

CORINNA TOWNSHIP  
MINUTES  
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION  
September 13, 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; Larry Smith; Barry Schultz; Lee Parks

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

Others in Attendance: Richard Naaktgeboren; Roger Dykhuizen; Melvin Dykhuizen; Vicki Zieska; Mike Zieska; Scott Nelson; Darin Cottrell; Bruce Holmboe; Lois Holmboe; Brad Stegeman

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

Kevin Blohm Variance was tabled at the request of the applicant so that he could provide updated information as his survey included land that was not his land.

- b. (Tabled from August 9 meeting) Rezoning of two parcels from General Agriculture (AG) to Agricultural/Residential (A/R).
  - i. Applicant(s): Melvin Dykhuizen et. al.
  - ii. Property Address: County Road 7 NW, Annandale
  - iii. Sec/Twp/Range: 1-121-27 and 12-121-27
  - iv. Parcel Number(s): 206000121101 and 206000014400

Roger and Melvin Dykhuizen addressed the Planning Commission.

Melvin Dykhuizen: We would like to split the two parcels into three. There is some question on the entitlements after we split the two parcels into three.

Ben Oleson: I talked to Sean Riley. Their plan allows for this to be AG residential. We talked about the PUD option – where houses would go and the rest agricultural with smaller lots for houses and the rest one large AG lot. Riley said that would be unusual, but he did not rule it out. You could do a planned unit development on each 20-30 acre parcel. They have requested rezoning. The main question is – if they were to split it up into three lots – would that be OK with you for preserving agriculture? The fields could be touching each other and could be farmed.

Oleson: All we are dealing with tonight is whether to change the zoning district. How the land is actually split would be subject to a future subdivision application. Letter from Dykhuizen's attorney – he talks about limits on what we can do – if we rezone it to AR. I sent the letter to the township attorney, who indicated that we could reduce the number of lots allowed below what could be allowed under the rules of the zoning district. This will involve further discussion at the time of a subdivision request.

Melvin Dykhuizen: I have never believed in one per ten. Two and a half acres in the woods or on Grover fit better than a ten acre site. We do not want to put ten acre housing entitlements there.

Oleson: if they get zoned AR – if at first you do a three lot split – the town board would have to decide. You could approve that. Later – if you wanted more lots – ten acre minimums or PUD.

Huff: What does this do to the property across the street? If we re-do this one – do we have to re-do the one across the street?

Oleson: That is all up to the township.

Shay: Moving from Ag to AG Residential we are not getting ourselves into too much trouble. Two lots into three lots. I would be in favor of that.

Smith: I would have no problem with this.

Huff: I am fine.

Schultz: I am good.

There were no comments from audience members.

Motion was made by Huff, to recommend that the requested rezoning from AG to A/R be approved as presented. The recommendation is with the knowledge that the applicant presented, and stated that their intent is to split the 2 parcels into three parcels ranging in size from about 20-30 acres. Such a subdivision would need to be approved by Corinna Township after a separate subdivision application by the applicants.

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The recommendation is also given with the understanding that the future owners of one of these three 20-30 acre lots may come in and ask for further subdivision of their lot. Again, the Township will need to review and approve such an application before it could occur. At that time, the Township can determine whether a proposed subdivision meets the requirements of the Zoning Ordinance and the goals of the Comprehensive Plan. Huff also stated that the seventeen findings of fact should be cited.

The motion was seconded by Smith. Motion carried unanimously.

Quiggle: This will go to the town board for approval – and if they pass the recommendation – you need to go to the county for approval.

- c. Variance to convert an existing one-story storage shed into a 22' x 22' two-story guest house (max. 750 sq ft total floor area allowed) with greater than six feet of headroom on the

second level (max. 6 ft allowed) on a 17,358 sq ft lot (min. 20,000 sq ft required) where no primary residence exists.

- i. Applicant(s): Mike Zieska
- ii. Property Address: 11804 Gulden Ave NW, Annandale
- iii. Sec/Twp/Range: 1-121-27
- iv. Parcel Number(s): 206000012102

Mike and Vicki Zieska addressed the Planning Commission.

Oleson: What is different from last month's meeting: When we first were discussing this property, Mike and I discussed that it was not quite a full house; it was not quite a guest cabin. He was denied on the full house. Now asking for it as a guest cabin. A type three sewer would be allowed. They cannot have a kitchen. It cannot be used year-round. Upper floor has to have less than 6 feet of head room. If we tie the two lots together – (his house and across the road) then this is over an acre – and that eliminates at least somewhat the variance for 20,000 square feet or less and the concerns we'd otherwise have with having too much sq ft of accessory building on a lot. Now it is 6 foot headroom issue, which if lots are tied together essentially makes the lot over one acre – the ordinance does not limit ceiling height if over one acre. Mike is OK with tying the two lots together. This would be an administrative order.

