

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

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

Others in Attendance: Mike Zieska; Chuck Carlson; Dean Flygare; Jim Wurm; DK Peterson; Don Berry; Dick Choate; Scott Choate; Steve Anderson; Lynnae Anderson; John Bishop; Lisa Ramme Latterell; Don Peterson; Peter Ramme; Tom Nimmo

3. Additions or Deletions to the Agenda: None.

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

4. Public Hearings

- a. (Tabled from June 2 meeting) Variance to construct a second story above an existing dwelling approximately 22.5 feet, a 2'6" x 14' second story open deck approximately 20.3 feet, a 6' x 10' second story open deck approximately 33 feet, and a two story dwelling/garage addition approximately 39 feet from Sugar Lake (75 feet required in all cases) and 18.5 feet from the edge of a public road (20 feet required) 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

The Kevin Blohm Variance was tabled at the request of the applicant so that he could have more time to provide accurate information on his lot size and likely revise his building plans.

- b. Variance to construct a full 30' x39' basement underneath an existing 30' x 39' home 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.
 - v. Applicant(s): Steve Anderson
 - vi. Property Address: 11649 – 89th Street NW, Annandale
 - vii. Sec/Twp/Range: 19-121-27
 - viii. Parcel Number(s): 206062000080

Steve Anderson addressed the Planning Commission.

Anderson: This is a lake set back issue. We need to put a basement under our existing cabin. We have had a water issue. The cabin has been added on to twice before. We have moisture problems. We would like full basement underneath going down 7 to 7.5 feet. The reason is to get a stable foundation. We need to excavate the moldy soil, do the plumbing and maintenance work, provide safety for storms, and fix moisture problems on the northwest side of the house.

Oleson: What is different this time – he is not going up with the house in terms of a loft. He wants the lake setback to be 60.2 feet for the dwelling. The deck would be 54 feet from the lake. Side yard setback meets both sides. No longer has the porch addition – which would have needed a side yard variance. We said last time to move house back to 66 foot setback as there was uncertainty about the septic tank setback. The town board said there was room for moving the structure to a 71 foot setback. Lofted addition and – now exact same size house with basement underneath and a walkout. One of the retaining walls will be removed. In our recommendation – we said to consider moving it back again. There seems to be no impediment to moving back.

No comments from the audience.

Steve Anderson: Pylons are in the front section. Original concrete is in back section. Pylons are where there was a porch.

Parks: Are pylons supporting the structure now?

Shay: It has been determined that there is room to move this back, correct?

Anderson: That is correct. There is a tree. I have lost two trees already.

Shay: We said 60-66 foot setback last time. I would go 71 and 65, as this has gone through us before and the town board decided that.

Anderson: The house on the west side is back further, but they also have a two story boathouse that is 400 square feet on each level. It is right next to the lake.

Huff: I am afraid if the town board decided they want you to move back, they will want it again.

Anderson: We don't know yet. These are undersized lots. Investing in building a new one – made no sense because everything to the east are all close and all have walkouts. The other has a boathouse right on the lake. If you move it back a whole lot, there is no way you can build a walkout then.

Quiggle: I have a number of issues. Steep slope – a few feet short of being a bluff. The building so close to that in addition to so close to the lake is a real concern, especially doing all the excavating so close to the water – in the sensitive area. You have the room to move back. It is fairly flat there. In talking about the positions of different houses nearby – there were different zoning rules when they were building. The idea now is to move them back in closest conformance with State rules. My other questions is – since you were originally here – has the mold damage in the primary structure been alleviated?

Anderson: We decided to have flooring removed. We still have the soil with the mold in it. We have to excavate that – one way or the other. We can do 500 feet without a CUP.

Oleson: Replacement, but not expansion – that is a topic on the agenda for later tonight. 6 foot or lower basement – 500 square feet. There is an open question as to what “expansion” means. State statute allows a nonconforming structure to remain as long as it is not expanded. Wright County has allowed some roof pitch changes and some construction of a storm shelter/utility room in the past and not considered it expansion. The Corinna Planning Commission is discussing how it interprets “expansion” but has not come up with anything yet.

Huff: If there is a variance in place, can you have two?

