

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION

June 2, 2011

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); Steve Huff; Barry Schultz

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

Others in Attendance: Kevin Blohm; Veda Vargo; Agris Kelbrants; Dennis Cullip; Sandy Cullip; Mike Zieska, Dick Naaktgeboren

3. Additions or Deletions to the Agenda: Quiggle would like to discuss new action at Cedar Acres Park.

4. Public Hearings

- a. (Tabled from May 5 meeting) Variance to replace the roof of an existing one-story dwelling with a 12/12 pitch roof and bonus loft area approximately 49 feet from Clearwater Lake (75 feet required), inside a bluff impact zone, and 8 and 13 feet from the side lot lines (15 feet required) on an undersized lot that exceeds the maximum allowed impervious coverage.
 - 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
 - v.

Mr. Simon asked that his request be tabled for this evening's hearing.

- b. Variance to construct a dwelling/garage addition approximately 38-39 feet from Sugar Lake (75 feet required) and approximately 23-25 feet from the centerline of a Township road (65 feet required) on an undersized lot. Variance for building coverage to be approximately 18 percent (max. 15 percent allowed). Variance to construct a septic drain field 5 feet from a side and right-of-way property line (min. 10 feet required).
 - i. Applicant(s): Kevin Blohm and Veda Vargo.
 - ii. Property Address: 11708 Hollister Ave NW, Maple Lake.
 - iii. Sec/Twp/Range: 2-121-27.
 - iv. Parcel Number(s): 206011002070 and 206011000032

Kevin Blohm and Veda Vargo addressed the Planning Commission.

Oleson: There are a couple clarifications: The lot size should read 12,100 square feet for this lot. When talking yesterday I discovered that the site plan shows a 24'x 42' addition to the road side.

Blohm: Back in 2007 I came in here to try to get a building permit. I went down to 20'x 40' now.

Oleson: Building plans in your packet show 20'x40', or a difference of 208 sq. ft. This drops it down to 16.4%. This is based on 12,100 square foot lot. That is a correction. Also the addition is a two-story addition, but also adding over existing house for part of the second story. There is going to be a second story about 17 feet from the lake. Deck would be 3-4 feet closer to the lake. The addition would be part garage, part living space, 4 foot deck on second level. They have an existing outhouse that would be removed. The septic will be moved to the other side. This is all based on a survey that was done in 2006 or 2007, according to Bernie Miller. We are still working to get documentation of that survey. The other unique thing is that this lot includes 2 lots and a triangle that was previously right of way for the township road. They now own this. This is a shallow lot – there is not much depth to it. A new well would be drilled.

Blohm: We bought property in 1993. Since then we have been remodeling – new electrical and windows. Then in 2006 we decided that we wanted to build onto this. I had Chairman John Dearing, Bill Lieb and Al Jude look this over. They said what I drew up back then – they said they would give me a permit.

Quiggle: The Township was not the building or zoning authority. You would have had to go to Wright County to get anything. You may have received a recommendation from Corinna.

Blohm: I got a recommendation from them. They said before I could do anything – I needed 20,000 square feet to do anything. I bought an acre of property on the back side of the lot. The town would have to vacate that property. Bob Palmer owned the property. He said he would sell to me. There was a clouded title – took 2 years to get that all done. I quit claimed the township a parcel. We came here and listened to people – and I knew my impervious was at 18%. I crunched it down to 16%. I had Dave Rasset put 70 ton of rock out there. I have been bringing it up to what I think is a nice cabin. If you look at the planned addition – yes there is a deck on top. When you have a 2 story home you have to have something to break it up. As you drive on road – you go up 8 feet. My roof line would probably be the same as the existing home. There are two walkouts and two - two story homes. There would have to be grading on the back side. There is some ponding there. Septic will be back in that corner. I get everybody's water that is up on the hill and my other neighbor's water. I am 10 inches low right there. I would have to take down one maple tree - that would make me sick. The others are dead. An elm would have to come down, too.

Quiggle: Is there anyone in audience that would like to comment? Quiggle read Barringer and Ohnsorg comments into the record. They do not object to the variance requests.

Blohm: I don't know if this is a township road.

Naaktgeboren: It is a township road. It is maintained, plowed, graded.

Quiggle: Ms. Quiggle read the Tuesday, May 31 comments from Wright County Planning and Zoning aloud. They are also on the website.

Quiggle: We have to take the county's comments into consideration as we are administering the planning and zoning on their behalf.

