

CORINNA TOWNSHIP  
MINUTES  
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION

May 5, 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); Dan Shay (Vice 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; Charlotte Schreiner; Peter Schreiner; Betty Johnson; Richard Wagner; Steven Anderson; Lynnae Anderson; Cathy Leinonen, Al Leinonen; Richard Naaktgeboren

3. Additions or Deletions to the Agenda:

4. Public Hearings

- a. Variance to construct a replacement dwelling, deck, porch and attached garage approximately 67 feet from Sugar Lake (75 feet required), 17 feet from the top of a bluff (30 feet required) on an undersized lot, 12 feet from the side lot line (15 feet required) and 53.5 feet from the centerline of a Township road (65 feet required) on an undersized lot. Variance to construct a septic drain field 5 feet from a property line (min. 10 feet required) and 10 feet from a building (min. 20 ft required).
  - 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

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

Oleson: Updates: We have had no real changes to the plans. A couple comments have come in since the last meeting and a couple came in today – Barry Rhineberger, Wright County Soil and Water and Schutte came in today. Half of basement must be underground. 3 stories are prohibited by ordinance, bluffs, site are more of a function – revisions to and lot coverage. Wright County Soil and Water District supports staff requests.

Schuette: We have no objection to variance.

Oleson: Staff report comments – questions are similar to last month. Things are moving closer to the bluff than they are now.

Quiggle: South and west elevation drawings.

Peter Schreiner: Take a look at the basement plan. I don't understand what Barry is talking about.

Oleson: West elevation – would be facing the lake. From one side – entire basement is underground. South elevation – half of the basement has to be below average grade level.

Peter Schreiner: Half of the basement is standard 8 inches down from siding.

Charlotte Schreiner: This is unclear. The ground slopes toward that corner. If we bring it up part way and get a letter just before the meeting starts?

Miller: More than half the house has a full basement around the perimeter. This was designed to match the existing grade. There is almost no alteration to it. It has been designed and situated so it fits without a lot of walls or work.

Peter Schreiner: Do you have the landscape plan in the packet? This is not exactly how Bernie Miller has this designed. Schreiner showed a drawing. That grade could come up another 2 feet on the side of the block.

Bernie Miller: This would not require fill. With that design we can limit excavation outside the footprint.

Peter Schreiner: We are trying to avoid moving a lot of soil.

Miller: You can see the existing grade. It differs from the elevation plan that Peter drew up.

Close to 90 % - more than 6 or 7 courses of fill around it.

Oleson: I am comfortable if the south side will be left natural.

Quiggle: Any comments from the audience? None.

Shay: It looks like there are some red flags. If there are this many variances – there must be some way to tweak this. A new septic system will improve this. There are questions on impervious coverage. We need to stay at 15% and 25%. The setbacks – I think I would still like to stay away from the bluff as much as possible. The more I look at it – it looks like the garage is throwing the curveball. Maybe there is some way to change this? The side yard setbacks – the 12 foot setback is on the side that your well is going on?

Peter Schreiner: Maintain 12 feet to allow for a drill truck.

Shay: Is the shed on the back corner staying?

Peter Schreiner: No.

Bernie Miller: We had started this with Barry Rhineberger at Wright County.

Oleson: 4a-11 about impervious. That is left over from last month's meeting. At this point they are still close to the limits – but all is included.

Parks: Fairly big project for the size of the lot. Should do some downsizing for the size of the lot. I don't think the lot is big enough to support what is proposed. It is going to be tall. It is at the peak, too. I would like to see it back further from the lake. We can't do too much with the road there. Direction to the north – no big problem. My suggestion is to eliminate the garage.

Charlotte Schreiner: I think there is an error.

Peter Schreiner: If we take the garage out – it is tucked in underneath the house, because we were limited in impervious. The second floor and the garage only count for one square foot.

We staked out the property since the last meeting. It is amazing how different it looks when you are standing there. We reconfigured the driveway and reduced impervious coverage.

Peter Schreiner: We chopped off part of the deck. We got under both the impervious limits.

Huff: What happens if you don't hit water? You don't have anywhere else to go on your lot.

Peter Schreiner: Everyone else up and down the shoreline has water. It would be unusual that one 40 foot lot would not have water.