Oleson: Yes. They can decide to build something smaller. There is not going to be a significant height increase.

Quiggle: Digging near the steep slope is a real concern for me.

Huff: They've got that terraced so well...I do not think there will be a problem. There are three separate terraces. There is no bluff there. These are three terraces that are 4 -5 feet tall. The bluff has been taken out of the picture with the landscape work. It would be more advantageous for others on the lake – it would be nicer pushed back – it would be nicer at the spot where it is at without going higher.

Quiggle: We have an Ordinance.

Huff: I would rather see a basement underneath than going another 5 feet taller.

Shay: I agree. A basement is better than going taller.

Anderson: The foundation is a number of pieces.

Huff: Whether you put it where it is now versus five feet back – it will not be a big deal.

Anderson: There is not going to be a change in the neighborhood as long as I'm alive. We start to lose the slope where we can do the front of the walk out. Even if you do 500 square feet – you still have to have egress windows.

Huff: If they are not having a bedroom down there – they do not need egress windows.

Anderson: This is a different request from the first time.

Quiggle: The town board wanted the setback to be 71 feet. I have a hard time moving off that number.

Shay: The number was established. We are looking at going up, not going down. 71 dwelling, 65 for the deck.

Anderson: Some of the town board members see the reasonableness for the need for a basement. The recommendation last time was to move it back 6 feet.

Quiggle: That was because we did not know the distance at our last meeting.

Oleson: The board was 5 feet further back than the planning commission.

Oleson: Would be redundant or confusing to have two variances at the same setback. If you are talking about the 71 foot setback. The variance he already has would allow this.

Separately, if you do not give the 60 foot setback – I would appreciate your opinion on how much basement he can have leaving it where it is.

Huff: I am unclear about determining the size of the basement?

Oleson: One of his options is to keep it where it is at and making a smaller basement.

Quiggle: 500 square feet seems large to me for storm and utilities.

Oleson: A comment from Barry Rhineberger was just sent out. It is in front of you.

Quiggle: Soil and Water made much the same point.

Anderson: That ground has been tested. There is a lot of gravel in there.

Parks: If he is just going to put a new foundation under the building – there is not real expansion. He is not really raising it that much. Is there a problem having some basement down there?

Quiggle: A crawl space would be not considered an expansion. Not additional living space – just utilities and storm shelter.

Huff: Would you rather have the basement or move the house?

Anderson: It is interesting that we are talking about going down 5.5 to 6 feet already – how much basement can I get?

Huff: if you want a basement – then you have to push it back.

Anderson: How much basement can I put in without a variance?

Huff: What is there and not any more. The headroom is already 6 feet.

Anderson: There is less than 2 feet of height.

Oleson: The house is 39' by 30'.

Shay: Go to a 10' by 30' so you go clear across the whole thing. There is plenty of room for utilities. You have 300 square feet at that point.

Anderson: My septic is only granted for 2 bedrooms. There is no thought of additional bedrooms. We are already going down 5.5 feet. We are trying to make this a good, livable place. To force us to cut down another tree – I can give up some of the front porch.

Quiggle: We have a 75 foot setback we are trying to achieve. That is really where we are. Whether the option of replacing without expansion, but allowing minimal expansion below for storm shelter and utilities or a full basement a 7 to 7.5 feet – but going much closer to the setback requirement.

Anderson: We are not hurting the neighbors. We just want a basement we don't hit our heads on.

Carlson: The Planning Commission did not know where the sewer was during their last meeting with you. I feel the walkout is the detriment to the integrity of the lot.

A motion was made by Parks, seconded by Shay to allow a new foundation with 300 square feet of basement, with erosion controls. The ceiling height would be 6.5 feet; 60 setback for cabin and 54 for the back. There will be a new foundation underneath all of it. Parks and Shay voted in favor. Quiggle and Huff voted nay.

Oleson: The motion does not pass.

A motion was made by Huff to move it back 66 feet and put in a full basement, with a 7 foot ceiling. The deck would be 3 feet deep.

The motion failed for lack of a second.

A motion was made by Shay, seconded by Quiggle, to allow: Lake setback: New basement and dwelling to be 71 feet from Pleasant Lake and an open deck no larger than the existing lakeside open deck 65 feet from Pleasant Lake (75 feet required).

