

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION

November 9, 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; Lee Parks; Larry Smith; Barry Schultz

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

Others in Attendance: John Dearing; Chuck Carlson; Richard Naaktgeboren; Rose Thelen; Debbie Nabours; Carter Diers; Linda Lasere; Keith Dahling; Jim Martin; Judith Martin; Jean Skomorah; James Alan Jacobson; Leslie Kruetter; Bill Gullifer; Mel Dykhuizen; Brian Marx; Kevin Blohm; Veda Vargo; Mary Ellen Wells; Roxanne Huff; Ron Bateman; Christy Bateman; Cathy Campbell; Tim Nabours; Brian Hace; Ken Savik; Orville Jonsrud; David Lindholm; Bill Arendt; Kathy Jonsrud; Tom Gullifer; Mike Hankee; Laurie Hankee; Dave Levi; Susan Levi; Jerry Macmillan; Mary Ball; Julie Christian; Mark Christian; Marie Howard; Jesse R. Howard; Ed Skomoroh; Mark Towptad

3. Additions or Deletions to the Agenda: None.

A motion was made by Smith, second by Huff, to accept the agenda. Motion carried unanimously.

1. Public Hearings

- a. Variance to expand an existing nonconforming recreational campground to allow for up to 12 Recreational vehicles, campers or tents at any one time and 20+ tents for camping 1-2 times per year.
 - i. Applicant(s): Cedar Acres Association, Inc.
 - ii. Property Address: 7755 Isaak Ave NW, Annandale
 - iii. Sec/Twp/Range: 27-121-27
 - iv. Parcel Number(s): 206035000020

Brian Marx, 8900 81st ST NW, addressed the Planning Commission.

Marx: There have been some complaints about our camping – noise and other issues. We are looking to continue to camp as we have been. We were asked to get a variance. We are trying to do what we have to do to have our families camp and continue to enjoy the area that was given to us 40 years ago. I do not see how some have said that it is overused. We want to come to an agreement. There has been animosity. I don't think it is fair to be asked to shut this down completely. People camp around the lake all the time. They have tents and recreational vehicles.

Oleson outlined the history of the matter and outlined what the township can and cannot regulate.

Oleson: For the past year, from a zoning perspective, there have been some complaints about noise, boating, docking, and recreational vehicles. Staff has researched this – looked at historical documents from the 1970's when it was formed. There was mention of some form of recreational use. It talked about camping. It did not specify how many units could be there. County documents were incomplete. We could not find any records of the county's old zoning maps. We do not know for sure how it was zoned back then. If it was zoned R1 – recreational camping was allowed as a conditional use. We found no record that a conditional use permit had ever been applied for. There appeared to be some discussion between association members and county staff – but nothing conclusive. We do not know for sure how it was zoned. If they were in a residential district – a conditional use was required for 3 or more campers or tents. Our conclusion was that up to 2 recreational vehicles would be grandfathered in. The ordinance at the time seemed to allow 2 recreational vehicles per lot as there was not a restriction to one RV as there is now. Beyond that, the confusion about what the use was back then, after consulting with the county and the township attorney and presenting options to the town board – the board chose to process this as a variance - an expansion to a non-conforming use. A recreational campground is not allowed by today's ordinance in a residential district. We cannot regulate noise, boating in the lake, aquatic vegetation. Docking is a DNR issue. We cannot deal with those complaints. We can deal with the number of recreational vehicles that are allowed down there. The septic issues, adequate septic, storm water issues, setback from the lake we can deal with. It is not that the other issues are not important, it is just that different state agencies are the enforcing authority on those.

Quiggle asked for public comment.

Mike Hankee, Vice-President of the Cedar Lake Conservation Club (CLCC), 8986 84th ST NW, and Wm. Arendt, Treasurer of CLCC, 8461 76th ST NW addressed the Planning Commission.

Hankee: We have been chosen by the CLCC to provide a response to this variance hearing. We have been stewards of the lake since 1953. CLCC's mission is to promote fellowship among the residents and parties interested in the development, beautification and conservation of Cedar Lake and the property around. We work together to preserve and protect the wildlife, fish life and natural beauty of Cedar Lake and the surrounding community.

