private easement?

Schreiner: No – I think it is labeled as a road on the plot. It is not maintained or plowed. Our south property line is going to be vacated. The road will serve only us and the Mengelkoch property. There will be a turn-around where the gardens are.

Oleson: I talked with John Dearing. There will eventually be some construction.

Quiggle: So road will be improved?

Oleson: 112th is a gravel road –it just kind of turns into a trail. There were some comments I handed out. They talk about septic system setback – neighbor to the north does not object to that. Neighbor to south does not object to property line setback to their lot. Another feels it is too close to the lake and how it will affect the lake quality.

Huff: Where is new septic going?

Oleson: Multi flow with pressure bed.

Oleson: Existing deck would come out 7 feet beyond the house. 76 to house – 67 to deck. From lake. Deck porch 17 feet from bluff- house would be 2 feet from bluff. 12 ft setback to south, 5 foot setback. Everything is squeezed in here. You are taking out a deck?

Peter Schreiner: Yes.

Oleson: Turn around driveway will be removed.

Quiggle: Concrete surface down by shore land that would need to be removed?

Oleson: Will you have to back all the way down the driveway?

Bernie Miller: I designed the septic. How to develop the property - we looked at many alternatives.

There are at least 15 plans that we did to work through some of this - a septic, driveway and house. Ultimately this is the plan they want. I can talk more about some of the details. One thing you do not see is how the lot contours. There is quite an elevation difference between the road and garage. 20 percent slope for driveway. A 10-12 % slope on driveway is pushing the limit. You are asking for trouble increasing that, in my opinion. As far as septic system – there is an existing holding tank very close to property line. I worked on the property to north – septic system. Peter allowed them to build it at 5 feet. The well is shown. Anywhere else, we started there and said there is no other place to put a septic system on the property. We did borings across the road – however that is very steep and probably is flooded now. This is often wet. This is steep. This is not conducive. There was consideration about it there, though. The way the grades are there is really no way to do that there.

We looked a couple things – ultimately how to work a septic we did as much as we could to save trees. There is a slope to the road. In the flatter area – this house is actually designed that it requires very little excavation outside the footprint of the house. We considered 12 feet so that we would have access to the well. Limited to where well can go because of other people's septic systems. Designed house around grade, trees, septic system and the bluff the best we could. Moving the house back increases slope of the driveway and the amount of material you need to move. This house is in optimum location. As you move back it pulls it off the hill.

Miller: Bluff – right here – as if we went to the 15 feet – the house, no matter how you'd do it, you end up with a house that is that big. It would be very limiting. I think it would be very difficult – it is better to be 12 feet from this line rather than be closer to the sewer.

Peter Schreiner: Ben – can you show the survey? What makes our lot unique is - look at the elevations. Look at neighbor lots – down a total of 6 lots - there is a 112 foot contour that exits right here 1012 here and 1012 here – this whole lot is level to the top of the hill. It is like that for next 6 lots. Ours goes from 102 with an 8 foot drop back to the road. Also diagonally – no erosion problem in over 20 years. Only runoff going downhill is what falls on the road. Other thing that bothers us – neighbors were given variance for an 18 foot x 24 foot deck screened porch. This will affect our view. Slope is even more important than the view. I am concerned about the slope to garage without a flat area. It will be slippery in the winter.

Quiggle: The way you have it set up now – is OK?

Peter Schreiner: It is pushing it.

Quiggle: Lots of things have not been noticed. We have to talk in generalities for that reason. I have heard you about the slope. You feel like driveway is doable?

Peter Schreiner: Yes.

Miller: Good example of how to consider all things when designing a house. A lot of people can't see or visualize certain things – but this took several hours since last fall. I have additional drawings that address the grading and landscape plan. They have been working on rain gardens and how to address storm water. We are prepared to talk about other alternatives for septic if needed. Let's look at the landscape plan.

Peter Schreiner: Blue arrows indicate direction the water would run – it will go diagonally and back toward the road. No downspouts toward lake. We would slope all gutters to back and use rain barrels and rain gardens.

Miller: This area on elevation - very little grading needs to happen on this side. Some trees will not make it. The rest of the trees should make it. Silt fence to reduce. 3 feet away from being a walkout grade. This part is not in bluff impact zone. Driveway on this side. Can take all the water back – it can break this way and divert to green space. There is area for rain garden. This driveway got smaller. This is at 11 percent. As you push back further – you get closer to road setback. This works relatively nice.