Huff: Houses can slide into the lake when they are too close to the bluff. With the rain this spring, they are sliding in the Horseshoe Chain of Lakes.

Peter Schreiner: We have 6 mature trees all along the bluff. They all have established root systems. We have never had erosion problems. The beach is covered with DOT ground cover.

On three season porch – 8 inch diameter hole will be drilled – almost 20 feet back from the bluff.

Schultz: Big concern is 3<sup>rd</sup> story going to be unsightly on the top of the hill. Too high. I appreciate what you are trying to do.

Smith: You have too big a house for the lot size. You will not realize how big it will look until you are done building it. You can't see it on paper. You are almost 3 stories tall on the lake side.

Miller: It meets the height requirement.

Smith: It is a big house for the lot size. You are pushing a variance on every side of the lot.

Quiggle: I see 3 season porch and the deck are the two things that have the greatest encroachment on the bluff and lake setback.

Peter Schreiner: We could move 3 season porch back toward the road.

Quiggle: There are 7 variances here. I have been going to meetings for years. This is the most I have ever seen.

Parks: Is there another type of septic system so that the building could be more linear at the existing setback? Would a mound qualify?

Miller: You could, however with the slope and the soils – I would not be really happy with that. This system proposed is the top of the line to treat the water before it goes in the drain field. There is some flexibility with the drain field. As we move closer to the road – it becomes more of an issue where we have to take out trees. This here is going to be fairly natural as to how it would work. It is dropping down hill. There are two nice trees there. We can save almost all the trees.

Parks: It is hard to calculate where Hollister Avenue is. I would rather see a wall on that side and keep this back from the lake.

Peter Schreiner: Look at first floor plan. Right now the porch is lining up with west wall. 17.3 is measured from the corner to bluff.

Miller: If we move the porch – however we are going to compromise where we are going out to the tanks. To have even 5 feet is senseless. The neighbor to the north needed to be 5 feet from the property line and was granted a variance without a question. If you are developing a new lot – that is a good standard. When dealing with existing lots...

Parks: If the tank was out of there you could move structure to a better place on the lot.

Miller: We cannot work with the septic that way. It is hard to demonstrate – we designed this with very little alteration to the natural landscape.

Quiggle: Move the porch – takes away from the ordinary high – if you narrowed deck to 8 feet? The thing is you have an existing cabin and now want to build much closer to the lake. You may have to give up some on the deck.

Miller: Some of the deck changes are not exactly right on this plan. The 3 season could actually slide back to get to whatever you want. Then it gets tricky on the septic.

Oleson: Deck still needs a variance.

Miller: It won't have seven foot part on the bottom.

Peter Schreiner: We cut the corner of the deck off on the top left.

Miller: We lost a little bit in the driveway. We end up having a steeper driveway.

Quiggle: Any thoughts on plan C?

Shay: Alternate plan makes it a lot more tolerable. We are at the lake setbacks. The deck is still encroaching on the bluff. We eliminate some problems. This one sits a little better. It still is a big structure for the lot, but it improves what we are trying to accomplish.

Miller: Is the bluff impact zone 20 feet from the top of the bluff?

Oleson: 30 foot setback, but 20 foot bluff impact zone.

Miller: That is why we pushed this back to meet the 20 feet.

Miller: The driveway is shorter and also the entrance point of the driveway is not reflected 21 feet down. It will be less impervious. This will be less.

Peter Schreiner: The driveway shown is the same width as the garage. We are shaving off 3'8" from each side to match the garage apron.

Parks: If you center the second story over – could we take off some of the height.

Schreiner: If we move second floor over – the stairway has to move the same amount. We went to Mexico – a guy looked at my plans for a week – and we could not come up with a different place for the stairway.

Quiggle: Plan C moved back three feet toward the road.

Charlotte Schreiner: If we have to give up something – I would rather give up the walkout. We cannot get the couch down the stairs. We would have to have an egress window so we could put furniture through the window.

Peter Schreiner: A window that can go in and out. If we eliminate the walkout – the sliding glass door will not be there.

Quiggle: Still plan C with a 12 foot deck?

Charlotte Schreiner: It is not a big house.

Smith: It is a big house for the lot. If you could meet requirements without variances, then we could not stop you.