The CLCC Board of Directors has taken careful note of the Cedar Acres variance request. In response to concerns raised by members and after careful study and reflection, we support a level of 2 recreational vehicle sites at any one time. This level is identified by Corinna Staff in Sept. of 2011 as the grandfathered amount from 1974. We have carefully studied the Corinna Staff reports and the Wright County Soil and Water comments. We would like to highlight a few items: First, in the Corinna Staff report, the question is asked, "Will the variance, if granted, alter the essential character of the locality?" The answer from the staff was "Yes, if granted as proposed." The CLCC supports the Staff report's findings on this item. The CLCC also supports the staff reports definition of RVs allowed as any combination of RV+ hard side camper + tent, indicating that 1 RV and 1 tent equals 2 recreational vehicle sites. Second, the CLCC also supports the findings of Wright Soil and Water District. They state in their letter that a Recreational Camp shall constitute any area used on a daily, nightly, or weekly basis for the accommodation of three or more occupied tents or travel trailers. Their report includes requirements for water supply, waste water disposal, bathing facilities and caretaker responsibilities. Their report really encompasses many of the concerns of the CLCC. We have additional concerns if this variance is allowed.

Arendt: This kind of variance request does not fit into the Future Land Use or Comprehensive Plan for Wright County, Corinna Township, Cedar Lake or any other lakes in the county. The lakes are fully

developed and there is no future vision for another Recreational Camp on Cedar Lake. We do not believe the precedence set by allowing more than 2 RV sites is appropriate for our lake. We do not know of any recreational needs (camping, boating, fishing, etc.) that are not met on Cedar within a mile or two. We are concerned over a potential negative impact on water quality and wildlife if this property continues to experience a greater density of utilization. The CRWD has described Cedar Lake as a highly used recreational lake and being very susceptible to increased use and nutrient loading. The bay in which Cedar Acres is located – Sunrise Bay – is shallow with a sensitive wildlife habitat, including a bass spawning ground, yellow and white lily pads, and high quality hard stem vegetation. It is home to an exquisite array of wildlife: loons, bullfrogs, herons, and wood ducks and turtles to name a few. This is not an area for a recreational campground.

In conclusion, the CLCC believes: Cedar Acres variance request for 12 RVs and up to 20 plus tents 1-2 times per year is, in all practicality, a request for a campground. Cedar Lake does not need another campground. Cedar is already a highly recreated lake with a 50 unit public campground on the north end of the lake. The CLCC position is that the 2 units identified as the grandfathered level from 1974 is appropriate. Finally, an important component of the CLCC's mission is to promote fellowship among those who use Cedar Lake. We all want to enjoy and have fun. However, none of us on the lake can just "do whatever we want" with our property. We all have many rules and laws to follow, which have been developed to protect and preserve lakes, both now and for future generations. We may not like all the rules, but we have to abide by them. We support that Cedar Acres be allowed 2 RV sites – identified as the grandfathered level from 1974. CLCC gave a copy of their speech for the record.

Dave Levi, 7876 Irvine AV NW: I represent the concerned neighbors of Cedar Acres. (He asked for a show of hands of concerned neighbors of Cedar Acres. 7 showed their hands. They are recorded on sign in sheets.) We noticed many inadequate answers to questions 1-8 of the variance request. To summarize: The applicant has ignored or inadequately answered several questions, choosing instead to postulate a position that we are requesting permission to do what we have always had the right to do. In the words of the Cedar Acres representative/applicant, at a previous public meeting, "No one is going to tell me what I can do at Cedar Acres." It is the position of the neighbors that this variance request must be denied. Further, we recommend no change to the current compromise allowing two RVs or tents for camping at Cedar Acres.

We recognize that the Board of Adjustment is required to consider "practical difficulties" as defined by legislation that went into effect on May 6, 2011 and we will specifically deal with those elements in our comments but we also understand the B of A can consider other aspects when making rulings on variance requests and, in the case of Cedar Acres, it is our opinion that other aspects should be considered. The Cedar Acres Association has continually uses the phrase that they just want to continue doing what they have been doing. The facts are that what they have been doing since its inception in the mid-70s has been contrary to the ordinances we must all abide by. The Corinna Township Staff has established that the camping activities at Cedar Acres began prior to today's ordinances that prohibit more than one RV on a residential lot. Corinna Staff, after considerable time and research, identified in Sept., 2011 that two RV sites is the grandfathered amount from 1974 and can remain in place because it was a pre-existing condition. While we take exception to this finding given the comments we heard at the fact finding meeting and given the comments that have been made by long-time residents that Cedar Acres was always intended to be a day-use park, we acknowledge that this is now the rule everyone must abide by.