Quiggle: Bearing in mind that we can only give you feedback, this has to be re-noticed.

Smith: Impervious percentage?

Miller: Play is in driveway. We are now at 25%.

Quiggle: taking out deck midway up the slope and concrete patio at the bottom.

Miller: Still at 25%.

Miller: Has there been consideration for impervious surface for decks?

Quiggle: Wright County says deck is impervious. If you use pervious pavers for walkway or driveway, it is calculated at a different percent. Pervious paves are not figured at 100% impervious.

Quiggle: Wright County changed their impervious coverage ordinance about 5 years ago. They added decks, gravel roads, etc.

Peter Schreiner: Total building is at 14.8%

Quiggle: Essentially maxed out but not over.

Smith: Anyway to downsize the house?

Charlotte Schreiner: When we looked at this house – we are building for our future – to live on that one level. If we were younger – we could have our bedroom upstairs. On the one level we have laundry, bath, kitchen, living, dining and master bedroom. It is not reasonable at our age to put a bedroom upstairs. We tried to purchase land from our friends. But that did not work. I do not know how to make the house smaller. I don't know how to make the house smaller because very quickly it becomes unusable. We have been told that we have a topography issue. That lot does flood and when it rains – it comes off the field and floods the back field. As Oleson pointed out - if we purchased – it would be a new lot. We would need room for 2 septic systems. It became quickly unusable land to us.

Peter Schreiner: That was Barry at Wright County – with a road in between – we could not count it as footage for the lake lot.

Miller: Let me ask another thing: The 65 feet from center line is based on 66 wide right of way. The setback is really is there consideration from being 32 feet. In that case there is no possible way to build anything.

Quiggle: Road setback is not a big issue.

Shultz: No questions.

Huff: This house scares me because I think it will look like a monster on that lot. We visited the site. You want to add deck on front. It is already close to the lake. To go from total impervious – add 2000 square feet – most of it is in that house. When you butt up against guy to the south this is really going to be a big house. I understand your concerns about one floor - my recommendation would be to make it smaller so that it takes up less impervious. I think you would be disappointed when you see this house when it is done. Monster homes totally destroy the character of the neighborhood and shoreline. It might be a surprise when you got done.

Charlotte Schreiner: I think that this is a reasonable concern. To the south – there are several newer houses that have been built that are much larger. The next door neighbor has 2 cabins – not one. The house on the north side is about the same square footage – but two stories with detached garage on the same lot size.

Huff: You have 3 flights of stairs on this. You mentioned wanting to stay on one level.

Charlotte Schreiner: Laundry, garage, bedroom on main floor is the main thing.

Parks: No questions.

Peter Schreiner: Ben raised issue in staff report of the possibility of us adding 4th bedroom. Our kids are married and live out of state.

Quiggle: We have to consider that someone else may own this house – and they may use it with more bedrooms.

Miller: The drain field size now –3 bedroom treatment level. This will still meet for 4 bedroom home.

Quiggle: 3 bedroom with exercise room?

Quiggle: I guess since we can't deal with specifics – my major concern is just the fact that this is maxed out on impervious. I would want exact figures on square footage.

Oleson: If they remove patio by lake.

Miller: The recent plan I sent Oleson – no matter what we do – if you were to come back a little bit – anything you could do to gain some – you would want to put back in the driveway to 25%.

Quiggle: You cannot even put a doghouse on this – it is so maxed out. Since you are asking to get a variance to ordinary high water mark and bluff –would you consider a buffer of native plants in some of that area – that would help with some of the problems with maxed out impervious surface?

Oleson: Driveway not having back down area. Is this practical?

Miller: If someone parks there it will be difficult to turn around a large vehicle.

Oleson: Later someone could say that driveway is a practical difficulty because you cannot turn around in their own driveway? Future owners and this board will have to address this later.

Peter Schreiner: I wish there was an easy answer.

Miller: As you can see – the elevation out here is 1013 – as you get here it is 1010. There is actually almost 4 foot lower. Now this length we have with small flat area. It reduces the slope.

Quiggle: Anyone in audience have comments? Otherwise has everyone asked questions they have? At this point this has to be re-noticed. You will have to come back to the next meeting.