Parks: How many variances have we eliminated?

Quiggle: We have lessened the variances. We are out of bluff impact zone while still within the bluff setback. We have made decreased visual mass from the lake. That is one of the concerns people have had.

Parks: I don't think adding fill to the bottom addresses the issue.

Charlotte: We could probably shift the screen porch to take that variance away. The bluff just happens to peak there – it is not 100 feet long.

Smith: The trees are going to have to go? Basswood cluster?

Schreiner: Yes.

Miller: If 3 season porch is slid back – it would get tough to save the tree above tank B. I don't know that we could meet all the setbacks for the tanks. Buildings without foundation – you don't want to have it so close that it is a problem with your foundation. I have a little concern with that.

Quiggle: I think the setback of the septic to the side property line is what it is for the septic. I don't think anyone has an issue with that. The setback to the road – I don't think anyone has an issue.

Peter Schreiner: We have a storm water management plan you have not seen with rain barrels and rain garden. We have always indicated we are going to slope our gutters away from the lake.

Quiggle: Side yard septic setback. No problems with anyone. Road? No one has problem.

Problem with south property line setback? No. Problem with 15 feet between drain field instead of 20 feet between the structure and the drain field?

Miller – ten feet from garage – I am comfortable with. Fifteen feet from a house – I have not seen problems. I have seen problems where septic is between house and bluff – it is a problem. The way the septic is being built – I do not have a concern. There is no issue to me. In the past the county would let us do this without a variance.

Quiggle: Setback from the top of the bluff? 3 season porch out of bluff impact zone.

Huff: I am not in favor of that. Not in favor of pushing this structure closer to the lake than the current house.

Smith – OK with it.

Schultz – OK with that part of it. Still have problem with the height.

Shay – OK with distance from the bluff.

Parks: OK.

Quiggle: Ordinary high: Everyone OK. They are under the height requirement – we have no say in that. You cannot be over the impervious limits.

A motion was made by Smith, seconded by Quiggle, to accept plan C with measurements shown, with 12 foot setback on the side, 5 foot septic setback, meet bluff impact with the house, encroaching with the

deck. 79 foot lake setback with the deck and with the final drawings with plan c – moving the three season porch out of the bluff impact zone – not cutting into the grade as far – eliminating the walkout and putting in egress window and not having a patio door. 3 season porch is to the 25 feet to the bluff. This must all be drawn up for the town board, with the conditions and findings of fact in Oleson’s staff report.

Conditions:

Given the presence of a bluff and steep slopes on this lot, Staff would recommend that any approval of a variance include at least the two following conditions:

1. The applicant should submit a permanent stormwater 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.
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 on downslope 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.

Findings of Fact:

**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”:

- 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.
  - Staff Comment: No specific storm water retention or erosion-control plan has been submitted as part of the variance proposal, except that the applicant has stated an intention to direct downspouts away from the lake and that they have not witnessed any erosion problems in the 24 years they have owned the cabin.
- 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.
  - Staff Comment: One of the stated reasons for not moving the house back further is to allow room for the septic drainfield without removing mature 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.

- Staff Comment: No specific storm water retention or erosion-control plan has been submitted as part of the variance proposal. The Board could consider requiring this as a condition of any variance approval given the proposed house would be closer to the lake and bluff than is normally required.
  - Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.
    - Staff Comment: The applicant states that they have located and designed the home in such a way as to minimize excavation and disturbance of soil. The cabin does not appear to have a basement now, and thus the excavation for the new basement will be necessary if approved.

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

Lake setback: The applicant is requesting to be about 12 feet closer to the lake than is required by the minimum setback of 75 feet. The infringement on the setback will not be the dwelling, but the proposed deck. The applicant has indicated that the deck (or at least a portion of it) would be cantilevered – although the submitted building plans do not show this to help minimize the impact. If this deck were being constructed on an existing dwelling, the maximum additional infringement would be 11.25 feet.

Bluff setback: The applicant is requesting that the three-season porch be located 17.3 feet, the deck to be 18.4 feet, and the house to be 25.6 feet from the top of the bluff (min. 30 ft required).