What is troubling is that Cedar Acres is maintaining that today's usage has always been the standard. The fact is that the frequency and intensity of camping at Cedar Acres has increased over the years and dramatically increased starting Memorial Day weekend in 2010, when at least 10 RVs were parked there over the weekend. Those living near Cedar Acres only saw the tent camping for the scouts in April or May of each year, the Dirck's Father's Day gathering which usually involved few fish houses being parked on the property and an occasional camper prior to 2010. Neighbors have documented the level of activity since memorial weekend 2010 and as you can see from our records there has never been the need for 12 campers as the variance request is asking for. (Photos, timeline and summary of camping/zoning activity were given to the board of Adjustment.) I would like to submit some photos that Leslie was kind enough to put together for public record and timeline of zoning activities and camping activities from may 2010 to present. This strongly suggests that Cedar Acres is asking for even more capacity than they have ever used because they plan for more growth. It may also mean they are trying to create a negotiating strategy to get more camping capability than they are entitled to, legally.

We ask the Board to keep foremost in their deliberation the fact that other residential lots in the neighborhood and on the lake are entitled to only one RV. Cedar Acres was turned down when requesting a rezoning and conditional use permit for a campground by Corinna P and Z in 2010. The variance request is another attempt to get what has already been considered and rejected.

The first standard is that Cedar Acres proposes to use the property in a reasonable manner that is not permitted by an official control (ordinance). The questions of what is reasonable is not defined by legislation or the courts, which makes answering the questions difficult. One way to make the decision easier is to answer the question whether Cedar Acres would have reasonable use of the property without a variance to expand to 12 campers. The answer becomes a simple yes because they have receive reasonable use of the property since the mid - 70s. Given what has been stated regarding the increased frequency and intensity of usage it would appear that Cedar Acres is trying to establish a capability that is not reasonable for a residential lot in a residential neighborhood. One would have to wonder what kind of family needs 12 campers for other than a very large gathering and for the rest of us, when we don't have the accommodations for such a gathering we make other arrangements. The use of Schroeder Park Campground on the north end of the lake would seen a reasonable alternative. The idea that Cedar Acres is asking for the right to have up to 12 campers any time they want leads to the second practical difficulty standard.

Will the variance alter the essential character of the locality, in this case, the neighborhood? This seems to us to be an easy question to answer. Of course a recreational vehicle campground does not fit in the character of the neighborhood. No residential neighborhood could or would safely accommodate 12 camp sites without creating circumstances inconsistent with what we expect in a neighborhood. Corinna ordinance does not allow multiple family developments for that reason. Cedar Lake neighborhoods contain single family homes – not mobile homes or RVs. That is the character of the neighborhood, not a campground.

The third standard of practical difficulty considers whether the plight of Cedar Acres (not having enough camping capability to suit them), is due to circumstances unique to the property and not created by the owners. This again becomes a simple answer in our opinion. There is nothing unique about the Cedar Acres parcel that would justify having to break the ordinances and allow 12 campers. The Cedar Acres Association just "wants" something because they "want it".

It is our understanding that any one of these practical difficulty standards not being met is reason to deny the variance. We feel all three practical difficulties have not been met and therefore the variance should be denied.

We know the Corinna Board of Adjustment has considered other aspects when determining whether a variance should be granted. You have considered in the past whether the practical difficulty can be alleviated by a feasible method other than a variance. You have already entertained a request to rezone Cedar Acres and found that to be inappropriate. The simple answer to the question is that those associated with Cedar Acres accept the same standards that the rest of us who have residential properties live by. There are feasible alternative for those desiring 12 camping spots that do not involve camping in our neighborhood.

Does this conflict with comprehensive plan? Cedar Lake is under extreme stress. The lake community has already spent over \$400,000.00 since 2006 to deal with an identified decline in water quality. At best, we have halted the decline. Common sense will tell you that 12 recreational vehicles in an unsupervised campground on a frequent basis will not have a positive impact on the lake and seems to conflict with the plan.

The Plan also states that Corinna will also ensure all township properties are adequately and efficiently treating sewage, both for current residents and expected future population growth. Again, an unsupervised campground with one satellite toilet serving up to 12 RVs seems to conflict with the Plan. Wright County considers that development of lakeshore property shall abide by State Shore land management rules to maintain, as far as practical, a natural shoreline and natural views of the shore land areas from the lake's surface. Since Corinna must be at least as restrictive as the County – we think this is another relevant area to consider. We acknowledge that natural is a difficult concept on a fully developed lake like Cedar Lake. We all know what is natural when we see it. We all know what is unnatural. 12 RVs as viewed from the lake is certainly not natural on Cedar Lake or any other place. Lastly, you have considered whether granting a variance will not adversely affect the environmental quality of the area. You are well aware that the MN Dept. of Health has defined a campground as more than four of any type of camping units and they require permits and standards to be met when there are more than four campers. Without debating whether Cedar Acres is an environmental threat, we think the fact that the MN Dept. of health has established standards when there are more than four camping units implies that a danger of environmental harm exists. Allowing 12 RVs in an unsupervised campground on a previous natural resource like Cedar Lake just does not make sense from an environmental standpoint and by itself, would be sufficient reason to deny the variance request.