A motion was made by Schultz, seconded by Smith, to table until the next meeting. Motion carried unanimously.

Peter Schreiner: Anything else we should bring?

Quiggle: Wright County has yet to look at this as they did not have all the facts.

Oleson: At town board meeting – curious to know the plan for this cul-de-sac. It may be to your advantage.

The following variance request will have to be tabled, because we did not have sufficient information.

- c. Variance to add a second story expansion to an existing dwelling approximately 49 feet from Clearwater Lake (75 feet required) and 8 and 13 feet from the side lot lines (15 feet required) on an undersized lot.
 - i. Applicant(s): Steve and Tammy Simon
 - ii. Property Address: 9823 – 103rd Street NW, Annandale
 - iii. Sec/Twp/Range: 9-121-27
 - iv. Parcel Number(s): 206012000020

Simons and Bernie Miller addressed the planning commission.

Oleson: Something came in the last day or two in terms of a site plan. We only got it yesterday. Issues with this one include going up a second story and adding another garage stall. They are already over the impervious limits. Proposed would be 15.9% and would slightly decrease overall coverage. They are also too close to the lake. They are 50 feet to the lake. Side yard setback on both ends is issues. They are not changing though. It is 4 or 5 feet. There is a question about the sewer. It is sized for 2 bedrooms, per Wright County rules. It would be fine for 3 bedroom with state rules but Wright County is more restrictive.

Miller explained that he sized the system - this is a tank.

Miller: For 2 bedrooms – a 250 foot drain field is required from the state. With Wright County - 600 feet is required. Miller read from the table – Wright County is more restrictive.

The drain field is more than adequately sized based on state standards. This has been increased in the county to extend the life of the system. As far as the tank –state is good – county is 1,500 straight across. The state is less restrictive. If you put in a smaller tank it will decrease the life of the drain field. Dark blue is the existing system. 700 square feet pressure system - there is room for an additional one. He has room to upgrade. Setbacks are not really a concern.

Oleson: What we know – lake and side yard setback. We did not know if they were over impervious. We found out later that there is a bluff. The 2 foot contour maps from the county indicated this. Do we need exact measurement or not? Those are 2 things it would have to get re-noticed for. Are you OK going up when it is that close to the bluff?

Issue of bedrooms – 3 planned bedrooms. Those would be the issues. If we are going to talk- initial thoughts – bluff and impervious. Driveway gets narrower – so less impervious overall when done.

Oleson: Backing out of the driveway?

Simon: Same as it is now.

Quiggle: Over impervious coverage is a serious concern.

Huff: How long have you owned this?

Simon: Two months. It is a year-round house. We would like to move here in five to ten years. We are not coming closer to the lake. We are over – but are going to improve on the impervious. We want to improve the gutter system - we have to replace the roof. We want to go up a story, too.

Schultz: This will look out of place with the adjoining properties.

Simon: Beyond that there are 2 story homes and 3 stall garages.

Huff: 3 season porch and how it is supported. Foundation is sitting on highly erodible soils.

Those are the concerns I have. To put a second story on the top of that bluff – that gets very iffy.

Schultz: I agree with Steve.

Parks: It is in the bluff?

Quiggle: Yes.

Oleson: Either in or right next to the bluff.

Smith: It is going to tower over everything else. I have concerns.

Simon: The foundation and first floor are good.

Quiggle: This is a considerably undersized lot –already maxed out on impervious and setbacks. I cannot see you doing anything without bringing impervious back to maximum allowed. I know you want to add another garage. This lot is not created for a year-round 2 story home with a 2 car garage.

Huff: You could modify and come within the rules that are set up.

Quiggle: It really has to be within structure and impervious surface coverage maximums. What is important to you and how do you want to get there? As far as septic – my feeling is that his is not unlike the Peterson situation – functioning improved system. We would have to have the county check. If they consider the same way they did with Peterson – it is still preferable to maintain the system as is -

until such time as it fails – that would be something we would have to check with environmental health at the county.

Parks: I think you would have to have an engineer to look at footings as they are set up in that bluff. It looked a little touchy there.

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

Oleson: I have talked to Steve a number of times. I guess what I am hearing is that the impervious cannot exceed the maximum. That is something that the county does not vary on.

Quiggle: If he wants to expand the size of house – he can do other things to mitigate the impervious.