Side yard setback: The applicant is requesting that the new house, deck and garage be 12 feet from the south side lot line (min. 15 ft required). This will be no closer than the existing cabin, but the home/deck/garage will be longer.

Road centerline setback: The applicant is requesting a setback of about 53.5 feet from the road centerline (min. 65 feet required). This will be about 3-5 feet closer than the existing dwelling.

Septic setbacks: The applicant is requesting a setback of 5 feet from the drainfield to the north property line (min. 10 feet required) and 10 feet from the drainfield to the proposed garage (min. 20 feet required).

**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. The home would increase in size however, could accommodate a larger number of people, and would appear to be suitable for year-round use if approved. Given that the property is on a dedicated public road, but is not maintained year-round by the Township, there is some possibility that there would be increased demand for snow-plowing and road maintenance – if not now sometime in the future as other homes in the area are replaced.

Still, the potential impact on government services would not be overly negative or out of the ordinary for the neighborhood.

**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 neighborhood where the property is located is a mix of small, seasonal, single-story cabins and somewhat larger 1.5 story dwellings with the potential for year-round use. As with other areas of the Township's shoreland areas, the homes in this neighborhood has been steadily converting over from the small, seasonal cabins to larger year-round dwellings. The proposed home would be significantly larger than the home immediately to the south (1,280 vs. 528 sq ft) and slightly larger than the home immediately to the north (1,280 footprint vs. 1,237 sq ft). There are several other examples of 1.5 story homes in the immediate area and as such, Staff does not feel that the character of the neighborhood will be substantially changed. The variance would not result in a substantial detriment to neighboring properties as it will be of sound construction 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.

The applicant has stated that the practical difficulty associated with moving the home back is: 1) that it would require additional earthwork, 2) that it would require moving the septic system to a less desirable location, 3) it would require the removal of mature trees, and 4) that it would increase the slope of the driveway and eliminate a 14' level space in front of the garage door.

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

The need for the variances, according to the applicant and their sewer designer, is created primarily by difficulty with constructing a driveway and flat area leading into the proposed garage that will be of a manageable slope and size. To move the house further back toward the road would make it very difficult to create a reasonably sized flat area as well as further infringing on the road centerline setback. There has been some preliminary discussion about constructing a cul-de-sac at the end of this section of Hollister Avenue, which may make it easier to create a flat area further back toward the road, however these discussions have not reached the stage for us to know how far up above current grade a cul-de-sac would raise the road.

The size of the proposed house also creates part of the need for the variance. The existing house is about 22-23 feet longer than the existing house. The proposed garage is 23'5" deep. So in effect, the need for most of the variances is due to the desire to place a garage on this property where one does not exist now. The lot, after accounting for required setbacks, includes a building envelope that is approximately 38-41 feet deep and about 50 feet wide. This would appear to allow adequate room for the construction of a reasonably-sized dwelling.

Further, the house/deck would be extending closer to the lake than what already exists. Moving the house forward toward the lake does create additional room for a septic drainfield (the existing sewer system is a holding tank), but it is not clear whether this is the only feasible location for a septic drainfield.

**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 shoreland areas and from moving the proposed deck/home closer to the lake than what exists now. The impervious surface coverage will increase rather substantially, although it is shown to remain just at the 25% maximum total coverage and 15%

building coverage. The number of bedrooms is increasing from 2 now, to at least 3 with the possibility of additional bedrooms through future remodeling. This, plus the year-round nature of the home to be constructed, could increase the use of the lake.

The impacts mentioned above, however, are not so unusual or out of the ordinary that they cannot be addressed. Stormwater runoff impacts can be minimized with best management practices to infiltrate and/or treat water before entering the lake. Recreational use of the lake, even if it is at a higher level than previously, would not be significantly greater than what is typical of other homes around the lake and the near-shore area is not identified as having unique habitat or stands of aquatic vegetation.

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

This criterion comes from the 2008 MN Supreme Court decision addressing the criteria for variances. Unfortunately, the Court did not seem to provide much direction as to what it means by “interest of justice”. As such, it is left to the local government to interpret “interest of justice” as it sees fit.