In summary, we have discussed the inadequacy of the variance request, the practical difficulties not being met, along with other aspects including feasible methods other than a variance. The Comprehensive Plan, and last by not least the impact of the environmental quality of the area.

We trust our presentation has provided insight that will aid your decision and allow you each to make your own independent decision contrary to the Staff Recommendation of CGI to allow 3-4 RVs or tents at a time. We reiterate our position that the previous ordinance granting 2 RVs or tents is something we all need to adhere to. The decision you make will have widespread impact in years to come if approved by you or the supervisors.

Kathy Campbell - 7966 Irvine: I agree with Dave Levi. I was here since Cedar Acres was formed. When that agreement was made – a lot of the lake property owners were unhappy. Many Cedar Acres people were coming through lakeshore property and using the beach when property lake owners were not

there. They were unhappy. They went back to the developers and they said that they would create an area for Cedar Acres to have access to the lake and a picnic area. That is what they did. When they created it – it was with the distinction that it was not a campground. At that time they may have put up a fishing pier. We now have 4 docks in that area. It is good to say that 2 is a limitation. It was the original intention that there would never be a recreational vehicle down there. You should not assume that you can keep revising this. It was land use permission – not to do with it whatever you want as time goes by.

Dave Levi: Just to add to that – my father-in-law settled in 1960. He is still alive. We have been discussing this with him. Cedar Acres was always intended for day use only, according to his recollection.

Judy Martin, 7590 Isaak: I have been here since 1954. I was part of original lawsuit as Secretary of Cedar Lake Conservation Club. I do not have the documents. Roger Nordby, our attorney, has passed on. Our main goal was to keep this property from becoming a marina. That was our concern. As far as any real proof as to how it was zoned – as part of the litigation – I know in my heart – although I do not have proof – it was never intended to be zoned commercial – it was never limited to a certain number of recreational vehicles or campground. It bothers me that we all need each other in this area. I am not opposed to Cedar Acres or Cedar Lake Conservation Club and their goals – we need each other. I need my neighbors. We did not have anything in mind as far as keeping people from walking across property – the legal issue that we took on was only to prevent a marina. I feel we need to come to a reasonable compromise and get along with each other.

Brian Marx: Cedar Acres is not just a lot on the lake. We have over 800 feet of shoreline. We do not use fertilizer – we do not affect vegetation – I look at neighbors that run boats through vegetation and who have cleared their vegetation. We do not run boats through the bay. The number of 20 was thrown out because Boy Scouts camp there once a year. That is the only reason that we threw that number out there. We never had the intention of having that many campers at once. 12 recreational vehicles- we have to have a number. We took square footage and came up with the number 12. I have never seen 12. The most has probably been 10 tents and fish house combination. Lake lots are small – there are issues with stuff leeching into the lake. We have a porta-potty or campers have inside sanitation. As far as the health department - they suggested that we come to the board and see what comes of this before we go to them. We could put in a holding tank if we had to.

Huff: How many members of Cedar Acres Association?

Marx: 18 members.

Huff: How do you decide who can camp?

Marx: Make reservation with the secretary. It costs \$50/year to be a member. Membership is limited to the circle inside Isaak.

Huff: Is there a limit to who can and cannot join?

Marx: Inside the Isaak loop is the limitation.

Huff: People who do not have lakeshore that live within those boundaries?

Marx: Correct. I have 50 feet of deeded access adjacent to the property.

Huff: If you were to call and someone was using the area on the weekend – and if ten other people were using it – would they tell you it is full?

Marx: No. That person has the park to use after they make the reservation. Being respectful – that is what it is.

Marx: When I bought this place – Cedar Acres was a big part of why I moved here. I lived on lakeshore previously. This was a good opportunity to spend time and be on the lake with limited costs. Right now there are 4 docks down there. If you look inside the loop of the bay – there are houses that have 3 docks each and 4 boats in one 75 foot lot. We have 800 feet. Nothing is done inside the bay. We are not affecting vegetation. There is an area cleared for a spot to swim.