Motion carried with Shay, Quiggle and Parks voting aye. Huff did not vote.

c. Variance to construct a 22' x 24' attached garage approximately 12.6 feet from a side lot line (min. 15 ft required) and reducing total impervious surface coverage from 26.3 to 25.9 percent (max. 25 percent allowed).

ix. Applicant(s): Dean Flygare

x. Property Address: 9850 – 91st Street NW, Annandale

xi. Sec/Twp/Range: 16-121-27

xii. Parcel Number(s): 206063001070

Dean Flygare addressed the Planning Commission.

Flygare: 12' – 6" from side yard lot line. Reducing impervious from 26.3 % to 25.9%

We wish to remodel our house, using the attached garage for living space. Want to add the same size garage to the front. The lot line is on the diagonal. The front corner goes out to 16 feet. I have large trees along that side. We moved it over to get a walkway and an entry. We do not want to tear apart a new bathroom. We need to move it over 4 feet. The new garage is where it is already paved. It does not change storm water runoff at all. The impervious – we tried to cut down where we could.

Flygare: You can see where driveway flares out on both sides. The driveway is nice as it is. The impervious seems crazy – counting the deck and driveway gravel as impervious is a little baffling to me. Con bit. I have graded that before. It has held water. It is pervious. The deck on the back is 8 feet off the ground. Vegetation grows under it. We also counted the stairway going down the hill.

Oleson: The main issue with side yard setback – either slide it over a couple feet – and it gets in the way of the door - or make the garage 20 feet wide.

Quiggle: Because of the property line at an angle – you have a separation of 28.7 feet – if you split that – it is 14 feet on average.

Oleson: It is closer that what the garage is now. The main reason is the door. Maybe they could move it or angle it in there. Is the garage reasonably sized? Could it all be shifted down further? There is not bluff or road setback issue. They are making the impervious coverage better – but not quite at 25%.

Huff: You are moving in the right direction. The building is going where there is a driveway anyway – so there is a net positive.

Oleson: They have a garage now that will be part of the house.

Shay: I agree with Steve – where the garage is going – even though we are not down to 25% - you have made it less than it is currently.

Parks: I don't think he can make the garage any smaller.

Quiggle: I agree – with that average of over 14 feet – you are serving the purpose of having adequate space between your garage and the neighbor's garage – which seems reasonable to me.

There were no comments from the audience.

A motion was made by Huff, seconded by Shay, to grant: Side yard setback: New 22' x 24' attached garage approximately 12.6 feet from a side lot line (min. 15 ft required), along with 2 conditions and 8 findings of fact listed in the Staff Report.

Motion carried unanimously.

d. Request to amend Comprehensive Plan Future Land Use Map designation from Rural Preservation to Shoreline Residential and to rezone lakeshore portion of property from AG to R-1.

xiii. Applicant(s): John Bishop

xiv. Property Address: None (70 acres north of 110th St NW and east of Hart Avenue, Maple Lake)

xv. Sec/Twp/Range: 1-121-27

xvi. Parcel Number(s): 206000013200

Bishop: I am not a developer. I am not going to become a developer. We have always dreamed of having three lots together on Sugar Lake. If this cannot be accomplished – the property has no real value to me. The plan is not in stone. I have talked to the town board about the road. I think we came to an understanding about the road. I am here for guidance. I would like to work with the board. I am amenable to doing what is necessary to make a concept like this work. I have no interest in farmland. I just got the letter from Wright County Soil and Water. When I called Sanoski, he was not in on Friday – Monday they are closed. I asked Mike Zieska to get information. Mr. Ramme, the next door neighbor, was forthright in providing a copy of his letter. I think it is possible to do this, but I don't want to throw good money after bad. I don't want to spend a lot of money and have people say it is not going to work and we are not going to approve it. My proposal is that I would like to do something like this. The chair is concerned about a swale that is there now. Runoff from that field is not good now. I have to believe

that if we put holding ponds at the top – there has to be a way to keep that runoff from going into the lake. I just am looking for input.

Quiggle: There are a number of people here that are interested. Are there any comments from the audience?

Scott Choate: Where is he going to come in from?

Quiggle: Going around Hart – by Ramme's – and continuing.