Staff would offer the following as issues relating to “the interests of justice”:

1. Many other homes and buildings within the area do not meet side the required side yard setbacks.
2. Nearly every home along Hollister Avenue within 500 feet of the property is not meeting the required 75 foot setback to the lake. Many are closer than the proposed home.
3. With the exception of some small sheds and an occasional garage, most buildings on properties within 500 feet meet the required 65 foot setback to the centerline of the road.
4. Many properties along Hollister Avenue within 500 feet (lake side lots) do not have garages on their property. It appears that roughly half of them do have garages. In most of those cases, the garages meet the required road setback.

Motion carried with 4 in favor and with Huff opposed.

Quiggle: We will make recommendation to the town board. Get this to Ben so that he can get this to the town board. Need new site plan, basement plan and grade elevation plans – with all respective measurements on the site plan.

Oleson: Need it by next Monday or Tuesday.

Naaktgeboren: Changing the driveway?

Miller: Proposed is 23’2 - Making narrower and changing entrance point.

- b. Variance to replace the roof of an existing one-story dwelling with a 10/12 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 – 103<sup>rd</sup> Street NW, Annandale
  - iii. Sec/Twp/Range: 9-121-27
  - iv. Parcel Number(s): 206012000020



Steve Simon addressed the board. I had eliminated the garage but now want to keep the garage. We re-ran some numbers. We had less coverage than we thought. By adding the garage back in we are at 15.2% building coverage. I can get the impervious down from 33% down to 29.9%. I am taking asphalt off and slicing down the driveway. We have it up on the screen. It would be rally nice to have a 2 stall garage.

Quiggle: It is not always possible on the lake.

Simon: I re-measured today. I apologize. The pitch would be 12/12. I have eliminated some height. The last page shows 2 bedrooms, the bathroom and a great room. The septic will still qualify. I am decreasing the impervious area. Yes, I am over, but I am improving the impervious from what it is now. I do not meet the Wright County ordinance on sewer – but I meet the state sewer ordinance on 3 bedrooms vs. 2 bedrooms. New structure for building coverage would be 15.2%.

Quiggle: I do not want to see this go over. Can the shed be taken out?

Simon: Maybe I can downsize the garage to pick up the .2%.

Quiggle: You should not be increasing the limit and going over.

Simon: The garage is not oversized.

Quiggle: I would be happy to have you take the shed down in the back. That would get you down under the 15% structure coverage.

Huff: What did we change on the lake side?

Simon: Did not change anything. Engineer said it would hold a second floor. Building has been there 60 years and has not moved. Engineer said structure was sound and could handle a second floor.

Quiggle: He did not seem to be a soil engineer. He did not say much about soil being able to handle weight.

Parks: He wanted 16 inch pylons.

Parks: I am content if they are put in – that would boost holding the deck and that part of it up.

Quiggle: We do not want to have liability for giving him a permit to put a structure on the bluff and have it slide into the lake. It is all on the engineer.

Smith: This is on the bluff. I am not very comfortable with this. I am not in support of this at all. You are maxed out on impervious. I am not for it.

Parks: You think the whole structure should be moved back? Did you look at moving it back?

Simon: It is not cost effective. If engineer says it is OK, I don't see the concern.

Shay: I have concerns. I understand we are reducing some impervious, but are far over it. Also adding a second story over the bluff impact.

Simon: There are other cabins closer to the bluff in the neighborhood.

Quiggle: We are dealing with this property.

Shay: I agree that it is tough to add on to something in the bluff.

Quiggle: I agree with everyone else – you are in the bluff. There are reasons for those rules. Much like Steve was saying – building sliding down, they are not stable structures.

Simon: If we put pylons in there should be no concerns it is going to move.

Quiggle: You are within ordinary high water, within the bluff, wanting to enlarge structure where it is not supposed to be. If you were starting now – there is no way your structure could be there. If you are rebuilding you should meet the ordinance to the best of your ability.

Quiggle: Anyone want to speak? No.

Oleson: No additional comments.

Parks: What if you eliminated the part that hangs over.

Oleson: Roof change over the old part but not over the porch?

Simon: Trying to make year-round and try to add 2 bedrooms.

Huff: Adding the bedroom over the garage would eliminate a bunch of problems. Just a guess.

Simon: What if I rebuild as is with 2<sup>nd</sup> floor only over the existing house – not over the three season porch? No second floor over the three season porch.