Huff: Are the recreational vehicles for convenience: In all reality you can go back to your house. You can enjoy the area and still sleep in your house.

Marx: This is not a campground that is planning to open up.

Huff: No one owned an RV in the 1970s.

Marx: No one owned 100 foot floating docks, trampolines in the lake, huge homes....times do change somewhat. It fluctuates. The economy is bad – more people want to stay closer to home.

Schultz: Are docks open to anyone who belongs to the association?

Marx: Anyone can park a boat by their dock.

Quiggle: So you have started a marina.

Marx: There is a 100 foot area – we have 4 docks. The impact of lake property owners with multiple docks and boats is greater than what we are doing.

Quiggle: You have asked for up to twelve. In regard to the Dept. of Health - have you explored the cost of adhering to their requirements for shower house, bathroom...can the 18 members pay for all that?

Marx: They said to come to the Board first and then come back to Dept of Health.

Quiggle: Have you looked even roughly at the financial requirements of the Dept of Health?

Marx: We do not intend to have a bath house. We could put in a holding tank.

Schultz: They passed the buck.

Quiggle: You would have to have bath facilities, sanitary water facilities, etc.

Mike Hankee: On my personal belief – the historical thing – grandpa bought in 1939. Brian always states that they are grandfathered in – they have not been - there was hardly ever anyone down there. Five years ago the numbers started picking up. Two years ago it really picked. Up. I can tell you that some people that use the facility are great. But in the past couple years – it has degraded both visually and environmentally – 4 wheelers....considerable. There has not been, over the years, all the use that Marx is talking about. That needs to be put on record.

Huff: You do not deny the fact that they have access and usage for this property. The problem seems to be that there have been some disturbances that have irritated some people. So it is not so much the recreational vehicles – it is more that there has been a party or two or some noise.

Hankee: Overall congestion and usage that never used to be there. I do not know if it is the economy or whatever – I just want to testify that the historical thing that they have been doing this forever – that is not true.

Huff: Did someone irritate someone to cause all this?

Audience member: There were 10 campers down there!

Melvin Dykhuizen, 7529 Brighton AV SE Delano: I have a cabin on the east side of Cedar Lake. I was involved in the early 70s when this was established. Ferrell/Roth were going to develop a bar restaurant with 80 boats slips. We started the lawsuit to protect the area. The lawsuit – there was not negotiated settlement for tents, recreational vehicles. etc. As far as yes or no to tents or campers – that was never decided. Showed photo. A lot of the bay lakeshore area is destroyed right now. The only part of the bay that is not destroyed is Cedar Acres Park right now. I do not like the noise, either.

Levi: 800 feet of shore – I think it is closer to 400 feet of shore.

Oleson: When I measured it was 425–450' – when you go around the point it is around 800'. For lot purposes – it is more like 400'– 425'.

Jim Martin, 7590 Isaak: I am offering a solution – their use of the camp is primarily day use. The proposal is 4 or 12. They are deciding between 2 and 12. They can have one recreational vehicle on a

residential lot. As an alternative – when you plan your gatherings – you have to plan these events in advance – I am offering this – use Cedar Acres as the day camp the way it was intended. I do not see why you cannot have your company stay at Schroeder Park and use the camp for day use only.

Marx: I see other lots and other people using more than one tent or camper on their lot – family function – neighbors close by – there is camping all over – multiple use. Now are we going to my neighbor that has his family over a half dozen times a year – is he going to be shut down? We seem to be the one nailed for this – continuously. It seems pretty selective.

Quiggle: Anyone can report an ordinance violation. If there is noise – report it to the sheriff. That is what a community does.

Roxanne Huff, 8095 112th ST NW: Were there no covenants or regulations given for this property?

Marx: There are covenants but they are minimal.

Quiggle: I am going to close the public hearing. Ben Oleson do you want to give any clarifications on the specifics of the land use?

Oleson: 1973 it would have been allowed as a conditional use. I believe in 1988 it was removed as a conditional use so that it was not allowed. We tried to lay out options for how the BOA can decide what is reasonable – 2 sites were clearly grandfathered in – there are lots of ways to look at what is reasonable – having a similar intensity as allowed by today's ordinance, what is in the neighborhood, lots of ways to look at it. They can apply to subdivide this into three lots – they could then get three sites. For the Board of Adjustment to decide what you feel is a reasonable way of deciding this.

Parks: If we go with they normally can have three recreational vehicles down there – and I think if they have three with faculties they should have each one have a tent – so that they could have three recreational vehicles with bathroom facilities and 3 tents.

Quiggle: That would trigger the MN Dept. of Health rules.