Oleson: Engineer assurance that house will not affect the value.

Huff: I would tear down on the front side and build toward the back side. The value would be better and keep its value longer. You can't believe – that whole thing can move. Your house could break in half.

Quiggle: Go back and rethink what we have said and get back to Oleson. We cannot design it for you. Here are our concerns. We need all the specific setbacks, impervious specifics, come down to 15 and 25 % if you want to enlarge the house in some way.

Miller: About the bluff – what is on other side - it is going to be impossible to determine. It is going to be hard. Just because of what is there. You can survey and measure the break. There is concrete underneath. It is going to be tricky to figure out. We did not look at that.

Huff: What would you have us measure – use for criteria?

Miller: It is hard that it is not a straight line. A line like that you try to set back. It would be very hard if you set it back twenty feet – that would be difficult.

Quiggle: At this point - is there a motion to table? Think and examine and come back to Oleson with new plans.

A motion was made by Huff, seconded by Smith, to table the request. The motion carried unanimously.

Miller: When is next deadline?

Oleson: April 13.

The following variance request will have to be tabled, because we did not have sufficient information.

- d. Variance to construct a replacement dwelling approximately 62 feet from Pleasant Lake (75 feet required) and approximately 12 feet from the side lot line (15 feet required) on an undersized lot.
 - i. Applicant(s): Steve Anderson
 - ii. Property Address: 11649 – 89th Street NW, Annandale
 - iii. Sec/Twp/Range: 19-121-27
 - iv. Parcel Number(s): 206062000080

Steve and Lynnae Anderson addressed the planning commission.

Oleson: There is quite a distance between the road and house. Existing cabin – retaining walls down hill. Not a bluff but a steep slope. Tear down completely and rebuild with a basement. A little larger footprint. 12 feet from one and 22 feet from property line. Try to preserve trees. It would be 67 feet from lake. Too close to the lake. One of the reasons they cannot go back – more difficult with holding talk back there – would have to move the septic tank. Could be done but at a cost. There was talk about if the sewer system was adequately sized. Septic system they thought could go in – now they could not. Closer on neighbor's side.

Quiggle: Once again – this has to be re-noticed.

Oleson: We need exact building size and floor plan - how many bedrooms. Impervious – we know a little more about that now - 22 % total. What are buildings separately? What do you think about moving back when the tank has to be removed and replaced somewhere else? Can they move it back?

Anderson: We bought the cabin a year and a half ago. In January a pipe cracked and pumped 20,000 gallons of water into the house. Now there is mold in the cabin and in the ground. It has been added onto at least twice. The 1st of March we decided we needed to tear it down. We settled with insurance in doing that. We want to keep basically the same footprint – add 2 or 3 feet to the back. Move toward Marv Marohn’s property.

South property - cabin comes within 2 feet of our property line. We have nice trees on the far side – we are trying to keep and not damage. A walkout basement would be very nice, because of bluff. We would take the first tier out and make everything green out to second tier. Safety feature – last year there was a storm and there was no place to go. We have been dealing with Flygare on sewer. He gave us two or three plans. We cannot add another lane. We want to stay with a 2 bedroom sewer and keep a 2 bedroom house – but make it year-round.

Quiggle: Is there a survey?

Anderson: Yes.

Quiggle: Building plans?

Anderson: No. 12 feet to one side – 3 season porch – where the deck was. The other side has a boat house in the area. Moving back a little bit would change our view – a tree may have to come out – septic system might have to come out. Flygare said if we tried to do something we might need another variance. Showed sketch of new house.

Anderson: We put down more green. I am trying to stay as far away as possible from trees.

Quiggle: Setback from lake and side yard setback.

Anderson: I am looking for direction. Will come back with complete layout when we have direction.

Quiggle: Impervious issue?

Oleson: 22%.

Quiggle: Stay at 15% structure and under 25% total impervious coverage. Work within those parameters. The side yard setback with the issue being wanting to preserve trees – 3 foot to east property line.

Anderson: Septic is OK for 2 bedroom. System was built in 1990, inspected in 2008 and 2010. Was OK both times.

Oleson: The survey noted that fabric was under the rock.

Anderson: Dean said the fabric will let water through.

Oleson: Some count the fabric – some do not. It has not been counted at this point. I have to look into it. The definition is not really clear.