Huff: Esthetically and environmentally – change the plan – over the garage or something.

Shay: Lessen a major problem by eliminating the 2<sup>nd</sup> story over the three season porch.

Miller: 15.2 % is the lesser of 2 evils.

Quiggle: How are we on 60 day rule?

Oleson: Has been extended.

Quiggle: Fewer than 15% structure coverage. He has a shed he can get rid of. Up to him how to solve.

Looking at 2 car garage, no overhang over 3 season porch. You may opt to put bedroom over garage as opposed to the lake.

A motion was made by Huff, seconded by Parks to table this.

Motion carried unanimously. Need information next week.

- c. Variance to construct a replacement dwelling approximately 60 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 – 89<sup>th</sup> Street NW, Annandale
  - iii. Sec/Twp/Range: 19-121-27
  - iv. Parcel Number(s): 206062000080

Steve Anderson and Lynnae Anderson addressed the Planning Commission.

Oleson read Rhineberger's comments into the record.

Oleson: We do have cross sections.

Oleson: In our recommendation we had suggested 60 feet as a setback further from the lake. It appeared he could meet side yard setback in terms of the entryway with some changes. 12 wide by 15 foot deep deck. Could that be made smaller?

Steve Anderson: We want to turn that into a 3 season porch. We have moved it over from the west boundary due to trees on west boundary that we are trying to save. No closer to the lake than it is presently. We are adding onto the back.

Huff: Lake setback?

Oleson: 54 feet from lake is the proposed deck.

Quiggle: I would like to see that get to 60 foot setback.

Oleson: Only thing restricting him was the tank.

Anderson: Dean Flygare had sketches. 1200 gallon tank. 12 feet in length. 7 feet back.

I think the Marohn's cabin is within 2 feet of the line. It is moved 30 feet back. It affects the view. And if we were to move to comply with it - to move within the 15 feet – we will be infringing on the trees.

Anderson showed photos of the view. Showed photos of the trees. On the other side Betty has a boathouse right on the lake, affecting the view.

Anderson: We removed 20 by 20 garage and several sheds. We have addressed erosion factor. We are trying to keep height of the house down. It is at 21.8 feet. We are using highly efficient panels for energy. Main bedroom in on one level. Trying to be convenient and simple. Could lower roof a foot or so. Looking at 12/6 pitch right now. Can get it under 20 feet. Present cabin is 18 feet high. Rather simple. R Rating is around 32.

Parks: He is already back from the rest of the houses there.

Quiggle: Once again – Wright County does not have the “string rule”. Most houses were built before zoning. Eventually people will be coming back to the line. House is 60 feet from water, with deck it is 62 feet from the water.

Huff: Basically going back where it was.

Anderson: If we were to go into same footprint?

Oleson: Expanding up, out and down. There is no basement now. There is no second story now.

Huff: This proposal is rather modest compared to neighbor houses.

Anderson: Hardship is septic system and tree right behind. We have lost two trees already. Flygare is estimating where the septic system is.

Quiggle; He does not know that it is 20 feet away?

Anderson. No.

Quiggle: It could be 25 feet away or 15 feet away.

Oleson: I thought it had been determined.

Quiggle: We don't know if house is too close to septic tank. This is a limiting factor. We have to know exactly where it is.

Huff: We have to take into account – working toward a walkout. They have done all the shoreline work. To pull it back another 12 feet would eliminate the work on the terrace.

Quiggle: Feedback?

Mrs. Johnson: I am neighbor to the west. How close to the lake are you going to be? I am 20 feet behind him. If you are going closer to the lake. I measured out tonight. I won't be able to see the lake. 60 feet is OK. I can see the lake if you stay there.

Huff: Can you play with the screen porch?

Anderson: Deck we now have – if we move it back – we could move house to the west – we want to keep the view.

Huff: If we left the deck on the front.

Anderson: It is a 3 season porch. It is a form of entry vs. a 3 season porch. It used to be a deck.

Quiggle: If you did not have that – you would meet side yard setback and could leave the trees where they are. You can always plant more trees.

Anderson: I don't think there is a home along the lake that does not have a variance because of the narrow structure. I appreciate that the other homes were built before zoning. It is not a triple decker or something out of perspective. Talking to Marohns – it is only a couple feet from the line . We are trying to satisfying everyone's needs.