Shay: This is a unique piece of land. 400 feet of lakeshore is unique. Right now we can go up to 4 units – whether campers or tents – without going to the Dept. of Health. If we need to increase it – then the next step is that we will have 4 units now – and if Cedar Acres wants 4 tents – then they have to go through Dept of Health for sewer, bathroom and showers. 12 is excessive. 4 campers is starting to push it to the limit. Each resident has the capability of one recreational vehicle. 4 lots –and 4 recreational vehicles as long as it meets MN Dept. of Health codes. The other issue is the Boy Scouts – I hate to see them get kicked out the door – a group of 20 – all tents and tents only – it would have to be registered with the township – who is there and one time only a year – registered with the township.

Quiggle: There are a large number of campgrounds available for scouts in the very nearby vicinity – 4 nearby places – I have trouble – because you cannot limit it to 20 Boys Scouts.

Shay: It would have to be registered and documented with the township. Sounds like the scouts have used it for the past many years. They are supposed to be learning.

Quiggle: If the parent from Cedar Acres is no longer with the scouts – it leaves an opening for 20 families in tents – you cannot designate to scouts only.

Oleson: I would have to have an attorney to answer that. I would be suspect enough to limiting that to one type group only that we should consult with an attorney.

Huff: I think the original developers did this because they were not going to be able to sell many more lots without this access. It think there was a party in 2010. I don't think they need 12 RVs. There are 5 acres and 400 feet plus of frontage. If they schedule –with secretary – I have no problem sticking with the four – a tent or an RV – in today's world – they are going to have to work along those lines.

Smith: I think 4 is adequate. Not 4 plus 4 tents. Just maximum 4.

Schultz: I am irritated with the developer that we have to deal with this. It got left so vague. I am OK with 4. To me – how is this going to get policed?

Quiggle: There will be plenty of people with their eyeballs on it.

Schultz: People will complain that there are 6 – and what are we going to do?

Quiggle: Initially – no more than 4 – because of Dept of Health. I looked at Ben’s analysis. I’m on the fence between 3 and 4 – depending on size of lot currently. I would like to vote for 4 total combination.

Huff: The alternative is 2.

Quiggle: 4 recreational vehicles and 4 tents would not look natural. Increasing legally the expanding the legal use – I would want storm water management thoughts that Ben and Wright Soil and Water folks brought up... different options – rain garden – emergent vegetation in the bay is intact – I do compliment the Cedar Acres Association. But – you all mow right up to the shore. That is not good for the lake. It would be better if there were a buffer – 40 feet or 25 feet from the lake.

Tim Nabours: Shouldn’t we make everyone on the lake do that then?

A motion was made by Huff, seconded by Smith, to approve a variance to expand an existing nonconforming recreational campground to allow for up to 4 units (RVs, campers, tents, etc...) at any one time, including 3 conditions in the Staff Report, (condition #2 regarding a permanent storm water management plan was omitted), the conditions to also include a day limit of 7 days for any particular unit to be there, based on the Staff findings of fact and discussion.

Quiggle: The point of storm water management – staff had recommended conditions of permanent stormwater management plan – and I think we should discuss the inclusion of that.

Quiggle: I submit an amendment which would be to include the condition suggested by Staff and Wright Soil and Water – stormwater management plan – is there a second to my amendment? No second.

Huff’s motion carried with all voting yes, except Quiggle voted nay.

Oleson: This goes to the Corinna Township Board. They will make the final decision on this. It will not be a public hearing. They can choose to allow public comment.

Quiggle announced that we would take a ten minute break at 8:22 PM.

Quiggle called the meeting back to order at 8:32 PM.

- b. Variance to construct 10' x 16' storage shed approximately 4 feet from a side lot line (min. 10 ft required), 55 feet from the centerline of a township road (min. 65 ft required) and 0 feet from a septic drain field (min. 20 feet required).
 - i. Applicant(s): Jerome Macmillan
 - ii. Property Address: 11065 Guildner Ave, Maple Lake
 - iii. Sec/Twp/Range: 1-121-27
 - iv. Parcel Number(s): [206047001030](#)

Jerome Macmillan addressed the Planning Commission.

