

CORINNA TOWNSHIP  
MINUTES

BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION  
November 12, 2013

7:00 PM

Charlotte Quiggle called the meeting to order at 7:00 pm on November 12, 2013.

Roll Call: Board of Adjustment/Planning commission Members Present: Charlotte Quiggle (chair); Barry Schultz; Larry Thompson; Trish Taylor; Lee Parks, Ben Oleson (Zoning Administrator)

Absent: Larry Smith

Other in Attendance: Micah Digatono, Kathy Digatono, Lorene Force, Ashley Force, Dick Naaktgeboren, Brad Force, Adam Novacek, Ron Enter, Larry Pribyl, Tim Pribyl

Additions or Deletions to the Agenda – Taylor made a motion to approve the agenda, Thompson seconded the motion. Motion carried unanimously.

Public Hearings

- Variance to construct a two-story home, deck and attached garage to replace the existing single-story home and detached garage using the same foundation approximately 48 feet from Bass Lake (min. 75 ft required).
  - i. Applicant(s): Bradley and Lorene Force
  - ii. Property Address: 11728 Knowles Ave NW, Annandale
  - iii. Sec/Twp/Range: 5-121-27
  - iv. Parcel Number(s): 206014000080

Present: Bradley & Lorene Force, Adam Novacek

**Mr. Force:** We bought the property about 2 yrs ago and would like to relocate permanently to Bass Lake. The existing place is year round, however it has no laundry facilities so we are looking to expand our living space.

**Mrs. Force:** We started what we would call Phase 1 by doing some boulder walls and rain gardens on the property, now we would like to start Phase 2 in getting the home built.

**Mr. Novacek:** I indicated where the existing home is and where the septic is and tried to work with the area to keep within the current set backs and not get any closer to the lake than we currently are and increase the footprint as desired.

**Oleson:** There are 2 variance requests with this one; one is the lake set back to the house, and the second is the side lot set back. To avoid some confusion with the OHWL the submitted site plan indicates a “new” OHWL that would have the result of adding additional square footage to the lot and increasing the setback of the existing and proposed home. This change in the OHWL is apparently the result of the landowner bringing in sand along the shoreline to replace what was washed out in recent years. I spoke with the builder who prepared this site plan and requested elevations indicating the “new” OHWL is correct. I also spoke with the DNR, who

indicated that the OHWL would be based on the elevations and that they are aware of beaches washing out from high water and overland flow in this area in recent years. The OHWL is marked on the survey based on where the beach has been restored too. I talked to Roger Stradal and he was not aware of any permits but was aware of some problems on Bass Lake and he was not concerned about it. They are not getting any closer to the lake shore and in my mind the primary issue is the side lot line. The two stories seem to be in line with others in the area. Quiggle asked if the audience had any comments.

**Micha Digatono:** We are to the north and would be the one affected with the side lot line setback and the only issue we have at this time would be the drainage, there has been some drainage issues in the past. We are fine with what they are doing and with going up another story, we just want to make sure that water is not flowing into our yard; they are about 4ft higher than we are. Where the proposed garage is going to set the roof is going to slant right towards us. As long as they can direct that away from us we would be fine.

**Mr. Force:** Our plan is to redirect it towards the rain garden and the lake side is set up to flow towards the rain garden. Our intent is to make sure that it runs away from the property.

**Novacek:** It has been talked about between the two properties that if needed we could do a retaining wall to make sure that the water move's away from the neighbors.

**Quiggle:** I think we would need a permanent storm water management plan.

**Kathy Digatono:** When the cabin they are living in now was moved over I was here and expressed concerns and it was not taken care of like they said it was going to be. So I am concerned about the retaining wall not allowing water to move, will keep the water in our yard?

**Mrs. Force:** It would keep the water contained on our property. We do not want anything to flow your way. That would be the purpose of the rain barrels and rain garden.

**Novacek:** We would slope it to make sure the water flows back towards the Force property.

**Ron Enter:** I am the neighbor to the south. The problem that some of that is when you build something new there are rules to make sure that it is built up 4ft above the OHWL so there is some fill that has to be brought in. I feel the retaining wall would help keep water away from the north property.

**Quiggle:** I am thinking putting a berm or a swale may be better than a retaining wall

**Novacek:** A swale and then maybe a berm could work too.

**Quiggle:** There was another letter from Jim Kelso who was in favor of this but wanted to make sure drainage was considered.

**Schultz:** I guess that drainage is going to be a priority and if it is a problem they will have to fix it, I am ok with lake and side lot variances.