Quiggle: I don't see the hardship. By statute – we have to find one. We can't give a variance because you “want it”.

Shay: I would be OK moving it back so the deck gets back to the 60 feet setback. The screened porch does not bother me that much. If we get deck at 60 feet – at least it is going to appease Wright County. For rebuilds – 60 feet is their drop dead closest number at Wright County.

Smith: Moving it back 6 feet is more reasonable.

Anderson: If I move back 5 or 6 feet, I will lose one more tree.

Smith: Your wife wants the 3 season porch.

Huff: You might have to trash the tree to get the porch.

Quiggle: I agree.

Oleson: Could the deck go on the side of the house?

Huff: You might as well look at the road.

Anderson: We have been forced to take down 3 or 4 trees. It may not be considered a hardship.

Huff: The tree may not die. We can talk about this or go the other way.

Quiggle: We still need to know where the septic is. The house cannot encroach on the septic.

Smith: For themselves – they should verify where the sewer is.

Huff: We can act on this with stipulation that they have measurement to sewer verified.

A motion was made by Huff, seconded by Smith, to allow the deck at 60 foot lake setback and a 12 foot side setback, based on the following findings of fact. Practical difficulty is the trees. Silt fences, storm water management plan, etc. required. More exact measurements on the distance of the existing septic system to the existing house should be provided before the Town Board meeting on May 17<sup>th</sup>.

---

**Staff Findings:** The following findings of fact are presented by Staff for consideration by the Board of Adjustment:

**9) 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”:

- 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.
  - Staff Comment: No specific storm water retention or erosion-control plan has been submitted as part of the variance proposal.
- 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.
  - Staff Comment: No specific landscaping plans have been presented to plant native trees or preserve shoreline vegetation. One tree may need to be removed as a result of the construction. Moving the home to the west to meet the required side yard setback may damage up to three existing trees near that property line. The applicant is attempting to preserve these trees along the west line and is a primary reason for requesting the side yard setback variance. The applicant is proposing to remove one tier of retaining wall to allow for the construction of a walkout basement.
- 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.
  - Staff Comment: No specific storm water retention or erosion-control plan has been submitted as part of the variance proposal. The Board could consider requiring this as a condition of any variance approval given the proposed house would be closer to the lake than is normally required and is located on a steep slope (approx. 33%).
- Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.
  - Staff Comment: The applicant is proposing to eliminate one tier of retaining wall and excavate out existing soil to allow for a walkout basement.

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

Lake setback: The applicant is requesting to be about 60 feet from the lake with the new dwelling (min. required is 75 feet). The proposed deck would reduce this to about 54 feet (the same setback as exists today).

Side yard setback: The applicant is requesting that the new dwelling be constructed 12 feet from the east property line and 22 feet from the west property line (min. 15 feet required).

**11) 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. The home would increase in size however, could accommodate a larger number of people, and is intended for year-round use if approved. The road serving the property is a dedicated road that is already maintained by the Township, so no significant additional road maintenance would be required. The potential impact on government services would not be overly negative or out of the ordinary for the neighborhood.

**12) 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 neighborhood where the property is located is a mix of mostly small, seasonal, single-story cabins and a few larger 1.5-2 story dwellings. As with other areas of the Township's shoreland areas, the homes in this neighborhood are likely to steadily be converted over from the small, seasonal cabins to larger year-round dwellings.

Overall, Staff does not feel that the character of the neighborhood will be substantially changed. The variance would not result in a substantial detriment to neighboring properties as it will be of sound construction and of customary design for a residential dwelling.

**13) 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 lake setback variance, 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 lake setback and 15 foot side yard setback.

The applicant has stated that the practical difficulty associated with meeting the lake setback is primarily that it would require a complete removal and replacement of the existing septic tank elsewhere on the lot. It would also likely eliminate the possibility of having a walkout basement, as is desired. For the side yard setback, it would be the potential damage and loss of 2-3 mature trees on the west property line.

It appears however, that the house could be moved back up to 10 feet and still meet the required setback to the septic tank, while still allowing for a walkout basement and helping to more closely meet the required lake setback.