Dick Choate: That was a cart path originally.

Quiggle: There is a road there now.

Dick Choate: Didn't Rose give Stenbergs access to the road? The old road came off the corner. Where the road S's – Rose's house is still there.

Scott Choate: He wants to go past my cabin. He should use the old road. It is still there.

Oleson: There are two stages to this. This is about rezoning. A subdivision request is when you talk about the lots and the roads. We need to know that roughly. I think the road issue – we have talked about more on Hart – rather than on the east.

Quiggle: Right now the proposal is to continue the 33 foot road past Ramme's property.

Oleson: We are talking about rezoning here.

Peter Ramme: I am the neighbor to the south of the property. The previous owners of the property – have an easement road that was granted by the previous owners of Mr. Bishop's property. As far as I know – the township plows and they cut the sides of the roads – I don't know who owns the road.

Oleson: There is some way to get a road in. Is the area by the lake appropriate to rezone down to one acre lots?

Bishop: Something in documentation – 480 feet of lakeshore. Actual survey says 510 feet.

Oleson: Where that becomes important – need R1 – need 150 feet per lot. R1 is really the only way you would get three legal lots in there.

Bishop: My understanding is that now I have 2 building entitlements. I am asking for one more. I am willing to negotiate or horse trade any further entitlements.

Quiggle: I have been interested in this land for a long time. I have conflicting thoughts. It is the last undeveloped piece of land. The topography is difficult. I don't see splitting it into the three lots as you have it. That said, there has to be some way to get your three building sites clustered together – get remaining land for woods.

Oleson: A PUD would allow for flexibility in lot sizes with flexibility for open space to be preserved.

Basic concept – rather than putting lines down – this would fit it in with the landscape.

Oleson: Soil and Water talked about this swale. It is heavily wooded. It is a discussion – what do you need to know? Is there a way to redirect water? To get three lots – you may need to talk about a PUD – keep part preserved as open space.

Quiggle: Preserve woods – would not have the map issue. Frankly – I know you've got septic areas just drawn in there. They are way uphill from where the houses would be. If you could cluster the houses closer together...

Shay: R 1 either way?

Oleson: PUD with R2.

Quiggle: Looking at three homes – what would it have to be zoned?

Zieska: One thought we had was to have Ed Otto check if and where the bluffs are – setbacks are, wetlands are – research instead of guessing. The land will tell us what would fit – instead of guessing.

Shay: Everything else is residential either side. I think there needs to be more information regarding how the property lays out – drainage and so forth. From there – there may be some workable ideas.

Bishop: I don't disagree. When we are done – everyone knows what we are trying to accomplish. I am looking for some direction.

Huff: Talk to Soil and Water – and a contractor or builder – we need some kind of survey, documentation, saying the house on lot one is going to be 50 foot back and to the south, lot three – sits back perfectly. We need something to show that is it viable.

Bishop: You can build a house that can stay wherever you put it. You are getting at where the house fits in based on the topography.

Zieska: I think getting information from Ed Otto and Soil and Water – then the property will tell you where you can put the houses and the septic.

Quiggle: Does anyone here, if it can be worked out, have any concerns about three homes on this property?

Parks: I do not.

Quiggle: All of us want to work with you. There is more work to do to get to that point. We are all pulling in the same direction

Zieska: Ed Otto and Soil and Water.

Oleson: Where are the wetlands? Drainage, slopes, trees, want a more detailed development plan?

Quiggle: How to best do it without destroying virgin woods, which provide habitat, how to have wonderful houses in the woods on the lake. How best to do that? Best way a PUD could work?

Oleson: Comment from DNR wildlife?

Dick Choate: The cranberry bog is way back there.

Zieska: Ed Otto would do a survey – so it is on the map, along with the wetlands, where the roads could go.

Zieska: Have to make it environmentally sound – you may need the whole piece of property to do that.

Bishop: I am not interested in the rest of the property.

Huff: If you don't find out where the buildable lots are – you will spend lots of extra money where building is not going to work.

Oleson: Where house would go – where sewer would go – Otto and Soil and Water.

Quiggle: I would look at the property as a whole.