Macmillan: The reason I want to construct a shed is that it is my only choice if I want to live there year-round. I have two sheds – 6 x 8 and Rubbermaid shed that I would move to a spot behind the house that would put it in compliance with lot lines. That is where I propose to put the later shed - it is the only place I have. It would be near the flat part of the drain field. The land falls away from the top of the hill toward the driveway and beyond. It is the only choice I have, if I can’t put up a shed, is to use the two small sheds for storage and put the rest outdoors. The Rubbermaid shed contains a lawnmower, trimmer; the one by the lake contains water equipment. One of the other neighbors has her shed on the lot line next to mine. That shed is almost on my lot line. With the other sheds around

there it would not be out of place. I plan to put it on a wooden platform that would be on blocks to make it level. It would not be sitting on the ground.

Oleson: The variances are related to the side yard setback – should be 10 – will be 4 – road center line should be 65 – will be closer to 55. Plastic – ten foot setback to the drain filed. It would be more like zero – but it would not be on the absorption area. Right now this property is over the impervious coverage limit significantly. Landscape fabric would be pervious under past County interpretation – based on my recent conversations with them. Plastic landscape material is impervious. This house was granted a variance several years ago. It did not mention impervious at the item. An old house got torn down and got replaced. It appears without the plastic the property may meet impervious limits.

Macmillan: I just had the driveway paved last spring. Dearing said that as long as you stay with what you have – you can put in an asphalt driveway.

Quiggle: Comments from the audience? There were none.

Schultz: To me it is a portable shed.

Huff: The roof created the impervious.

Smith: I am OK with putting where he likes – but he should take up the plastic landscape fabric and put the correct fabric there to meet impervious.

Oleson: There was no calculations of impervious by a surveyor. It was 23% if you do not have the plastic based on my estimates from measurements on site, from aerials, and from previous permits.

Huff: We are taking plastic out to make this as good as we can.

Shay: I am OK with the shed if you change the plastic to the correct fabric – to get the impervious down.

Quiggle: I am OK as long as the plastic is taken out.

A motion was made by Parks, seconded by Shay, to approve a variance for

- Side yard setback: 10' x 16' storage shed approximately 4 feet from a side lot line (min. 10 ft required)
- Road centerline setback: 10' x 16' storage shed approximately 55 feet from the centerline of a township road (min. 65 ft required)
- Septic setback: 10' x 16' storage shed approximately 0 feet from a septic drain field (min. 20 feet required).

with 3 conditions that Staff recommended, based on Staff's findings of fact.

[NOTE: The applicant noted that he would be moving the existing 7' x 7' storage shed to a location between the house and the septic system. This new location would meet required side yard, lake and road setbacks. Staff will be verifying with the applicant whether it will meet septic system setback requirements.]

Motion carried unanimously.

Quiggle: We will make this recommendation to the town board, who meets next Tuesday.

Macmillan: Timetable on removing plastic?

July 30, 2012 for taking up plastic is the consensus of the Planning Commission.

- c. (Tabled from June 2 meeting) Variance to construct a second story above an existing dwelling approximately 22.5 feet, two open decks approximately 20.3 and 33.3 feet, and a

two story dwelling/garage addition approximately 39.2 feet from Sugar Lake (75 feet required in all cases) on an undersized lot. 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.

Quiggle: This was tabled at June 2, 2011 meeting.

Blohm: Last time I was here I had a deck that ran around the whole structure. I took that deck off – and made it a balcony – just for looks basically. The other deck is a 6 x 12 deck. I shortened everything up. I had it 18 feet back. Thought it was within the road setback. The surveyor never moved the one stake. I believe it was supposed to be moved out 8.5 feet. He moved the other lines. What I found out then – no one is going to move the lines. I had to go back and make the addition smaller and smaller to meet the twenty foot setback from the existing road. I got the footage down. I am under the 15 % that is required now. I am above the high water mark on the existing cabin – I am 4.5 feet higher than the high water mark. I am not quite 4 feet above on the garage floor. I went back and did everything that you people wanted me to do. I am back here now. I took the original addition – started 24 x 32 – now it is 16 x 42. I had to blow out the existing cabin there – it had to go closer to the lake where the 12 foot dimension there in order to get a car in the garage.

Oleson: On issue of height of floor – Roger Stradal was out of the office for about a week when I tried to call him.

Oleson: If someone applies and the rules change – the DNR said you go with what the rule is when they are actually building. The house is going to be OK.

Quiggle: Does the garage have to meet that elevation?

Oleson: The lowest floor of the house is 4 feet higher than either of the numbers. I had a number of questions with the county. Barry Rhineberger and Craig Schulz – garage – does it have to meet highest known? They noted it had not really come up in the past – Schulz felt that the rule was instituted primarily to protect living space. The main issue is to keep the living space above that so living space does not get flooded. The County did not insist on the garage meeting the 4 foot above highest known. In my opinion, the priority is the living space – the garage is less important to ensure it meets 4 ft above.