To avoid the need for the requested side yard setback, the applicant would either need to move the home further to the west (possibly damaging existing mature trees) or reduce the width of the proposed porch addition by 2 feet – from a 12 ft wide porch to a 10 ft wide porch). The width of the home could also be reduced.

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

The need for the variances is created primarily by the size of the proposed home, the desire to maintain the location and use of the existing dwelling site, the desire to not move an existing septic tank and the desire to save existing mature trees.

The lot dimensions, tree location and septic tank location were not the result of actions by the applicant as these were in place when the property was purchased recently.

**15) 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 shoreland areas. The impervious surface coverage will increase slightly, but appears that it will remain well below the maximums allowed of 15% (buildings) and 25% (total). Exact numbers on this would require a survey, which has not been submitted for this property. The number of bedrooms is increasing from 2 now, to at least 3. This, plus the year-round nature of the home to be constructed, could increase the use of the lake.

The impacts associated with the additional impervious surfaces could be addressed via a stormwater management plan, although as stated previously the property appears that it will remain well within the ordinance requirements. Recreational use of the lake, even if it is at a higher level than previously, would not be significantly greater than what is typical of other homes around the lake and the near-shore area is not identified as having unique habitat or stands of aquatic vegetation.

**16) In light of the above factors, will allowing the variance serve the "interest of justice"?**

This criterion comes from the 2008 MN Supreme Court decision addressing the criteria for variances. Unfortunately, the Court did not seem to provide much direction as to what it means by "interest of justice". As such, it is left to the local government to interpret "interest of justice" as it sees fit.

Staff would offer the following as issues relating to "the interests of justice":

5. Many other homes and buildings within the area do not meet the required side yard setbacks.
6. Nearly every home along this street within 500 feet of the property is not meeting the required 75 foot setback to the lake. Several are significantly closer than the proposed home.
7. It appears that the only factors preventing moving the house back to the required 75 foot setback is the location of the current septic tank and the desire for a walkout basement. While the full 75 foot setback may involve a practical difficulty, there does not appear to be these difficulties if the homes is moved back to a setback of 60-64 feet.

Oleson: Need by next Tuesday.

Motion carried unanimously.

Quiggle: It is recommended that you come to the Town Board Meeting.

5. Approve Previous Meeting Minutes of April 7, 2011

A motion was made by Smith, seconded by Huff, to table the April 7, 2011 Meeting Minutes. Motion carried unanimously.

6. Zoning Administrator's Report

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

7. New Business

Al Leinonen addressed the Planning Commission: On Jenkins – 11  $\frac{3}{4}$  acres. You guys changed it. Now it is A/R – non homestead.

Quiggle: We have not changed anything.

Al Leinonen: So we have to go to the county?

Quiggle: Just because it is taxed residential it does not mean it is zoned residential.

Oleson: I understood from our previous conversation that you wanted to split this. If that is not the case, and all you want is to build a house, it is zoned to allow for a house right now.

Quiggle: You are taxed at a non-homestead rate because you do not have a homestead on the property.

8. Old Business

Richard Naaktgeboren addressed the Planning Commission: We had a complaint about the timing of our meetings (Planning Commission and Town Board meetings). We are no longer dealing with the Wright County Planning Commission meeting. We had previously changed our Planning Commission meeting date to accommodate the Wright County meeting.

Quiggle: On the other hand – this schedule gives people time to get information for the Town board meetings.

Naaktgeboren: What about the second Thursday of the month?

Oleson: We want reports a week ahead of time – so we shouldn't change the schedule.

Naaktgeboren: Let's leave things the way they are.

Meeting with Wright County (Sean Riley, Rose Thelen, Charlotte Quiggle, Ben Oleson & Mary Brown):

Clerk Brown said that the meeting was an amicable discussion of the day-to-day communication and processes between Corinna and Wright County. We now understand each others' processes better.

Oleson reported that the Corinna Town Board would like applicants to have completed applications, including all necessary paperwork on our checklist, before they are added to the Planning Commission agenda.

Oleson: In the case of Simons last time, we would have had to require a survey with topography.

9. Adjournment

A motion was made by Smith, seconded by Huff, to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:45 p.m.

Minutes respectfully submitted by Mary Barkley Brown