Shay: As the Wright County comments said - there are a number of issues we need to address. This is a large structure on this lot. Impervious coverage – pending survey – we hold steady to 15%. If size of addition is correct – the road setback is now at 17 feet, which is less than required. With a little more shrinking – maybe you can get closer to the proper road setback. Also – I would agree that if we are adding this size structure – doubling – then we get to 17' lake setback– to me I would like to see what we can do to shrink impervious, lake setback to at least where it is currently at – get to a minimum road setback – get septic system in to 10 foot side yard setback. Septic setback is not as big a concern to me.

Huff: We inspected the property last night. I live on Sugar. To put this big a house on that lot – really does not fit character of the neighborhood. It is going to be quite dramatically different from the others in the neighborhood. Some of the small issues like proposed driveway – I don't think you can make the corner to get into the driveway. Is that a single stall garage? You are going to come out another 20 feet

from where the existing house sits? That makes it worse. That road is so narrow – you will be so close to the road – can't make corner. Sewer system spot – that is where you have the most room – that is going to be an expanded mound. You are going to run out of space there. That part of the world is as low as it gets. It is going to flood.

Veda Vargo: We own on the other side of the fence.

Huff: I understand that.

Quiggle: Is the sewer system going to be above ground? Because right now that ground is totally saturated. I was ankle deep when I walked back there. You would not want any of that in the groundwater.

Huff: Seems like a huge house for that small lot. You are trying to put way too much house on too small a lot.

Blohm: Adding a garage, 2 bedrooms, and going over the existing structure.

Schultz: The others have covered all my points. I agree with Huff – you are putting too much on there.

Quiggle: I agree with what everyone else has said. These were lots platted in the 1920s and 1930s for fishing cabins. Those are not going to be upgraded because they do not have enough room. Some have replaced their cabins with new construction in the same footprint – to make their cabin more efficient. I do not think the character of the neighborhood will change due to the size of the lots. I have real problem with your proposed lake set back. You are well into the lake impact zone. The other question I had on the addition – are you planning raising that up or bringing in fill to bring it to the necessary height?

Blohm: It is already above the flood plain.

Quiggle: It is going to be at 993.5. In that area highest are is 992. How are you getting to that?

Blohm: That is what it is right now.

Quiggle: Countours – 993 lake side – drops off to 992, 991. It does not go up – it goes down.

Blohm: There are footings there – where the door is – that is the height.

Quiggle: Where door is – that is where the lowest floor is? So that is 1.5 feet above the grade? New structure would match that?

Blohm: Yes.

Quiggle: Because that is at low as it can be.

Huff: Have you done soil borings to see if this ground can even hold a two story home?

Quiggle: Other homes in the area had so much peat that they had to keep digging.

Vargo: We have rock there.

Oleson: Bernie Miller said there is sand, peat, and sand below the peat. For a sewer – you have to excavate that peat.

Huff: You have to dig out to put main part of the sewer in – then you have to get all the way to the sand to make that work. That is going to be interesting.

Quiggle: Let's try to address these issues. Do you have any modified plans or proposals for bringing structures to 15%? We cannot allow you to go over 15% impervious coverage.

Blohm: I would have to cut one side down by 4'.

Shay: How many square feet would that be?

Oleson: Down to 1815 square feet? Down from 1980 square feet right now?

Blohm: I have to take off at least 93 square feet.

Oleson: 165 square feet or so.

Oleson: We need exact numbers from a certified survey. If it is 165 square feet – would you take it off the side?

Blohm: I would probably take off the whole thing on that side. This gave it a little more character. I didn't really want 4 foot deck either. It was just for esthetics. Any water guttered has to go to the back.

Quiggle: Are there currently no gutters on the cabin?

Blohm: None now.

Quiggle: How many bedrooms are proposed?

Blohm: Going from a wide open space to a two bedroom.

Original plan had stairs. I put elevator in instead. I would put the deck here as I need a fire escape for an elevator, according to inspectors. It is not a huge home. By no means are they huge bedrooms.

Quiggle: The sewer is sized for how many bedrooms?

Blohm: Two bedrooms.

Quiggle: I noticed there are 4 bathrooms.

Oleson: Site plan is the only thing Bernie Miller has submitted - nothing else yet.

Quiggle: If you downsize the house – it still does not change the road setback. The minimum is 20 feet according to the “alternate provision” – the average of homes near you – but a minimum of 20 feet. Normal road setback is 65 feet.

Huff: If you are at 17’ or 18’ now – you have to come up with three more feet.