Shay: Is there a need for two septic systems – the one for the house across the road and a separate one for the guest house? Or can they use one system for both?

Oleson: That is up to Zieskas – they just need to make sure everything is sized correctly.

Schultz: I am in favor of tying together – it makes the other issues go away.

Oleson: Even if we think the variance is not required – I think we still need to record as a variance. If you tie them together – the ordinance is much less an issue. To ensure the building is 750 sq ft of floor space or less, they are proposing walling off the corners upstairs and an area downstairs for storage.

Quiggle: I am OK with the upstairs corners not being walled off.

Schultz: I agree with Quiggle.

Parks: I don't have any problems with this.

Shay: If we are tying them together – we are cleaning up a lot of mess. Is there any gray area, Ben?

Oleson: 21' by 21' interior walls = 441 per floor. They have to get rid of 130 square feet.

Zieska: The stairs going up – that is real short as it is.

Oleson: They are getting rid of 88 square feet with storage areas. The rest is going to come from the corners, except that it seems the consensus is not to worry about the corners and they can stay the way they are because of the low ceiling height in the corners anyways.

Schultz: I am OK with this.

Huff: I am OK.

Smith: I am good with this. It is a good move to tie the lots together.

Quiggle: Second story: walling off the corners?

Naaktgeboren: What are we doing with the sewer?

Oleson: Separate Type III sewer designed by Bernie Miller for the guest house or they can also explore if it is possible to combine them on existing sewer. The existing sewer would have to accommodate two more bedrooms.

Huff: Soil borings?

Oleson: Craig Schultz is going to require soil work-up.

There were no comments from audience members.

Shay: Because of floodplain – fill coming in?

Zieska: Has to go up on blocks. When we lift the structure off – two or three more courses of block – then slab on grade. There may be fill inside the blocks – the existing crawl space will be filled with sand.

A motion was made by Parks, seconded by Shay, to

Approve:

- Dwelling size/height: Convert an existing one-story storage shed into a 22' x 22' two-story guest house (max. 750 sq ft total floor area allowed) with greater than six feet of headroom on the second level (max. 6 ft allowed)
- Lot size: Construct a guest house on a 17,358 sq ft lot (min. 20,000 sq ft required) where no primary residence exists.

Along with the 8 Findings of Fact and the following conditions of approval:

1. Parcels 206086001180 (11803 Gulden Ave NW) and 206000012102 (11804 Gulden Ave NW) must be considered one lot when applying the requirements of the Zoning Ordinance. The Township Zoning Administrator shall file an Administrative Order to this affect with the County Recorder. Such order shall remain in effect unless and until the buildings and other improvements on each parcel can meet all applicable zoning regulations for each lot on its own, or until a separate variance is granted saying otherwise.
2. The walled off storage area in the lower level must not have any doors, windows or other entrances from within the building; an outside entrance to this area is allowed.
3. The sewage treatment system should be sized to accommodate 2 bedrooms, as is the required minimum in state law for dwellings. The guest house may be connected to the sewer on the lot under common ownership across the road provided the system is found by the Township, or its agent, to be adequately sized and properly constructed to accommodate at least two bedrooms from the guest house.
4. The applicant must provided adequate information from a qualified professional indicating that the soils will support the proposed guest house. The Township's Building Inspector shall determine the amount of information needed and whether a building permit can be issued.
5. The proposed dwelling must meet the required 4 ft of elevation above the highest known water level (new July 2011 highest known water level).

Motion carried unanimously.

Variance to replace an existing single-story dwelling with a 26' x 42' two-story dwelling with a 10' x 18' covered porch approximately 40-59 ft from Cedar Lake (75 ft required) on an undersized lot.

- v. Applicant(s): Scott & Christine Nelson
- vi. Property Address: 7323 Ingram Ave NW, Maple Lake
- vii. Sec/Twp/Range: 27-121-27
- viii. Parcel Number(s): 206065000080

Scott Nelson and Darin Cottrell addressed the Planning Commission.

Nelson: Looking to tear down existing house – built in 1937 on rock foundation. It is rotting away. We are 3<sup>rd</sup> generation. We want to pass it on to 4<sup>th</sup> generation. Going to be an A frame with a loft. We are just moving it back. We want to build so it is solid. We have plans for a new septic system.