Shay: Type IV septic system – is it designed for 2 or 3 bedrooms?

Blohm: I had three bedrooms – and everyone was so concerned – I made it 2 bedrooms.

Shay: Driveway – is the pole getting moved?

Blohm: It is getting pulled out and put underground.

Shay: Well?

Blohm: The well is getting replaced. There is actually grass over there. I did not ask a well driller. I asked Bernie Miller.

Shay: Coming closer to the lake....deck?

Blohm: The deck is no longer there.

Oleson: [Showed permitted encroachments language from the ordinance]: Eaves are OK, awnings are OK, open terraces are OK. You can debate what these all mean and how they apply to this application.

Huff: He has basically done everything we asked him to. I think it is a pretty big house for the area.

Smith: He did what we asked.

Schultz: I am OK with it.

Quiggle: What about the septic being a couple feet off the traveled road – when it is plowed?

Blohm: When he plows – he pushes everything back toward wetland. He will have to push it elsewhere.

Quiggle: You know that with the road setback – you are in jeopardy?

Huff: The township knows a lot more about this plowing issue than we do.

Quiggle: It might be better if the town board directs the maintenance men.

Blohm: I could put a boulder in to take the plow blade right down.

A motion was made by Smith, seconded by Huff, based on Staff findings of fact, to accept

- Lake setback: Construct a second story above an existing dwelling approximately 22.5 feet, two open decks approximately 20.3 and 33.3 feet, and a two story dwelling/garage addition approximately 39.2 feet from Sugar Lake (75 feet required in all cases)

All construction to be as depicted on site plan dated 10/12/2011 from Miller's Sewage Treatment Systems and building elevations updated October 2011. Plans include an approximate 2.5 ft deep x 14ft wide balcony/deck off of lakeside of home, 6' x 12' deck off of lakeside of new addition, 42' x (16' - southwest side of addition, 19.5' - northeast side of addition) two story addition and second story addition over approximately ½ of existing dwelling.

- Septic system setback: Septic drain field to be constructed 5 feet from a side and right-of-way property line (min. 10 feet required).

The Board of Adjustment would recommend the following conditions of the above approval:

1. The applicant shall meet the required 4 ft elevation above the highest known water level (July 2011 measurement). This requirement only applies to living space – not to that of the detached garage.
2. The applicant shall implement the permanent storm water management plan as submitted with the application. All necessary construction shall be completed at the time of the construction of the additions.
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.

[NOTE: The PC/BOA did have discussions with the applicant regarding how to ensure that the snowplowing activities of the Township did not damage the proposed septic system, which would be close to the road surface. The applicant indicated that he would want to talk to the person plowing the road and see if they could continue to plow snow toward the wetland side of the road rather than on to his property.]

There was also discussion of installing drain tile under the township road as called for in the proposed storm water plan. The applicant said that he hoped he could install that in the trench that the electric company would install when it moved the power pole in the yard. It was suggested that he call the electric company to see if this would be allowed as some thought he would need to install the drain tile in a different trench than the electric line. It was also noted that he should work with the Town Board regarding the timing and notification to neighbors of any digging in the road if it would mean the road was impassable for a period of time.]

Blohm: Bernie Smith has silt fencing going around the whole thing. The existing cabin- there is no disturbance there.

Huff: Are you willing to jeopardize the whole project over the silt fence?

Oleson: Condition #2 – would be guttering the house and directing it toward the road.

Motion carried unanimously.

Oleson: Digging near public road – notify the township.

Blohm: Digging road – need permit?

Oleson: Talk to town board about this.

2. Approve Previous Meeting Minutes

a. October 11, 2011

A motion was made by Shay, seconded by Huff, to approve the meeting minutes. Motion carried unanimously.

3. Zoning Administrator's Report

a. Permits

b. Correspondence

c. Enforcement Actions

Oleson: Talked to Wright County Committee of the Whole for 1.5 hours – they had three votes to turn over shore land to township. We offered three years of building inspections for three years as part of the agreement. Not official yet – meeting on Nov. 29 – they may make it official.

4. New Business

5. Old Business

a. Discuss interpretation of "expansion" when applying MN Statutes 394.36, Subd. 4 and 462.357, Subd. 1e (Nonconformity statutes)

b. Update on status of Corinna Township request for recognition as shore land and floodplain zoning authority.

9. Adjournment

A motion was made by Huff, seconded by Smith, to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:19 p.m.

Minutes respectfully submitted by Mary Barkley Brown