**Taylor:** I would like to have elevations on the survey; my biggest concern is going to be how you are going to regulate the flow of the water. I am not sure on the lot line where the erosion is coming from down to on the lake.

**Micha Digatono:** We had some tree's come down and muskrats doing some damage down by the lake that could have caused that.

**Parks:** Do you have a future bonus room above the garage?

**Mr. Force:** Yes it does have space above the garage, storage rec. room area.

**Parks:** That was my only question

**Thompson:** I see three things going on. One is the lake set back and that is pretty much what it is and I do not have a problem with that, the other two have to do with the side set back at 11.6 feet is there some way to get that closer to or at 15ft which would do away with one of the variances. The other thing then is the water runoff issue. There is room for the house to fit on that lot and meet the side yard setback. I recognize that there is a foundation issue. Ben did I

miss anything? Is there anything on there that by shifting the building to the south we do not have a problem the septic system?

**Oleson:** They are trying to make use of the existing foundation. You have 20ft from the garage to the septic so at some point that could become an issue. You could either change the foundation or change the garage.

**Quiggle:** How about downsizing the garage?

**Thompson:** I am not saying that it has to be done I am just indicating it can be done.

**Novacek:** By shifting it to the south the well is their off the corner of the deck.

**Quiggle:** I am less concerned about getting to the exact 15 ft, but would like to see at least another 2 -3 feet it would give more flexibility for the berm or retaining wall.

**Schultz:** If they could move the garage and get it closer to the 15ft

**Quiggle:** How close are they to the well?

**Novacek:** About 3ft

**Oleson:** My understanding is that the minimum setback required by the Department of Health is at 3 ft for the well [from a dwelling].

**Mrs. Force:** With the angle of the garage only a portion of it is 11.6 ft, it is not the whole garage so it could be worse. Wondering if that impacts it a little bit.

**Oleson:** I did scale that off and about ½ of it meets the 15ft

**Schultz:** If you shift it to just before the door that would gain you a little.

**Mrs. Force:** The front of the garage would mostly take up with garage and I am thinking about the appearance of that.

**Mr. Enter:** if you slide to the south you should take a look at the driveway as it goes by the septic to make sure that you have enough room.

**Novacek:** If you move that any further south you push it and may be too close to get into the garage and get close to the septic mound.

**Thompson:** So would you would be adding impervious or getting too close to the sewer? My comment to begin with has to do with the storm water issue; if you were to make this move to get within 15 ft does it help with the rain water issue? If it does not make sense from the rain water standpoint then maybe it makes no sense at all.

**Mrs. Force:** We will have to bring in some fill either way and will still have to do with the water issues.

**Quiggle:** Isn't the garage at the 4ft above?

**Oleson:** Yes, however, it does not have to above the 4ft.

**Quiggle:** I think that the storm water management plan will be key and you can work that out with Ben and Wright County Soil & Water. The rain garden does not look large enough to handle a lot of rain that would come off the garage.

**Mrs. Force:** Backyard Reflections did it as a rain garden.

**Quiggle:** Was it designed as a true rain garden?

**Mr. Force:** There is opening on one end it was designed to take care what was on site at the time it was done.

**Novacek:** Yes, It was designed for the current house; it would have to have additional design for the new home and we would work that into the plans.

**Mr. Force:** We will work with Micah Digatono to make sure that this problem with water is taken care of no matter where we are at with the side yard setback.

**Micah Digatono:** Whether it is at 11.6 or 15 ft we will be running into the other issue so as long as we address that we are ok with the side yard setback.

**Oleson:** You have 2 routes, one is you can modify the setback or you can be more specific on your storm water issue and if you are ok with me making sure that this is taken care of. Shifting it will pose other issues.

Thompson made a motion to accept the staff recommendation to approve the variance with the following conditions:

1. 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 between the area of disturbance and the lake as well as to any neighboring properties which are downslope of the disturbed areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets, hydro seed or other forms of temporary cover until vegetation is re-established.
2. The applicant shall submit a permanent storm water management plan designed to minimize the potential for ongoing erosion or sedimentation and make sure that the water is not being directed onto the neighbor's property. 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.

Taylor seconded the motion. Quiggle pointed out that they are already at 24% impervious just wanted it noted to make sure you are aware there will be no more structures or other impervious being done on the property.

Motion carried unanimously.

- Conditional use permit to add 2-4.6 acres of parking lot to the rear of the existing building for vehicle parking associated with an underground utility installation company. Project will involve the installation of a 6-8 foot security fence and placement of crushed granite over the entire parking area.
  - i. Applicant(s): Pribyl Properties, LLC
  - ii. Property Address: 9938 State Highway 55, Annandale
  - iii. Sec/Twp/Range: 33-121-27
  - iv. Parcel Number(s): 206000332200

**Present:** Larry & Tim Pribyl

**Tim Pribyl:** Behind the building we would like to put a fence across and add a granite parking lot for trucks, trailers and equipment. Working with an engineer to draw it up and make sure we have everything we need with the right size pond needed.