Quiggle: Rather than putting in turf grass – you want long rooted plants, prairie grasses – they will help infiltrate on the terraces and it will not end up in the lake.

Anderson: We have prairie grasses started now. Low maintenance.

A motion was made by Huff, seconded by parks, to table the variance requests. Carried unanimously.

Neighbor Betty Johnson: I am OK with plan. The only thing the variance is way over. It is past the walnut tree. It is ok.

- e. Variance to construct a dwelling addition approximately 120 feet from the centerline of County Road 7 (130 feet required).
 - i. Applicant(s): Adam and Sarah Goelz

- ii. Property Address: 8408 County Road 7 NW, Maple Lake
- iii. Sec/Twp/Range: 23-121-27
- iv. Parcel Number(s): 206000234202

Sarah Goelz addressed the planning commission.

Oleson: Farmstead house – County Road 7 - 130 setback from centerline addition would start at 120 feet from the centerline. Septic plan would accommodate 5 bedrooms. County engineer did not have a problem. Engineer did not think there would be any widening of County Road 7 in the future.

Quiggle: My only concern is with the new law – the change –they are not increasing the nonconformity –not making it worse than it is now.

Oleson: The hardship is that they cannot build anywhere onto this house. Their house is the only place that does not make it worse.

A motion was made by Quiggle, seconded by Huff, to approve the variance with the following findings of fact. Motion carried unanimously.

Findings of Fact:

- 1) Has the applicant demonstrated that the proposed actions will be in keeping with the spirit and intent of the ordinance and will not conflict with the Comprehensive Plan?**
 - a) The Comprehensive Plan does not directly or indirectly discuss issues related to required road setbacks.
 - b) The spirit and intent of the ordinance (road centerline setback) is presumably to protect property and life in the event of a vehicle leaving the road, to allow reasonable space for snowplowing and road maintenance, and to allow for the possibility of potential future road expansion. The County Engineer reviewed this variance request and indicated to Staff that he did not have a problem with the requested variance being granted, as the existing house is closer than the proposed addition to the road and there are no plans to expand County Road 7 in the near future.
- 2) Has the applicant demonstrated that the property in question would not be able to be put to a reasonable use or yield a reasonable return if used under the conditions allowed by the official controls?**
 - a) Without the requested variance, the applicants would not be able to construct any addition to their existing house. There is nowhere else on the property where an addition could be added.
- 3) Has the applicant demonstrated that the plight of the landowner is due to circumstances unique to the property not created by the landowner and is not a plight shared by neighboring properties in the same zone?**
 - a) The existing house was constructed prior to current setback requirements. There is nowhere else to add on to the existing house without needing a setback variance.
- 4) Has the applicant demonstrated that the character of the locality would not be altered if the variance is granted?**
 - a) The proposed home addition would have no impact on the character of the locality, as the property would retain the farmstead character that already exists.
- 5) Has the applicant demonstrated that the granting of the Variance will not adversely affect the environmental quality of the area?**

- a) The applicant is installing a sewer system that meets all requirements. The environmental impact is expected to be minimal, if any.

The Town Board can accept the recommendation of the Board of Adjustment, render a modified decision on the application, or send the request back to the Board of Adjustment for further review if additional information is needed. If the decision is for approval or denial, findings of fact should be cited.

5. Approve Previous Meeting Minutes of March 3, 2011

A motion was made by Schultz, seconded by Parks, to approve the March 3, 2011 Meeting Minutes. Motion carried unanimously.

6. Zoning Administrator's Report – No reports

- f. Permits
- g. Correspondence
- h. Enforcement Actions

7. New Business

a. The Board of Adjustment discussed what information is needed for complete applications and instructed Staff to ensure that applications are complete before putting applicants on an agenda.

Three of the variance applications heard by the Board of Adjustment on April 7th were tabled so that additional information could be provided and/or revised public notices could be sent out. The Board discussed, after the public hearings, the issue of when an application should be considered complete enough to schedule for a public hearing. The Board felt that Staff should not schedule applicants for a public hearing until complete information has been provided (as opposed to allowing for certain key information to be provided within a few days after the application deadline).

8. Old Business – None

9. Adjournment

A motion was made by Huff, seconded by Schultz, to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:15 p.m.

Minutes respectfully submitted by Mary Barkley Brown