Oleson: It may be useful for the board to discuss – having more addition go to east – would lack of a garage be considered a practical difficulty?

Quiggle: I would like to ask Naaktgeboren a question: Was there an intention to move the road over?

Naaktgeboren: I have no idea. Where would you move it? You would have to buy wetland credits to move the road.

Quiggle: With all the horse trading of land – was there discussion of moving the road?

Naaktgeboren: Could be moved over – but need wetlands credits.

Huff: Why not go longer instead of wider? Put garage on north end.

Oleson: Questions – practical difficulty – lack of garage – do we need to be flexible?

Quiggle: My personal feeling is that due to the size of the lot – lots are designed for fishing cabins and not year-round homes. I don’t find the lack of a garage to be a hardship.

Huff: Work on the north end to keep it from being so close to the road and so obtrusive. The other thing we have to keep an eye on – we have to stay within the county’s guidelines – and the county has to stay within the state’s guidelines. Honestly – can you get someone to stake it? It would help us clarify – edges where they are hanging over where they shouldn’t be.

Blohm: Survey stakes?

Shay: Survey will give us a more accurate description of the impervious coverage.

Naaktgeboren: Gave suggestions regarding garage and proximity to road.

Quiggle: Deck off the front really infringes. You are already in the shore impact zone. This further infringes. Why not take the deck off?

Blohm: I need a fire escape.

A motion was made by Huff, seconded by Schultz, to table the variance requests.

Motion carried unanimously.

Oleson: For direction - get under 15% impervious coverage limit; the 20’ road setback; eliminate the lake side deck; and minimize the bumping out toward the lake; we need a certified survey; need a full sewer plan; and the foundation plan and how it will be built up.

Blohm: Poured footings.

Quiggle: We require a storm water management plan during the construction phase and a permanent plan also. You will need to be guttering. Ideally you would have native vegetation as a lake buffer.

Vargo: We have rock.

Quiggle: Rock is not a buffer.

Vargo: What is?

Quiggle: Native vegetation with long roots that will slow down erosion. They will grow in a wet or dry environment. Wright County Soil and Water can give you advice. So can the Sugar Lake Association – along with the Crown Wing County Extension Office about buffers, etc, at an upcoming meeting in Maple Lake.

Huff: Ask Dale Gustafson for help making the yard politically correct and esthetically pleasing.

Quiggle: The workshop is on Sat., June 25, 8:30 am – noon, at the American legion Hall in Maple Lake, 220 – 1st Street W. It is on the Sugar lake Association website.

Naaktgeboren: Question about proposed well – does it run across the road?

Blohm: It will run across the road or a neighbor said he would let me dig on his property.

Oleson: Put well in existing location.

Naaktgeboren: How far does water line have to be from sewer?

Oleson: The setback to the sewer is to the well itself.

2. Approve Previous Meeting Minutes

- a. April 7, 2011 Motion by Shay, seconded by Huff to approve. Motion carried unanimously.
- b. May 5, 2011 Quiggle: Will hold until we all have had a chance to read them.

3. Zoning Administrator's Report

- a. Permits
- b. Correspondence
- c. Enforcement Actions
- d.

Oleson: Enforcement actions - Cedar Acres Park – remember the discussion from last year? They applied for rezoning so it could be approved as a legal campground – and they were denied. Thought was that they could go to Wright County to amend the ordinance. As far as I know – no one from the Cedar Acres group has gone to the county. Last weekend there were 6 RVs, trailers and a very large tent. This is an enforcement action. I need to get in touch with them to see if they intend to go to the county to see about changing any ordinances.

Huff: What does that mean?

Oleson: We are in a position that we have to say to the residents that are coming there – it is a violation. Or we could send the sheriff out. They can have one camper there. There was some documentation that when set up in the 1970's there was mention of camping. It did not specify what kind of camping.

Quiggle: We told them they had to work with Wright County. They were to verify this is a grandfathered use – they have never done that either. So – the ball has been in their court since last July.

Oleson: Any comments or thoughts?

Other permits: Last month or so – 3 or 4 pending.

Quiggle: Mike Zieska is here.

Zieska: Showed plan – lake, road – 18,500 sq ft lot – if you remember structure the structure Dan Erdman built on top of his garage – it is here on blocks. It is a little over 440 sq ft. I want to raise into two stories and make it into a little cabin. Since I sent this in – I realized it is too small for a structure.

Quiggle: you can't have a living space above an accessory structure.

Oleson: Over 750 square feet – does not qualify as a guest house. As regular dwelling - has to be 800 square feet. The lot should be 20,000 square feet and should have standard sewer system.