That hill there is all solid rock wall. The wash off – the existing structure – two thirds of the roof water goes right into the lake. We are improving that with new roof direction. There is an issue with the power lines, too.

Oleson: They are moving further back from lake – reducing the lake variance and meeting the side yard set back now. Septic is designed for the number of bedrooms proposed. The lot itself has plenty of space to move back the house and meet the 75 foot setback. Reasons why this is perhaps not practical is the well location, the need for additional fill and I talked to Bernie Miller about location of septic. He said you cannot flip these two – because of the well setback. He felt this was a good location for the septic. It is possible to move things back but requires more fill, which you do not necessarily want, and means the septic would end up closer to the lake. Septic setback requirement is 50 feet from the lake.

Quiggle: 67.5 feet to lake – is that correct?

Oleson: At its furthest point, yes. Closest point is 40 feet. They can get a Type I system on there – but they are proposing a Type III. Miller felt it was a better fit for the lot. A Type I would have to get closer to the lake and is not as high.

Smith: My only concern – it is pushing a little close to the lake – can we get that pushed back? Go back into the hill and add some more fill? I think we can give you a little bit – but not that much. Move the house or shrink the house.

Quiggle: 40 foot setback is too close – almost in the shore impact zone.

Smith: I am more comfortable with 60 feet.

Huff: I agree with Smith.

Schultz: I agree.

Parks: Where is power line?

Shay: I agree – if we can get it in 60 foot range – which is where the county says yes or nay – that would be a much better situation.

Comments from audience:

Brad Stegeman: That is my concern. Been at the lake for ten years. If you can't meet 75 foot – can anyone just come in and build? What is trade off for the lake? There are still a fair amount of cabins on the lake. If you allow for one – you should be prepared to allow it for everyone.

Melvin Dykhuizen: I would say the majority of the places north of there are 45 to 55 feet from the lake. I think it is an excellent place to put it.

Quiggle: There is plenty of room to move back. Ideally you would meet the 75 foot setback. 40 feet is too close. 60 feet is the drop dead limit for the county – 60 feet would be a good compromise. Not as much fill as you would need for 75.

Darin Cottrell: If we turned it the other way?

Oleson: You would potentially have to apply for a new variance – might involve new variances not previously noticed.

Quiggle: I would say whatever you need to do to keep a 60 foot setback while maintaining the 15 foot side setback – just so you know what the parameters are.

Huff: if you turned it – you would lose all the windows.

Oleson: You need to have revised plans for the town board meeting.

Quiggle: We require a storm water management plan.

A motion was made by Smith, seconded by Parks, to

Approve – with changes:

- Replace an existing single-story dwelling with a 26' x 42' two-story dwelling with a 10' x 18' covered porch 60 ft from Cedar Lake (75 ft required) on an undersized lot.

along with the 8 Findings of Fact and the following conditions of approval:

1. The applicant shall ensure that the lowest floor elevation of the proposed home (living area) is at least 4 ft above the highest known water level. This will require raising the house above where it is currently proposed by about 0.3 feet.
2. Given the close proximity of the addition to the lake, the applicant should submit a permanent storm water management plan designed to minimize the potential for ongoing erosion or sedimentation. These may include directing rain gutters to appropriate areas, rain barrels, or other acceptable best management practices. Once approved, the plan should be implemented at the time of construction or within a reasonable time period after construction is completed.
3. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences on down slope areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets or other forms of temporary cover until vegetation is re-established.

**\*\*NOTE:** The Board of Adjustment noted that the applicant should submit revised plans showing how the house will meet a 60 foot setback to the Town Board for its review prior to giving a final decision. The applicant should also note how much fill will be necessary around the newly constructed home.

Motion carried unanimously.

5. Approve Previous Meeting Minutes
  - d. August 9, 2011

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

6. Zoning Administrator's Report
  - e. Permits
  - f. Correspondence
  - g. Enforcement Actions

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

7. New Business

- h. Proposed Wright County Ordinance Changes – Dwelling Entitlements in AG Districts and Variance Criteria

Naaktgeboren: What is the procedure?

Oleson: Has to go through the Planning Commission first.

8. Old Business

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

Oleson: We talked about last month. I would like to table until next month.

9. Adjournment

A motion was made by Huff, seconded by Smith, to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 8:16 p.m.

Minutes respectfully submitted by Mary Barkley Brown