**Oleson:** You can see the picture of the current area where they will park trucks, trailers, Backhoe's etc... It will come out right in line with the parking area that is there now.

**Tim Pribyl:** We are also working with the MN Department of Transportation regarding moving the current entrance 200 ft to the west so that it will go straight into the parking area.

**Oleson:** Question as to how big that area is going to be? Once it gets above an acre we require temporary erosion control along with once the granite is in you have to look at infiltration and putting in ponds. There are three conditional use requests here, one is for the use of the property, one for the fence, and the last one is for having more than 500 cu. yds. of material brought in. Comments from Wright County Soil & Water were to make sure that drainage is addressed.

**Oleson:** The sewer plan shows a back up sewer site we just need to make sure we are protect that area or create another back up sewer site.

**Taylor:** I have no questions

**Parks:** It looks fine to me.

**Thompson:** No questions

**Schultz:** No questions

**Quiggle:** As long as the MPCA is OK with everything.

**Tim Pribyl:** We will turn over all the approved plans to Ben once we have them, along with engineer information.

**Quiggle:** Ben you will go over it with Soil & Water to make sure things are done properly?

**Oleson:** Yes. I will email the original sewer plan [to the applicants]; if you are going to move it we will need something indicating where you will be putting it.

Taylor made a motion to approve following the Conditional use permit with the following staff recommendations:

1. That the applicant protects the area indentified as a backup sewer site in the 2000 sewer design, or identifies an alternate location if the parking lot is to be in that area.
2. The applicant shall implement the temporary and permanent storm water management plans as identified in their NPDES permit, and as otherwise required by the Zoning Administrator in consultation with the MPCA and/or Wright County SWCD to prevent erosion during construction and to adequately manage storm water so as to not create pollution or flow rate problems.
3. All erosion control measures – temporary and permanent – shall be fully implemented until such time as the site has be stabilized, as determined by the Zoning Administrator in consultation with SWCD and MPCA Staff
4. That any requirements of the Minnesota Department of Transportation be followed regarding traffic safety.

Schultz seconded the motion. Oleson: Under #3 - just to clarify it should only be about temporary erosion not permanent. Taylor amended the motion to indicate that condition #3 state that all temporary erosion control measures shall be fully implemented until such time as the site has be stabilized, as determined by the Zoning Administrator in consultation with SWCD and MPCA Staff. Schultz seconded the amended motion. Motion carried unanimously.

#### Approve Previous Meeting Minutes

Taylor made a motion to approve the October 8, 2013 meeting minutes. Schultz seconded the motion. Motion approved unanimously.

#### Zoning Administrator's Report

- Permits: Reviewed
- Correspondence
- Enforcement Actions: The board discussed what kind of enforcement actions they could take to make sure that applicants completed what was required, whether it be sewers, conditions placed on variances, or CUPs. Options of setting up escrows follow up letters, having applications sign documents with completion date, etc... At

this time they would like to continue with the follow up calls and letters and possibly implementing signed deadline documents. Will continue to look into other options in the future.

- Findings of Fact – Previous PC/BOA Decisions: Board reviewed and confirmed they are OK to send.

#### Other Business

- Ordinance Updates
  - i. Options/Ideas for erosion control requirements
- Draft update to Township’s “expansion” policy
- Discuss possible update to 2007 Comprehensive Plan.

**Oleson:** Steve Bruggeman garage correspondence: If you remember the Bruggeman/Miller variance request, one of the conditions was no garage on the lot – only sewers. Bruggeman would now like to put up a garage and was wondering if that was a firm no or was only at that time we are not going to allow? He indicates he can fit it on without a variance for setbacks. He is wondering if it is worth his time to come back and request a garage. There are currently no buildings on that side of the road and one of the neighbors thought it would change the character of the neighborhood. The only reason to say no is if it is unbuildable and creates erosion problems or if it is going to change the character of the neighborhood. Board reviewed the minutes, listened to the audio recording of that meeting and had discussions regarding what the intention was. The board determined that they felt that if he wants the garage he has the right to come back before the board and request an amendment to the previous variance condition that would allow him to build a garage.

#### Adjournment:

Schultz made a motion to adjourn. Taylor seconded the motion. Motion carried unanimously at 9:16pm.

This agenda is not exclusive. Other business may be discussed as deemed necessary.