Zieska: I would be OK with a holding tank.

Quiggle: There is no new construction on a holding tank.

Zieska: Gambrel roof – part is it is less than 6 feet on the corners. The area on each of the four corners – can't walk under it. If you took that off – it actually comes out to 750 square feet.

Oleson: 750 square feet of floor space is needed.

Zieska: On the flip side – if it is 20,000 sq ft – then a type 3 drain field septic system would be OK.

Oleson: If guest house – need 750 square feet of floor space – adequate sewage disposal is necessary.

Quiggle: Could you add floor space?

Oleson: I talked to Wright County. The idea is living space. We are not going to get into subtracting – if it is clearly storage space, not living space – attic is not living space. Area under gambrel roof is not living.

Quiggle: Can you work with Ben Oleson?

Oleson: Lot is less than 20,000 square feet.

Zieska: There are lots on each side of me that I think will be available.

Quiggle: Are lots considered adjacent?

Oleson: Two different PID numbers – not adjacent for those purposes. If combining the two lots – would need to be by a deed restriction.

Zieska: I would rather not connect them.

Oleson: Get extra land from neighbor.

Zieska: Variance would be – way under 20,000 square foot lot and type 3 drain field.

Oleson: Other pending applications: Agris Kelbrants-are you with the Glendale Club? Someone was constructing an open deck with no permit. There is a stop work order. The came in and are still trying to sort through – I was out of town.

Kelbrants: The owner was supposed to take out the permit.

Oleson: According to the latest report we had gotten – there are 7 cabins – individually owned – there was a claim that you'd do not need permits. Basically there is an open deck that needs to be permitted.

Quiggle: Will it need a variance?

Oleson: I believe it met the setbacks and impervious limits. The sewer is the issue.

Kelbrants: The footings are adequate. The issue was that he did not take out a permit.

Oleson: This triggered a sewer inspection.

Kelbrants: There is a mix of septic system types. It was tested ten ears ago and they passed. Bernie Miler was out a year ago – said we would have to upgrade someday – said they are noncompliant to existing rules. I get mine pumped out 3 times a year to make sure nothing happens.

Oleson: State shore land rules require that any building in shore land triggers a septic compliance certification. That means – they have to fix the sewers. Does that mean that all 7 have to update sewers or just the one applying for the deck has to apply? It is in limbo.

Kelbrants: If a permit is applied for – you have to have a complaint septic system?

Oleson: Imminent public health threat – drain field failed and bubbling or going directly into lake. If it is a cesspool – a tank that leaks by design – that would have to be updated within a certain period of time.

Kelbrants: I had hail damage. I would like to have my roof replaced. They are telling me I can get a permit to do that without a septic inspection.

Oleson: This is another gray area. Usually it says a roofing permit is like a maintenance thing. State shore land rules apply to work – with expansion. I do not want to give you a firm answer on this. I have to do some more checking. I will double check on this, too.

Kelbrants: I have certificates where it is sucked out every three months.

4. New Business

- a. Discuss passage of H.F. 52 regarding variance criteria, need for ordinance amendment

Oleson: Variance decision by the Supreme Court – legislature was addressing – governor signed – now it gets rid of the word “hardship” – it is now all “practical difficulty”. There will be a period of time – language is not crystal clear on what this means – every community will determine what it means.

Quiggle: Is this for cities and counties?

Oleson: No difference between cities, townships or counties on this now.

Oleson: We are awaiting a response from the county – based on their training – Wright County knows it need to change their ordinance. We are in flux even though the new law is in place. They are trying to figure out exactly what it means.

Quiggle: Would we be changing our ordinance?

Oleson: Yes – can plan on this next month or wait and see what county does.

Huff: We almost have to wait t until the county decides.

Oleson: I want to talk further with Barry Rhineberger. Maybe not plan a public hearing next month.

Group agreed that they wanted to see draft language before we schedule a public hearing.

Naaktgeboren: Are the counties coming to townships – and changing building entitlements? Something is up with the county right now – I read it in the paper tonight. You could swap entitlements – Meeker County has been doing this for years.

Quiggle: Transfer development rights.

Naaktgeboren: We called them cluster developments.

Oleson: I discussed developments with Wright County and asked them for a checklist. I checked with them last week. They have a draft. I has to check it and work through it.

5. Old Business – none.

6. Adjournment

A motion was made by Schultz, seconded by Huff, to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 8:28 p.m.

Minutes respectfully submitted by Mary Barkley Brown