Shay: The rest of the property as a whole – it looks like there is a drainage problem. Where the rest of the property might be involved – is there something we can do to take care of that drainage. Your top piece of property might have to be involved.

Quiggle: I am just talking about the areas you are trying to develop .

A motion was made by Huff, seconded by Parks, to table so that the applicant could provide additional information.

Dick Choate: I own property on Hart Avenue. I have owned since 1948. We have a few lots. So my concern is – I am glad Mr. Bishop is thinking of building. But I don't like the idea of extending the road past my place. My concern is how they are going to get to Bishop's lots. The road that I had Hank Mol build – it was a lover's lane road. He came with a scraper and a horse – he scraped me a road so we could get back there. We had a nice garden where there is a garage now. All of a sudden – we came up there one day and they are starting to put in a road. There is a jog in the road. He put in a road – right past the swamp – owned by Bishop now. I just am opposed to the traffic coming by my place. Rose Genereau's house – you can't pound a nail in it today. It is white oak. My concern is – I'm all for having it developed. Peter has a park. I don't want them to drive past my front door.

The motion carried unanimously.

- e. Create an entitlement split of 12.61 acres (max. 10 acres allowed).

- xvii. Applicant(s): James Wurm
- xviii. Property Address: None (north of north end of Highland Ave NW, Maple Lake)
- xix. Sec/Twp/Range: 35-121-27
- xx. Parcel Number(s): 206000351200

Jim Wurm addressed the planning commission.

Wurm: 10 acres – I want to sell to Ryan O’Conner. I had to give the township a 66 foot easement, kind of made a jog in here. He wanted that shed. It is 10.6 acres. With that shed – it is 12.6. It more or less squares it off for the easement.

Oleson: 2 requirements; It must be 10 acres or less. The other is that it have public road frontage or a strip of land that going out to a public road. Apparently he talked to the town board – the ten acres – which has not been formally accepted yet. Assuming that was done. The only variance is the ten acres or less –where this will be 12.6 acres. Some of those 12.6 acres would be public road easement.

Oleson: Forget the easement. He has to have public road frontage. Look on 4E-2 on staff report – See lot standards - #2 under that – in no case may such a strip be used to serve more than one residence.

Carlson: We have our 66 feet – if needed in the future.

Oleson: Just west of this is another road - between Wurm and Jude. The likely connection would be 67th.

Huff: We are going that way because you have the land to give up for this – there is no other way to go? No other property owners want to cut you any land?

Huff: I don’t mind.

Shay: The finger makes the most sense. 2 more acres I am fine with.

Parks: I agree.

Quiggle: I know the county does not want you to go over ten acres. I don’t know why.

Carlson: They have horses – makes it easier to have livestock. If you are going to have a ten – a twelve won’t matter.

Quiggle: It seems arbitrary.

Shay: This looks like continued agricultural.

Oleson: This is not a subdivision.

Quiggle: How old is the shed?

Wurm: 40 years old.

Huff: You can’t be going curved like that. The 300 feet you need for frontage? Where does that come in? I don’t understand the motivation for the finger?

Oleson: He does not need the finger to meet the road requirement?

Huff: That is ridiculous. You want people driving through the building site?

Wurm: They aren’t going through the yard.

Parks: Once they actually build a road through there – the shed will have to be gone anyway.

Young said that it is not legal to have the shed on the road easement.

| A motion was made by Huff to create an entitlement split of up to 12.61 acres (max. 10 acres allowed), without any specific conditions and recommended, based on the assumption that the Town Board would accept the road easement and that the road easement would be considered the required public road frontage required by the zoning ordinance, if the road easement is not accepted as a public road, then a separate variance would be necessary.

Parks seconded. Motion carried unanimously.

This matter will go to the town board at the next town board meeting.

5. Approve Previous Meeting Minutes

- a. Sept. 13, 2011

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

6. Zoning Administrator's Report

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

Oleson: It has been fairly quiet – nothing to report.

7. New Business

8. Old Business

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

Shay: I am OK with a storm shelter type expansion. 300 or 500 – it doesn't really matter. It is only supposed to be for safety/storage.

9. Adjournment

A motion was made by Huff, seconded by Shay, to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:16 p.m.

Minutes respectfully submitted by Mary Barkley Brown